





**Brighton & Hove  
City Council**

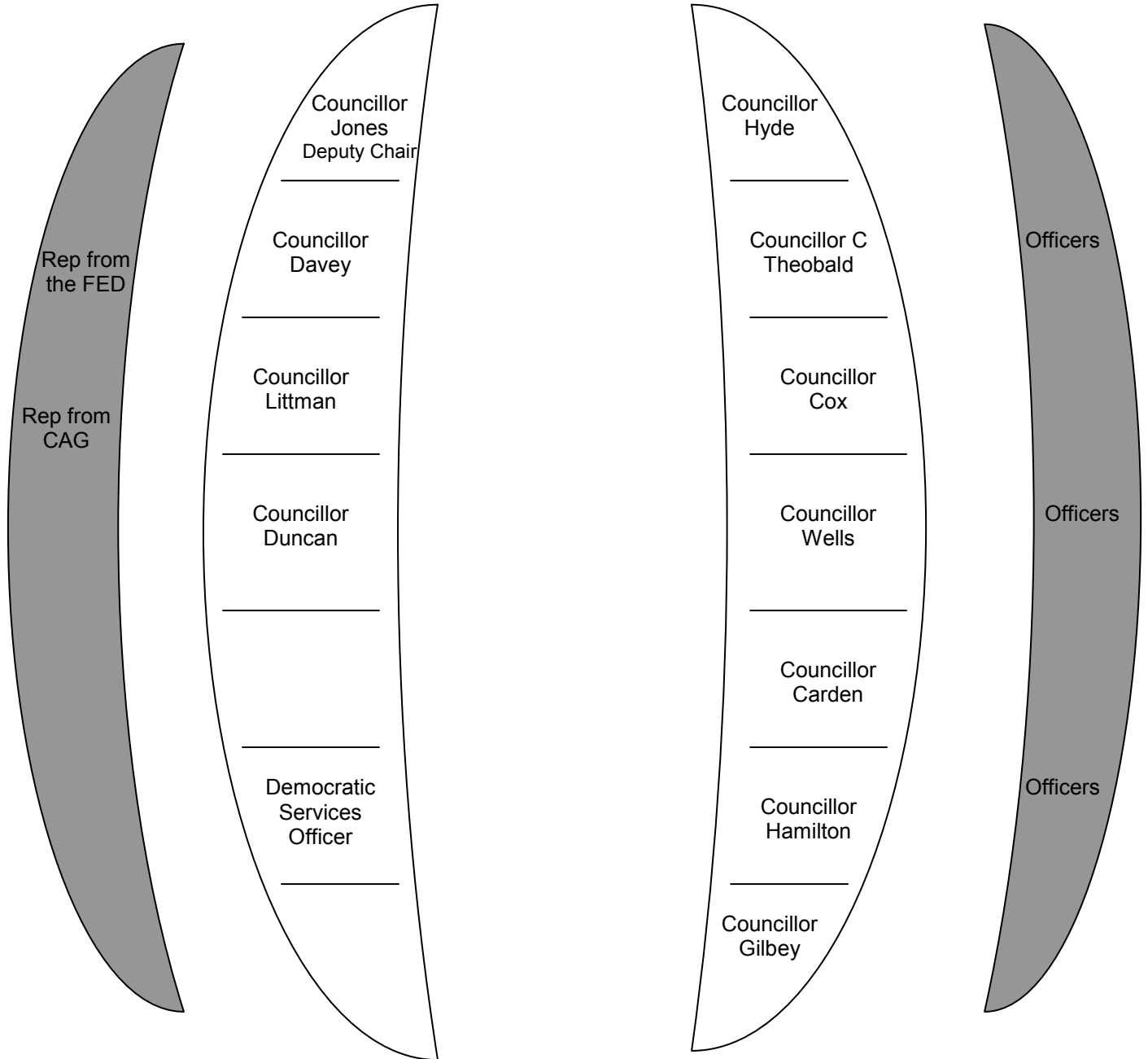
# Planning Committee

Title:	<b>Planning Committee</b>
Date:	<b>16 July 2014</b>
Time:	<b>2.00pm</b>
Venue	<b>Council Chamber, Hove Town Hall</b>
Members:	<p><b>Councillors:</b> Mac Cafferty (Chair), Jones (Deputy Chair), Hyde (Opposition Spokesperson), Carden (Opposition Spokesperson), Cox, Davey, Gilbey, Hamilton, Littman, Phillips, C Theobald and Wells</p> <p><b>Co-opted Members:</b> Jim Gowans (Conservation Advisory Group)</p>
Contact:	<p><b>Penny Jennings</b>  <b>Democratic Services Officer</b>  01273 29-1064/5  <a href="mailto:planning.committee@brighton-hove.gov.uk">planning.committee@brighton-hove.gov.uk</a></p>

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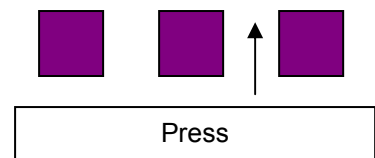
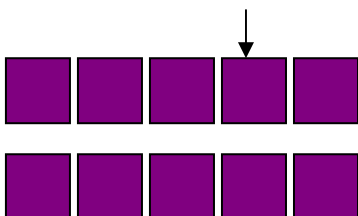
# Democratic Services: Planning Committee

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

### 26 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

### 27 MINUTES OF THE PREVIOUS MEETING 1 - 14

Minutes of the meeting held on 25 June 2014 (copy attached).

### 28 CHAIR'S COMMUNICATIONS

### 29 PUBLIC QUESTIONS

**Written Questions:** to receive any questions submitted by the due date of 12 noon on 9 July 2014.

### 30 TO AGREE THOSE APPLICATIONS TO BE THE SUBJECT OF SITE VISITS

### 31 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 **BH2013/04348- The Hippodrome & Hippodrome House, 51-58 Middle Street, 47 Middle Street, 10 & 11 Dukes Lane and land adjacent to 18-19 Ship Street, Brighton - Full Planning** 15 - 72

Full Planning - Internal and external alterations to Brighton Hippodrome and Hippodrome House to form an eight screen cinema (D2) and four associated café/restaurants units (A3) to include the following works: demolition of the fly tower and other later additions and construction of replacement rear extensions; excavation works to extend existing basements; construction of two storey extension to northern elevation; reinstatement of original Hippodrome entrance on Middle Street; demolition of 11 Dukes Lane to create a new pedestrian route; new bay window to western elevation of 10 Dukes Lane, new windows to 47 Middle Street; new windows and entrance way to Hippodrome House; reconfiguration of existing service yards and parking areas; improvements to pedestrian and disabled access to Middle Street and Dukes Lane; construction of new three storey plus basement unit on land adjacent to 18-19 Ship Street (referenced as 19A Ship Street in supporting documents and plans) comprising A1/A2/A3 use on the ground floor and B1 use on the upper floors; and other associated works.

#### **RECOMMENDATION – MINDED TO GRANT**

*Ward Affected: Regency*

## PLANNING COMMITTEE

- b BH2013/04351-The Hippodrome & Hippodrome House, 51-58 Middle Street, 47 Middle Street, 10 & 11 Dukes Lane and land adjacent to 18-19 Ship Street, Brighton - Listed Building Consent 73 - 104**

Listed Building consent - Listed building consent for Internal and external alterations, restoration and repair to Brighton Hippodrome and Hippodrome House to facilitate conversion to cinema (D2) and associated café/restaurant units (A3) to include the following works: demolition of the rear fly tower and other later additions and construction of replacement rear extensions; construction of two storey extension to northern elevation to provide new access way into the Hippodrome; excavation works to stalls and orchestra pit; installation of mezzanine floor; reinstatement of original Hippodrome entrance on Middle Street; new windows and entrance way to Hippodrome House; and other associated works.

**RECOMMENDATION - GRANT**

*Ward Affected: Regency*

### MINOR APPLICATIONS

- c BH2014/01281- 6 Norfolk Terrace, Brighton - Full Planning 105 - 116**

Full Planning - Removal of external fire escape to rear, replacement of existing door with timber window to rear and infilling of door openings, replacement rooflights, formation of a parapet gutter and associated alterations.

**RECOMMENDATION – GRANT**

*Ward Affected: Regency*

- d BH2014/01207- 6 Norfolk Terrace, Brighton - Listed Building Consent 117 - 126**

Listed Building Consent - Removal of external fire escape to rear, replacement of existing door with timber window to rear and infilling of door openings, replacement rooflights, formation of a parapet gutter and associated alterations. Internal alterations to upgrade the fire precautions in the building including fitting new fire doors.

**RECOMMENDATION - GRANT**

*Ward Affected: Regency*

- e BH2013/03815 - 93 Woodland Avenue, Hove - Householder Planning Consent 127 - 136**

Householder planning consent - Erection of single storey side and rear extension and garden room with associated alterations.

## PLANNING COMMITTEE

### RECOMMENDATION – GRANT

*Ward Affected: Hove Park*

- f BH2014/01236- 240 Dyke Road, Brighton - Full Planning 137 - 150**

Full planning - Change of use from single dwelling (C3) to children's Home (C2).

### RECOMMENDATION - GRANT

*Ward Affected: Withdean*

- g BH2013/04367-13 Wilbury Road, Hove - Full Planning 151 - 170**

Full planning - Demolition of two storey rear extension and shed to South. Reconfiguration of existing flats and erection of four storey rear extension to form 4 no two bedroom additional flats.

### RECOMMENDATION - GRANT

*Ward Affected: Central Hove*

## 32 BH2013/04367-13 WILBURY ROAD, HOVE - FULL PLANNING

Full planning - Demolition of two storey rear extension and shed to South. Reconfiguration of existing flats and erection of four storey rear extension to form 4 no two bedroom additional flats.

### RECOMMENDATION - GRANT

*Ward Affected: Central Hove*

## INFORMATION ITEMS

- 33 INFORMATION ON PRE APPLICATION PRESENTATIONS AND REQUESTS 171 - 172**

(copy attached).

- 34 LIST OF APPLICATIONS DETERMINED UNDER DELEGATED POWERS OR IN IMPLEMENTATION OF A PREVIOUS COMMITTEE DECISION (INC. TREES MATTERS) 173 - 296**

(copy attached)

- 35 LIST OF NEW APPEALS LODGED WITH THE PLANNING INSPECTORATE 297 - 298**

(copy attached).

- 36 INFORMATION ON INFORMAL HEARINGS/PUBLIC INQUIRIES 299 - 300**

(copy attached).

### 37 APPEAL DECISIONS

301 - 348

(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>

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

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

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

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

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

#### WEBCASTING NOTICE

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

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

For further details and general enquiries about this meeting contact Ross Keatley, (01273 29-1064/5, email [planning.committee@brighton-hove.gov.uk](mailto:planning.committee@brighton-hove.gov.uk)) or email [democratic.services@brighton-hove.gov.uk](mailto:democratic.services@brighton-hove.gov.uk).

**PLANNING COMMITTEE**

Date of Publication - Tuesday, 8 July 2014



**BRIGHTON & HOVE CITY COUNCIL****PLANNING COMMITTEE****2.00pm 25 JUNE 2014****COUNCIL CHAMBER, HOVE TOWN HALL****MINUTES**

**Present:** Councillors Mac Cafferty (Chair), Hyde (Opposition Spokesperson), Carden (Opposition Spokesperson), Duncan, Gilbey, Hamilton, Littman, A Norman, Phillips, C Theobald and Wells

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

**Officers in attendance:** Jeanette Walsh (Head of Development Control); Nicola Hurley (Area Planning Manager); Sue Dubberley (Senior Planning Officer); Pete Tolson (Principal Transport Officer); Di Morgan (Arboriculturalist); Kate Cole (County Ecologist); Rob Fraser (Head of Planning Strategy); Hilary Woodward (Senior Solicitor) and Ross Keatley (Acting Democratic Services Manager).

**PART ONE****14 PROCEDURAL BUSINESS****14a Declarations of substitutes**

14.1 Councillor A. Norman declared she was presented in substitution for Councillor Cox and Councillor Duncan declared he was present in substitution for Councillor Jones.

**14b Declarations of interests**

14.2 Councillor Norman said she had a personal but non- prejudicial interest in item A : Application reference BH2013/04337 (University of Sussex).

**14c Exclusion of the press and public**

14.3 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.

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

**14d Use of mobile phones and tablets**

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

**15 MINUTES OF THE PREVIOUS MEETING**

15.1 **RESOLVED** – That the Chair be authorised to sign the minutes of the meeting held on 4 June 2014 as a correct record.

**16 CHAIR'S COMMUNICATIONS**

16.1 The Chair was pleased to report that the Council had won a national award with neighbouring authorities on the Local Strategic Statement and working together to deliver this. This was the third national planning award the authority had won in the last 5 years.

**17 PUBLIC QUESTIONS**

17.1 There were none.

**18 TO AGREE THOSE APPLICATIONS TO BE THE SUBJECT OF SITE VISITS**

18.1 There were no requests for site visits in relation to matters listed on the agenda.

**19 TO CONSIDER AND DETERMINE PLANNING APPLICATIONS**

**A. BH2013/04337 - University of Sussex, Refectory Road, Brighton - Outline application some matters reserved** - Outline application with some matters reserved for demolition of existing buildings and construction of new buildings providing new academic facilities (D1) circa 59,571sqm, 4,022no new student accommodation bedrooms (C1) and new mixed use building circa 2,000 sqm, providing (A1, A3, A4, C1 and D1) uses, incorporating new pedestrian, cycle, vehicular and service routes, landscaping, new parking, upgrading of related infrastructure and associated works. Matters for approval include layout, access and scale. Matters reserved are appearance and landscaping.

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

(2) Prior to the presentation from the Case Officer the Senior Solicitor, Hilary Woodward, highlighted that the application was for outline permission with two matters reserved in relation to landscaping and appearance. Currently under the Council's Constitution the

reserved matters were delegated for decision to the Executive Director for Environment, Development & Housing; however, in this instance the Executive Director had agreed to refer the reserved matters to the Committee for decision if the Committee were minded to grant the outline permission.

- (3) The Senior Planning Officer, Sue Dubberley, introduced the application and gave a presentation by reference to plans, photographs, elevational and sectional drawings and there was a scale model of the proposed development at the meeting – attention was also drawn to matters on the Late List. The application concerned the University of Sussex Campus which sat in a valley with the A27 trunk road to the south, the South Downs National Park to the north and east and Stanmer Park to the west. The boundary of the application was situated predominately within the city; however, there was a small area that was within Lewes District and an application had been submitted to Lewes District Council for determination.
- (4) The matters reserved on the application related to appearance and landscaping and there was an accompanying Environmental Impact Assessment (EIA) with the application. The application formed part of the university masterplan to expand and grow – increasing student numbers to 18,000 from 13,400 by 2018. The locations of the proposed buildings for demolition were highlighted, and it was added there were a number of listed buildings at the front of the site.
- (5) The first phase of the development related to re-development of East Slope and the demolition of the Mantel Building. A new road would run through the site which would act as a pedestrian and cycle footway. To ease the visual impact the tallest buildings would be at the bottom of the slope and the lowest – at three-storeys – would be at the top on the peripheral, and an existing car park could be relocated. The demolition of the Hastings Buildings would be determined by Lewes District Council. The development of new academic buildings would be arranged around a new courtyard with green roofs, and there would be a net gain in academic space. The John Maynard Smith building would also be demolished with a new building its place. There would be further development on the West Slope comprising of the demolition of the Lancaster Building and Park Village and a similar layout would be used in relation to the positioning of the tallest buildings on the slope. In this aspect of the scheme the original building footprints would be retained to mirror the original space design.
- (6) In relation to the principle of the development policy in the Local Plan was site specific and supported the expansion of the University for student residential and academic purposes, and policy in the emerging City Plan allocated the site for student residential accommodation. The proposed layout had been the subject of revisions to realign the roadway and offset the feeling of ‘terracing’ – the building heights had also been reduced. Visual impact was discussed and it was noted the Heritage Officer had stated there would be some compromised views, but the main ones affected were not visible from publically accessible locations, and viewpoints were shown to demonstrate the buildings would be below the tree canopy.
- (7) In terms of traffic there would no additional parking requirements at the site due to the existing restrictions on student and staff access to permit parking, and it was considered that the increase in car trips around the site would be negligible. There would be increased demands on the local public transportation; however, it considered

that these could be met from within existing capacity, and this would all be monitored as part of the conditioned travel plan. The new buildings would meet BREEAM level excellent.

- (8) There would be some loss of woodland, but the majority would be retained, and the loss of grassland was considered acceptable through the mitigation measures proposed. There were protected species identified on the site – in particular bats and badgers, but it was noted the badger sets were not located on the actual site or the areas to be developed within it. Officers were satisfied that the s106 agreement and the EIA would secure appropriate mitigation measures.
- (9) The scheme proposed the removal of 441 trees; with the retention of over 250 and the majority of existing woodland, and there was no objection to this given that the retained trees would be protected and there would be substantial replacement planting. There had been concern expressed about the increased number of students at the University and the ability of the city housing stock to cope with this increase; however, it had been identified that 940 of the proposed additional 4600 students would be local and not in need of housing. Of the remaining additional students there would be a shortfall of 340 units from the sum of the new units proposed on the site and those coming forward from other schemes with consent in the city. The recommendation was that the Committee be minded to grant the application subject to conditions and the signing of a s106 agreement.

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

- (10) Ms Caroline Lynch spoke in opposition to the application in her capacity as a local resident. She stated that if it were the intention of the university to create an additional 4000 student residential units on the site to accommodate the existing students then she would not be objecting to the scheme. She noted there were two universities in the city – both with similar aims to expand and projected that the student population would comprise approximately one fifth of the total population of the city. She estimated that between 2500 to 3000 existing homes would need to be given over to use by students, and referenced that up to a quarter of the city was under the article 4 direction. There were 15,000 people on the waiting list for affordable homes, and this was made worse by developer preference for student residential accommodation schemes. There was a housing crisis in the city, and it was considered that to grant this increase to university capacity would be irresponsible in these circumstances.
- (11) In response to the Chair it was confirmed by Ms Lynch that she lived in the Moulsecoomb and Bevandean area of the city that had a significant student population.
- (12) Mr Allan Spencer spoke in support of the scheme in his capacity as the Director of Finance at the university. He stated that the planning application was central to the growth and development of the University of Sussex; the masterplan was also a means to facilitate a high standard of development whilst meeting some of the concerns that had been expressed. Universities operated in a highly competitive market and the application was a means to strengthen its position as a leading national facility. The growth in student population would be incremental over five years. The university was acutely aware of the concerns of the impact of students on the housing stock in the city and had met with local and community groups to answer questions and provide

assurance. The university was committed to working closely with the Council and attended LAT meetings and public sector properties groups which had helped to deliver over 1400 new student residential units in the city. The university had worked hard to deliver a masterplan which understood the responsibility the organisation had in the local community. It was their belief that the application sought to develop the campus in a way that would be sensitive and the Committee were invited to support the application.

- (13) Councillor Duncan asked about the consequences for the university if the application were not granted and Mr Spencer explained that the university was small in comparison to its competitors and without the development the capacity to recruit staff and students would be seriously damaged. In response to a further query Mr Spencer stated that without the development the pressure on housing within the city would be greater.
- (14) Mr Spencer explained in response to Councillor C. Theobald that whilst the application proposed the loss of trees the university had already been instrumental in planting two hectares of new trees to mitigate the loss that would be associated with the development; at this point the Head of Development Control, Jeanette Walsh, noted for the Committee that landscaping formed one of the reserved matters. In response to further questions Mr Spencer answered that the development would be phased to provide new accommodation before existing blocks were demolished; whilst there would need to be some careful planning in relation to the academic phase of the scheme it was noted there were decant options and much of the development would be on existing brownfield sites. There would also be a mix of green roofs to respect the setting of the national park.
- (15) In response to Councillor Gilbey it was explained by Mr Spencer that the maximum growth in the number of student would be 1000 each year to facilitate a 'gradual build up'.
- (16) Mr Spencer explained to Councillor A. Norman that the university was committed to maintaining active relationships with the LATs, and there was an appreciation that whilst the development was located at the Falmer campus this had wide ranging impacts across the city in terms of where students lived.
- (17) Mr Gowans asked about archaeological matters and Officers noted that they would be able to respond to these questions.
- (18) Councillor C. Theobald asked about parking and Mr Spencer explained that the university had been managing its own transport plans for some years; there was existing capacity on the site and it was not considered there would be any significant impact that could not be managed.
- (19) The Chair asked specific questions in relation to Sir Basil Spence's original vision for the site, and asked about the legibility of this in the context of the level of proposed development. Mr Spencer explained that the university was largely enthused about the masterplan, and a number of areas of the Sir Basil Spence's original vision were being reinforced. There would be the option to create much more natural looking area and the application contained specific details about how people would move through the

site to reinforce the north-south emphasis, and the number of footways and cycleways would strengthen the design.

- (20) The Chair went on to ask about the commitment in the EIA to reduce the overall carbon footprint of the university and how this balanced against the proposed level of demolition at the site. Mr Spencer explained that the opportunity existed to upgrade the environmental standing of the buildings as some were very poor in terms of their resource demands. There were opportunity to allow the life sciences buildings to utilise greater levels of sustainability and ways for the university to create more of its own energy.
- (21) The Chair then asked about the travel plan and the sharing of some of facilities with the neighbouring football ground; Mr Spencer explained that relations between the two organisations were very good and there was very proactive work to co-ordinate activities. The football club also had some options to negotiate match days if necessary. Mr Spencer also confirmed that Transport Officers had also confirmed there would be capacity within existing bus and rail services to accommodate the additional use.

### **Questions for Officers**

- (22) In response to Councillor Littman it was explained that the trees formed part of the reserved matters in the application; however the Arboriculturist had not objected to the proposed number of trees to be removed. The Head of Development Control noted that the Executive Director had agreed to refer the reserved matters to the Committee for decision, and added that the detailed application on the landscaping could not be progressed without the consent for the outline matters.
- (23) In response to Councillor Hyde the Senior Solicitor explained that although the permission was outline the Committee would need to be fully satisfied on all the matters in this proposed development prior to development commencing. The university would not be able to implement the scheme until all the reserved matters had been given approval.
- (24) Councillor Duncan asked for more information in relation to ecology on the site, and the Case Officer noted that the location of the badger sets formed part of a confidential report, and the details of this were passed round to the Committee, but not shown to the public using the presentation facilities in the Council Chamber; it was noted that there were no badger sets on the site, but badgers did use it. The County Ecologist, Kate Cole, explained that badgers used the site for foraging and commuting. There had also been three small temporary bat roasts found within buildings that were due to be demolished; work on these buildings would require a licence and mitigation measures. There was also a condition proposing that the main commuting corridors for the bats be kept dark and that there be no reduction in the foraging habitat. In relation to the badgers the application would have no impact on the sets, but there would be some phased temporary impact on their foraging during the works; however, badgers were known to be highly adaptable and any impact would not be significant; as a precaution the developers would be asked to adopt 'best practice' in relation to measures to protect the badgers.

- (25) In response to Councillor C. Theobald the Arboriculturist, Di Morgan, explained that there were 12 elm trees on the site, and it was proposed that five of these would be felled. The submitted survey detailed that three had a low life expectancy of 10 years and two with a moderate life expectancy of 20 years. The elms were an English Elm with little disease resistance to Dutch Elm Disease; an American species, with better resistance, was suggested as part of the mitigation.
- (26) In response to a further question from Councillor C. Theobald in relation to transport contributions the Principal Transport Officer, Pete Tolson, explained that the university had a strong track record on sustainable transport/travel plans, and there were no significant safety or congestion issues identified as part of the scheme.
- (27) Councillor Hyde asked further questions in relation to ecology and the County Ecologist explained that the mitigation measures in relation to the bats would take place at the appropriate time of the year and provide alternative bat boxes to take advantage of their opportunistic nature. In relation to badgers the condition would be monitored by the Planning Authority who would work closely with the applicant.
- (28) The Senior Solicitor confirmed for Councillor Hyde that it was appropriate for the Committee to consider matters in relation the impact of the additional students in the city.
- (29) In response to Councillor Gilbey it was explained that there were no tree preservation orders (TPOs) at the site as the university had historically worked well with the Council in relation to the management of its trees. The Arboriculturist confirmed that the retained trees would be appropriately protected during construction.
- (30) In response to Councillor A. Norman the Head of Development Control explained that an informative could be added at this stage to give advice on appropriate landscaping measures to inform the reserved matters.
- (31) In response to the Chair it was explained that TPOs were used to protect trees with a public amenity value. The Planning Authority had taken a practical approach given the good record of the university in managing trees, and taken note of the new woodland area that had been planted with approximately 1500 trees. The Head of Development Control added that the new square would remain on privately owned land and not be secured as a public space; the Council would not be in a position to request retrospective TPOs and had historically been satisfied with the working partnership. The Head of Planning Strategy added that the designation of the campus as a conservation area had not been progressed in the past due to the number of TPOs it would require and given the good working relationship.
- (32) In response to Councillor Gilbey it was explained that the nature of the campus had gradually changed since its original inception and the existing or proposed buildings would not break above the surrounding tree line.
- (33) In response to the Chair it was confirmed that – given the mitigation measures – the overall impact on biodiversity was not considered significant.

**Debate and Decision Making Process**

- (34) Councillor Wells noted he had listened carefully to the presentation, speakers and questions, and he had some reservations in relation to outline planning permissions as they did not contain the full details of the scheme. He went on to add that the level of tree loss was not acceptable and he had real concerns in relation to the impact of additional students in the city. For these reasons he would not support the Officer recommendation.
- (35) Councillor C. Theobald queried why some of the existing buildings could not be refurbished as she considered them to have some visual merit. She had concerns that the increased numbers of students would turn more of the city's housing stock over to student use that would otherwise be family homes. She was concerned about the level of tree loss associated with the application and felt that five and six storeys would be too high for the site. She welcomed the reserved matters being brought to the Committee for consideration, and she understood the need for the scheme, but felt there were unacceptable aspects.
- (36) Councillor Duncan stated he would have preferred to also be determining matters in relation to the landscaping and the design, but he had concerns that the level of growth in the university masterplan would have a detrimental impact on the city. For these reasons he would not support the Officer recommendation.
- (37) Councillor Carden stated that the proposals were too much for the site, and felt the scheme was inappropriate given the existing housing problems in the city. He had concerns in relation to ecology at the site, and felt the expansion would overwhelm the road junction.
- (38) Councillor Littman noted the difficulty of the decision, and noted that some of the facilities at the university had been dated for some years; however, he felt that both the natural and built environment were of fundamental importance to the site, and it was not guaranteed these aspects would be retained in the scheme. As a matter of judgement he felt there were too many unanswered questions in relation to the scheme.
- (39) Councillor Hyde noted that points discussed during questions and the debate and added that the site had been a 'delight' to visit. She added that the increase in student numbers would have a significant impact on the city, and she felt the expansion was too much. Whilst she welcomed the reserved matters coming back to Committee she could not support the Officer recommendation.
- (40) Councillor A. Norman noted her view that it would not have been the original vision that the site remain static in terms of growth and development. She welcomed the reserved matters coming back to the Committee, and noted the good working relationship between the Council and the university, and she was inclined to support the Officer recommendation.
- (41) Councillor Hamilton noted that the number of new students would exceed the number of proposed new bed spaces and this would result in further losses of family housing in the city – as well as the monetary loss in terms of revenue, which he accepted was not



a material planning consideration. He felt that the site was already heavily developed given its adjacent location to the national park, and he felt the site could not withstand further development, and he would not be able to support the Officer recommendation.

- (42) Councillor Gilbey stated that she could not support the scheme; despite having first-hand knowledge of the need for the new facilities. She felt the scheme was too large, and was concerned about the loss of trees at the site.
- (43) The Chair stated that he had found the decision very difficult and he wanted the university to be successful; however, he had concerns about the lack of detail in the application and was unsure if this was appropriate for the future of the site. He added that he was not satisfied all his questions had been answered.
- (44) Before the vote was taken the Senior Solicitor reiterated that the outline nature of the application could not form a reason for refusal, and issues in relation to loss of Council Tax revenue through increased numbers of students were not material to the scheme.
- (45) A vote was taken by the 11 Members present and the Officer recommendation that the Committee be minded to approve planning permission was not carried on a vote of 1 in support and 10 against. Reasons were then proposed and seconded to refuse the application by Councillors Duncan and Hyde. An adjournment was then held to allow the Chair, Councillor Duncan, Councillor Hyde, the Head of Development Control, the Senior Planning Officer and the Senior Solicitor to draft the reasons in full. These reasons were then read to the Committee and it was agreed that they accurately reflected what had been put forward. A recorded vote was then taken and Councillors: Mac Cafferty, Duncan, Hyde, Carden, Littman, Phillips, C. Theobald, Wells, Hamilton and Gilbey voted that permission be refused; Councillor A. Norman voted that permission not be refused.

19.1 **RESOLVED** – That the Committee has taken into account the Officer recommendation, but resolves to refuse planning permission for the reasons set out below:

- i. The proposed development would result in the loss of a significant number of trees which would have a negative impact on the amenity of the campus both in terms of its users and its ecology contrary to policies QD16 and QD18 of the Brighton & Hove Local Plan 2005;
- ii. The outline application, by virtue of its overall master planning approach, does not make a positive contribution to the existing visual quality of the environment by virtue of its proposed scale and height resulting in the creation of a more dense urban environment to the detriment of the existing character of this edge of city location contrary to policy QD1 of the Brighton & Hove Local Plan 2005 and policy CP21 (5) of the Submission City Plan Part One;
- iii. The application fails to demonstrate that it would not result in a negative impact on the city's existing housing stock as a result of the proposed increase in student numbers contrary to the sustainable objectives within the National Planning Policy Framework;

- iv. The proposed development will overwhelm the composition and setting of the campus and its listed buildings as envisaged by Sir Basil Spence contrary to policies HE3 and QD3 of the Brighton & Hove Local Plan 2005.

**B. BH2013/02543 - Seaholme Hotel, 10-11 Seafield Road, Hove - Full Planning -**  
Conversion of ground, first and second floor of 10 Seafield Road Hove, from hostel (C1) to 5no self contained flats incorporating revised entrance and associated works.

- (1) The Area Planning Manager, Nicola Hurley, introduced the application and gave a presentation by reference to plans, photographs and elevational drawings. The site related to an existing hotel in Seafield Road which had been altered over time with dormers and extensions, and was mostly used by 'backpackers'. Planning permission was sought for the conversion of the ground, first and second floors – whilst the lower ground floor would remain part of the hotel. The design had been amended to remove terraces and balconies. In relation to the loss of the hotel use it was noted that the site was outside of the revised core hotel area in the emerging City Plan, and this policy was considered to hold more weight than the adopted Local Plan. The main areas of residential concern had been in relation to the potential loss of privacy through the balconies and terraces which had been removed from the scheme. In terms of the design the alterations would have little impact, and the application was recommended for approval subject to an amended condition 2 – removing one of the approved drawings.

**Public Speaker(s) and Questions**

- (2) Councillor Hawtree spoke in support of the scheme in his capacity as the Local Ward Councillor stating that he felt the scheme would be an improvement for Seafield Road generally; he noted he had objected to the original application, but welcomed the amendments as an example of achieving more housing.
- (3) In response to Councillor Hyde it was confirmed by Councillor Hawtree that he did not object to the Juliet balconies.

**Questions for Officers**

- (4) In response to Councillor C. Theobald it was explained that the reference to holiday lets was the view of an objector.
- (5) The Area Planning Manager noted that the representation from the local MP supported the application.
- (6) In response to Councillor Duncan it was explained that transport contributions had not been sought as part of the recession measures, and there was a condition in relation to access to residents parking permits.
- (7) In response to Councillor A. Norman it was noted that as the development was a conversion the Council needed to employ a more relaxed approach to Lifetime Homes Standards.

**Debate and Decision Making Process**

- (8) Councillor C. Theobald noted this was a good use of the hostel and hoped the rest of the building could come back into residential use.
- (9) Councillor Duncan noted he would be voting against the Officer recommendation as the principle of the scheme was acceptable, but the units were too small.
- (10) A vote was taken of the 11 Members present and the Officer recommendation that planning permission be approved was carried on a vote of 10 in support with 1 against.

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

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

**C. BH2014/00599 - 24 Hill Brow, Hove - Householder planning consent +** Erection of single storey rear extension, revised fenestration, increased ridge height, rear dormers, front and rear rooflights and associated works.

- (1) The Area Planning Manager introduced the application and gave a presentation by reference to plans, photographs and elevational drawings. The site related to a large two-storey detached dwelling which was below street level. Permission was sought for a single-storey rear extension. The change in the ridge height was demonstrated using the plans, and the application was recommended for approval for the reasons set out in the report.
- (2) In response to Councillor Hamilton the distance to the property at the rear was confirmed.
- (3) A vote was taken of the 11 Members present and the Officer recommendation to approve planning permission was granted on a vote of 10 in support with 1 against.

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

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

**D. BH2014/01162 - Saltdean Primary School, Chilington Way, Saltdean, Brighton - Full planning** - Erection of two temporary classrooms with associated landscaping.

- (1) The Committee agreed to forego a presentation and moved straight to the vote; the Area Planning Manager provided one update noting that Sport for England had withdrawn their objection and the recommended was now that the Committee grant the application.
- (2) A vote was taken of the 11 Members presentation and the Officer recommendation that planning permission be granted was unanimously agreed.

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

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

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

- 20.1 There were no additional requests for site visits in relation to matters listed on the agenda.

**21 INFORMATION ON PRE APPLICATION PRESENTATIONS AND REQUESTS**

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

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

- 22.1 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.]

**23 LIST OF NEW APPEALS LODGED WITH THE PLANNING INSPECTORATE**

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

**24 INFORMATION ON INFORMAL HEARINGS/PUBLIC INQUIRIES**

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

**25 APPEAL DECISIONS**

25.1 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 5.04pm

Signed

Chair

Dated this      day of



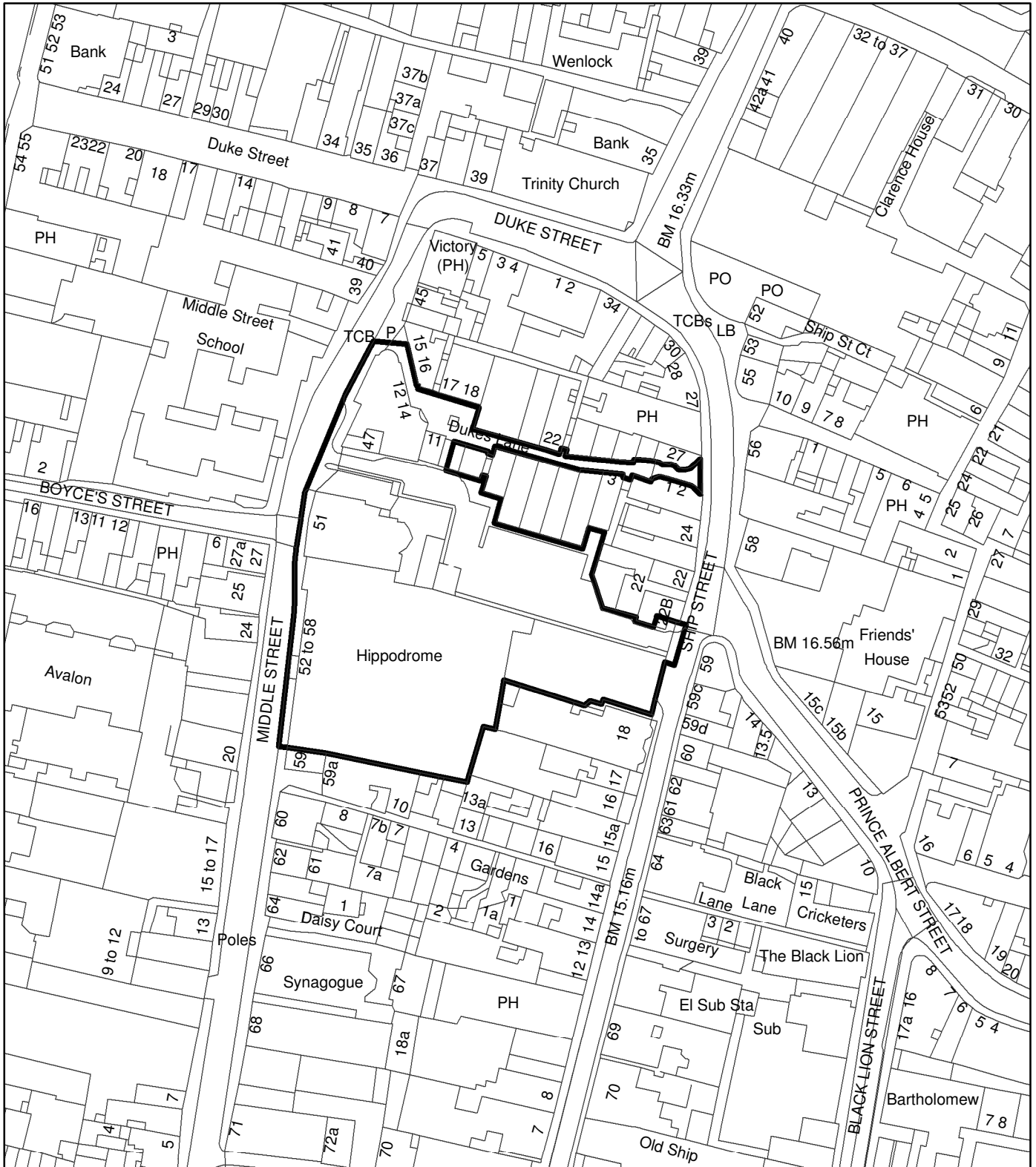
# **ITEM A**

**The Hippodrome & Hippodrome House, 51-58 Middle Street, 47 Middle Street, 10 & 11 Dukes Lane and land adjacent to 18-19 Ship Street, Brighton**

**BH2013/04348  
Full planning**

**16 JULY 2014**

BH2013/04348 The Hippodrome & Hippodrome House, 51-58 Middle Street, 10 & 11 Dukes Lane & land adjacent to 18 - 19 Ship Street, Brighton.



**Brighton & Hove  
City Council**



**Scale: 1:1,250**



<b><u>No:</u></b>	<b>BH2013/04348</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>The Hippodrome &amp; Hippodrome House 51-58 Middle Street 47 Middle Street 10 &amp; 11 Dukes Lane and land adjacent to 18-19 Ship Street Brighton</b>		
<b><u>Proposal:</u></b>	<b>Internal and external alterations to Brighton Hippodrome and Hippodrome House to form an eight screen cinema (D2) and four associated café/restaurants units (A3) to include the following works: demolition of the fly tower and other later additions and construction of replacement rear extensions; excavation works to extend existing basements; construction of two storey extension to northern elevation; reinstatement of original Hippodrome entrance on Middle Street; demolition of 11 Dukes Lane to create a new pedestrian route; new bay window to western elevation of 10 Dukes Lane, new windows to 47 Middle Street; new windows and entrance way to Hippodrome House; reconfiguration of existing service yards and parking areas; improvements to pedestrian and disabled access to Middle Street and Dukes Lane; construction of new three storey plus basement unit on land adjacent to 18-19 Ship Street (referenced as 19A Ship Street in supporting documents and plans) comprising A1/A2/A3 use on the ground floor and B1 use on the upper floors; and other associated works.</b>		
<b><u>Officer:</u></b>	<b>Adrian Smith Tel 290478</b>	<b><u>Valid Date:</u></b>	<b>06 May 2014</b>
<b><u>Con Area:</u></b>	<b>Old Town</b>	<b><u>Expiry Date:</u></b>	<b>08 May 2014</b>
<b><u>Listed Building Grade:</u></b>	<b>Grade II*</b>		
<b><u>Agent:</u></b>	<b>Indigo Planning, Swan Court, Worple Road, London SW19 4JS</b>		
<b><u>Applicant:</u></b>	<b>Kuig Property Investments Ltd, c/o Indigo Planning, Swan Court Worple Road, London SW19 4JS</b>		

## **1 RECOMMENDATION**

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

## **2 SITE LOCATION & DESCRIPTION**

- 2.1 The application site forms a parcel of land set between Middle Street, Ship Street and Dukes Lane, comprised of the Grade II\* listed Brighton Hippodrome and Hippodrome House (51-58 Middle Street), its service yard to the north and rear, 10 & 11 Dukes Lane, and 47 Middle Street.

- 2.2 The site is within the Old Town Conservation Area. Nos 10 & 11 Dukes Lane and 47 Middle Street fall within the primary retail frontage of the Brighton Regional Shopping Centre with the rest of the site sitting outside of this designated shopping area. There are a number of other listed buildings in the vicinity of the site, including 16, 17 & 22B Ship Street directly abutting the site.
- 2.3 Middle Street is primarily formed of a mix of small scale 2-4 storey residential and commercial buildings, with Ship Street mainly comprised of 3 storey buildings, again in a mix of residential and commercial occupancy. Buildings on both streets are generally small scale and traditional in appearance and are set close to the roadway, reflecting the general character and history of the Old Town Conservation Area. Dukes Lane to the north is a more recent addition to the conservation area and forms a pedestrianised retail street of two and three storey buildings with residential properties on the upper floors. To the south Ship Street Gardens forms a narrow twitten between Ship Street and Middle Street with a mix of retail and residential buildings directly abutting the site.
- 2.4 The Hippodrome has a long history as an entertainment venue, having been built originally to serve Brighton's burgeoning tourist market during the rapid expansion of the city in the late nineteenth century. The building has been reinvented a number of times, having been originally built as an indoor ice rink by Lewis Kerlake in 1896/97 before being converted to a circus four years later by prolific theatre designer Frank Matcham, whose other remaining works include The Grand, Blackpool, London Hippodrome, London Coliseum, and London Palladium, amongst others. The circus lasted just one year at which time Matcham again effected alterations to create a Variety Theatre for theatre magnate Tom Barrasford (1902). Major alterations to the Variety Theatre were then carried out in 1915/16 by the theatre architect J. Emblin Walker, with further alterations throughout the 1930s, 1940s and 1950s, including significant enlargements to the stage and stage house during the 1950's. During this time The Hippodrome was also used as a live music venue and television studio before its conversion to a Bingo Hall in 1965. The Bingo Hall closed in 2007 and the building has lain vacant since. The Hippodrome has both special architectural and historic interest and the surviving Matcham auditorium interior is of greatest note.
- 2.5 The building's vast circular auditorium is concealed within the tight urban grain of the Old Town's lanes and twittens behind an unassuming frontage on Middle Street. Matcham's design approach is very much in evidence in the form of its dome, which was designed to replicate the tent of a travelling circus, and its flamboyant rococo plasterwork. In deference to the Royal Pavilion there are two onion dome boxes flanking the ornate proscenium arch. The various phases of the building's history remain legible in a series of external and internal features including the equestrian ramp associated with the circus use. The fly tower is a later addition which along with the service yard presents an uncharacteristically utilitarian outlook when seen from Ship Street. While significant as an integral part of the theatre, this fabric itself is of little architectural or historic merit.

- 2.6 The Hippodrome is in very poor condition having deteriorated over a long period of time such that it has been classified as a 'Building at Risk' on the English Heritage and council registers. The extent of deterioration includes extensive water and damp penetration, the failing of the ornate plaster decorations, and evidence of failure to structural timbers and corrosion to steelwork. The building has been vacant and unused for 7 years which has contributed to its deteriorating condition.
- 2.7 Adjacent and linked to the Hippodrome is 'Hippodrome House', originally two mid-nineteenth century dwellings in which Barrasford lived until his death in 1910. The house is in an altered condition and includes within it a miscellany of colourful theatre set pieces dating from its 1930s and later use as a lounge bar. The basement is relatively unaltered and retains a fine, large kitchen range, original storage shelving and extensive brick vaults, all reflecting the status of the house and its owner. The upper floors now form two residential flats.

### 3 RELEVANT HISTORY

#### The Hippodrome:

**BH2013/04351-** Listed Building Consent for internal and external alterations, restoration and repair to Brighton Hippodrome and Hippodrome House to facilitate conversion to cinema (D2) and associated café/restaurant units (A3) to include the following works: demolition of the rear fly tower and other later additions and construction of replacement rear extensions; construction of two storey extension to northern elevation to provide new access way into the Hippodrome; excavation works to stalls and orchestra pit; installation of mezzanine floor; reinstatement of original Hippodrome entrance on Middle Street; new windows and entrance way to Hippodrome House; and other associated works. Under consideration.

**BH2007/02204-** Listed Building Consent for external & internal alterations for the redevelopment of the auditorium, including the provision of tiered standing areas, toilet facilities and escape routes. Withdrawn.

This application sought alterations to facilitate the change of use of the Hippodrome to a live music venue. It is understood that whilst the principles of the development were considered broadly acceptable, the proposal would have been at risk of contravening the council's licensing policy and was therefore withdrawn.

**BH2000/02795/LB-** Minor internal alterations. Approved 07/02/2001

**96/0120/FP & 96/0121/LB-** Retrospective planning permission for existing extract ducting on east (rear) elevation to terminate at roof level, and installation of air supply unit at first floor level. Approved 04/06/1996

**94/0568/FP & 94/0569/LB-** Erection of front wall and entry gates to car park in Ship Street. Approved 08/08/1994

**94/0189/FP & 94/0190/LB-** Internal alterations to re-arrange seating, bar and refreshment facilities, installation of mezzanine floor, and external alterations including the extension of entrance canopy across frontage. Approved 20/09/1994.

#### Hippodrome House:

**92/0691/FP & 92/0692/LB-** Provision of 4 dormer windows on Middle Street elevation. Alterations on existing ground, 1<sup>st</sup> and 2<sup>nd</sup> floors including terrace to r/o 2<sup>nd</sup> floor flat. External alterations and removal of existing sign to front. Approved 02/06/1993

**91/1008/FP & 91/1009/LB-** Alterations to ground, first and second floors including patio terrace at rear of second floor flat. Four dormer windows on front elevation, together with external decorations. Refused 21/11/1991

Notable other applications:

**89/0199/F & 89/200/LBC-** Erection of a 3 storey office building fronting Ship Street on car park rear of the Hippodrome. Withdrawn

**80/1233-** Erection of replacement entrance canopy. Approved 15/07/1980.

**67/1900-** Bingo Club and prize bingo area. Approved 07/11/1967.

**67/886-** Change of use from TV studio theatre to use within Class XIX of the Town and Country Planning (Use Classes) Order 1965. Approved 16/06/1967.

**66/511-** Use of theatre (excluding flats above) and car park for production of films and recording programmes for TV. Approved 29/08/1966.

**55/674-** Stage extension and additional dressing rooms. Approved 14/06/1955.

#### **4 THE APPLICATION**

4.1 Planning permission is sought for internal and external alterations to Grade II\* listed Brighton Hippodrome and Hippodrome House to form an eight screen cinema (D2) with four associated café/restaurants units. The works include the following elements:

- Demolition of the fly tower and other later additions to the rear of the Hippodrome and Hippodrome House and construction of replacement rear extensions to house five cinema auditoria and foyer areas;
- excavation works to form three cinema auditoria in a semi-basement level within the Hippodrome with mezzanine floor above;
- construction of two storey extension to northern elevation of Hippodrome House to form new cinema foyer;
- demolition of 11 Dukes Lane to create a new pedestrian link between Dukes Lane and Middle Street, including new bay windows to the flank walls of 10 & 12-14 Dukes Lane;
- reconfiguration of existing service yards and parking areas to rear;
- reinstatement of original Hippodrome entrance on Middle Street;
- revised fenestration and reinstatement of doorcase and steps to Hippodrome House;
- new windows to 47 Middle Street.

4.2 The application also proposes a separate new three storey plus basement building on land adjacent to 18-19 Ship Street comprising a single A1/A2/A3 use on the ground floor and a B1 office use on the upper floors.

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

**External**

**Neighbours:**

- 5.1 **One Hundred and sixty two (162)** letters of representations have been received. A list of all addresses is contained within Appendix A.
- 5.2 **One Hundred and Thirty (130)** letters of representation have been received objecting to the application for the following reasons:
- The Hippodrome is Grade II\* listed, unique and of national importance, in particular for the scale of its auditorium which is to be lost if this application is approved. It is unquestionably the case that this building will be robbed of its special interest as much by the unsuitable alterations as by outright demolition.
  - The building is part of Brighton's cultural heritage
  - The Council has not insisted on the building being properly maintained, or used its powers to do so, and is now using its poor condition as a pretext to consider approving a totally unacceptable development
  - Without a lyric theatre to complement its range of other performance venues, major productions will continue to bypass the city.
  - The proposal offers no net gain in the city's entertainment and cultural infrastructure, would not attract new customers/visitors to the city, and would therefore add nothing to the local economy
  - No due consideration of restoration as a theatre has been attempted. There is considerable local support for the restoration and conservation of the building as a live venue
  - The building could seat 1535 in proscenium mode or 1409 for circus/'in-the-round' productions
  - The proposal is not a 'restoration' of the Hippodrome, but a conversion
  - The current proposal are not compliant with National and Local Planning Policy
  - The proposals are not reversible. The mezzanine level will destroy the essential proportions of the buildings main asset, its auditorium, whilst the new retail/office building will prevent essential pantechicon access and parking
  - Interior deterioration is not as significant as the applicants state
  - The viability report is flawed and does not provide adequate evidence that a cinema is the only viable option. It has not been proved at all that the cinema option is the last opportunity to save the building and has no credibility
  - Another cinema is not needed. An eight screen cinema in the next street to an existing eight screen cinema will lead to an over-concentration of cinema provision. There is no evidence of unfulfilled demand for cinema seats, Brighton already has 19 screens. Hove Station is a better location for a cinema multiplex
  - What will happen if the cinema chain decide to leave the complex, would the buildings be turned into retail or leisure units by default?
  - 85% of Frank Matcham's buildings have been lost, making the Brighton Hippodrome even more valuable
  - Brighton is a cultural centre that lacks a large scale theatre which can accommodate touring West End size shows, full orchestral concerts, opera and ballet. The Hippodrome would fill this gap.

## PLANNING COMMITTEE LIST- 16 JULY 2014

- Having the Hippodrome as a working theatrical space would present enormous artistic possibilities and be worth more to Brighton than yet another monotonous multiplex
- The building's original purpose and history will be gone forever
- We do not need more soulless multiplexes with chain restaurants. An eight screen cinema will not contribute to the city's 'unique tourism offer'.
- Increased noise, disturbance and anti-social behaviour from increased pedestrian and vehicular traffic on Middle Street and through Ship Street Gardens, especially at night
- Noise from construction and operational noise disturbance once completed
- Odour disturbance
- Overlooking, loss of light, loss of outlook and increased sense of enclosure to flats on Dukes Lane. Overbearing and oppressive impact
- The submitted daylight/sunlight report contains inaccuracies and no overshadowing assessment for the gardens to Dukes Lane
- No details of tanking, excavations, sewer runs etc or part wall agreements have been submitted
- Assurance is needed that the development of the Hippodrome is no a pretext for the parachuting of a shopping complex into the old town.
- The design of the rear extensions is out of keeping with the character of the area, which includes listed buildings.
- Increased parking pressure in the surrounding streets
- A better use would be as a museum, flexible affordable arts spaces, gig venue, dance hall

### 5.3 19a Ship Street

- The design of this part of the development is entirely out of keeping and inappropriate with the Old Town Conservation Area and adjacent buildings in both size and appearance. It is an eyesore that is not an essential part of the plans, rather an add-on.
- The building would have no car parks and place strain on the city's infrastructure
- Overshadowing, loss of privacy and overlooking to windows adjacent and opposite
- Negative impact on existing businesses, restaurants and local residents
- Insufficient provisions for disabled persons
- There are already enough shops in this part of the city

### 5.4 **Twenty Six (26)** letters of representation have been received supporting the application for the following reasons:

- The design is beautiful and would fit in with Brighton's style
- The Hippodrome is too much of a beautiful building to be left in ruins. This opportunity of restoration will not come around again until it is too late
- Regeneration of building and surrounding areas which are run down and highly unattractive

## PLANNING COMMITTEE LIST- 16 JULY 2014

- The building has been neglected for far too many years and if we have to wait for a theatre group to find funds to restore this building its restoration may never happen
  - This is the last chance for the Hippodrome to be saved and it will be lost forever if no one is allowed to make it into a commercially viable project
  - Fantastic opportunity for the building to be restored to its former glories and provide a new cinema for the centre of Brighton
  - Additional jobs and visitors to the city
  - Positive benefits to the local neighbourhood
  - Please don't let this be another West Pier scenario
  - Cineworld and Odeon are in need of modernisation and fall a long way short of the standards set by newer cinemas
- 5.5 **Six (6)** letters of representation have been received commenting on the application:
- A stall set up on New Road to gain signatures to oppose the application contains misleading information
  - The addition of a new cinema would bring jobs and a small boost to the economy, but a competition that is neither welcome nor necessary
  - The design could be enhanced to provide flexible theatre/cinema auditoria, with the restaurant space themed to the history of the building
- 5.6 **English Heritage: No objection**
- The grade II\* listed Hippodrome is one of Frank Matcham's masterpieces. The building is in a grave condition and is on English Heritage's Buildings At Risk Register. The proposals would cause harm to the significance of the building. However, they are likely to represent a final opportunity to save the Hippodrome, and would conserve the aesthetic values associated with Matcham's phase of works. The restoration of the Middle Street façade and associated enhancements to the Old Town Conservation Area are further advantages. English Heritage considers that the net public benefits would outweigh the harm to the significance in line with paragraph 134 of the NPPF and recommend that the Council grants listed building and planning consents, subject to conditions.
- 5.7 English Heritage believe that the applicant has adequately demonstrated that a theatre use is unlikely to be feasible at The Hippodrome in the medium term. This is because it appears to be unable to meet the physical space requirements of a lyric theatre, which is identified as the gap in Brighton's existing theatre offer. Nor is it probable for operators to contribute meaningfully to the substantial repair and fit out costs of the building. We think it very unlikely that any philanthropic or charitable source of funding will be available for the restoration of The Hippodrome, and in the absence of any robust information to the contrary, we see no reason not to accept the Applicant's assertion that the Hippodrome would not in any case be able to accommodate the market's needs.
- 5.8 In line with the policies in the NPPF, and the Practice Guide, English Heritage conclude that the proposed scheme currently represents the best chance to

conserve this very vulnerable grade II\* listed building, and that its conservation is a principal public benefit which, together with the benefits associated with enhancing the character and appearance of the conservation area, would outweigh the harm arising from the interventions proposed.

**5.9 The Theatres Trust: Objection**

The Brighton Hippodrome is the most important theatre building on the Trust's Theatre Buildings at Risk Register. Architecturally, historically and as a performance venue, it is a highly significant heritage asset. It is nationally important for two distinctive reasons: as it is the most intact and finest example of a free standing circus (without a water feature) illustrating a tent-like form following the design of travelling circuses: and it is also the only surviving statutory listed example of a building originally designed as an ice skating rink.

5.10 The Trust consider it has not been sufficiently demonstrated that there is no alternative viable use which would enable the Brighton Hippodrome to be appreciated and used in its original form such that would either cause no harm or less harm to the significance of the building. The only obvious and legitimate way to test this would have been to undertake a full marketing exercise. The proposals will not conserve the Brighton Hippodrome (a heritage asset) in a manner appropriate to its historical and theatrical significance because of the subdivision within its volume and the construction within the rear service yard. Further, it will be lost to future generations, because the changes outlined in the application will not be economically viable to reverse to its original state in order that it may be used as a theatre.

5.11 The Trust have ten substantial objections to the application:

- There will be significant harm to the Brighton Hippodrome because the building is to be subdivided, its rear yard built upon and it will no longer be able to be perceived as or used as a performance venue.
- The site has not been marketed to demonstrate its conservation. Had the site been properly marketed, an alternative scheme that conserved the auditorium volume and service yard would have come forward, as is now happening. We believe the Hippodrome could be used as a 1500-seat theatre and an alternative theatre scheme has been prepared for the adaptation of the building which is based on a business plan for Ambassador Theatre Group Limited (ATG).
- A venue of this size would be viable in Brighton. The Trust believe there is a significant gap in the market that could sustain a large lyric theatre/performance venue capable of hosting large West End musicals, large scale spectacle and circus. These shows cannot be properly or successfully undertaken at the Theatre Royal, The Dome or the Brighton Centre. ATG's letter dated 18 March 2014 to the Council confirms this and states 'The Theatre Royal, ideal for many productions, has significant limitations in its staging capability and is unable to receive the larger musicals. The greater capacity and stage of the Hippodrome would provide this. The two would run happily in harness.'
- The local authority cannot be certain that a multi-screen cinema is the only viable use. There is a very high cost for conversion to a theatre which is not substantiated, and there is a projected seating capacity



(much lower than the capacity we believe would be achieved in a theatre restoration) which would make theatre use financially challenging. Neither of these figures have been interrogated with sufficient rigour, and the Trust believe that it would be possible to work with experienced theatre operators and their architects/consultants to come up with quite different scenarios and options. The scenarios as they stand would deter any potential theatre operator who may well be interested if the capital costs were lower, or the seating capacity higher. It is not clear how solid the commitment of the proposed cinema operator is to this scheme

- An option to restore the Hippodrome to use as a performance space has not been fully explored. The J Ashworth Associates report does not include any serious undertaking to prove that Trusts and Foundations or indeed Lottery sources or support via social investment funds would not be available to fund the restoration.
- The option to relocate three screens from the lower levels in the Hippodrome Auditorium (Option 5, D&A Statement part 2) has not been fully explored.
- Meeting the cultural performance needs of Brighton. ATG's letter to the Council dated 18 March 2014 confirms that the capacity, staging facilities, accommodation and flexibility offered by the Hippodrome would meet its needs. The Brighton Hippodrome's circular auditorium, together with its proscenium arch stage, and the height offered by the dome above, results in a uniquely flexible and exciting performance space, which has much to offer modern productions and audiences, as well as being well-suited for a range of other uses. Because of its flexibility, combined with its large capacity, we believe that the Hippodrome could have a role within the context of Brighton's current arts and entertainment landscape. Whilst the Brighton Dome has a similar capacity to the Hippodrome, it has no flytower, and is not therefore suitable for the staging of lyric theatre or opera, and the Theatre Royal has insufficient capacity to support these larger productions and has no inbuilt flexibility.
- Noise break-out – Future proofing. Although each cinema screen will be built within an independent structure which could be removed in the future and the current design of the floors and screens remain separate with servicing, acoustics and anti-vibration measures put in place, this does not demonstrate that the building is sound proofed for future use as a theatre. Our concern is that works to the roof to address noise break out to a live performance standard is undertaken prior to restoration of the interior plasterwork as a full structural acoustic roof will be required in the future and this is not part of this scheme.
- Cinema use. Brighton & Hove City Council has not undertaken such an assessment for theatre use or need. In the absence of such a report a needs and impact assessment for the loss of theatre use and the new cinema use should have been included as part of the submission. There is no options report to suggest that this is the best site for cinema within the City of Brighton
- Non reversibility: Get-in and access following construction on Ship Street. Following the proposed works, the get-in arrangements would be entirely unsuitable, and would not reflect the needs of a large receiving theatre that regularly presents large scale spectacles and musicals. The

standard overall length for delivery vehicles touring shows such as the Lion King to Brighton is 16.48 metres. The construction of a block on Ship Street would mean a truck of this length would not be able get in.

**5.12 Victorian Society: Object**

The insertion of the new floor would reduce the height and proportions of the room and its sense of space, and would truncate the proscenium. The lower half of the auditorium would not be able to be experienced from ground level and the overall space would be diminished. The scale of these interventions in the auditorium would cause substantial harm.

**5.13 Hove Civic Society: Support**

The Society fully supports the proposal. The Hippodrome is an important part of the city's heritage and works are urgently needed to prevent further decay. The Society are convinced that it is unlikely that any public sector funding will become available to fund the restoration of the site or its use as a theatre. The additional cinema block is well integrated and would not adversely impact on the surroundings of the site, whilst the proposed reversibility of the changes in floor levels makes the proposal doubly attractive.

**5.14 Brighton Society: Objection**

The Society were initially generally in support in principle of the early proposals presented, and considered that, although restoring the building to its former use as a theatre would be the ideal solution, the Hippodrome's poor condition and the risk that if restoration does not happen soon may well cause it to be lost entirely to the City. However, there are too many areas of the design which are poor. The Society are concerned that the fact that the building is at risk if the applications are refused may act to justify aspects of the design which under more normal circumstances, would not be permitted in a Conservation Area.

5.15 Within the Hippodrome, the relationship of the new raised floor to the balconies is such that the balconies will lose their existing 'overlooking' relationship with the main space, and will visually appear as a low perimeter bulkhead, semi-concealed behind tables and chairs. The character of the original balconies will be disguised and reduced to insignificant visual elements within the whole space and the Society cannot support this.

5.16 The proposals show some form of visual and physical link between the first floor (circle level) and Cinema Foyer. The drawing gives the impression that there will only be a narrow slot at eye height, an inadequate expression of the dramatic views between the two spaces. It appears from the illustration in DAS Fig 47a, that part of the already low ceiling in the restaurant - and presumably part of the floor of the auditorium above - is to be glazed. This does nothing for either space and is an unsatisfactory design solution. It neutralises that part of the floor in the auditorium and would have to be screened off somehow to prevent people walking on it.

5.17 The form of the new Cinema entrance building does not have any satisfactory relationship to Hippodrome House. The insertion of an uncompromisingly modern, boxy black tile-clad portico and glass façade into a contextual setting between the Regency style Hippodrome House on one side and 19<sup>th</sup> Century 3-storey pitched roof buildings on the other, is unsympathetic. The materials of glass and black tile have no precedent in that part of central Brighton. The design is just not good, nor sensitive, nor sympathetic enough, to be appropriate to the Conservation Area in which it is located. The Ship Street building is not sensitive, nor sympathetic enough to the Conservation Area in which it is located and should be re-designed.

5.18 **Regency Society: Support**

The Society support the proposed change of use as buildings must evolve to meet changing needs if they are to be preserved. A theatre use has not been demonstrated as being viable since the building closed. The reversibility of the proposals are credible, however there is concern that access for delivery vehicles and pantechnicons may not be possible once the Ship Street building is built, and various leases may preclude such a conversion.

5.19 The new buildings on Middle Street and Ship Street are successful from a design point of view. Overall, the proposal would benefit the city by bringing a derelict listed building back into use, would open the Matcham interior to the public, and would regenerate this run-down part of the Old Town Conservation Area.

5.20 **The Frank Matcham Society: Objection**

The building has not been marketed as a live performance venue therefore those with an interest in viewing it as such have not had the opportunity to advance any such proposals. A large scale performance venue is lacking in Brighton & Hove and for some time such spaces have been needed, both in terms of audience capacity and stage area. The Dome has neither a fly tower nor wing space to accommodate such a need. There is local support for returning the Hippodrome to live use and the possibilities of funding for conservation have not been considered. The practicalities of reversing the proposed works would be crippling to a live theatre budget, and such use would be hampered by the restrictions to the site's vehicular access.

5.21 **Ambassador Theatre Group: Objection**

The council should give serious consideration to and allow time for a proper exploration of ways and means to return the Hippodrome to live performance use. The capacity, staging facilities, accommodation and flexibility offered by the Hippodrome would meet our needs, contrary to sections 6.2 & 6.3 of the submitted document 'A Report on the Viability of Alternative Uses'. The ownership and programming of the Theatre Royal by ATG would not be compromised as it does not have the greater capacity and stage of the Hippodrome for larger musicals. The two would run happily together.

5.22 **CAG: No objection**

The group support the principle of change of use to cinema, restaurant and retail use, and for the internal alterations including the new raised floor.

However, concerns are raised about the design of the proposed buildings on Middle Street and Ship Street, which are inappropriate to the Conservation Area and should draw on the local vernacular. The Group recommend that the portico on the entrance to Hippodrome House should be reinstated as illustrated in Fig 13 of Part 1/2 DAS and the original 1920 design canopy to the theatre building itself should be reinstated as illustrated in Fig 10 of Part 1/2 DAS. The Group also recommend that the existing gate to the car park on Ship Street should be retained rather than being replaced with the proposed design. The Group feel that a historic street sign should be installed in the new passageway.

5.23 **Archaeological Society:** No objection

5.24 **County Archaeologist:** No objection

No objection subject to a condition requiring a programme of archaeological works.

5.25 **Environment Agency:** No objection

5.26 **Southern Water:** No objection

No objection subject to details of foul and surface water sewerage disposal.

5.27 **Sussex Police:** No objection

5.28 **UK Power Networks:** No objection

5.29 **East Sussex Fire and Rescue Service:** Objection

The plans fail to meet the Fire Service Access requirements as detailed in B5 of Approved Document B of the Building Regulations 2010.

5.30 **County Ecologist:** No objection

5.31 **District Valuation Office:** No objection

The purpose of this report is to provide an appraisal of the commercial viability of the building assuming that it is occupied as a Casino or Theatre.

5.32 Casino

In present circumstances a new casino licence would not be available under the 2005 Gambling Act. The only opportunity for casino occupation would be the transfer of an existing 1968 licence.

5.33 As a traditional casino it is unlikely that this building would be suitable and would justify the level of investment for adaptation. The reasoning is as follows.

1. The DV agrees with the conclusions reached by J. Ashworth Associates in Para 5.4 concerning the informal proposal from Genting to occupy the premises on a lease. The terms offered, which includes a fit-out contribution, are below market expectations.
2. The existing competition in the City. Grosvenor (Genting) also occupy the former ABC Cinema on Grand Junction Road but this has the advantage

of strong roadside presence. In my opinion there is no evidence to show that there is demand for further casinos.

5.34 A casino replicating the Leicester Square Hippodrome would not be feasible as there is not the same level of off-season custom to justify the development costs. Therefore, a casino occupation is not a viable consideration.

5.35 Theatre

The proposed development would be for a 1300 seat theatre utilising the existing raked floor below the existing floor structure. With this proposal the crucial considerations are demand for theatre space in Brighton and its catchment area, and current utilization (or occupancy levels) that operating theatres are achieving.

5.36 The main commercial theatre in Brighton is the Theatre Royal in New Road with 915 seats (some of which have obscured views). It is estimated that utilisation is above 50%. The Brighton Dome is the main civic theatre with 1856 seats and it is estimated that utilisation is well below 50%. It is understood that this theatre receives an operating subsidy from Brighton & Council.

5.37 The Komedia is not included in this appraisal as it appears to have a significant licensed and restaurant operation and without detailed trading information it is not possible to estimate utilisation levels. The Gardner Arts Centre at the University of Sussex closed in 2007 and attempts to reopen as the Attenborough Centre for Creative Arts has so far not been successful. This theatre offers modern technological facilities. Small community theatres have not been examined.

5.38 Taking account of the market appraisal and the estimated annual trading loss of £249,890, it is considered that the proposed development as a Theatre would not be commercially viable.

5.39 The prospects as a “presenting” theatre (i.e. by providing the accommodation to a production company in return for a fee.) have also been considered but there is adequate supply of theatres in Brighton for this purpose and, as already indicated, there is no evidence of demand for additional theatre space.

5.40 This conclusion has been reached having regard to the comments made by The Theatres Trust dated 17th April. These proposals for Theatre use would not be commercially viable for the following reasons:

- a) The space is similar to Brighton Dome which only operates with the assistance of a Council subsidy.
- b) The Hippodrome at Leicester Square London is similar in size and even with West End custom was unable to remain commercially viable as a performance venue.
- c) To be commercially viable it is estimated that a theatre with 1800 seats would require 1.7 full houses per week (3048 full price ticket sales) or

2.34 full houses for 1300 seats. There is no evidence to support this level of custom in Brighton.

- d) It has also been considered whether an additional theatre in Brighton would generate additional custom for Brighton as a theatre destination location and thus would make this theatre proposal commercially viable. There is no evidence to support such a contention. Indeed, the Hippodrome at Leicester Square, surrounded by West End theatres, indicates that the opposite is the case. A concentration of theatres cannot reliably contribute to commercial success.
- e) The Gardner Arts Centre (Attenborough Centre) at the University of Sussex has been unable to attract the custom for Cultural and Arts performances with ca 482 seats. This Theatre offers multi-media facilities.

**Internal:**

5.41 **Heritage: No objection**

The Hippodrome has been vacant for seven years and is in very poor condition. It is a Building at Risk on both the English Heritage and council registers. There is particular concern for the longer term future of the elaborate Matcham-designed plasterwork to the auditorium. The nature of the building and its special interest means that options for its future viable use are comparatively limited. Given the vulnerability of the building a proposal that seeks to retain it and bring it back into use must in principle be welcomed. The case for alternative uses, including the ideal scenario of restoring the Hippodrome for theatre use, and why these options would not be viable, has been persuasively made in the submitted viability report and it is considered that in this respect the application has satisfactorily addressed the relevant issues.

5.42 The history and significance of the site is well covered by the submitted Heritage Study and the conclusions are considered to be largely sound. These proposals would bring the building back into viable use but would result in major alterations to the building and loss of historic fabric. In particular, the insertion of the mezzanine floor would disrupt the spatial qualities associated with Matcham's auditorium, whilst the separation and loss of the relationship between backstage and front of house areas would limit the legibility of the historic function of the building. These alterations and losses would be harmful to the significance of the building. This harm would be 'less than substantial' and, in accordance with paragraph 134 of the NPPF, must be set against the public benefits associated with the proposals. In this case there are considered to be major public benefits, not least being the conservation and reuse of the building; the associated restoration of the Matcham plasterwork and the Middle Street façade, as well as related works to the public realm and the appearance of the Old Town conservation area.

5.43 Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act requires that special regard shall be had to the desirability of preserving the setting of the listed buildings; this includes those other listed buildings in the vicinity of the site on Middle Street, Ship Street, and Ship Street Gardens. Despite its scale the Hippodrome's vast circular auditorium is concealed within

the tight urban grain of the Old Town's lanes and twittens behind an unassuming frontage on Middle Street, whilst the setting of the building from Middle Street is dominated by the mid 20th century plain brick fly tower and surface car park. The circular auditorium roof is not noticeable from the surrounding streets. It is considered that the proposed new buildings and extensions would collectively not only preserve the modest setting of the Hippodrome itself but would enhance it and would preserve the settings of all other listed buildings in the vicinity.

5.44 Section 72(1) of the Act provides that the local planning authority shall pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area. In this case it is considered that the new buildings fronting Middle Street and Ship Street, the restoration of the Middle Street elevation and the improvements to the public realm would enhance the appearance of the conservation area whilst the main new cinema auditorium building would preserve its appearance. The proposed uses on the site and the re-animation of the currently 'dead' Middle Street frontage, together with the formation of a new pedestrian lane, would enhance the character of the conservation area.

5.45 Although the works have been identified as having 'less than substantial' harm to the preservation of the special interest of the Grade II\* listed Hippodrome and Hippodrome House, the very finding of harm demands considerable importance and weight be attached to it and gives rise to a statutory presumption against planning permission being granted, as per section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act. In this instance, this considerable weight and presumption against permission being granted is considered to be outweighed by the very substantial public interest benefits of the proposal in securing and restoring the 'at risk' listed building in the manner proposed and the wider heritage benefits identified to the building's setting and to the Old Town conservation area. On this basis, and in line with the policies in the NPPF, and the NPPG, it is concluded that the proposed scheme currently represents the best opportunity to conserve the listed building and that its conservation is a principal public benefit which, together with the other clear benefits, would outweigh the harm arising from the interventions and loss of historic fabric.

5.46 Internal alterations

A key consideration in the development of these proposals has been that they should, as far as possible, be reversible so that a theatre use could feasibly be reinstated at some time in the future (e.g. when the cinema operator's lease expires). It is considered that this has been satisfactorily demonstrated in the submitted scheme, both in terms of allowing for the conversion of the new build cinemas to a workable fly tower and the removal of the inserted cinemas and reinstatement of floor level but also in allowing future access for pantechincons. It is accepted that such reversible conversion would, though feasible, be costly. But this must be set against the fact that any current theatre proposal would have also have a substantial costs issue arising from the major repair and restoration works needed.

- 5.47 The degree of retention of existing Matcham and Emblin Walker fabric in the 'back of house' areas is greatly welcomed and in particular the retention and reuse of the equestrian ramp. The detailed proposals for this feature will be very important in order to preserve its humble character. The loss of some historic fabric is regrettable but the areas of highest significance have all been retained. The loss of the elephant house is especially regrettable but this feature is in a near derelict condition and little of its historic fabric would be likely to be reusable.
- 5.48 The principle and approach of the insertion of the new floor into the auditorium and the new cinema screens below are accepted. The insertion of the mezzanine floor is most uncomfortable in the way that it relates to the proscenium arch and to the two 'onion dome' boxes either side of the stage. The new floor severely truncates the height of the arch, altering quite significantly its proportions. The internal elevations are indicative only and suggest the use of pilasters and installation of a bar area here to help redress the appearance of the squat arch. With regard to the boxes, Matcham installed them with the balconies placed low adjacent to the stage. Emblin Walker's alterations moved the complete structures higher, thereby allowing for an additional tier of seating in the boxes. The proposal is to leave in situ the domes but move the balconies to the same level as the main auditorium balcony to facilitate the insertion of the mezzanine. This would not look inappropriate but does present potential problems in reconciling the curved ends of each of the neighbouring sections. Further detail will be required on the method of removal, reinstatement and making good.
- 5.49 The visuals provided show an indicative paint scheme of white and gold for the plasterwork. This would be an enhancement over the existing modern colour scheme and is considered reasonable given that Matcham was trying to evoke the sense of a tent. However a paint analysis should be carried out to inform a faithful restoration, to be secured by condition.
- 5.50 At pre-application stage one of the matters of concern was the degree to which the circular auditorium space would remain readable at ground floor level and how this could be reinforced through the circulation arrangements. Whilst the layout has evolved it remains the case that the original circular space would not be clearly readable. Whilst disappointing this is not considered to be a fundamental concern.
- 5.51 In respect of Hippodrome House, the proposal to reinstate some of the features from the Palm Court along the southern circulation route within the main building is welcomed but it would be preferable if at least some features could be retained in situ within proposed restaurant 2. Details of their retention or relocation would need to be agreed by condition. The loss of the conservatory structure to the rear is regrettable but acceptable in the context of the proposals as a whole, subject to recording.
- 5.52 External restoration  
The restoration of the Middle Street façade to the Matcham phase of development is considered to be a key heritage benefit which goes some way



to offsetting the harm associated with changes to the interior. This includes reinstatement of some of the original Kerslake ice rink features which were retained by Matcham The restoration here has been carefully researched and is informed by Matcham's drawings and early photographs, in line with the approach required by SPD09. The use of the Middle Street entrance as the principal access point for the main dome restaurant area, which is befitting its status, is very welcome and would allow users to enjoy the full experience of the decorated foyer and crush bar, as well as the main auditoria space.

**5.53 New Build**

With regard to the new build elements of the scheme, the proposed design approach to the Middle Street frontage and foyer building has evolved very positively and this is now considered to be entirely appropriate to the street scene. It would also present a suitably interesting and contrasting appearance when seen from the traditional townscape of Duke's Lane via the new link. The new Ship Street building as proposed has a resolutely contemporary design approach, as opposed to the more hybrid approach of earlier iterations, which links better with the other new-build elements and subject to further detail, is felt to be a worthy addition to its context.

5.54 The new cinema building is, by necessity, a large box but as with the existing fly tower structure, it would not generally be visible in longer views due to topography and the narrow streets of Old Town. This building would be seen in short views from Ship Street / Prince Albert Street but would be substantial enhancement over the existing utilitarian fly tower. The design approach is an interesting and innovative one to disguise the simplicity of this large box, subject to detailing by condition. The proposed flint panel cladding to the ground floor is very welcome in providing contextual reference to the cobbled flint walling traditionally found in 'backland' areas with the Old Town area.

5.55 The new Dukes Lane access link makes perfect sense in urban design terms and on this basis there is no objection to the demolition of the existing retail unit. The proposed square bays are considered to be acceptable for the new gable ends in providing visual interest.

**5.56 Public Realm works**

The enhancement works to the public realm are, in principle, one of the public benefits of the scheme that contributes to outweighing the harm to the Hippodrome's significance. It is therefore very important that the design, detailing and materials contribute positively to the wider historic character of the Old Town conservation area. The external hard landscaping has been satisfactorily amended from that originally submitted to be much simpler in terms of design and palette of materials, using materials already found in Old Town conservation and reflecting the traditional hierarchy of public spaces as well as distinguishing between public and private spaces.

**5.57 Planning Policy: No objection**

The proposed scheme will bring back into use a valuable heritage asset which is currently in a dilapidated state. The benefits of achieving this are considered to outweigh any potential negative impacts resulting from the provision of

further A3 uses in this city centre location and consequent non-compliance with Local Plan Policy SR12. The additional B1 floorspace is welcomed. The new retail floorspace outside the boundary of the regional shopping centre is partial compensation for that lost within the centre and therefore a full sequential test normally required by Policies SR2 and CP4 is not considered necessary.

**5.58 Economic Development: No objection**

No objection subject to a contribution through a S106 agreement for the payment of £30,720 towards the Local Employment Scheme (LES) in accordance with the Developer Contributions Interim Guidance and the provision of an Employment and Training Strategy with the developer committing to using 20% local employment during the various construction phases of the development.

**5.59 Sustainable Transport: No objection**

Recommended approval as the Highway Authority has no objections to this application subject to the inclusion of the necessary conditions on any permission granted and that the applicant enters into a S106 agreement to contribute £20,000 towards footway improvements in the Old Town area and enters into a S278 agreement with the Highway Authority in relation to the proposed highway works on Middle Street and Ship Street.

**5.60 Sustainability Officer: No objection**

Under Policy SU2 and SPD08 the energy standard expected of non residential development relating to existing buildings is that no net additional carbon emissions should result from proposed development. The submitted 'Energy Strategy' indicates that the refurbished element of the proposals deliver energy performance improvements that will result in a net reduction in carbon emissions. This meets the energy/carbon reduction standards for this part of the scheme.

5.61 Under SPD08, new build major development is expected to achieve BREEAM 'excellent' and 60% in energy and water sections. The submitted documents commit to 'very good' for the new office development. The applicant has agreed to assess the new cinema development consisting of approximately 4000m<sup>2</sup> under bespoke BREEAM which is welcome. The applicant has outlined a number of barriers which impact on the potential to achieve an excellent score in this case. SPD08 sets out that when recommended standards cannot be met justification should be provided. This condition has been met and it is recommended that a reduced standard be accepted for this element of the scheme, which can be conditioned to BREEAM 'very good'. The justification refers to site constraints, technical and financial viability, and the benefits to the city of restoring a Grade II\* listed building that is currently on the English Heritage 'at risk' register.

**5.62 Environmental Health: No objection**

**Noise**

There are residential properties located on all sides of the Hippodrome, some of which are directly connected to the Hippodrome building which may give

rise to particular issues in respect of structure borne noise. These are situated where Auditoria B, C and H are proposed to be located. Externally, these properties are on the Eastern/South sides of the Hippodrome. Appropriate background noise readings have been undertaken which indicate that noise levels at the rear of the Hippodrome are lower than those at the front.

- 5.63 Plant Noise- Because background noise levels over 24 hours are fairly low, a '10dB below background' condition for plant may be too onerous and should be a target value instead. A condition outlining this is recommended. If the target level cannot be achieved, full justification of this should be provided and plant noise should definitely not be higher than 5dB below background ( $L_{A90}$ ) noise levels as per BS4142 at the nearest noise sensitive receptors.
- 5.64 The basement plant room has the potential to transmit low frequency noise and vibration to adjoining structures. A condition requiring work to prevent the transmission of noise and vibration is recommended.
- 5.65 Cinema noise affecting immediately adjacent residents- It has been emphasised that the background noise measurements made for the rear of the Hippodrome are particularly important because this is where the planned auditoria will share party walls with adjacent residential properties (with private courtyard spaces).
- 5.66 Environmental Health are of the view that  $L_{Amax,S}$  cinema noise levels inside adjacent residencies should not exceed 20dB(A), which is likely to be the approximate internal background noise levels during night time hours. This will reduce the possibilities of any noise complaints being made and prevent an assessment of Statutory Noise Nuisance under The Environmental Protection Act 1990. This is because even quiet, low frequency noise and vibration arising from cinema noise, occurring every day until 2am in an adjacent residential premises, has the potential to be a Statutory Noise Nuisance irrespective of other guidance.
- 5.67 A new structure for the Hippodrome is proposed in those areas where it currently shares party walls with residential premises. In particular, this is to prevent low frequency noise and vibration from the auditoria affecting adjacent residents inside their homes.
- 5.68 The proposed involves the structure of the Hippodrome being supported on its own piles which will enable the external wall to be completely independent of the cinema auditoria. Consequently, it will allow a greater degree of sound and vibration separation to be achieved.
- 5.69 The consultants have calculated that with such a construction and with suitable sound insulation and absorption for the auditoria (a box within a box structure) a noise level (due to the showing of films) of 3dB  $L_{Aeq}$  and 16dB  $L_{As,max}$  would occur within adjacent premises. These levels are significantly below potential background noise levels. Additionally, the consultants have shown that with this type of structure, the sound insulation to external courtyard areas is also improved, achieving external levels of 7dB  $L_{Aeq}$  and

20dB  $L_{ASmax}$  which are also below external background noise levels. A condition based on the proposed structure and with a target for internal noise levels for adjacent residencies to be less than or equal to 20dB(A)  $L_{max,s}$  is recommended.

- 5.70 Hippodrome and Auditoria sound insulation to prevent noise break out in other areas- The sound insulation properties of the Hippodrome structure have not been assessed. The submitted reports highlight that if it is found that the assumptions made are not accurate, then additional assessments of the construction can be carried out in order to achieve suitable sound insulation, including using different wall structures and linings for the Hippodrome and the auditoria. The consultants are confident the necessary targets can be met therefore a condition is recommended for a final scheme to be submitted for the structure of the Auditoria and the Hippodrome, to ensure the targets are achieved.
- 5.71 Restaurant noise affecting residents along Middle Street, Toilets and ancillary spaces- The development is proposed to include restaurants and cafés (A3) predominantly at ground and first floor level, overlooking Middle Street, with the nearest residential property approximately 9m away. It has been stated that the A3 spaces will be open until Midnight and this should be conditioned.
- 5.72 The calculations by the consultants indicate that the function noise will be 38dB(A) (free-field) at the nearest noise sensitive resident, which is 7 dB below background noise levels. Consequently, the impact from the use of the restaurants should not be significant. Given that the structure of the Hippodrome hasn't been fully assessed conditions are recommended to ensure that noise break out to the front and south sides will be suitably assessed and mitigated to ensure that it occurs at the same or very similar level below background noise levels.
- 5.73 Sewers and noise transmission- Concerns are raised that sewer runs could result in the transmission of noise and vibration into adjacent premises. A potential sewer run has been identified in the vicinity of Auditorium C and under premises on Ship Street South. It is currently unknown how far the sewer extends under the Hippodrome and further investigation is required. The consultants highlight that if noise transmission via the sewer is a concern then increased insulation of the basement floor may be needed. The requirement to investigate the sewer and consider the insulation of the basement is recommended to be specifically conditioned.
- 5.74 Vibration- Vibration occurring during the showing of films could affect adjacent residencies. Consequently, anti-vibration measures should be incorporated into the design of all auditoria by condition.
- 5.75 Increase in pedestrians- The consultants state that there may be a 6% increase in pedestrian numbers on the surrounding roads up to Midnight due to the development. Their calculations indicate that this will result in less than a 1dB increase in noise. A 1dB change in noise levels is not perceptible and therefore, the increase in noise levels should not be noticeable to residents.

- 5.76 It is considered that future cinema customers and those who are also attending the restaurants and cafes in the Hippodrome will not behave in the same manner as those going out to pubs, bars and clubs. They will be less likely to shout or scream in the street and will generally disperse quickly once the film they have seen has finished. Additionally, the restaurants and cafes will be opening in a Cumulative Impact Zone under the Licensing regime which means that the applicants will have to produce a very robust justification for them to receive a licence to show the films and also to sell alcohol. This is because there is an assumption of automatic refusal of a new licence in a CIZ unless it is an exceptional circumstance. Consequently, if a license was given to the Hippodrome, there will be a condition within it for a noise management plan to control people noise.
- 5.77 However, a Noise (and smoke/odour) Management Plan to control people noise, including noise and smoke/odour from smoking areas, should be conditioned to ensure some management of these issues is put in place.
- 5.78 Odour from Restaurants and Cafés  
The use of the future restaurants and cafes has the potential to cause odour nuisance to existing and future residents surrounding the Hippodrome. Therefore, a suitable condition is recommended to ensure odour abatement methods are installed in the building from the onset.
- 5.79 Opening times  
The outlined hours of operation are recommended as a condition
- 5.80 Deliveries, Waste Collections and Servicing  
Deliveries and waste collections for the restaurants and cafés and any routine servicing that may be required for the Hippodrome, have the potential to disturb adjacent residents if they are not undertaken at reasonable times. Consequently, a condition recommending suitable times is recommended.
- 5.81 Potentially Contaminated Land  
The proposed extensions will break the ground in areas that are potentially contaminated land due to past commercial uses. These uses have included many years of use as Motor Car Garages and Motor Engineers. Additionally, the Hippodrome is situated where there were once houses and was also once used as a Skating Rink (which may have had generators on site). These past uses may have also caused some localised land contamination.
- 5.82 A Phase 1 Land Quality Report by CSI environmental Specialists has been submitted as part of the application. The report recommends some proportionate investigation in the area to the north of the main Hippodrome structure which corresponds with the former garage and engine house.
- 5.83 Consequently, a full phased contaminated land condition is recommended for this application. The applicants should note that Part 1A of this phased condition may not have been completely satisfied and may need reviewing if

there are changes to the development that the consultants were unaware of, when they undertook the desk top study.

5.84 **Public Art:** 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
TR4	Travel plans
TR7	Safe development
TR14	Cycle access and parking
TR19	Parking standards
SU2	Efficiency of development in the use of energy, water and materials
SU4	Surface water run-off and flood risk
SU9	Pollution and nuisance control

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SU10	Noise nuisance
SU11	Polluted land and buildings
SU13	Minimisation and re-use of construction industry waste
QD1	Design – quality of development and design statements
QD2	Design – key principles for neighbourhoods
QD3	Design – efficient and effective use of sites
QD4	Design – strategic impact
QD5	Design – street frontages
QD14	Extensions and alterations
QD15	Landscape design
QD17	Protection and integration of nature conservation features
QD27	Protection of Amenity
QD28	Planning obligations
HO8	Retaining housing
HO20	Retention of community facilities
EM4	New business and industrial uses on unidentified sites
SR1	New retail development within or on the edge of existing defined shopping centres
SR4	Regional shopping centre
SR12	Large Use Class A3 (food and drink) venues and Use Class A4 (pubs and clubs)
HE1	Listed buildings
HE2	Demolition of a listed building
HE3	Development affecting the setting of a listed building
HE4	Reinstatement of original features on listed buildings
HE6	Development within or affecting the setting of conservation areas
HE12	Scheduled ancient monuments and other important archaeological sites

### Supplementary Planning Guidance:

SPGBH4 Parking Standards

Interim Guidance on Developer Contributions

### Supplementary Planning Documents:

SPD08 Sustainable Building Design

SPD09 Architectural Features

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

SS1 Presumption in Favour of Sustainable Development

SA2 Central Brighton

CP2 Planning for sustainable economic development

CP4 Retail provision

CP13 Public streets and spaces

CP15 Heritage

## **8 CONSIDERATIONS & ASSESSMENT**

- 8.1 The main considerations in the determination of this application relate to the principle of the development in relation to the partial demolition, extension and

conversion of the grade II\* listed Hippodrome and Hippodrome House and its impact on their heritage significance, the impact of the extensions and alterations on the character and appearance of the Old Town Conservation Area, the strong statutory presumption that arises against granting planning permission where development is likely to harm a heritage asset, and the impact of the development as a whole on the amenities of adjacent occupiers. Further material considerations include the acceptability of the public realm works, the principle of providing new A1, A3 and B1 units within the application site, the transport implications of the development and sustainability matters.

- 8.2 A screening opinion has identified that the site falls below the threshold at which an Environmental Impact Assessment should be considered.

**Principle of development:**

- 8.3 The Hippodrome has been vacant for seven years and is in a very poor condition both internally and externally. The structural survey submitted with the application identifies that the building is suffering from water and damp ingress throughout with large parts of the historic plasterwork having collapsed or being near collapsed due to the saturation of the plaster and the failure of their ties to the supporting structure. Much of the timber floor throughout is rotten and will need replacing, whilst there is general evidence of corrosion to steelwork. The survey raises particular concern for the longer term future of the elaborate Frank Matcham-designed plasterwork to the auditorium which contributes significantly to the building's special interest. Unsympathetic alterations over the years have further contributed to the building's decline, including removal of original detailing to the Middle Street façade, the addition of a mezzanine level above the stage, and the re-painting of interior plasterwork. As a result of its deteriorating condition the Hippodrome is now a Building at Risk on both the English Heritage and council registers.
- 8.4 The application seeks to restore large areas of the building, both internal and external, as part of a broader scheme to extend and convert the Hippodrome and adjacent Hippodrome House into a mixed use 8-screen cinema with four large A3 restaurants. In order to facilitate the conversion several areas of the existing building would be demolished, with further interventions including the excavation of the main auditorium floor to provide for three cinema screens and a mezzanine level above.
- 8.5 A detailed Heritage Study has been submitted with the application which uses historic photographs, records and plans to describe and evaluate the relative significance of all parts of the Hippodrome and Hippodrome House. The methodology used is consistent with English Heritage advice and guidance on how to assess the significance of heritage assets. The Study identifies the main auditorium to the Hippodrome, including its dome, balcony, entrance lobby and crush rooms, stair towers, and the equestrian ramp to the rear to be of very high significance, and of greatest overall historic importance. The original dressing rooms and derelict elephant house to the rear of the Hippodrome are considered to be of high significance, whilst Hippodrome House is of mixed medium to high importance. The 1950's extended stage



house and later additions to Hippodrome House are considered to be of low significance and contribute least to the overall special interest of the group.

- 8.6 The extent of demolitions broadly follows the above assessment of significance, with all parts of the building considered of lowest significance, including the stage house, to be removed. The most significant parts of the building to be demolished are the dressing rooms to stage right and the derelict elephant house to the rear. Whilst it would otherwise be desirable to retain these elements of the building's history, their secondary status to the main auditorium, derelict condition (in the case of the elephant house) and their incompatibility with the proposed layout is such that their loss can be accepted in this instance, subject to appropriate recording.
- 8.7 English Heritage and the council's Heritage officer are of the view that the proposed demolitions, alterations and extensions, whilst causing appreciable harm, represent 'less than significant harm' when assessed against the NPPF. In such incidences, the NPPF advises that '*Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.*' (paragraph 134).
- 8.8 National Planning Practice Guidance advises that '*If there is only one viable use, that use is the optimum viable use. If there is a range of alternative viable uses, the optimum use is the one likely to cause the least harm to the significance of the asset, not just through necessary initial changes, but also as a result of subsequent wear and tear and likely future changes.*' Given the degree of demolition and alteration proposed, including the excavation and addition of three cinema screens within the main auditorium, a key determination is whether the proposed cinema use represents the optimum viable use for the building, or whether there is a viable alternative use that would better preserve and restore the building for the public benefit.
- 8.9 The nature of the building and its special interest means that options for its future viable use are comparatively limited. The applicants have submitted two studies that examine the viability of alternative uses, a Viability Report (Alaska) and A Report on the Viability of Alternative Uses (J Ashworth Associates). These studies have been referred to the District Valuation Office, alongside representations from Ambassador Theatre Group and the Theatres Trust, for independent assessment
- 8.10 The Alaska viability report uses a 'reasonable use' matrix approach to evaluate the likely viability of all uses compatible with a building of the layout and form of the Hippodrome. The matrix assesses each use having regard the demand for such use and the likelihood of obtaining necessary licenses. These uses assessed in the matrix include amongst others use as a theatre, cinema, conference centre, place of worship, casino, nightclub and gymnasium. The matrix identifies that the majority of possible uses would be immediately unviable due either to the absence of finance to refurbish the building, the absence of significant demand to operate and maintain the building in the long term, or other matters such as licensing restrictions. The

matrix concludes that the only use that would bring immediate demand and finance without conflicting with licensing restrictions is a cinema use with associated restaurants.

- 8.11 The J Ashworth Associates (JAA) 'Report on the Viability of Alternative Uses' appraises the financial case for the proposed cinema use and assesses it against potential use as a casino or theatre, alternative uses identified in the matrix that would potentially best marry the need for upfront finance, provide longer term demand, and would have least physical impact on the historic fabric of the building. The report provides a financial appraisal for each use having regard the restoration and conversion costs involved as calculated by chartered surveyors (John Hall Associates). Also included for comparison purposes is a calculation of the costs to repair and mothball the site in its current use.
- 8.12 In assessing the application against paragraph 134 of the NPPF, the key question is not necessarily whether a cinema use is viable, rather, it is whether alternative uses that better preserve the building are reasonably viable. To support their case, and for the avoidance of doubt, the applicants have provided data which shows that there is an undersupply of cinema seats within Brighton & Hove per head of population when compared to the national average, whilst the viability case includes confirmation that a formal offer for the cinema space has been received from a leading cinema operator.

#### Casino use

- 8.13 In terms of potential use as a casino, the JAA report identifies that demand and supply for casinos is static in the south of England, with the Gambling Act 2005 restricting new licenses for casinos in Brighton. Although interest in operating the Hippodrome as a casino was received, this interest excluded contributing towards the building costs and some of the fit out costs, and would not have attracted the volume of footfall to sustain the restaurant uses, which are key to the development proposal. A comparison is made to the recent £45m casino conversion of the London Hippodrome, which has a daily passing footfall of 250,000 and includes complementary uses including a restaurant, six bars, a smoking terrace and a cabaret theatre to broaden the demographic make-up of its visitors. The constraints of the Brighton Hippodrome site, with limited footfall and licensing restrictions, are such that a similar range of complementary uses to make a casino use sustainable are not possible.

#### Theatre use

- 8.14 In terms of potential theatre use, the JAA report identifies building costs to restore theatre use to be in the region of £17m for a 1300 seat theatre and nearer £21m for a 1500 seat theatre. The costs for repairing and mothballing the building are estimated at £5.2m. The costs to restore theatre use reflect the need to provide a fully finished and fitted building, including necessary alterations to the stage, fly tower and dressing rooms to meet modern standards. The JAA report has also investigated means of public subsidy or private sponsorship from sources such as the Heritage Lottery Fund, Arts Council and Theatres Trust to support the costs needed to restore the building

as a theatre, but concludes that any available funding would be unlikely and/or insufficient to substantially assist.

- 8.15 The JAA report identifies that Brighton is currently well supplied with theatres and performance venues, with the main venues being the Theatre Royal (900 seats), Dome (2,000 seats), Corn Exchange (320 seats), Pavilion Theatre (240 seats) and Brighton Centre (5,000 seats). A number of other venues are also within a 30 minute drive at Worthing, Glyndebourne and Eastbourne. The report identifies via theatre consultants that there is a gap in the Brighton market for a lyric theatre capable of hosting large West End musicals on tour, opera, ballet and theatre touring companies and other large scale spectacles. Such a market requires a theatre with a capacity of 1800-3000 seats. The Hippodrome cannot meet this requirement as it has a maximum seating capacity of circa 1500 (with some cramped seats and restricted sight lines). Further its stage is too small and fly tower not adequate. Whilst these latter restrictions could be overcome, the absence of seating numbers within the Hippodrome offers the biggest hindrance to meeting this identified market. Consequently, theatre use of the Hippodrome would largely replicate existing provision in the city.

District Valuation Office

- 8.16 The District Valuation Office (DV) has assessed the submitted information, focusing on the viability for casino and theatre uses. The DV concurs with the view that a casino use is not viable consideration given the level of investment required to adapt the building and the licensing and demand issues identified in the JAA report. In respect of theatre use, the DV estimates that the 900 seat Theatre Royal is utilised above 50% capacity, whilst the larger 1800 seat Dome theatre operates well below 50% capacity. Based on this trading performance and the market for theatres, the DV conclude that restoring the Hippodrome as a theatre would not be commercially viable, making an annual loss of approximately £250,000. In reaching this view, the DV has had regard the submission of the Theatres Trust, but has concluded that there is no evidence that Brighton has the custom to viably support a 1800 seat theatre hosting large scale musicals and spectacles. Further, there is no evidence to suggest that adding more theatre venues to the city would necessarily generate the sufficient demand to make such venues viable.
- 8.17 Having regard the applicants submission and the independent advice of the District Valuation Office, there is no compelling evidence to suggest that the retention of the Hippodrome as a theatre or alternative use would be a viable proposition given market demand and the costs of restoration and conversion. Accordingly it is concluded that the optimum viable use for the building is that proposed by the applicants.
- 8.18 Brighton & Hove Local Plan policy HE2 is considered compliant with the NPPF and sets out three criteria that must be met in order to accept the major alteration of a listed building:
- a. *clear and convincing evidence has been provided that viable alternative uses cannot be found, through, for example the offer of the unrestricted freehold of the property on the market at a realistic price reflecting its*

*condition and that preservation in some form of charitable or community ownership is not possible;*

- b. the redevelopment would produce substantial benefits for the community which would decisively outweigh the resulting loss from demolition or major alteration; and*
- c. the physical condition of the building has deteriorated, through no fault of the owner / applicant for which evidence can be submitted, to a point that the cost of retaining the building outweighs its importance and the value derived from its retention. A comprehensive structural report will be required to support this criterion.*

- 8.19 Policy CP15 of the emerging City Plan Part One is relevant to the application but does not conflict with the NPPF and does not require any additional justification to be provided beyond that to satisfy paragraph 134 of the NPPF.
- 8.20 In respect of the tests set out in Local Plan Policy HE2, test a) has been addressed above. In respect of test b), the proposal includes the restoration of the remaining and most significant parts of the listed buildings which would then be available for public access. This represents a substantial benefit that would secure the buildings and allow their historic significance to be appreciated in the medium-long term. The re-occupation of the buildings would also serve to re-invigorate and regenerate this part of the Old Town Conservation Area. For these reasons the public benefits of the proposal are considered to outweigh the harm resulting from the part-demolition, extension and conversion of the buildings. In respect of test c), whilst the condition of the building has clearly deteriorated, the LPA consider that any neglect has occurred over a considerable number of years despite temporary repairs being carried out. The LPA are also satisfied that there is no evidence to suggest that the current owner has deliberately neglected or damaged the building.
- 8.21 On the basis of the above, and in line with English Heritage advice, it is considered that the tests under paragraph 134 of the NPPF and those set out in Local Plan policy HE2 have been met and the case for the part-demolition, extension and conversion of the Hippodrome and Hippodrome House is justified.
- 8.22 In addition to considering the relevant policies in the NPPF and the Local Plan regard must be had to sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, which require Planning Authorities to have special regard to the desirability of preserving a listed building or its setting, and to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas. It has been identified that the proposed development would enhance the character and appearance of the Old Town Conservation Area, and would not harm its special interest. There are a number of listed buildings in the immediate vicinity of the site, including 13-16 Ship Street Gardens, 15-17 Ship Street, 22b Ship Street and 59 Ship Street, and at 20 & 60 Middle Street. In line with the views of Heritage officers, the proposed works would not harm the setting of these buildings, rather, in many cases their setting would be enhanced through the restoration works proposed. Further detail on this is set out below.

8.23 Although, as set out above, the works have been identified as having 'less than substantial' harm to the preservation of the special interest of the Grade II\* listed Hippodrome and Hippodrome House, the very finding of harm to the special interest of this heritage asset attracts considerable importance and weight, and gives rise to a strong statutory presumption against planning permission being granted. In this instance, this weight and presumption against permission being granted is considered to be outweighed by the public interest benefits of the proposal in securing and restoring the 'at risk' listed building in the manner proposed and the wider heritage benefits identified to the Old Town Conservation Area. On this basis the approval of planning permission on heritage grounds is recommended.

#### Reversibility

8.24 In order to allay concerns that the proposed conversion would permanently disable the Hippodrome's future ability to operate as a theatre or other performance venue, the applicants have sought to design-in elements of reversibility into the proposals. These details are set out extensively in the accompanying Design and Access Statement and Transport Statement addendum note, and provide comfort that the proposed works would not necessarily preclude a future conversion back into a performance venue. Specifically, the three semi-basement auditoria and mezzanine floor within the Hippodrome itself are designed to be essentially stand-alone structures that can be removed to allow for a new raked floor for seating to be inserted with minimal interference to the fabric of the building. The extension that replaces the existing fly tower to the rear has been intentionally scaled, designed and positioned in order to be readily adapted into a new fly tower and stage house should the need arise without the need for total demolition and rebuild. Finally, the applicants have provided track plots to demonstrate that access into the service yard by articulated lorries and pantechnicons remains largely as existing such that a future theatre use could be serviced to the same extent as current.

#### Proposed development and mix of uses

8.25 The Hippodrome and ground floor and basement of Hippodrome House are currently in D2 (assembly and leisure) use, having last been occupied as a Bingo Hall. The upper floors of Hippodrome House form two residential flats. The application proposes to part-retain and extend the building as a D2 cinema, and include four A3 restaurant uses, an A1 retail unit and a B1 office unit within the wider site. The existing residential flats within Hippodrome House would be converted to ancillary kitchen and back-of-house space. Their loss is considered acceptable having regard exception c) within policy HO8 as their loss will help facilitate the restoration to the listed building. It is also noted that one of the units is in a poor state or repair whilst retaining independent access within the scheme is impracticable. This lends weight to the acceptability of their loss.

8.26 Matters relating to the cinema use have been addressed. The four A3 restaurant units would have a gross internal floor area of 2,341sqm. One of the units would be set at ground floor level within Hippodrome House

(402sqm), another within the front part of the Hippodrome itself (353sqm), with a third 338sqm unit within the extension beside Hippodrome House. The fourth unit would be the largest at 1,248sqm and be set at mezzanine level within the main Hippodrome auditorium.

- 8.27 Policy SR12 seeks to resist the provision of new large A3 units of over 150sqm in incidences where the premises would be within 400m of another similar establishment; would abutting premises containing residential accommodation; would likely cause nuisance or an increase in disturbance to nearby residents by reason of noise from within the premises; and would likely result in increased levels of public disorder or nuisance and disturbance to nearby residents as a result of people leaving the premises late at night. Exceptions to this policy may be permitted provided that any customer floorspace is for service to seated customers only in the manner of a restaurant or café.
- 8.28 In this instance the provision of four large A3 units can be supported subject to appropriate conditions to control opening hours and the service of alcohol as permitted under policy SR12. The applicants have provided supporting studies which identify that restaurants provide valuable supporting evening destinations for cinema-goers who wish to eat before or after a viewing, as well as attracting additional non-cinema related footfall to the area. As such, the provision of four A3 units as part of the development would help secure the longer term viability of the scheme by attracting additional custom to the site. On this basis, and subject to the recommended conditions, the principle of restaurant uses within the site is considered acceptable in the interests of supporting a viable scheme that would occupy and part-restore the building for the public benefit.
- 8.29 The provision of a 248sqm A1/A2/A3 unit in a new stand-alone building fronting Ship Street would offset the loss of the existing 494sqm retail unit at 11 Dukes Lane, and would not harm the overall vitality or viability of the retail provision in the adjacent Regional Shopping Centre. For this reason there would be no material conflict with policy SR1, which seeks to secure retail development within or directly adjacent to existing designated centres.
- 8.30 The new building on Ship Street would also provide for an additional 294sqm of modern B1 office accommodation in a sustainable town centre location. The volume and format of the accommodation will help contribute towards meeting the forecast need for high quality modern flexible office space identified in the Employment Land Study update 2012, in accordance with Local Plan policy EM4, and has the support of the council's Economic Development team.
- 8.31 For the reasons set out above, and having regard the condition of the building and the pressing need to secure a viable use that secures its special interest for the public benefit, the range of uses proposed for the site are considered acceptable and in accordance with the thrust of policies EM4, SR1 and SR12 of the Brighton & Hove Local Plan.

**Design and Appearance:**

8.32 The internal works to facilitate the changes of use are addressed separately within the associated application for Listed Building Consent. Externally, the application proposes a number of demolitions and restorations to the existing buildings, and a number of new build extensions and stand-alone elements. These works would have an impact on the preservation of the character and appearance of the Old Town Conservation Area, and to the preservation of the setting of adjacent listed buildings on Middle Street, Ship Street and Ship Street Gardens. The principle of the demolitions proposed has been addressed above, with only the least significant parts of the historic fabric of the listed buildings to be lost. The application also proposes the demolition of 11 Dukes Lane to create a twitten through to Middle Street and into the development. This narrow building is not of historic significance and its loss to accommodate the twitten would not be fundamentally harmful to the character of the area. The proposal includes new bay windows to the adjacent buildings to provide suitable active frontage and interest through to the new build cinema entrance foyer and restaurants on the north side of the site.

#### Restorations

8.33 In order to justify the part demolition and conversion of the buildings, the application proposes the retention and restoration of all elements of principal significance to both the Hippodrome and Hippodrome House. The roof and Middle Street façade to the Hippodrome is to be restored back to its original appearance, as designed by Lewis Karlake circa 1902. The main dome is to be restored with the reinstatement of its original lantern, whilst further restorations to reinstate the decorative finishes and Juliet balconies to the ventilation and stair towers are also proposed. The replica canopy fronting Middle Street is also to be removed entirely and the original three bay entrance portico restored. These works would have significant positive impact on the appearance of the building and wider conservation area.

8.34 At Hippodrome House, the application proposes the restoration of its frontage, which has been substantially and harmfully altered at ground floor level. A pedimented doorcase is to be reinstated, with new steps to pavement level, alongside the re-instatement of timber sash windows adjacent. Further works to rationalise the window arrangement to 52 Middle Street (which forms part of Hippodrome House) are also proposed, including a new rusticated plinth to match that to no.51 adjacent. As with the Hippodrome, these works would significantly improve the appearance of the building, providing greater continuity to its façade and greater visual interest particularly in views from Boyces Street opposite. The overall impact of these restorations would be positive to the special historic character and appearance of both listed buildings, the setting of adjacent listed buildings, and the wider Old Town Conservation Area.

8.35 Internally, the application proposes the full restoration of the main auditorium plasterwork and dome, the re-use of the equestrian ramp to provide access to the basement cinema auditoria, and the restoration of the entrance ways and crush rooms. Hippodrome House currently retains a number of former stage sets and items within its Palm Court, including a large Venetian bridge. These are proposed to be re-located to the exit routes within the Hippodrome,

thereby preserving artefacts of historical interest. The layout of the development has been arranged to include areas where the ornate interior of the dome can be appreciated other than from within the mezzanine restaurant. These include an 'oculus' cut into the mezzanine level where the full ground to ceiling height of the auditorium can be appreciated, and a glass wall between the restaurant and cinema foyer to maximise the public's ability to appreciate the historical significance of this space without needing to enter the restaurant. These elements add to the overall public benefit of the proposal.

New build elements

- 8.36 The new build elements essentially form one extension commencing on the Middle Street frontage between Hippodrome House and no.49 Middle Street and extending to the rear of both Hippodrome House and the Hippodrome. The extensions are modern in appearance but designed to complement the scale and material finish of the area. The cinema entrance foyer to Middle Street forms a contemporary largely glazed addition to the street punctuated by a double height glazed tile portico. The design and proportions of this building have been carefully designed to follow the lines, rhythm and proportions to the adjacent buildings, whilst the use of glazed clay tiles is reflective of materials used elsewhere in the conservation area. As such, this building represents a well considered and well designed addition to the street that would sit comfortably in its context and have a positive impact on the setting of the adjacent listed buildings and wider conservation area.
- 8.37 The entrance foyer would extend into the site with glazed and rendered elevations to the north opening onto the new link twitten between Dukes Lane and Middle Street. The two storey foyer would then turn south and link into the new cinema auditoria buildings rear of Hippodrome House and the Hippodrome itself. The first of these buildings would project deep into the site and house the largest cinema screens. This element of the build would form the tallest part of the new build element, but would be no greater in height than the existing fly tower set further to the south. A section drawing has been provided which shows that the scale and massing of this part of the development would not be readily visible above Hippodrome House in long views from Boyces Street, whilst its position deep into the site is such that it would not be visible from along Middle Street. Indeed its position is such that it would only be visible in limited public views from Ship Street to the east, and from higher level private viewpoints immediately adjacent to the site. The building would be clad in a glazed rainscreen, which would help recess its overall massing, with flint elevations below to reflect the historic gardens and boundaries that previously formed the site.
- 8.38 The scale and massing of this part of the extension would then morph into a lower scale building housing further cinema auditoria. This building would largely replace the existing 1950s fly tower and stage house, but to a lower overall height. Following amendments, it would be completed in a red brick finish to match the existing and to complement the finishes to the adjacent buildings to the rear and south. This finish would result in a similar visual impact to existing when viewed from the adjacent buildings to the south and rear, particularly given its position set directly on the rear and southern site



boundaries. Given its reduced overall height, this element of the proposal would better relate to and expose the restored dome to the Hippodrome when viewed from adjacent buildings.

- 8.39 Although covering the entire rear elevation to the Hippodrome and Hippodrome House, given the secondary nature and lesser significance of these elevations the overall scale, design and massing of the new building extensions would not compromise the integrity of the listed buildings to a significant or harmful degree., or result in harm to the preservation of the setting of adjacent listed buildings and Old Town Conservation Area Accordingly, and subject to conditions requiring further detailed elevations and materials samples, the proposals would accord with policies QD1, QD2, QD14, HE1 & HE6 of the Brighton & Hove Local Plan.
- 8.40 The application also proposes a new stand alone building within the rear service yard fronting Ship Street. This building would be of a scale that complements the existing street scene and would be finished in a palette of render and glazed clay tiles to provide a visual link to the entrance foyer fronting Middle Street. The building would help infill an awkward gap in the Ship Street street scene and is of a general scale and design that would appropriately reflect the adjacent buildings and general character of the street. Accordingly it is considered a suitable addition that would benefit the overall character of Ship Street and the Old Town Conservation Area. Similarly the introduction of bay windows and new shop windows to 10 and 12-14 Dukes Lane and to 47 Middle Street would improve the active frontage to both Middle Street and the new twitten, to the benefit of the wider area.

Landscaping/public realm:

- 8.41 The application proposes a number of public realm works to define the application site and improve the overall street scene character of the area. The main works, as revised, include the resurfacing of Dukes Lane in materials to match existing, new concrete pavements and granite setts to the extended Middle Street footway, permeable paving blocks to the service yard, and clay brick setts to the Ship Street footway outside the site. Also proposed are new stone steps through the new twitten, new stepped access into Hippodrome House (necessitating the widening of the Middle Street footway at this point), and a new disabled ramp to the Hippodrome frontage. The use of materials has been agreed in consultation with heritage and transport officers and would suitably complement those of the surrounding area.

**Impact on Amenity:**

- 8.42 Policy QD27 states that planning permission for any development will not be granted where it would cause material nuisance and loss of amenity to the proposed, existing and/or adjacent users, residents, occupiers or where it is liable to be detrimental to human health. Policy SU10 requires proposals to minimise the impact of noise on the occupiers of adjacent buildings.
- 8.43 The main considerations are the impact of the scale and massing of the new build elements on light, outlook and privacy to neighbouring properties, and the impact of noise and vibration from the cinema auditoria on the nearest

residential properties to the south and west. The application is supported by a Daylight and Sunlight Report (Malcolm Hollis) and Noise Assessment (Cole Jarman).

Light, outlook and privacy

- 8.44 Residential properties are located opposite the site on Middle Street, to the north along Dukes Lane, adjacent to the rear along Ship Street, and adjacent to the south along Ship Street Gardens. Other commercial properties are located on all sides.
- 8.45 To the north, the residential maisonettes along Dukes Lane sit above the ground floor retail units with their front aspect and main roof gardens facing south across the application site. As existing, these properties have an open aspect set 23m from the nearest part of the Hippodrome with high levels of daylight and sunlight. The proposed new build elements would be set considerably closer to these properties at a separation of 17m to the south and 4m to the west. The height (8.7m to the west and between 13m and 15.2m to the south) and proximity of these extensions is such that the outlook and amount of sunlight reaching these properties would be noticeably reduced from existing. The daylight/sunlight survey identifies that three windows to 7 & 8 Dukes Lane would fail the BRE test, however these form part of bay windows that would otherwise retain acceptable light levels and outlook away from the extensions. All other windows within the properties along Dukes Lane would remain BRE compliant, with the separation to the extensions sufficient to avoid excessive oppression of outlook. The plans show the first floor foyer to the cinema to have glazing facing across the first floor roof gardens to the properties on Dukes Lane. For the avoidance of doubt and to secure privacy, a condition is attached to ensure this glazing is obscured at all times.
- 8.46 To the rear/east, residential properties are located in the ground and basement wings and upper floors to 19 Ship Street. The rear basement flat is served in the main by rooflights, with a rear kitchen and small north facing courtyard abutting the existing fly tower. The plans detail that the massing of the re-built fly tower would be increased such that it would further harm light and outlook to this property. The daylight/sunlight report details that this window already significantly fails the test for acceptable daylight, and that the level of daylight to the kitchen and courtyard would worsen. In this instance, the glazed rain screen to the extension would reflect natural light back into the property thereby offsetting much of this harm, whilst the increased massing would not substantially worsen the already oppressed outlook to the kitchen and courtyard. For this reason any harm to the amenities of this dwelling would not be so significant as to outweigh the heritage and public benefits of the wider proposal.
- 8.47 Residential flats are located within the upper floors to 19 Ship Street, one of which has a bedroom window facing the flank wall to the proposed retail/office building at a separation of 1.2m. The degree of daylight reaching this bedroom window would significantly worsen as a result of the development however such isolated impact should be considered against the wider benefits of this part of the development in restoring street frontage to Ship Street. In order to

retain acceptable levels of daylight to this single room the proposed building would either need to be significantly moved to the north, significantly truncated in its form, or removed altogether. All three options would have a worse impact on the appearance of the street than that proposed by introducing exaggerated gaps between buildings and/or compromised and uncomplimentary building forms. For this reason the harm to the window to the side of 19 Ship Street is considered acceptable in this instance. The daylight sunlight report identifies that top floor windows to the side of 19 Ship Street would also fail, however these serve an office unit where such an impact is less significant.

- 8.48 To the south, the daylight/sunlight assessment calculates that all residential windows to the rear of adjacent properties within Ship Street and Ship Street Gardens would not fail the BRE test for loss of daylight. The building massing to this part of the development would remain broadly the same as existing, but with a lower overall height. The plans have been amended to include brick elevations to this section instead of rain screening, thereby ensuring that the extension is in keeping with its surrounds with outlook to facing windows remaining broadly the same as existing. The proposal includes the removal of all existing flues and plant units on the southernmost roof, thereby improving outlook and removing their potential for disturbance.
- 8.49 The application proposes no significant extensions fronting the nearest residential properties on Middle Street, therefore the levels of light and outlook to these properties will remain largely as existing.

Noise/vibration

- 8.50 The change of use of the building to an 8-screen cinema with associated restaurants has the potential to cause significant disturbance to adjacent residents both from noise from the cinemas, restaurants and plant units, and from vibration from the cinema audio systems. This impact would be most profound to the properties at 19 Ship Street and 13a Ship Street Gardens which directly abut cinema auditoria B, C & H.
- 8.51 The Noise Report submitted with the application identifies that noise levels to the rear of the Hippodrome are low, at approximately 34db, therefore occupiers of the adjacent properties would be sensitive to any noise from the development. The advice of the Report and Environmental Health officers is that the external plant units should target a noise level 10db below background levels to avoid causing undue disturbance to neighbouring residents. The majority of the plant units are located either at basement level towards the north of the site or at roof level behind screens. Environmental Health officers are of the view that, subject to further details by condition, the plant units should be able to meet the target of 10db below background.
- 8.52 The main potential noise impact would be from noise breakout from the showing of films, particularly those within auditoria B, C & H in the southeast corner of the building. The proximity of the adjacent residential properties is such that noise and vibration transmission through party walls has the potential to be significant and harmful. To minimise this risk, Environmental

Health officers have recommended that cinema noise levels inside adjacent residencies should not exceed 20dB(A), which is likely to be the approximate internal background noise levels during night time hours. This target is sought to reduce the possibilities of any noise complaints being made and prevent an assessment of Statutory Noise Nuisance under The Environmental Protection Act 1990. This is because even quiet, low frequency noise and vibration arising from cinema noise, occurring every day until 2am in an adjacent residential premises, has the potential to be a Statutory Noise Nuisance irrespective of other guidance.

- 8.53 To help achieve this standard, the applicants are proposing that the cinema auditoria in this location be constructed as essentially a 'box within a box', set on floating concrete slabs and on their own pile foundations to allow the auditoria to be entirely independent of the external structures. Details of this construction are included in the appendices within the Noise Report and addendum.
- 8.54 The Noise Reports calculates that this form of construction, to include additional sound insulation and absorption, would result in an average internal noise level of 3dB during the showing of films, with maximum levels of 16dB. These levels are significantly below potential background noise levels. Within the external courtyard areas to the adjacent residencies, the proposed structure would achieve average levels of 7dB, and maximum levels of 20dB. These levels are also below external background noise levels.
- 8.55 Noise break out from the restaurant uses towards the nearest residential uses have also been considered, and the Report concludes that noise from general conversation and some amplified music would sit below measured background noise levels during operating hours. As such Environmental Health officers have raised no concern with this potential amenity impact.
- 8.56 In terms of noise and vibration through service voids and sewers, the proposed box-in-box construction would significantly reduce this risk by setting the auditoria off any such structures. The Noise Report considers any such impact to be 'highly unlikely' in this circumstance.
- 8.57 On the basis of the information provided, and subject to conditions to secure details of final structures to meet the criteria set out above, the proposed development would not have a significant or detrimental impact on the amenities of adjacent residents by way of noise and/or vibration disturbance.
- 8.58 In terms of noise disturbance from patrons entering and exiting the site and dispersing through surrounding streets, consideration should be has to the potential for similar disturbance were the building to be restored as a Bingo Hall. The nature of the uses is such that patrons would enter and leave the site on a staggered basis throughout the day and night, thereby ensuring no pinch points where large volumes of people exit the site at any one time. The applicants propose opening hours of 08:00 to 00:00 daily for the A3 uses and 10:00 and 02:00 daily for the cinema, which would ensure that the potential for excessive late night disturbance is minimised. Similarly consumption of alcohol

is to be restricted to table service within the restaurant uses, thereby reducing the opportunities for anti-social behaviour. Subject to the recommended conditions the proposed uses would not result in significant disturbance to neighbouring residents above and beyond that reasonable expected in a town centre location such as this.

**Sustainable Transport:**

- 8.59 Policy TR1 requires that development proposals provide for the demand for travel they create and maximise the use of public transport, walking and cycling. TR7 will only permit developments that do not increase danger to other road users whilst policy TR19 requires development proposals to accord with the Council's maximum car parking standards, as set out in Supplementary Planning Guidance Note 4: Parking Standards.
- 8.60 The site is in a sustainable City Centre location which benefits from excellent public transport links. The application includes a service yard to the rear accessed from Ship Street which includes parking for 23 vehicles. This level of parking is as existing and is retained as part of an ongoing long term commitment to the residential and commercial units on Dukes Lane. The development itself provides no onsite parking provision for the proposed uses therefore there would be no additional vehicular traffic to the site from existing other than from servicing vehicles. These servicing vehicles would be accommodated within a designated service yard to the rear of the building accessed from Ship Street. The submitted Transport Statement identifies that the yard is capable of safely accommodating a range of vehicles, including 8.6m fire appliances, and 7.9m refuse trucks thereby meeting the needs of the development without placing undue pressure on surrounding streets.
- 8.61 The development would result in a significant uplift in trips to and from the site, with the majority of patrons accessing the development via the existing car parks and public transport facilities in the area. An audit of routes from the nearest car parks, public transport routes, and disabled parking bays has been carried out which identifies that improvements to a number of footways are required. These improvements are to be secured by way of a contribution of £20,000 within the s106 heads of terms. A travel plan is also required to help minimise car trips into the city centre, and is secured by condition.
- 8.62 Further works are required to block the existing access point from Middle Street, with the access point from Ship Street also to be narrowed. These alterations can be suitably managed via condition, alongside the materials for the replacement and enlarged footways around the site.
- 8.63 The plans detail accommodation for 20 bicycles fronting Middle Street and Ship Street, with a further 20 spaces at basement level within the building for use by staff of all units within the development. This level of provision is compliant with the standards set out in SPGBH4.
- 8.64 Subject to the matters set out in the s106 Heads of Terms and the recommended conditions the proposed development would safely meet the

travel demand it would generate in accordance with policies TR1, TR7, TR14 and TR19 of the Brighton & Hove Local Plan.

**Sustainability:**

- 8.65 Policy SU2 states that planning permission will be granted for proposals which demonstrate a high standard of efficiency in the use of energy, water and materials. As a major development, SPD08 requires the new build elements to meet BREEAM 'Excellent' achieving 60% in the energy and water sections, and the conversion elements within existing structures to demonstrate no additional net annual CO2 emissions, reduction in water consumption and minimisation of surface water run-off.
- 8.66 The application is supported by an Energy Strategy which details that the conversion works within the retained structures will result in a net reduction in carbon emissions and water consumption through measures such as improved insulation. Following negotiations, the applicants have confirmed that the new build elements, which include the extensions to both buildings, will achieve BREEAM 'very good', including measures such as a green roof, air source heat pumps and high efficiency gas fired water heating. The justification for this lower standard is based on a combination of factors including the site constraints, and the technical and financial viability of reaching an 'excellent' standard given the nature of the listed buildings. Given the evidence provided, the status of this 'at risk' listed building, and the overall public benefits of the proposal it is considered that this lower standard can be supported in this instance. This is secured by condition. Subject to these matters the proposed development will accord with the requirements of policy SU2 and SPD08 guidance.

**Ecology/Nature Conservation:**

- 8.67 The site does not contain any known protected species however an informative is attached to advise the applicants of their responsibilities under the Wildlife and Countryside Act 1980 should any protected species be found during works. In accordance with the advice of the County Ecologist a condition is attached to secure a scheme to improve the net biodiversity of the development, in accordance with policy QD17.

**Other Considerations:**

- 8.68 In addition to the £20,000 sought to improve sustainable transport infrastructure in the vicinity of the site, a further contribution of £30,720 towards the Local Employment Scheme is sought within the s106. Policy QD6 requires a scheme of this size to include a Public Art contribution equivalent to £59,000 however in this instance, given the nature of the scheme and the significant public benefit in the restoration and re-occupation of the listed buildings, no such contribution is being sought.
- 8.69 Also within the s106 Heads of Terms are clauses to secure the recording of the building prior to works commencing, and a requirement that all works to Grade II\* listed Hippodrome and Hippodrome House are completed in their entirety before first occupation of any part of the development. This is to ensure that the public benefits of the development, which justify the

interventions proposed, are fully realised. In order to minimise the risk that the A3 units within the Hippodrome close and the spaces become unavailable for public consumption, a clause is recommended to secure a management plan to enable the Hippodrome to be made open for public use prior to new permanent occupiers being found. This plan is linked to condition 3, which provides a flexible range of uses for these two units.

## **9 CONCLUSION**

- 9.1 The Grade II\* Brighton Hippodrome and adjacent Hippodrome House are in a poor and deteriorating state of repair such that they have been identified as Buildings at Risk on both the English Heritage and council registers. It has been satisfactorily demonstrated that the proposed development to part-demolish, extend and convert the buildings to form a cinema complex with associated restaurants represents the optimum viable use of the buildings.
- 9.2 Subject to the submission of further details the proposed extensions, alterations and restorations would result in a very significant public benefit by both restoring and re-occupying the most significant parts of the listed buildings and contributing positively to the overall character and regeneration of this part of the Old Town Conservation Area. This significant public benefit would outweigh the strong statutory presumption against planning permission being granted where harm to the preservation of a listed building, its setting, or to a conservation area has been identified, to which considerable importance and weight has been attached. Subject to conditions, the proposed uses would not have a significantly detrimental impact on the amenities of adjacent occupiers or on highway safety. Taken as a whole, the condition of the listed building and the public benefit derived from the positive aspects of the proposals are therefore considered to outweigh the harm afforded by the various demolitions and insertions, in accordance with the NPPF and development plan policies.

## **10 EQUALITIES**

- 10.1 The proposed development would be accessible for all.

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

### **11.1 S106 Heads of Terms**

- Contribution towards improvements to sustainable transport infrastructure to the sum of £20,000.
- Contribution towards the 'Local Employment Scheme' to the sum of £30,720.
- Commitment to an Employment Strategy to use 20% of local labour.
- The submission of a Construction and Environmental Management Plan, to include the registration of the development with the Considerate Constructors Scheme

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- Prior to demolition, the submission of detailed records of the existing building and an agreement for the suitable retention and integration of original features within the new development.
- A strategy to ensure that within an agreed period following the vacation of the ground and mezzanine floor levels to the Hippodrome, these floors remain in occupation and open to the public as a heritage benefit until permanent occupation is resumed
- Commitment to the full completion of the restoration works to the Hippodrome and Hippodrome House in accordance with the agreed plans and all matters reserved by condition prior to first occupation of the development.

11.2 Regulatory Conditions:

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

Plan Type	Reference	Version	Date Received
Existing site location plan	P100	D	28/05/2014
Existing block plan	P125	A	30/01/2014
Existing floor plans showing demolitions	P134	A	30/01/2014
	P135	B	05/02/2014
	P136	A	30/01/2014
Existing elevations showing demolitions	P137	B	05/02/2014
Existing sections	P131	-	30/01/2014
	P132	-	30/01/2014
	P133	-	30/01/2014
	P140	A	05/02/2014
	P141	-	30/01/2014
	P142	-	05/02/2014
	P146	-	05/02/2014
Topographical surveys	3721-T	A	17/01/2014
	3721-T	A	17/01/2014
Proposed floor plans	P101	B	28/05/2014
	P102	B	28/05/2014
	P103	B	28/05/2014
	P104	B	28/05/2014
	P105	B	28/05/2014
	P106	B	28/05/2014
	P107	B	28/05/2014
	P129	A	28/05/2014
Proposed elevations	P115	C	28/05/2014



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	P116	B	28/05/2014
	P117	B	28/05/2014
	P118	D	28/05/2014
	P119	C	28/05/2014
	P120	C	28/05/2014
	P128	A	28/05/2014
Proposed sections	P108	B	28/05/2014
	P109	B	28/05/2014
	P110	B	28/05/2014
	P111	B	28/05/2014
	P112	B	28/05/2014
	P113	B	28/05/2014
	P114	B	28/05/2014
	P139	A	28/05/2014
	P145	A	28/05/2014
Landscaping plan	P122	C	04/06/2014
Dukes Lane bay window details	SK94	-	16/04/2014
Boyces Street section	P147	-	16/04/2014

- 3) The ground and first/mezzanine floors to the Hippodrome shall be used only for the provision of restaurants/cafes (Use Class A3) as detailed on drawing nos. P101 rev.B and P104 rev.B received on 28 May 2014 (annotated as Restaurant 3 'oculus' and Dome Restaurant), or as a museum, public library, or public hall/exhibition hall (Use Class D1), and for no other purpose (including any other purpose in Classes A3 or 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:** In order to maximise the occupancy of the listed building for the public benefit and to comply with policy HE1 of the Brighton & Hove Local Plan.
- 4) The D2 (cinema) use hereby permitted shall not be open to customers except between the hours of 10:00 and 02:00 daily.  
**Reason:** To safeguard the amenities of the locality and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.
- 5) The A3 (restaurants and cafes) uses hereby permitted shall not be open to customers except between the hours of 08:00 and 00:00 daily.  
**Reason:** To safeguard the amenities of the locality and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.
- 6) No alcohol shall be sold or supplied in any café or restaurant which has a public floorspace in excess of 150 square metres within the development hereby permitted except to persons who are taking meals on the premises and who are seated at tables.

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**Reason:** To prevent noise, nuisance, disturbance and public disorder, to protect the amenities of the occupants of residential accommodation within the development and within the vicinity of the site and to comply with policies QD2, QD7, QD27 and SR12 of the Brighton & Hove Local Plan.

- 7) No deliveries, waste collections or non-emergency servicing shall be undertaken at any premises within the development hereby permitted except between the hours of 08:00 and 20:00 Mondays to Fridays and 08:00 and 18:00 on Saturdays, and not at any time on Sundays, Bank or Public Holidays.  
**Reason:** To safeguard the amenities of the occupiers of neighbouring properties and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.
- 8) All glazing in the rear west elevation of the entrance foyer shall be obscure glazed and non-opening and thereafter permanently retained as such.  
**Reason:** To safeguard the privacy of the occupiers of the adjoining property and to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.
- 9) 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 listed buildings and the visual amenities of the locality and to comply with policies QD1, QD27, HE1 & HE6 of the Brighton & Hove Local Plan.
- 10) The railings shown on the approved plans shall be painted black within one month of installation and shall be retained as such thereafter.  
**Reason:** To ensure the satisfactory preservation of this listed building and to comply with policy HE1 of the Brighton & Hove Local Plan.
- 11) 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 (excluding customers and deliveries) to Dukes Lane, and shall not at any time be used for the parking of vehicles and motorcycles belonging to staff, occupants or visitors to the cinema and restaurant uses hereby permitted.  
**Reason:** To ensure that adequate parking provision is retained and to comply with policy TR19 of the Brighton & Hove Local Plan.
- 12) All hard surfaces hereby approved within the development site shall be made of porous materials and retained thereafter or provision shall be made and retained thereafter to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the site.  
**Reason:** To reduce the risk of flooding and pollution and increase the level of sustainability of the development and to comply with policy SU4 of the Brighton & Hove Local Plan.

11.3 Pre-Commencement Conditions:

- 13) No works shall take place until 1:20 scale elevations and sections of the new bays to the gable ends of 10 and 12 Duke's Lane 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 HE6 of the Brighton & Hove Local Plan.

- 14) No development shall take place until a sample panel of the proposed flint panels to the ground floor to the new cinema building, including pointing, has been constructed on the site 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 policies HE1 & HE6 of the Brighton & Hove Local Plan.

- 15) No development shall take place until details in respect of the following have been submitted to and approved in writing by the Local Planning Authority:

- a) Details of the service gates on Ship Street
- b) Samples of all external facing materials, including roof coverings, cladding, and render and paint finishes to the Middle Street façades
- c) Samples of all new hard landscaping materials

Development shall be carried out in full in accordance with such approved details:

**Reason:** To ensure the satisfactory preservation of this listed building and to comply with policies QD1, QD2, HE1 & HE6 of the Brighton & Hove Local Plan.

- 16) No development shall take place until details in respect of the following external works, including 1:20 scale elevations and 1:1 scale profiles where appropriate, have been submitted to and approved in writing by the Local Planning Authority:

- a) the replacement windows to the west elevation of the Hippodrome and Hippodrome House.
- b) the Juliet balconies to west elevation of Hippodrome House.
- c) the proposed ramped access to the Hippodrome, to include materials and finished appearance.
- d) the reinstated Matcham entrance to the west elevation of the Hippodrome.
- e) the proposed doorcase to Hippodrome House, to include steps and materials and finishes
- f) Method statement for repair of stone and terracotta to west elevation of Hippodrome and Hippodrome House

Development shall be carried out in full in accordance with the approved details.

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**Reason:** As insufficient information has been submitted, to ensure the satisfactory preservation of this listed building and to comply with policies QD1, QD2, HE1, HE4 & HE6 of the Brighton & Hove Local Plan.

- 17) No development shall take place until full details in respect of the rain screen cladding within Hippodrome yard is to be submitted to and approved in writing by the Local Planning Authority in consultation with English Heritage.

**Reason:** To ensure a satisfactory appearance to the development and to comply with policies HE1 & HE6 of the Brighton & Hove Local Plan.

- 18) 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 details and materials for all hard surfacing, and full details of all boundary treatments and gates.

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

- 19) No development approved by this permission shall be commenced until a scheme for the provision of surface water drainage works has been submitted to and approved in writing by the Local Planning Authority. The drainage and sewerage works shall be completed in accordance with the details and timetable agreed.

**Reason:** To prevent the increased risk of flooding and to prevent pollution of controlled waters by ensuring the provision of a satisfactory means of surface water disposal and to comply with policies SU3, SU4 and SU5 of the Brighton & Hove Local Plan.

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

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

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

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

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- 22) No development shall take place until a scheme setting out the highway works to implement a continuous footway on the eastern side of Middle Street in front of the development site which shall include 5 Sheffield stand cycle parking spaces and the reinstatement of footway at the redundant access on Ship Street has been submitted to and approved in writing by the Local Planning Authority. No part of the approved development shall be occupied until the approved highway works have been carried out in accordance with the approved scheme.  
**Reason:** To ensure the development provides for the needs of pedestrians and cyclists travelling to the development and to ensure the development is in accordance with Local Plan policies TR1, TR7, TR8 and TR14.
- 23) No development shall commence until the adopted highway on Middle Street where the new portico is proposed, as is indicated on drawing no. P101 revision B received on 28 May 2014 (proposed ground floor plan), has been stopped up.  
**Reason:** To ensure that satisfactory access arrangements are provided to the development and to comply with policy TR7 and TR8 of the Brighton & Hove Local Plan.
- 24) 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.
- 25) Unless otherwise agreed in writing by the Local Planning Authority, no development shall commence until BRE issued Interim/Design Stage Certificates demonstrating that all new build elements, including all extensions, have achieved a minimum BREEAM rating of 60% in energy and water sections of relevant BREEAM assessment within overall 'Very Good' have been submitted to, and approved in writing by, the Local Planning Authority. A completed pre-assessment estimator will not be acceptable.  
**Reason:** To ensure that the development is sustainable and makes efficient use of energy, water and materials and to comply with policy SU2 of the Brighton & Hove Local Plan and Supplementary Planning Document SPD08 Sustainable Building Design.
- 26) No development shall take place until details of the construction of the green roofs have been submitted to and approved in writing by the Local Planning Authority. The details shall include a cross section, construction method statement, the seed mix, and a maintenance and irrigation programme. The roofs shall then be constructed in accordance with the approved details and shall be retained as such thereafter.

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**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) No development shall take place until details of external lighting have been submitted to and approved in writing by the Local Planning Authority. The external lighting shall be installed in accordance with the approved details and thereby retained as such unless a variation is subsequently submitted to and approved in writing by the Local Planning Authority.

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

- 28) The development hereby permitted shall not be commenced until full details of the following have been submitted to and approved in writing to the Local Planning Authority:

- a) a scheme that includes appropriate calculations and structural details to demonstrate that noise from the auditoria along the southern and eastern parts of the building will achieve a target value of 20dB(A)  $L_{max,s}$  or less inside the immediately adjacent residential properties along Ship Street Gardens and Ship Street. The scheme shall be based on the details outlined in the Cole Jarman Addendum 01-0 (Ref:13-4108-R02-2-ADDENDUM01-0), dated 02 June 2014, and the Cole Jarman Noise Report (Ref 13-4108-R01-2) dated 20 March 2014,.
- b) details of measures to ensure that noise break out levels from the cinema auditoria and restaurants, other than those addressed under part i) above, will not exceed 5dB below background ( $L_{A90}$ ) noise levels at the nearest noise sensitive receptors. The submitted measures shall include calculations detailing the structural details and sound insulation properties of the Hippodrome and cinema auditoria where appropriate.

The agreed details shall be installed as approved prior to the first occupation of the development and shall thereafter be retained and maintained as such.

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

- 29) The development hereby permitted shall not be commenced until full details of the following have been submitted to and approved in writing to the Local Planning Authority:

- a) measures to prevent vibration from the cinema auditoria and restaurant uses from being transmitted to adjacent structures and premises
- b) a scheme for the sound insulation of the basement floor to the Hippodrome to prevent noise and vibration from the cinema auditoria from being transmitted via the sewer system to adjacent structures

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- c) a scheme for the suitable treatment of all internal and external plant and machinery against the transmission of sound and vibration. The scheme shall include calculations to demonstrate that a target Rating Level of 10dB(A) below the existing LA90 background noise level will be achieved when measured or calculated at 1-metre from the façade of the nearest existing noise sensitive premises,. If the target level cannot be achieved, full justification for this must be submitted. The Rating Level and existing background noise levels shall be determined as per the guidance provided in BS 4142:1997.
- d) a scheme for the fitting of odour control equipment to the building  
The agreed details shall be installed as approved prior to the first occupation of the development and shall thereafter be retained as such.  
**Reason:** To safeguard the amenities of the occupiers of neighbouring properties and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.
- 30) (i) No works pursuant to this permission shall commence until there has been submitted to and approved in writing by the local planning authority:
- (a) A desk top study documenting all the previous and existing land uses of the site and adjacent land in accordance with national guidance as set out in Contaminated land Research Report Nos. 2 and 3 and BS10175:2001 - Investigation of Potentially Contaminated Sites - Code of Practice;  
(Please note that a desktop study shall be the very minimum standard accepted. Pending the results of the desk top study, the applicant may have to satisfy the requirements of b and c below. However, this will be confirmed in writing);
- and unless otherwise agreed in writing by the local planning authority,
- (b) a site investigation report documenting the ground conditions of the site and incorporating chemical and gas analysis identified as appropriate by the desk top study in accordance with BS10175:2001;
- and, unless otherwise agreed in writing by the local planning authority,
- (c) a detailed scheme for remedial works and measures to be undertaken to avoid risk from contaminants and/or gases when the site is developed and proposals for future maintenance and monitoring. Such scheme shall include nomination of a competent person to oversee the implementation of the works.
- (ii) The development hereby permitted shall not be occupied or brought into use until there has been submitted to the Local Planning Authority verification by a competent person approved under the provisions of condition (i)c that any remediation scheme required and approved under the provisions of condition (i)c has been implemented fully in accordance with the approved details (unless varied with the written agreement of the Local Planning Authority in advance of implementation). Unless otherwise agreed in writing by the Local Planning Authority such verification shall comprise:
- a) as built drawings of the implemented scheme;

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- b) photographs of the remediation works in progress;
- c) certificates demonstrating that imported and/or material left in situ is free from contamination.

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

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

### 11.4 Pre-Occupation Conditions:

- 31) 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.

- 32) Within 3 months of occupation of the development hereby approved, the Developer or owner shall submit to the Local Planning Authority for approval in writing, a detailed Travel Plan (a document that sets out a package of measures and commitments tailored to the needs of the development, which is aimed at promoting safe, active and sustainable travel choices by its users (staff, visitors & suppliers).

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

- 33) Unless otherwise agreed in writing by the Local Planning Authority, the development hereby approved shall not be occupied until a BREEAM Building Research Establishment issued Post Construction Review Certificate confirming that all new build elements, including all extensions, have achieved a minimum BREEAM rating of 60% in energy and water sections of relevant BREEAM assessment within overall ‘Very Good’ have been submitted to, and approved in writing by, the Local Planning Authority.

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

### 11.5 Informatives:

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



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

- (ii) for the following reasons:-

The Grade II\* Brighton Hippodrome and adjacent Hippodrome House are in a poor and deteriorating state of repair such that they have been identified as Buildings at Risk on both the English Heritage and council registers. It has been satisfactorily demonstrated that the proposed development to part-demolish, extend and convert the buildings to form a cinema complex with associated restaurants represents the optimum viable use of the buildings.

Subject to the submission of further details the proposed extensions, alterations and restorations would result in a very significant public benefit by both restoring and re-occupying the most significant parts of the listed buildings and contributing positively to the overall character and regeneration of this part of the Old Town Conservation Area. This significant public benefit would outweigh the strong statutory presumption against planning permission being granted where harm to the preservation of a listed building, its setting, or to a conservation area has been identified, to which considerable importance and weight has been attached. Subject to conditions, the proposed uses would not have a significantly detrimental impact on the amenities of adjacent occupiers or on highway safety. Taken as a whole, the condition of the listed building and the public benefit derived from the positive aspects of the proposals are therefore considered to outweigh the harm afforded by the various demolitions and insertions, in accordance with the NPPF and development plan policies.

3. The applicant is advised that formal applications for connection to the public sewerage system and to requisition water infrastructure are required in order to service this development. Please contact Southern Water, Southern House, Sparrowgrove, Otterbourne, Hampshire, SO21 2SW (tel 0330 303 0119), or [www.southernwater.co.uk](http://www.southernwater.co.uk)
4. The applicant is advised that this planning permission does not override the need to enter into a S278 Agreement under the Highways Act 1980 prior to any works starting on the adopted highway.
5. The applicant is advised that in order to satisfy the requirements of condition 23 they must apply to the National Transport Casework Team ([nationalcasework@dft.gsi.gov.uk](mailto:nationalcasework@dft.gsi.gov.uk) 0207 944 4310) under the Section 247 of the Town & Country Planning Act 1990 to stop up the adopted highway on Middle Street where the proposed portico is to be located.
6. The Travel Plan shall include such measures and commitments as are considered necessary to mitigate the expected travel impacts of the

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development and should include as a minimum the following initiatives and commitments:

- Promote and enable increased use walking, cycling, public transport use, car sharing, and car clubs as alternatives to sole car use
  - A commitment to reduce carbon emissions associated with business and commuter travel:
  - Increase awareness of and improve road safety and personal security:
  - Undertake dialogue and consultation with adjacent/neighbouring tenants/businesses:
  - Identify targets focussed on reductions in the level of business and commuter car use:
  - Identify a monitoring framework, which shall include a commitment to undertake an annual staff travel survey utilising iTrace Travel Plan monitoring software, for at least five years, or until such time as the targets identified in section (v) above are met, to enable the Travel Plan to be reviewed and updated as appropriate:
  - Following the annual staff survey, an annual review will be submitted to the Local Planning Authority to update on progress towards meeting targets:
  - Identify a nominated member of staff to act as Travel Plan Co-ordinator, and to become the individual contact for the Local Planning Authority relating to the Travel Plan.
  - Provide the occupiers of each new residential unit with a Travel Plan pack which provides information such as walking & cycle maps, public transport information, to promote the use of sustainable travel.
7. The applicant is advised that this planning permission does not override the need to obtain a licence under the Licensing Act 2003. Please contact the Council's Licensing team for further information. Their address is Environmental Health & Licensing, Bartholomew House, Bartholomew Square, Brighton BN1 1JP (telephone: 01273 294429, email: [ehl.safety@brighton-hove.gov.uk](mailto:ehl.safety@brighton-hove.gov.uk), website: [www.brighton-hove.gov.uk/licensing](http://www.brighton-hove.gov.uk/licensing)).
8. The applicant is advised that under Part 1 of the Wildlife and Countryside Act 1981 disturbance to nesting birds, their nests and eggs is a criminal offence. The nesting season is normally taken as being from 1<sup>st</sup> March – 30<sup>th</sup> September. The developer should take appropriate steps to ensure nesting birds, their nests and eggs are not disturbed and are protected until such time as they have left the nest.
9. The applicant is advised of the possible presence of bats on the development site. All species of bat are protected by law. It is a criminal offence to kill bats, to intentionally or recklessly disturb bats, damage or destroy a bat roosting place and intentionally or recklessly obstruct access to a bat roost. If bats are seen during construction, work should

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stop immediately and Natural England should be contacted on 0300 060 0300.

10. The applicant is advised that this permission does not authorise any advertisements shown on the submitted drawings. A separate application for advertisement consent will be required for all advertisements to the development.

Appendix A BH2013/04348

Addresses of respondents to public consultation:

**Letters of objection (130)**

<b>Objections</b>		
<b>Number/Name</b>	<b>Road</b>	<b>City/Town</b>
Our Brighton Hippodrome		
1 Wooton House Stables		Brighton
Greenoaks		Lancing
4 The Diggers		Brighton
2, 22	Adelaide Crecent	Hove
Flat 2, 24	Adelaide Crescent	Hove
Flat 1, 4	Albert Road	Brighton
Flat 6, 3	Alexandra Villas	Brighton
91	Applesham Avenue	Hove
232a	Battersea Park Road	London
15 (x2)	Beach Green	Shoreham
7	Blackstone Rise	Blackstone
28c	Bramber Avenue	Peacehaven
1, 39	Brunswick Place	Hove
Flat 6, 3	Brunswick Square	Hove
25	Brunswick Square	Hove
34	Buckingham Road	Brighton
4, 2	Buckingham Road	Brighton
37	Campbell Road	Brighton
82	Carlyle Street	Brighton
33	Castle Street	Brighton
1	Chichester Terrace	Brighton
Unknown	Church Lane	Chichester
4, 91a	Church Road	Hove
Flat 1, 17	Compton Avenue	Brighton
19	Compton Avenue	Brighton
Courtenay Beach (x2)	Courtenay Terrace	Hove
1, 98	Cromwell Road	Hove
Davington House, 9	Dareham Road	Norfolk
C, 125	Ditchling Rise	Brighton
81	Dudley Road	Brighton
29 Veric, 16/18	Eaton Gardens	Hove
59 Ashdown	Eaton Road	Hove
Nettledown	Edburton Road	Edburton
Flat 1, 12A	Egremont Place	Brighton
54	Ewart Street	Brighton
Basement Flat, 9b	Farm Road	Hove
Westridge, 5	Firlands	Haywards Heath

Basement Flat, 55	Goldstone Villas	Hove
7	Hanover Terrace	Brighton
Flat 5 Martlet Court	Hereford Street	Brighton
5 Ardingley Court	High Street	Brighton
60 St James's House	High Street	Brighton
Carlton House	Hillside	Newhaven
29	Holland Road	Hove
125	Islingward Road	Brighton
18	Islingword Place	Brighton
25	Kendal Road	Hove
23	Kingsmere	Brighton
Southbank	Kingston Road	Lewes
Southbank	Kingston Road	Lewes
14	Lancaster Road	Brighton
98	Lansdowne Place	Hove
64 Leahurst Court	Leahurst Court Road	Brighton
92	Lincoln Street	Brighton
19	Lord Street	Nottingham
83B	Lorna Road	Hove
88	Lyndhurst Road	Hove
Flate 42 Avalon	Middle Street	Brighton
6, 71	Middle Street	Brighton
Flat 4, 74	Montpelier Road	Brighton
1	New Church Road	Hove
5, 1	Norfolk Square	Brighton
7a	North Gardens	Brighton
61	Park Crescent Road	Brighton
65	Park Crescent Road	Brighton
85 Leach Court	Park Street	Brighton
13	Portland Street	Whitwell
1, 67	Preston Drove	Brighton
33a (x2)	Preston Road	Brighton
Flat Above, 60	Preston Street	Brighton
9	Queen Square	Brighton
Community Base, 113	Queens Road	Brighton
6	Ridge View	Coldean
19 Buckswood Grange	Rocks Road	Uckfield
Flat 1, Harrington House, 3	Roedale Road	Brighton
54a	Rose Hill Close	Brighton
1, 18	Salsbury Road	Hove
16 (x2)	Ship Street	Brighton
17 (x3)	Ship Street	Brighton
Flat 2, The Chambers, 16	Ship Street Gardens	Brighton
5 (x2)	Ship Street Gardens	Brighton
Flat 3, 16	Ship Street Gardens	Brighton
13a (x2)	Ship Street Gardens	Brighton

16	Ship Street Gardens	Brighton
6	Ship Street Gardens	Brighton
5, The Chambers, 16	Ship Street Gardens	Brighton
11	Slinfold Close	Brighton
15	Southdown Mews	Brighton
8	Southdown Road	Brighton
24	Spring Street	Brighton
4, 148	Springfield Road	Brighton
21	St Elmo Road	Worthing
33	St, Heliers Avenue	Hove
7	St. Mary Magdalene Street	Brighton
20	St. Richards Court	Hove
4, 13	Sussex Square	Brighton
26	Tisbury Road	Hove
2 (x2)	Titan Road	Hove
67	Toronto Terrace	Brighton
94a	Trafalgar Street	Brighton
Unknown	Unknown	Unknown
Unknown	Unknown	Unknown
Unknown	Unknown	Unknown
44	Upper North Street	Brighton
36	Upper St. James's Street	Brighton
Flat 5, 28a	Ventnor Villas	Hove
15	Victoria Road	Brighton
4	Walkfield Drive	Epsom
20	Warstone Parade East	Littlehampton
64 Basement	Waterloo Street	Hove
31 (x2)	West Hill Street	Brighton
39	Westfield Avenue North	Saltdean
47	Whippingham Road	Brighton
36	Whittingehame Gardens	Brighton
94	Widdicombe Way	Brighton
Flat 5, Janeston Court, 1-3	Wilbury Court	Hove
Missenden Lodge	Withdean Avenue	Brighton
171 (x2)	Woodland Avenue	Hove
2, 33	York Avenue	Hove
17	York Road	Hove

## Letters of support (26)

<b>Support</b>		
<b>Number/Name</b>	<b>Road</b>	<b>City/Town</b>
1; The Suite	Cedar Chase, Cross Lane	Findon
The Forge	Church Hill	Pyecombe
49 Flag Court	Courtenay Terrace	Hove
406	Ditchling Road	Brighton
12	Dorothy Road	Hove
Flat 45, 4	Grand Avenue	Hove
48 Preston Grange	Grange Close	Brighton
31	Hassocks Road	Hurstpierpoint
Flat 37, 24	Ivory Place	Brighton
76	Keymer Road	Hassocks
The Cottage	Mainstone Road	Hove
20; 61	Middle Street	Brighton
13	New Road	Brighton
251	New Church Road	Hove
Ground floor flat, 8	Paddenswick Road	London
12	Portland Villas	Hove
49	Preston Drove	Brighton
Apartment 4, 19; 68	Ship Street	Brighton
35	Stanford Avenue	Brighton
11	Unknown	
40	Victory Mews	Brighton
3	Wayland Avenue	Brighton
57 Avalon	West Street	Brighton



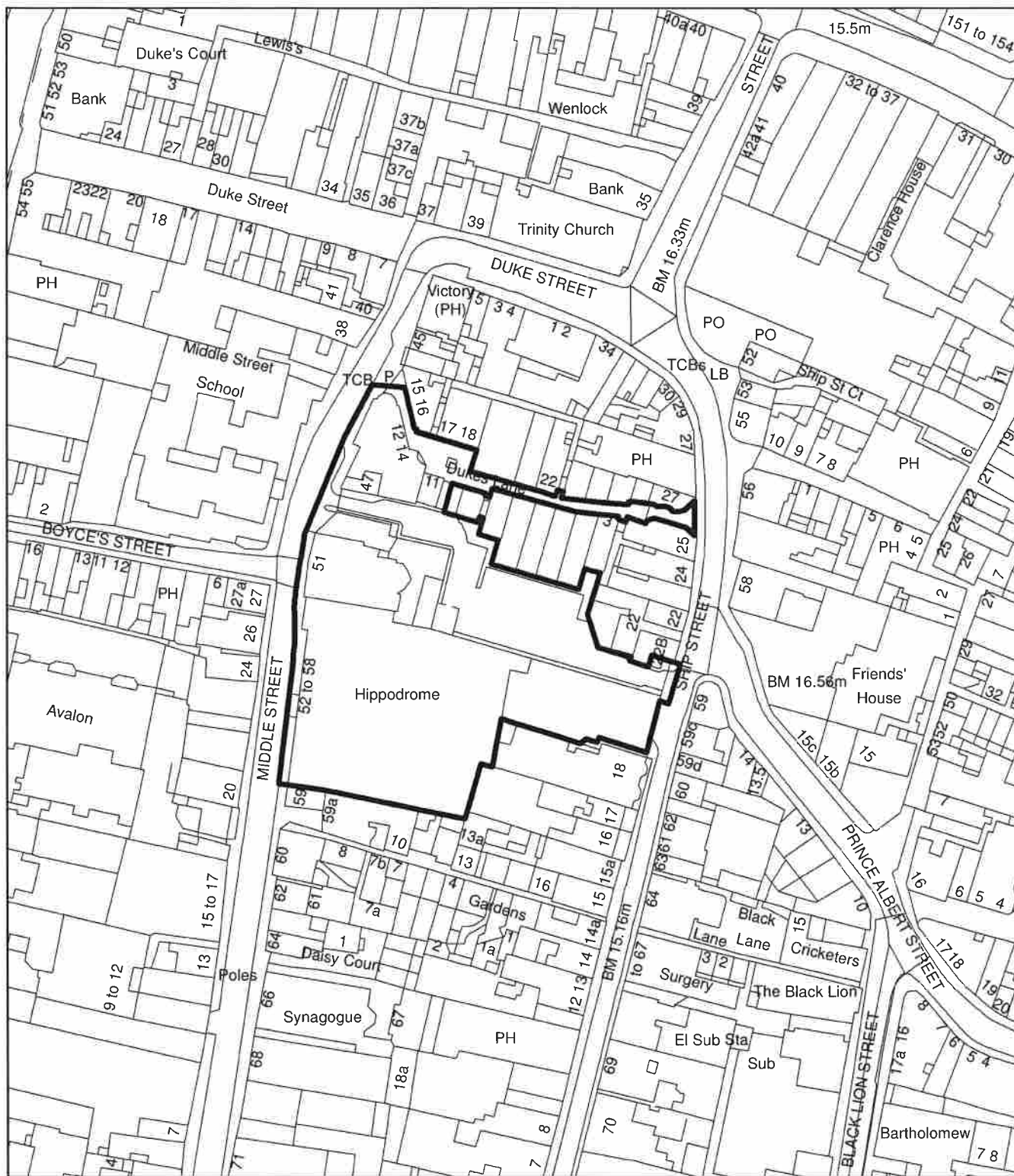


# **ITEM B**

**The Hippodrome & Hippodrome House, 51-  
58 Middle Street, Brighton**

**BH2013/04351  
Listed building consent**

# BH2013/04351 The Hippodrome & Hippodrome House, 51 - 58 Middle Street, 10 & 11 Dukes Lane & land adjacent to 18 - 19 Ship Street, Brighton.



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**Brighton & Hove  
City Council**



**Scale: 1:1,250**

<b><u>No:</u></b>	<b>BH2013/04351</b>	<b><u>Ward:</u></b>	<b>REGENCY</b>
<b><u>App Type:</u></b>	<b>Listed Building Consent</b>		
<b><u>Address:</u></b>	<b>The Hippodrome &amp; Hippodrome House 51-58 Middle Street Brighton</b>		
<b><u>Proposal:</u></b>	<b>Internal and external alterations, restoration and repair to Brighton Hippodrome and Hippodrome House to facilitate conversion to cinema (D2) and associated café/restaurant units (A3) to include the following works: demolition of the rear fly tower and other later additions and construction of replacement rear extensions; construction of two storey extension to northern elevation to provide new access way into the Hippodrome; excavation works to stalls and orchestra pit; installation of mezzanine floor; reinstatement of original Hippodrome entrance on Middle Street; new windows and entrance way to Hippodrome House; and other associated works.</b>		
<b><u>Officer:</u></b>	<b>Adrian Smith</b>	<b><u>Valid Date:</u></b>	<b>06 February 2014</b>
<b><u>Con Area:</u></b>	<b>Old Town</b>	<b><u>Expiry Date:</u></b>	<b>03 April 2014</b>
<b><u>Listed Building Grade:</u></b>	<b>Grade II*</b>		
<b><u>Agent:</u></b>	<b>Indigo Planning , Swan Court, Worple Road, London SW19 4JS</b>		
<b><u>Applicant:</u></b>	<b>Kuig Property Investments Ltd, c/o Indigo Planning, Swan Court Worple Road, London SW19 4JS</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** Listed Building Consent subject to the Conditions and Informatives set out in section 11

**2 SITE LOCATION & DESCRIPTION**

- 2.1 The application site forms the Grade II\* listed Brighton Hippodrome and Hippodrome House at 51-58 Middle Street, Brighton.
- 2.2 The Hippodrome has a long history as an entertainment venue, having been built originally to serve Brighton's burgeoning tourist market during the rapid expansion of the city in the late nineteenth century. The building has been reinvented a number of times, having been originally built as an indoor ice rink by Lewis Kerlake in 1896/97 before being converted to a circus four years later by prolific theatre designer Frank Matcham, whose other remaining works include The Grand, Blackpool, London Hippodrome, London Coliseum, and London Palladium, amongst others. The circus lasted just one year at which time Matcham again effected alterations to create a Variety Theatre for theatre magnate Tom Barrasford (1902). Major alterations to the Variety Theatre were then carried out in 1915/16 by the theatre architect J. Emblin Walker, with further alterations throughout the 1930s, 1940s and 1950s, including significant

enlargements to the stage and stage house during the 1950's. During this time The Hippodrome was also used as a live music venue and television studio before its conversion to a Bingo Hall in 1965. The Bingo Hall closed in 2007 and the building has lain vacant since. The Hippodrome has both special architectural and historic interest and the surviving Matcham auditorium interior is of greatest note.

- 2.3 The building's vast circular auditorium is concealed within the tight urban grain of the Old Town's lanes and twittens behind an unassuming frontage on Middle Street. Matcham's design approach is very much in evidence in the form of its dome, which was designed to replicate the tent of a travelling circus, and its flamboyant rococo plasterwork. In deference to the Royal Pavilion there are two onion dome boxes flanking the ornate proscenium arch. The various phases of the building's history remain legible in a series of external and internal features including the equestrian ramp associated with the circus use. The fly tower is a later addition which along with the service yard presents an uncharacteristically utilitarian outlook when seen from Ship Street. While significant as an integral part of the theatre, this fabric itself is of little architectural or historic merit.
- 2.4 The Hippodrome is in very poor condition having deteriorated over a long period of time such that it has been classified as a 'Building at Risk on the English Heritage and council registers. The extent of deterioration includes extensive water and damp penetration, the failing of the ornate plaster decorations, and evidence of failure to structural timbers and corrosion to steelwork.
- 2.5 Adjacent and linked to the Hippodrome is 'Hippodrome House', originally two mid-nineteenth century dwellings in which Barrasford lived until his death in 1910. The house is in an altered condition and includes within it a miscellany of colourful theatre set pieces dating from its 1930s and later use as a lounge bar in connection with the Hippodrome. The basement is relatively unaltered and retains a fine, large kitchen range, original storage shelving and extensive brick vaults, all reflecting the status of the house and its owner. The upper floors now form two residential flats.

### 3 RELEVANT HISTORY

#### The Hippodrome:

**BH2013/04351-** Planning permission for internal and external alterations, restoration and repair to Brighton Hippodrome and Hippodrome House to facilitate conversion to cinema (D2) and associated café/restaurant units (A3/A4) to include the following works: demolition of the rear fly tower and other later additions and construction of replacement rear extensions; construction of two storey extension to northern elevation to provide new access way into the Hippodrome; excavation works to stalls and orchestra pit; installation of mezzanine floor; reinstatement of original Hippodrome entrance on Middle Street; new windows and entrance way to Hippodrome House; and other associated works. Under consideration.

**BH2007/02204-** Listed Building Consent for external & internal alterations for the redevelopment of the auditorium, including the provision of tiered standing areas, toilet facilities and escape routes. Withdrawn.

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This application sought alterations to facilitate the change of use of the Hippodrome to a live music venue. It is understood that whilst the principles of the development were considered broadly acceptable, the proposal would have been at risk of contravening the council's licensing policy and was therefore withdrawn.

**BH2000/02795/LB-** Minor internal alterations. Approved 07/02/2001.

**96/0120/FP & 96/0121/LB-** Retrospective planning permission for existing extract ducting on east (rear) elevation to terminate at roof level, and installation of air supply unit at first floor level. Approved 04/06/1996.

**94/0568/FP & 94/0569/LB-** Erection of front wall and entry gates to car park in Ship Street. Approved 08/08/1994.

**94/0189/FP & 94/0190/LB-** Internal alterations to re-arrange seating, bar and refreshment facilities, installation of mezzanine floor, and external alterations including the extension of entrance canopy across frontage. Approved 20/09/1994.

### Hippodrome House:

**92/0691/FP & 92/0692/LB-** Provision of 4 dormer windows on Middle Street elevation. Alterations on existing ground, 1st and 2nd floors including terrace to r/o 2nd floor flat. External alterations and removal of existing sign to front. Approved 02/06/1993.

**91/1008/FP & 91/1009/LB-** Alterations to ground, first and second floors including patio terrace at rear of second floor flat. Four dormer windows on front elevation, together with external decorations. Refused 21/11/1991 .

### Notable other applications:

**89/0199/F & 89/200/LBC-** Erection of a 3 storey office building fronting Ship Street on car park rear of the Hippodrome. Withdrawn.

**80/1233-** Erection of replacement entrance canopy. Approved 15/07/1980.

**67/1900-** Bingo Club and prize bingo area. Approved 07/11/1967.

**67/886-** Change of use from TV studio theatre to use within Class XIX of the Town and Country Planning (Use Classes) Order 1965. Approved 16/06/1967.

**66/511-** Use of theatre (excluding flats above) and car park for production of films and recording programmes for TV. Approved 29/08/1966.

**55/674-** Stage extension and additional dressing rooms. Approved 14/06/1955 .

## **4 THE APPLICATION**

4.1 Listed Building Consent is sought for internal and external alterations to the Hippodrome and Hippodrome House to facilitate its conversion to a cinema and restaurant complex under planning application BH2013/04348. The works to the listed building comprise the following elements:

- Demolition of the stage house and fly tower, elephant house and later rear additions to Hippodrome House
- Construction of extensions comprising cinema auditoria to the rear/east elevations of the Hippodrome and Hippodrome House and entrance foyer to the north elevation of Hippodrome House

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- Repair and restoration of the Middle Street frontage to both the Hippodrome and Hippodrome House to its original appearance circa 1902 , including revised fenestration, re-instated Juliette balconies, restored entranceways and entrance doorcase. Repair of dome and installation of new lantern above
- Excavation of main auditorium floor and insertion of three cinema auditoria at semi-basement level with mezzanine floor level above.
- Repair, re-instatement and restoration of all original plasterwork and decorative features within the Hippodrome, including raising the balcony levels to the boxes either side of the proscenium arch
- Relocation of Palm Court interiors to Hippodrome House

### 5 PUBLICITY AND CONSULTATIONS

#### External

#### Neighbours:

- 5.1 **Twenty three (23)** letters of representations have been received. A list of all addresses is contained within Appendix B.
- 5.2 **Six (6)** letters of representation have been received objecting to the application for the following reasons:
- The Hippodrome is Grade II\* listed, unique and of national importance, in particular for the scale of its auditorium which is to be lost if this application is approved. It is unquestionably the case that this building will be robbed of its special interest as much by the unsuitable alterations as by outright demolition.
  - The building is part of Brighton's cultural heritage
  - The Council has not insisted on the building being properly maintained, or used its powers to do so, and is now using its poor condition as a pretext to consider approving a totally unacceptable development
  - No due consideration of restoration as a theatre has been attempted. There is considerable local support for the restoration and conservation of the building as a live venue
  - The building could seat 1535 in proscenium mode or 1409 for circus/'in-the-round' productions
  - The proposal is not a 'restoration' of the Hippodrome, but a conversion
  - The current proposal are not compliant with National and Local Planning Policy
  - The proposals are not reversible. The mezzanine level will destroy the essential proportions of the buildings main asset, its auditorium, whilst the new retail/office building will prevent essential pantechnicon access and parking
  - Interior deterioration is not as significant as the applicants state
  - The viability report is flawed and does not provide adequate evidence that a cinema is the only viable option. It has not been proved at all that the cinema option is the last opportunity to save the building and has no credibility
  - 85% of Frank Matcham's buildings have been lost, making the Brighton Hippodrome even more valuable

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- Brighton is a cultural centre that lacks a large scale theatre which can accommodate touring West End size shows, full orchestral concerts, opera and ballet. The Hippodrome would fill this gap.
- The building's original purpose and history will be gone forever
- The design of the rear extensions is out of keeping with the character of the area, which includes listed buildings.

### 5.3 **Seventeen (17)** letters of representation have been received supporting the application for the following reasons:

- The design is beautiful and would fit in with Brighton's style
- The Hippodrome is too much of a beautiful building to be left in ruins. This opportunity of restoration will not come around again until it is too late
- Regeneration of building and surrounding areas which are run down and highly unattractive
- The building has been neglected for far too many years and if we have to wait for a theatre group to find funds to restore this building its restoration may never happen
- This is the last chance for the Hippodrome to be saved and it will be lost forever if no one is allowed to make it into a commercially viable project
- Fantastic opportunity for the building to be restored to its former glories and provide a new cinema for the centre of Brighton
- Please don't let this be another West Pier scenario

### 5.4 **English Heritage:** No objection

The grade II\* listed Hippodrome is one of Frank Matcham's masterpieces. The building is in a grave condition and is on English Heritage's Buildings At Risk Register. The proposals would cause harm to the significance of the building. However, they are likely to represent a final opportunity to save the Hippodrome, and would conserve the aesthetic values associated with Matcham's phase of works. The restoration of the Middle Street façade and associated enhancements to the Old Town Conservation Area are further advantages. English Heritage considers that the net public benefits would outweigh the harm to the significance in line with paragraph 134 of the NPPF and recommend that the Council grants listed building and planning consents, subject to conditions.

### 5.5 English Heritage believe that the applicant has adequately demonstrated that a theatre use is unlikely to be feasible at The Hippodrome in the medium term. This is because it appears to be unable to meet the physical space requirements of a lyric theatre, which is identified as the gap in Brighton's existing theatre offer. Nor is it probable for operators to contribute meaningfully to the substantial repair and fit out costs of the building. We think it very unlikely that any philanthropic or charitable source of funding will be available for the restoration of The Hippodrome, and in the absence of any robust information to the contrary, we see no reason not to accept the Applicant's assertion that the Hippodrome would not in any case be able to accommodate the market's needs.

- 5.6 In line with the policies in the NPPF, and the Practice Guide, English Heritage conclude that the proposed scheme currently represents the best chance to conserve this very vulnerable grade II\* listed building, and that its conservation is a principal public benefit which, together with the benefits associated with enhancing the character and appearance of the conservation area, would outweigh the harm arising from the interventions proposed.
- 5.7 **The Theatres Trust: Objection**  
The Brighton Hippodrome is the most important theatre building on the Trust's Theatre Buildings at Risk Register. Architecturally, historically and as a performance venue, it is a highly significant heritage asset. It is nationally important for two distinctive reasons: as it is the most intact and finest example of a free standing circus (without a water feature) illustrating a tent-like form following the design of travelling circuses: and it is also the only surviving statutory listed example of a building originally designed as an ice skating rink.
- 5.8 The Trust consider it has not been sufficiently demonstrated that there is no alternative viable use which enables the Brighton Hippodrome to be appreciated and used in its original form that would either cause no harm or less harm to the significance of the building. The only obvious and legitimate way to test this would have been to undertake a full marketing exercise. The proposals will not conserve the Brighton Hippodrome (a heritage asset) in a manner appropriate to its historical and theatrical significance because of the subdivision within its volume and the construction within the rear service yard. Further, it will be lost to future generations, because the changes outlined in the application will not be economically viable to reverse to its original state in order that it may be used as a theatre.
- 5.9 The Trust have ten substantial objections to the application:
- There will be significant harm to the Brighton Hippodrome because the building is to be subdivided, its rear yard built upon and it will no longer be able to be perceived as or used as a performance venue.
  - The site has not been marketed to demonstrate its conservation. Had the site been properly marketed, an alternative scheme that conserved the auditorium volume and service yard would have come forward, as is now happening. We believe the Hippodrome could be used as a 1500-seat theatre and an alternative theatre scheme has been prepared for the adaptation of the building which is based on a business plan for Ambassador Theatre Group Limited (ATG).
  - A venue of this size would be viable in Brighton. The Trust believe there is a significant gap in the market that could sustain a large lyric theatre/performance venue capable of hosting large West End musicals, large scale spectacle and circus. These shows cannot be properly or successfully undertaken at the Theatre Royal, The Dome or the Brighton Centre. ATG's letter dated 18 March 2014 to the Council confirms this and states 'The Theatre Royal, ideal for many productions, has significant limitations in its staging capability and is unable to receive the larger musicals. The greater capacity and stage of the Hippodrome would provide this. The two would run happily in harness.'



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- The local authority cannot be certain that a multi-screen cinema is the only viable use. There is a very high cost for conversion to a theatre which is not substantiated, and there is a projected seating capacity (much lower than the capacity we believe would be achieved in a theatre restoration) which would make theatre use financially challenging. Neither of these figures have been interrogated with sufficient rigour, and the Trust believe that it would be possible to work with experienced theatre operators and their architects/consultants to come up with quite different scenarios and options. The scenarios as they stand would deter any potential theatre operator who may well be interested if the capital costs were lower, or the seating capacity higher. It is not clear how solid the commitment of the proposed cinema operator is to this scheme
- An option to restore the Hippodrome to use as a performance space has not been fully explored. The J Ashworth Associates report does not include any serious undertaking to prove that Trusts and Foundations or indeed Lottery sources or support via social investment funds would not be available to fund the restoration.
- The option to relocate three screens from the lower levels in the Hippodrome Auditorium (Option 5, D&A Statement part 2) has not been fully explored.
- Meeting the cultural performance needs of Brighton. ATG's letter to the Council dated 18 March 2014 confirms that the capacity, staging facilities, accommodation and flexibility offered by the Hippodrome would meet its needs. The Brighton Hippodrome's circular auditorium, together with its proscenium arch stage, and the height offered by the dome above, results in a uniquely flexible and exciting performance space, which has much to offer modern productions and audiences, as well as being well-suited for a range of other uses. Because of its flexibility, combined with its large capacity, we believe that the Hippodrome could have a role within the context of Brighton's current arts and entertainment landscape. Whilst the Brighton Dome has a similar capacity to the Hippodrome, it has no flytower, and is not therefore suitable for the staging of lyric theatre or opera, and the Theatre Royal has insufficient capacity to support these larger productions and has no inbuilt flexibility.
- Noise break-out – Future proofing. Although each cinema screen will be built within an independent structure which could be removed in the future and the current design of the floors and screens remain separate with servicing, acoustics and anti-vibration measures put in place, this does not demonstrate that the building is sound proofed for future use as a theatre. Our concern is that works to the roof to address noise break out to a live performance standard is undertaken prior to restoration of the interior plasterwork as a full structural acoustic roof will be required in the future and this is not part of this scheme.
- Cinema use. Brighton & Hove City Council has not undertaken such an assessment for theatre use or need. In the absence of such a report a needs and impact assessment for the loss of theatre use and the new cinema use should have been included as part of the submission. There is no options report to suggest that this is the best site for cinema within the City of Brighton

- Non reversibility: Get-in and access following construction on Ship Street. Following the proposed works, the get-in arrangements would be entirely unsuitable, and would not reflect the needs of a large receiving theatre that regularly presents large scale spectacles and musicals. The standard overall length for delivery vehicles touring shows such as the Lion King to Brighton is 16.48 metres. The construction of a block on Ship Street would mean a truck of this length would not be able get in.

5.10 **Victorian Society:** Object

The insertion of the new floor would reduce the height and proportions of the room and its sense of space, and would truncate the proscenium. The lower half of the auditorium would not be able to be experienced from ground level and the overall space would be diminished. The scale of these interventions in the auditorium would cause substantial harm.

5.11 **Hove Civic Society:** Support

The Society fully supports the proposal. The Hippodrome is an important part of the city's heritage and works are urgently needed to prevent further decay. The Society are convinced that it is unlikely that any public sector funding will become available to fund the restoration of the site or its use as a theatre. The additional cinema block is well integrated and would not adversely impact on the surroundings of the site, whilst the proposed reversibility of the changes in floor levels makes the proposal doubly attractive.

5.12 **Brighton Society:** Objection

The Society were initially generally in support in principle of the early proposals presented, and considered that, although restoring the building to its former use as a theatre would be the ideal solution, the Hippodrome's poor condition and the risk that if restoration does not happen soon may well cause it to be lost entirely to the City. However, there are too many areas of the design which are poor. The Society are concerned that the fact that the building is at risk if the applications are refused may act to justify aspects of the design which under more normal circumstances, would not be permitted in a Conservation Area.

5.13 Within the Hippodrome, the relationship of the new raised floor to the balconies is such that the balconies will lose their existing 'overlooking' relationship with the main space, and will visually appear as a low perimeter bulkhead, semi-concealed behind tables and chairs. The character of the original balconies will be disguised and reduced to insignificant visual elements within the whole space and the Society cannot support this.

5.14 The proposals show some form of visual and physical link between the first floor (circle level) and Cinema Foyer. The drawing gives the impression that there will only be a narrow slot at eye height, an inadequate expression of the dramatic views between the two spaces. It appears from the illustration in DAS Fig 47a, that part of the already low ceiling in the restaurant - and presumably part of the floor of the auditorium above - is to be glazed. This does nothing for either space and is an unsatisfactory design solution. It neutralises that part of the floor in the auditorium and would have to be screened off somehow to prevent people walking on it.

5.15 The form of the new Cinema entrance building does not have any satisfactory relationship to Hippodrome House. The insertion of an uncompromisingly modern, boxy black tile-clad portico and glass façade into a contextual setting between the Regency style Hippodrome House on one side and 19<sup>th</sup> Century 3-storey pitched roof buildings on the other, is unsympathetic. The materials of glass and black tile have no precedent in that part of central Brighton. The design is just not good, nor sensitive, nor sympathetic enough, to be appropriate to the Conservation Area in which it is located. The Ship Street building is not sensitive, nor sympathetic enough to the Conservation Area in which it is located and should be re-designed.

5.16 **Regency Society:** Support

The Society support the proposed change of use as buildings must evolve to meet changing needs if they are to be preserved. A theatre use has not been demonstrated as being viable since the building closed. The reversibility of the proposals are credible, however there is concern that access for delivery vehicles and pantechnicons may not be possible once the Ship Street building is built, and various leases may preclude such a conversion.

5.17 The new buildings on Middle Street and Ship Street are successful from a design point of view. Overall, the proposal would benefit the city by bringing a derelict listed building back into use, would open the Matcham interior to the public, and would regenerate this run-down part of the Old Town Conservation Area.

5.18 **The Frank Matcham Society:** Objection

The building has not been marketed as a live performance venue therefore those with an interest in viewing it as such have not had the opportunity to advance any such proposals. A large scale performance venue is lacking in Brighton & Hove and for some time such spaces have been needed, both in terms of audience capacity and stage area. The Dome has neither a fly tower nor wing space to accommodate such a need. There is local support for returning the Hippodrome to live use and the possibilities of funding for conservation have not been considered. The practicalities of reversing the proposed works would be crippling to a live theatre budget, and such use would be hampered by the restrictions to the site's vehicular access.

5.19 **Ambassador Theatre Group:** Objection

The council should give serious consideration to and allow time for a proper exploration of ways and means to return the Hippodrome to live performance use. The capacity, staging facilities, accommodation and flexibility offered by the Hippodrome would meet our needs, contrary to sections 6.2 & 6.3 of the submitted document 'A Report on the Viability of Alternative Uses'. The ownership and programming of the Theatre Royal by ATG would not be compromised as it does not have the greater capacity and stage of the Hippodrome for larger musicals. The two would run happily in harness.

5.20 **CAG:** No objection

The group support the principle of change of use to cinema, restaurant and retail use, and for the internal alterations including the new raised floor. However, concerns are raised about the design of the proposed buildings on Middle Street and Ship Street, which are inappropriate to the Conservation Area and should draw on the local vernacular. The Group recommend that the portico on the entrance to Hippodrome House should be reinstated as illustrated in Fig 13 of Part 1/2 DAS and the original 1920 design canopy to the theatre building itself should be reinstated as illustrated in Fig 10 of Part 1/2 DAS. The Group also recommend that the existing gate to the car park on Ship Street should be retained rather than being replaced with the proposed design. The Group feel that a historic street sign should be installed in the new passageway.

5.21 **District Valuation Office:** No objection.

The purpose of this report is to provide an appraisal of the commercial viability of the building assuming that it is occupied as a Casino or Theatre.

5.22 Casino: In present circumstances a new casino licence would not be available under the 2005 Gambling Act. The only opportunity for casino occupation would be the transfer of an existing 1968 licence.

5.23 As a traditional casino it is unlikely that this building would be suitable and would justify the level of investment for adaptation. The reasoning is as follows.

1. The DV agrees with the conclusions reached by J. Ashworth Associates in Para 5.4 concerning the informal proposal from Genting to occupy the premises on a lease. The terms offered, which includes a fit-out contribution, are below market expectations.
2. The existing competition in the City. Grosvenor (Genting) also occupy the former ABC Cinema on Grand Junction Road but this has the advantage of strong roadside presence. In my opinion there is no evidence to show that there is demand for further casinos.

5.24 A casino replicating the Leicester Square Hippodrome would not be feasible as there is not the same level of off-season custom to justify the development costs. Therefore, a casino occupation is not a viable consideration.

5.25 Theatre: The proposed development would be for a 1300 seat theatre utilising the existing raked floor below the existing floor structure. With this proposal the crucial considerations are demand for theatre space in Brighton and its catchment area., and current utilization (or occupancy levels) that operating theatres are achieving.

5.26 The main commercial theatre in Brighton is the Theatre Royal in New Road with 915 seats (some of which have obscured views). It is estimated that utilisation is above 50%. The Brighton Dome is the main civic theatre with 1856 seats and it is estimated that utilisation is well below 50%. It is understood that this theatre receives an operating subsidy from Brighton & Council.

5.27 The Komedia is not included in this appraisal as it appears to have a significant licensed and restaurant operation and without detailed trading information it is

not possible to estimate utilisation levels. The Gardner Arts Centre at the University of Sussex closed in 2007 and attempts to reopen as the Attenborough Centre for Creative Arts has so far not been successful. This theatre offers modern technological facilities. Small community theatres have not been examined.

- 5.28 Taking account of the market appraisal and the estimated annual trading loss of £249,890, it is considered that the proposed development as a Theatre would not be commercially viable.
- 5.29 The prospects as a “presenting” theatre (i.e. by providing the accommodation to a production company in return for a fee.) have also been considered but there is adequate supply of theatres in Brighton for this purpose and, as already indicated, there is no evidence of demand for additional theatre space.
- 5.30 This conclusion has been reached having regard to the comments made by The Theatres Trust dated 17th April. These proposals for Theatre use would not be commercially viable for the following reasons:
- a) The space is similar to Brighton Dome which only operates with the assistance of a Council subsidy.
  - b) The Hippodrome at Leicester Square London is similar in size and even with West End custom was unable to remain commercially viable as a performance venue.
  - c) To be commercially viable it is estimated that a theatre with 1800 seats would require 1.7 full houses per week (3048 full price ticket sales) or 2.34 full houses for 1300 seats. There is no evidence to support this level of custom in Brighton.
  - d) It has also been considered whether an additional theatre in Brighton would generate additional custom for Brighton as a theatre destination location and thus would make this theatre proposal commercially viable. There is no evidence to support such a contention. Indeed, the Hippodrome at Leicester Square, surrounded by West End theatres, indicates that the opposite is the case. A concentration of theatres cannot reliably contribute to commercial success.
  - e) The Gardner Arts Centre (Attenborough Centre) at the University of Sussex has been unable to attract the custom for Cultural and Arts performances with ca 482 seats. This Theatre offers multi-media facilities.

**Internal:**

5.31 **Heritage:** No objection

The Hippodrome has been vacant for seven years and is in very poor condition. It is a Building at Risk on both the English Heritage and council registers. There is particular concern for the longer term future of the elaborate Matcham-designed plasterwork to the auditorium. The nature of the building and its special interest means that options for its future viable use are comparatively limited. Given the vulnerability of the building a proposal that seeks to retain it and bring it back into use must in principle be welcomed. The case for alternative uses, including the ideal scenario of restoring the Hippodrome for theatre use, and why these options would not be viable, has been persuasively made in the

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submitted viability report and it is considered that in this respect the application has satisfactorily addressed the relevant issues.

- 5.32 The history and significance of the site is well covered by the submitted Heritage Study and the conclusions are considered to be largely sound. These proposals would bring the building back into viable use but would result in major alterations to the building and loss of historic fabric. In particular, the insertion of the mezzanine floor would disrupt the spatial qualities associated with Matcham's auditorium, whilst the separation and loss of the relationship between backstage and front of house areas would limit the legibility of the historic function of the building. These alterations and losses would be harmful to the significance of the building. This harm would be less than substantial and, in accordance with paragraph 134 of the NPPF, must be set against the public benefits associated with the proposals. In this case there are considered to be major public benefits, not least being the conservation and reuse of the building; the associated restoration of the Matcham plasterwork and the Middle Street façade, as well as related works to the public realm and the appearance of the Old Town conservation area.
- 5.33 Section 16 of the Planning (Listed Buildings and Conservation Areas) Act requires that special regard shall be had to the desirability of preserving the setting of the listed buildings. Despite its scale the Hippodrome's vast circular auditorium is concealed within the tight urban grain of the Old Town's lanes and twittens behind an unassuming frontage on Middle Street, whilst the setting of the building from Middle Street is dominated by the mid-20th century plan brick fly tower and surface car park. The circular auditorium roof is not noticeable from the surrounding streets. It is considered that the proposed new buildings and extensions would collectively not only preserve the modest setting of the Hippodrome itself but would enhance it and would preserve the settings of all other listed buildings in the vicinity.
- 5.34 Although the works have been identified as having 'less than substantial' harm to the preservation of the special interest of the Grade II\* listed Hippodrome and Hippodrome House, the very finding of harm demands considerable importance and weight be attached to it and gives rise to a statutory presumption against planning permission being granted, as per section 16 of the Planning (Listed Buildings and Conservation Areas) Act. In this instance, this considerable weight and presumption against permission being granted is considered to be outweighed by the very substantial public interest benefits of the proposal in securing and restoring the 'at risk' listed building in the manner proposed and the wider heritage benefits identified to the building's setting and to the Old Town Conservation Area. On this basis, and in line with the policies in the NPPF, and the NPPG, it is concluded that the proposed scheme currently represents the best opportunity to conserve the listed building and that its conservation is a principal public benefit which, together with the other clear benefits, would outweigh the harm arising from the interventions and loss of historic fabric.

- 5.35 Internal alterations: A key consideration in the development of these proposals has been that they should, as far as possible, be reversible so that a theatre use could feasibly be reinstated at some time in the future (e.g. when the cinema operator's lease expires). It is considered that this has been satisfactorily demonstrated in the submitted scheme, both in terms of allowing for the conversion of the new build cinemas to a workable fly tower and the removal of the inserted cinemas and reinstatement of floor level but also in allowing future access for pantechincons. It is accepted that such reversible conversion would, though feasible, be costly. But this must be set against the fact that any current theatre proposal would have also have a substantial costs issue arising from the major repair and restoration works needed.
- 5.36 The degree of retention of existing Matcham and Emblin Walker fabric in the 'back of house' areas is greatly welcomed and in particular the retention and reuse of the equestrian ramp. The detailed proposals for this feature will be very important in order to preserve its humble character. The loss of some historic fabric is regrettable but the areas of highest significance have all been retained. The loss of the elephant house is especially regrettable but this feature is in a near derelict condition and little of its historic fabric would be likely to be reusable.
- 5.37 The principle and approach of the insertion of the new floor into the auditorium and the new cinema screens below are accepted. The insertion of the mezzanine floor is most uncomfortable in the way that it relates to the proscenium arch and to the two 'onion dome' boxes either side of the stage. The new floor severely truncates the height of the arch, altering quite significantly its proportions. The internal elevations are indicative only and suggest the use of pilasters and installation of a bar area here to help redress the appearance of the squat arch. With regard to the boxes, Matcham installed them with the balconies placed low adjacent to the stage. Emblin Walker's alterations moved the complete structures higher, thereby allowing for an additional tier of seating in the boxes. The proposal is to leave in situ the domes but move the balconies to the same level as the main auditorium balcony to facilitate the insertion of the mezzanine. This would not look inappropriate but does present potential problems in reconciling the curved ends of each of the neighbouring sections. Further detail will be required on the method of removal, reinstatement and making good.
- 5.38 The visuals provided show an indicative paint scheme of white and gold for the plasterwork. This would be an enhancement over the existing modern colour scheme and is considered reasonable given that Matcham was trying to evoke the sense of a tent. However a paint analysis should be carried out to inform a faithful restoration, to be secured by condition.
- 5.39 At pre-application stage one of the matters of concern was the degree to which the circular auditorium space would remain readable at ground floor level and how this could be reinforced through the circulation arrangements. Whilst the layout has evolved it remains the case that the original circular space would not be clearly readable. Whilst disappointing this is not considered to be a fundamental concern.

- 5.40 In respect of Hippodrome House, the proposal to reinstate some of the features from the Palm Court along the southern circulation route within the main building is welcomed but it would be preferable if at least some features could be retained in situ within proposed restaurant 2. Details of their retention or relocation would need to be agreed by condition. The loss of the conservatory structure to the rear is regrettable but acceptable in the context of the proposals as a whole, subject to recording.
- 5.41 External restoration: The restoration of the Middle Street façade to the Matcham phase of development is considered to be a key heritage benefit which goes some way to offsetting the harm associated with changes to the interior. This includes reinstatement of some of the original Kerslake ice rink features which were retained by Matcham. The restoration here has been carefully researched and is informed by Matcham's drawings and early photographs, in line with the approach required by SPD09. The use of the Middle Street entrance as the principal access point for the main dome restaurant area, which is befitting its status, is very welcome and would allow users to enjoy the full experience of the decorated foyer and crush bar, as well as the main auditoria space.
- 5.42 New Build: With regard to the new build elements of the scheme, the proposed design approach to the Middle Street frontage and foyer building has evolved very positively and this is now considered to be entirely appropriate to the street scene. It would also present a suitably interesting and contrasting appearance when seen from the traditional townscape of Duke's Lane via the new link.
- 5.43 The new cinema building is, by necessity, a large box but as with the existing fly tower structure, it would not generally be visible in longer views due to topography and the narrow streets of Old Town. However, confirmation is still needed that it would not be visible above Hippodrome House when seen from the far end of Boyces Street (as its footprint is further north than the fly tower). This building would be clearly seen in short views from Ship Street / Prince Albert Street but would be substantial enhancement over the existing utilitarian fly tower. The design approach is an interesting and innovative one to disguise the simplicity of this large box, subject to detailing by condition. The proposed flint panel cladding to the ground floor is very welcome in providing contextual reference to the cobbled flint walling traditionally found in 'backland' areas with the Old Town area.
- 5.44 Public Realm works: The enhancement works to the public realm are, in principle, one of the public benefits of the scheme that contributes to outweighing the harm to the Hippodrome's significance. It is therefore very important that the design, detailing and materials contribute positively to the wider historic character of the Old Town conservation 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:

- |     |  |
|-----|--|
| HE1 | Listed Buildings                                       |
| HE2 | Demolition of a listed building                        |
| HE3 | Development affecting the setting of a listed building |
| HE4 | Reinstatement of original features on Listed Buildings |

#### Supplementary Planning Guidance:

- |         |                                  |
|---------|----------------------------------|
| SPGBH11 | Listed Building Interiors        |
| SPGBH13 | Listed Building – General Advice |

#### Supplementary Planning Documents:

- |       |                        |
|-------|------------------------|
| SPD09 | Architectural Features |
|-------|------------------------|

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

- |      |  |
|------|--|
| SS1  | Presumption in Favour of Sustainable Development |
| CP15 | Heritage   |

## 8 CONSIDERATIONS & ASSESSMENT

- 8.1 The main considerations in the determination of this application relate to whether the proposed development will have a detrimental impact on the character, architectural setting and significance of the Grade II\* listed Hippodrome and Hippodrome House. Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 imposes a statutory duty on local planning authorities when considering whether to grant listed building consent to “have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses”.
- 8.2 Policy HE1 states that proposals involving the alterations, extension, or change of use of a listed building will only be permitted where:
- a) the proposal would not have any adverse effect on the architectural and historic character or appearance of the interior or exterior of the building or its setting; and
  - b) the proposal respects the scale, design, materials and finishes of the existing building(s), and preserves its historic fabric.

### **Principle of development:**

- 8.3 The Hippodrome has been vacant for seven years and is in a very poor condition both internally and externally. The structural survey submitted with the application identifies that the building is suffering from water and damp ingress throughout with large parts of the historic plasterwork having collapsed or being near collapsed due to the saturation of the plaster and the failure of their ties to the supporting structure. Much of the timber floor throughout is rotten and will need replacing, whilst there is general evidence of corrosion to steelwork. The survey raises particular concern for the longer term future of the elaborate Frank Matcham-designed plasterwork to the auditorium which contributes significantly to the building’s special interest. Unsympathetic alterations over the years have further contributed to the building’s decline, including removal of original detailing to the Middle Street façade, the addition of a mezzanine level above the stage, and the re-painting of interior plasterwork. As a result of its deteriorating condition the Hippodrome is now a Building at Risk on both the English Heritage and council registers.
- 8.4 The application seeks to restore large areas of the building, both internal and external, as part of a broader scheme to extend and convert the Hippodrome and adjacent Hippodrome House into a mixed use 8-screen cinema with four large A3 restaurants. In order to facilitate the conversion several areas of the existing building would be demolished, with further interventions including the excavation of the main auditorium floor to provide for three cinema screens and a mezzanine level above.
- 8.5 A detailed Heritage Study has been submitted with the application which uses historic photographs, records and plans to describe and evaluate the relative significance of all parts of the Hippodrome and Hippodrome House. The methodology used is consistent with English Heritage advice and guidance on how to assess the significance of heritage assets. The Study identifies the main auditorium to the Hippodrome, including its dome, balcony, entrance lobby and crush rooms, stair towers, and the equestrian ramp to the rear to be of very high

significance, and of greatest overall historic importance. The original dressing rooms and derelict elephant house to the rear of the Hippodrome are considered to be of high significance, whilst Hippodrome House is of mixed medium to high importance. The 1950's extended stage house and later additions to Hippodrome House are considered to be of low significance and contribute least to the overall special interest of the group.

- 8.6 The extent of demolitions broadly follows the above assessment of significance, with all parts of the building considered of lowest significance, including the stage house, to be removed. The most significant parts of the building to be demolished are the dressing rooms to stage right and the derelict elephant house to the rear. Whilst it would otherwise be desirable to retain these elements of the building's history, their secondary status to the main auditorium and derelict condition (in the case of the elephant house) is such that their loss can be accepted in this instance, subject to appropriate recording.
- 8.7 English Heritage and the council's Heritage officer are of the view that the proposed demolitions, alterations and extensions, whilst causing appreciable harm, represent 'less than significant harm' when assessed against the NPPF. In such incidences, the NPPF advises that *'Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.'* (paragraph 134).
- 8.8 National Planning Practice Guidance advises that *'If there is only one viable use, that use is the optimum viable use. If there is a range of alternative viable uses, the optimum use is the one likely to cause the least harm to the significance of the asset, not just through necessary initial changes, but also as a result of subsequent wear and tear and likely future changes.'* Given the degree of demolition and alteration proposed, including the excavation and addition of three cinema screens within the main auditorium, a key determination is whether the proposed cinema use represents the optimum viable use for the building, or whether there is a viable alternative use that would better preserve and restore the building for the public benefit.
- 8.9 The nature of the building and its special interest means that options for its future viable use are comparatively limited. The applicants have submitted two studies that examine the viability of alternative uses, a Viability Report (Alaska) and A Report on the Viability of Alternative Uses (J Ashworth Associates). These studies have been referred to the District Valuation Office, alongside key representations from Ambassador Theatre Group and the Theatres Trust, for independent assessment
- 8.10 The Alaska viability report uses a 'reasonable use' matrix approach to evaluate the likely viability of all uses compatible with a building of the layout and form of the Hippodrome. The matrix assesses each use having regard the demand for such use and the likelihood of obtaining necessary licenses. These uses assessed in the matrix include amongst others use as a theatre, cinema, conference centre, place of worship, casino, nightclub and gymnasium. The matrix identifies that the majority of possible uses would be immediately

unviable due either to the absence of finance to refurbish the building, the absence of significant demand to operate and maintain the building in the long term, or other matters such as licensing restrictions. The matrix concludes that the only use that would bring immediate demand and finance without conflicting with licensing restrictions is a cinema use with associated restaurants.

- 8.11 The J Ashworth Associates (JAA) 'Report on the Viability of Alternative Uses' appraises the financial case for the proposed cinema use and assesses it against potential use as a casino or theatre, alternative uses identified in the matrix that would potentially best marry the need for upfront finance, provide longer term demand, and would have least physical impact on the historic fabric of the building. The report provides a financial appraisal for each use having regard the restoration and conversion costs involved as calculated by chartered surveyors (John Hall Associates). Also included for comparison purposes is a calculation of the costs to repair and mothball the site in its current use.
- 8.12 In assessing the application against paragraph 134 of the NPPF, the key question is not necessarily whether the proposed cinema use is viable, rather, it is whether alternative uses that better preserve the building are reasonably viable. To support their case, and for the avoidance of doubt, the applicants have provided data which shows that there is an undersupply of cinema seats within Brighton & Hove per head of population when compared to the national average, whilst the viability case includes a letter from a leading cinema operator expressing interest in the site.

Casino use

- 8.13 In terms of potential use as a casino, the JAA report identifies that demand and supply for casinos is static in the south of England, with the Gambling Act 2005 restricting new licenses for casinos in Brighton. Although interest in operating the Hippodrome as a casino was received, this interest excluded contributing towards the building costs and some of the fit out costs, and would not have attracted the volume of footfall to sustain the restaurant uses, which are key to the development proposal. A comparison is made to the recent £45m casino conversion of the London Hippodrome, which has a daily passing footfall of 250,000 and includes complementary uses including a restaurant, six bars, a smoking terrace and a cabaret theatre to broaden the demographic make-up of its visitors. The constraints of the Brighton Hippodrome site, with limited footfall and licensing restrictions, are such that a similar range of complementary uses to make a casino use sustainable are not possible.

Theatre use

- 8.14 In terms of potential theatre use, the JAA report identifies building costs to restore theatre use to be in the region of £17m for a 1300 seat theatre and nearer £21m for a 1500 seat theatre. The costs for repairing and mothballing the building are estimated at £5.2m. The costs to restore theatre use reflect the need to provide a fully finished and fitted building, including necessary alterations to the stage, fly tower and dressing rooms to meet the appropriate standards. The JAA report has investigated means of public subsidy or private sponsorship from sources such as the Heritage Lottery Fund, Arts Council and Theatres Trust to support the costs needed to restore the building as a theatre,

but concludes that any available funding would be unlikely and/or insufficient to substantially assist.

- 8.15 The JAA report identifies that Brighton is currently well supplied with theatres and performance venues, with the main venues being the Theatre Royal (900 seats), Dome (2,000 seats), Corn Exchange (320 seats), Pavilion Theatre (240 seats) and Brighton Centre (5,000 seats). A number of other venues are also within a 30 minute drive at Worthing, Glyndebourne and Eastbourne. The report identifies via theatre consultants that there is a gap in the Brighton market for a lyric theatre capable of hosting large West End musicals on tour, opera, ballet and theatre touring companies and other large scale spectaculars. Such a market requires a theatre with a capacity of 1800-3000 seats. The Hippodrome cannot meet this requirement as it has a maximum seating capacity of circa 1500 (with some cramped seats and restricted sight lines). Further its stage is too small and fly tower not adequate. Whilst these latter restrictions could be overcome, the absence of seating numbers within the Hippodrome offers the biggest hindrance to meeting this identified market. Consequently, theatre use of the Hippodrome would largely replicate existing provision in the city.

District Valuation Office

- 8.16 The District Valuation Office (DV) has assessed the submitted information, focusing on the viability for casino and theatre uses. The DV concurs with the view that a casino use is not viable consideration given the level of investment required to adapt the building and the licensing and demand issues identified in the JAA report. In respect of theatre use, the DV estimates that the 900 seat Theatre Royal is utilised above 50% capacity, whilst the larger 1800 seat Dome theatre operates well below 50% capacity. Based on this trading performance and the market for theatres, the DV conclude that restoring the Hippodrome as a theatre would not be commercially viable, making an annual loss of approximately £250,000. In reaching this view, the DV has had regard the submission of the Theatres Trust, but has concluded that there is no evidence that Brighton has the custom to viably support a 1800 seat theatre hosting large scale musicals and spectaculars. Further, there is no evidence to suggest that adding more theatre venues to the city would necessarily generate the sufficient demand to make such venues viable.

- 8.17 Having regard the applicants submission and the independent advice of the District Valuation Office, there is no compelling evidence to suggest that the retention of the Hippodrome as a theatre or alternative use would be a viable proposition given market demand and the costs of restoration and conversion. Accordingly it is concluded that the optimum viable use for the building is that proposed by the applicants.

Reversibility

- 8.18 Although the Hippodrome was initially constructed as an ice rink and then circus, its significance is borne primarily out of its form and detailing when in use as a theatre. Whilst it has been adequately demonstrated that restoration and use as a theatre is unviable, that is not to say that circumstances may change in the future and a theatre use may become viable again. Consequently, a key consideration is whether this development would serve to

permanently disable the Hippodrome's future ability to re-operate as a theatre or other performance venue.

- 8.19 To provide the necessary level of comfort the applicants have sought to design-in elements of reversibility into the proposals. These details are set out extensively in the accompanying Design and Access Statement and Transport Statement addendum, and provide comfort that the proposed works would not necessarily or absolutely preclude a future conversion back into a performance venue. Specifically, the three semi-basement auditoria and mezzanine floor within the Hippodrome itself are designed to be essentially stand-alone structures that can be removed to allow for a new raked floor for seating to be inserted with minimal interference to the fabric of the building. The extension that replaces the existing fly tower to the rear has been intentionally scaled, designed and positioned in order to be readily adapted into a new fly tower and stage house should the need arise without the need for total demolition and rebuild. Finally, the applicants have provided track plots to demonstrate that access into the service yard by articulated lorries and pantechnicons remains largely as existing such that a future theatre use could be serviced to the same extent as current. Whilst such conversion work would bear a significant cost, this must be set against the fact that any current theatre proposal would have also have a substantial costs issue arising from the major repair and restoration works needed. On this basis it is considered that there is sufficient evidence to provide assurance that the proposed works would be reversible to an appropriate degree such that possible future return to theatre use is achievable.

**Impact on Listed Building:**

- 8.20 Brighton & Hove Local Plan policy HE2 is considered compliant with the NPPF and sets out three criteria that must be met in order to accept the major alteration of a listed building:
- a. *clear and convincing evidence has been provided that viable alternative uses cannot be found, through, for example the offer of the unrestricted freehold of the property on the market at a realistic price reflecting its condition and that preservation in some form of charitable or community ownership is not possible;*
  - b. *the redevelopment would produce substantial benefits for the community which would decisively outweigh the resulting loss from demolition or major alteration; and*
  - c. *the physical condition of the building has deteriorated, through no fault of the owner / applicant for which evidence can be submitted, to a point that the cost of retaining the building outweighs its importance and the value derived from its retention. A comprehensive structural report will be required to support this criterion.*
- 8.21 Policy CP15 of the emerging City Plan Part One is relevant to the application but does not conflict with the NPPF and does not require any additional justification to be provided beyond that to satisfy paragraph 134 of the NPPF.
- 8.22 In respect of the tests set out in Local Plan Policy HE2, test a) has been addressed above. In respect of test b), the proposal includes the restoration of the remaining and most significant parts of the listed buildings which would then

be available for public access. This represents a substantial benefit that would secure the buildings and allow their historic significance to be appreciated in the medium-long term. The re-occupation of the buildings would also serve to re-invigorate and regenerate this part of the Old Town Conservation Area. For these reasons the public benefits of the proposal are considered to outweigh the harm resulting from the part-demolition, extension and conversion of the buildings. In respect of test c), whilst the condition of the building has clearly deteriorated, the LPA consider that any neglect has occurred over a considerable number of years despite temporary repairs being carried out. The LPA are also satisfied that there is no evidence to suggest that the current owner has deliberately neglected or damaged the building.

- 8.23 On the basis of the above, and in line with English Heritage advice, it is considered that the tests under paragraph 134 of the NPPF and those set out in Local Plan policy HE2 have been met.

Hippodrome

- 8.24 The demolition works as prescribed above would result in the loss of elements of the Hippodrome's historic fabric, albeit elements that are mostly of least overall significance to the special interest of the building. English Heritage and the council's heritage officer are of the view that the loss of these elements, although regrettable, can be supported given the wider public benefits of the proposal in securing an 'at risk' heritage asset. Aside from these demolitions, the main heritage impact would be from the works to the remainder of the interior to the Hippodrome, in particular to the main auditorium which forms its primary area of special interest.
- 8.25 The most harmful element of the proposal is the insertion of three basement auditorium with a mezzanine floor level above set at balcony level. This would serve to both disrupt the appreciation of the full scale of the auditorium space and part obscure the lower part of the proscenium arch. The Design and Access Statement includes alternative configurations for an 8 screen cinema complex which avoid the need for the three basement screens however each alternative proposal has a more substantial overall impact on the building and wider site. Having reviewed these options English Heritage and the council's heritage officer have accepted the principle of having three basement auditoria set beneath a new mezzanine floor level, subject to further detailing to confirm that the new floor would sit suitably free of the balcony face, and further detail on the impact on the proscenium arch and boxes adjacent. With regard the 'onion dome' boxes, the proposal seeks to raise their balconies to sit level with the main balcony level, retaining the onion domes in situ. Historic records show that the boxed have been variously raised and lowered over the evolution of the building, therefore this alteration would not be substantially harmful or out of character, subject to details.
- 8.26 The main benefit internally would be with the full restoration of the dome and its original Matcham plasterwork. Full details of the painting scheme are secured by condition to ensure an authentic restoration. Further benefits include the retention of the equestrian ramp to provide access to the basement screens, and the restoration of the front of house areas.

- 8.27 The layout of the development has been arranged to include areas where the ornate interior of the dome can be appreciated other than from within the mezzanine restaurant. These include an 'oculus' cut into the mezzanine level where the full ground to ceiling height of the auditorium can be appreciated, and a glass wall between the restaurant and cinema foyer to maximise the public's ability to appreciate the historical significance of this space without needing to enter the restaurant. These elements add to the overall public benefit of the proposal.
- 8.28 Externally, the roof and Middle Street façade to the Hippodrome is to be restored back to its original appearance, as designed by Lewis Karlake circa 1902. The main dome is to be restored with the reinstatement of its lantern, whilst further restorations to reinstate the decorative finishes and Juliet balconies to the ventilation and stair towers are also proposed. The replica canopy fronting Middle Street is also to be removed entirely and the original three bay entrance portico restored. These works would have a significant positive impact on the appearance of the listed building and would offset much of the harm associated with the demolitions and insertions to the interior.

#### Hippodrome House

- 8.29 Internally, much of the original residential layout to Hippodrome House has been lost, with its main historical use since being as function rooms to the adjacent Hippodrome. Consequently a number of the original walls and spaces have been lost or disrupted, whilst the original conservatory to the rear is in a derelict condition. However, the ground floor of the building remains laid out as an elaborate Palm Court featuring a number of unique former stage sets and installations, including a Venetian bridge, dating back to the 1930's. The plans detail that these features are to be moved to within the exit routes to the Hippodrome, further detail of which is required by condition. This is an acceptable arrangement that would allow the retention of these historic artefacts and the re-use of the building.
- 8.30 Externally, the application proposes the restoration of street frontage to Hippodrome House, which has been previously substantially and harmfully altered at ground floor level. A pedimented doorcase based on historic photographic records is to be reinstated, with new steps to pavement level and the re-instatement of timber sash windows adjacent. Further works to rationalise the window arrangement to 52 Middle Street (which forms part of Hippodrome House) are also proposed, including a new rusticated plinth to match that to no.51 adjacent. As with the Hippodrome, these works would significantly improve the appearance of the building, providing greater continuity to its façade and greater visual interest particularly in views from Boyces Street opposite. The overall impact of these restorations would be positive to the special historic character and appearance of this listed building.

#### New build elements

- 8.31 The new build elements essentially form one extension commencing on the Middle Street frontage between Hippodrome House and no.49 Middle Street and extending to the rear of both Hippodrome House and the Hippodrome. The



extensions are modern in appearance but designed to complement the scale and material finish of the area. The cinema entrance foyer to Middle Street forms a contemporary largely glazed addition to the street punctuated by a double height glazed tile portico. The design and proportions of this building have been carefully designed to follow the lines, rhythm and proportions to the adjacent buildings, whilst the use of glazed clay tiles is reflective of materials used elsewhere in the conservation area. As such, this building represents a well considered and well designed addition to the street that would sit comfortably in its context and would not have a detrimental impact on the setting of the adjacent listed buildings when viewed from the street.

- 8.32 The entrance foyer would extend into the site with glazed and rendered elevations to the north opening onto the new link twitten between Dukes Lane and Middle Street. The two storey foyer would then turn south and link into the new cinema auditoria buildings rear of Hippodrome House and the Hippodrome itself. The first of these buildings would project deep into the site and house the largest cinema screens. This element of the build would form the tallest part of the new build element, but would be no greater in height than the existing fly tower set further to the south. A section drawing has been provided which shows that the scale and massing of this part of the development would not be readily visible above Hippodrome House in long views from Boyces Street, whilst its position deep into the site is such that it would not be visible from along Middle Street. Indeed its position is such that it would only be visible in limited public views from Ship Street to the east, and from higher level private viewpoints immediately adjacent to the site. The building would be clad in a glazed rainscreen, which would help recess its overall massing, with flint elevations below to reflect the historic gardens and boundaries that previously formed the site.
- 8.33 The scale and massing of this part of the extension would then morph into a lower scale building housing further cinema auditoria. This building would largely replace the existing 1950s fly tower and stage house, but to a lower overall height. Following amendments, it would be completed in a red brick finish to match the existing and to complement the finishes to the adjacent buildings to the rear and south. This finish would result in a similar visual impact to existing when viewed from the adjacent buildings to the south and rear, and would not detrimentally impact on the overall appearance of the listed building. Indeed given its reduced overall height, this element of the proposal would better relate to and expose the restored dome to the Hippodrome when viewed from adjacent buildings.
- 8.34 Although covering the entire rear elevation to the Hippodrome and Hippodrome House, given the secondary nature and lesser significance of these elevations the overall scale, design and massing of the new building extensions would not compromise the integrity of the listed building to a significant or harmful degree. Accordingly, and subject to conditions requiring further detailed elevations and materials samples, the proposals would accord with policies HE1, HE2, HE3 & HE4 of the Brighton & Hove Local Plan.

8.35 In reaching these conclusions regard has been had to duty set out in Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to “have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses”. As detailed above, although the proposed works would result in ‘less than substantial’ harm to the preservation of the special interest of the Grade II\* listed building, this harm, and the significant weight to be attributed to it under section 16 of the Act, is considered to be outweighed by the public interest benefits of the proposal in securing and restoring the ‘at risk’ listed building and its most important features of special architectural and historic interest in the manner proposed, and the wider heritage benefits identified. On this basis the approval of listed building consent is recommended.

## **9 CONCLUSION**

9.1 The Grade II\* Brighton Hippodrome and adjacent Hippodrome House are in a poor and deteriorating state of repair such that they have been identified as Buildings at Risk on both the English Heritage and council registers. It has been satisfactorily demonstrated that the proposed development to part-demolish, extend and convert the buildings to form a cinema complex with associated restaurants represents the optimum viable use of the buildings. Subject to the submission of further details the proposed works would result in a very significant public benefit by repairing, restoring and re-occupying the most significant parts of the buildings, including their most important features of special architectural and historic interest. This significant public benefit would outweigh the strong statutory presumption against listed building consent being granted where harm to the preservation of a listed building has been identified, to which considerable importance and weight has been attached.

## **10 EQUALITIES**

10.1 The proposed development would be accessible for all.

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

### **11.1 Regulatory Conditions:**

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

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

2) The railings shown on the approved plans shall be painted black within one month of installation and shall be retained as such thereafter.

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

### **11.2 Pre-Commencement Conditions:**

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- 3) No development shall take place until details in respect of the following have been submitted to and approved in writing by the Local Planning Authority:
- a) Samples of all external facing materials, including roof coverings, cladding, and render and paint finishes to the Middle Street façades
  - b) Samples of all new hard landscaping materials
- Development shall be carried out in full in accordance with such approved details.
- Reason:** To ensure the satisfactory preservation of the listed buildings and their setting and to comply with policy HE1 of the Brighton & Hove Local Plan.
- 4) No development shall take place until full details of all materials and finishes to the equestrian ramp, including its suspended floor, walls and ceiling, have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in full in accordance with such 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.
- 5) No development shall take place until details in respect of the following external works, including 1:20 scale elevations and 1:1 scale profiles where appropriate, have been submitted to and approved in writing by the Local Planning Authority:
- a) the replacement windows to the west elevation of the Hippodrome and Hippodrome House.
  - b) the Juliet balconies to west elevation of Hippodrome House.
  - c) the proposed ramped access to the Hippodrome, to include materials and finished appearance.
  - d) the reinstated Matcham entrance to the west elevation of the Hippodrome.
  - e) the proposed doorcase to Hippodrome House, to include steps and materials and finishes
  - f) Method statement for repair of stone and terracotta to west elevation of Hippodrome and Hippodrome House
- Development shall be carried out in full 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 policies HE1 & HE4 of the Brighton & Hove Local Plan.
- 6) No development shall take place until a schedule of works and specification (including photographs and drawings) for the repair/reinstatement/replacement of all internal decorative features to the Hippodrome, including all plasterwork and joinery, has been submitted to and approved in writing by the Local Planning Authority, in consultation with English Heritage. All repaired, replaced and reinstated features must match exactly the original in materials and detail. Development shall be carried out in full in accordance with the approved schedule.

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**Reason:** As insufficient information has been submitted, to ensure the satisfactory preservation of this listed building and to comply with policies HE1 & HE4 of the Brighton & Hove Local Plan.

- 7) No development, including demolition works, shall take place until details of measures to protect interior feature staircases, balustrades, decorative plaster work, doors, door cases etc. from vandalism, theft or other damage for the duration of the construction/alteration work hereby permitted have been submitted to and approved in writing with the Local Planning Authority, in consultation with English Heritage. Development shall be carried out in full in accordance with the approved measures.

**Reason:** To ensure the satisfactory preservation of the listed buildings and to comply with policies HE1 & HE4 of the Brighton & Hove Local Plan.

- 8) No development, including demolition works, shall take place until full photographic surveys of the 'elephant house' and the rear conservatory to Hippodrome House have been submitted to and approved in writing by the Local Planning Authority. Such surveys should be carried out in accordance with the guidance produced by English Heritage in the publication 'Understanding Historic Buildings – A guide to good recording practice'.

**Reason:** As insufficient information has been submitted, to ensure the satisfactory preservation of this listed building and to comply with policy HE1 of the Brighton & Hove Local Plan.

- 9) No development shall take place until the following details have been submitted to and approved in writing by the Local Planning Authority in consultation with English Heritage:

- a) a scheme for the collection and analysis of samples of paint from surviving plasterwork within the Hippodrome;
- b) full details of the proposed internal paint scheme to the Hippodrome based on the findings of the analysis of the paint samples secured under part a).

Development shall be carried out in accordance with the approved details and retained as such thereafter.

**Reason:** To ascertain the colour and composition of the original paint scheme to ensure the satisfactory preservation of the listed buildings and to comply with policies HE1 & HE4 of the Brighton & Hove Local Plan.

- 10) No development shall take place until details in respect of the following internal works have been submitted to and approved in writing by the Local Planning Authority:

- a) Method statement, including final constructional drawings, for the recording, removal and reinstatement of the box balconies. The statement shall include photographs, measured drawings and moulding details of the balconies
- b) Detailed drawings and sample materials for the proposed balustrading, handrails, light fittings, ventilation grilles
- c) Detailed drawings for the proposed 'oculus' glazed floor and glazed window between the cinema foyer and mezzanine level

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- d) Samples of materials for the floor finishes
  - e) Method statement for the removal, repair and reinstatement of the Palm Court features, including the location of all features to be relocated
  - f) Drawings for the final treatment of the proscenium arch
- Development shall be carried out in full in accordance with the approved measures.

**Reason:** To ensure the satisfactory preservation of the listed buildings and to comply with policies HE1 & HE4 of the Brighton & Hove Local Plan.

11.3 Informatives:

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

Plan Type	Reference	Version	Date Received
Existing site location plan	P100	D	28/05/2014
Existing block plan	P125	A	30/01/2014
Existing floor plans showing demolitions	P134	A	30/01/2014
	P135	B	05/02/2014
	P136	A	30/01/2014
Existing elevations showing demolitions	P137	B	05/02/2014
Existing sections	P131	-	30/01/2014
	P132	-	30/01/2014
	P133	-	30/01/2014
	P140	A	05/02/2014
	P141	-	30/01/2014
	P142	-	05/02/2014
	P146	-	05/02/2014
Topographical surveys	3721-T	A	17/01/2014
	3721-T	A	17/01/2014
Proposed floor plans	P101	B	28/05/2014
	P102	B	28/05/2014
	P103	B	28/05/2014
	P104	B	28/05/2014
	P105	B	28/05/2014
	P106	B	28/05/2014
	P107	B	28/05/2014
	P129	A	28/05/2014
Proposed elevations	P115	C	28/05/2014
	P116	B	28/05/2014
	P117	B	28/05/2014
	P118	D	28/05/2014
	P119	C	28/05/2014
	P120	C	28/05/2014
	P128	A	28/05/2014
Proposed sections	P108	B	28/05/2014
	P109	B	28/05/2014
	P110	B	28/05/2014
	P111	B	28/05/2014
	P112	B	28/05/2014

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	P113	B	28/05/2014
	P114	B	28/05/2014
	P139	A	28/05/2014
	P145	A	28/05/2014
Landscaping plan	P122	C	04/06/2014
Dukes Lane bay window details	SK94	-	16/04/2014
Boyces Street section	P147	-	16/04/2014
Dome detail	SK200	-	16/04/2014
	SK201	-	16/04/2014
Proscenium/box interface	SK202	-	16/04/2014
Proscenium/floor interface	P127	-	20/01/2014
Balcony interface	P126	-	20/01/2014
Box comparison	P130	-	20/01/2014

2. This decision to grant Listed Building Consent 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 Grade II\* Brighton Hippodrome and adjacent Hippodrome House are in a poor and deteriorating state of repair such that they have been identified as Buildings at Risk on both the English Heritage and council registers. It has been satisfactorily demonstrated that the proposed development to part-demolish, extend and convert the buildings to form a cinema complex with associated restaurants represents the optimum viable use of the buildings. Subject to the submission of further details the proposed works would result in a very significant public benefit by repairing, restoring and re-occupying the most significant parts of the buildings, including their most important features of special architectural and historic interest. This significant public benefit would outweigh the strong statutory presumption against listed building consent being granted where harm to the preservation of a listed building has been identified, to which considerable importance and weight has been attached.

Appendix B  
 BH2013/04351  
 Addresses of respondents to public consultation:

**Letters of objection (6)**

<b>Objections</b>		
<b>Number/Name</b>	<b>Road</b>	<b>City/Town</b>
Our Brighton Hippodrome		
35	Bevendean Road	Brighton
1 The Village Barn	Church Hill	Brighton
Davington House, 9	Dareham Road	Norfolk
24	Middle Street	Brighton
171	Woodland Avenue	Hove

**Letters of support (17)**

<b>Support</b>		
<b>Number/Name</b>	<b>Road</b>	<b>City/Town</b>
1	Cedar Chase, Cross Lane	Findon
48 Preston Grange	Grange Close	Brighton
31	Hassocks Road	Hurstpierpoint
76	Keymer Road	Hassocks
20	Middle Street	Brighton
Apartment 4, 19; 68	Ship Street	Brighton
x10	Unknown	





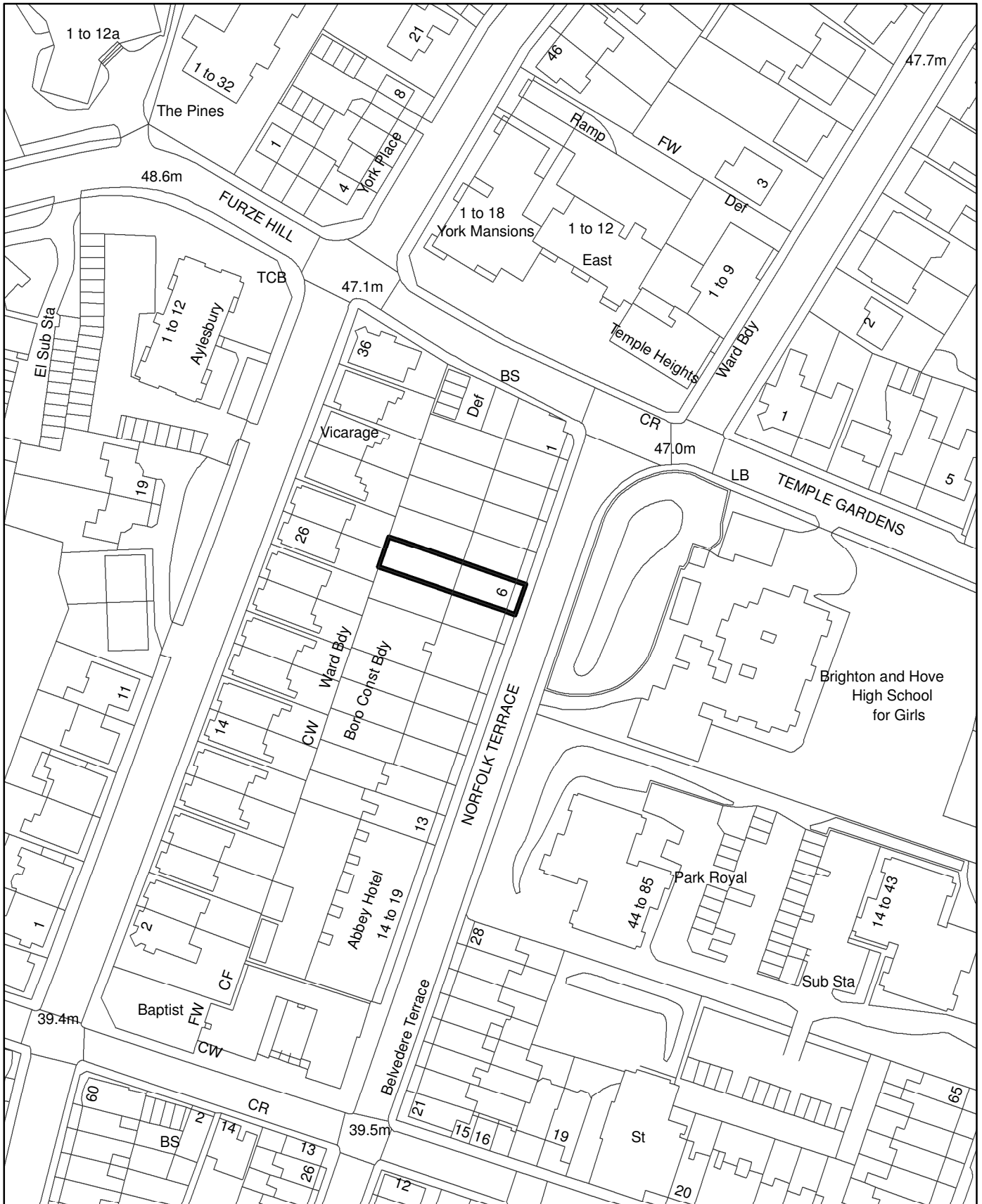
# **ITEM C**

**6 Norfolk Terrace, Brighton**

**BH2014/01281**  
**Full planning**

**16 JULY 2014**

# BH2014/01281 6 Norfolk Terrace, Brighton.



**Brighton & Hove  
City Council**



**Scale: 1:1,250**

<b><u>No:</u></b>	<b>BH2014/01281</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>6 Norfolk Terrace Brighton</b>		
<b><u>Proposal:</u></b>	<b>Removal of external fire escape to rear, replacement of existing door with timber window to rear and infilling of door openings, replacement rooflights, formation of a parapet gutter and associated alterations.</b>		
<b><u>Officer:</u></b>	Christine Dadswell Tel 292205	<b><u>Valid Date:</u></b>	02 May 2014
<b><u>Con Area:</u></b>	Montpelier and Clifton Hill	<b><u>Expiry Date:</u></b>	27 June 2014
<b><u>Listed Building Grade:</u></b>	Grade II		
<b><u>Agent:</u></b>	Grumitt Wade, Unit 3, Tungsten Building, Portslade BN41 1RA		
<b><u>Applicant:</u></b>	Dr Paul Lyons, Forge House, 66 High Street, Kingston Upon Thames KT1 1HN		

## 1 RECOMMENDATION

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

## 2 SITE LOCATION & DESCRIPTION

- 2.1 This application relates to a mid terraced Victorian house on the western side of Norfolk Terrace which has been subdivided into flats. The property is Grade II Listed and is located within the Montpelier and Clifton Hill Conservation Area. The surrounding streetscene is characterised by Victorian terraces and the property is opposite Brighton and Hove High School.

## 3 RELEVANT HISTORY

- 3.1 Conversion into 6 flats. Approved 8 June 1948 (ref 6529).

## 4 THE APPLICATION

- 4.1 Planning permission is sought for the removal of the external fire escape to the rear, replacement of existing door with timber window to rear and infilling of door openings, formation of a parapet gutter and associated alterations.
- 4.2 An application for listed building consent for the works has also been submitted ref. **BH2014/01207**

## 5 PUBLICITY & CONSULTATIONS

External

- 5.1 **Neighbours: Five (5)** letters of representation have been received from the occupiers of **Flat 4, 26; 28 & 30 York Avenue, Flats 3, 4 & 6 Norfolk Terrace** objecting to the application for the following reasons:
- Original features should be restored not removed and replaced with modern alternatives;
  - Removal of balcony would be detrimental to appearance and character of property;
  - Loss of use of balcony;
  - Loss of view of balcony;
  - Quality of work;
  - Poor maintenance of the building
  - Removal of the balcony would decrease the quality of living conditions and could lead to compensation.

**Internal  
Heritage:**

- 5.2 The rear fire escape stair (including balconies) which was erected to serve the four upper floors has fallen into a poor condition of repair and the heavily corroded structure is now structurally unsound and is thus redundant.
- 5.3 The stairs and balconies are clearly a later addition to the building and were likely to have been erected when the building was subdivided into flats. The stair and balconies are not considered to be of any historic or architectural merit and for those reasons, the removal of the rear structure is considered to be acceptable in principle.
- 5.4 The design and fenestration detailing to the rear elevation would originally have mirrored that to no. 5 Norfolk Terrace. Therefore, the proposed making good of the rear elevation and reinstatement of the decorative band detail and moulding to the now central blind window surrounds is welcomed and the works are considered to better reveal the architectural integrity of the building.
- 5.5 It would be desirable to reinstate the large sash windows to the central bay but there are now partitions abutting the centre of where the original window opening would be. It would therefore be acceptable to remove the existing single doors and block the openings up as the moulding detail will allow one to appreciate the original design of the elevation.
- 5.6 There are several points which need to be addressed before the application can be determined and these are set out below:
- 5.7 There are several inaccuracies on the drawings- the materials of the later doors and windows to the central bay on the rear elevation need to be shown accurately and the subdivision of the glazing to the doors and a first floor sash window needs amending.
- 5.8 The labeling of the rooms to the upper floor flats needs to be corrected.

- 5.9 The design of the proposed railings to the rear lightwell should be amended- the uprights should be individually leaded into a stone coping and the position of the railings needs to be further considered so to preserve the historic stone steps which are present.
- 5.10 It would be better to have just one single window to the bathrooms and block up where the doors were to the central bay of the rear elevation. The windows should be subdivided into 3 panes.
- 5.11 The scheme has subsequently been amended and incorporates the majority of the recommendations of the Heritage Team and the outstanding issues can be resolved through the imposition of 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) is a material consideration.
- 6.4 Due weight should be given to relevant policies in the development plan according to their degree of consistency with the NPPF.
- 6.5 The Brighton & Hove City Plan Part One (submission document) is an emerging development plan. The NPPF advises that weight may be given to relevant policies in emerging plans according to their stage of preparation, the extent to which there are unresolved objections to relevant policies and the degree of consistency of the relevant policies to the policies in the NPPF.
- 6.6 All material considerations and any policy conflicts are identified in the “Considerations and Assessment” section of the report.

## **7 RELEVANT POLICIES & GUIDANCE**

The National Planning Policy Framework (NPPF)

Brighton & Hove Local Plan:

## PLANNING COMMITTEE LIST- 16 JULY 2014

QD14	Extensions and alterations
QD27	Protection of Amenity
HO8	Private Amenity Space
HE1	Listed buildings
HE3	Development affecting the setting of a Listed Building
HE4	Reinstatement of original features on Listed Buildings
HE6	Development within or affecting the setting of Conservation areas.

### Supplementary Planning Guidance:

SPGBH13 Listed Building – General Advice

### Supplementary Planning Documents:

SPD09 Architectural Features

SPD12 Design Guide for Extensions and Alterations

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

SS1 Presumption in Favour of Sustainable Development

## **8 CONSIDERATIONS & ASSESSMENT**

8.1 The main considerations in the determination of this application relate to the principle of development; impact on the Listed Building and the Montpelier and Clifton Hill Conservation Area and the impact on neighbour amenity.

### **Planning Policy:**

8.2 Policy HE1 states that proposals involving the alterations, extension, or change of use of a listed building will only be permitted where:

- a) the proposal would not have any adverse effect on the architectural and historic character or appearance of the interior or exterior of the building or its setting; and
- b) the proposal respects the scale, design, materials and finishes of the existing building(s), and preserves its historic fabric.

8.3 Policy HE4 states that where appropriate, the planning authority will require - in conjunction with applications for a change of use, alteration or refurbishment – the reinstatement of original features on listed buildings, such as: mouldings, traditional doors and windows.

8.4 Policy HE6 of the Brighton & Hove Local Plan states that proposals within or affecting the setting of a conservation area should preserve or enhance the character or appearance of the area and should show:

- a) a consistently high standard of design and detailing reflecting the scale and character or appearance of the area, including the layout of the streets, development patterns, building lines and building forms;
- b) the use of building materials and finishes which are sympathetic to the area;
- c) no harmful impact on the townscape and roofscape of the conservation area;

- d) the retention and protection of trees, gardens, spaces between buildings, and other open areas which contribute to the character or appearance of the area;
  - e) where appropriate, the removal of unsightly and inappropriate features or details; and
  - f) the retention and, where appropriate, the reinstatement of original features such as chimneys, chimney pots, gates, railings and shopfronts and small scale architectural details such as mouldings which individually or cumulatively contribute to the character or appearance of the area.
- 8.5 Proposals that are likely to have an adverse impact on the character or appearance of a conservation area will not be permitted.
- 8.6 SPD12 states that proposals for extensions and/or alterations to listed buildings will be expected to demonstrate that the significance of the building has been understood and conserved, and will be expected to show an exceptional level of design quality and detailing. In addition, previous unsympathetic alterations to a listed building will not be considered to set a precedent for further unsympathetic works.
- 8.7 Policy QD27 states that planning permission for any development will not be granted where it would cause material nuisance and loss of amenity to the proposed, existing and/or adjacent users, residents, occupiers or where it is liable to be detrimental to human health.

**Design and Character:**

- 8.8 The proposal is for the removal of an external fire escape and existing balconies to the rear of the property. The application also includes the replacement of existing doors at third floor level with a timber window, the infilling of existing door openings at second and third floor levels. At roof level it is proposed to install a box gutter on top of the existing parapet, replace existing lantern style roof lights with velux rooflights and install 2 slate vents.
- 8.9 The proposed removal of the fire escape is considered to be acceptable as it is not an original feature of the building and it is an unsympathetic alteration to the listed building concealing many of the buildings original external features. Furthermore the fire escape and balconies are structurally unsound and are causing water ingress in the property. Overall the existing fire escape and balconies are out of keeping with the appearance and character of the building and the removal of them is in line with policy HE6 which supports 'where appropriate, the removal of unsightly and inappropriate features or details'
- 8.10 The proposed reinstatement of a timber window of a traditional design at third floor level is welcomed subject to appropriate joinery details which could be required by condition. The proposed window would restore the window opening to its original dimensions and the design would match windows elsewhere in the elevation.
- 8.11 The proposed infilling of existing door openings at second and third floor levels is considered acceptable as these are non-original doors located within an

original window opening. The submitted plans state that the will be blocked in to be flush with existing infills. This will ensure that the dimensions of the original window opening will remain visible.

- 8.12 The proposed reinstatement of render band detail is welcomed and is in line with policy HE4 subject to appropriate detailing required by condition.
- 8.13 The proposed cast iron rainwater and drainage pipework are of an appropriate material. The proposed pipework on the street elevation would generally not be supported, however in this case as the pipework is to replace existing UPVC pipework it is considered to be acceptable. Although there was no drawings submitted to show the existing and proposed front elevation it is considered that the submitted design and access statement provides sufficient information to determine this element. The proposed pipework on the rear elevation is of considerable length. The submitted elevation plans do not show the existing pipework to allow an accurate assessment of the differences in the existing and proposed pipework arrangement however from the justification contained in the design and access statement it is considered that the proposed pipework is an improvement and consolidation of existing pipework. All pipework can be required by condition to be painted to match the render reducing its impact on the appearance and character of the building and the wider conservation area.
- 8.14 The proposed rooflights are of an appropriate style for the building. Although three rooflights on one roofslope would not usually be supported to avoid creating cluttered roofspaces in this case the proposed rooflights are considered acceptable. The proposed rooflights would be located on an inwards facing roofslope and would not be visible in the surrounding street scene. A condition can be used to ensure that the proposed rooflights will lie flush with the plane of the roofslope. Therefore it is not considered that the rooflights would have a detrimental impact on the appearance and character of the listed building or the wider conservation area.
- 8.15 The proposed guttering at parapet level is of an acceptable design that is to be more sympathetic to the appearance and character of the building than the existing UPVC guttering. Furthermore the guttering will not be highly visible in the surrounding streetscene so it is not considered that it will have a detrimental impact on the setting of the wider conservation area. However the proposed felt lining is not a traditional material, the lining should be lead. This can be secured by condition.
- 8.16 It should be noted that the matters relating to internal alterations required by the Heritage Team fall to be considered as part of the application for Listed Building Consent (ref. BH2014/01207).

**Impact on amenity:**

- 8.17 It is not considered that the removal of the fire escape would have an adverse impact on the amenity of the occupiers of the property as there are alternative access arrangements to the property.



- 8.18 The existing fire escape incorporates balcony space at second, third and fourth floor level. The balcony space in its current condition is unsafe and unusable. Furthermore it is not clear that they were originally intended to be used as amenity space in addition to their role as a fire escape route. Overall it is not considered that the removal of the balcony space will have an adverse impact on the amenity of the occupiers of the property. Concerns have been received from the occupiers of the existing flats in respect of the loss of amenity space. Policy HO5 seeks to provide amenity space in schemes for new units and removal of existing amenity space provision could be seen to affect the amenity and standard of accommodation of the existing units. Whilst the loss of amenity space is regrettable, it is the case that the removal of the structure and fire escape is considered to be of benefit to the Listed Building and therefore overrides the concerns of the loss of amenity space.
- 8.19 It is not considered that the infilling of existing door openings at second and third floor level would have an adverse impact on the amenity of the occupiers of the property as the rooms that would be affected are served by other windows in the same elevation.
- 8.20 The removal of the fire escape, balconies and infilling of two existing door openings would serve to reduce overlooking of adjoining properties in Norfolk Terrace and properties in York Avenue and as such it is not considered that the proposed scheme would have an adverse impact on neighbour amenity.

**Other considerations:**

- 8.20 It should be noted that the loss of view of the balcony from adjoining properties raised in the objections and whether existing occupiers would be entitled to compensation are not material planning considerations. Overall, the objections raised within this application do not outweigh development plan policy and therefore do not warrant the refusal of planning permission.
- 8.21 The Heritage Team suggested that a time limit condition for the works to be put in place to ensure the heritage gains are realised. This is not considered necessary.

**9 CONCLUSION**

- 9.1 Overall it is not considered that the proposal would be out of keeping and detrimental to the architectural and historic character of the Grade II Listed Building or the wider Montpelier and Clifton Hill Conservation Area. Furthermore it is not considered that the proposed scheme would have an adverse impact on neighbour amenity. As such, the proposal is in accordance with Local Plan Policies HE1, HE3, HE4, HE6, QD14 and QD27, SPD12 Design Guide for Extensions and Alterations and SPGBH13 Listed Building – General Advice.

**10 EQUALITIES**

- 10.1 None identified.

**11 CONDITIONS / INFORMATIVES**

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

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Location Plan			29 April 2014
Block Plan			22 April 2014
Existing and Proposed Rear Elevation	Jj/01/norfolk terrace6 revb	B	16 June 2014
Existing and Proposed Floor Plans	Jj/02/norfolk terrace6	A	16 June 2014
Existing and Proposed Parapet Details	Jj/03/norfolk terrace6		22 April 2014
Proposed Rooflight Section	GGL-EKN-0114-1124		09 May 2014

- 3) Prior to the repair and reinstatement of the decorative band and moulding detail to the rear elevation renderwork, the detailed design including the dimensions, profiles and composition of the render and a method statement for the works shall be submitted to and agreed in writing by the Local Planning Authority. The scheme should be carried out in strict accordance with the agreed details and retained as such thereafter.  
**Reason:** To ensure the satisfactory preservation of this listed building and to comply with policies HE1 and HE6 of the Brighton & Hove Local Plan.
- 4) Notwithstanding the approved drawings, the installation of the new sash window to the second floor kitchen and the new rainwater goods shall not take place until the detailed design including materials and finishes of the following items has been submitted to and approved in writing by the Local Planning Authority:
  1. New vertically sliding timber sash window to third floor (including reveals, cill and head treatment)
  2. All new cast iron rainwater goods
The design and details shall be accompanied by elevations and section drawings to a minimum scale of 1:5 with full size moulding cross sections, where mouldings are used. The works shall thereafter be implemented strictly in accordance with the agreed details.  
**Reason:** To ensure the satisfactory preservation of this listed building and to comply with policies HE1 and HE6 of the Brighton & Hove Local Plan.

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- 5) The new box gutter shall be dressed in code 5 or 6 lead unless otherwise agreed in writing by the Local Planning Authority and shall thereafter be maintained as such.  
**Reason:** To ensure the satisfactory preservation of this listed building and to comply with policies HE1 and HE6 of the Brighton & Hove Local Plan.
- 6) The rooflights hereby approved shall have steel or cast metal frames with a central mullion glazing bar and the rooflights shall fitted flush with the adjoining roof surface and shall not project above the plane of the roof.  
**Reason:** To ensure the satisfactory preservation of this listed building and to comply with policies HE1 and HE6 of the Brighton & Hove Local Plan.
- 7) All new and disturbed surfaces shall be made good at the time of development using materials of matching composition, form and finish to those of the listed building.  
**Reason:** To ensure the satisfactory preservation of this listed building and to comply with policies HE1 and HE6 of the Brighton & Hove Local Plan.
- 8) Notwithstanding the approved drawings all new and replacement rainwater goods, soil and other waste pipes shall be in cast iron and shall be painted to match the colour of the renderwork background walls and 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.

### 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 proposal would not be out of keeping and detrimental to the architectural and historic character of the Grade II Listed Building or the wider Montpelier and Clifton Hill Conservation Area. Furthermore it is not considered that the proposed scheme would have an adverse impact on neighbor amenity.



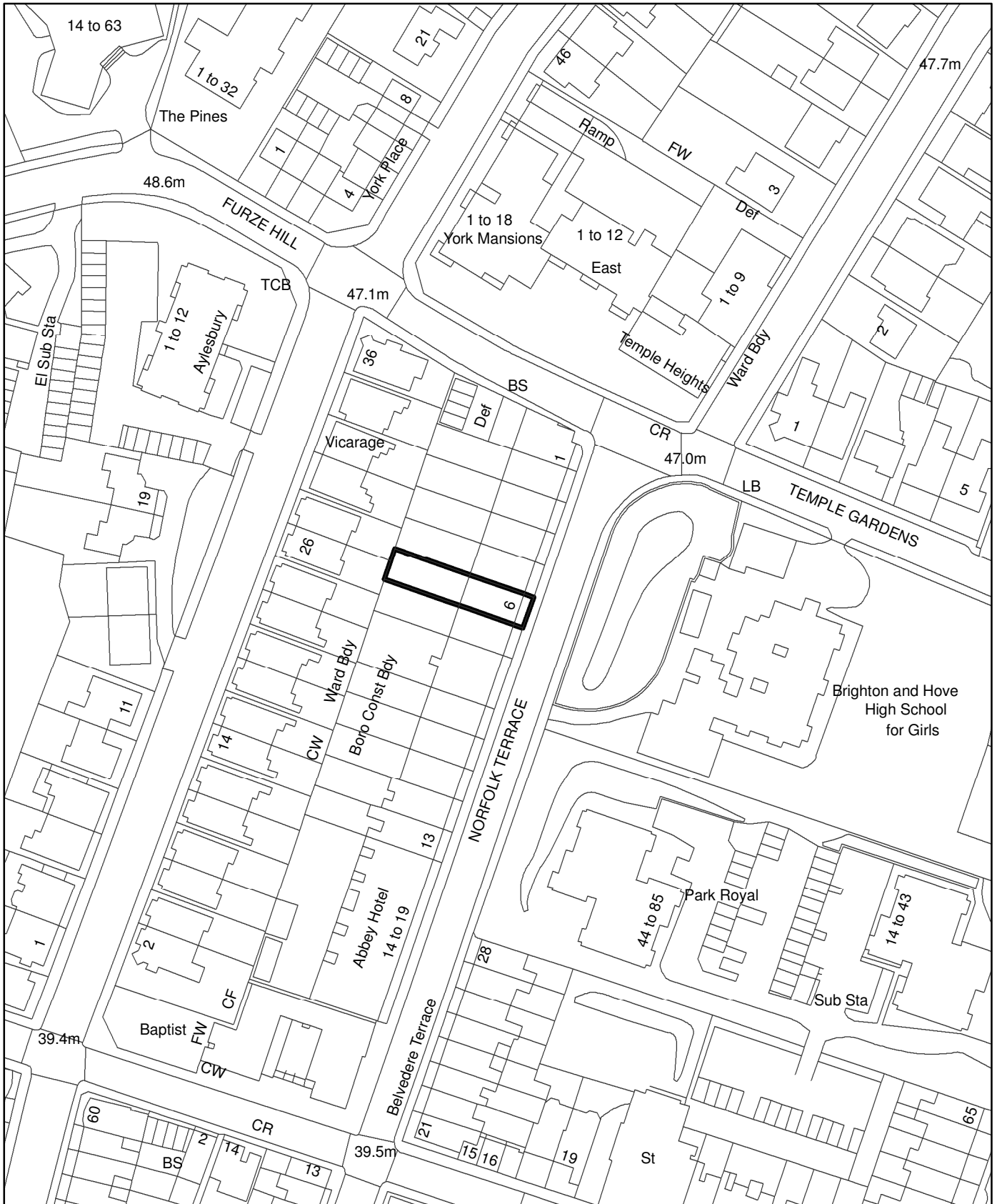
# **ITEM D**

**6 Norfolk Terrace, Brighton**

**BH2014/01207**  
**Listed building consent**

**16 JULY 2014**

# BH2014/01207 6 Norfolk Terrace, Brighton.



**Brighton & Hove  
City Council**



**Scale: 1:1,250**

<b><u>No:</u></b>	<b>BH2014/01207</b>	<b><u>Ward:</u></b>	<b>REGENCY</b>
<b><u>App Type:</u></b>	<b>Listed Building Consent</b>		
<b><u>Address:</u></b>	<b>6 Norfolk Terrace Brighton</b>		
<b><u>Proposal:</u></b>	<b>Removal of external fire escape to rear, replacement of existing door with timber window to rear and infilling of door openings, replacement rooflights, formation of a parapet gutter and associated alterations. Internal alterations to upgrade the fire precautions in the building including fitting new fire doors.</b>		
<b><u>Officer:</u></b>	Christine Dadswell	<b><u>Valid Date:</u></b>	13 May 2014
<b><u>Con Area:</u></b>	Montpelier and Clifton Hill	<b><u>Expiry Date:</u></b>	08 July 2014
<b><u>Listed Building Grade:</u></b>	Grade II		
<b><u>Agent:</u></b>	Grumitt Wade, Unit 3, Tungsten Building, Portslade BN41 1RA		
<b><u>Applicant:</u></b>	Dr Paul Lyon, Forge House, 66 High Street, Kingston Upon Thames KT1 1HN		

## 1 RECOMMENDATION

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

## 2 SITE LOCATION & DESCRIPTION

- 2.1 This application relates to a mid terraced Victorian house on the western side of Norfolk Terrace which has been subdivided into flats. The property currently has a cast iron fire escape to the rear which incorporates balcony spaces, these are structurally unsound and are contributing to damp issues in the property. The rear elevation of the property currently has windows and doors in a mix of designs and materials. The property is Grade II listed and is within the Montpelier and Clifton Hill Conservation Area. The surrounding street scene is characterised by Victorian Terraces and the property is opposite Brighton & Hove High School.

## 3 RELEVANT HISTORY

- 3.1 Conversion of the property into 6 flats. Approved 8 June 1948. (ref: 6529)

## 4 THE APPLICATION

- 4.1 Listed Building Consent is sought for the removal of the external fire escape to the rear, replacement of existing door with timber window to rear and infilling of door openings, formation of a parapet gutter and associated alterations. Internal alterations to upgrade the fire precautions in the building including fitting new fire doors. An application for full planning for the external works has also been submitted **ref. BH2014/01281**

## 5 PUBLICITY & CONSULTATIONS

### External:

- 5.1 None received.

### Internal:

- 5.2 **Heritage:** The rear fire escape stair (including balconies) which was erected to serve the four upper floors has fallen into a poor condition of repair and the heavily corroded structure is now structurally unsound and is thus redundant.
- 5.3 The stairs and balconies are clearly a later addition to the building and were likely to have been erected when the building was subdivided into flats. The stair and balconies are not considered to be of any historic or architectural merit and for those reasons, the removal of the rear structure is considered to be acceptable in principle.
- 5.4 The design and fenestration detailing to the rear elevation would originally have mirrored that to no. 5 Norfolk Terrace. Therefore, the proposed making good of the rear elevation and reinstatement of the decorative band detail and moulding to the now central blind window surrounds is welcomed and the works are considered to better reveal the architectural integrity of the building.
- 5.5 It would be desirable to reinstate the large sash windows to the central bay but there are now partitions abutting the centre of where the original window opening would be. It would therefore be acceptable to remove the existing single doors and block the openings up as the moulding detail will allow one to appreciate the original design of the elevation.
- 5.6 There are several points which need to be addressed before the application can be determined and these are set out below:
- 5.7 There are several inaccuracies on the drawings- the materials of the later doors and windows to the central bay on the rear elevation need to be shown accurately and the subdivision of the glazing to the doors and a first floor sash window needs amending.
- 5.8 The labeling of the rooms to the upper floor flats needs to be corrected.
- 5.9 The design of the proposed railings to the rear lightwell should be amended- the uprights should be individually leaded into a stone coping and the position of the railings needs to be further considered so to preserve the historic stone steps which are present.
- 5.10 It would be better to have just one single window to the bathrooms and block up where the doors were to the central bay of the rear elevation. The windows should be subdivided into 3 panes.
- 5.11 Any new internal doors must match the historic example which was identified to the first floor living room. New doors to the top floor flats should be plain panelled doors with fully recessed panels, no moulding (to match the door identified to the rear master bedroom in the second floor flat).



- 5.12 The scheme has subsequently been amended and incorporates the majority of the recommendations of the Heritage Team. The outstanding issues can be resolved through the imposition of 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) is a material consideration.
- 6.4 Due weight should be given to relevant policies in the development plan according to their degree of consistency with the NPPF.
- 6.5 The Brighton & Hove City Plan Part One (submission document) is an emerging development plan. The NPPF advises that weight may be given to relevant policies in emerging plans according to their stage of preparation, the extent to which there are unresolved objections to relevant policies and the degree of consistency of the relevant policies to the policies in the NPPF.
- 6.6 All material considerations and any policy conflicts are identified in the “Considerations and Assessment” section of the report.

## **7 RELEVANT POLICIES & GUIDANCE**

### The National Planning Policy Framework (NPPF)

#### Brighton & Hove Local Plan:

HE1 Listed Buildings

HE4 Reinstatement of original features on Listed Buildings

#### Supplementary Planning Guidance:

SPGBH11 Listed Building Interiors

SPGBH13 Listed Building – General Advice

#### Supplementary Planning Documents:

SPD09 Architectural Features

Brighton & Hove City Plan Part One (submission document)

SS1 Presumption in Favour of Sustainable Development

## **8 CONSIDERATIONS & ASSESSMENT**

- 8.1 The main considerations in the determination of this application relate to whether the alterations will have a detrimental impact on the character, architectural setting and significance of the Grade II Listed Building.
- 8.2 Policy HE1 states that proposals involving the alterations, extension, or change of use of a listed building will only be permitted where:
- a) the proposal would not have any adverse effect on the architectural and historic character or appearance of the interior or exterior of the building or its setting; and
  - b) the proposal respects the scale, design, materials and finishes of the existing building(s), and preserves its historic fabric.
- 8.3 Policy HE4 states that where appropriate, the planning authority will require - in conjunction with applications for a change of use, alteration or refurbishment – the reinstatement of original features on listed buildings, such as: mouldings, traditional doors and windows.
- 8.4 The proposal is for the removal of an external fire escape and existing balconies to the rear of the property. The replacement of existing doors at third floor level with a timber window, the infilling of existing door openings at second and third floor levels. At roof level it is proposed to install a box gutter on top of the existing parapet, replace existing lantern style roof lights with velux rooflights and install 2 slate vents. Internally the application proposes the upgrading of internal doors for fire regulation purposes and to reconstruct existing boxing to fire regulation standards.
- 8.5 The proposed removal of the fire escape is considered to be acceptable as it is not an original feature of the building and it is an unsympathetic alteration to the listed building concealing many of the buildings original external features. Furthermore the fire escape and balconies are structurally unsound and are causing water ingress in the property. Overall the existing fire escape and balconies are out of keeping with the appearance and character of the building.
- 8.6 The proposed reinstatement of a timber window of a traditional design at third floor level is welcomed subject to appropriate joinery details which will be required by condition. The proposed window will restore the window opening to its original dimensions and the design will match windows elsewhere in the elevation.
- 8.7 The proposed infilling of existing door openings at second and third floor levels is considered acceptable as these are non-original doors located within an original window opening. The submitted plans state that they will be blocked in to be flush with existing infills. This will ensure that the dimensions of the original window opening will remain visible.

- 8.8 The proposed reinstatement of render band detail is welcomed and is in line with policy HE4 subject to appropriate detailing required by condition.
- 8.9 The proposed cast iron rainwater and drainage pipework are of an appropriate material. The proposed pipework on the street elevation would generally not be supported however in this case as the pipework is to replace existing UPVC pipework it is considered to be acceptable. Although there was no drawings submitted to show the existing and proposed front elevation it is considered that the submitted design and access statement provides sufficient information to determine this element. The proposed pipework on the rear elevation is of considerable length. The submitted elevation plans do not show the existing pipework to allow an accurate assessment of the differences in the existing and proposed pipework arrangement however from the justification contained in the design and access statement it is considered that the proposed pipework is an improvement and consolidation of existing pipework. All pipework will be required by condition to be painted to match the render reducing its impact on the appearance and character of the building and the wider conservation area.
- 8.10 The proposed rooflights are of an appropriate style for the building. Although three rooflights on one roofslope would not usually be supported to avoid creating cluttered roofspaces, in this case the proposed rooflights are considered acceptable. The proposed rooflights would be located on an inwards facing roofslope and would not be highly visible in the surrounding street scene due to the existing parapet at roof level. A condition can be used to ensure that the proposed rooflights will lie flush with the plane of the roofslope. Therefore it is not considered that the rooflights would have a detrimental impact on the appearance and character of the listed building.
- 8.11 The proposed guttering at parapet level is of an acceptable design that is to be more sympathetic to the appearance and character of the building than the existing UPVC guttering. Furthermore the guttering will not be highly visible in the surrounding street scene so it is not considered that it will have a detrimental impact on the setting of the wider conservation area. However the proposed felt lining is not a traditional material, the lining should be lead. This can be secured by condition.
- 8.12 The proposed internal door details have been amended to ensure the door details are appropriate for the floor level at which the door is to be replaced. All the proposed doors will be of a traditional construction and are considered to be acceptable.
- 8.13 The proposed upgrading of the internal boxing is considered acceptable as it will not alter the external dimension of the existing boxing.

**Other considerations:**

- 8.14 The Heritage Team suggested that a time limit condition for the works to be put in place to ensure the heritage gains are realised. This is not considered necessary.

**9 CONCLUSION**

- 9.1 Overall it is considered that the proposal would not be out of keeping and detrimental to the architectural and historic character of the Grade II Listed Building. As such, the proposal is in accordance with Local Plan Policies HE1, and SPGBH13 Listed Building – General Advice.

**10 EQUALITIES**

- 10.1 None identified.

**11 CONDITIONS / INFORMATIVES**

- 1) The works hereby permitted shall be commenced before the expiration of three years from the date of this consent.  
**Reason:** To comply with Sections 18 (as amended) and 74 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
- 2) Prior to the repair and reinstatement of the decorative band and moulding detail to the rear elevation renderwork, the detailed design including the dimensions, profiles and composition of the render and a method statement for the works shall be submitted to and agreed in writing by the Local Planning Authority. The scheme shall be carried out in strict accordance with the agreed details and retained as such thereafter.  
**Reason:** To ensure the satisfactory preservation of this listed building and to comply with policy HE1 of the Brighton & Hove Local Plan.
- 3) Notwithstanding the approved drawings, the installation of the new sash window to the secondfloor kitchen and the new rainwater goods shall not take place until the detailed design including materials and finishes of the following items has been submitted to and approved in writing by the Local Planning Authority:
  1. New vertically sliding timber sash window to third floor (including reveals, cill and head treatment)
  2. All new cast iron rainwater goodsThe design and details shall be accompanied by elevations and section drawings to a minimum scale of 1:5 with full size moulding cross sections, where mouldings are used. The works shall thereafter be implemented strictly in accordance with the agreed details.  
**Reason:** To ensure the satisfactory preservation of this listed building and to comply with policy HE1 of the Brighton & Hove Local Plan.
- 4) The new box gutter shall be dressed in code 5 or 6 lead unless otherwise agreed in writing by the Local Planning Authority and shall thereafter be maintained as such.  
**Reason:** To ensure the satisfactory preservation of this listed building and to comply with policy HE1 of the Brighton & Hove Local Plan.
- 5) All existing architectural features including staircases, balustrades, windows, doors, architraves, skirtings, dados, picture rails, panel work, fireplaces, tiling, corbelled arches, cornices, decorative ceilings and other

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decorative features shall be retained except where otherwise agreed in writing with the Local Planning Authority.

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

- 6) The rooflights hereby approved shall have steel or cast metal frames with a central mullion glazing bar and the rooflights shall fitted flush with the adjoining roof surface and shall not project above the plane of the roof.

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

- 7) All new and disturbed surfaces shall be made good at the time of development using materials of matching composition, form and finish to those of the listed building.

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

- 8) Notwithstanding the approved drawings all new and replacement rainwater goods, soil and other waste pipes shall be in cast iron and shall be painted to match the colour of the renderwork background walls and 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.

- 9) Any fireproofing to new doors shall be an integral part of the door construction, and self closing mechanisms to new and existing doors, if required, shall be of the concealed mortice type.

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

Informatives:

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

Plan Type	Reference	Version	Date Received
Location Plan			29 April 2014
Block Plan			22 April 2014
Existing and Proposed Rear Elevation	Jj/01/norfolk terrace6 revb	B	16 June 2014
Existing and Proposed Floor Plans	Jj/02/norfolk terrace6	A	16 June 2014
Existing and Proposed Parapet Details	Jj/03/norfolk terrace6		22 April 2014
Proposed Internal Door Elevations	Jj/06/norfolk terrace6 reva	A	16 June 2014
Proposed Rooflight, Elevation and Sections	GGL-EKN-0114-1124		09 May 2014

## PLANNING COMMITTEE LIST- 16 JULY 2014

2. This decision to grant Listed Building Consent has been taken:
  - (i) having regard to the policies and proposals in the National Planning Policy Framework and the Development Plan, including Supplementary Planning Guidance and Supplementary Planning Documents:  
(Please see section 7 of the report for the full list); and
  - (ii) for the following reasons:-  
The proposal would not be out of keeping and detrimental to the architectural and historic character of the Grade II Listed Building.

# **ITEM F**

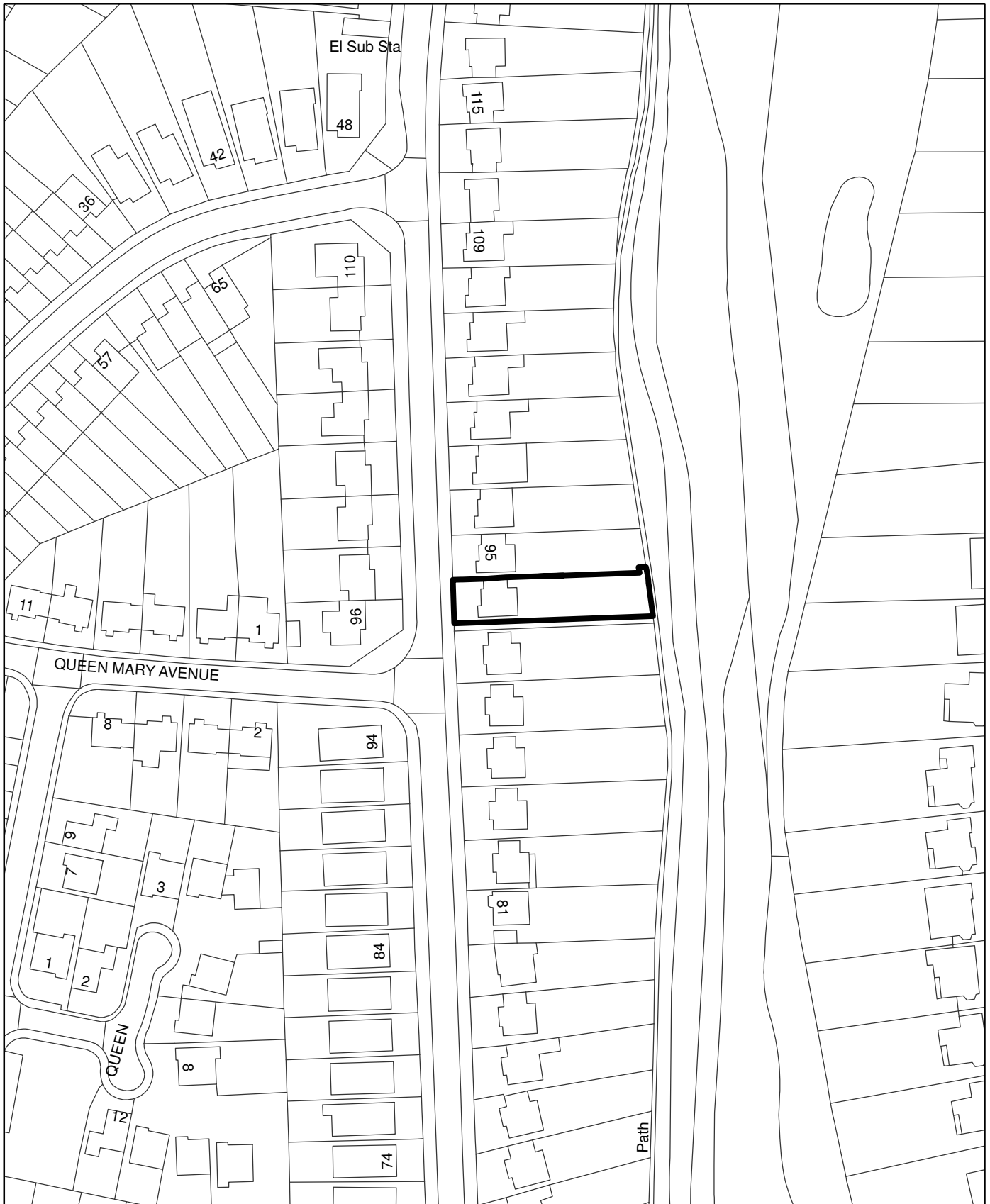
**93 Woodland Avenue, Hove**

**BH2013/03815**

**Householder planning consent**

**16 JULY 2014**

# BH2013/03815 93 Woodland Avenue, Hove.



**Brighton & Hove  
City Council**



**Scale: 1:1,250**



<b><u>No:</u></b>	<b>BH2013/03815</b>	<b><u>Ward:</u></b>	<b>HOVE PARK</b>
<b><u>App Type:</u></b>	<b>Householder Planning Consent</b>		
<b><u>Address:</u></b>	<b>93 Woodland Avenue Hove</b>		
<b><u>Proposal:</u></b>	<b>Erection of single storey side and rear extension and garden room with associated alterations.</b>		
<b><u>Officer:</u></b>	Robin Hodgetts	<b><u>Valid Date:</u></b>	28 January 2014
	Tel 292366		
<b><u>Con Area:</u></b>	N/A	<b><u>Expiry Date:</u></b>	25 March 2014
<b><u>Listed Building Grade:</u></b>	N/A		
<b><u>Agent:</u></b>	N/A		
<b><u>Applicant:</u></b>	Charles Mitten, 93 Woodland Avenue, Hove BN3 6BJ		

## 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 detached house located on the east side of Woodland Avenue, Hove. The property has an attached garage to the north and backs onto the Woodland Drive Conservation Area. There is a small, public footpath adjacent to the site to the south which accesses the undeveloped land to the rear of the site.
- 2.2 The eastern side of the road north of the site is characterised by a consistent design and appearance of the properties. The street scene to the south is similarly consistent but of a different design to the property which this application relates to.

## 3 RELEVANT HISTORY

None.

## 4 THE APPLICATION

- 4.1 Planning permission is sought for a number of alterations to the property:
- 4.2 An extension to the side and rear of the property consisting of an infill to the rear of the garage on the northern side of the property along with a full width rear extension. The side extension would sit behind the existing garage and have a flat roof to a height of 3.2m and be 2.4m wide being built up to, but not on, the boundary line with No.95. The rear aspect of the extension would have a flat roof and project 3m from the rear wall of the property. It would also be 3.2m high and

have a width of 8.9m. It would include windows to the south elevation, bi-folding doors and patio doors to the rear elevation and be finished in brickwork to match the existing dwelling. Initially this application was for a two storey side and rear extension of the same footprint but after negotiation this was amended to the current, single storey proposal.

- 4.3 An outbuilding positioned in the rear garden of the property adjacent to the boundary to the north. The outbuilding would measure 6.4m wide, 4.2m deep and has a ridge height of 3.6m. It would have an open-sided design with a roof supported by a rear wall and three pillars to the front.
- 4.4 A patio to the rear of the extension and steps down to the garden and proposed outbuilding.
- 4.5 Following discussions the scheme, which was originally proposed as a two-storey side and rear extension that would be built on the building line with No.95 to the north, was amended to a single-storey, built within the existing boundary wall with No.95 to the north. This was to address both concerns relating to the impact upon the amenity of neighbours and overhanging of the boundary line.

## 5 PUBLICITY & CONSULTATIONS

### External

#### 5.1 Neighbours:

**Six (6)** letters of representation have been received from the occupiers of **95, 97, 98 & 99 Woodland Avenue, 14 Hereford Court, 61 The Drive and 135 Goldstone Crescent** objecting to the application for the following reasons:

- Loss of light and overlooking
- Inaccuracies on the plans
- Party wall issues
- Encroachment of development onto neighbouring land
- Overdevelopment of the site and loss of rain water run off.
- Height of the development
- Impact on the character of the surrounding area / street scene

Following the receipt of amendments the scheme was re-advertised and a further **Two (2)** letters of representation were received from the occupiers of **95 (x2) & 98 Woodland Avenue** objecting to the application for the following reasons:

- Loss of light and overlooking
- Inaccuracies on the plans
- Party wall issues
- Encroachment of development onto neighbouring land
- Overdevelopment of the site and loss of rain water run off.
- Height of the development
- Impact on the character of the surrounding area / street scene

**One (1)** letter of comment has been received, subsequent to the amendment, from **91 Woodland Avenue** stating that the proposed windows in the side elevation would allow overlooking and should be obscure-glazed and fixed shut.

**Internal:**

- 5.2 **Councillors Brown & Bennett:** A letter of representation have been received from Councillors Bennett and Brown. A copy of the correspondence is attached.

**6 MATERIAL CONSIDERATIONS**

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

**7 RELEVANT POLICIES & GUIDANCE**

The National Planning Policy Framework (NPPF)

Brighton & Hove Local Plan:

- |      |                            |
|------|----------------------------|
| QD14 | Extensions and alterations |
| QD27 | Protection of Amenity      |

Supplementary Planning Documents:

SPD12 Design Guide for Extensions and Alterations

Brighton & Hove City Plan Part One (submission document)

SS1 Presumption in Favour of Sustainable Development

## **8 CONSIDERATIONS & ASSESSMENT**

8.1 Matters relating to party wall and land ownership issues are not material planning considerations. The main considerations in the determination of this application relate to the impact of the proposed extensions on the appearance of the building and wider street scene and the amenities of adjacent residents.

### **Planning Policy:**

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

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

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

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

8.5 Supplementary Planning Document 12 Design Guide for Extensions and Alterations provides guidance on design principles for extensions and advises that extensions should not dominate or detract from the original building.

### **Design:**

#### Side and Rear Extension

8.6 The building as existing forms a pitch roofed detached house on land to the east side of Woodland Avenue. A single garage is attached to the north side, recessed from the front of the building.

8.7 It is considered that the principle of extending the property to the side and rear is acceptable, subject to the design sitting sympathetically with the host building and wider street scene. The side aspect of the extension would sit behind the existing

garage and as such is considered to respect the original form of the building and results in an extension that is a subordinate addition to the house.

- 8.8 Although the additional height of the extension over that of the garage is not an ideal arrangement, it would be sufficiently set back from the front elevation of the property such that its impact upon the character of the host and wider street scene would not be significant. For these reasons the proposed extension is considered an acceptable addition to the building and street scene, in accordance with development plan policies.
- 8.9 There is an existing rear extension at 99 Woodland Drive, for which there is no planning history.
- 8.10 It is also noted that a similar scheme, although slightly less in terms of scale, was approved under application BH2013/00310 at 56 Woodland Avenue.

#### Outbuilding

- 8.11 The outbuilding is considered to be acceptable in regards to design, scale and materials; it is appropriately sited and would sit some 8m from the rear of the adjacent property at No.95 Woodland Avenue. There is existing 2m high fencing on the boundary and the only part of the proposal that would be visible from the rear garden of No.95 would be the pitched roof of the outbuilding.
- 8.12 Overall the proposed outbuilding would not have any significantly detrimental impact upon the appearance and character of the property, the wider surrounding area or the adjacent Woodland Drive Conservation Area.

#### Hardstand

- 8.13 The associated works to create a patio area at the rear of the extension and steps to the outbuilding are appropriate to the scale of the proposed development and would successfully link the outbuilding to the host building. A significant proportion of the rear garden would remain soft surfaced allowing rainwater drain off.

#### **Impact on Amenity:**

##### Side and Rear Extension

- 8.14 The proposal is not considered to have any negative impact on neighbouring properties.
- 8.15 The rear garden of the property is well sheltered from neighbouring views with a footpath to the south and open land to the rear. As such it is only the property to the north, No.95 which sits at a slightly higher land level, which may be affected by the development. Although the extension would be relatively substantial in size, it would be approximately 1m higher than the existing boundary fence to the north. Given this, it is not considered to cause significant harm to this property in terms of loss of light or overlooking. There is a window in the south elevation of No. 95 which may suffer some loss of light but this is not considered sufficiently harmful to refuse the application. Being built within the existing boundary wall and not replacing it would ensure that there is no overhanging the neighbouring property.

## PLANNING COMMITTEE LIST- 16 JULY 2014

- 8.16 The side, south facing corridor to the rear extension would not result in overlooking of no. 91 because it is below the level of the timber boundary fence.
- 8.17 Considering the size of the plot, boundary treatment and land levels the proposal would not cause any significant harm to the neighbouring properties in regards to loss of privacy, overshadowing or loss of light towards or loss of outlook from them.

### Outbuilding

- 8.18 The proposed outbuilding would not have any significant impact on neighbouring properties in regards to overshadowing or loss of light towards, or loss of outlook from, this property. The only part of the outbuilding that would be visible above the boundary screening would be the pitch roof which given its profile would not cause any significant loss of light or overshadowing.

### Hardstand

- 8.19 The creation of the patio and steps to the rear of the extension would have no appreciable impact upon neighbouring amenity.

## 9 CONCLUSION

- 9.1 The proposed extension is of a suitable design that would not harm the appearance of the building or wider street scene, or harm the amenities of adjacent occupiers, in accordance with development plan policies.

## 10 EQUALITIES

- 10.1 None identified.

## 11 PLANNING OBLIGATION / CONDITIONS / INFORMATIVES

### 11.1 Regulatory Conditions:

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

Plan Type	Reference	Version	Date Received
Site location and block plan	WA-001		11/11/13
Existing floor plans	WA-002		11/11/13
Existing elevations	WA-003		11/11/13
Proposed block plan	WA-004	B	25/02/14
Proposed floor plan	WA-005	B	25/02/14
Proposed elevations	WA-006	B	25/02/14
Proposed garden room elevations	WA-007		11/11/13

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

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

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

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

#### 11.2 Informatives:

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

2. This decision to grant Planning Permission has been taken:

(i) having regard to the policies and proposals in the National Planning Policy Framework and the Development Plan, including Supplementary Planning Guidance and Supplementary Planning Documents:  
(Please see section 7 of the report for the full list); and

(ii) for the following reasons:-

The proposed development is of a suitable design that would not harm the appearance of the building or wider street scene, or harm the amenities of adjacent occupiers, in accordance with development plan policies.

**From:** Vanessa Brown  
**Sent:** 09 December 2013 13:20  
**To:** Robin Hodgetts  
**Subject:** BH 2013/03815

Dear Mr Hodgetts

Ref: BH2013/03815

As Ward Councillors we are writing to object to this planning application. These newer detached houses in the road are built only 1.2 metres apart and this very large side and back extension is going to take light from 95 Woodland Avenue and will give the residents a distinct feeling of enclosure. It will particularly affect the light to their kitchen window which overlooks No. 93.

If the recommendation for this application should be to grant we would request that it goes before the planning committee for decision.

Yours sincerely

Cllr Vanessa Brown

Cllr Jayne Bennett



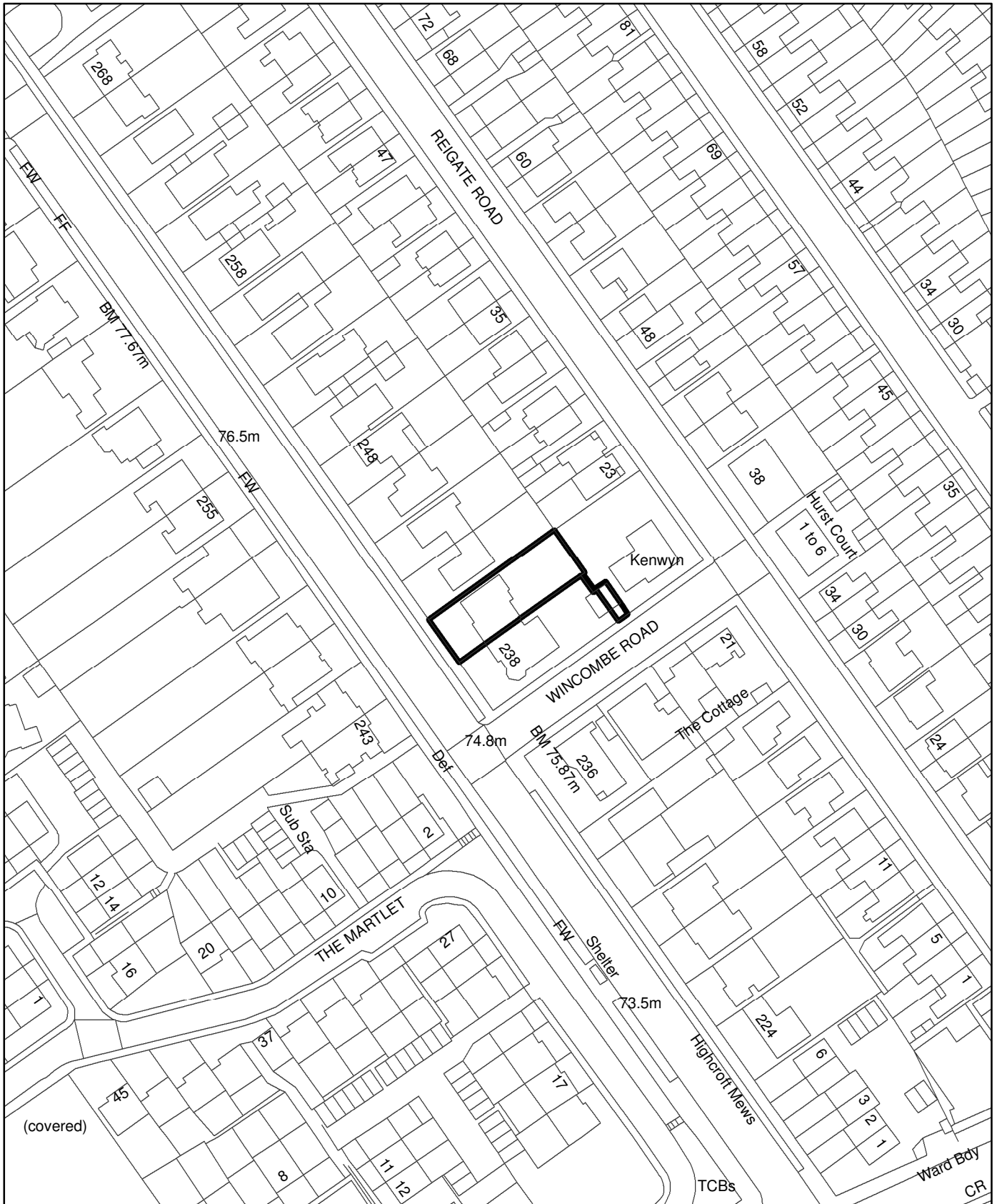
# **ITEM F**

**240 Dyke Road, Brighton**

**BH2014/01236**  
**Full planning**

**16 JULY 2014**

# BH2014/01236 240 Dyke Road, Brighton.



**Brighton & Hove  
City Council**



**Scale: 1:1,250**

<b><u>No:</u></b>	<b>BH2014/01236</b>	<b><u>Ward:</u></b>	<b>WITHDEAN</b>
<b><u>App Type:</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>240 Dyke Road Brighton</b>		
<b><u>Proposal:</u></b>	<b>Change of use from single dwelling (C3) to children's Home (C2).</b>		
<b><u>Officer:</u></b>	Liz Arnold Tel 291709	<b><u>Valid Date:</u></b>	17 April 2014
<b><u>Con Area:</u></b>	N/A	<b><u>Expiry Date:</u></b>	12 June 2014
<b><u>Listed Building Grade:</u></b>	N/A		
<b><u>Agent:</u></b>	IBI Nightingale, Ridgeland House, 165 Dyke Road, Hove BN3 1TL		
<b><u>Applicant:</u></b>	The Lioncare Group, Lioncare House, 58A Livingstone Road, Hove BN3 3WL		

## 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 semi-detached property located on the eastern side of Dyke Road, close to the junction with Wincombe Road. The two storey property is currently in use as a family single dwelling.

## 3 RELEVANT HISTORY

### 240 Dyke Road

**79.2495** – Change of use from private residents to residential family home for children with learning difficulties. Granted 20/11/1979.

### 238 Dyke Road

**BH1997/00988/FP** – Change of use from single dwelling to day nursery for children aged 2-5 years. Refused 06/10/97 on grounds of lack of parking, road safety and loss of residential unit.

### 307 Dyke Road

**BH2005/06674** - Change of use from dwelling house to residential Childrens home. Approved 06/04/2006. (Applicant Lioncare Ltd).

## 4 THE APPLICATION

- 4.1 Planning permission is sought for the change of use from a single dwelling (Use Class C3) to a children's home (Use Class C2).
- 4.2 The proposed children's home would cater for up to 5 young people at any one time. The age of the children on admission would be between 12-16 years old but the home would care for children up to the age of 18. Placements would be

open to both genders for 52 weeks of the year on a medium to long term basis, between 18 months and 4 years. Referrals to the home would be made by Local Authorities. The majority of the young people referred to the proposed home would already be looked after by The Lioncare Group in one of the other homes and would attend the Lioncare School which provides specialist education for young people with motional and educational needs and difficulties. The proposed C2 facility would provide specialist care, via individual therapeutically informed programmes, to children who have experienced a break down in their own family home and whose needs have not been met in alternative family based or residential care settings. Placements to the home will not be open to young people with severe learning or physical disability, severe mental health disorders, acute drug or alcohol dependence or a propensity for ongoing criminal behaviour in the community.

- 4.3 The applicant, The Lioncare Group, is a long established provider and has been operating in the city since 1991. It currently operates three Residential Therapeutic Children's Homes, Westfields (Hove), Seafields (Dyke Road) and Springfields, an Independent School and two 18+ Supported Accommodation Homes. It is a preferred provider for Brighton & Hove City Council and West Sussex County Council (and a couple of other authorities) and works in partnership with 36 separate Local Authorities in total.

## 5 PUBLICITY & CONSULTATIONS

### External:

- 5.1 **Neighbours: Eleven (11)** letters of representation have been received from **236, 238, 242 and 244 Dyke Road, Glenside and Kenwyn Wincombe Road, 23, 25, 35 and 49 Reigate Road and 2 Clarendon Mansions, 80 East Street** objecting to the application for the following reasons:

- Would remove a family home from the existing housing stock which is in short supply in the area. Introducing a care home here would adversely affect the strong family community as the staff and residents would be from outside the area and transient. Proposal is contrary to policies which maintain Brighton property for local residents and families and to maintain properties locally as single dwellings,
- It is inappropriate for the very special needs of the children that would be brought in from other boroughs,
- Increase in noise and disturbance,
- There is a strong sense of community within the area partly due to the fact that the houses are situated closely together and the gardens too,
- Increased traffic to property and increase parking demand. The accompanying transport document suggests reduced use of cars but does not mandate that staff use other means of transport, suggest that staffing levels could potentially be subsequently further increased at a later date,
- Playing outdoors is one of the most enjoyable and safe activities for children, more so nowadays when playing in the street is unsafe, therefore the gardens in the community have become the safe communal place where children get together and play. Concerned neighbouring children will be exposed to challenging behaviour and conversations, and that

neighbouring gardens could no longer be used as a safe play area for neighbouring children. The focus if the planning has been on providing a safe place for the children in the care home but does not consider the children of the existing residents. Believe that there are potential safeguarding issues for neighbouring children and that the proximity of neighbouring children may prove an added stress for the children in care,

- The previous C2 designation of the property was over 30 years ago and is not relevant to the application. It is also superseded by a subsequent decision not to award C2 status to the adjoining property at 238,
- Application suggests that the property would be a residential home but also makes it clear that this is a 'therapeutic community' with regular therapy work taking place in the home. This entails a large number of staff, the home is therefore not to be simply a children's home but is also proposed to become a treatment/therapy unit with a high footfall of staff on a daily basis,
- Bringing looked after children into Brighton from other boroughs puts pressure on already overcrowded secondary school system in the City,
- Overlooking and loss of privacy,
- Believe that the children and young people they provide care for would benefit from a detached house with a bigger, more secluded garden, where they can make the most of the therapeutic support they will receive. Disagree that 240 Dyke Road is suitable for the type of provision that Lioncare proposes, do not consider the garden to be big enough for the rather idealised plans,
- This is not an application for integrated or inclusive care but one of a more closed and protective environment suitable for children and young people who exhibit severe behaviour and who are not ready for community living,
- Do not accept the arguments put forward for other properties not being suitable. Suspect that the purchase of 240 Dyke Road is potentially more important to Lioncare as a future commercial asset than as development of their work,
- The plans are incorrect, the garage owned by 240 is not marked correctly on the plans,
- There is no scientific basis for the type of therapeutic approach and it is not recognised by the National Institute for Health and Clinical Excellence, for use by The National Health Service.

5.2 **48 Reigate Road** comments that it is not clear how Lioncare will ensure that residents are not affected by any anti-social or disturbing behaviour in what is a quiet residential area populated by a lot of young families,

5.3 **240 Dyke Road** (current owner) Supports the application as when originally purchased the house it had been successfully operating as part of Ceres House which cared for handicapped children. It is a very practical and spacious house and well suited to bringing up children. Sure that it will work very well for the disadvantaged children which Lioncare hope to house in it and if the experience with their existing home at 307 Dyke Road is anything to go by, suggests that the change of use should not cause a problem for the neighbours especially as no external changes are apparently planned for the house or the gardens.

- 5.4 **Southern Water:** No objections
- 5.5 **Southern Gas Networks:** No comments regarding the proposed change of use.
- 5.6 **UK Power Networks:** No objections.

**Internal:**

- 5.7 **Children's Services Commissioner (Agency Placement):** The Local Authority does not have any Council owned/managed residential care resources for non-disabled children and thus all such services are commissioned from the independent sector. There is currently a shortage of children's residential services within Brighton & Hove.
- 5.8 Lioncare is a preferred provider on the joint Brighton & Hove City Council and West Sussex County Council framework of independent providers of children's residential care. This means that the agency is assessed as providing high quality services to looked after children. Whenever possible children looked after by Brighton & Hove City Council should be placed in, or as near to, Brighton & Hove as possible. However, then this is not possible, or not in the best interests of an individual child, children are placed in children's homes in other local authority areas. It is therefore essential that local authorities work co-operatively to provide the wide range of placements required for vulnerable looked after children.
- 5.9 Lioncare provide a specialist therapeutic model of care and whilst this would not be appropriate for all looked after children who require residential care it is suitable for some. Children who live in one of the Lioncare children's homes often remain resident for a number of years and thus vacancies do not arise very regularly. The proposed children's home may provide additional placement options for children in the care of Brighton & Hove City Council, depending on when vacancies arise and the individual needs of children requiring a residential placement at that time, but is unlikely to significantly impact on the number of looked after children placed outside of Brighton & Hove.
- 5.10 **Environmental Health:** No comment
- 5.11 **Planning Policy:** The principle of the proposal is supported by planning policy.
- 5.12 **Sustainable Transport:**  
(Original comments 23/05/2014) Recommend approval as the Highway Authority has no objections subject to the inclusion of a condition to secure further details of cycle parking and the implementation of a travel plan.
- 5.13 (Additional comments 03/06/2014 received from Council's Travel Plan Officer)  
The Travel Plan should be amended to include information to employees about obtaining season tickets for bus and rail travel, a staff 'key' smartcard for cross-city travel on the bus should be explored and a staff survey should be undertaken on an annual basis.

## **6 MATERIAL CONSIDERATIONS**

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

## **7 RELEVANT POLICIES & GUIDANCE**

### The National Planning Policy Framework (NPPF)

#### Brighton & Hove Local Plan:

TR1	Development and the demand for travel
TR7	Safe development
TR14	Cycle access and parking
TR19	Parking standards
SU2	Efficiency of development in the use of energy, water and materials
SU10	Noise nuisance
QD27	Protection of amenity
HO8	Retaining housing
HO9	Residential conversions and the retention of smaller dwellings
HO11	Residential care and nursing homes
HO15	Housing for people with special needs

Supplementary Planning Guidance:  
SPGBH4 Parking Standards  
Interim Guidance on Developer Contributions

Supplementary Planning Documents:  
SPD08 Sustainable Building Design

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 acceptability of the proposed change of use, the impacts upon the amenities of neighbouring properties and transport and sustainability issues.
- 8.2 As previously stated Lioncare currently operate 3 children's homes within the City. It is stated within the application that the proposed home would operate and be managed in a similar manner to the current service known as Westfields in Seafield Road.
- 8.3 The proposed home would provide "individual therapeutically informed programmes of care to young people who may have experienced abusive situations of an extreme nature resulting in them suffering trauma and difficulties in managing their day-to-day life. The home will be specifically planned to provide primary care provision in a group setting for young people who have experienced a break down in their own home and whose needs have not been met in alternative family based or residential care settings".
- 8.4 The number of staff/adults on duty will vary throughout the day and across the year to accommodate school holidays, festive occasions, contact arrangements, individual programmes of care, specific therapeutic tasks and to reflect the different needs of the young people and of the home. In general during the day the average adult carer to young ratio would be 1:2 in addition to any adult team members present in the home carrying out non-direct care tasks such as administration or management duties. At night there would be a minimum of two adults present in the home.

### **Planning Policy:**

- 8.5 The National Planning Policy Framework sets the presumption of sustainable development and paragraphs 7 and 50 seek to ensure sustainable, inclusive and mixed communities are created and a mix of housing is provided to meet the needs of different groups in the community.
- 8.6 Policy HO8 of the Brighton & Hove Local Plan states planning permission will not be permitted for proposals involving a net loss of units of residential accommodation unless one or more of the following exceptional circumstances applies;



- a) the residential accommodation is classified as unfit for human habitation and it can be demonstrated that it cannot be made fit for habitation;
  - b) a separate access to the residential accommodation is impracticable;
  - c) where it can be demonstrated that the change of use is the only practicable way of preserving the existence or special architectural or historic character of a listed building or other building of architectural or historic interest;
  - d) where the proposal would result in a net gain in units of affordable housing;  
or
  - e) where the previous use of a building would be a material consideration.
- 8.7 Lioncare consider that the former use of the property by Ceres House (approved in 1979) as a C2 residential home for children with learning disabilities demonstrates that the property is suitable as a children's home. Whilst this former use is noted it would appear that this use ceased a long time ago and therefore only limited weight to this previous use is given, in respect of policy HO8.
- 8.8 As part of the application information regarding extensive site search to find a suitable premises. The search appears to have been related to existing large residential properties. The location of some of these properties was considered a problem, for example too far from the City centre, adjacent to an office block which would have security implications or located adjacent to a busy dual carriage way. The modernisation/layout change costs of other properties viewed was considered too excessive to proceed with a purchase.
- 8.9 It is stated within the submission that the number of existing residential care homes (use C2) within the City currently available for sale is minimal. It is stated that although the occupancy of an existing C2 premises is more beneficial to the care provider (ie no planning permission required, fire detection stems already installed, etc) at this time no C2 properties were found to be available in the required part of the City, of a sufficient size or within purchasing price.
- 8.10 Policy HO11 of the Local Plan states that planning permission will be granted for residential care and nursing homes where it can be demonstrated that the proposal;
- a) would not adversely effect the locality or neighbouring properties by way of noise or disturbance; or by way of size, bulk or overlooking
  - b) provides adequate amenity space;
  - c) is accessible to people with disabilities; and
  - d) provides for operational parking.
- 8.11 The supporting information submitted suggests that neighbouring properties would not be adversely affected by noise and disturbance as the property would continue in use as a shared residence, with the children supervised at all times. Furthermore, it suggests that the day-to-day running of the premises 'has the feel of a family home' and it is not considered that it would result in additional noise and disturbance than if the property continued to be occupied as a family home. The impacts of the proposal upon the amenities of neighbouring properties is further considered below.

- 8.12 Many of the representations received in respect of the proposed change of use refer to the size of the rear garden being too small. Policy HO1 states that adequate amenity space should be provided, stating that a minimum depth of 10m and not less than 25m<sup>2</sup> per resident should be provided. The garden area of the site has a depth of approximately 16.5m and the rear amenity space equates to approximately 38m<sup>2</sup> per resident.
- 8.13 Although the garden area and entrance to the property are not level it is considered that level access could be provided and that the premises could be adapted to provide flexible accommodation if required. It is also noted that within the submitted Planning Application Report it is stated that the proposed future occupiers of the home would not have severe physical disabilities.
- 8.14 A hard-standing area is located to the front of the property for parking purposes.
- 8.15 It is noted that the applicant has stated that they would be agreeable to a condition being attached to an approval to ensure that upon Lioncare ceasing to operate a residential children's home from the site the property converts back to a single dwellinghouse but is it not considered in this case that such a condition is required although it is considered that a condition should be attached to ensure that the premise remains as a children's care home and as no other C2 use.
- 8.16 Policy HO15 of the Brighton & Hove Local Plan states that planning permission will be granted for the provision of residential accommodation for people with special needs, including supported housing. It is considered that the proposed would be delivering such a provision and would be in accordance with this policy. Policy HO15 is cross-referenced to policy HO9 regarding residential conversions, self-containment and the retention of smaller family sized dwellings. HO9 is primarily concerned with the loss of smaller sized family houses and seeks to retain some family sized accommodation within residential conversions wherever possible. One of the permissible exceptions to this is where proposals are specifically for people with special housing needs, to which the proposal is in compliance with.
- 8.17 Whilst policy HO8 of the Brighton & Hove Local Plan seeks to retain residential accommodation, it does not specifically relate to the loss of C3 uses. Given the supporting information submitted to justify the loss of the family accommodation, such as the site search information, together with the compliance of the proposal with policies HO11 and HO15 of the Local Plan, the change of use is considered acceptable in planning policy terms.

**Impact on Amenity:**

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

- 8.19 Concerns have been raised by local residents regarding the potential noise and disturbance from the use of the property as a children's care home. A maximum of five children are proposed to live at the property; presently as a single family dwelling house a family with the same or more children could live at the premises without the need for planning permission. The property is a large semi-detached property which is considered sufficient to accommodate a children's home at the scale proposed without having a detrimental impact on neighbouring occupiers.
- 8.20 Council Environmental Health records show no complaints have been received regarding the other premises operated in the City by Lioncare. There is a potential, however, for some disturbance resulting from prolonged activity in the rear garden if use of the outdoor space is not managed satisfactorily. Although the supporting information submitted with the application suggests children will be supervised at all times, to ensure noise levels are reduced, it is recommended that a condition is attached requiring details of the management of the outdoor space in addition to details regarding the installation of acoustic fencing, additional to the existing boundary treatments.
- 8.21 The surrounding area is principally residential in character, however there are a number of other children's homes near to the application site. The change of use of the property to a children's home is not considered to have a detrimental impact on the surrounding area. As a children's home, the property will have a similar character to that of a single family dwelling house and a condition is imposed which restricts the use of the property to a children's home only with no permitted development rights to change the use to other uses which fall within the C2 use class. As previously stated, as a single family dwelling house a large family could reside at the premises without the need for planning permission, as a result it is not considered that the proposed change of use would have a detrimental impact on the surrounding area.

**Impact on Traffic:**

- 8.22 Concerns have been raised by local residents regarding the increased parking pressure and traffic as a result of the proposal. The Traffic Manager has commented on the application and raises no objections to the proposal subject to the attachment of conditions regarding the submission of a details Travel Plan and cycle storage facilities.

**9 CONCLUSION**

- 9.1 In conclusion it is considered that the proposed change of use is acceptable in terms of policy requirements and is not considered to be out of character with the surrounding area. Subject to the compliance with the recommended conditions, the proposed use as a children's care home would not have a significant detrimental impact upon the amenity of neighbouring properties or parking within the area. Approval is recommended.

**10 EQUALITIES**

- 10.1 The proposal would provide care for an identified special needs group.

**11 PLANNING OBLIGATION / CONDITIONS / INFORMATIVES**

**11.1 Regulatory Conditions:**

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

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Site Location Plan	100 001	P2	20 <sup>th</sup> June 2014
Existing Plan	200 001	P1	16 <sup>th</sup> April 2014
Proposed Plans	200 002	P1	16 <sup>th</sup> April 2014

- 3) The number of children residing at the property shall not exceed 5.  
**Reason:** To safeguard the amenities of the locality and to comply with policy QD27 of the Brighton & Hove Local Plan.
- 4) Notwithstanding the provisions of Class C2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or any amendment thereto, this permission shall be for a children's home and no other purposes including any other uses within Class C2 of the Schedule to the Order without the prior consent of the Local Planning Authority to whom a planning application shall be made.  
**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 in order to comply with policy QD27 of the Brighton & Hove Local Plan
- 5) No development shall take place until details of the management of the use of the outdoor space have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in strict accordance with the agreed details prior to the use hereby approved commencing.  
**Reason:** To ensure the effective management of the outdoor space and safeguard the amenities of the locality and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.
- 6) Within 3 months of occupation of the development hereby approved, the Developer or owner shall submit to the Local Planning Authority for approval in writing, a detailed Travel Plan (a document that sets out a package of measures and commitments tailored to the needs of the development, which is aimed at promoting safe, active and sustainable travel choices by its users (pupils, parents/carers, staff, visitors, residents & suppliers).  
**Reason:** To ensure the promotion of safe, active and sustainable forms of travel and comply with policies TR1 and TR4 of the Brighton & Hove Local Plan.

## PLANNING COMMITTEE LIST- 16 JULY 2014

- 7) 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 Childrens Home hereby approved, shall not be occupied until a scheme has been submitted to and agreed in writing by the Local Planning Authority for the instillation of acoustic fencing along the boundaries of the site and the fence as approved shall be constructed prior to the first occupation of the home.  
**Reason:** In order to safeguard the residential amenity of nearby occupiers and to comply with policies QD27 & HO15 of the Brighton & Hove Local Plan

### 11.2 Informatives:

1. In respect of condition 7 the Travel Plan shall include such measures and commitments as are considered necessary to mitigate the expected travel impacts of the development and should include as a minimum the following initiatives and commitments:
  - i. Promote and enable increased use walking, cycling, public transport use, car sharing, and car clubs as alternatives to sole car use:
  - ii. A commitment to reduce carbon emissions associated with business and commuter travel:
  - iii. Increase awareness of and improve road safety and personal security:
  - iv. Undertake dialogue and consultation with adjacent/neighbouring tenants/businesses:
  - v. Identify targets focussed on reductions in the level of business and commuter car use:
  - vi. Following the annual staff survey, an annual review will be submitted to the Local Planning Authority to update on progress towards meeting targets:
  - vii. Identify a nominated member of staff to act as Travel Plan Co-ordinator, and to become the individual contact for the Local Planning Authority relating to the Travel Plan.
2. 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.
3. This decision to grant Planning Permission has been taken:

PLANNING COMMITTEE LIST- 16 JULY 2014

- (i) having regard to the policies and proposals in the National Planning Policy Framework and the Development Plan, including Supplementary Planning Guidance and Supplementary Planning Documents:  
(Please see section 7 of the report for the full list); and
- (ii) for the following reasons:-  
The proposed change of use is considered acceptable in terms of policy requirements and is not considered to be out of character with the surrounding area. Subject to the compliance with the recommended conditions, the proposed use as a children's care home would not have a significant detrimental impact upon the amenity of neighbouring properties or parking within the area.

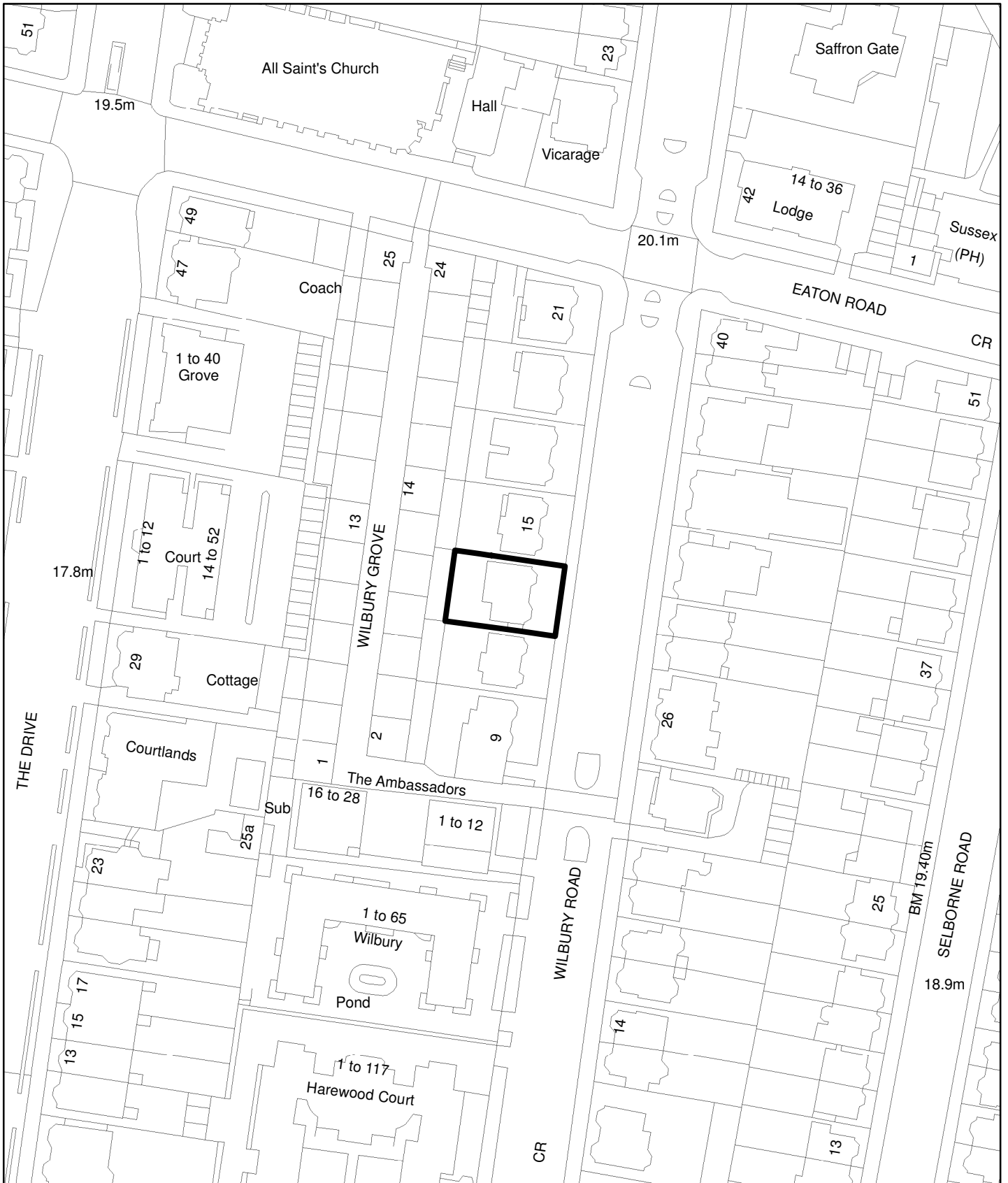
# **ITEM G**

**13 Wilbury Road, Hove**

**BH2013/04367**  
**Full planning**

**16 JULY 2014**

# BH2013/04367 13 Wilbury Road, Hove



**Brighton & Hove  
City Council**



**Scale: 1:1,250**



<b><u>No:</u></b>	<b>BH2013/04367</b>	<b><u>Ward:</u></b>	<b>CENTRAL HOVE</b>
<b><u>App Type:</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>13 Wilbury Road Hove</b>		
<b><u>Proposal:</u></b>	<b>Demolition of two storey rear extension and shed to South. Reconfiguration of existing flats and erection of four storey rear extension to form 4no two bedroom additional flats (9 in total).</b>		
<b><u>Officer:</u></b>	Steven Lewis Tel 290480	<b><u>Valid Date:</u></b>	23 December 2013
<b><u>Con Area:</u></b>	Willett Estate	<b><u>Expiry Date:</u></b>	17 February 2014
<b><u>Listed Building Grade:</u></b>	N/A		
<b><u>Agent:</u></b>	Morgan Carn Partnership, Blakers House, 79 Stanford Avenue, Brighton		
<b><u>Applicant:</u></b>	Haydon Investment Management Ltd, Mr D & K Ives, 11 Prince Albert Street , Brighton		

## 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 **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 large detached villa style building on the west side of Wilbury Road in Hove. The premises are presently vacant having last been occupied as 5 self contained flats

## 3 RELEVANT HISTORY

**BH2004/02379/FP** - Conversion/alteration of existing two-bed apartment to create two one-bed apartments. – Approved 16/09/2004

## 4 THE APPLICATION

- 4.1 Planning permission is sought for the demolition of the two storey rear extension and shed to the south of the property and the reconfiguration of existing flats and erection of four storey rear extension to form 4 two bedroom additional flats (9 in total).
- 4.2 Amended plans have been received during the course of the application, which included reconfiguring the front garden; reducing the size of the rear extension; deleting the rear dormers and introducing privacy screens to the ground floor rear access platforms.
- 4.3 Additional supporting documentation has also been received during the course of the application in respect of the application of policy HO9.

## 5 PUBLICITY & CONSULTATIONS

### External:

5.1 **Neighbours:** Ten (10) letters of representation have been received from **The Windmill, 2a Wilbury Grove, 8 Wilbury Grove (x2), F3 11 Wilbury Road, F2 15 Wilbury Road, F2A 15 Wilbury Road (x2), GFF 30 Wilbury Road, 37 Wilbury Villas, 1 x unaddressed, Dairy Farm Hunston (Bury St Edmonds)** objecting the application for the following reasons:

- Loss of privacy, outlook, daylight/sunlight and cause disturbance to neighbouring properties
- The proposal is poorly designed and would harm the character and appearance of the Willett Estate conservation area.
- Fails to take account of existing space around buildings and the character of the area or retain an existing gap between the extension and joint boundary
- The extension fails to take into account guidance in SPD12 and principles for two storey extensions, where similar principles apply. The extension is excessively large and in scale and its coverage exceeds half the garden.
- The extension would not pass the 45 degree guidance of the BRE daylight/sunlight guidance.
- The proposed depth and spacing to properties at the rear is as little as 7m and would result in a loss of privacy and overlooking
- The BRE report does not show the loss of light component as no account is made for the light between 11 and 13 Wilbury Road
- The design of the proposed windows fail to positively reflect those of the existing fenestration
- Insufficient refuse, recycling and waste facilities for the site an surround area
- The development would result in a loss of stained glass window which is an important and rare example of a William Willett detail.
- The development would result in further parking demand where presently there is already a waiting list for a permit and a high parking demand.

5.2 **Neighbours:** One (1) letter of representation have been received from **1 Roedean Way (owner of 11 Wilbury Road)** supporting the application for the following reasons:

- The development would have no detrimental effects to 11 Wilbury Road and would be a considerable enhancement to a dilapidated and under performing building within a conservation area.

5.3 **Councillor Andrew Wealls** letter of objection attached

5.4 **Councillor Christopher Hawtree** letter of objection attached

### Internal:

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

5.5 The development site is situated approximately 14m east of Wilbury Grove where there were a number of previous industrial uses located, including: motor engineers and even chemical manufacturers.

- 5.6 Whilst the site itself has not been identified as potentially contaminated land, those near to it have. Therefore, a contaminated land discovery condition is suitable for this proposal.

**Heritage: Comment**

- 5.7 Comment 22/01/2014 (original submission)

*Statement of Significance:* This property is in the Willet Estate Conservation Area. It is one of the original detached gault brick Victorian villas which form a group of matching properties (9-21 Wilbury Road) that typify the character of this conservation area. A strong distinctive feature of these buildings is the highly decorative nature of the brickwork embellishments. The group has retained many original architectural features with the only significant detracting alterations (when viewed from Wilbury Road) being at roof level.

- 5.8 The front areas of this group are uncluttered, and this is one of only two to have provision for off road parking. The sweeping entrances, boundary walls and open front gardens provide an important contribution to the character of the conservation area and a high quality setting to the buildings.

- 5.9 *Relevant Design and Conservation Policies and Documents*

NPPF, English Heritage practice Guide for PPS5, HE6, SPD 09, SPD 12

- 5.10 *The Proposal and Potential Impacts:* There is no objection to the removal of the existing outbuildings/extensions, and the principle of a rear extension is acceptable. To a large degree the impact of the extension will not be felt from the public parts of the conservation area, and these comments will be limited to the aspects of the scheme that will be visible from the public realm.

- 5.11 The proposals for the basement entrances involve the creation of a new doorway and the blocking of two windows; no details are provided for this work and will therefore need to be supplied for further consideration. (NB the basement lobby on the north side does not provide access to the flat as drawn).

- 5.12 The gap between properties is sufficient for the proposed extension to be visible from Wilbury Road. The finish is proposed to be painted render and it is considered that the contrast between the render and the brick of the original building will make this extension unduly visible. The difficulties in matching this type of brick are acknowledged and the use of render is not considered unacceptable, however it is considered that the width of the proposed extension should be reduced slightly in order to create a bigger step in the north and south elevations which would reduce the impact of this large expanse of plain render.

- 5.13 The north and south elevations show windows in the extension, however these are not on the plans and this discrepancy needs to be rectified.

- 5.14 No proposals for drainage or ventilation are shown on the proposals. It is important that no vents or pipes are added to the front elevation, and any on the sides should be positioned in recesses in order to minimize their impact.

- 5.15 The proposals for the front garden and boundary are of concern. The 'existing' plan indicates more parking than is possible here, and this is misleading – the frontage is currently quite open and uncluttered, however the proposal would alter this significantly with the addition of bike shelters. No details of the shelters are provided but their addition is considered to be unacceptable in principle due to its impact not only this building but the street scene generally. The design and access statement says that these areas will be allocated to the basement flats, however it is difficult to see how this would work with communal bike storage in place.
- 5.16 Works to restore the original front boundary arrangement would be welcomed, however the proposals do not currently show accurate reinstatement of details. The application should be amended to include the raising of the wall piers and addition of pier caps to match surviving originals on neighbouring properties. The addition of railings should only be included if evidence of railings being original to the property can be supplied, along with details of their design

Comment 08/04/2014 (following receipt of amended plans

- 5.17 No details are provided for the basement entrances and will therefore need to be supplied for further consideration.
- 5.18 No proposals for drainage or ventilation are shown on the proposals. It is important that no vents or pipes are added to the front elevation, and any on the sides should be positioned in recesses in order to minimize their impact. Please add a condition to this effect.
- 5.19 The proposals for the front garden and boundary have been amended and are now generally acceptable, however there is a lack of detail and it is therefore necessary to require the submission of the pier cap and coping materials and profiles for further approval.
- 5.20 A four panelled door would normally be more appropriate for a basement position. Large scale joinery sections can be conditioned if necessary.

**Sustainable Transport: Comment**

- 5.21 Recommended approval as the Highway Authority has no objections to this application subject to the inclusion of the necessary condition to secure cycle parking details.
- 5.22 Cycle parking: The applicant is proposing cycle parking spaces in the side passages of the property however these spaces are deemed unusable as there is inadequate space for a person to walk their cycle to the spaces and it is unclear how these spaces are secure and sheltered.
- 5.23 In order to be in line with Policy TR14 of the Brighton & Hove Local Plan 2005 the Highway Authority recommends that the minimum amount of cycle parking is proposed and located in the 'L' shaped spaces at the rear of the side passages.

- 5.24 Storage units similarly designed to the Trimetals Bike Storage unit (<http://www.trimetals.co.uk/bicycle-storage.php>) are recommended and cycle ramps should also be proposed where steps impede access to the stores .
- 5.25 The Highway Authority requests further details of cycle parking are submitted and condition 1 is recommended to be attached.
- 5.26 Car parking: The site is in controlled Parking Zone N. Currently there is no waiting list for parking permits.
- 5.27 Census data indicates that on average 0.5 vehicles are owned per dwelling within the Central Hove ward. This would indicate that the proposed increase of 4 flats is likely on average to generate 2 vehicles parking on the highway.
- 5.28 There is also one existing car parking space that will remain associated with the site that will be shared by the 4 proposed flats and 5 existing flats. This will further lessen the impact of the flats on the highway.
- 5.29 This amount of likely additional parking is unlikely to have a significant impact on the highway and therefore the Highway Authority does not wish to object on car parking grounds.
- 5.29 Trip generation/Financial contributions comment: The size of this development is below the threshold at which financial contributions can be sought due to the temporary recession measures approved by the Council. The Highway Authority acknowledges this and in this instance does not wish to seek financial contributions for any uplift in trips generated by this development.

**Access consultant:**

- 5.30 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
QD4	Design – strategic impact
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
HO9	Residential conversions and the retention of smaller dwellings
HO13	Accessible housing and lifetime homes
HE6	Development within or affecting the setting of conservation areas.

#### Supplementary Planning Guidance:

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

#### Interim Guidance on Developer Contributions

#### Supplementary Planning Documents:

SPD03	Construction & Demolition Waste
SPD08	Sustainable Building Design
SPD09	Architectural Features
SPD11	Nature Conservation & Development
SPD12	Design Guide for Extensions and Alterations

Brighton & Hove City Plan Part One (submission document)

SS1 Presumption in Favour of Sustainable Development

**8 CONSIDERATIONS & ASSESSMENT**

- 8.1 The main considerations in the determination of this application relate to the principle of the change of use and the residential amenity of adjacent occupiers, the quality of living accommodation created and housing issues, sustainability, transport and other material considerations.

**Principle of change of use:**

- 8.2 At present, there is no agreed up-to-date housing provision target for the city against which to assess the five year housing land supply position. Until the City Plan Part 1 is adopted, with an agreed housing target, appeal Inspectors are likely to use the city's full objectively assessed need (OAN) for housing to 2030 (20,000 units) as the basis for the five year supply position.
- 8.3 The Local Planning Authority is unable to demonstrate a five year supply against such a high requirement. As such, applications for new housing development need to be considered against paragraphs 14 and 49 of the NPPF. These paragraphs set out a general presumption in favour of sustainable development unless any adverse impacts of development would significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework taken as a whole.
- 8.4 Policy HO9 of the adopted local plan seeks to retain smaller dwelling houses that are capable of family occupation. The policy sets out a number of criteria that should be met in order to qualify a dwelling for release for sub division. The policy is complimentary to other strategic housing policies in the local plan by maintaining such housing stock and seeking to address demand for small family housing need across the city.
- 8.5 Policy HO9 sets a size threshold of 115 sq metres in criterion a) and states that the original floor area should be greater than 115 sq metres or the dwelling has more than 3 bedrooms as originally built. None of the units in the existing property have a floor space greater than 115 square metres. The size of the existing units range from approximately 80 square metres through to 104 square metres. The purpose of the policy is to protect smaller units of accommodation and the size threshold of the existing units is below that permitted to be converted by policy HO9. During the course of the application, additional information has been submitted by the applicant in support of the scheme in respect of the application of policy HO9. Reference is made to an appeal decision at 174 Portland Road, where an Inspector allowed the conversion of a two bedroom maisonette into a two bedroom flat and 1 bedroom flat. Even though the size threshold set by part a of policy HO9 was not met, the Inspector concluded that the accommodation was not entirely suitable for family occupation in the first instance and the conversion into two smaller units did not prejudice the application of policy HO9 in the future. In terms of the application site, none of the units would meet the size threshold for conversion. Unlike the appeal

proposal where it was considered to be unsuitable for family occupation and therefore an exception was permitted, in this instance, the units are considered suitable for occupation by a family. The proposal includes an extension to the rear and the re-configuration of the units to create an additional four units (9 in total). Given the additional space created by the extension and the reconfiguration of the layout of the flats as proposed, it is considered that whilst individually none of the units comply with the size threshold set by policy HO9 to allow a conversion, an exception to policy HO9 can be applied given the reconfiguration of the spaces and extension overall that is proposed. All of the proposed units would be capable of family occupation and therefore criterion b) is met by the proposed scheme.

- 8.6 The conversion seeks to create nine, two bedroom units, the lower ground floor and ground floor of which would have access to some of the rear amenity space. Given the layout and space provided, it is considered that the flat would meet the requirements of criterion b). Issues covered by criteria c), d) and e) are covered later in this report. The building is not listed but is within a conservation area, therefore criteria f) does not apply, g) does but it is considered that the proposal would enhance the conservation area.

**Character and appearance:**

- 8.7 This property is in the Willet Estate Conservation Area. It is one of the original detached gault brick Victorian villas which form a group of matching properties (9-21 Wilbury Road) that typify the character of this conservation area. A strong distinctive feature of these buildings is the highly decorative nature of the brickwork embellishments. The group has retained many original architectural features with the only significant detracting alterations (when viewed from Wilbury Road) being at roof level.
- 8.8 The front areas of this group are uncluttered, and this is one of only two to have provision for off road parking. The sweeping entrances, boundary walls and open front gardens provide an important contribution to the character of the conservation area and a high quality setting to the buildings.
- 8.9 The proposals for the basement entrances involve the creation of a new doorway and the blocking of two windows; further details for this work have been supplied and are considered acceptable.
- 8.10 The gap between properties is sufficient for the proposed extension to be visible from Wilbury Road. The finish is proposed to be painted render and it is considered that the contrast between the render and the brick of the original building will make this extension unduly visible. The difficulties in matching this type of brick are acknowledged and the use of render is not considered unacceptable. The width of the proposed extension has been reduced slightly in order to create a bigger step in the north and south elevations which reduces the impact of this large expanse of plain render.
- 8.11 The dormer extensions as originally submitted at the rear were considered excessive in size and contrary to the guidance contained in SPD12.



Amendments have been received during the course of the application, deleting the dormer extensions and replacing with two Conservation style rooflights.

- 8.12 No proposals for drainage or ventilation are shown on the proposals. It is important that no vents or pipes are added to the front elevation, and any on the sides should be positioned in recesses in order to minimize their impact. This can be secured by planning conditions.
- 8.13 The proposals for the front garden and boundary were of concern. The existing plan indicated more parking than is possible here. The frontage is currently quite open and uncluttered. However the proposal originally sought to significantly alter this with the addition of bike shelters which have now been removed.
- 8.14 Works to restore the original front boundary arrangement are welcomed, and the proposals have been altered to include the reinstatement of details, including the raising of the wall piers and addition of pier caps to match surviving originals on neighbouring properties.
- 8.15 On the basis of the proposed changes it is considered that the works would enhance the character and appearance of the Willett Estate Conservation Area

**Living standards:**

- 8.16 The layout and space of the proposed residential units are considered acceptable. All the units are two bed roomed and would offer sufficient floor space for the occupiers.
- 8.17 All the units would provide adequate natural light and ventilation throughout. While the layout of the floors is largely replicated on each floor except where there are marginal gains from staircases on upper floors, the 2-bed units are served by two double bedrooms (one ensuite), a hallway, and a joint kitchen/living room and a family bathroom. Taken as a whole the development would provide reasonable accommodation for future occupants. It is noted that the two ground floor units would have access to private amenity space appropriate to the scale and nature of the development.
- 8.18 The units could not meet Lifetime Homes standards by reason of the existing fabric of the building, in particular the existing stepped threshold and communal staircase. It is not therefore considered necessary or appropriate to require such standards be incorporated in the design, and policy HO13 recognises that conversions are problematic in this regard.
- 8.19 The proposal includes sufficient facilities for the storage of refuse and recycling for all properties. A planning condition should be imposed to ensure that these facilities are implemented in accordance with the approved details.

**Impact on amenity:**

- 8.20 The rear projecting extension forms a central column addition set in from the side of the building that is well contained within the site and adequately spaced between the dwellings to the north and south.

- 8.21 At present there is a similar type extension at the adjacent property to the north. The extensions are well sited in such that they would retain an appropriate side and rear building line and would be unlikely to cause a loss of light, outlook or overshadowing to adjacent properties. The side facing portion of the extension would not have new openings and would retain an appropriate side facing aspect.
- 8.22 The area of most concern is with regards to the rear facing aspect. The extension would erode the space between the rear of the building and those in Wilbury Grove.
- 8.23 Wilbury Grove is a mews style historical development located behind and to the west of the site and set over two original storeys. The buildings in Wilbury Grove abut the rear boundary of the site, but due to the excavation and levels between the sites, in most instances only the roof space of Wilbury Grove is overlooked. In some cases there are dormer roof additions and a roof terrace, the terrace of which appears to have been informally arranged and there is no planning history to suggest it is lawful or was approved planning permissions.
- 8.24 The building presently benefits from a rear extension with a roof terrace which would be removed. This terrace currently allows direct views over the roof space and informal recreation areas of those in Wilbury Grove.
- 8.25 It is accepted that some level of further outlook and privacy would be lost, nevertheless by reason of the surrounding density, expectation of privacy in a high density location, the original blank aspect from Wilbury Grove which has been eroded informally by alteration, the proposed development is considered acceptable in this case.
- 8.26 The amended outlook is typical of the area, an intensity of outlook reinforced by the neighbouring extension and those in the wider area. The distance between the properties at the rear would be reduced to approximately from 12m to 7m. This would mean that a greater degree of overlooking and potential for loss of privacy would increase. However, by reason of the existing relationship, removal of the terrace, more strict form of development and the informal nature of the roof terraces the perceived level of impact is consider acceptable in this instance.
- 8.27 It is accepted that the number of units and users of the site may potentially increase. However, by reason of the residential and low key nature of the use and the surrounding residential character, it is considered that the level of potential additional use would not be unreasonable or uncharacteristic of the locality.
- 8.28 Amendments received during the course of the application have introduced a privacy screen to protect the lower ground floor from the ground floor access to the amenity space.

**Sustainable Transport:**

Car Parking

- 8.29 The site is in controlled Parking Zone N. Currently there is no waiting list for parking permits.

- 8.30 Census data indicates that on average 0.5 vehicles are owned per dwelling within the Central Hove ward, indicating that the proposed increase of 4 flats is likely on average to generate 2 vehicles parking on the highway.
- 8.31 There is also one existing car parking space that will remain associated with the site that will be shared by the 4 proposed flats and 5 existing flats. This will further lessen the impact of the flats on the highway.
- 8.32 Such an amount of likely additional parking demand is considered unlikely to have a significant impact on the highway and therefore the Highway Authority does not wish to object on car parking grounds.

#### Cycle Parking

- 8.33 The applicant is proposing cycle parking spaces in the side passages of the property, However, the location of these spaces are deemed unusable as there is inadequate space for a person to walk their cycle to the spaces and it is unclear how these spaces are secure and sheltered. Furthermore, the siting of cycle spaces in this position would detract from the character and appearance of the conservation area and erode the improvements secured by the development.
- 8.34 In order to be in line with Policy TR14 of the Brighton & Hove Local Plan 2005 the Highway Authority recommends that the minimum amount of cycle parking is proposed and located in the 'L' shaped spaces at the rear of the side passages.
- 8.35 The Highway Authority requests further details of cycle parking are submitted and condition 1 is recommended to be attached. On this occasion it is considered that secure, covered and accessible cycle parking would not be feasible without harming the character and appearance of the conservation area

#### Trip generation/ Financial contributions comment

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

#### Environmental Sustainability

- 8.37 Any new residential development upon the site would need to conform to the requirements of SPD08 in respect of medium scale developments as conversions. This requires the submission of a Sustainability Checklist and the achievement of EcoHomes for refurbishment. It is recommended that the application should be required to meet BREEAM for refurbishment through condition.

## **9 CONCLUSION**

- 9.1 The development would meet the strategic housing aims of the Local Plan and would continue to provide residential units capable of family occupation. Whilst the existing units do not meet the criterion set out in policy HO9, given the reconfiguration of the units, together with the additional space provided by the

extension for the units as proposed, it is considered an exception to policy HO9 can be made. In addition, the development would provide an adequate standard of accommodation and would not harm the visual amenities of the area, the amenity of nearby residential occupiers, or highway safety.

## 10 EQUALITIES

10.1 The conversion would be required to meet Building Regulations.

## 11 PLANNING OBLIGATION / CONDITIONS / INFORMATIVES

### 11.1 Regulatory Conditions:

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

Plan Type	Reference	Version	Date Received
Site and Block Plan	1384-P-01	P1	23/12/2013
Lower Ground Floor Plan as Existing	1384-P-02	P1	23/12/2013
Ground Floor Plan as Existing	1384-P-03	P1	23/12/2013
First Floor Plan as Existing	1384-P-04	P1	23/12/2013
Second Floor Plan as Existing	1384-P-05	P1	23/12/2013
Third Floor Plan as Existing	1384-P-06	P1	23/12/2013
Roof Plan as Existing	1384-P-07	P1	23/12/2013
North & East Elevations as Existing	1384-P-08	P1	23/12/2013
South and West Elevations as Existing	1384-P-09	P1	23/12/2013
Section AA as existing	1384-P-10	P1	23/12/2013
Block Plan as proposed	1384-P-11	P1	23/12/2013
Lower Ground Floor Plan as Proposed	1384-P-12	P2	28/02/2014
Ground Floor Plan as Proposed	1384-P-13	P3	28/02/2014
First Floor Plan as Proposed	1384-P-14	P2	28/02/2014
Second Floor Plan as Proposed	1384-P-15	P2	28/02/2014
Third Floor Plan as Existing	1384-P-16	P2	28/02/2014
Roof Plan as Proposed	1384-P-17	P2	28/02/2014
North & East Elevations as Proposed	1384-P-18	P4	28/02/2014
South and West Elevations as Proposed	1384-P-19	P3	28/02/2014
Section AA as existing	1384-P-20	P1	23/12/2013

## PLANNING COMMITTEE LIST- 16 JULY 2014

- 3) No residential development shall commence until a BRE issued Interim/Design Stage Certificate demonstrating that the development has achieved a BREEAM Domestic Refurbishment rating of 'pass' as a minimum for all residential units has been submitted to, and approved in writing by, the Local Planning Authority. A completed pre-assessment estimator will not be acceptable. **Reason:** To ensure that the development is sustainable and makes efficient use of energy, water and materials and to comply with policy SU2 of the Brighton & Hove Local Plan and Supplementary Planning Document SPD08 Sustainable Building Design.
- 4) None of the residential units hereby approved shall be occupied until a BRE issued BREEAM Domestic Refurbishment Final/Post Construction Certificate confirming that each residential unit built has achieved a rating of 'pass' as a minimum has been submitted to, and approved in writing by, the Local Planning Authority. **Reason:** To ensure that the development is sustainable and makes efficient use of energy, water and materials and to comply with policy SU2 of the Brighton & Hove Local Plan and Supplementary Planning Document SPD08 Sustainable Building Design.
- 5) No development shall take place until full details of the proposed basement door and joinery profile including 1:20 scale sample elevations and 1:1 scale profiles of the door and joinery profile 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 HE6 of the Brighton & Hove Local Plan.
- 6) No development shall take place until samples of the materials (including colour of render, paintwork and colourwash) to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details. **Reason:** To ensure a satisfactory appearance to the development and to comply with policy HE6 of the Brighton & Hove Local Plan.
- 7) No cables, wires, aerials, pipework (except rainwater downpipes shown on the approved plans) meter boxes, ventilation grilles or flues shall be fixed to or penetrate any external elevation, other than those shown on the approved drawings, without the prior consent in writing of the Local Planning Authority. **Reason:** To ensure a satisfactory appearance to the development and to comply with policy HE6 of the Brighton & Hove Local Plan.
- 8) The development hereby approved shall not be occupied until the refuse and recycling storage facilities indicated on the approved plans have been fully implemented and made available for use. These facilities shall thereafter be retained for use at all times. **Reason:** To ensure the provision of satisfactory facilities for the storage of refuse and recycling and to comply with policy QD27 of the Brighton & Hove Local Plan.
- 9) If during construction, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing by the Local Planning Authority), shall be carried out until a method statement identifying, assessing the risk and proposing remediation measures, together with a programme, shall be submitted to

and approved in writing by the Local Planning Authority. The remediation measures shall be carried out as approved and in accordance with the approved programme. **Reason:** To safeguard the health of future residents or occupiers of the site and to comply with policy SU11 of the Brighton & Hove Local Plan.

11.2 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. It is strongly recommended that in submitting details in accordance with the above/below conditions that the applicant has reference to CLR 11, Model Procedures for the management of land contamination. This is available online as a pdf document on both the DEFRA website ([www.defra.gov.uk](http://www.defra.gov.uk)) and the Environment Agency ([www.environment-agency.gov.uk](http://www.environment-agency.gov.uk)) website.
3. The applicant is advised that details of the BREEAM Domestic Refurbishment assessment and a list of approved assessors can be obtained from the BRE website ([www.breeam.org/page.jsp?id=228](http://www.breeam.org/page.jsp?id=228)). Details can also be found in Supplementary Planning Document SPD08 Sustainable Building Design, which can be accessed on the Brighton & Hove City Council website ([www.brighton-hove.gov.uk](http://www.brighton-hove.gov.uk)).
4. This decision to grant Planning Permission has been taken:
  - (i) having regard to the policies and proposals in the National Planning Policy Framework and the Development Plan, including Supplementary Planning Guidance and Supplementary Planning Documents: (Please see section 7 of the report for the full list); and
  - (ii) for the following reasons:-

The development would meet the strategic housing aims of the Local Plan and would continue to provide residential units capable of family occupation. The development would provide an adequate standard of accommodation and would not harm the character and appearance of the Conservation Area, the visual amenities of the area, the amenity of nearby residential occupiers, or highway safety.

20th March 2014

Dear Sir or Madam

Re: 13 Wilbury Road, Hove, BN3 3JJ  
Application Reference BH2013/04367

Please accept my objection to the above revised Planning Application. My objection is based on;

1. The scale of the proposed rear extension is substantial and is overbearing both to the rear of neighbouring 11 and 15 Wilbury Road and to the properties to the rear of 13 Wilbury Road in Wilbury Grove. The revised plans are for a modestly narrower extension to the main building but the modification hardly reduces the scale of this extension, or the distance from properties to the rear. It remains overbearing and contrary to Local Plan Policy QD1; 3.6 'The appropriateness of the scale and height of the development should follow from the layout of the scheme and its relationship to adjoining buildings and the surrounding area.'
2. The revised proposal extends the footprint of 13 Wilbury Villas a further 1.7 metres approximately to the rear boundary wall (50% of the depth of the existing garden) with properties in Wilbury Grove. It adds two storeys to the existing to the rear extension, making a total of four storeys and significantly increases the width, albeit by a modestly smaller amount than the initial proposal. This will;
  - a. Block out most of the light throughout most of the day to the rear garden of 15 Wilbury Road (to the north of this building), thereby resulting in a substantial loss of amenity to the occupiers of 15 Wilbury Road.

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COUNCILLOR REPRESENTATION

It will also reduce in the loss of some light to 11 Wilbury Road. Please note that the Daylight Assessment supplied makes no reference to these properties.

- b. Result in a modest reduction in light received to properties in Wilbury Grove to the rear resulting in a loss of amenity to these properties.

It is therefore contrary to Local Plan Policy QD27 regarding loss of amenity.

- 3. There are windows overlooking the gardens of properties on Wilbury Grove from Bedroom 1 at floors 3 and 4 resulting in overlooking and a loss of privacy.
- 4. The proposed extension at floor 1 Bedroom 1 has double doors to a balcony, which will result in noise disturbance and a loss of amenity to neighbours at 11 and 15 Wilbury Grove (and residents above), and in Wilbury Grove to the rear.
- 5. SPD 12 states; 'In most cases a minimum separation of 7m should be retained to the rear boundary of the property, and 14m to the nearest facing residential window to avoid amenity issues. The proposed distance between the rear of the development and the rear of the property immediately behind in Wilbury Grove is only 10 metres. The distance to the rear boundary wall is only 5 metres.

Thank you for your consideration of the above concerns supporting my objection.

Yours faithfully,



Councillor Andrew Wealls



Dear Jeanette,

Application BH2013/04367

I wish to object to this Application for a substantial rear extension.

The current extension – from several decades ago – is, shall we say, a curious construction on brick stilts. For the unfortunate existence of this hulk to form a reason for any further building at the rear of 13 Wilbury Villas would be illogical.

The view from the rear gardens of the stretch of houses is remarkable. Unlike so many houses, these had considerable attention given to the brickwork and detailing of their rears, making excellent use of a brick which is such a feature of Hove.

There is a pleasing uniformity to the array of these buildings seen from the rear as much as from the front (albeit spoilt by the regrettable extension).

The proposed extension would destroy this symmetry, and make for a weirdly two-faced building with an effect upon neighbouring buildings that runs counter to SPD12.

I should also like to draw attentions to the concerns of QD14 and QD27 – and I am concerned that the applicant's light study does not take full account of Wilbury Grove to the rear.

Once again, this is an instance of an Application which seeks to pile Ossa on Pelion. As such, if the Recommendation is to approve it, I should like it brought before the Planning Committee, to which I shall come along speak as a Ward Councillor.

All the best,



Christopher Hawtree



<b>PLANNING COMMITTEE</b>	<b>Agenda Item 33</b> Brighton & Hove City Council
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**Information on Pre-application Presentations and Requests**

**Upcoming presentations – Dates TBC**

Anston House, Preston Road, Brighton – site redevelopment

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

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



**PLANS LIST 16 July 2014****BRIGHTON & HOVE CITY COUNCIL LIST OF APPLICATIONS DETERMINED  
BY THE HEAD OF PLANNING & PUBLIC PROTECTION FOR EXECUTIVE  
DIRECTOR ENVIRONMENT, DEVELOPMENT & HOUSING UNDER  
DELEGATED POWERS OR IN IMPLEMENTATION OF A PREVIOUS  
COMMITTEE DECISION****PATCHAM****BH2013/02595****19-20 The Square Brighton**

Change of use to residential (C3) and the renovation of existing property incorporating partial demolition and rebuild of Southern end of property and erection of single storey side extension to North incorporating associated landscaping.

**Applicant:** Mr Michael De Silva

**Officer:** Andrew Huntley 292321

**Approved on 20/06/14 DELEGATED**

**1) BH01.01**

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

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

**2) UNI**

The development hereby permitted shall not be 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**

The development hereby permitted shall be undertaken in accordance with the Waste Minimisation Statement received on 30th July 2013.

*Reason: To ensure that the development would include the re-use of limited resources, to ensure that the amount of waste to landfill is reduced and to comply with policies WMP3d of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan 2013 and SU13 of the Brighton & Hove Local Plan and Supplementary Planning Document 03 Construction and Demolition Waste.*

**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 and Block Plan	001	C	22.01.2014
Existing Ground Floor Plan	13851/010		30.07.2013
Existing Elevations	13851/011		30.07.2013
Existing Sections	13851/012		30.07.2013
Proposed Roof Plan	13851/002	C	24.12.2013
Proposed Ground Floor Plan	13851/020	C	24.12.2013
Proposed West Elevation & Section	13851/021	C	24.12.2013
Proposed Elevations	13851/022	C	24.12.2013
Proposed East and South Elevations	13851/023	A	24.12.2013

## **BH2013/02596**

### **19-20 The Square Brighton**

Renovation of existing property incorporating partial demolition and rebuild of Southern end of property and erection of single storey side extension to North incorporating associated landscaping.

**Applicant:** Mr Michael De Silva

**Officer:** Andrew Huntley 292321

**Approved on 20/06/14 DELEGATED**

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

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

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

#### **2) UNI**

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

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

#### **3) UNI**

All new and replacement rainwater goods, soil and other waste pipes shall be in cast iron and shall be painted black and 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.*

#### **4) 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 the satisfactory preservation of this listed building and to comply with policy HE1 of the Brighton & Hove Local Plan.*

#### **5) UNI**

All new flintwork and works of making good of the flintwork shall match the original flint walls in the type of flints, coursing, density of stones, and the mortar's colour, texture, composition, lime content and method of pointing and the pointing of the brick dressings shall match the colour, texture, lime content and style of the original brick pointing.

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

#### **6) UNI**

No works shall take place until full details of glazed link including 1:20 scale

Report from: 05/06/2014 to: 25/06/2014

elevational drawings and sections and 1:1 scale joinery sections have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out and completed fully in accordance with the approved details and retained as such thereafter.

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

#### **7) UNI**

No works shall take place until full details of all new windows and their reveals and cills including 1:20 scale elevational drawings and sections and 1:1 scale joinery sections have been submitted to and approved in writing by the Local Planning Authority. The windows shall be painted timber vertical sliding sashes and timber casements with concealed trickle vents. The replacement window to the entrance hall shall have a vertical glazing bar to the lower sash. The works shall be carried out and completed fully in accordance with the approved details and retained as such thereafter.

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

#### **8) UNI**

No works 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 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.*

#### **9) UNI**

No works shall take place until a schedule of all features to be removed, moved, replaced or reinstated has been submitted to and approved in writing by the Local Planning Authority. All replacement and reinstatement features must match exactly the original in materials and detail. Photographs/drawings/sections recording the features to be replicated must be submitted along with 1:1 scale drawings of proposed items for approval by the Local Planning Authority.

*Reason: As insufficient information has been submitted, to ensure the satisfactory preservation of this listed building and to comply with policies HE1 and HE4 of the Brighton & Hove Local Plan.*

### **BH2013/03400**

#### **112 Carden Avenue Brighton**

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

**Applicant:** Mr Paul Williams

**Officer:** Anthony Foster 294495

#### **Refused on 09/06/14 COMMITTEE**

#### **1) UNI**

The proposed development by reason of its siting, excessive plot coverage, form, design and relationship with others in the area would appear out of context with the established pattern of development, and would fail to make a positive contribution to the visual quality of the area or emphasise the positive characteristics of the area. The proposed development would introduce an incongruous addition to the site and surroundings which would be harmful to the overall character of the area. This harm is therefore considered to outweigh the benefit provided by the additional dwelling and the proposal is therefore contrary to policies QD1, QD2, and QD3 of the Brighton & Hove Local.

## **2) UNI2**

The proposal, by reason of siting, elevated position, bulk and massing, would result in the proposal unduly impacting on the living conditions, visual amenity of surrounding residents and the use and enjoyment of their private amenity spaces due to its overbearing and over-dominant impact. This harm is therefore considered to outweigh the benefit provided by the additional dwelling and as such the proposal is contrary to policy QD27 of Brighton & Hove Local Plan.

### **BH2014/00648**

#### **66 Overhill Drive Brighton**

Erection of garage and garden store to rear garden accessed from Patchdean.

**Applicant:** Mr Peter Elliff

**Officer:** Joanne Doyle 292198

**Refused on 20/06/14 DELEGATED**

#### **1) UNI**

The proposed garage and garden store, by reason of its siting, form, scale and design, would not reflect the pattern of surrounding development and would result in the loss of visually important vegetation along the Patchdean frontage. The development would appear an unduly dominant addition to the area and would fail to emphasise or enhance the positive qualities of the local neighbourhood and would detract from the visual amenities of the area. The proposal is therefore contrary to policies QD1, QD2, QD14 and QD16 of the Brighton & Hove Local Plan, and Supplementary Planning Documents 6, Trees and development sites, and 12, Design Guide for Extensions and Alterations.

### **BH2014/00688**

#### **Patcham House School 7 Old London Road Brighton**

Application for Approval of Details Reserved by Condition 3 of application BH2013/03546.

**Applicant:** Patcham House School

**Officer:** Adrian Smith 290478

**Approved on 10/06/14 DELEGATED**

### **BH2014/00865**

#### **82 Vale Avenue Brighton**

Removal of front boundary wall, formation of hardstanding and crossover with dropped kerb.

**Applicant:** Mr & Mrs Kevin Rowe

**Officer:** Joanne Doyle 292198

**Refused on 18/06/14 DELEGATED**

#### **1) UNI**

The proposed hardstanding covering the entire front garden would alter the character and appearance of the property by reducing the vegetated frontage to the property and street scene. The replacement of the grass verge with a dropped kerb, by reason of its size would further impact upon this incongruous form of development. The proposal is therefore contrary to QD14 of the Brighton & Hove Local Plan and the Supplementary Planning document: Design guide for Extensions and Alterations (SPD12).

### **BH2014/00909**

#### **2 Lyminster Avenue Brighton**

Erection of single storey side extension.

**Applicant:** Ms K White

**Officer:** Joanne Doyle 292198



**Approved on 18/06/14 DELEGATED**

**1) BH01.01**

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

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

**2) UNI**

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

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

**3) UNI**

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

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

Plan Type	Reference	Version	Date Received
Location & Block Plan	14475-Loc	B	21 May 2014
Existing Floor Plans & Elevations	14475-02		21 Mar 2014
Proposed Floor Plans & Elevations	14475-01	D	21 May 2014

**BH2014/01073**

**22 Morecambe Road Brighton**

Erection of first floor extension and ground floor extension to rear elevation with creation of basement level and associated alterations.

**Applicant:** Neil Milsom

**Officer:** Emily Stanbridge 292359

**Refused on 09/06/14 DELEGATED**

**1) UNI**

The proposed ground and first floor extensions by virtue of their design, scale and detailing would form an unduly dominant addition which relates poorly to the character and appearance of the host dwelling and wider surrounding area. The proposed development would harm the character and appearance of the existing building and surrounding area and 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**

The proposed extension by reason of its depth and height would appear overbearing to occupants of the neighbouring properties, nos. 21 and 23, and would cause significant harm through loss of light and outlook. The proposed development is therefore contrary to policies QD14 and QD27 of the Brighton & Hove Local Plan.

**BH2014/01089**

**43 Ladies Mile Road Brighton**

Part change of use from barbers (A1) to tattoo studio (Sui Generis).

**Applicant:** Mr A Durrant

**Officer:** Mark Thomas 292336

**Approved on 20/06/14 DELEGATED**

**1) BH01.01**

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

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

**2) UNI**

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

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

Plan Type	Reference	Version	Date Received
Site location and floor plans	01		4th April 2014

**BH2014/01273**

**32a Warmdene Road Brighton**

Certificate of Lawfulness for proposed single storey rear extension.

**Applicant:** Mr & Mrs Topping

**Officer:** Christine Dadswell 292205

**Refused on 18/06/14 DELEGATED**

**1) UNI**

The development is not permitted under Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) Order 1995, as amended as the proposed rear extension would extend beyond a side elevation of the house and would have a width greater than half the width of the original house.

**PRESTON PARK**

**BH2014/00464**

**41A Port Hall Road Brighton**

Creation of roof terrace on existing flat roof. (Retrospective).

**Applicant:** Mr Laurence Hill

**Officer:** Chris Swain 292178

**Approved on 09/06/14 DELEGATED**

**1) BH01.01**

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

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

**2) UNI**

Within 3 months of the date of this permission, the 1.45m obscure glazed screen indicated on the approved drawing L-03 revision E received 12 February 2014 shall be installed in its entirety and retained as such thereafter.

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

**3) UNI**

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

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

Plan Type	Reference	Version	Date Received
Site location plan	L-01		12 February 2014

Block plan	L-02	A	12 February 2014
Pre-existing and 'as constructed' plans and elevations	L03	E	12 February 2014

### **BH2014/00596**

#### **Anston House 137-139 Preston Road Brighton**

External alterations including new aluminium windows, enlarged window openings, creation of balconies and cladding to all elevations following prior approval application BH2013/02779 for change of use from offices (B1) to residential (C3) to form 44no residential units.

**Applicant:** Joint LPA Receivers Mr S Ray and Mr N Hitch

**Officer:** Adrian Smith 290478

#### **Approved on 10/06/14 COMMITTEE**

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

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

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

##### **2) UNI**

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

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

Plan Type	Reference	Version	Date Received
Site plan	001	P03	08/05/2014
Existing floor plans	101	P02	21/02/2014
	102	P02	21/02/2014
Existing elevations	301	P02	21/02/2014
	302	P02	21/02/2014
Proposed ground floor	110	P03	06/03/2014
Proposed floor plans	111	P03	06/03/2014
	112	P03	06/03/2014
Proposed elevations	311	P06	16/05/2014
	312	P06	16/05/2014
Proposed window and door sections and elevations	614	P01	06/03/2014
	615	P01	06/03/2014
	616	P01	06/03/2014
	617	P01	06/03/2014
Indicative bay study			16/05/2014

##### **3) UNI**

Prior to implementation, a scheme for landscaping, which shall include hard surfacing, details of all 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 shall have been submitted to and approved in writing by the Local Planning Authority.

*Reason: To enhance the appearance of the development in the interest of the visual amenities of the area and to comply with policies QD1, QD2, QD15 & HE6 of the Brighton & Hove Local Plan.*

##### **4) UNI**

Report from: 05/06/2014 to: 25/06/2014

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, QD2, QD15 & HE6 of the Brighton & Hove Local Plan.*

**5) UNI**

Prior to their first occupation, the privacy screens to the rearmost balconies as detailed on drawing nos 311 P06 and 312 P06 received on 16 May 2014 shall be installed and retained in situ at all times.

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

**6) UNI**

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

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

**BH2014/01086**

**62 Hythe Road Brighton**

Erection of timber decking to rear elevation with glazed balustrading and steps to garden level.

**Applicant:** Mrs L Bainton

**Officer:** Oguzhan Denizer 290419

**Approved on 10/06/14 DELEGATED**

**1) BH01.01**

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

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

**2) UNI**

No development shall take place until full details of the materials to be used for the 1.8m high privacy screening to the east and west boundaries hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

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

**3) UNI**

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

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

Plan Type	Reference	Version	Date Received
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Site Location Plan	13305-07		15/04/2014
Block Plan	13305-06		04/04/2014
Existing Garden Plan	13305-01		04/04/2014
Proposed Garden Plan	13305-03		04/04/2014
Existing Elevations	13305-02		04/04/2014
Proposed Elevations	13305-04		04/04/2014

**BH2014/01158**

**9 Stanford Avenue Brighton**

Prior approval for change of use from nursing home (C2) to registered nursery (D1).

**Applicant:** TinySaurus Nurseries

**Officer:** Adrian Smith 290478

**Refused on 05/06/14 DELEGATED**

**1) UNI**

The proposed development fails to meet the travel demand it would create and would increase the likelihood of vehicles stopping and parking to set down passengers on Stanford Avenue (A23). This would result in increased illegal and pavement parking which would significantly increase the danger to pedestrians and other road users and cause interference with the free flow of traffic on this main arterial route into Brighton city centre, and in the absence of evidence to the contrary fails to comply with policies TR1, TR7 and TR13 of the Brighton & Hove Local Plan.

This decision is based on the information listed below:

Plan Type	Reference	Version	Date Received
Site plan, block plan and existing plans and elevations	1408-01		09/04/2014
Proposed site plan	1408-03	A	09/04/2014
Proposed plans and elevations	1408-02		09/04/2014

**BH2014/01171**

**Exeter Street Hall 16 Exeter Street Brighton**

Installation of solar photovoltaic panels to the rear roof slopes with increased roof height.

**Applicant:** The Hall Get Involved Ltd

**Officer:** Robin Hodgetts 292366

**Approved on 06/06/14 DELEGATED**

**1) BH01.01**

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

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

**2) UNI**

The new roof will be clad using the existing tiles and any new tiles required to replace damaged/broken ones shall match exactly those re-used from the original roof in terms of material, colour, style, bonding and texture.

*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**

Report from: 05/06/2014 to: 25/06/2014

Prior to their installation details on the extent and siting of the hereby approved solar photovoltaic panels shall be submitted to and approved in writing by the Local Planning Authority. The solar photovoltaic panels shall be installed in accordance with the agreed details.

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

#### **4) UNI**

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

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

Plan Type	Reference	Version	Date Received
Site location plan			11/04/14
Existing ground floor plan	010		11/04/14
Existing roof plan	011		11/04/14
Existing elevations	020		11/04/14
Existing sections A-A and B-B	030		11/04/14
Existing sections C-C and D-D	031		11/04/14
Existing section E-E	032		11/04/14
Existing sections F-F and G-G	033		11/04/14
Proposed ground floor plan	110	B	03/06/14
Proposed roof plan	111	B	03/06/14
Proposed elevations	120	B	03/06/14
Proposed sections A-A and B-B	130		11/04/14
Proposed sections C-C and D-D	131	B	03/06/14
Proposed sections F-F and G-G	133		11/04/14
Existing ramp and access	150		11/04/14
Roof details - eaves	201		11/04/14
Roof details - ridge and rear	203		11/04/14
Roof details - front eaves	202		11/04/14
Roof details - flat roof	204		11/04/14

#### **BH2014/01197**

#### **168 Havelock Road Brighton**

Installation of front rooflights.

**Applicant:** Helen Alderson

**Officer:** Adrian Smith 290478

**Approved on 18/06/14 DELEGATED**

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

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

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

#### **2) UNI**

The development hereby permitted shall be carried out in accordance with the

approved drawings listed below.

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

Plan Type	Reference	Version	Date Received
Site plan	PBP0111/02		14/04/2014
Block Plan	PBP0111/03		14/04/2014
Existing and proposed roof plan	PBP0111/05		19/05/2014
Existing and proposed front elevation	PBP0111/04		09/05/2014

**BH2014/01247**

**44 Hythe Road Brighton**

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

**Applicant:** Mrs P Newman-Starley

**Officer:** Joanne Doyle 292198

**Approved on 11/06/14 DELEGATED**

**BH2014/01357**

**92 Preston Drove Brighton**

Installation of new shop front. (Part-retrospective)

**Applicant:** Ayhan Sen

**Officer:** Emily Stanbridge 292359

**Approved on 23/06/14 DELEGATED**

**1) UNI**

The works hereby approved shall be completed within 6 months of the decision date.

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

**2) UNI**

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

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

Plan Type	Reference	Version	Date Received
Location plan	Sen04/14/1		19.06.2014
Existing and Proposed layout	Sen04/14/1		19.06.2014
Existing and Proposed elevations	Sen04/14/1		19.06.2014
Section	Sen04/14/1		19.06.2014

**BH2014/01486**

**5 Park View Terrace Brighton**

Prior approval for the erection of a single storey rear extension, which would extend beyond the rear wall of the original house by 4.30m, for which the maximum height would be 3.65m, and for which the height of the eaves would be 2.40m.

**Applicant:** Liz White

**Officer:** Tom Mannings 292322

**Prior approval not required on 17/06/14 DELEGATED**

## **REGENCY**

### **BH2013/02640**

#### **24A Sussex Heights Brighton**

Replacement of existing steel windows, patio doors and enclosure of balcony with UPVC units.

**Applicant:** Peter Ward

**Officer:** Paul Earp 292454

**Approved on 09/06/14 DELEGATED**

### **BH2013/03013**

#### **41 Montpelier Road Brighton**

Application for approval of details reserved by condition 2 of application BH2012/03590.

**Applicant:** Philip Blount

**Officer:** Helen Hobbs 293335

**Approved on 05/06/14 DELEGATED**

### **BH2013/04217**

#### **77-78 East Street Brighton**

Installation of new shop front and infill of first floor window.

**Applicant:** Eclectic Clubs and Bars Ltd

**Officer:** Christopher Wright 292097

**Refused on 23/06/14 DELEGATED**

#### **1) UNI**

The shopfront, by reason of the design, materials and detailing, detracts from the character of the recipient building and has a detrimental impact on the historic character and appearance of the wider Old Town Conservation Area, to the detriment of visual amenity. As such the proposal is contrary to policies QD10 and HE6 of the Brighton & Hove Local Plan and Supplementary Planning Document 02, Shopfront Design.

### **BH2014/00513**

#### **Brighton & Hove High School Montpelier Road Brighton**

Certificate of lawfulness for proposed application of dark green colour spray to surface of netball/tennis court and remarking of lines.

**Applicant:** Girls Day School Trust

**Officer:** Paul Earp 292454

**Approved on 18/06/14 DELEGATED**

### **BH2014/00719**

#### **4B Sussex Heights St Margarets Place Brighton**

Replacement of crittall windows with UPVc double glazed windows.

**Applicant:** Alison Cash

**Officer:** Christine Dadswell 292205

**Approved on 09/06/14 DELEGATED**

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

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

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

#### **2) UNI**

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



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

Plan Type	Reference	Version	Date Received
Location Plan			05 Mar 2014
Fourth Floor Plan			05 Mar 2014
Window Drawings			18 Mar 2014
Large Scale Window Drawings			3 Jun 2014

**BH2014/00758**

**13 Duke Street Brighton**

Internal alterations to layout of shop and replacement of external signs with a hanging sign and an internally illuminated fascia sign with associated repair works.

**Applicant:** Match Bags Limited

**Officer:** Helen Hobbs 293335

**Refused on 18/06/14 DELEGATED**

**1) UNI**

1. Insufficient information has been submitted with regards to signage in order to make a full assessment of the proposed impact on the character and appearance of the listed building contrary to policies HE1 and HE9 of the Brighton & Hove Local Plan.

**2) UNI2**

Notwithstanding the lack of information, the replacement fascia sign, by reason of its depth, would have an adverse impact upon the architectural and historic character of the listed building. The development is therefore contrary to policies HE1 and HE9 of the Brighton & Hove Local Plan.

**BH2014/00963**

**15 Windlesham Road Brighton**

Certificate of lawfulness for proposed single storey rear extension at basement level and loft conversion incorporating hip to gable roof extension, rooflight to front and dormer to rear.

**Applicant:** Leo Horsfield

**Officer:** Mark Thomas 292336

**Split Decision on 20/06/14 DELEGATED**

**1) UNI**

A lawful development certificate for the proposed fenestration and roof alterations:

The fenestration alterations, hip to gable roof extension, rear dormer and rooflight to the front are permitted under Schedule 2, Part 1, Classes A and B of the Town and Country Planning (General Permitted Development) Order 1995, as amended.

**1) UNI**

A lawful development certificate for the rear/side extension and basement excavation for the following reasons;

The rear/side basement level extension 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 would extend beyond a wall fronting a highway and also forms an original side elevation of the dwellinghouse and the extension would project beyond a wall forming a side elevation of the original dwellinghouse and would have a width greater than half the width of the original dwellinghouse. In addition the basement excavation which constitute engineering

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works, which are considered to be development and represent a material change in levels for which there is no allowance within the provisions of the Town & Country Planning (General Permitted Development) Order 1995, as amended.

**BH2014/00997**

**Century House 15-19 Dyke Road Brighton**

Display of non-illuminated fascia signs.

**Applicant:** Ms Sue Gadd

**Officer:** Christine Dadswell 292205

**Split Decision on 17/06/14 DELEGATED**

**1) BH10.01**

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

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

**2) BH10.02**

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

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

**3) BH10.03**

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

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

**4) BH10.04**

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

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

**5) BH10.05**

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

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

**6) BH10.06**

No advertisement shall be sited or displayed so as to-

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

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

**7) BH10.07**

The illumination of the advertisement shall be non-intermittent.

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

**8) UNI**

GRANT advertisement consent for the fascia sign sited above the ground floor level windows shown on drawing no BN13 030001/501.

**1) UNI**

REFUSE advertisement consent for the fascia sign sited above the 3rd floor level windows shown on drawing no. BN13 030001/501

**2) UNI2**

The non-illuminated sign above the third floor windows, by reason of its siting in relation to the ground floor commercial frontage, will appear incongruous in relation to the building. The sign would therefore result in harm to amenity and will also be contrary to policies QD12 and HE9 of the Brighton & Hove Local Plan and Supplementary Planning Document 07, Advertisements.

**BH2014/01058**

**51 Ship Street Brighton**

Display of 2no internally illuminated projecting signs and 2no externally illuminated menu boxes.

**Applicant:** TGI Fridays Limited

**Officer:** Christopher Wright 292097

**Approved on 11/06/14 DELEGATED**

**1) BH10.01**

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

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

**2) BH10.02**

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

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

**3) BH10.03**

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

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

**4) BH10.04**

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

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

**5) BH10.05**

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

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

**6) BH10.06**

No advertisement shall be sited or displayed so as to-

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

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

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

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

**7) BH10.07**

The illumination of the advertisement shall be non-intermittent.

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

**BH2014/01059**

**51 Ship Street Brighton**

Installation of fascia sign and 2no externally illuminated menu boxes.

**Applicant:** TGI Fridays Limited

**Officer:** Christopher Wright 292097

**Approved on 11/06/14 DELEGATED**

**1) BH01.05**

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

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

**BH2014/01060**

**51 Ship Street Brighton**

Installation of 2no internally illuminated projecting signs.

**Applicant:** TGI Fridays Limited

**Officer:** Christopher Wright 292097

**Approved on 11/06/14 DELEGATED**

**1) BH01.05**

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

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

**BH2014/01198**

**Royal York Buildings 41-42 Old Steine Brighton**

Installation of internally illuminated fascia sign to North, South and East elevations and 1no vinyl sign above main entrance.

**Applicant:** YHA (England & Wales) Ltd

**Officer:** Liz Arnold 291709

**Approved on 09/06/14 DELEGATED**

**1) BH01.05**

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

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

**BH2014/01230****Lees House 21-23 Dyke Road Brighton**

Erection of rear infill extension at lower ground floor level.

**Applicant:** Lees House Limited**Officer:** Emily Stanbridge 292359**Approved on 23/06/14 DELEGATED****1) BH01.01**

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

*Reason: To ensure that the Local Planning Authority retains the right to review unimplemented permissions.***2) UNI**

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

*Reason: To ensure a satisfactory appearance to the development in the interests of the visual amenities of the area and to comply with policies QD1 and QD14 of the Brighton & Hove Local Plan.***3) UNI**

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

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

Plan Type	Reference	Version	Date Received
Existing location, site and floor plans (08)	01		16.04.2014
Proposed floor plans (08)	02		16.04.2014
Existing and proposed elevations and sections (08)	03		16.04.2014

**BH2014/01254****130 - 134A Western Road Brighton**

Application for Approval of Details Reserved by Condition 3 of application BH2013/03146.

**Applicant:** Waitrose Ltd**Officer:** Helen Hobbs 293335**Approved on 18/06/14 DELEGATED****BH2014/01270****5 Powis Villas Brighton**

Erection of conservatory to rear.

**Applicant:** Ray Charmak**Officer:** Liz Arnold 291709**Refused on 17/06/14 DELEGATED****1) UNI**

The proposed extension would result in the erosion of the open space at basement level between the existing house and swimming pool and combined with previous developments, represents an over-development of the site. As such the proposal would have an adverse impact upon the architectural and historic character and appearance of the existing Listed Building and its setting, contrary to policy HE1 of the Brighton & Hove Local Plan and Supplementary Planning Guidance Note SPGBH13: Listed Buildings - General Advice.

**2) UNI2**

The proposed extension, by virtue of its design, namely the proposed glazed

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mono-pitched roof and its height, would result in an incongruous addition to the Listed Building which would have an adverse impact upon the architectural and historic character and appearance of the existing Building and its setting, contrary to policy HE1 of the Brighton & Hove Local Plan and Supplementary Planning Guidance Note SPGBH13: Listed Buildings - General Advice.

**BH2014/01271**

**5 Powis Villas Brighton**

Erection of conservatory to rear.

**Applicant:** Ray Charmak

**Officer:** Liz Arnold 291709

**Refused on 18/06/14 DELEGATED**

**1) UNI**

The proposed extension would result in the erosion of the open space at basement level between the existing house and swimming pool and combined with previous developments, represents an over-development of the site. As such the proposal would have an adverse impact upon the architectural and historic character and appearance of the existing Listed Building and its setting, contrary to policies QD14 and HE1 of the Brighton & Hove Local Plan, Supplementary Planning Document SPD12: Design Guide for Extension and Alterations and Supplementary Planning Guidance Note SPGBH13: Listed Buildings - General Advice.

**2) UNI2**

The proposed extension, by virtue of its design, namely the proposed glazed mono-pitched roof and its height, would result in an incongruous addition to the Listed Building which would have an adverse impact upon the architectural and historic character and appearance of the existing Listed Building and its setting, contrary to policies QD14 and HE1 of the Brighton & Hove Local Plan, Supplementary Planning Document SPD12: Design Guide for Extension and Alterations and Supplementary Planning Guidance Note SPGBH13: Listed Buildings - General Advice.

**BH2014/01301**

**24 East Street Brighton**

Display of non-illuminated fascia and hanging signs and externally illuminated fascia sign.

**Applicant:** Walton Design Ltd

**Officer:** Liz Arnold 291709

**Approved on 18/06/14 DELEGATED**

**1) BH10.01**

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

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

**2) BH10.02**

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

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

**3) BH10.03**

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

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

**4) BH10.04**

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

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

**5) BH10.05**

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

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

**6) BH10.06**

No advertisement shall be sited or displayed so as to-

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

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

**7) BH10.07**

The illumination of the advertisement shall be non-intermittent.

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

**8) UNI**

Notwithstanding the plans submitted the projecting sign hereby approved shall be a minimum of 2.4 metres above the footway.

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

**BH2014/01315**

**60 West Street Brighton**

Change of use at first, second and third floor level from office (B1) to residential (C3) to form 5no. flats.

**Applicant:** HAC Properties Ltd

**Officer:** Andrew Huntley 292321

**Prior Approval is required and is approved on 18/06/14 DELEGATED**

**BH2014/01344**

**8 Powis Villas Brighton**

Replacement of existing lower ground floor side casement windows with single glazed timber framed sash windows.

**Applicant:** Mr John Bevan

**Officer:** Christopher Wright 292097

**Approved on 23/06/14 DELEGATED**

**1) BH01.05**

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

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

**2) UNI**

All new and disturbed surfaces shall be made good at the time of development using materials of matching composition, form and finish to those of the existing building.

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

**3) UNI**

The windows hereby approved shall be single glazed off-white painted timber vertically sliding sashes with no visible trickle vents, and shall match exactly the original sash windows at basement level within the building, including their architraves, frames and glazing bar dimensions and mouldings, and subcill, masonry cill and reveal details, and shall have concealed sash boxes recessed within the reveals and set back from the outer face of the building to match exactly the original sash boxes to the building.

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

**BH2014/01345**

**8 Powis Villas Brighton**

Replacement of existing lower ground floor side casement windows with single glazed timber framed sash windows.

**Applicant:** Mr John Bevan

**Officer:** Christopher Wright 292097

**Approved on 23/06/14 DELEGATED**

**1) BH01.01**

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

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

**2) UNI**

The windows hereby approved shall be single glazed off-white painted timber vertical sliding sashes with no trickle vents and shall match exactly the original sash windows at basement level within the building, including their architrave, frame and glazing bar dimensions and mouldings, and subcill, masonry cill and reveal details, and shall have concealed sash boxes recessed within the reveals and set back from the outer face of the building to match exactly the original sash boxes to 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**

All new and disturbed surfaces shall be made good at the time of development using materials of matching composition, form and finish to those of the listed building.

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

**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 Elevation & Window Details	P1404-03b		19 Jun 2014
Location Plan	P1404-01		28 Apr 2014
Existing Floor Plan & Elevation	P1404-02		28 Apr 2014

### **BH2014/01351**

#### **8 Powis Villas Brighton**

Reinstatement of window on lower ground floor.

**Applicant:** Mr John Bevan

**Officer:** Christopher Wright 292097

**Approved on 23/06/14 DELEGATED**

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

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

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

#### **2) UNI**

No works shall take place until full details of the new window and its reveals and cills including 1:20 scale elevational drawings and sections and 1:1 scale joinery sections have been submitted to and approved in writing by the Local Planning Authority. The window shall be single glazed painted timber with concealed trickle vents. The works shall be carried out and completed fully in accordance with the approved details and retained as such thereafter.

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

### **BH2014/01352**

#### **8 Powis Villas Brighton**

Reinstatement of window and lightwell on lower ground floor.

**Applicant:** John Bevan

**Officer:** Christopher Wright 292097

**Approved on 25/06/14 DELEGATED**

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

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

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

#### **2) UNI**

No works shall take place until full details of the new window and its reveals and cills including 1:20 scale elevational drawings and sections and 1:1 scale joinery sections have been submitted to and approved in writing by the Local Planning Authority. The window shall be single glazed painted timber with concealed trickle vents. The works shall be carried out and completed fully in accordance with the approved details and retained as such thereafter.

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

#### **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	P1405-01		28 Apr 2014
Existing & Proposed Floor Plans & Elevations	P1405-02		28 Apr 2014

**BH2014/01355**

**15 Hampton Place Brighton**

Replacement of existing rear UPVC doors and stairs with railings with timber doors and metal stairs with railings. Removal of security gates and associated works.

**Applicant:** Mrs Jeanette Cragg  
**Officer:** Christine Dadswell 292205

**Approved on 23/06/14 DELEGATED**

**1) BH01.05**

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

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

**2) UNI**

The hereby approved railings shall be painted black within one month of installation and shall be retained as such thereafter.

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

**3) UNI**

No works shall take place until full details of the proposed balustrade have been submitted to and approved in writing by the Local Planning Authority. Notwithstanding the approved drawings the details shall include 1:5 sample elevations and show the removal of the bottom rail with upright posts going straight into the treads of the stairs. The works shall be implemented in strict accordance with the agreed details and shall be maintained as such thereafter.

*Reason: As insufficient information has been submitted, to ensure the satisfactory preservation of this listed building and to comply with policy HE1 of the Brighton & Hove Local Plan.*

**BH2014/01356**

**15 Hampton Place Brighton**

Replacement of existing rear UPVC doors and stairs with railings with timber doors and metal stairs with railings. Removal of security gates and associated works.

**Applicant:** Mrs Jeanette Cragg  
**Officer:** Christine Dadswell 292205

**Approved on 24/06/14 DELEGATED**

**1) BH01.01**

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

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

**2) UNI**

No works shall take place until full details of the proposed balustrade have been submitted to and approved in writing by the Local Planning Authority. Notwithstanding the approved drawings the details shall include 1:5 sample elevations and show the removal of the bottom rail and upright posts going straight into the treads of the stairs. The works shall be implemented in strict

accordance with the agreed details and shall be maintained as such thereafter.

*Reason: As insufficient information has been submitted, to ensure the satisfactory preservation of this listed building and to comply with policy HE1 of the Brighton & Hove Local Plan.*

### **3) UNI**

The hereby approved railings shall be painted black within one month of installation and shall be retained as such thereafter.

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

### **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	2642-1		28 April 2014
Existing Plans	2642-2		28 April 2014
Existing Elevations	2642-3		28 April 2014
Proposed Plans	2642-5	A	17 June 2014
Proposed Elevations	2642-6	A	17 June 2014
Proposed Door Details	2642-8		16 June 2014
Proposed Stair and Balustrade Detail	2642-9		17 June 2014

## **BH2014/01359**

### **34-35 Western Road Hove**

Prior approval for proposed change of use from offices (B1) to residential (C3) at first, second and third floor levels to form 4no self contained flats.

**Applicant:** First Charter House Investment

**Officer:** Christopher Wright 292097

**Prior Approval is required and is approved on 19/06/14 DELEGATED**

## **BH2014/01390**

### **51 Ship Street Brighton**

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

**Applicant:** Veerose Ltd

**Officer:** Christopher Wright 292097

**Approved on 25/06/14 DELEGATED**

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

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

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

### **2) UNI**

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

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

Report from: 05/06/2014 to: 25/06/2014

### 3) UNI

The doors and louvred vents shown on the approved plans shall be painted black within one month of installation and shall be retained as such thereafter.

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

### 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
Floor, Block & Location Plans & Elevations Survey	0289.EXG.100 1	A	30 Apr 2014
Proposed Ground Floor Plan, Location and Block Plans, Planning	0289.PL.1001	A	30 Apr 2014
Substation Details and Elevations, Planning	0289.PL.1002	A	30 Apr 2014

### 5) UNI

No works 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 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.*

## **BH2014/01391**

### **51 Ship Street Brighton**

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

**Applicant:** Veerose Ltd

**Officer:** Christopher Wright 292097

**Approved on 25/06/14 DELEGATED**

#### 1) BH01.05

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

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

#### 2) UNI

The doors and louvred vents shown on the approved plans shall be painted black within one month of installation and shall be retained as such thereafter.

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

#### 3) UNI

No works 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 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.

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

### **BH2012/00617**

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

Application for Approval of Details Reserved by Conditions 22 and 23 of application BH2010/03744 as amended by BH2013/01147.

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

**Officer:** Paul Vidler 292192

**Approved on 09/06/14 DELEGATED**

### **BH2014/00715**

#### **55 Frederick Street Brighton**

Erection of single storey rear extension.

**Applicant:** Robin Thompson

**Officer:** Chris Swain 292178

**Approved on 18/06/14 DELEGATED**

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

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

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

#### **2) UNI**

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

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

#### **3) UNI**

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

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

Plan Type	Reference	Version	Date Received
Site location plan			30 April 2014
Block plan			30 April 2014
Existing plans and elevations	001		5 March 2014
Proposed plans and elevations	102	A	5 March 2014

### **BH2014/00757**

#### **37 & 38 Providence Place Brighton**

Construction of 4no one bed flats and 2no two bed maisonettes (Part Retrospective).

**Applicant:** Bourne Property Developments Ltd

**Officer:** Sue Dubberley 293817

**Approved on 20/06/14 DELEGATED**

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

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

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

#### **2) UNI**

Report from: 05/06/2014 to: 25/06/2014

The Cedar cladding to the entrance door shown on drawing no.364/56 shall be installed within 3 months from the date of this approval.

*Reason: To enhance the appearance of the development in the interest of the visual amenities of the area 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
Location Plan	227/09		10/03/14
Existing floor plans	364/54		10/03/14
Existing elevations	364/55		10/03/14
Proposed elevations	364/56		10/03/14
Final certificate - Plot 1	10/03/14		10/03/14
Final certificate - Plot 2			10/03/14
Final certificate - Plot 3			10/03/14
Final certificate - Plot 4			10/03/14
Final certificate - Plot 5			10/03/14
Final certificate - Plot 6			10/03/14

**BH2014/00860**

**29 Compton Avenue Brighton**

Replacement of rear windows and door on lower ground and ground floor flats with UPVC double glazed units incorporating infill of ground floor window. (Part retrospective).

**Applicant:** Amalia Sanchez de la Blanca

**Officer:** Christine Dadswell 292205

**Approved on 18/06/14 DELEGATED**

**1) BH01.01**

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

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

**2) BH03.03**

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

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

**3) UNI**

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

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

Plan Type	Reference	Version	Date Received
Location and Block Plan	121-P-100		18 Mar 2014
Existing Elevations	121-P-110		18 Mar 2014
Proposed Elevations	121-P-210		31 Mar 2014

**BH2014/01002**

**9 London Road Brighton**

Change of use from bank (A2) to restaurant (A3) and take away (A5) at ground floor level and 2no. two bedroom and 1no. three bedroom flats (C3) at first and second floor levels with associated alterations including installation of extract duct, new front entrance and new windows to rear elevation.

**Applicant:** Essy Sharanizadeh & Santander UK plc

**Officer:** Sonia Gillam 292265

**Refused on 05/06/14 DELEGATED**

**1) UNI**

The application has failed to demonstrate that the proposed change of use and associated extraction equipment would not have a detrimental impact on neighbouring residential amenity by reason of odour, noise and disturbance. As such, the proposal is contrary to policies QD27 and SU10 of the Brighton & Hove Local Plan.

**2) UNI2**

The proposed residential units would result in a poor level of amenity for the future occupants by virtue of a cramped and substandard form of accommodation, and, in the absence of evidence to the contrary, lack of private, usable amenity space for the proposed first floor units. As such, the proposal would be contrary to policies QD27 and HO5 of the Brighton & Hove Local Plan.

**BH2014/01028**

**3-9 Blackman Street Brighton**

Certificate of Lawfulness for proposed additional levels.

**Applicant:** GB Liners Ltd

**Officer:** Emily Stanbridge 292359

**Refused on 20/06/14 DELEGATED**

**1) UNI**

The proposed increase to the gross floor space of the original building measures approximately 568m<sup>2</sup> which equates to greater than 50%. As such the development is not permitted under Schedule 2, Part 8, Class A of the Town and Country Planning (General Permitted Development) Order 1995, as amended.

**BH2014/01066**

**4 Park Crescent Brighton**

Removal of chimney on front roof slope.

**Applicant:** Ms Julia Davis

**Officer:** Emily Stanbridge 292359

**Approved on 25/06/14 DELEGATED**

**1) BH01.05**

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

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

**2) UNI**

Following the removal of the chimney stack the roof shall be made good with matching natural slate.

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

**BH2014/01090**

**10 New England Road Brighton**

Installation of converted shipping containers for use as commercial/office units

(B1) for temporary period.

**Applicant:** QED Estates Ltd

**Officer:** Adrian Smith 290478

**Approved on 11/06/14 DELEGATED**

**1) UNI**

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

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

Plan Type	Reference	Version	Date Received
Existing site survey	PL05		07/04/2014
Existing elevations	PL15		07/04/2014
Site plan and proposed block plan	PL01		07/04/2014
Proposed floor plans	PL010		17/04/2014
Proposed elevations	PL20 PL21		07/04/2014 07/04/2014
Proposed sections and elevations	PL22		07/04/2014

**2) UNI**

The buildings hereby permitted shall be permanently removed from the site on or before 07 May 2018 in accordance with a scheme of works which shall be submitted to and approved in writing by the Local Planning Authority.

*Reason: The planning permission is not suitable as a permanent form of development and to comply with policies EM3, QD1, QD2 of the Brighton & Hove Local Plan and policy DA4 of the Submission City Plan Part One.*

**3) UNI**

If during construction, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing by the Local Planning Authority), shall be carried out until a method statement identifying, assessing the risk and proposing remediation measures, together with a programme, shall be submitted to and approved in writing by the Local Planning Authority. The remediation measures shall be carried out as approved and in accordance with the approved programme.

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

**4) UNI**

The containers hereby approved shall be used for the provision of B1(a) office floorspace and/or as artists studios only and for no other purpose (including any other purpose in Class B of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

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

**5) UNI**

No development shall commence until a scheme for the external treatment of the elevations of the development (including full details of the colour scheme) has been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

*Reason: To ensure a satisfactory appearance to the development and to comply*

Report from: 05/06/2014 to: 25/06/2014



*with policies QD1 and QD2 of the Brighton & Hove Local Plan.*

**6) UNI**

The development hereby permitted shall not be occupied until details of any external lighting proposed 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.*

**7) UNI**

No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme for landscaping, which shall include details of all hard surfacing, boundary treatments and planting of the development (including plant species, size and number).

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

**8) UNI**

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

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

**9) UNI**

The development hereby permitted shall not be commenced until details of sustainability measures to reduce the energy and water consumption of the development have been submitted to and approved in writing by the Local Planning Authority. The measures shall be implemented prior to occupation and 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.*

**10) UNI**

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

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

**11) UNI**

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

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

**12) UNI**

No development shall commence until details at a 1:20 scale of external doors, windows, balconies, stairways and walkways 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 QD2 of the Brighton & Hove Local Plan.*

**BH2014/01167**

**49 Shaftesbury Road Brighton**

Certificate of lawfulness for proposed erection of a single storey rear extension with steps to garden.

**Applicant:** Barry Scherer

**Officer:** Julia Martin-Woodbridge 294495

**Approved on 06/06/14 DELEGATED**

**BH2014/01186**

**14 Kew Street Brighton**

Installation of side window and alterations to rear door.

**Applicant:** Mrs Hilary Standing

**Officer:** Chris Swain 292178

**Approved on 25/06/14 DELEGATED**

**1) BH01.01**

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

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

**2) UNI**

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

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

Plan Type	Reference	Version	Date Received
Site location plan			14 April 2014
Block plan			14 April 2014
Existing plan and sections	879		30 April 2014
Proposed plan and sections	879	E	30 April 2014

**BH2014/01194**

**1 Winchester 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 3.1m, for which the maximum height would be 3.4m, and for which the height of the eaves would be 2.7m.

**Applicant:** Ms Susanna Phipps

**Officer:** Julia Martin-Woodbridge 294495

**Prior approval not required on 05/06/14 DELEGATED**

**BH2014/01229****Flat 1 21-23 Richmond Road Brighton**

Replacement of existing timber windows and doors with UPVC windows and doors.

**Applicant:** Stephen Challis

**Officer:** Emily Stanbridge 292359

**Approved on 19/06/14 DELEGATED**

**1) BH01.01**

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

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

**2) UNI**

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

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

Plan Type	Reference	Version	Date Received
Site plan			29.04.2014
Schedule of photographs			16.04.2014
Window specification			16.04.2014

**BH2014/01238****29-30 Surrey Street Brighton**

Installation of new extract duct.

**Applicant:** Fuller Smith and Turner

**Officer:** Chris Swain 292178

**Approved on 11/06/14 DELEGATED**

**1) BH01.01**

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

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

**2) BH03.03**

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

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

**3) UNI**

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

**4) UNI**

The use of the extraction system hereby permitted shall not be used at the premises except between the hours of 07.00am and 11.00pm on Mondays to Sundays. 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 extraction system will be attenuated in line with the recommendations set out within the section titled Conclusion, p13, of the submitted External Plant Noise Assessment by Sound Advice Acoustics Ltd, dated 7th March 2014, referenced SA - 2944 RV.01 received on 20 May 2014.

*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.*

**6) UNI**

The hereby permitted extraction duct will be painted black and shall be retained as such thereafter. To ensure a satisfactory appearance to the development in the interests of the visual amenities of the area and to comply with policies QD14 and HE6 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 location plan			16 April 2014
Existing rear elevation	2198-08-01	A	16 April 2014
Proposed ductwork / plant to flat roof	2198-08-02		16 April 2014

**8) UNI**

The odour from the extraction system shall be managed as outlined in the submitted Odour Management Plan specifically, sections 4.4 and 4.5 of the Planning Statement, April 2014 by Walsingham Planning received on 16 April 2014.

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

**BH2014/01288**

**1 Buckingham Place Brighton**

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

**Applicant:** A Ribot

**Officer:** Adrian Smith 290478

**Approved on 25/06/14 DELEGATED**

**BH2014/01309**

**1 Roundhill Crescent Brighton**

Installation of cladding with fibre cement slates to rear extension. Replacement of covering to flat roof of rear extension.

**Applicant:** 1 Roundhill Crescent Brighton (Residents) Ltd

**Officer:** Robin Hodgetts 292366

**Refused on 18/06/14 DELEGATED**

**1) UNI**

The cladding of the rear extension, by reason of the proposed material and design, would harm the architectural and historic character of the Grade II listed building, wider terrace and Round Hill Conservation Area. The proposal is therefore contrary to policies HE1, HE3 and HE6 of the Brighton & Hove Local

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Plan and Supplementary Planning Document 09, Architectural Features.

**2) UNI2**

Insufficient information has been provided in respect of the existing flat roof material and the increase in height resulting from the replacement roof covering. In the absence of this information it cannot be demonstrated that the proposal would not have an adverse effect on the architectural and historic character or appearance of the exterior of the building or wider Round Hill Conservation Area. The proposal is thereby contrary to policies HE1 and HE6 of the Brighton & Hove Local Plan.

**BH2014/01316**

**1 Roundhill Crescent Brighton**

Installation of cladding with fibre cement slates to rear extension. Replacement of covering to flat roof of rear extension.

**Applicant:** 1 Roundhill Crescent Brighton (Residents) Ltd

**Officer:** Robin Hodgetts 292366

**Refused on 18/06/14 DELEGATED**

**1) UNI**

The cladding of the rear extension, by reason of the proposed material and design, would harm the architectural and historic character of the Grade II listed building. The proposal is therefore contrary to policy HE1 of the Brighton & Hove Local Plan and Supplementary Planning Document 09, Architectural Features.

**2) UNI2**

Insufficient information has been provided in respect of the existing flat roof material and the increase in height resulting from the replacement roof covering. In the absence of this information it cannot be demonstrated that the proposal would not have an adverse effect on the architectural and historic character or appearance of the exterior of the Grade II listed building. The proposal is thereby contrary to policy HE1 of the Brighton & Hove Local Plan.

**BH2014/01325**

**100 Upper Lewes Road Brighton**

Replacement of existing crittall casement and timber sash windows with UPVC.

**Applicant:** Enterprise Inns

**Officer:** Andrew Huntley 292321

**Refused on 20/06/14 DELEGATED**

**1) UNI**

The replacement windows, by reason of their design and material, would be an unsympathetic alteration that fails to reflect the original character and appearance of the building and would harm the character and appearance of the area. As such the proposal is contrary to policy QD14 of the Brighton & Hove Local Plan and Supplementary Planning Document 12, Design Guide for Extensions and Alterations.

**BH2014/01347**

**Clifton Court Clifton Street Brighton**

Application for Approval of Details Reserved by Conditions 7 and 8 of application BH2013/02087.

**Applicant:** Richard Burrows

**Officer:** Chris Swain 292178

**Approved on 23/06/14 DELEGATED**

**BH2014/01423****74 North Road Brighton**

Installation of new shop front.

**Applicant:** Little Beach Boutique**Officer:** Emily Stanbridge 292359**Approved on 25/06/14 DELEGATED****1) BH01.01**

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

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

**2) UNI**

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

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

Plan Type	Reference	Version	Date Received
Location and block plan	01		01.05.2014
Elevations existing and proposed	02		01.05.2014
Elevations, plan and section	03		01.05.2014
Details	04		01.05.2014
Details	05		01.05.2014
Details	06		01.05.2014

**BH2014/01425****94-103 London Road Brighton**

Display of 1no non-illuminated projecting blade sign positioned at first and second floor level and 1no internally illuminated projecting box sign and 1no internally illuminated flat cube fascia sign positioned at ground floor level.

**Applicant:** Watkin Jones Group**Officer:** Kathryn Boggiano 292138**Approved on 10/06/14 DELEGATED****1) BH10.01**

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

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

**2) BH10.02**

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

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

**3) BH10.03**

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

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

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*public safety.*

**4) BH10.04**

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

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

**5) BH10.05**

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

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

**6) BH10.06**

No advertisement shall be sited or displayed so as to-

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

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

**7) BH10.07**

The illumination of the advertisement shall be non-intermittent.

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

**WITHDEAN**

**BH2014/00289**

**14 Redhill Drive Brighton**

Erection of rear garden retaining wall with railings. (Part retrospective).

**Applicant:** Mr David Meredith

**Officer:** Emily Stanbridge 292359

**Approved on 19/06/14 DELEGATED**

**1) BH01.01**

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

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

**2) UNI**

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

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

**3) UNI**

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**

The following ecological measures must be adhered to;

- a) The development area including the area for the storage of equipment and construction materials shall be limited to the area around the proposed retaining wall and works should be completed during the amphibian's active period (April to October),
- b) If protected species are encountered, work should stop and advice should be sought from a suitably qualified and experienced ecologist on how to proceed.
- c) Log piles shall be provided around the boundaries of the site to provide refuges for invertebrates and reptiles prior to the commencement of the development and retained as such thereafter.
- d) Any removal of scrubs/trees should be carried out outside the bird breeding season (March to August). If removed outside of this timescale a nesting bird check shall be carried out prior to any clearance works by an appropriately trained, qualified and experienced ecologist, and if birds are found, clearance must stop until the fledglings have left.

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

#### **5) UNI**

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

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

Plan Type	Reference	Version	Date Received
Ordnance Survey Plans	OS/01		29.01.2014
Existing and Proposed Landscape plan	OS/02		29.01.2014
Existing site plan with levels	04	B	26.03.2014
Existing/Proposed West elevation	02		29.01.2014
Existing/Proposed South Elevation	01	D	08.04.2014
Site sections- Original Ground Levels	05	B	26.03.2014
Site sections- Existing Ground Levels	06		26.03.2014
Site sections- Proposed Ground Levels	07		26.03.2014

#### **6) UNI**

No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme for landscaping, which shall include hard surfacing, planting along the boundary, planting of the development,

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indications of all existing trees and hedgerows on the land and details of any to be retained, together with measures for their protection in the course of development. The planted screening shall be retained as agreed thereafter.

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

## **BH2014/00820**

### **Land adjacent to 1 Woodside Avenue Brighton**

Application for variation of condition 2 of application BH2013/02323 (Erection of detached 3 bedroom three storey dwelling house) to allow for alterations to the approved development.

**Applicant:** Bill Faust

**Officer:** Liz Arnold 291709

**Approved on 09/06/14 DELEGATED**

#### **1) UNI**

The development hereby permitted shall be commenced on or before 5th September 2016.

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

#### **2) UNI**

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

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

#### **3) 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.*

#### **4) UNI**

No scrub clearance or site set-up shall take place during the months of March to September inclusive. Scrub clearance shall take place under the supervision of a qualified ecologist at all times.

*Reason: To protect nesting bird habitat and ensure the impact of the development on existing nature conservation features is minimised in accordance with policy QD17 of the Brighton & Hove Local Plan and Supplementary Planning Document 11 on Nature Conservation.*

#### **5) UNI**

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

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

#### **6) UNI**

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

*Reason: The Local Planning Authority considers that further development could*

*cause detriment to the amenities of the occupiers of nearby properties and to the character of the area and for this reason would wish to control any future development to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.*

**7) UNI**

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

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

**8) UNI**

The development shall be carried out in accordance with the following samples approved under application BH2013/02323. Walls: Painted white render, Roof: Spanish Slate. These materials shall be retained in place thereafter.

*Reason: To ensure a satisfactory appearance to the development in accordance with QD1 and QD2 of the Brighton & Hove Local Plan.*

**9) UNI**

Notwithstanding the landscaping details shown on drawing number 099-PA-100 a revised landscaping plan shall be submitted to and approved by the Local Planning Authority in writing. The plan shall accurately show the roof plan on the building and identify the exact species, numbering, location and maturity of the proposed planting and the location and detail of hard surfaces.

*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**

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

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

**11) UNI**

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

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

**12) UNI**

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

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

### **13) UNI**

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

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

### **14) UNI**

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

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

### **15) UNI**

Prior to the commencement of development on site, detailed drawings including levels, sections and construction details of the proposed vehicle access, including the proposed access gate, shall be submitted to and approved by the Local Planning Authority in writing. The development shall not be occupied until these works have been fully implemented in accordance with the approved details

*Reason: As insufficient information has been submitted and to ensure that works constitute safe development and to comply with policies TR1, TR7, TR8 and TR19 of the Brighton & Hove Local Plan.*

### **16) UNI**

No development shall commence until full details of the proposed amendments to the boundary wall structure, including a cross section of the entrance, depth of footings, retained height, thickness of wall and construction materials, have been submitted to and agreed in writing by the Local Planning Authority.

*Reason: To ensure the stability of the boundary wall structures and to comply with Policy TR7 of the Brighton & Hove Local Plan.*

### **17) UNI**

No development shall take place until 1:50 scale drawings and samples of the proposed balconies and screening for the terraces are submitted to and approved by the Local Planning Authority in writing.

*Reason: As insufficient information has been submitted and to ensure the development does not cause any significant loss of amenity to neighbouring occupiers to comply with policies QD1 and QD27 of the Brighton & Hove Local Plan.*

### **18) UNI**

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

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

*Hove Local Plan and Supplementary Planning Document SPD08 Sustainable Building Design.*

**19) UNI**

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

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

**20) UNI**

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

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

Plan Type	Reference	Version	Date Received
Existing Location and Block Plan	0997-PA-001	A	22nd August 2013
Existing Topographical Survey	0997-PA-002		9th July 2013
Existing Section and Elevation	0997-PA-003		9th July 2013
Proposed Ground Floor Plan	0997-BR-100		13th March 2014
Proposed First Floor Plan	0997-BR-101		13th March 2014
Proposed Second Floor Plan	0997-BR-102		13th March 2014
Proposed Third Floor Plan	0997-BR-103		13th March 2014
Proposed Roof Plan	0997-BR-104	A	13th March 2014
Proposed South East Facing elevation	0997-BR-117		13th March 2014
Proposed South West Facing Elevation	0997-PA-016	A	22nd August 2013
Proposed North East Facing Elevation	0997-PA-017	A	22nd August 2013
Proposed North West Facing Elevation	0997-PA-018		9th July 2013
Proposed South-East Facing Street Elevation	0997-PA-018		13th March 2014
Proposed Section A-A	0997-PA-020		9th July 2013
Landscaping Plan	0997-PA-100		22nd August 2013
Proposed Section B-B + C-C	0997-BR-111		13th March 2014

**BH2014/00857**

**113 Valley Drive Brighton**

Certificate of Lawfulness for proposed single storey rear extensions, enlargement and alterations to existing detached garage to form workshop and associated works.

**Applicant:** Mr & Mrs Philippe Epifanoff

**Officer:** Sonia Gillam 292265

**Split Decision on 11/06/14 DELEGATED**

**1) UNI**

GRANT a lawful development certificate for the proposed outbuilding for the following reason:

The proposed outbuilding is permitted under Schedule 2, Part 1, Class E of the Town and Country Planning (General Permitted Development) Order 1995, as amended.

**1) UNI**

REFUSE a lawful development certificate for the proposed extension for the following reason:

**2) UNI2**

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 rear/ side projections form a single development by virtue of the linking of the roof forms, and consequently the structure would extend beyond a wall forming a side elevation of the original dwellinghouse and would have a width greater than half the width of the original dwellinghouse.

**BH2014/00904**

**18 Fairlie Gardens Brighton**

Erection of single storey side extension.

**Applicant:** Mr & Mrs Clifford

**Officer:** Joanne Doyle 292198

**Approved on 23/06/14 DELEGATED**

**1) BH01.01**

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

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

**2) BH03.03**

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

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

**3) UNI**

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

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

Plan Type	Reference	Version	Date Received
Site Location & Block Plan	ADC612/LP		20 Mar 2014
Existing Plans & Elevations	ADC612/01		20 Mar 2014
Proposed Plans & Elevations	ADC612/04		20 Mar 2014

**BH2014/00939**

**254 Dyke Road Brighton**

Erection of new entrance porch to side elevation.

**Applicant:** Mr Lloyd Thompsett & Mrs Janet Wright

**Officer:** Oguzhan Denizer 290419

**Approved on 18/06/14 DELEGATED**

**1) BH01.01**

The development hereby permitted shall be commenced before the expiration of

three years from the date of this permission.

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

**2) BH03.03**

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

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

**3) UNI**

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

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

Plan Type	Reference	Version	Date Received
Site Location Plan and Block Plans	160(10)000		25/03/2014
Existing Floor Plans and Elevations	160(20)000		25/03/2014
Proposed Floor Plans and Elevations	160(21)000		25/03/2014

**BH2014/00970**

**262 Dyke Road Brighton**

Certificate of lawfulness for proposed loft conversion incorporating front and rear rooflights and side windows, erection of single storey side extension and alterations to fenestration.

**Applicant:** Mr Garry Bleasdale

**Officer:** Joanne Doyle 292198

**Split Decision on 06/06/14 DELEGATED**

**1) UNI**

REFUSE a lawful development certificate for the proposed side extension for the following reasons;

The development is not permitted under Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) Order 1995, as amended, as the proposed side and rear extension would measure 5.3m deep, extending beyond the rear wall of the original dwellinghouse.

**BH2014/01016**

**49 Hillcrest Brighton**

Erection of single storey rear extension to replace conservatory and dormer to front.

**Applicant:** Mrs Claire Roshan

**Officer:** Sonia Gillam 292265

**Approved on 10/06/14 DELEGATED**

**1) BH01.01**

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

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

**2) BH03.03**

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

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

**3) UNI**

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

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

**4) UNI**

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no windows, dormer windows, rooflights or doors other than those expressly authorised by this permission shall be constructed in the side elevations of the extension hereby approved without planning permission obtained from the Local Planning Authority.

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

**5) UNI**

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

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

Plan Type	Reference	Version	Date Received
Existing plans and elevations	01		27/03/2014
Proposed plans and elevations	02		09/04/2014

**BH2014/01067**

**158 Valley Drive Brighton**

Construction of new vehicular crossover and hardstanding and alterations to front boundary wall.

**Applicant:** Dr Razik Toma

**Officer:** Christine Dadswell 292205

**Approved on 17/06/14 DELEGATED**

**BH2014/01126**

**11 Surrenden Crescent Brighton**

Certificate of Lawfulness for proposed single storey outbuilding to rear.

**Applicant:** Mrs Phoebe Oliver

**Officer:** Liz Arnold 291709

**Approved on 18/06/14 DELEGATED**

**BH2014/01226**

**15 The Beeches Brighton**

Erection of single storey side extension.

**Applicant:** Mrs Olivia Olorenshaw

**Officer:** Joanne Doyle 292198

**Refused on 11/06/14 DELEGATED**

**1) UNI**

The extension, by reason of its scale and excessive depth projecting into the rear garden would result in an over dominant addition that would fail to compliment the

form of the original building. The proposal is thereby contrary to QD14 of the Brighton & Hove Local Plan and the Supplementary Planning Document: Design Guide for Extensions and Alterations (SPD12).

**BH2014/01231**

**11 South Road Brighton**

Application for Approval of Details Reserved by Condition 2 of application BH2014/00212.

**Applicant:** Uniglobe Preferred Travel

**Officer:** Liz Arnold 291709

**Approved on 10/06/14 DELEGATED**

**BH2014/01237**

**88 Peacock Lane Brighton**

Erection of single storey side extension.

**Applicant:** Mrs Helen Whithouse

**Officer:** Joanne Doyle 292198

**Approved on 17/06/14 DELEGATED**

**1) BH01.01**

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

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

**2) UNI**

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

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

Plan Type	Reference	Version	Date Received
Site Location & Block Plan	CH 605/001		16 Apr 2014
Existing Floor Plans	CH 605/002		16 Apr 2014
Existing Elevations & Sections	CH 605/003		16 Apr 2014
Existing Elevations & Sections	CH 605/004		16 Apr 2014
Existing Street Scene	CH 605/005		16 Apr 2014
Proposed Floor Plans	CH 605/006		16 Apr 2014
Proposed Elevations & Sections	CH 605/007		16 Apr 2014
Proposed Elevations & Sections	CH 605/008		16 Apr 2014
Proposed Street Scene	CH 605/009		16 Apr 2014

**3) UNI**

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

*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.*



**BH2014/01320****83 Surrenden Road Brighton**

Erection of a single storey rear extension.

**Applicant:** Mr & Mrs A Symes**Officer:** Joanne Doyle 292198**Approved on 23/06/14 DELEGATED****1) BH01.01**

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

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

**2) UNI**

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

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

**3) UNI**

The windows in the northern elevation of the extension hereby permitted shall be obscure glazed and non-opening and, 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, fixed shut. The windows shall thereafter be permanently retained as such.

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

**4) UNI**

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

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

Plan Type	Reference	Version	Date Received
Existing Ground Floor & Roof Plan	240SR83/01		24 Apr 2014
Existing Site Location Plan & Block Plan & Rear & Side Elevations	240SR83/02		24 Apr 2014
Proposed Ground Floor & Roof Plan	240SR83/03		24 Apr 2014
Proposed Site Location Plan & Block Plan & Rear & Side Elevations	240SR83/04		24 Apr 2014

**BH2014/01426****28 Gordon Road Brighton**

Certificate of lawfulness for proposed conversion of flat and maisonette into single dwelling house (C3).

**Applicant:** Paul Commerford**Officer:** Liz Arnold 291709**Approved on 05/06/14 DELEGATED**

## **EAST BRIGHTON**

### **BH2013/03869**

#### **Wolseley Build Centre 19 Bristol Gardens Brighton**

Application for variation of conditions 4, 5, 8, 14, 19, 20 and 21 of BH2013/00105 (Application for variation of condition 2 of BH2012/00229 - Demolition of existing building and erection of 9no residential dwelling houses with associated parking and landscaping, and that the Northern boundary wall be demolished and rebuilt), to allow for the application to be split into two phases. Phase 1 will include units 1-3 and Phase 2 will include units 4-9.

**Applicant:** Downs Estates Ltds

**Officer:** Anthony Foster 294495

**Approved on 05/06/14 DELEGATED**

#### **1) UNI**

The development hereby permitted shall be commenced on or before 28 May 2015.

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

#### **2) UNI**

The flint, brick and mortar of the rebuilt section of the northern boundary wall, as shown on drawing no. 5226/10 Rev.A received on 1 March 2013, shall exactly match the existing in terms of appearance (including the design and coursing of the brickwork; type, strike, density, and coursing of the flint; and mortar colour and consistency) as set out in the email from the applicant received on 26 March 2013. This section of wall shall be constructed in accordance with the above agreed details prior to the first occupation of the development identified as Phase 1 (as shown on drawing no. 5226/Phase 01), hereby permitted and thereafter so retained.

*Reason: For the avoidance of doubt and to ensure a satisfactory appearance to the development in the interests of the visual amenities of the area and to comply with policy QD1 of the Brighton & Hove Local Plan.*

#### **3) UNI**

No cables, wires, aerials, pipework (except rainwater downpipes as shown on the approved plans), meter boxes or flues shall be fixed to any elevation facing a highway.

*Reason: To safeguard the appearance of the building and the visual amenities of the locality and to comply with policies QD1 and QD27 of the Brighton & Hove Local Plan.*

#### **4) UNI**

The development identified as Phase 1 (as shown on drawing no. 5226/Phase 01), 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 identified as Phase 2 (as shown on drawing no. 5226/Phase 01) 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**

Unless otherwise agreed in writing by the Local Planning Authority, the new

dwellings identified in Phase 1 (as shown on drawing no. 5226/Phase 01) hereby permitted shall be constructed to Lifetime Homes standards prior to their first occupation and shall be retained as such thereafter.

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

#### **7) UNI**

Unless otherwise agreed in writing by the Local Planning Authority, the new dwellings, identified in Phase 2 (as shown on drawing no. 5226/Phase 01) hereby permitted shall be constructed to Lifetime Homes standards prior to their first occupation and shall be retained as such thereafter.

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

#### **8) UNI**

The 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 site.

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

#### **9) 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.*

#### **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 buildings 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 identified as Phase 1 (as shown on drawing no. 5226/Phase 01) 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**

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 buildings 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 identified as Phase 2 (as shown on drawing no. 5226/Phase 01) die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation. All hard landscaping and means of enclosure shall be completed before the development is occupied.

*Reason: To enhance the appearance of the development in the interest of the*

*visual amenities of the area and to comply with policies QD1 and QD15 of the Brighton & Hove Local Plan.*

**12) UNI**

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 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.*

**13) UNI**

Access to any flat roofs hereby approved shall be for maintenance or emergency purposes only and the flat roofs shall not be used for purposes 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.*

**14) UNI**

The materials to be used in the external surfaces of the development hereby permitted shall be implemented in full accordance with the details approved on 8 February 2013 under application reference BH2012/03624.

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

**15) UNI**

The development shall proceed in compliance with the details in the Design Stage Report (ref. 5226\F13-Design 130403) and Interim Certificates confirming that all residential units will achieve Code level 3 of the Code for Sustainable Homes in accordance with the details approved on 14 June 2013 under application reference BH2013/00574.

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

**16) UNI**

The external lighting for the development shall be implemented and installed in accordance with the details approved on 14 June 2013 under application reference BH2013/00574 and shall thereafter be so retained.

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

**17) UNI**

The development identified as Phase 1 (as shown on drawing no. 5226/Phase 01), hereby permitted shall not be occupied until there has been submitted to the Local Planning Authority verification by a competent person that the Remediation Strategy by Southern Testing received 15 February 2013 and approved on 14 June 2013 under application reference BH2013/00574 has been implemented fully in accordance with the approved details (unless varied with the written agreement of the Local Planning Authority in advance of implementation). Unless otherwise agreed in writing by the Local Planning Authority such verification shall comprise:

a) as built drawings of the implemented scheme;

- b) photographs of the remediation works in progress; and
- c) certificates demonstrating that imported and/or material left in situ is free from contamination.

Thereafter the scheme shall be monitored and maintained in accordance with the Remediation Strategy by Southern Testing received 15 February 2013 and approved on 14 June 2013 under application reference BH2013/00574.

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

#### **18) UNI**

The development identified as Phase 2 (as shown on drawing no. 5226/Phase 01), hereby permitted shall not be occupied until there has been submitted to the Local Planning Authority verification by a competent person that the Remediation Strategy by Southern Testing received 15 February 2013 and approved on 14 June 2013 under application reference BH2013/00574 has been implemented fully in accordance with the approved details (unless varied with the written agreement of the Local Planning Authority in advance of implementation). Unless otherwise agreed in writing by the Local Planning Authority such verification shall comprise:

- a) as built drawings of the implemented scheme;
- b) photographs of the remediation works in progress; and
- c) certificates demonstrating that imported and/or material left in situ is free from contamination.

Thereafter the scheme shall be monitored and maintained in accordance with the Remediation Strategy by Southern Testing received 15 February 2013 and approved on 14 June 2013 under application reference BH2013/00574.

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

#### **19) UNI**

Landscaping of the site shall be undertaken in accordance with the details as shown on the Landscaping Plan (drawing no. L(90)004 Rev.T2) received 15 February 2013 and approved on 14 June 2013 under application reference BH2013/00574.

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

#### **20) UNI**

No development shall commence until fences for the protection of trees to be retained shown on the drawings hereby approved have been erected in accordance with the details as set out in the Tree Protection Method Statement dated 8 April 2013, approved on 14 June 2013 under application reference BH2013/00574. The fences shall be retained in their approved positions 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 adjoining the site in the interests of the visual amenities of the area and to comply with policies QD1 and QD16 of the Brighton & Hove Local Plan.*

#### **21) UNI**

The existing crossovers and dropped kerb lines shall be reinstated in strict accordance with a scheme to be submitted to and agreed in writing with the Local Planning Authority.

*Reason: In order to improve the quality of the public realm, to create a safe pedestrian environment and to comply with policies QD1 and TR7 of the Brighton & Hove Local Plan.*

#### **22) UNI**

The development shall proceed in accordance with the Considerate Constructors Scheme as approved on 14 June 2013 under application reference BH2013/00574.

*Reason: In order to protect the amenities of neighbouring residents and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.*

**23) UNI**

The construction of the access road shall be undertaken and implemented in accordance with the constructional details as approved on 8 February 2013 under application reference BH2012/03624 prior to the first occupation of the development identified as Phase 2 (as shown on drawing no. 5226/Phase 01), and shall be retained as such thereafter.

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

**24) UNI**

Unless otherwise agreed in writing by the Local Planning Authority, none of the residential units identified as Phase 1 (as shown on drawing no. 5226/Phase 01), hereby approved shall be occupied until a Final/Post Construction Code Certificate issued by an accreditation body confirming that each residential unit built has achieved a Code for Sustainable Homes rating of Code level 3 has been submitted to, and approved in writing by, the Local Planning Authority.

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

**25) UNI**

Unless otherwise agreed in writing by the Local Planning Authority, none of the residential units identified as Phase 2 (as shown on drawing no. 5226/Phase 01), hereby approved shall be occupied until a Final/Post Construction Code Certificate issued by an accreditation body confirming that each residential unit built has achieved a Code for Sustainable Homes rating of Code level 3 has been submitted to, and approved in writing by, the Local Planning Authority.

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

**26) UNI**

The development identified as Phase 1 (as shown on drawing no. 5226/Phase 01), 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.*

**27) UNI**

The development identified as Phase 2 (as shown on drawing no. 5226/Phase 01), 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.*

## 28) UNI

The development hereby permitted shall be carried out in accordance with 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	5226/LOC	A	27/01/2012
Site layout plan	5226/01	C	01/03/2013
Floor plans and sections	5226/02	D	27/01/2012
Site sections	5226/04	A	27/01/2012
Elevations sheet 1	5226/03	D	13/02/2012
Street elevation	5226/05	B	13/02/2012
Elevations sheet 2	5226/06		13/02/2012
Existing sections	08021-02-S-G A		13/02/2012
Northern boundary details	5226/10	A	01/03/2013
Site Location Plan	5226/LOC	A	02/12/2013
Phasing Plan	5226/Phase 01		13/11/2013

### **BH2014/00441**

#### **Flat 3 5 Chesham Place Brighton**

Internal alterations to layout of flat.

**Applicant:** Mr Dermot Sugrue

**Officer:** Christine Dadswell 292205

**Refused on 19/06/14 DELEGATED**

#### **1) UNI**

The internal alterations would significantly alter the original plan form of the recipient Grade II listed building and in the case of the proposed kitchen units conceal original features. The works are detrimental to the internal character, appearance and proportions of the Grade II Listed Building and would be harmful to the significance of the heritage asset. The works are therefore contrary to policy HE1 of the Brighton & Hove Local Plan and Supplementary Guidance Notes 11, Listed Building Interiors, and 13, Listed Building - General Advice.

### **BH2014/00459**

#### **City College Wilson Avenue Brighton**

Demolition of the eastern two storey section of the existing building and erection of a three storey building to accommodate a new Construction Skills Centre. Erection of a two storey entrance extension to the south west corner of the building. Change of use of the tennis courts to a car park and a multi-use games area, other on-site parking and servicing amendments and hard and soft landscaping. Refurbishment of remaining existing buildings including replacement aluminium windows and profiled metal roofs.

**Applicant:** City College Brighton & Hove

**Officer:** Kathryn Boggiano 292138

**Approved on 09/06/14 COMMITTEE**

#### **1) UNI**

No development of the Construction Skills Centre above first floor level shall take place until details of a minimum of 4 bat boxes to be installed within the new buildings hereby approved, have been submitted to and approved in writing by the Local Planning Authority. The bat boxes shall be installed fully in accordance with the approved details prior to the occupation of the Construction Skills Centre and shall be retained thereafter.

Report from: 05/06/2014 to: 25/06/2014

*Reason: To ensure that roosting facilities for bats are provided for as part of the development and to comply with policy QD18 of the Brighton & Hove Local Plan.*

**2) UNI**

Unless otherwise agreed in writing by the Local Planning Authority, no development of the Construction Skills Centre above ground floor level shall take place until a BRE issued Interim/Design Stage Certificate demonstrating that the development has achieved a minimum BREEAM rating of 60% in energy and water sections of relevant BREEAM assessment within overall 'Excellent' for the Construction Skills Centre hereby approved has been submitted to, and approved in writing by, the Local Planning Authority. A completed pre-assessment estimator will not be acceptable.

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

**3) UNI**

No development of the Construction Skills Centre above first floor level shall take place until details of the external lighting for the external yards (including the brick laying yard) have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented fully in accordance with the approved details and unless otherwise agreed in writing with the Local Planning Authority shall be retained as such thereafter.

*Reason: To ensure that the impact on lighting on ecology is controlled and to comply with policies QD18 of the Brighton & Hove Local Plan.*

**4) UNI**

Prior to the Construction Skills Centre being first occupied, details and evidence regarding the installation of the rainwater harvesting system detailed within the Rainwater Harvesting & Grey Water Recycling Systems Feasibility Study received on the 27 May 2014, shall be submitted to and approved in writing by the Local Planning Authority. The Rainwater Harvesting System shall be implemented fully in accordance with the approved details prior to the Construction Skills Centre first being brought into use and unless otherwise agreed in writing with the Local Planning Authority shall be retained as such thereafter.

*Reason: to ensure that the Rainwater Harvesting System is installed and to comply with policies SU2, SU3 and SU15 of the Brighton & Hove Local Plan.*

**5) UNI**

Unless otherwise agreed in writing by the Local Planning Authority, Construction Skills Centre hereby approved shall not be occupied until a BREEAM Building Research Establishment issued Post Construction Review Certificate confirming that the Construction Skills Centre built has achieved a minimum BREEAM rating of 60% in energy and water sections of relevant BREEAM assessment within overall 'Excellent' has been submitted to, and approved in writing by, the Local Planning Authority.

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

**6) UNI**

Prior to the entrance extension being first brought into use, the 5 disabled parking spaces near to the entrance to the College as shown on drawing P101 G received on 19 May 2014 have been fully laid out and made available for permanent use.

*Reason: To ensure that the development provides parking for people with a*



*mobility related disability and to comply with policy TR18 of the Brighton & Hove Local Plan.*

**7) UNI**

Prior to the Construction Skills Centre above being first brought into use details of secure cycle parking facilities for the occupants of, and visitors to, the College Campus hereby approved have been submitted to and approved in writing by the Local Planning Authority. A minimum of 33 cycle parking spaces shall be provided. These facilities shall be fully implemented and made available for use prior to the occupation of the Construction Skills Centre 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**

Notwithstanding the submitted plans, prior to the Construction Skills Centre above being first brought into use further details of secure motorcycle facilities for the occupants of, and visitors to, the College Campus 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 Construction Skills Centre hereby permitted and shall thereafter be retained for use at all times.

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

**9) UNI**

Notwithstanding the submitted plans, prior to the Construction Skills Centre above being first brought into use full details of all proposed gates, fencing, walls and smoking shelter have been submitted to and approved in writing by the Local Planning Authority. The details shall include elevational plans and shall also include details of the replacement fence on the western boundary of the site with Wilson Avenue. All proposed gates, fencing, walls and the smoking shelter shall be fully installed within the approved details prior to the Construction Skills Centre being first brought into use.

*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**

Within 3 months of occupation of the Construction Skills Centre hereby approved a Travel Plan (a document that sets out a package of measures and commitments tailored to the needs of the development, which is aimed at promoting safe, active and sustainable travel choices by its users (pupils, parents/carers, staff, visitors, residents & suppliers)) shall be submitted to and approved in writing by the Local Planning Authority.

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

**11) 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.*

**12) UNI**

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

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

Plan Type	Reference	Version	Date Received
Site location plan	P002	D	17 March 2014
Site plan as proposed	P101	G	19 May 2014
Site plan as existing	P001	B	12 February 2014
Floor plans as existing - Level 0	P010	D	12 February 2014
Floor plans as existing - Level 1	P011	F	12 February 2014
Floor plans as existing - Level 1	P012	E	12 February 2014
Floor plans as existing - Level 3	P013	E	12 February 2014
Floor plans as existing - Level 4	P014	C	12 February 2014
Floor plans as existing	P015	C	12 February 2014
Floor plans as existing - Level 6	P016	B	12 February 2014
Floor plans as proposed - Level 0	P110	C	12 February 2014
Floor plans as proposed - Level 1	P111	G	12 February 2014
Floor plans as proposed - Level 2	P112	G	12 February 2014
Floor plans as proposed - Level 3	P113	J	19 May 2014
Floor plans as proposed - Level 4	P114	E	12 February 2014
Floor plans as proposed - Level 5	P115	D	12 February 2014
Floor plans as proposed - Level 6 - Roof plan	P116	C	16 May 2014
Existing elevations - Site elevation	P040	B	12 February 2014
Existing sections 1 of 2	P020	B	12 February 2014
Existing sections 2 of 2	P021	B	12 February 2014
Sections as proposed - Sheet 1 of 2	P120	E	12 February 2014
Sections as proposed - Sheet 2 of 2	P121	B	12 February 2014
Proposed elevations - Site elevations	P140	E	19 May 2014
Proposed elevations - Construction Centre	P150	B	12 February 2014
Entrance sections as proposed	P125	E	12 February 2014
Northern entrance area	LLD594/04a		14 February 2014
Southern entrance area	LLD594/04b		4 June 2014
Hard and soft general arrangement drawing	LLD594/03		2 June 2014
Tree constraints plan	LLD594/01		14 February 2014

Report from: 05/06/2014 to: 25/06/2014

Tree retention & protection plan	LLD/594/02		14 February 2014
Landscape Design Strategy and Outline Plant S			

### 13) UNI

The Multi Use Games Area hereby approved shall be fully installed and made available for use no later than three months after the first occupation of the Construction Skills Centre and shall be retained for permanent use thereafter. The surface of the Multi- Use Games Area shall be Polymeric Type 4 as defined by Sports England's Guidance, 'A Guide to the Design, Specification & Construction of Multi Use Games Areas including Multi-Sport Synthetic Turf Pitches - Part 1 General Guidance & Design Considerations, Dimensions and Layouts'.

*Reason: In order to ensure that adequate sports provision is provided to compensate for the loss of the former tennis court area and to comply with policies SR17 and SR20 of the Brighton & Hove Local Plan.*

### 14) UNI

The Multi Use Games Area hereby approved shall be solely used by staff and students of Brighton & Hove City College and shall not be hired or leased out to the general public. The MUGA shall only be used between the hours of 8.00 and 20.00 Monday to Friday and between the hours of 09.00 and 18.00 Saturdays, Sundays and Bank Holidays.

*Reason: To safeguard the amenities of the local transport network, local residents and local ecology and to comply with policies QD27, TR1 and TR19 of the Brighton & Hove Local Plan.*

### 15) UNI

Unless otherwise agreed in writing with the Local Planning Authority scheme shall be carried out entirely in accordance with the bat mitigation details contained within section 4.5.3 of the Extended Ecological Enhancement Assessment Final Document Rev.1 February 2014 which was received on the 12 February 2014.

*Reason: To ensure that bats are protected during the demolition stages and to comply with policy QD18 of the Brighton & Hove Local Plan.*

### 16) UNI

The scheme shall be carried out entirely in accordance with the nesting bird mitigation details contained within section 4.7.3 of the Extended Ecological Enhancement Assessment Final Document Rev.1 February 2014 which was received on the 12 February 2014.

*Reason: To ensure that nesting birds are protected during the development and to comply with policy QD18 of the Brighton & Hove Local Plan.*

### 17) UNI

The scheme shall be carried out entirely in accordance with the foraging badger mitigation details contained within section 4.4.3 of the Extended Ecological Enhancement Assessment Final Document Rev.1 February 2014 which was received on the 12 February 2014.

*Reason: To ensure that foraging badgers are protected during the development and to comply with policy QD18 of the Brighton & Hove Local Plan.*

### 18) UNI

The scheme shall be carried out fully in accordance with the details within the Waste Minimisation Statement which is contained within section 7 of the Harwood Savin Ltd Planning Statement February 2014 which was received on the 12 February 2014.

*Reason: To ensure that the development would include the re-use of limited resources, to ensure that the amount of waste to landfill is reduced and to comply*

*with policies WMP3d of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan 2013 and SU13 of the Brighton & Hove Local Plan and Supplementary Planning Document 03 Construction and Demolition Waste.*

**19) UNI**

The landscaping and planting schemes shall be carried out fully in accordance with the details contained within plans referenced LLD594/01 Rev 01, LLD954/02 Rev 01, LLD594/04a Rev 02 submitted on the 14 February 2014, LLD594/03 Rev 03 submitted on 2 June, LLD594/04b Rev 03 Submitted on 4 June 2014 and the Landscape Design Strategy and Outline Plant Specification submitted on the 20 May 2014.

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

**20) 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 Construction Skills Centre; 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.

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

**21) UNI**

Unless otherwise agreed in writing with the Local Planning Authority, the height of the flue serving the Combined Heat and Power plant shall terminate a minimum height of 1.5 metres above the height of the tallest building present on the Wilson Avenue campus.

*Reason: To ensure effective emission dispersion and to protect local air quality and to comply with policy SU9 of the Brighton & Hove Local Plan.*

**22) UNI**

The new car parking area including the access widening hereby approved shall be laid out fully in accordance with the details shown on plan P101 G received on the 19 May 2014, prior to the Construction Skills Centre being first brought into use. Prior to the Construction Skills Centre being brought into use, a scheme for the low level external lighting of the car park shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented fully in accordance with the approved details and unless otherwise agreed in writing with the Local Planning Authority shall be retained as such there after.

*Reason: To ensure that the new parking area is laid out in accordance with the approved details and to safeguard the amenities of the occupiers of adjoining properties and ecology and to comply with policies WD18, QD27, TR1 and TR7 of the Brighton & Hove Local Plan.*

**23) UNI**

The vehicle parking area shown on the approved plans (including the motorcycle parking areas) shall not be used otherwise than for the parking of private motor vehicles and motorcycles belonging to the staff, students and visitors to Brighton & Hove City College and the Stanley Deason Leisure centre. A minimum on-site car parking provision of 85 car parking spaces shall be provided throughout the construction of the development hereby approved unless otherwise agreed in writing with Local Planning Authority.

*Reason: To ensure the adequate parking for the users of the site, to ensure the*

*safety of persons and vehicles entering and leaving the site, to limit overspill car parking and to comply with Local Plan policies TR1, TR7 & TR19 of the Brighton & Hove Local Plan.*

**24) UNI**

No development shall take place until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include:

- a) a scheme of how the contractors will liaise with local residents to ensure that residents are kept aware of site progress and how any complaints will be dealt with reviewed and recorded (including details of any considerate constructor or similar scheme)
- b) a scheme of how the contractors will minimise complaints from neighbours regarding issues such as noise and dust management vibration site traffic and deliveries to and from the site
- c) details of hours of construction including all associated vehicular movements
- d) details of the construction compound and any temporary teaching accommodation
- e) a plan showing construction traffic routes
- f) sustainable transport measures to promote alternatives to private car use throughout the construction phase.

The construction shall be carried out in accordance with the approved CEMP.

*Reason: In the interests of amenity and highway safety, to comply with policies QD27, SU10, SR18, SU9 and TR7 of the Brighton & Hove Local Plan.*

**25) UNI**

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

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

**26) UNI**

Unless otherwise agreed in writing with the Local Planning Authority, the surface water drainage system shall be fully installed in accordance with the details contained within the Flood Risk Assessment July 2013 and Drainage Layout Plan referenced Dr01 which were received on the 12 February 2014.

*Reason: To ensure the existing infrastructure can facilitate the development and to reduce the risk of flooding and to comply with policies SU3 and SU15 of the Brighton & Hove Local Plan.*

**27) UNI**

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

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

**28) UNI**

No replacement roofs shall be installed until samples of the materials to be used in the external surfaces of the replacement roofs 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 NC8, QD1 and QD14 of the Brighton & Hove Local Plan.*

**29) UNI**

No development of the Construction Skills Centre above first floor level shall take place until details of a minimum of a minimum of two house sparrow terrace boxes, to be installed within the new buildings hereby approved, have been submitted to and approved in writing by the Local Planning Authority. The bird boxes shall be installed fully in accordance with the approved details prior to the occupation of the Construction Skills Centre and shall be retained thereafter.

*Reason: To ensure that nesting facilities for birds are provided for as part of the development and to comply with policy QD18 of the Brighton & Hove Local Plan.*

**BH2014/00673**

**Flat 8 11 Chichester Terrace Brighton**

Internal alterations to layout of flat and erection of single storey front extension incorporating revised fenestration and associated external alterations. (Retrospective)

**Applicant:** Chris Pitchford

**Officer:** Emily Stanbridge 292359

**Approved on 05/06/14 DELEGATED**

**BH2014/00674**

**1 Manor Road Brighton**

Application for Approval of Details Reserved by Conditions 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 20, 21, 22 and 23 of application BH2012/03364.

**Applicant:** Hill Partnerships Ltd

**Officer:** Wayne Nee 292132

**Split Decision on 10/06/14 DELEGATED**

**1) UNI**

The details pursuant to conditions 8, 10, 11, 12, 13, 18, 15, 22 and 23 of application BH2012/03364 subject to full compliance with the submitted details.

**1) UNI**

The details pursuant to conditions 9, 14, 16, 17, 20 and 21 are NOT APPROVED for the reason(s) set out below.

**2) UNI2**

1. The details in relation to Condition 9 have not been approved as there is insufficient information to fully assess the proposed layout of cycle parking. The details are therefore contrary to policy TR14 of the Brighton & Hove Local Plan.

**3) UNI3**

2. The details in relation to Condition 14 have not been approved as there is insufficient information relating to the protection of the off-site trees during development. The details are therefore contrary to policies QD1 and QD16 of the Brighton & Hove Local Plan.

**4) UNI4**

3. The details in relation to Condition 16 have not been approved as the proposed layout of the foul water drainage is considered to be unsuitable. Furthermore there is a lack of information relating to the proposed surface water runoff. The details are therefore contrary to policy SU3 of the Brighton & Hove Local Plan.

**5) UNI5**

4. The details in relation to Condition 17 have not been approved as the proposed

part demolition of the existing original walls would be inappropriate for the conservation of these important historical assets. Furthermore the Structural Engineers report lacks detail with regard to the required repairs. The details are therefore contrary to policies QD2, HE6 and QD15 of the Brighton & Hove Local Plan.

**6) UNI6**

5. The details in relation to Condition 20 have not been approved as there is insufficient information to ensure that the existing boundary walls would not be harm during development. The details are therefore contrary to policies QD14 and HE6 of the Brighton & Hove Local Plan.

**7) UNI7**

6. The details in relation to Condition 21 have not been approved as there is insufficient information to fully assess the soil testing of the site. The details are therefore contrary to policy SU11 of the Brighton & Hove Local Plan.

**BH2014/01076**

**Ground Floor Maisonette 12 Eaton Place Brighton**

Internal alterations to layout of maisonette.

**Applicant:** Andrew Goodwin

**Officer:** Christine Dadswell 292205

**Approved on 18/06/14 DELEGATED**

**1) BH01.05**

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

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

**2) UNI**

The new partition wall shall be scribed around all existing skirting boards, and cornices.

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

**BH2014/01214**

**21 Chesham Street Brighton**

Erection of single storey rear extension.

**Applicant:** Benjamin Robinson

**Officer:** Sonia Gillam 292265

**Approved on 24/06/14 DELEGATED**

**1) BH01.01**

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

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

**2) UNI**

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

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

**3) UNI**

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

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

**4) UNI**

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

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

Plan Type	Reference	Version	Date Received
Site location plan and block plan	0001/A and B		15/04/2014
Existing ground floor plan	0002		15/04/2014
Existing first floor plan	0003		15/04/2014
Existing second floor plan	0004		15/04/2014
Existing side elevation	0005		15/04/2014
Existing rear elevation	0006		15/04/2014
Proposed ground floor plan	0007		15/04/2014
Proposed first floor plan	0008		15/04/2014
Proposed second floor plan	0009		15/04/2014
Proposed rear elevation	0010		15/04/2014
Proposed side elevation	0011		15/04/2014

**BH2014/01263**

**9 St Marys Square Brighton**

Replacement of windows and doors with UPVC double glazed units.

**Applicant:** Dr Olurotimi Ojo

**Officer:** Christine Dadswell 292205

**Approved on 17/06/14 DELEGATED**

**1) BH01.01**

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

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

**2) UNI**

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

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

Plan Type	Reference	Version	Date Received
Location Plan			22 April 2014
Block Plan			22 April 2014
Existing and Proposed Elevations	A131		22 April 2014
Door Details			22 April 2014
Window Details			22 April 2014

**HANOVER & ELM GROVE**

**BH2013/04307**

**15 Bernard Road Brighton**

Change of use from single dwelling (C3) to small house in multiple occupation (C4). (Retrospective).

**Applicant:** Mr Paul Griffin



**Officer:** Chris Swain 292178

**Refused on 18/06/14 DELEGATED**

**1) UNI**

The change of use from dwellinghouse (Class C3) to House in Multiple Occupation (Class C4) fails to support a mixed and balanced community and results in the area being imbalanced by the level of similar such uses, to the detriment of local amenity. The use is therefore contrary to policy CP21 part ii) of the Brighton & Hove City Plan Part One (submission document) and to policy QD27 of the Brighton & Hove Local Plan.

**BH2014/00002**

**137D Elm Grove Brighton**

Application for Approval of Details Reserved by Conditions 3 and 4 of application BH2011/02312 (Appeal reference APP/Q1445/A/11/2162769).

**Applicant:** SBS Building Services

**Officer:** Sue Dubberley 293817

**Approved on 20/06/14 DELEGATED**

**BH2014/00148**

**23 Gladstone Place Brighton**

Conversion of existing house to create 2no flats and 1no maisonette (C3)

**Applicant:** Simmonds & Smith

**Officer:** Wayne Nee 292132

**Approved on 23/06/14 DELEGATED**

**1) BH01.01**

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

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

**2) UNI**

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

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

**3) UNI**

The 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 be carried out in accordance with the approved drawings listed below.

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

Plan Type	Reference	Version	Date Received
Site plan			16 January 2014
Existing and proposed	1116/01	B	04 June 2014

**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.*

**BH2014/00506**

**90 Hartington Road Brighton**

Conversion of existing house to form 4no self contained flats and associated works.

**Applicant:** ROC Contractors

**Officer:** Wayne Nee 292132

**Refused on 09/06/14 DELEGATED**

**1) UNI**

Policy HO9 of the Brighton & Hove Local Plan seeks to retain smaller family dwellings. The proposed lower and ground floor maisonette, by virtue of its limited size, and cramped ground floor arrangement, represents an unsuitable form of residential accommodation for family occupation, contrary to policies HO9 and QD27 of the Brighton & Hove Local Plan.

**2) UNI2**

The proposed ground floor studio flat would not provide an acceptable standard of accommodation due to a small cramped form and arrangement. The proposed development is therefore contrary to policy QD27 of the Brighton & Hove Local Plan which seeks to protect the amenity of future occupiers.

**BH2014/00632**

**148 Lewes Road Brighton**

Application for Approval of Details Reserved by Conditions 4 & 6 of application BH2012/03741.

**Applicant:** Shaws of Brighton

**Officer:** Chris Swain 292178

**Split Decision on 23/06/14 DELEGATED**

**1) UNI**

APPROVE the details pursuant to conditions 4(i)a) and 6 and subject to full compliance with the submitted details.

**1) UNI**

The details pursuant to condition 4 (i) b) and c) and 4 (ii) a), b) and c) are NOT APPROVED.

**BH2014/00707**

**The Phoenix Wellesley House 10-14 Waterloo Place Brighton**

Change of use of part of the ground floor from non residential institutions (D1) to office (B1). Alterations to ground floor entrances including demolition of north entrance lobby and erection of new canopy, revised fenestration, repair and redecoration of existing concrete cladding and associated works.

**Applicant:** Phoenix Brighton

**Officer:** Adrian Smith 290478

**Approved on 18/06/14 DELEGATED**

**1) BH01.01**

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

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

*unimplemented permissions.*

## **2) UNI**

Prior to their installation, full details of the proposed external lighting scheme, including hours of use, precise lighting colours, and level of illumination shall have been submitted to and approved in writing by the Local Planning Authority. The external lighting shall be installed and operated in strict 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, to preserve the Valley Gardens Conservation Area and to comply with polices HE3, HE6, QD25 and QD27 of the Brighton & Hove Local Plan.*

## **3) UNI**

No development shall commence until details of disabled car parking provision for the occupants of, and visitors to, the Class B1(a) office hereby approved have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented and made available for use prior to the first occupation of the Class B1(a) office hereby permitted and shall thereafter be retained for use at all times.

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

## **4) UNI**

Within three months of their installation the new handrails shown on the approved plans shall be painted black and shall be retained as such thereafter.

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

## **5) UNI**

The development hereby permitted shall not be commenced until details of secure cycle parking facilities for the occupants of, and visitors to, the Class B1(a) office 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 Class B1(a) office hereby permitted and shall thereafter be retained for use at all times.

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

## **6) UNI**

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

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

Plan Type	Reference	Version	Date Received
Site plan	100	1	04/03/2014
Block plan	104	0	04/03/2014
Existing ground floor plan	101	1	04/03/2014
Existing elevations	102	0	04/03/2014
	103	01	17/03/2014
Proposed ground floor plan	200	9	03/06/2014
Proposed elevations	201	8	03/06/2014
	202	6	03/06/2014

## **7) UNI**

The development hereby permitted shall be completed in accordance with the painting scheme set out in drawing nos. 201 revision 8 and 202 revision 6

Report from: 05/06/2014 to: 25/06/2014

received on 3 June 2014, unless an alternative scheme has otherwise 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, QD14, HE3 and HE6 of the Brighton & Hove Local Plan.*

**BH2014/00910**

**Flat 4 8-9 Hanover Crescent Brighton**

Demolition of existing rear conservatory.

**Applicant:** Ms Sarah Turner-Hopkins

**Officer:** Sonia Gillam 292265

**Refused on 18/06/14 DELEGATED**

**1) UNI**

Surviving private domestic Victorian glasshouses are increasingly rare so the structure is of some significance and, in the absence of evidence to the contrary, it warrants preservation. The application has failed to demonstrate that the structure is beyond economically viable repair, by virtue of the lack of supporting evidence submitted. As such, it is not possible to make an assessment of the proposed demolition. The proposal is therefore contrary to policies HE1, HE2 and HE4 of the Brighton & Hove Local Plan, and the Council's Supplementary Planning Guidance Note SPGBH13: Listed Buildings - General Advice.

**BH2014/01001**

**243 Hartington Road Brighton**

Demolition of workshop and store and erection of a 3no bedroom house (C3) incorporating home office building to rear and bicycle store and parking space to front. (Retrospective).

**Applicant:** Mr M Knight

**Officer:** Wayne Nee 292132

**Approved on 06/06/14 DELEGATED**

**1) UNI**

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

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

Plan Type	Reference	Version	Date Received
Ground floor plan	13.05.10.004		25 March 2014
Cross section	13.05.10.008		25 March 2014
Outbuilding plans	13/04/08/10BR		25 March 2014
First floor plan	13.05.10.005		25 March 2014
Second floor plan	13.05.10.006		25 March 2014
Elevations	13.05.10.009		25 March 2014
Block plan	13.05.10.001		25 March 2014
Landscaping plan	13.05.10.002		25 March 2014
Indicative drainage layout	13.05.10.003		25 March 2014
Site plan	13.05.10.007		25 March 2014

**BH2014/01094**

**3 Wellington Road Brighton**

Application for Approval of Details Reserved by Condition 3, 4 and 5 of application BH2013/04382.

**Applicant:** Mrs Lucinda Yazdian-Tehrani

**Officer:** Adrian Smith 290478

Report from: 05/06/2014 to: 25/06/2014

**Approved on 10/06/14 DELEGATED**

**BH2014/01265**

**3 Wellington Road Brighton**

Replacement of existing rear ground and first floor timber framed single glazed windows with UPVC double glazed windows.

**Applicant:** Lucinda Yazdian-Tehrani

**Officer:** Christine Dadswell 292205

**Approved on 17/06/14 DELEGATED**

**BH2014/01324**

**14 Richmond Terrace Brighton**

Application for variation of condition 2 of application BH2012/02040 (External alterations including erection of rear basement single storey extension with terrace over, alterations to layout and alterations to fenestration) to permit construction of a pitched roof single storey rear annex.

**Applicant:** Rabbi Pesach Efune

**Officer:** Helen Hobbs 293335

**Approved on 20/06/14 DELEGATED**

**1) BH12.02**

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

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

**2) BH12.03**

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

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

**3) BH12.04**

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

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

**4) UNI**

The development hereby permitted shall be commenced on or before 24th August 2015. Reason: To ensure that the Local Planning Authority retains the right to review unimplemented permissions.

**5) UNI**

N/A

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

**7) UNI**

The new rooflight to the rear of the proposed community room, shall be constructed in full accordance with the drawing no. RL1, RL2 and D3 received on 8th November 2012 in respect of approved application BH2012/02040 and maintained as such thereafter.

*Reason: To ensure the satisfactory preservation of this listed building and to comply with policies QD14 and HE6 of the Brighton & Hove Local Plan.*

**8) UNI**

The measures set out in the Waste Minimisation Statement received on 25th October 2012 in respect of approved application BH2012/02040 shall be fully implemented.

*Reason: To ensure that the development would include the re-use of limited resources, to ensure that the amount of waste to landfill is reduced and to comply with policy SU13 of the Brighton & Hove Local Plan.*

**9) UNI**

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

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

Plan Type	Reference	Version	Date Received
LOCATION PLAN			25th April 2014
BLOCK PLAN			25th April 2014
EXISTING SITE PLAN	S1		25th April 2014
EXISTING BASEMENT FLOOR PLAN	S2		25th April 2014
EXISTING GROUND FLOOR PLAN 1	S3		25th April 2014
EXISTING GROUND FLOOR PLAN 2	S4		25th April 2014
EXISTING FIRST FLOOR PLAN	S5		25th April 2014
EXISTING SECOND FLOOR PLAN	S6		25th April 2014
EXISTING ROOF PLAN	S7		25th April 2014
EXISTING FRONT ELEVATION	S8		25th April 2014
EXISTING REAR ELEVATION	S9		25th April 2014
EXISTING SIDE ELEVATION	S10		25th April 2014
EXISTING SIDE ELEVATION	S11		25th April 2014
EXISTING SECTION	S12		25th April 2014
PROPOSED SITE PLAN	P201		25th April 2014
PROPOSED BASEMENT FLOOR PLAN	P202		25th April 2014
PROPOSED GROUND FLOOR PLAN 1	P203		25th April 2014
PROPOSED GROUND FLOOR PLAN 2	P204		25th April 2014
PROPOSED FIRST FLOOR PLAN	P205		25th April 2014
PROPOSED SECOND FLOOR PLAN	P206		25th April 2014
PROPOSED ROOF PLAN	P207		25th April 2014
PROPOSED FRONT ELEVATION	P208		25th April 2014
PROPOSED REAR ELEVATION	P209		25th April 2014
PROPOSED SIDE ELEVATION	P210		25th April 2014
PROPOSED SIDE	P211		25th April 2014

ELEVATION			
PROPOSED SECTION	P212		25th April 2014

**BH2014/01729**

**70 Sandown Road Brighton**

Non Material Amendment to BH2013/01208 to rearrange internal layout of plan and increase window size and move closer to floor level.

**Applicant:** Mr Richard Murphy

**Officer:** Andrew Huntley 292321

**Approved on 19/06/14 DELEGATED**

**HOLLINGDEAN & STANMER**

**BH2014/00427**

**37 Rushlake Road Brighton**

Change of use from 6 bedroom small house in multiple occupation (C4) into 8 bedroom house in multiple occupation (Sui Generis) including alterations to fenestration to west elevation.

**Applicant:** John Panteli

**Officer:** Wayne Nee 292132

**Refused on 11/06/14 DELEGATED**

**1) UNI**

The proposed Sui Generis use, due to the over-subdividing of rooms, lack of shared communal spaces and the cramped form, would result in a poor level of amenity for future occupiers of the property and over intensification of the use of the dwelling. The proposed development is therefore contrary to policy QD27 of the Brighton & Hove Local Plan.

**2) UNI2**

The proposal represents over intensification of the use of the property which was originally built as a modest 2/3 bed family dwelling. The occupation of the property with 8 individuals would result in a material increase in noise and disturbance that would cause harm to neighbouring amenity. The proposed development is therefore contrary to policy QD27 of the Brighton & Hove Local Plan.

**BH2014/00734**

**2 Beatty Avenue Brighton**

Change of use from trim and tone fitness salon to retail (A1) with community space.

**Applicant:** Brighton & Hove City Council

**Officer:** Wayne Nee 292132

**Approved on 05/06/14 DELEGATED**

**1) BH01.01**

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

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

**2) UNI**

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

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

Plan Type	Reference	Version	Date Received
Site plan			06 March 2014

Report from: 05/06/2014 to: 25/06/2014

Block plan			06 March 2014
Existing and proposed floor plan			14 March 2014

**BH2014/01192**

**37 Hawkhurst Road Brighton**

Erection of two storey side extension.

**Applicant:** Mr & Mrs Peter & Sonia Mathers

**Officer:** Andrew Huntley 292321

**Refused on 25/06/14 DELEGATED**

**1) UNI**

The proposal would represent a poorly designed and contrived addition, which would not have a subordinate appearance that retains the integrity of the original building but would appear as a visually dominant, bulky and discordant feature on the terrace and within the street scene to the detriment of the character of the area. Furthermore, the side elevation of the proposal would not enhance the appearance of the property or the surrounding area, as it would be seen as a large expanse of render as there are only two windows at ground floor level and a small high level window at first floor level. In addition, the proposed side extension would harm the appearance of the street scene by excessively infilling the rhythm of spaces between the buildings, removing the continuity within the existing street scene. Therefore the proposal is contrary to Policy QD14 of the Brighton & Hove Local Plan and Supplementary Planning Document 12 Design Guide for Extensions and Alterations.

**MOULSECOOMB & BEVENDEAN**

**BH2014/00174**

**37 Coombe Terrace Brighton**

Application for Approval of Details Reserved by Conditions 4, 5, 6 and 7 of application BH2013/03715.

**Applicant:** Mr Peter Towner

**Officer:** Wayne Nee 292132

**Approved on 11/06/14 DELEGATED**

**BH2014/01211**

**69 Bear Road Brighton**

Certificate of Lawfulness for proposed loft conversion to small House in Multiple Occupation (C4) incorporating roof light to front and dormer to rear.

**Applicant:** Mr David Frayne

**Officer:** Adrian Smith 290478

**Approved on 18/06/14 DELEGATED**

**BH2014/01340**

**23 Colbourne Avenue Brighton**

Erection of pitched roof front porch.

**Applicant:** Mr Henry Dean

**Officer:** Joanne Doyle 292198

**Approved on 19/06/14 DELEGATED**

**1) BH01.01**

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

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



## 2) UNI

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

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

## 3) UNI

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

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

Plan Type	Reference	Version	Date Received
Site Location Plan	012	A	25 Apr 2014
Block Plan	013A1		25 Apr 2014
Existing Ground Floor Plan	002A		25 Apr 2014
Existing Front Elevation	007A		25 Apr 2014
Existing Side Elevation	009A		25 Apr 2014
Existing Rear Elevation	015A		25 Apr 2014
Proposed Ground Floor Plans	003B1		25 Apr 2014
Proposed Front Elevation	008B1		25 Apr 2014
Proposed Side Elevation	010B1		25 Apr 2014
Front Garden Section	011B		25 Apr 2014

## QUEEN'S PARK

### **BH2013/01318**

#### **154 - 155 Edward Street Brighton**

Change of use from offices (B1) to education (D1).

**Applicant:** University of Brighton

**Officer:** Jonathan Puplett 292525

**Approved after Section 106 signed on 05/06/14 COMMITTEE**

## 1) UNI

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

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

## 2) UNI

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

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

Plan Type	Reference	Version	Date Received
LOCATION PLAN	GPGE-O-MP-SL-0001		26/04/2013
BLOCK PLAN	GPGE-O-MP-SL-0002		26/04/2013
EXISTING BASEMENT FLOOR PLAN	GPGE-A-GA-0 B-9001		26/04/2013
EXISTING GROUND FLOOR PLAN	GPGE-A-GA-0 G-9001		26/04/2013
EXISTING FIRST FLOOR	GPGE-A-GA-0		26/04/2013

PLAN	1-9001		
EXISTING SECOND FLOOR PLAN	GPGE-A-GA-0 2-9001		26/04/2013
EXISTING THIRD FLOOR PLAN	GPGE-A-GA-0 3-9001		26/04/2013
PROPOSED BASEMENT FLOOR PLAN	GPGE-A-GA-0 B-9002		26/04/2013
PROPOSED GROUND FLOOR PLAN	GPGE-A-GA-0 G-9002		26/04/2013
PROPOSED FIRST FLOOR PLAN	GPGE-A-GA-0 1-9002		26/04/2013
PROPOSED SECOND FLOOR PLAN	GPGE-A-GA-0 2-9002		26/04/2013
PROPOSED THIRD FLOOR PLAN	GPGE-A-GA-0 3-9002		26/04/2013

### 3) UNI

The D1 use hereby approved shall be for educational purposes only and for no other purpose including any other purpose in Class D1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to the 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 the use of the premises in order to protect the amenities of the area in accordance with policy QD27 in the Brighton & Hove Local Plan.*

### 4) UNI

The educational use (Use Class D1) hereby approved development shall only be operated by the University of Brighton and by no other party. Should the occupation of the property by the University of Brighton for educational use cease, the use hereby permitted shall cease and the property shall be returned to its former office use (Use Class B1(a)).

*Reason: To enable the Local Planning Authority to retain control of the use; the development hereby approved is considered to be acceptable on the basis that significant weight is given to the particular circumstances of the application proposal and the nature of the applicant.*

### 5) UNI

The use hereby permitted shall not be open except between the hours of 08.00 and 21.00 on Mondays to Saturdays and 09.00 and 20.00 on Sundays, Bank or Public Holidays.

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

### 6) UNI

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

- (i) Promote and enable increased use of walking, cycling, public transport use, car sharing, and car clubs as alternatives to sole car use
- (ii) A commitment to reduce carbon emissions associated with business and commuter travel

- (iii) Increase awareness of and improve road safety and personal security
- (iv) Undertake dialogue and consultation with adjacent/neighbouring tenants/businesses
- (v) Identify targets focussed on reductions in the level of business and commuter car use
- (vi) Identify a monitoring framework, which shall include a commitment to undertake an annual staff travel survey utilising iTrace Travel Plan monitoring software, for at least five years, or until such time as the targets identified in section (v) above are met, to enable the Travel Plan to be reviewed and updated as appropriate.
- (vii) Following the annual staff survey, an annual review will be submitted to the Local Planning Authority to update on progress towards meeting targets
- (viii) Identify a nominated member of staff or post to act as Travel Plan Coordinator, and to become the individual contact for the Local Planning Authority relating to the Travel Plan.

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

#### **7) UNI**

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

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

#### **8) UNI**

Prior to the commencement of the use hereby approved a site management plan is to be submitted to and approved in writing by the Local Planning Authority. The management plan should include details for dealing with the arrival and departure of students for classes, congregation of students directly outside the building, the use of the accesses to the building. The management plan shall be implemented in strict accordance with the agreed details and maintained as such thereafter.

*Reason: To safeguard the amenities of the locality and to comply with policies SU9, SU10 and QD27 of the Brighton & Hove Local Plan.*

#### **9) 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 policies TR1 and TR14 of the Brighton & Hove Local Plan.*

#### **10) UNI**

The development hereby permitted shall not be commenced until details of disabled car parking provision for the staff and students of, and visitors to the development hereby approved have been submitted to and approved in writing by the Local Planning Authority. This provision 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 a sufficient provision of disabled car parking provision and to comply with policies TR1 and TR18 of the Brighton & Hove Local Plan.*

#### **11) UNI**

The development hereby permitted shall not be commenced until details of sustainability measures to ensure efficient use of energy, water and materials

have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

*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.*

**12) UNI**

Access to the he outdoor space at ground floor level to the western side of the property and the flat roofs of the building shall be for maintenance or emergency purposes only.

*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.*

**BH2013/03765**

**40-42 Upper St James Street Brighton**

Application for Approval of Details Reserved by Conditions 6, 9, 10 and 11 of application BH2013/01106.

**Applicant:** Nordstar Property Co Ltd

**Officer:** Chris Swain 292178

**Approved on 11/06/14 DELEGATED**

**BH2013/04265**

**3 St James's Street Brighton**

Change of use of first, second and third floors from maisonette (C3) to small house in multiple occupation (C4) with formation of separate entrance at ground floor incorporating new shop front to existing retail unit and associated alterations.

**Applicant:** Brighton Woodwych 2011 Housing Co-operative Ltd

**Officer:** Chris Swain 292178

**Refused on 20/06/14 DELEGATED**

**1) UNI**

The proposed change of use to a House in Multiple Occupation (Class C4) fails to support a mixed and balanced community and would result in the area being imbalanced by the level of similar such uses, to the detriment of local amenity. The use is therefore contrary to policy CP21 part ii) of the Brighton & Hove City Plan Part One (submission document) and to policy QD27 of the Brighton & Hove Local Plan.

**BH2014/00345**

**137 Edward Street Brighton**

External alterations to front elevation including installation of new timber double glazed window and surrounding wall.

**Applicant:** Mr Iain Boyle

**Officer:** Chris Swain 292178

**Approved on 20/06/14 DELEGATED**

**1) BH01.01**

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

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

**2) UNI**

The external glazing bar, meeting rail, bottom rail and sash box dimensions and profiles to the hereby approved first floor windows shall match the existing, with a multi-paned top sash and sliding opening mechanism.

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

**3) UNI**

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

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

Plan Type	Reference	Version	Date Received
Site plan and block plan			10 February 2014
Existing front elevation	01		10 February 2014
Existing ground floor plans	02		10 February 2014
Proposed front elevation	03		10 February 2014
Proposed ground floor plan	04		10 February 2014
Sectional detail through cill and head of replacement window	05		10 February 2014
Sectional detail through side frames of replacement window	06		10 February 2014
Sectional detail through mullions	07		10 February 2014
Front elevation of front window	08		10 February 2014

**BH2014/00784**

**11 - 12 Marine Parade Brighton**

Application for Approval of Details Reserved by Condition 5 of application BH2010/03384.

**Applicant:** Tulip Brighton Ltd

**Officer:** Emily Stanbridge 292359

**Refused on 10/06/14 DELEGATED**

**1) UNI**

1. Whilst 1:20 details have been submitted in relation to the first floor French doors, no information has been submitted with regards to the ground floor doors or glazing. As such the details submitted within this application do not meet the full requirements of condition 5 and therefore the condition is unable to be discharged.

**BH2014/00995**

**37 Egremont Place Brighton**

Creation of roof terrace to rear including installation of railings, replacement of existing timber windows with timber french doors and associated alterations at second floor level.

**Applicant:** Daren Kay

**Officer:** Oguzhan Denizer 290419

**Refused on 18/06/14 DELEGATED**

**1) UNI**

The proposed roof terrace by reason of its siting would result in a detrimental loss of residential amenity resulting in overlooking and loss of privacy of neighbouring properties, contrary to policies QD14 and QD27 of the Brighton & Hove Local Plan.

**BH2014/01054**

**Northumberland Court 62-64 Marine Parade Brighton**

Installation of plastic pipe to rear elevation.

**Applicant:** Mrs I Limtouch

**Officer:** Christine Dadswell 292205

**Approved on 23/06/14 DELEGATED**

**1) BH01.05**

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

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

**2) UNI**

The horizontal pipework identified on a photograph received 1st April 2014 shall be removed within one month of the hereby approved vertical pipe being installed. All disturbed surfaces shall be made good at the time of the works using materials of matching composition, form and finish to those of the existing building

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

**3) UNI**

The new plastic pipe shall be painted to match the colour of the building and shall be 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.*

**BH2014/01153**

**31 West Drive Brighton**

Creation of roof terrace with decking and glass balustrade.

**Applicant:** Mr Nick Davey

**Officer:** Emily Stanbridge 292359

**Refused on 09/06/14 DELEGATED**

**1) UNI**

The additional height resulting from the proposed roof terrace would, by virtue of its siting and elevated position, appear an unduly prominent addition to the building and would be out of keeping with the existing building and neighbouring terraced properties. The proposed roof terrace would form an uncharacteristic addition to the street scene and wider Conservation Area and is therefore contrary to policies QD14 and HE6 of the Brighton & Hove Local Plan.

**2) UNI2**

The proposed terrace would result in a use and likely placing of domestic items on the roof which would interrupt the clean lines of the building, create a cluttered appearance and be harmful to the appearance of the building and the character and appearance of the Conservation Area. As such the proposals are contrary to policies QD14 and HE6 of the Brighton & Hove Local Plan.

**BH2014/01169**

**3 Lower Rock Gardens Brighton**

Erection of single storey extension incorporating creation of roof terrace with timber balustrading to first floor rear. Enlargement of existing WC to rear at second floor level. Alterations to fenestration and other associated alterations.

**Applicant:** Marina Neill

**Officer:** Emily Stanbridge 292359

**Approved on 06/06/14 DELEGATED**

**1) BH01.01**

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

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

**2) UNI**

The hereby approved first floor terrace shall not be brought into use until obscured glass balustrading has been erected as indicated on drawing no. 02.03 F. The balustrade shall be retained as such thereafter.

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

**3) UNI**

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

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

Plan Type	Reference	Version	Date Received
Location and block plan	00.08	A	11.04.2014
Typical cross section and elevations as existing	00.04	A	11.04.2014
Floor plans as existing Sheet 1 of 2	00.02	A	11.04.2014
Floor plans as existing Sheet 2 of 2	00.03	A	11.04.2014
Front entrance door moulding, string, cornice and sub cill details	04.03	A	02.06.2014
Windows and external door schedule, timber sun room fixed light and French door detail	04.02	C	02.06.2014
Typical cross section and elevations as proposed	02.03	F	02.06.2014
Floor plans as proposed Sheet 1 of 2	03.01	J	02.06.2014
Floor plans as proposed Sheet 2 of 2	03.02	H	02.06.2014
Bay window details as existing and proposed	04.01		11.04.2014
Casement window brochure			11.04.2014
UPVC sash window brochure			11.04.2014

**4) UNI**

The external finishes of the extensions 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.*

**5) UNI**

The first floor windows to the southern elevation of the extension hereby permitted shall be obscure glazed and non-opening and shall thereafter be permanently retained as such.

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

**BH2014/01205**

**56 Queens Park Rise Brighton**

Non material amendment to application BH2013/02728 (Appeal decision) to reduce width of rear bi-folding doors, to replace roof tiles and rooflights on side of extension with full glazing, increase size of existing ground floor side facing window and relocate new side facing window.

**Applicant:** Mr Vasco Menezes

**Officer:** Sonia Gillam 292265

**Approved on 10/06/14 DELEGATED**

**BH2014/01337**

**49 Grand Parade Brighton**

Prior approval for change of use of first and second floor offices (B1) to residential (C3) to form 2no one bedroom flats.

**Applicant:** Sussex Heritage Properties Limited

**Officer:** Christopher Wright 292097

**Prior Approval is required and is approved on 18/06/14 DELEGATED**

**ROTTINGDEAN COASTAL**

**BH2013/04098**

**Hillside Barn The Green Rottingdean**

Conversion of stables attached to barn to form 1no two storey dwelling house (C3) and internal and external alterations to barn including installation of windows, doors and rooflights, structural repairs and re-roofing of whole barn.

**Applicant:** Mr Dave Boys

**Officer:** Sue Dubberley 293817

**Approved on 18/06/14 DELEGATED**

**1) BH01.05**

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

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

**2) UNI**

All new and replacement rainwater goods, soil and other waste pipes shall be in painted cast iron and maintained as such thereafter.

*Reason: To safeguard the appearance of the building and the visual amenities of the locality and to comply with policy HE1 of the Brighton & Hove Local Plan.*

**3) UNI**

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

*Reason: To safeguard the appearance of the building and the visual amenities of the locality and to comply with policy HE1 of the Brighton & Hove Local Plan.*

**4) UNI**

The development hereby approved shall be built in accordance with the landscaping details approved by application BH2012/03403.

*Reason: To enhance the appearance of the development in the interest of the visual amenities of the area and to comply with policies HE1 and HE3 of the Brighton & Hove Local Plan.*

**5) UNI**



The approved new flint work shall match exactly the materials, finishes and construction methods of the existing building, unless otherwise agreed in writing by the Local Planning Authority.

*Reason: To safeguard the appearance of the building and the visual amenities of the locality and to comply with policy HE1 of the Brighton & Hove Local Plan.*

**6) UNI**

The bat roosts shall be built in accordance with details approved by application BH2012/03403.

*Reason: To ensure that the proposed bat roosts are of a suitable appearance, and to comply with policy HE1 of the Brighton & Hove Local Plan.*

**7) UNI**

The level 2 photographic survey approved by application BH2012/03403 shall be used to inform the construction of the proposed replacement trusses.

*Reason: In order to preserve by record the current condition/surviving stable features of the building as a whole, and to comply with policy HE1 of the Brighton & Hove Local Plan.*

**8) UNI**

Unless otherwise agreed in writing by the Local Planning Authority, the dwelling hereby approved shall not be occupied until the approved scheme of works including repair and re-roofing of the entire barn has been completed in its entirety and the works have been inspected and confirmed in writing as completed by the Local Planning Authority.

*Reason: To ensure the long term preservation of the listed building and to comply with policy HE1 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 HE1 and HE3 of the Brighton & Hove Local Plan.*

**10) UNI**

All repair works shall match the materials, finishes and construction methods of the existing building exactly, unless otherwise agreed in writing by the Local Planning Authority.

*Reason: To safeguard the appearance of the building and the visual amenities of the locality and to comply with policy HE1 of the Brighton & Hove Local Plan.*

**11) UNI**

The development hereby approved shall be built in accordance with the large scale details and materials approved by application BH2012/03403. The development shall be carried out in strict accordance with the approved details.

*Reason: To safeguard the appearance of the building and to comply with policy HE1 of the Brighton & Hove Local Plan.*

**BH2014/00663**

**11 Ainsworth Avenue Brighton**

Erection of two storey side extension and rear conservatory.

**Applicant:** Mr & Mrs Plant

**Officer:** Chris Swain 292178

**Refused on 23/06/14 DELEGATED**

**1) UNI**

The proposed two storey extension, in conjunction with the front and rear dormer windows, by virtue of its design, including a large flat roof section, massing and close proximity to the adjoining property, No.9 Ainsworth Avenue would result in a visually intrusive and overly bulky addition that would fail to respect the original form of the dwelling and result in a cramped relationship to No.9 Ainsworth Avenue, harming the visual amenity of the building and the wider surrounding area. The development is therefore contrary to policies QD1, QD2 and QD14 of the Brighton & Hove Local Plan and the Supplementary Planning Document: Design Guide for Extensions and Alterations (SPD012).

**BH2014/00690**

**5 Court Ord Cottages Meadow Close Rottingdean Brighton**

Erection of detached garage to replace existing with associated alterations. (Retrospective)

**Applicant:** Atlanta Cook

**Officer:** Oguzhan Denizer 290419

**Approved on 18/06/14 DELEGATED**

**1) UNI**

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

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

Plan Type	Reference	Version	Date Received
Site Location Plan			28/02/2014
Existing Block Plan			28/02/2014
Proposed Block Plan			28/02/2014
Pre-Existing Floor Plan			02/04/2014
Existing Floor Plan			02/04/2014
Pre-Existing North and South Elevations			02/04/2014
Pre-Existing East and West Elevations			02/04/2014
Existing North and South Elevations			02/04/2014
Existing East and West Elevations			02/04/2014

**BH2014/00818**

**26 Lustrells Crescent Saltdean Brighton**

Creation of 2no dormers to rear.

**Applicant:** Mr & Mrs Graham

**Officer:** Robin Hodgetts 292366

**Approved on 06/06/14 DELEGATED**

**1) BH01.01**

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

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

**2) BH03.03**

The external finishes of the development hereby permitted shall match in

Report from: 05/06/2014 to: 25/06/2014

material, colour, style, bonding and texture those of the existing building.

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

### **3) UNI**

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

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

Plan Type	Reference	Version	Date Received
Existing plans and elevations	1477/1744		13/03/14
Proposed plans and elevations	1477/1687	E	13/03/14

### **BH2014/00867**

#### **Hillside Barn The Green Rottingdean Brighton**

Non Material Amendment to BH2010/03355 moving centrally positioned stair to south west corner, repositioning kitchen to south east corner, and consequential location of bathroom above kitchen lowering window cills on the 2 east facing windows to the original structural opening.

**Applicant:** Mr Dave Boys

**Officer:** Andrew Huntley 292321

**Approved on 18/06/14 DELEGATED**

### **BH2014/00893**

#### **1 Eley Crescent Rottingdean Brighton**

Erection of single storey rear/side extension. Hip to gable roof extension with balustrading at first floor to rear.

**Applicant:** Timothy Chetwynd-Stapylton

**Officer:** Joanne Doyle 292198

**Refused on 18/06/14 DELEGATED**

### **1) UNI**

The development, by virtue of its design, form and bulk would fail to emphasise and enhance the characteristics of the area, and would appear out of scale and character, bulky and overly dominant in relation to its neighbours, and relate poorly to this section of the street. Given its prominent location on a corner plot, the development would have an unacceptable impact on the character and appearance of the property and the wider street scene. The proposal would thereby be contrary to policy QD14 of the Brighton & Hove Local Plan, and Supplementary Planning Document 12 Design Guide on Extensions and Alterations.

### **2) UNI2**

The proposed first floor balcony area by reason of its substantial size represents an un-neighbourly and overbearing addition which would result in increased overlooking, loss of privacy and noise nuisance toward no. 3 Eley Crescent to the detriment of the residential amenity of this dwelling and contrary to policy QD27 of the Brighton & Hove Local Plan.

### **BH2014/00947**

#### **Garage rear of 47 Sussex Square Brighton**

Enlargement of opening to garage.

**Applicant:** E Shirstova

**Officer:** Christine Dadswell 292205

Report from: 05/06/2014 to: 25/06/2014

**Approved on 18/06/14 DELEGATED**

**1) BH01.01**

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

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

**2) UNI**

Notwithstanding the submitted plans no works shall take place until full details of the proposed garage door 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: As insufficient information has been submitted, to ensure the satisfactory preservation of this listed building and to comply with policy HE1 of the Brighton & Hove Local Plan.*

**3) UNI**

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

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

Plan Type	Reference	Version	Date Received
Location Plan			20 Mar 2014
Block Plan			20 Mar 2014
Existing and Proposed Plans and Elevations	01	B	02 May 2014

**BH2014/00948**

**Garage rear of 47 Sussex Square Brighton**

Enlargement of opening to garage.

**Applicant:** E Shirstova

**Officer:** Christine Dadswell 292205

**Approved on 18/06/14 DELEGATED**

**1) BH01.05**

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

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

**2) UNI**

Notwithstanding the submitted plans no works shall take place until full details of the proposed garage door 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: As insufficient information has been submitted, to ensure the satisfactory preservation of this listed building and to comply with policy HE1 of the Brighton & Hove Local Plan.*

**BH2014/01037**

**9 Northgate Close Rottingdean Brighton**

Erection of a single storey front extension and installation of new window

**Applicant:** Mr & Mrs Taylor

**Officer:** Robin Hodgetts 292366

**Approved on 05/06/14 DELEGATED**

Report from: 05/06/2014 to: 25/06/2014

**1) BH01.01**

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

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

**2) UNI**

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

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

**3) UNI**

No development or other operations shall commence on site until a scheme which provides for the retention and protection of the Cherry tree that is covered by Tree Preservation Order (No 21) 1998 has been submitted to and approved in writing by the Local Planning Authority; no development or other operations shall take place except in complete accordance with the approved protection scheme.

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

**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 plans and elevations	3469.PL.01	B	10/04/14
Existing plans and elevations and site location plan	3469.EXG.01	A	10/04/14

**BH2014/01043**

**26 Meadow Close Rottingdean Brighton**

Certificate of lawfulness for proposed loft conversion incorporating hip to gable roof extension, 2no rooflights to front and dormer to rear.

**Applicant:** Mrs Pam Whyte

**Officer:** Julia Martin-Woodbridge 294495

**Approved on 18/06/14 DELEGATED**

**BH2014/01046**

**26 Greenbank Avenue Brighton**

Certificate of Lawfulness for proposed rear dormer with Juliet balcony, rear rooflights and conversion of garage into habitable living space and store.

**Applicant:** Mr Owen & Ms Hardwick

**Officer:** Robin Hodgetts 292366

**Approved on 05/06/14 DELEGATED**

**BH2014/01095**

**Flat 2 24 Lewes Crescent Brighton**

Internal Alterations to layout of flat.

**Applicant:** Mr Phil Ward

**Officer:** Christine Dadswell 292205

**Approved on 18/06/14 DELEGATED**

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

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

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

### **2) UNI**

All new doors, architraves, skirtings and cornices should exactly match the existing.

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

## **WOODINGDEAN**

### **BH2014/00587**

#### **61 Warren Way Brighton**

Loft conversion to create 1no one bedroom flat incorporating dormers to front and rear elevations and rooflight to front elevation. Erection of cycle and bin store within the rear garden.

**Applicant:** Dr Majid Gholami

**Officer:** Wayne Nee 292132

**Refused on 18/06/14 DELEGATED**

### **1) UNI**

The proposed front and rear dormers, by reason of their size and number on each roof slope, would create a visually heavy roof to the building which would seriously harm the appearance of the property and has a harmful effect on the visual amenity of the street. The proposal is therefore contrary to policy QD14 of the Brighton & Hove Local Plan, as well as SPD12: Design Guide for Extensions and Alterations.

### **BH2014/00908**

#### **Rudyard Kipling Primary School Chalkland Rise Brighton**

Erection of single storey extension to North elevation.

**Applicant:** Brighton & Hove City Council

**Officer:** Andrew Huntley 292321

**Approved on 11/06/14 DELEGATED**

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

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

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

### **2) UNI**

The development hereby permitted shall not be 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 the developer has secured the implementation of a programme of archaeological work in accordance with a Written Scheme of Archaeological Investigation which has been submitted to and

approved in writing by the Local Planning Authority. The development hereby permitted shall not be brought into use until the programme of archaeological work has been completed in accordance with the approved Written Scheme of Archaeological Investigation

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

**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 & Existing & Proposed Block Plans	001		21.03.2014
Existing Floor Plans	300		21.03.2014
Proposed Floor Plan	301		21.03.2014
Existing & Proposed East & West Elevations	304		21.03.2014
Existing & Proposed North Elevation	305		21.03.2014

**BH2014/01100**

**Woodingdean Primary School Warren Road Brighton**

Installation of roof to existing open courtyard to create additional classroom.

**Applicant:** Woodingdean Primary School

**Officer:** Emily Stanbridge 292359

**Approved on 17/06/14 DELEGATED**

**1) BH01.01**

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

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

**2) UNI**

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

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

Plan Type	Reference	Version	Date Received
Location Plan	100	A	22.04.2014
Block Plan	101	A	07.04.2014
Existing floor plan			22.04.2014
Proposed floor plan			22.04.2014
Existing elevations	104	A	07.04.2014
Proposed elevations	105	A	07.04.2014
Roof light brochure			07.04.2014

**BH2014/01389**

**29 Brownleaf Road Brighton**

Certificate of Lawfulness for proposed single storey rear extension.

**Applicant:** Mr James Griffiths

**Officer:** Tom Mannings 292322

**Refused on 18/06/14 DELEGATED**

**BRUNSWICK AND ADELAIDE**

**BH2013/04333**

**3 - 4 Western Road Hove**

Erection of an additional storey to facilitate creation of 1no one bedroom flat (C3) and an office (B1).

**Applicant:** Legal Link Ltd

**Officer:** Christopher Wright 292097

**Refused on 20/06/14 DELEGATED**

**1) UNI**

The proposed additional storey would add significant height and bulk to the building which would have an adverse impact on its appearance and composition. The additional storey would be readily visible from along Western Road and from York Road opposite, which is on a hillside and therefore provides views of the site from a higher level. The proposed additional storey would be significantly higher than the roofline of both adjoining buildings and as such would disrupt the roofscape. The proposal would be detrimental to visual amenity and the character and appearance of the Brunswick Town Conservation Area and is considered contrary to policies QD14 and HE6 of the Brighton & Hove Local Plan and SPD12: Design guidance for alterations and extensions.

**BH2014/00721**

**Ground Floor Flat 54 First Avenue Hove**

Installation of external wall insulation to existing rear extension, replacement of existing roof covering to rear extension, first floor roof and party wall, removal of existing dome rooflight and insertion of 2no rooflights, alterations to fenestration and other associated alterations to the rear.

**Applicant:** Julie Rignell

**Officer:** Helen Hobbs 293335

**Approved on 05/06/14 DELEGATED**

**1) BH01.01**

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

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

**2) UNI**

Notwithstanding the approved plans the hereby approved asphalt roof covering shall not overlap the front parapet.

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

**3) UNI**

The fire exit walkway and the remainder of the flat roof at first floor level shall not be used as a roof terrace.

*Reason: To safeguard the amenities enjoyed by the occupiers of the adjoining properties to the north 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
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Report from: 05/06/2014 to: 25/06/2014



			Received
Existing and proposed	22801.03	Rev 1	6th May 2014

**BH2014/01101**

**54A Lansdowne Place Hove**

Internal alteration to remove staircase from basement flat.

**Applicant:** Paul Arscott

**Officer:** Sonia Gillam 292265

**Refused on 09/06/14 DELEGATED**

**1) UNI**

Internal alterations to listed buildings are expected to respect the original plan form and to work around it so that it remains clearly 'readable'. The proposed development would have an adverse impact on the historic and architectural character of the Grade II listed building by virtue of the removal of the staircase, a feature which is of importance in determining the original plan form and functioning of the property. The proposal would be contrary to policy HE1 of the Brighton & Hove Local Plan, and the Council's Supplementary Planning Guidance Notes SPGBH11 Listed Building Interiors and SPGBH13: Listed Buildings - General Advice

**BH2014/01161**

**Flat 8 19 Brunswick Square Hove**

Internal alterations to layout to facilitate conversion from studio flat into one bedroom flat.

**Applicant:** Mary Jackets

**Officer:** Helen Hobbs 293335

**Approved on 23/06/14 DELEGATED**

**1) BH01.05**

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

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

**BH2014/01220**

**Flat 2 69 Lansdowne Place Hove**

Erection of timber framed garden room to rear and alterations to fenestration.

**Applicant:** Ned Leeming

**Officer:** Helen Hobbs 293335

**Approved on 23/06/14 DELEGATED**

**1) BH01.05**

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

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

**BH2014/01245**

**52 Western Road Hove**

Display of externally illuminated fascia sign and externally illuminated hanging sign.

**Applicant:** Sharps Bedrooms

**Officer:** Christine Dadswell 292205

**Approved on 23/06/14 DELEGATED**

**1) BH10.01**

This consent shall expire 5 years from the date of this notice whereupon the signage shall be removed and any damage repaired unless further consent to

display has been given by the Local Planning Authority.

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

**2) BH10.02**

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

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

**3) BH10.03**

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

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

**4) BH10.04**

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

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

**5) BH10.05**

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

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

**6) BH10.06**

No advertisement shall be sited or displayed so as to-

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

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

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

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

**7) BH10.07**

The illumination of the advertisement shall be non-intermittent.

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

**CENTRAL HOVE**

**BH2014/00709**

**189A Church Road Hove**

Change of use from five bedroom small house in multiple occupation (C4) to seven bedroom house in multiple occupation (sui generis) incorporating 2no dormer windows to the rear.

**Applicant:** P Mamane

**Officer:** Andrew Huntley 292321

Report from: 05/06/2014 to: 25/06/2014

## **Refused on 11/06/14 DELEGATED**

### **1) UNI**

The proposed change of use to provide 7 bedrooms as a Sui Generis House in Multiple Occupation would, as a result of over-subdivision of the attic rooms, lack of head height and therefore useable space, create a cramped form of accommodation which would fail to provide an acceptable standard of accommodation. Therefore the proposal would be detrimental to the residential amenity of future occupiers and is contrary to policy QD27 of the Brighton & Hove Local Plan.

### **2) UNI2**

The proposed two dormers on the rear roof slope would result in a cluttered, bulky and dominant appearance, which would be detrimental to the character and appearance of the host building and the surrounding Old Hove Conservation Area. The development is therefore contrary to policies QD14 and HE6 of the Brighton & Hove Local Plan and Supplementary Planning Document 12.

### **3) UNI3**

The application has failed to demonstrate that any necessary extract vents or openings for the proposed kitchen and shower room would not have a detrimental impact on the character and appearance of the host building, the terrace it sits within and the wider Old Hove Conservation Area. The development is therefore contrary to policies QD14 and HE6 of the Brighton & Hove Local Plan and Supplementary Planning Document 12.

## **BH2014/00897**

### **28 Fourth Avenue Hove**

Change of use at first floor level from casino (sui generis) to accountants office (B1) with associated alterations including reinstatement of boarded windows.

**Applicant:** Cardens

**Officer:** Jason Hawkes 292153

## **Approved on 20/06/14 DELEGATED**

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

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

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

### **2) UNI**

The development hereby permitted shall not be 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.*

### **3) UNI**

Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 and the Town and Country Planning (General Permitted Development) Order 1995 or any subsequent similar re-enactment, the employment premises hereby granted permission shall be used for Class B1 (business) use and no other use without the prior written consent of the Local Planning Authority to whom a planning application must be made.

*Reason: For the avoidance of doubt and to enable the Local Planning Authority to*

control the future use of the premises, having regard to the location of the premises in an otherwise predominantly residential area, and to retain an adequate level of employment on the site, in compliance with policies EM3, EM4 and QD27 of the Brighton & Hove Local Plan and CP3 of Brighton & Hove Submission City Plan Part One.

#### 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 and Site Plan	AC/LBC/HC/01		20th March 2014
Ground Floor Plan - As Existing	AC/HC/01		20th March 2014
As Existing East Elevation	AC/LBC/HC/02		20th March 2014
First Floor Plan as Existing	AC/HC/02		20th March 2014
Lower Ground Floor Plan as Existing	AC/HC/03		20th March 2014
As Existing East Elevation	AC/LBC/HC/03		20th March 2014
As Existing North Elevation	AC/LBX/HC/04		20th March 2014
As Existing West Elevation	AC/LBC/HC/05		20th March 2014
As Proposed East Elevation	AC/LBC/HC/06		20th March 2014
As Proposed East Elevation	AC/LBC/HC/07		20th March 2014
As Proposed North Elevation	AC/LBC/HC/08		20th March 2014
As Proposed West Elevation	AC/LBC/HC/09		20th March 2014
First Floor Main Room Internal Elevations	AC/LBC/HC/10		20th March 2014
Proposed First Floor Plan	AC/HC/11		20th March 2014
As Existing South Elevation	AC/LBC/HC/12		20th March 2014
As Proposed South Elevation	AC/LBC/HC/13		1st April 2014
Proposed First Floor Plan and Associated Doors	AC/LBC/HC/14		1st April 2014

#### 5) UNI

The reinstated windows hereby approved shall match exactly the original windows on the building, including their architrave, frame and glazing bar dimensions and mouldings, and subcill, masonry cill and reveal details.

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

### **BH2014/00898**

#### **28 Fourth Avenue Hove**

Change of use at first floor level from casino (sui generis) to accountants office (B1) with associated alterations including reinstatement of boarded windows and alterations to internal layout.

**Applicant:** Cardens

**Officer:** Jason Hawkes 292153

**Approved on 18/06/14 DELEGATED**

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

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

*Reason: To comply with Sections 18 (as amended) and 74 of the Planning*

(Listed Buildings and Conservation Areas) Act 1990.

**2) UNI**

No works shall take place until full details of the proposed works including details of any internal IT cabling, lighting and proposed fixings for new partitions have been submitted to and approved in writing by the Local Planning Authority. The works shall be implemented in strict accordance with the agreed details and maintained as such thereafter.

*Reason: As insufficient information has been submitted, to ensure the satisfactory preservation of this listed building and to comply with policy HE1 of the Brighton & Hove Local Plan.*

**3) UNI**

The reinstated windows hereby approved shall match exactly the original windows on the building, including their architrave, frame and glazing bar dimensions and mouldings, and subcill, masonry cill and reveal details.

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

**BH2014/00915**

**59 Ashley Court 18-19 Grand Avenue Hove**

Replacement of existing timber windows with UPVC. (Part Retrospective)

**Applicant:** John Bodkin

**Officer:** Christine Dadswell 292205

**Approved on 11/06/14 DELEGATED**

**1) UNI**

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

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

Plan Type	Reference	Version	Date Received
Location Plan			17 April 2014
Block Plan			07 April 2014
Window Drawings			10 April 2014

**BH2014/01174**

**Regent House Hove Street Hove**

Prior approval for change of use from offices (B1) to residential (C3) to form 9no self contained flats.

**Applicant:** Alexander James Contracts Ltd

**Officer:** Christopher Wright 292097

**Prior Approval is required and is approved on 23/06/14 DELEGATED**

**BH2014/01176**

**Audley House Hove Street Hove**

Prior approval for change of use from offices (B1) to residential (C3) at ground and first floor levels to form 4no self contained flats.

**Applicant:** Alexander James Contracts Ltd

**Officer:** Christopher Wright 292097

**Prior Approval is required and is approved on 23/06/14 DELEGATED**

**BH2014/01406**

**First Floor Flat 10 Wilbury Grove Hove**

Replacement of existing rear window with access door.

**Applicant:** Mr & Mrs B Bowman

**Officer:** Jessica Hartley 292175

**Approved on 25/06/14 DELEGATED**

**1) BH01.01**

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

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

**2) UNI**

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

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

Plan Type	Reference	Version	Date Received
Site Location Plan			30.04.14
Block Plan			30.04.14
Proposed Floor Plans, Section and Elevation	14480-01	A	20.06.14
Existing Floor Plans, Section and Elevation	14480-02	A	20.06.14

**GOLDSMID**

**BH2014/00759**

**49 Wilbury Crescent Hove**

Erection of single storey rear extension replacing existing lean-to and extension of rear decking.

**Applicant:** Mrs M Mars

**Officer:** Mark Thomas 292336

**Approved on 06/06/14 DELEGATED**

**1) BH01.01**

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

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

**2) BH03.03**

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

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

**3) UNI**

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

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

Plan Type	Reference	Version	Date Received
Site location plan, block plan, existing and proposed plans and elevations	A366-14-01	Rev C2	10 March 2014

**BH2014/00838****18 Addison Road Hove**

Demolition of existing garage and erection of timber entrance gates.

**Applicant:** Mr Costa Healy

**Officer:** Julia Martin-Woodbridge 294495

**Approved on 19/06/14 DELEGATED****1) BH01.01**

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

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

**2) BH03.03**

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

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

**3) UNI**

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.*

**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
National grid plan	TQ 3005	T	17.03.2014
Existing and Proposed elevations			25.03.2014
Existing plan			25.03.2014
Proposed plan			25.03.2014

**BH2014/00992****12 Bigwood Avenue Hove**

Erection of a single storey rear extension.

**Applicant:** Catherine Pierce

**Officer:** Jonathan Puplett 292525

**Refused on 20/06/14 DELEGATED****1) UNI**

The proposed extension, which 'wraps around' the side and rear of the rear projection of the dwelling, is of a non-traditional footprint and would diminish the appreciation of the original plan form of the dwelling. Furthermore, if the proposed extension were to be constructed in addition to the extension approved under application ref. BH2011/01923, the combined visual impact of the two extensions

Report from: 05/06/2014 to: 25/06/2014

would result in an incongruous appearance, to the detriment of the character and appearance of the dwelling. The proposed extension is therefore considered contrary to policy QD14 of the Brighton & Hove Local Plan and the guidance set out in SPD12 'Design guide for extensions and alterations'.

**BH2014/01215**

**Flat 5 11 Cromwell Road Hove**

Internal alterations to layout of flat and installation of gas pipe from lower ground floor level. (Retrospective)

**Applicant:** Jennifer Rance

**Officer:** Helen Hobbs 293335

**Refused on 10/06/14 DELEGATED**

**1) UNI**

The gas pipework forms an incongruous and unsympathetic feature, which has been poorly routed externally and internally, damaging the fabric of the listed building. The works therefore have a harmful impact on the special interest of the listed building and are contrary to policy HE1 of the Brighton & Hove Local Plan.

**BH2014/01219**

**85B Livingstone Road Hove**

Formation of rear dormer.

**Applicant:** Kieran Hood

**Officer:** Oguzhan Denizer 290419

**Refused on 11/06/14 DELEGATED**

**1) UNI**

The rear dormer by reason of its size, bulk and detailing would appear unduly bulky and would fail to respect the character and proportions of the existing building, adjoining properties and the wider surrounding area. The proposal is thereby contrary to policy QD14 of the Brighton & Hove Local Plan and the provisions of Supplementary Planning Document 12, Design Guide for Extensions and Alterations.

**BH2014/01255**

**Flat 27 Gainsborough House 4 - 6 Eaton Gardens Hove**

Replacement of existing aluminium framed single glazed windows with UPVC double glazed windows.

**Applicant:** Tom Carter

**Officer:** Christine Dadswell 292205

**Approved on 25/06/14 DELEGATED**

**1) BH01.01**

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

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

**2) UNI**

Notwithstanding the approved plans the opening windows in the replacement bay window and replacement bedroom windows should include a horizontal glazing bar which matches the existing windows. The windows shall be retained as such thereafter.

*Reason: To ensure a satisfactory appearance to the development in the interests of the visual amenities of the area and to comply with policies QD1 and 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			17 April 2014
Window Drawings			17 April 2014

**BH2014/01262**

**114a Livingstone Road Hove**

Application for variation of condition 2 of application BH2013/01270 (Change of use from betting shop (A2) at ground floor to residential dwelling (C3) incorporating existing maisonette at 1st and 2nd floor and associated external alterations) to permit amendments to the approved drawings to revise fenestration and facade.

**Applicant:** Mr Andy Nicholls

**Officer:** Liz Arnold 291709

**Approved on 18/06/14 DELEGATED**

**1) UNI**

Not used.

**2) UNI**

The external finish of the hereby permitted front boundary wall shall match the material of the adjoining front boundary wall at 112 Livingstone Road.

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

**3) UNI**

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

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

Plan Type	Reference	Version	Date Received
Plans, Elevations and Sections Existing	9584/05		22nd April 2014
Plans, Elevations and Sections Proposed	9584/06	Rev. C	22nd April 2014

**BH2014/01291**

**63 Shirley Street Hove**

Certificate of Lawfulness for proposed loft conversion incorporating front roof lights rear dormer and revised fenestration.

**Applicant:** Mr Michael Shalabi

**Officer:** Chris Swain 292178

**Approved on 17/06/14 DELEGATED**

**BH2014/01328**

**16 Bigwood Avenue Hove**

Erection of single storey rear extension.

**Applicant:** Bob Wells

**Officer:** Joanne Doyle 292198

**Approved on 23/06/14 DELEGATED**

**1) BH01.01**

The development hereby permitted shall be commenced before the expiration of

Report from: 05/06/2014 to: 25/06/2014

three 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 with the exception of the folding doors.

*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 & Block Plan	03		25 Apr 2014
Existing Plans & Elevations	01		25 Apr 2014
Proposed Plans & Elevations Section & Detail	02		25 Apr 2014

## **HANGLETON & KNOLL**

### **BH2014/01105**

#### **107 Elm Drive Hove**

Prior approval for the erection of a single storey rear extension, which would extend beyond the rear wall of the original house by 4.7m, for which the maximum height would be 2.9m, and for which the height of the eaves would be 2.9m.

**Applicant:** Alan Holmes

**Officer:** Oguzhan Denizer 290419

**Prior approval not required on 05/06/14 DELEGATED**

### **BH2014/01170**

#### **41 Hangleton Close Hove**

Erection of single storey side extension.

**Applicant:** Mr Tony Bolingbroke

**Officer:** Oguzhan Denizer 290419

**Refused on 18/06/14 DELEGATED**

## **1) UNI**

1. The proposed extension by reason of its design and siting within the site would have an adverse visual impact on the appearance and character of the existing property and surrounding area. The proposal is therefore contrary to policy QD14 of the Brighton & Hove Local Plan and SPD12 Design Guide for Extensions and Alterations.

### **BH2014/01206**

#### **267 Old Shoreham Road Hove**

Display of internally illuminated fascia sign and wall mounted sign (Retrospective).

**Applicant:** Suzuki GB Plc

**Officer:** Liz Arnold 291709

Report from: 05/06/2014 to: 25/06/2014

**Approved on 09/06/14 DELEGATED**

**1) BH10.01**

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

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

**2) BH10.02**

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

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

**3) BH10.03**

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

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

**4) BH10.04**

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

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

**5) BH10.05**

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

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

**6) BH10.06**

No advertisement shall be sited or displayed so as to-

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

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

**7) BH10.07**

The illumination of the advertisement shall be non-intermittent.

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

**BH2014/01244**

**261 Hangleton Road Hove**

Erection of a part one, part two storey rear extension.

**Applicant:** Mr Adrian Loska

**Officer:** Emily Stanbridge 292359

Report from: 05/06/2014 to: 25/06/2014

**Approved on 10/06/14 DELEGATED**

**1) BH01.01**

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

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

**2) UNI**

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

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

**3) UNI**

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

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

Plan Type	Reference	Version	Date Received
Location and block plan	612/03		16.04.2014
Existing layout	612/02		16.04.2014
Proposed extension	612/01	B	27.05.2014

**BH2014/01555**

**79 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 4m, for which the maximum height would be 2.975m and for which the height of the eaves would be 2.975m.

**Applicant:** Mr David Beaken

**Officer:** Tom Mannings 292322

**Prior approval not required on 23/06/14 DELEGATED**

**NORTH PORTSLADE**

**BH2014/01185**

**10 Lodge Close Portslade**

Erection of two storey side extension.

**Applicant:** Mr Daniel Lawes

**Officer:** Joanne Doyle 292198

**Approved on 09/06/14 DELEGATED**

**1) BH01.01**

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

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

**2) BH03.03**

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

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

**3) UNI**

The first floor windows in the western elevation of the development hereby permitted shall be obscure glazed and shall thereafter be permanently retained

as such.

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

#### **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			14 Apr 2014
Block Plan			14 Apr 2014
Design Statement			14 Apr 2014
Existing Elevations	DWG 01		14 Apr 2014
Existing Layout Plans	DWG 02		14 Apr 2014
Proposed Elevations	DWG 03		14 Apr 2014
Proposed Layout Plans	DWG 04		14 Apr 2014

### **BH2014/01457**

#### **1 Foredown Road Portslade**

Prior approval for the erection of a single storey rear extension, which would extend beyond the rear wall of the original house by 6m, for which the maximum height would be 2.8m, and for which the height of the eaves would be 2.8m.

**Applicant:** Mr & Mrs Ogle

**Officer:** Helen Hobbs 293335

**Prior Approval is required and is refused on 17/06/14 DELEGATED**

### **SOUTH PORTSLADE**

### **BH2013/03897**

#### **35 & Land to West of 35 Wellington Road Portslade**

Demolition of existing public house and erection of four storey building to create public house (A4) on ground floor and 3no. two bedroom and 6no. one bedroom flats (C3) on floors above, incorporating landscaping and associated works.

**Applicant:** City Gateway

**Officer:** Christopher Wright 292097

**Refused on 06/06/14 DELEGATED**

#### **1) UNI**

The proposed development would, by reason of the height, siting, bulk, scale, form and design detailing, have a cramped, unduly dominant, discordant and intrusive appearance in the street scene which would be detrimental to visual amenity and the street scene. As such the proposal is contrary to policies QD1, QD2 and QD3 of the Brighton & Hove Local Plan and the Shoreham Harbour South Portslade Industrial Estate and Aldrington Basin Development Brief (August 2013).

#### **2) UNI2**

The proposed development would not provide satisfactory private and useable amenity space to meet the needs of future occupants. As such the proposal is contrary to policy HO5 of the Brighton & Hove Local Plan.

### **BH2014/00295**

#### **70 Vale Road Portslade**

Creation of new crossover and hard standing.

**Applicant:** Mrs Sharon Armstrong

Report from: 05/06/2014 to: 25/06/2014

**Officer:** Jason Hawkes 292153

**Approved on 05/06/14 DELEGATED**

**1) BH01.01**

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

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

**2) UNI**

This permission shall be for the benefit of Mrs Sharon Armstrong only and for no other person. Upon cessation of occupation by Mrs Sharon Armstrong of 70 Vale Road the hardstanding shall be reinstated to its former condition as a front lawn for the dwelling and the dropped kerb reinstated to a footway.

*Reason: To preserve the appearance of the area, this permission is granted exceptionally and only on view of the personal circumstances of the applicant in accordance with policies QD1 and QD14 of the Brighton & Hove Local Plan.*

**3) UNI**

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

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

**4) UNI**

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

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

Plan Type	Reference	Version	Date Received
Site Plan			30th January 2014
Block Plan			30th January 2014
Plan & Elevation of Proposed Crossover			30th January 2014

**BH2014/01087**

**Aldi Stores Ltd 7 Carlton Terrace Portslade**

Display of 3no window vinyls.

**Applicant:** Aldi Stores Limited - Chelmsford

**Officer:** Helen Hobbs 293335

**Refused on 06/06/14 DELEGATED**

**1) UNI**

The excessive scale of the proposed advertisements coupled with the proposed design and siting would appear incongruous and overly prominent features which would result in a cluttered appearance to this section of the building. The proposed advertisements would therefore be detrimental to the visual amenity of the site and, where visible, the wider surrounding area and would be contrary to policy QD12 of the Brighton & Hove Local Plan and Supplementary Planning Document (SPD) 07, Advertisements.

**BH2014/01294**

**46 Easthill Drive Portslade**

Removal of existing conservatory and erection of new single storey conservatory to rear.

Report from: 05/06/2014 to: 25/06/2014

**Applicant:** Mrs Pollington  
**Officer:** Joanne Doyle 292198

**Approved on 11/06/14 DELEGATED**

**1) BH01.01**

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

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

**2) BH03.03**

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

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

**3) UNI**

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

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

Plan Type	Reference	Version	Date Received
Site Location Plan			17 Apr 2014
Block Plan			17 Apr 2014
Existing Plan & Elevations			17 Apr 2014
Proposed Plan & Elevations			17 Apr 2014

**BH2014/01412**

**230 Old Shoreham Road Portslade**

Prior approval for the erection of a single storey rear extension, which would extend beyond the rear wall of the original house by 6m, for which the maximum height would be 2.8m and for which the height of the eaves would be 2.5m.

**Applicant:** Andy Foster

**Officer:** Helen Hobbs 293335

**Prior approval not required on 11/06/14 DELEGATED**

**HOVE PARK**

**BH2013/04035**

**Land to rear of 7 Woodland Drive Hove**

Erection of 1no three bedroom dwelling with off-street parking accessed from Benett Avenue.

**Applicant:** John Regan

**Officer:** Jason Hawkes 292153

**Refused on 19/06/14 DELEGATED**

**1) UNI**

The proposal, by virtue of its scale, footprint and detailing relates poorly to adjacent properties, fails to respect the local context and would look incongruous in the street scene. The proposed plot size is too small to adequately accommodate the proposed dwelling which would appear crammed in and overdevelopment of the site. For these reasons the development is contrary to policies QD1, QD2 and HO4 of the Brighton & Hove Local Plan which seek to ensure that new developments emphasise and enhance the positive qualities of the local neighbourhood.

**2) UNI2**

Having regard to the close proximity of the proposed rear dormer windows to the boundary with 5 Woodland Drive, the proposal would result in overlooking and loss of privacy of the garden of 5 Woodland Drive. The scheme is therefore deemed contrary to policy QD27 of the Brighton & Hove Local Plan.

**3) UNI3**

The proposal results in a small outside amenity area which would not be adequate for the need of a family dwelling and significantly reduces the garden for the host property. This would be to the detriment of the living conditions of the future occupiers of the proposed dwelling and the residents of host property at 7 Woodland Drive. The scheme is therefore contrary to policy HO5 of the Brighton & Hove Local Plan.

**BH2014/00521**

**85 Dyke Road Avenue Hove**

Erection of two storey front extension, single storey side and rear extensions, loft conversion incorporating rear dormer, balcony and rooflights, garage extension and associated alterations.

**Applicant:** Mr & Mrs Silva

**Officer:** Paul Earp 292454

**Approved on 18/06/14 DELEGATED**

**1) BH01.01**

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

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

**2) UNI**

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

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

**3) UNI**

No development shall commence until details of an obscure glazed screen to the side, south elevation, of the first floor balcony hereby approved have been submitted to and approved in writing by the Local Planning Authority. The screen shall be erected before the balcony is first brought into use and shall be maintained as such thereafter.

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

**4) UNI**

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

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

Plan Type	Reference	Version	Date Received
Existing ground floor plan	1484/1715		18 February 2014
Existing first floor plan	1484/1716		18 February 2014
Existing roof plan and elevations	1484/1717		18 February 2014
Proposed second floor plans and elevations	1484/1760		18 February 2014
Proposed first floor plan	1484/1759		18 February 2014
Proposed ground floor plan	1484/1758		18 February 2014

Report from: 05/06/2014 to: 25/06/2014



**BH2014/00548**

**BHASVIC 205 Dyke Road Hove**

Application for Approval of Details Reserved by Conditions 7i, 8, 9 and 10 of application BH2013/03816.

**Applicant:** BHASVIC

**Officer:** Paul Earp 292454

**Approved on 19/06/14 DELEGATED**

**BH2014/00628**

**39 Queen Victoria Avenue Hove**

Erection of semi detached three bedroom dwelling.

**Applicant:** Cook Brighton Ltd

**Officer:** Helen Hobbs 293335

**Refused on 10/06/14 DELEGATED**

**1) UNI**

The proposed development, by reason of its design, siting and detailing would appear a discordant and jarring addition to the parade which would disrupt and harm its existing character and appearance. The proposed scale and proportions of the development would appear unduly dominant and would fail to take into account the space around the building resulting in a visually overbearing and incongruous development. The proposal would fail to emphasise or enhance the positive qualities of the local neighbourhood and is contrary to policies QD1, QD2 and QD14 of the Brighton & Hove Local Plan.

**2) UNI2**

The proposed development would fail to provide private useable amenity appropriate to the scale and character of the development, the resulting accommodation would fail to provide for the likely needs of future occupants. The proposal is therefore contrary to policies QD27 and HO5 of the Brighton & Hove Local Plan.

**BH2014/00720**

**4 Bishops Road Hove**

Application for variation of condition 2 of application BH2012/02561 (Roof extension over new first floor level extension at rear elevation with alterations to existing first floor level balcony, new balcony at second floor level, rooflights and revised fenestration) to substitute plan no TD-108-P06 Rev. G with A065.420 Rev. B to allow external alterations including revised fenestration.

**Applicant:** Mr Adam Lloyd

**Officer:** Christopher Wright 292097

**Refused on 19/06/14 DELEGATED**

**1) UNI**

No floor plans have been submitted with the application. As such, a full assessment of the potential amenity impact of the development cannot be undertaken, contrary to the requirements of policies QD14 and QD27 of the Brighton & Hove Local Plan.

**2) UNI2**

Notwithstanding reason for refusal 1, the additional height and size of the proposed inset balcony in the rear roof slope would increase the perceived level of overlooking and loss of privacy for neighbouring residents and would significantly alter the form of the original roof and result in a greater loss of original rear roof slope than previously permitted under application BH2012/02561. As such the proposal would have be detrimental to the character and appearance of the recipient building and the amenity of adjoining occupiers,

contrary to policies QD14 and QD27 of the Brighton & Hove Local Plan and SPD12: Design Guidance for Extensions and Alterations.

**BH2014/01026**

**121 Shirley Drive Hove**

Certificate of lawfulness for existing single storey side infill extension and outbuilding in rear garden.

**Applicant:** Paul Jefferson

**Officer:** Oguzhan Denizer 290419

**Approved on 05/06/14 DELEGATED**

**BH2014/01093**

**168 Old Shoreham Road Hove**

Part change of use of ground floor from offices (B1) to residential (C3) with the erection of a single storey rear extension with associated external alterations to create 1 no one bedroom flat.

**Applicant:** Dr Harjinder Heer

**Officer:** Andrew Huntley 292321

**Approved on 11/06/14 DELEGATED**

**1) BH01.01**

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

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

**2) UNI**

Notwithstanding approved plan 468PL)3E, 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 written Waste Minimisation Statement, in accordance with Supplementary Planning Document 03: Construction and Demolition Waste, confirming how demolition and construction waste will be recovered and reused on site or at other sites has been submitted to and approved in writing by the Local Planning Authority. The measures shall be implemented in strict accordance with the approved details.

*Reason: To ensure that the development would include the re-use of limited resources, to ensure that the amount of waste to landfill is reduced and to comply with policies WMP3d of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan 2013 and SU13 of the Brighton & Hove Local Plan and Supplementary Planning Document 03 Construction and Demolition Waste.*

**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**

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

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

**6) UNI**

The development hereby permitted shall not be commenced until there has been submitted to and approved in writing by the Local Planning Authority:

(a) a desk top study documenting all the previous and existing land uses of the site and adjacent land in accordance with national guidance as set out in Contaminated Land Research Report Nos. 2 and 3 and BS10175:2001 - Investigation of Potentially Contaminated Sites - Code of Practice; and, unless otherwise agreed in writing by the Local Planning Authority, (b) a site investigation report documenting the ground conditions of the site and incorporating chemical and gas analysis identified as appropriate by the desk top study in accordance with BS10175:2001; and, unless otherwise agreed in writing by the Local Planning Authority,

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

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

- a) as built drawings of the implemented scheme;
- b) photographs of the remediation works in progress; and
- c) certificates demonstrating that imported and/or material left in situ is free from contamination.

Thereafter the scheme shall be monitored and maintained in accordance with the scheme approved under (i)

**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 & Block Plan	468(PL)2b		07.04.2014
Existing & Proposed Elevations & Floor Plans	468(PL)3E		07.04.2014

**8) 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.

**BH2014/01141**

**Brighton & Hove High School Radinden Manor Road Hove**

Certificate of lawfulness for the proposed resurfacing of tarmac, grass and rubber play area with artificial grass.

**Applicant:** Ray Parry Playground Equipment Ltd

**Officer:** Christopher Wright 292097

**Approved on 18/06/14 DELEGATED**

**BH2014/01166**

**89 Queen Victoria Avenue Hove**

Demolition of existing garage and garden store and erection of single storey side extension.

**Applicant:** Brian Ward

**Officer:** Helen Hobbs 293335

**Approved on 05/06/14 DELEGATED**

**1) BH01.01**

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

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

**2) BH03.03**

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

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

**3) UNI**

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

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

Plan Type	Reference	Version	Date Received
Site plan and block plan	01	A	10th April 2014
Existing plan	02		10th April 2014
Existing plan	03	A	10th April 2014
Existing elevations	04	A	10th April 2014
Proposed plan	05	A	10th April 2014
Proposed plan	06	A	10th April 2014
Proposed elevations	07	A	10th April 2014

**BH2014/01168**

**50 Hill Drive Hove**

Demolition of existing six bedroom two storey house and erection of 2 no. five bedroom houses and 1no. four bedroom house with associated alterations and landscaping (Change of Description).

**Applicant:** Tony Book

**Officer:** Liz Arnold 291709

**Refused on 11/06/14 DELEGATED**

**1) UNI**

The proposed development, by reason of the limited plot size, excessive

Report from: 05/06/2014 to: 25/06/2014

footprints, positioning closer to the front boundary compared to neighbouring properties, together with the excessive heights of Houses 2 and 3, would result in the development being out of keeping with and failing to reflect the prevailing character of the area, which causes harm to the character and appearance of the Hill Drive and Hill Brow street scenes and the wider area. As such the development would represent an incongruous and cramped form of development and an overdevelopment of the site. As such the proposal is contrary to policies QD1, QD2 and QD3 of the Brighton & Hove Local Plan.

**2) UNI2**

2. The design of House 3 which includes a large expanse of south facing glazing would represent an unneighbourly form of development which would result in actual and perceived overlooking and loss of privacy to southern neighbouring properties located on Hill Drive and the related garden areas. This unneighbourly form of development would be exacerbated by the elevated position of House 3 in respect of the southern neighbouring properties. The proposal would have a harmful impact on neighbouring amenity and is contrary to policy QD27 of the Brighton & Hove Local Plan.

**BH2014/01758**

**Goldstone Retail Park Newtown Road Hove**

Application for approval of details reserved by condition 15 of application BH2013/03841.

**Applicant:** Scottish Widows Investment Partnership

**Officer:** Liz Arnold 291709

**Approved on 23/06/14 DELEGATED**

**BH2014/01773**

**Goldstone Retail Park Newtown Road Hove**

Application for approval of details reserved by condition 14 of application BH2013/03841.

**Applicant:** Scottish Widows Investment Partnership

**Officer:** Liz Arnold 291709

**Approved on 18/06/14 DELEGATED**

**WESTBOURNE**

**BH2014/00761**

**51 New Church Road Hove**

Conversion of existing house comprising 2no residential units to form 5no self-contained flats (C3), incorporating single storey rear extension with roof terrace over, loft conversion with rear dormer, rooflights to sides and French doors to front, additional parking, associated alterations and landscaping.

**Applicant:** Mr Jonathan Bull

**Officer:** Steven Lewis 290480

**Refused on 18/06/14 DELEGATED**

**1) UNI**

The proposed first floor roof terrace, by reason of its excessive size, elevated position and position in close proximity to the boundary with number 53 New Church Road would have a detrimental impact on neighbouring amenity by reason of overlooking and loss of privacy. The resulting impact from the terrace would be contrary to the requirements of policies QD14 and Policy QD27 of the Brighton & Hove Local Plan.

**2) UNI2**

The introduction of a balcony at second floor level at the front and the removal of

the original roof would create an incongruous and inappropriate alteration to the detailing of the building that is out of keeping with the scale and detailing of the host property but also out of keeping with surrounding development. The proposed alterations are considered contrary to the requirements of policy QD14 of the Brighton & Hove Local Plan and SPD12 Extensions and Alterations.

**BH2014/00766**

**51 New Church Road Hove**

Erection of 1no three bedroom house (C3) in rear garden with associated parking and landscaping.

**Applicant:** Mr Jonathan Bull

**Officer:** Steven Lewis 290480

**Approved on 19/06/14 DELEGATED**

**1) BH01.01**

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

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

**2) UNI**

No development shall take place until samples of the materials (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**

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.*

**4) UNI**

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

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

**5) UNI**

The 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.*

**6) UNI**

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

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

**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 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.*

**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 4 as a minimum for all residential units has been submitted to, and approved in writing by, the Local Planning Authority. A completed pre-assessment estimator will not be acceptable.

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

**10) UNI**

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

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

*Hove Local Plan and Supplementary Planning Document SPD08 Sustainable Building Design.*

**11) UNI**

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

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

**12) UNI**

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no windows, dormer windows, rooflights or doors other than those expressly authorised by this permission shall be constructed in the side and rear elevations of the dwelling hereby approved without planning permission obtained from the Local Planning Authority.

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

**13) UNI**

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

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

**14) UNI**

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.*

**15) UNI**

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

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

**16) UNI**

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

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

Plan Type	Reference	Version	Date Received
Block & Site Plan	TA783/N01	A	17/04/2014
Existing Survey Plan	TA783/N02	A	10/03/2014
Existing street scene	TA783/N03	A	10/03/2014
Existing Basement Plan	TA783/N04	A	10/03/2014
Existing Ground Floor & First Floor Plan	TA783/N05	A	10/03/2014
Existing Elevations 1	TA783/N06	A	10/03/2014
Existing Elevations 2	TA783/N07	A	10/03/2014

Report from: 05/06/2014 to: 25/06/2014



Existing Sections	TA783/N08	A	10/03/2014
Proposed Site Plan	TA783/N20	A	10/03/2014
Proposed Ground Floor Plan	TA783/N21	A	10/03/2014
New House Plans 2	TA783/N22	A	10/03/2014
Proposed Elevations	TA783/N23	A	10/03/2014
Proposed Elevations	TA783/N24	A	10/03/2014
Proposed Sections	TA783/N25	A	10/03/2014
Proposed Sections	TA783/N26	A	10/03/2014

**BH2014/00837**

**166 Portland Road Hove**

Application for Approval of Details Reserved by Conditions 5 and 8 of application BH2013/01500.

**Applicant:** S Cohen

**Officer:** Jason Hawkes 292153

**Approved on 18/06/14 DELEGATED**

**BH2014/00901**

**30 Aymer Road Hove**

Erection of timber boundary fence with new brick piers.

**Applicant:** Jeremy Hoyer

**Officer:** Jason Hawkes 292153

**Refused on 20/06/14 DELEGATED**

**1) UNI**

The proposed timber fence to the side elevation would disfigure the traditional brick boundary on this prominent frontage and would result in an inappropriate boundary treatment out of character with the surrounding area. The proposal would therefore be to the detriment of the character and appearance of the building and would fail to preserve or enhance the character or appearance of the Pembroke & Princes Conservation Area. As such, the development would be contrary to policies QD14 and HE6 of the Brighton & Hove Local Plan and guidance within Supplementary Planning Document 9, Architectural Features, and Supplementary Planning Document 12, Design Guide for Extensions and Alterations.

**BH2014/00986**

**67 Pembroke Crescent Hove**

Replacement of existing metal balustrading to first floor front balcony with timber balustrading.

**Applicant:** Philip Howell

**Officer:** Joanne Doyle 292198

**Approved on 25/06/14 DELEGATED**

**1) BH01.01**

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

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

**2) UNI**

The first floor balustrade hereby permitted shall be painted softwood and shall be painted white within 3 months of installation. The balustrade shall be 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.*

**3) UNI**

Report from: 05/06/2014 to: 25/06/2014

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

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

Plan Type	Reference	Version	Date Received
Site Location Plan			07 Apr 2014
Floor Plan			27 Mar 2014
Balcony Elevations			30 Apr 2014
Front Elevation			27 Mar 2014
Side Elevation			27 Mar 2014

### **BH2014/01228**

#### **26 Pembroke Crescent Hove**

Certificate of lawfulness for proposed conversion of 2no flats to a single dwelling.

**Applicant:** Miss Tracy Tarrant

**Officer:** Jason Hawkes 292153

**Approved on 10/06/14 DELEGATED**

### **BH2014/01240**

#### **21 New Church Road Hove**

Application for variation of condition 2 and 3 of application BH2014/00022 (Change of Use from residential (C3) to mixed use residential and dental surgery. (C3/D1). ) to substitute plan no. 0335-PP2 to allow for additional dental surgery at ground floor level.

**Applicant:** Mark Rayner

**Officer:** Liz Arnold 291709

**Approved on 20/06/14 DELEGATED**

#### **1) UNI**

The dental surgery, as identified on drawing no. 0335-PP2, except in the case of patients requiring emergency treatment, shall not be open or in use except between the hours of 08:30 to 20:00 on Mondays, 08:30 to 17:30 Tuesdays, Wednesdays, Thursdays and Fridays, and not at any time on Saturdays, Sundays or Bank Holidays.

*Reason: To protect the residential amenity of neighbouring occupiers and to comply with policies SU9, SU10, SR5, HO19 and QD27 of the Brighton & Hove Local Plan.*

#### **2) UNI**

The measures set out in the Travel Plan received on the 17th March 2014 in respect of approved application BH2014/00022, shall be fully implemented and shall be maintained as such thereafter.

*Reason: To ensure the development maintains a sustainable transport strategy and to comply with policies TR1, TR4 and TR14 of the Brighton & Hove Local Plan*

#### **3) UNI**

The hereby approved mixed use premises shall only be used, in accordance with drawing no. 0335-PP2, for the provision of a dental surgery and residential accommodation and for no other purpose (including any other purpose in Class D1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

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

Report from: 05/06/2014 to: 25/06/2014

*Local Plan.*

**4) UNI**

The development hereby permitted shall be commenced on or before 31st March 2017.

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

**5) UNI**

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

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

Plan Type	Reference	Version	Date Received
Site Plan			15th January 2014
Block Plan			15th January 2014
Existing Layout	121111		15th January 2014
Proposed Floor Plans	0335-PP2		30th April 2014

**6) UNI**

The dental surgery hereby permitted shall not used until the cycle parking facilities shown on drawing 211111, received on the 17th March 2014, approved under application BH2014/00022, have been fully implemented and made available for use. The cycle parking facilities shall thereafter be retained for use by staff and visitors to the dental surgery at all times.

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

**BH2014/01283**

**Flat 3 79 Westbourne Street Hove**

Replacement of existing timber framed single glazed windows with UPVC double glazed windows.

**Applicant:** Mr Harknett

**Officer:** Christine Dadswell 292205

**Approved on 17/06/14 DELEGATED**

**BH2014/01287**

**68 Carlisle Road Hove**

Conversion of existing conservatory into sunroom with associated works. (Part Retrospective)

**Applicant:** Mr R Stephens

**Officer:** Helen Hobbs 293335

**Approved on 17/06/14 DELEGATED**

**1) BH01.01**

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

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

**2) UNI**

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

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

Report from: 05/06/2014 to: 25/06/2014

### 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	13226-LP		22nd April 2014
Block plan	13226-BP		22nd April 2014
Existing plans and elevations	13226-10		22nd April 2014
Proposed plans and elevations	1326-12		22nd April 2014
Proposed section	13226-13		22nd April 2014

#### **BH2014/01580**

##### **106 Westbourne Street Hove**

Prior approval for the erection of a single storey rear extension, which would extend beyond the rear wall of the original house by 4.6m, for which the maximum height would be 3.7m and for which the height of the eaves would be 2.9m.

**Applicant:** Peter Allen

**Officer:** Tom Mannings 292322

**Prior approval not required on 25/06/14 DELEGATED**

#### **WISH**

#### **BH2013/01646**

##### **Halstead Scaffolding Ltd 18 24 28 & 30 Kingsthorpe Road Hove**

Outline application for demolition of existing building and erection of part three storey and part four storey building comprising of B1 use at ground floor level and 26no residential units with associated works, and approval of reserved matters for scale.

**Applicant:** Danworth Holdings Ltd

**Officer:** Jonathan Puplett 292525

**Refused on 09/06/14 COMMITTEE**

### 1) UNI

The scale of the proposed development is overbearing, overlarge, out of scale with neighbouring buildings and excessive in its immediate context and would therefore have a negative impact on the street scene contrary to policies QD1 and QD2 of the Brighton & Hove Local Plan 2005.

### 2) UNI2

The proposed development by reason of its excessive scale would result in an overbearing and unneighbourly development having a direct and adverse impact on neighbouring residential properties contrary to policies QD1 and QD27 of the Brighton & Hove Local Plan 2005.

#### **BH2014/00656**

##### **40A Payne Avenue Hove**

Application for variation of condition 2 of application 3/88/0451 (Alterations of existing church hall into 2no town houses, at 40 Payne Avenue) to state that the parking area as shown on the submitted plans shall be retained as parking only and for no other purpose.

**Applicant:** F McCready and L Sideris

**Officer:** Mark Thomas 292336

Report from: 05/06/2014 to: 25/06/2014

**Approved on 05/06/14 DELEGATED**

**1) BH01.01**

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

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

**2) UNI**

The vehicle parking area shown hatched in red on drawing no. E02B received 3rd June 2014 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.*

**3) UNI**

The development hereby permitted has been considered on the basis of 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			27th February 2014
Floor and roof plans	E02B		3rd June 2014

**BH2014/00699**

**84 Boundary Road Hove**

Application for Approval of Details Reserved by Conditions 3 and 8 of application BH2010/00622.

**Applicant:** Majid Hassannassiri

**Officer:** Liz Arnold 291709

**Refused on 18/06/14 DELEGATED**

**BH2014/00791**

**Portland Business Park Portland Road Hove**

Display of internally illuminated free standing sign.

**Applicant:** Store Property Investment Ltd

**Officer:** Joanne Doyle 292198

**Approved on 18/06/14 DELEGATED**

**1) BH10.01**

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

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

**2) BH10.02**

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

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

**3) BH10.03**

Any structure or hoarding erected or used principally for the purpose of displaying

advertisements shall be maintained in a condition that does not endanger the public.

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

**4) BH10.04**

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

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

**5) BH10.05**

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

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

**6) BH10.06**

No advertisement shall be sited or displayed so as to-

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

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

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

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

**7) BH10.07**

The illumination of the advertisement shall be non-intermittent.

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

**BH2014/00811**

**St Christopher School Sports Ground Glebe Villas Hove**

Installation of 4no air conditioning units mounted on the flat roof of the outbuilding. (Retrospective)

**Applicant:** St Christophers School

**Officer:** Jason Hawkes 292153

**Approved on 09/06/14 DELEGATED**

**1) UNI**

Noise associated with plant and machinery incorporated into 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 neighbouring occupiers and to comply with policies SU10 and QD27 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
Location Plan	8238/02	C	14th April 2014
Roof Plan	01		12th March 2014
Elevations	02		12th March 2014

**BH2014/00866**

**Flat 1 Marine Court 377 Kingsway Hove**

Replacement of front and rear windows and rear door with UPVC double glazed units. (Retrospective).

**Applicant:** Miss Nicola Rule

**Officer:** Christine Dadswell 292205

**Approved on 05/06/14 DELEGATED**

**BH2014/01149**

**38 & 40 St Leonards Avenue Hove**

Approval of Details Reserved by Condition 3 of application BH2013/04163.

**Applicant:** Mrs Margaret Longstaff

**Officer:** Helen Hobbs 293335

**Approved on 05/06/14 DELEGATED**

**BH2014/01191**

**147 New Church Road Hove**

Erection of single storey rear extension.

**Applicant:** Mrs Christina Chan

**Officer:** Emily Stanbridge 292359

**Approved on 23/06/14 DELEGATED**

**1) BH01.01**

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

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

**2) UNI**

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

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

**3) UNI**

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

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

**4) UNI**

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

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

Plan Type	Reference	Version	Date Received
Location plan			14.04.2014

Report from: 05/06/2014 to: 25/06/2014

Site plan	07	A	30.05.2014
Existing floor plans and site plan	01		14.04.2014
Existing elevations	02		14.04.2014
Proposed floor plans and site plan	05	B	30.05.2014
Proposed elevations	06	B	30.05.2014

**BH2014/01202**

**14 Amesbury Crescent Hove**

Erection of a single storey orangery extension.

**Applicant:** Dr V Lyfar-Cisse

**Officer:** Emily Stanbridge 292359

**Approved on 20/06/14 DELEGATED**

**1) BH01.01**

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

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

**2) UNI**

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

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

**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	12432-Loc	B	14.04.2014
Existing floor plans and elevations	1343203		14.04.2014
Proposed floor plans and elevations	1343203		28.04.2014

**BH2014/01260**

**17 Woodhouse Road Hove**

Erection of single storey side and rear extensions incorporating demolition of existing rear garage, out-house and conservatory.

**Applicant:** Mrs Alison Schulte

**Officer:** Christopher Wright 292097

**Approved on 24/06/14 DELEGATED**

**1) BH01.01**

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

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

**2) UNI**

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

Report from: 05/06/2014 to: 25/06/2014



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

### **3) UNI**

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no windows or other openings other than those expressly authorised by this permission shall be constructed on the north or south facing flank walls of the extensions hereby approved without planning permission obtained from the Local Planning Authority.

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

### **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	1128 PL001		5 Jun 2014
Existing Block Plan	1128 PL002		5 Jun 2014
Proposed Block Plan	1128 PL003		5 Jun 2014
Existing and Proposed Floor Plans	1128 PL004		5 Jun 2014
Proposed Roof Plan	1128 PL005		5 Jun 2014
Proposed Elevations	1128 PL006		29 Apr 2014
Proposed Elevations and Sections	1128 PL007		29 Apr 2014
Existing Elevations	1128 PL010		29 Apr 2014

### **BH2014/01296**

#### **46 Saxon Road Hove**

Prior approval for the erection of a single storey rear extension, which would extend beyond the rear wall of the original house by 3.5m, for which the maximum height would be 2.95m, and for which the height of the eaves would be 2.65m.

**Applicant:** Mrs Emma Capron

**Officer:** Guy Everest 293334

**Prior approval not required on 17/06/14 DELEGATED**

### **BH2014/01456**

#### **60 St Leonards Gardens Hove**

Prior approval for the erection of a single storey rear extension, which would extend beyond the rear wall of the original house by 6m, for which the maximum height would be 3.41m, and for which the height of the eaves would be 3m.

**Applicant:** Eric Kaps

**Officer:** Sonia Gillam 292265

**Prior approval not required on 11/06/14 DELEGATED**

### **BH2014/01551**

#### **10 Boundary Road Hove**

Prior approval for change of use from retail unit (A1) to self-contained studio flat (C3).

**Applicant:** Football 1x2 Ltd

Report from: 05/06/2014 to: 25/06/2014

**Officer:** Adrian Smith 290478

**Prior Approval is required and is approved on 24/06/14 DELEGATED**

**Withdrawn Applications**

**PLANS LIST 16 July 2014****PATCHAM**

**Application No:    BH2014/01179**  
**4 Ballards Mill Close**

1no Ash (T1) - reduce in height to approx. 4m.

Applicant:            Mr Mark Haddock  
**Approved on 18 Jun 2014**

**Application No:    BH2014/01843**  
**43 Old London Road, Brighton**

T1 Lawson's Cypress in rear garden - reduce in height to previous pruning points approx 3.0m to leave the tree at approx 8.0m & trim up sides for general maintenance.

Applicant:            Mrs Joanna Goodman  
**Approved on 23 Jun 2014**

**PRESTON PARK**

**Application No:    BH2014/01896**  
**6 Southdown Place, Brighton**

Fell one Eucalyptus. (Very limited views to any public area, thus does not warrant a TPO.)

Applicant:            Mr Alan Buck  
**Approved on 23 Jun 2014**

**REGENCY**

**Application No:    BH2014/01625**  
**7 Powis Villas, Brighton**

Fell one Cherry tree. (Although tree does have some public visibility, it is not sufficient to warrant a TPO.)

Applicant: Mrs E James  
Approved on 09 Jun 2014

Application No: BH2014/01974  
**2 Clifton Hill, Brighton**

Fell 3no Elders and 1no Lilac. (The trees are not visible to public view, thus have no public amenity value.)

Applicant: Mr M Haynes  
Approved on 23 Jun 2014

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

Application No: BH2014/01564  
**60 Church Street, Brighton**

Fell one Elm. (Although tree has clear public visibility and some amenity value, its location makes its long-term retention untenable. Its close proximity to the windows of 61 Church Street make this a significant nuisance to the occupants.)

Applicant: James Cox  
Approved on 09 Jun 2014

**WITHDEAN**

Application No: BH2014/01685  
**84 Peacock Lane, Brighton**

Fell 2no Sycamores (T14 & T15). (Neither tree has any public visibility, thus no public amenity value.)

Applicant: Mrs Mary Lewis  
Approved on 18 Jun 2014

Application No: BH2014/01745  
**64A Dyke Road Avenue, Brighton**

Fell one Sycamore in rear garden.

Applicant: Mrs Z Mack  
Approved on 18 Jun 2014

Application No: BH2014/01755  
**73 Preston Drove, Brighton**

Sycamore (T1) - remove small subsidiary stem at base on west side; removal adjacent stump & associated stem & apply systemic herbicide to cut stump; removal small stem between wall & neighbouring building, apply systemic herbicide to cut stump; reduce height of tree by 5m. Sycamore (T2) - reduce height of tree by 5m & crown clean; provide clearance of at least 3m from adjacent house.

Applicant: Emanuela Guerinoni  
**Approved on 18 Jun 2014**

**Application No: BH2014/01788**  
**9 The Mews, Tower Gate, Brighton**

Sycamore: Reduce height by 2.5-3m and reduce lateral branches by 2-2.5m. Crown lift to 5m to allow in more light and generally maintain.

Applicant: Mr Alun Thomas  
**Approved on 18 Jun 2014**

**Application No: BH2014/01791**  
**8 The Mews, Tower Gate, Brighton**

Sycamore: Reduce height by 2.5-3m and reduce lateral branches by 2-2.5m. Crown lift to 5m to allow in more light and generally maintain.

Applicant: Mr Fraser Kemp  
**Approved on 18 Jun 2014**

### **HOLLINGDEAN & STANMER**

**Application No: BH2014/01746**  
**Coldean Junior School, Selham Drive, Brighton**

Fell one Norway Maple (T2).

Applicant: Richard Green  
**Approved on 23 Jun 2014**

### **ROTTINGDEAN COASTAL**

**Application No: BH2014/01753**  
**55 High Street, Rottingdean**

2no Sycamores - reduce entire canopy by 2-3m, thin by 10% for maintenance; 1no Chestnut - reduce height by 2-3m and sides by 1-2m for maintenance.

Applicant: Mr Gary Morgan  
Approved on 23 Jun 2014

### **BRUNSWICK AND ADELAIDE**

Application No: **BH2014/01492**  
**31 Selborne Road, Hove**

Fell one Elm and one Elder. (The trees are visible from Selborne Road but only as a partial view. This is not sufficient to warrant a TPO.)

Applicant: Hove Lets  
Approved on 23 Jun 2014

### **CENTRAL HOVE**

Application No: **BH2014/01626**  
**21 Vallance Road, Hove**

Fell one Leylandii. (Tree not visible from any public area, thus has no public amenity value.)

Applicant: Mr Rob Stevens  
Approved on 09 Jun 2014

Application No: **BH2014/01627**  
**21 Vallance Road, Hove**

2no Sycamores to rear of property - prune back overhang from garden.

Applicant: Mr Rob Stevens  
Approved on 09 Jun 2014

Application No: **BH2014/01639**  
**Flat 1, 30 Medina Villas, Hove**

Fell one Sycamore. (Although tree is clearly visible for some distance along Medina Villas and has some amenity value at present, its location and potential for significant growth renders its long-term future untenable. Maintaining it at its present size by regular pruning would place an unreasonable burden on the resident.)

Applicant: Miss Nicola Marshall  
Approved on 09 Jun 2014

Application No: **BH2014/01886**

## **22 Albany Villas, Hove**

G1 Sycamore x 4 - Prune back lateral branches overhanging gardens in Medina Villas by approx. 3m and blend in with remainder of crown.

Applicant: Stuart Payton

**Approved on 23 Jun 2014**

## **HOVE PARK**

**Application No: BH2014/01201**

**49 Dyke Road Avenue, Hove**

Fell one Conifer. (Tree has no public amenity value, thus does not warrant a TPO.)

Applicant: Mrs C Kortens

**Approved on 09 Jun 2014**

**Application No: BH2014/01526**

**Kestrel Close, Hove**

Left-hand side of garage block, outside Garage No. 4 - Elm (T1) Re-pollard.  
Adjacent to No. 6 (In alleyway) – Elm (T2) Reduce back to previous points.

Applicant: Ms Cowie

**Approved on 18 Jun 2014**

**Application No: BH2014/01752**

**3 Woodlands, Hove**

Fell one Deodar Cedar.

Applicant: Ms Lesley Baker

**Refused on 18 Jun 2014**

**Application No: BH2014/01973**

**3 Woodlands, Barrowfield, Dyke Road Avenue, Hove**

1no Deodar Cedar - prune back overhanging branches from 2 Woodlands.

Applicant: Mrs M Roseman

**Approved on 23 Jun 2014**

## **WESTBOURNE**

**Application No: BH2014/01756**  
**Williamson Cottage Homes, Portland Road, Hove**

London Plane - crown lift to 3m from ground level, crown thin by 20%; Ash - crown lift to 3m from ground level.

Applicant: Mrs Annie Russell  
**Approved on 18 Jun 2014**

**Application No: BH2014/01898**  
**15 Pembroke Crescent, Hove**

Fell one Chestnut. (Tree is dead.)

Applicant: Mr M Costello  
**Approved on 23 Jun 2014**

**Application No: BH2014/01900**  
**49 Pembroke Crescent, Hove**

Fell one Holly. (Tree has limited views to any public space, thus has minimal public amenity value.)

Applicant: Mr M Haddock  
**Approved on 23 Jun 2014**



**NEW APPEALS RECEIVED****WARD****APPEAL APP NUMBER****ADDRESS****DEVELOPMENT DESCRIPTION****APPEAL STATUS****APPEAL RECEIVED DATE****APPLICATION DECISION LEVEL****QUEEN'S PARK**

BH2014/00437

10 Freshfield Place Brighton

Certificate of lawfulness for proposed loft conversion incorporating rear dormer, rear roof extension and a rooflight to front elevation.

APPEAL LODGED

05/06/2014

Delegated

**WARD****APPEAL APP NUMBER****ADDRESS****DEVELOPMENT DESCRIPTION****APPEAL STATUS****APPEAL RECEIVED DATE****APPLICATION DECISION LEVEL****REGENCY**

BH2014/00804

77-78 East Street Brighton

Display of internally illuminated fascia sign, 2no internally illuminated hanging signs and internally illuminated menu box (Retrospective).

APPEAL LODGED

10/06/2014

Delegated

**WARD****APPEAL APP NUMBER****ADDRESS**

Brighton

**DEVELOPMENT DESCRIPTION****APPEAL STATUS****APPEAL RECEIVED DATE****APPLICATION DECISION LEVEL****ROTTINGDEAN COASTAL**

BH2013/02537

Flat 6 Princes Mansions 31 Sussex Square

Installation of railings to enclose balcony to rear elevation.

APPEAL LODGED

09/06/2014

Delegated

**WARD****APPEAL APP NUMBER****ADDRESS****DEVELOPMENT DESCRIPTION****APPEAL STATUS****APPEAL RECEIVED DATE****APPLICATION DECISION LEVEL****WISH**

BH2014/00157

20A Braemore Road Hove

Conversion of loft space incorporating front and side rooflights and rear dormer to create 1no one bedroom flat (C3).

APPEAL LODGED

10/06/2014

Delegated

**WARD****APPEAL APP NUMBER****ADDRESS****DEVELOPMENT DESCRIPTION****APPEAL STATUS****APPEAL RECEIVED DATE****APPLICATION DECISION LEVEL****QUEEN'S PARK**

BH2014/00552

43 Freshfield Road Brighton

Change of use from basement store (B8) to lower ground floor studio flat (C3). (Part Retrospective).

APPEAL LODGED

11/06/2014

Delegated

**WARD****APPEAL APP NUMBER****ADDRESS****DEVELOPMENT DESCRIPTION****APPEAL STATUS****APPEAL RECEIVED DATE****APPLICATION DECISION LEVEL****ROTTINGDEAN COASTAL**

BH2014/00881

4 New Barn Road Brighton

Part change of use of ground floor from house (C3) to dental surgery (D1) with associated erection of single storey side extension.

APPEAL LODGED

17/06/2014

Delegated

**WARD****APPEAL APP NUMBER****ADDRESS****DEVELOPMENT DESCRIPTION****APPEAL STATUS****APPEAL RECEIVED DATE****APPLICATION DECISION LEVEL****ST. PETER'S & NORTH LAINE**

BH2013/04080

14 Dyke Road &amp; 1 Wykeham Terrace Brighton

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

APPEAL LODGED

19/06/2014

Delegated

**Brighton & Hove  
City Council****INFORMATION ON HEARINGS / PUBLIC INQUIRIES****16<sup>th</sup> July 2014**

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**This is a note of the current position regarding Planning Inquiries and Hearings**

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**Richmond House, Richmond Road, Brighton BN2 3RL**

Planning application no: BH2013/02838

Description: Demolition of existing 2no storey building and construction of part three storey part five storey building providing 138 rooms of student accommodation, with associated ancillary space, 76 cycle spaces, removal of existing trees, landscaping and other associated works.

Decision: Planning Committee

Type of appeal: Informal Hearing

Date: 20<sup>th</sup> May 2014

Location: TBC

**Flat 5a, 6 Palmeira Square, Hove BN3 2JA**

Enforcement ref: 2013/0612

Description: Material Change of Use

Decision: Delegated

Type of appeal: Public Inquiry

Date: 24th June 2014

Location: Hove Town Hall

**Flat 5a, 6 Palmeira Square, Hove BN3 2JA**

Enforcement ref: 2013/0613

Description: Unauthorised works to a Listed Building.

Decision: Delegated

Type of appeal: Public Inquiry

Date: 24th June 2014

Location: Hove Town Hall

**21 Rowan Avenue, Hove BN3 7JF**

Enforcement ref: 2013/0422

Description: Change of use to Dog Kennels.

Decision: Delegated

Type of appeal: Informal Hearing

Date: TBC

Location: Brighton Town Hall

**20-22 Market Street and 9 East Arcade, Brighton**

Planning application no: BH2013/01279

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

Decision: Delegated

Type of appeal: Informal Hearing

Date: TBC

Location:

TBC



**Brighton & Hove  
City Council**

**APPEAL DECISIONS**

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<p><b>A – RICHMOND HOUSE, RICHMOND ROAD, BRIGHTON – ST. PETER’S &amp; NORTH LAINE</b></p> <p>Application BH2013/02838 – Appeal against refusal for demolition of the existing redundant 2 storey office building and construction of part 3, part 5 storey student accommodation containing 138 rooms with associated ancillary space and cycle parking. Removal of existing trees and associated new landscaping works. <b>APPEAL DISMISSED (COMMITTEE DECISION – 20 NOVEMBER 2013)</b></p>	<b>303</b>
<p><b>B – 2 SHIP STREET, BRIGHTON – REGENCY</b></p> <p>Application BH2013/02191 – Appeal against refusal for advertisements proposed are non illuminated painted signs at first and second floor levels. <b>APPEAL DISMISSED</b> (delegated decision)</p>	<b>313</b>
<p><b>C – 23A PRESTON STREET, BRIGHTON – REGENCY</b></p> <p>Application BH2013/03850 – Appeal against refusal for mansard roof construction, with front and rear dormers and second storey rear extension. <b>APPEAL DISMISSED</b> (delegated decision)</p>	<b>315</b>
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<p><b>E – LAND AT THE REAR 32 STANFORD AVENUE (FRONTING RUGBY ROAD), BRIGHTON – PRESTON PARK</b></p> <p>Applications BH2013/01836 – Appeal against refusal for demolition of existing single storey garage. Construction of two storey, one bedroom detached house. Resubmission of refused application BH2012/03990. <b>APPEAL DISMISSED</b> (delegated decision)</p>	<b>323</b>
<p><b>F – 16 WALDEGRAVE ROAD, BRIGHTON – PRESTON PARK</b></p> <p>Application BH2013/03886 – Appeal against refusal for planning permission for single storey side/rear extension. <b>COSTS REFUSED (COMMITTEE DECISION – 19 FEBRUARY 2014)</b></p>	<b>327</b>
<p><b>G – 10 BARROW HILL, BRIGHTON – HOLLINGDEAN &amp; STANMER</b></p> <p>Applications BH2013/02100 – Appeal against refusal for change of use from dwellinghouse (Class C3) to a use falling within Class C3 (dwellinghouse) or Class C4 (house in multiple occupation). <b>APPEAL</b></p>	<b>329</b>

**ALLOWED** (delegated decision)

**H – 20 MARLBOROUGH STREET, BRIGHTON – REGENCY 333**

Application BH2013/04017 – Appeal against refusal for ground and first floor rear extensions. **APPEAL DISMISSED** (delegated decision)

**I – LAND AT THE REAR OF 285 DYKE ROAD, HOVE – HOVE PARK 335**

Application BH2013/02616 – Appeal against refusal for construction of a new 3 bedroom detached bungalow y. **APPEAL DISMISSED (COMMITTEE DECISION – 20 NOVEMBER 2013)**

**J – 36 BAKER STREET, BRIGHTON – ST. PETER’S & NORTH LAINE 339**

Application BH2013/01905 – Appeal against refusal for demolition of rear basement structure and creation of 3 storey extension forming three residential units and associated external alterations. **APPEAL DISMISSED** (delegated decision)

**K – 10 LLOYD ROAD, HOVE – HOVE PARK 343**

Application BH2013/03541 – Appeal against refusal for two storey rear extension and enlargement of existing front dormer. **APPEAL ALLOWED** (delegated decision)

**L – 22 PEMBROKE CRESCENT, HOVE – WESTBOURNE 347**

Application BH2013/04362 – Appeal against refusal for demolition of existing single garage and construction of single storey side extension. **APPEAL DISMISSED** (delegated decision)

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## Appeal Decision

Hearing held on 15 April & 20 May 2014

Site visit made on 20 May 2014

**by Sukie Tamplin Dip TP Pg Dip Arch Cons IHBC MRTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 6 June 2014**

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**Appeal Ref: APP/Q1445/A/13/2210775**

**Richmond House, Richmond Road, Brighton BN2 3FT**

- 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 Lambor (Matsim Properties Limited) against the decision of Brighton & Hove City Council.
  - The application Ref BH2013/02838, dated 12 August 2013, was refused by notice dated 21 November 2013.
  - The development proposed is the demolition of the existing redundant 2 storey office building and construction of part 3, part 5 storey student accommodation containing 138 rooms with associated ancillary space and cycle parking. Removal of existing trees and associated new landscaping works.
- 

### Decision

1. I dismiss the appeal.

### Main Issues

2. The main issues in this appeal are the effects of the proposals on:
  - the character and appearance of the area and the setting of Round Hill Conservation Area (RHCA) in particular;
  - the aims of employment policies;
  - the supply of student accommodation and general purpose housing.

### Procedural matters

3. As part of the appeal documentation the appellant submitted amendments to the plans subject of these decisions. These comprised plans ref 13856/PA/202 Rev A, (proposed ground floor plan-level 00), 13856/PA/208 Rev A (proposed elevations 1, north/east and south/east), 13856/PA/209 Rev A (proposed elevations 2, north/west and south/west), 13856/PA/210 Rev A (bay studies [materials] 1), 13856/PA/211 Rev A (part of bay studies [materials] 2) and 13856/PA/212 Rev A (proposed sections). It is only appropriate to take these into account if no party would be disadvantaged. In *Wheatcroft (Bernard) Ltd v Secretary of State for the Environment* [1982] JPL 37, it was held that the main criterion is whether the development is so changed by such amendments that to grant permission would be to deprive those who should have been consulted of the opportunity of consultation.

4. The alterations to the proposals include amended arrangement for bicycle storage and refuse storage, an additional window adjacent to the entrance and alterations to the design of the D'Aubigny Road bay windows. These amendments sought to overcome concerns expressed by the Council and reduce the bulk of the proposed building. At the Hearing the Council withdrew its objection to the substitution of the amended plans, and had the opportunity to comment as part of the appeal process. The appellant notified neighbours about the amended plans prior to the Hearing and interested parties who attended the Hearing also had an opportunity to respond to the proposed alterations. Thus all parties were aware of the proposed changes and for this reason and because these would reduce the mass of the proposed building, no party would be disadvantaged. Accordingly, my decision takes these amended plans into account.
5. The replacement development plan, *Brighton and Hove City Plan Part One* (emerging CP), is the subject of an ongoing Examination which has identified a significant shortage of housing in the City. The emerging CP Policies are relied upon by both parties but are subject to possible amendment and thus have lesser weight.
6. A completed unilateral undertaking was submitted on the first day of the Hearing. The provisions of this met the Council's adopted guidance in terms of mitigating the impact of the proposed development on public open space and the local highway network and would provide opportunities for public art and local employment. The Council demonstrated that the tests of Section 122 of the *Community Infrastructure Regulations 2010* have been met<sup>1</sup>. I am satisfied that the submitted unilateral undertaking would address the effects of the development on the infrastructure of the Borough.

## **Background**

7. Richmond House was constructed in about 1957 and used initially for industrial purposes before being converted to office use about 20 years ago. The site is located at the junction of D'Aubigny Road and Richmond Road, which are otherwise lined by 2 storey Victorian/Edwardian houses. The latter are within the RHCA but the boundary excludes the appeal site. The site drops sharply (the equivalent of about 2 storeys) to the curving service road providing access to a large superstore and this roadway forms the north-east boundary. Hughes Road, to the north and west and is also at the lower level, is the sole access to a modern industrial estate.
8. The appeal site is described in the Design and Access Statement as a buffer between the residential conservation area on one side and an industrial estate on the other<sup>2</sup>. Thus it is common ground that the embankment separates the residential development at the higher level from the larger scale, primarily commercial, buildings below accessed from Hughes Road. There is no access between Richmond Road and Hughes Road other than via an informal scramble up the steep embankment. This lack of connectivity is likely to have been longstanding because of the former railway line and goods yard on what is now Hughes Road.

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<sup>1</sup> Paragraph 204 of the *National Planning Policy Framework* also refers.

<sup>2</sup> Page 8 Design and Access Statement



## Reasons

### *Character and appearance*

9. The RHCA appraisal says that the special interest of the area lies in its hilly siting with long terraces of houses framing distant views of the sea to the south and of the Downs to the east. Richmond Road and D'Aubigny Road are typical of this pattern with housing stepping down the hill and framing the view to the Downs beyond. Owing to the combination of the hilly setting and the steep cutting or drop to Hughes Road, views of the RHCA can be found from other parts of Brighton, particularly from Bear Road to the east which I visited and the Downs beyond. The embankment including the appeal site is considered to be a positive part of the character of the RHCA. Although it is located beyond the designated boundary its contribution to the setting is identified as a green ribbon which relieves the densely developed, primarily terraced, housing.
10. An exception to the prevailing character of the street scene of Richmond Road and D'Aubigny Road is the existing building on the appeal site. The building has a triangular plan form with the main elevation set slightly farther back than the housing from the pavement edge. In contrast to the rich decoration of the housing, including two storey canted bays, string courses, pediments, brackets and chimneys, the lines of Richmond House are simple and unassuming and provide a clear indication of the different function of the building. To the north and east of the building the entrance to the car park allows long reaching vistas to the Downs beyond. This vista provides a focal point to both Richmond Road and Daubigny Road because of its position on the outside of the sharp bend which forms the junction of these two roads. Consequently the existing building also differs from the housing because of the space around it. It seems to me that the existing building, Richmond House has a neutral effect on the RCHA, but that the space around it is a positive benefit.
11. The character of the housing has been identified by the appellant who has sought to replicate the pattern of bay windows and to respect the height of the existing building and the adjacent housing, whilst creating a crescent that turns the corner of the intersecting residential streets. Moreover it has been recognised that the character of the area is quiet and peaceful which is also identified by the RHCA appraisal and in representations made by residents. Accordingly the existing access route and arrangements would be relocated to Hughes Road to reduce traffic flows within the RHCA and these would be benefits of the appeal proposals.
12. I acknowledge the design ethos that underlies the design of the proposed building. But it seems to me the proposed bays, which would extend to nearly the full height of the building would be overwhelming in comparison to the scale of the bays in the existing housing which are balanced by the recessive roof lines. Moreover, whilst I accept that the reasoning behind the design seeks to imitate a crescent of terraced houses, thereby continuing the appearance of residential terraces, the result is incongruous because of the lack of interaction with the street. The appellant conceded that the absence of doors onto D'Aubigny Road would undermine the visual impression of individual houses. Whilst Richmond House clearly demonstrates its function, the proposed building is uncomfortable because it seeks to imitate terraced housing but has a different use. Consequently, notwithstanding the articulation of the proposed building, the bulk and mass of the development would read as

- a single building out of scale with the intimate detailing of the housing within the RHCA.
13. This harm to the setting of the RHCA would be compounded by the increased footprint of the building and the closing of the vista from D'Aubigny Road and the lower part of Richmond Road. These views out of the densely developed streets are a recognised and positive part of the character of Round Hill so that their loss is particularly serious.
  14. However I accept that in close views from Hughes Road the scale of the building would not be overwhelming and is similar to the new apartment block at Diamond Court and the commercial buildings in the industrial estate on the one side and the superstore on the other. But in longer views from Bear Road the loss of the embankment would blur the distinction between the larger scale buildings around Hughes Road and the hill top terraces. I therefore find that the partial loss of the embankment, much of which would be subsumed by the development, would harm the setting of the RHCA.
  15. Consequently on this first issue I find that the proposal would seriously harm the character and appearance of the area and the setting of Round Hill Conservation Area, a designated heritage asset, in particular. Hence the development would conflict with the aim of Policy HE6 of the *Brighton and Hove Local Plan* (LP)<sup>3</sup>, which seeks to ensure development affecting the setting of a conservation area reflects the scale, character and appearance of the area and retains spaces between buildings which make a positive contribution. I also find conflict with the aims of LP policies QD1, QD2, QD3, QD4, which collectively, amongst other matters, seek to retain important vistas to and from the Downs, ensure development is of an appropriate scale and height and that there is visual interest at street level.
  16. Therefore and in the light of guidance in the National Planning Policy Framework (the Framework) which says that heritage assets, including their setting are an irreplaceable resource which should be accorded great weight, these conclusions weigh heavily against permission.

### *Employment*

17. The aims of the employment policies in the LP (Policies EM3 and EM5) seek to ensure that land already in employment use is not released for other uses except where it is found unsuitable for modern employment needs. Such an assessment is subject to testing against various criteria including adequate marketing. These need to be considered in the context of guidance in the Framework which says policies should avoid the long term protection of sites allocated for employment use where there is not a reasonable prospect of a site being used for that purpose<sup>4</sup>. But, in respect of the proposal before me, I do not find that the policies and guidance are incompatible.
18. The appellant says that Richmond House has been marketed for 2 years and there has been no interest expressed. I accept that at least part of the building has been on the books of a commercial agent for a considerable period and it

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<sup>3</sup> The Local Plan policies to which I refer in this decision predate the National Planning Policy Framework (the Framework), Having regard to paragraph 215 of Annex 1 to the Framework, I consider that these policies, in so far as they relate to the development before me, are broadly consistent with the Framework. As such, full development plan weight has been afforded to them.

<sup>4</sup> Paragraph 22: The National Planning Policy Framework

has been vacant for most of that time. I also accept that the condition of the building, which has been almost completely stripped out, together with the existing access through residential streets may not be attractive to future commercial users.

19. But I heard contrary evidence at the Hearing, where a commercial developer provided evidence of her expression of interest in the building. This was confirmed by the appellant and no cogent reason was given as to why this was not progressed. I also saw that other buildings in the vicinity in what appeared to be similar condition had been converted into start-up units and are said to be fully occupied. Similarly I do not doubt the evidence given that Brighton has a particular need for similar units because of the number of students who choose to stay and work in Brighton after completing their academic studies.
20. But even if I am wrong, the aims of adopted employment policy say that if employment use is no longer feasible, such sites should be re-used for live-work units or affordable housing. There is no evidence before me to indicate that either of these alternatives has been fully investigated and discounted.
21. Consequently, in the absence of a justification to set aside adopted employment policy, I conclude on this second main issue that the proposed development would seriously undermine the aims of employment strategy in Borough. Moreover for the reasons I have given I am not satisfied that there is no reasonable prospect of the site being re-used for employment purposes. Accordingly this issue also weighs against permission.

*The supply of student accommodation and general purpose housing*

22. It is common ground that there is a significant shortage of both student accommodation and general purpose housing sites in the Borough.
23. In respect of the former, the *Brighton and Hove City Council Student Housing and HMO Concentration Assessment (December 2011)* (SH Assessment) demonstrated that at that time there were 5183 purpose built student bed spaces in the city but over 37,000 students attending the two universities, Brighton and Sussex. Thus there is insufficient specialised housing to accommodate, as a minimum, all first year students. Moreover the University of Sussex is expanding rapidly which could exacerbate the shortage.
24. There are no policies in the adopted development plan concerned with student accommodation but the emerging plan actively supports increased provision subject to various criteria (emerging CP Policy CP21). Moreover the appeal site lies within the Lewes Road corridor (emerging CP Policy DA3) where the main thrust of the strategy is to promote and enhance the role of the area for higher education, including the delivery of accommodation for students. The Council says that there has been significant progress in addressing the shortage since the SH Assessment, but accepts that there is still an overall shortage of suitable student accommodation. For these reasons many students are accommodated in Houses in Multiple Occupation (HMOs). This shortage weighs in favour of permission.
25. In terms of general purpose housing, a very significant shortage of housing land has been identified as part of the ongoing Brighton and Hove City Plan Examination, which had a target of 11,300 dwellings. In a letter dated 13 December 2013 the Examining Inspector says that her initial conclusion is

that the need for housing (including affordable housing) is about 20,000 new dwellings. Thus she needed to be satisfied that the Council had left no stone unturned in seeking to meet as much of this need as possible.

26. The appeal site has been identified as a suitable site for a mixed use development for employment and housing in the emerging plan. Whilst this allocation does not have the weight of adopted policy, this needs to be considered in the context of a serious under-provision of housing sites. This tempers the weight to be given to the shortage of student housing.
27. The appellant said that the National Planning Practice Guidance (PG) says that student housing can be included in the overall housing figures, and thus implicitly would contribute towards addressing the serious shortage of housing land. But this is only in the circumstances of the amount of general purpose housing that would be released back into the housing market. There is no evidence or mechanism before me which indicates that the proposed development would result in the conversion of student HMOs to family housing. Moreover, because student numbers are rising, such a scenario seems to me unlikely and improbable.
28. In such circumstances I do not agree that the serious shortfall in general purpose housing would be reduced by the appeal scheme. Consequently, in terms of this third main issue, I find that there are conflicting tensions between the provision of student housing and retaining the proposed allocation for general housing. In policy terms these are matters that may only be reconciled by the emerging development plan and in the interim adopted policies support the retention of employment or, failing that, live-work units or affordable housing on the site. Thus this main issue neither weighs for nor against the proposal.

#### *Other matters*

29. The amendments to the scheme which relocated the bicycle storage underground have to a large extent resolved concerns about the living conditions for future occupiers. In terms of the potential impact on Diamond Court, the evidence was inconclusive as the parties agreed that not all physical factors had been taken account of in the daylight analysis. In respect of refuse and recycling storage the amended plans have increased the proposed storage area and I consider that a condition could have ensured appropriate provision and arrangements.
30. Considerable concern was expressed by residents about the potential for noise and disturbance emanating from the proposed development, particularly because the student accommodation would not be under the control of an educational establishment. I heard conflicting evidence at the Hearing and also that no acoustic analysis had been undertaken. It may be that these matters could be the subject of a Student Management Condition.
31. But none of these matters, nor concerns about access and construction arrangement are determinative in this appeal because of the harm I have found in respect of the RHCA and aims of employment policies.

#### **Balance and conclusion**

32. I accept that the appeal site is in a highly sustainable location with good links to the city centre and the universities. Moreover the proposal would result in

the erection of a car-free development built to high environmental standards and which would reduce traffic in Richmond and D'Aubigny Roads enhancing the peaceful character of the RHCA. It would also provide 138 student units which would contribute towards addressing the significant shortage of this type of accommodation. All these are benefits of the scheme.

33. But the Framework says that to achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously through the planning system.
34. For the reasons I have given I conclude that the development would seriously harm the environment and the setting of the RHCA in particular and would fail to improve the quality of the historic environment. Whilst this harm is less than substantial the benefits I have acknowledged, tempered by the currently irreconcilable demands for general housing and student housing, do not outweigh the harm to the heritage asset which is irreplaceable.
35. Moreover I have also found that the economic re-use of the site, or policy compliant alternatives have not been fully explored. Thus I do not agree that the proposed development is sustainable development as defined by the Framework.
36. Consequently, having taken account of all other matters raised, including the deteriorating condition of the building and the currently vacant site, I will dismiss the appeal.

*Sukie Tamplin*

INSPECTOR

## APPEARANCES

### FOR THE APPELLANT:

Sasha White QC	Landmark Chambers
Andrew Lambor	Appellant in person
Paul Burgess BA (Hons) BPL MRTPI	Director, Lewis & Co Planning Consultants
Nick Lomax, B.Arch (Hons) Dip Arch, RIBA	LCE Architects
Andrew Halfacree BSc MRICS	Flude Commercial Chartered Surveyors
Dianne Bowles MSc BSc (Hons)	Delta Green Environmental Design
Charles Fish	Mortar Developments

### FOR THE LOCAL PLANNING AUTHORITY:

Liz Arnold	Senior Planning Officer Brighton and Hove City Council
Sanne Roberts IHBC	Conservation Officer, Brighton and Hove City Council
Steve Tremlett	Senior Planning Officer Brighton and Hove City Council
Hilary Woodward	Senior Solicitor, Brighton and Hove City Council

### INTERESTED PERSONS:

Annie Rimington	Chair, Round Hill Society
Alex Holding-Parsons	Resident
Jessica Hartley	Resident
Steve Rimington	Resident
Carol Hall	Resident
Mark Yelland	Resident
Antoni Emchowicz	Resident
Jane Short	Resident
Sandy Hawkins	Resident
Alan King	Resident
Jill Francis	Resident
Barbara Harris	Resident
Ruth Kershaw	Resident
Sandra Thomas	Resident
Maude Casey	Resident
Henry Thomas	Resident
Gina Citroni	Commercial developer/CEO Amplicon
Robin Morley	Resident
Douglas Saunders	Centenary Industrial Estate

### DOCUMENTS SUBMITTED DURING THE HEARING

- 1 Unilateral Undertaking submitted by the Appellant
- 2 Bundle of correspondence regarding proposed conditions and itinerary dated 22 April, 22 April, 28 April, 9 May, 13 May and 15 May 2014 submitted by the Appellant and the Council

3. Email from Henry Thomas re management condition
4. Email from Maude Casey
5. Email from Annie Rimington re boundary condition and request to view from property
6. Email from Steve Rimington re noise conditions
7. Email from Mark Yelland and Antoni Emchowicz re construction conditions
8. Email from Jane Short re access condition
9. Email from Sandra Thomas re student management/staff flat condition
10. Statement on behalf of Ted Power re access, and educational justification
11. Statement on behalf of Mrs Margaret Ward re outlook
12. Statement by Gina Citroni
13. Letter from Stephen Elliott re noise and management conditions
14. Letter from Professor Bobbie Farsides, re access and management
15. Additional noise condition submitted by the Council
16. Closing statement by the Council
17. Closing submissions for the Appellant
18. Construction Environmental Management Plan condition submitted by the Council after the close of the hearing as agreed by the Appellant







## Appeal Decision

Site visit made on 3 June 2014

**by Simon Warder MA BSc(Hons) DipUD(Dist) MRTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 9 June 2014**

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**Appeal Ref: APP/Q1445/H/14/2216309**  
**2 Ship Street, Brighton, Sussex, BN1 1AD**

- 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 Mr Peter Bradford against the decision of Brighton and Hove City Council.
  - The application Ref BH2013/02191, dated 28 June 2013, was refused by notice dated 18 February 2014.
  - The advertisements proposed are non illuminated painted signs at first and second floor levels.
- 

### Decision

1. The appeal is dismissed.

### Preliminary Matters

2. The national Planning Practice Guidance came into force on 6 March 2014. However, it has not had a bearing on the considerations in this appeal.
3. The original application included fascia and hanging signs. However, those signs were approved by the Council and, therefore, are not considered in this appeal. All of the signs were in place when the site visit was made.

### Main Issue

4. The main issue in this case is the effect of the non-illuminated painted signs on the character and appearance of the Old Town Conservation Area.

### Reasons

5. The appeal property is a four storey plus mansard building which is part of a linked group on the west side of Ship Street, close to its junction with Kings Road. Ship Street is fairly narrow and both sides are lined almost continuously by buildings in a mix of uses. Whilst commercial uses predominate at ground floor level, advertising signage is generally modest in its amount and appearance and is concentrated at fascia level. This restrained approach to signage contributes positively to the character and appearance of the Conservation Area.
6. The approved signage for the appeal building would be consistent with this approach and supports the ground floor shop front and commercial use. However, the appeal signage would be at second floor level on principle elevation of the building and at first floor level on the short return frontage facing north along Ship Street. The appeal signs would have a reasonably low

key appearance. Nevertheless, they would be detached from the shop front and give the upper floors of the host building a commercial character which would be at odds with the other properties in the area.

7. The appeal signs would extend of commercial features to the upper parts of the building and, therefore, would be harmful to the character and appearance of the Conservation Area. Consequently, the proposal would conflict with paragraph 67 of the National Planning Policy Framework (the Framework) which advises that poorly placed advertisements can have a negative impact on the appearance of the built environment.
8. The Framework, the PPG and the Regulations require that decisions on advertisements are made only in the interests of amenity and, where applicable, public safety. As such, I can give limited weight to the appellant's concern over the way in which the Council handled the application. Similarly, although I have taken into account the Council's development plan policies, they have not been a decisive consideration in reaching my decision. However, in this case, their general thrust adds weight to my findings.

*Conclusion*

9. For the reasons outlined above, the appeal should be dismissed.

*Simon Warder*

INSPECTOR

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# Appeal Decision

Site visit made on 20 May 2014

**by Simon Warder MA BSc(Hons) DipUD(Dist) MRTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 11 June 2014**

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**Appeal Ref: APP/Q1445/A/14/2214699**  
**23A Preston Street, Brighton, BN1 2HN**

- 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 Rupert Maitland against the decision of Brighton and Hove City Council.
  - The application Ref BH2013/03850, dated 13 November 2013, was refused by notice dated 9 January 2014.
  - The development proposed is a mansard roof construction, with front and rear dormers and second storey rear extension.
- 

## Decision

1. The appeal is dismissed.

## Preliminary Matters

2. The national Planning Practice Guidance came into force on 6 March 2014. However, it has not had a bearing on the considerations in this appeal.
3. The Council does not object to the proposed second storey rear extension or the replacement sash windows in the rear elevation. I see no reason to disagree with that position and have framed the main issue accordingly.

## Main Issue

4. The main issue in this case is the effect of the proposed mansard roof extension on the character and appearance of the Regency Square Conservation Area.

## Reasons

5. The appeal property forms part of a terrace of buildings lining the west side of Preston Street. In common with most properties in the terrace, it is three storeys in height and has a pitched roof set behind a parapet wall. In views from the street, the pitched roof is not generally visible and the parapet wall appears against the sky as the distinctive top edge of the appeal property. Despite being stepped to take into account the change in ground level along the street, this characteristic of the parapet is common to the adjoining properties and helps to unify this section of the terrace.
-

6. The appeal proposal would replace the existing pitched roof with a taller mansard roof including a dormer window in the front elevation. The height and steeper pitched lower slope of the mansard would make it clearly visible above the parapet wall in views from the street. The proposed mansard would, therefore, undermine the skyline edge formed by the parapet wall which is currently a distinguishing feature of the host building itself and also contributes to the unity of this section of the terrace.
7. The unity in the terrace is balanced with the rhythm created by a limited number of features including the stepped parapet and canted bay windows. The proposed mansard roof would be prominent on the skyline and cause the appeal property stand out from its neighbours. It would, therefore, upset the balance of unity and rhythm which the terrace currently exhibits.
8. I recognise that 18 and 19 Preston Street have mansard roofs. However, these appear to be relatively recent additions and this roof form is not typical of the terrace. Numbers 62-64 and 67 Preston Street and the properties on the west side of Regency Square, although visible from Preston Street, are significantly different from the appeal property in their built forms and do not, therefore, offer appropriate precedents for the proposed mansard roof.
9. The appellant argues that the proposed mansard would reduce the scale of the step up between the appeal property and number 24 to the north, which is four storeys in height. Although the step up results in an abrupt change in the height of the parapet wall, it is not the only example of such an arrangement on the west side of the street and therefore, contributes to, rather than detracts from, the character of the area. Consequently, reducing the scale of the step up would not benefit the street scene.
10. I accept that the design of the proposed mansard itself is generally acceptable. Had I been minded to allow the appeal, a condition could have been used to reserve design details for further approval. To that extent, the proposal would be consistent with the advice in the Council's *Design Guide for Extensions and Alterations Supplementary Planning Document (SPD)*.
11. However, this does not outweigh my finding that the proposed mansard roof would be inappropriate to the host building and would not preserve or enhance the character and appearance of the terrace and, therefore, the Conservation Area. As such, it would conflict with policies QD1, QD2, QD14 and HE6 of the *Brighton and Hove Local Plan*. Together, these policies require extensions in Conservation Areas to have a high quality of design, relate well to the host building and surrounding area, and not harm the roofscape of the Area. Nor would the proposed mansard accord with the SPD insofar as it advises against new mansard roofs where the existing roof form is an important element of the building's character.
12. In addition, the mansard would not meet the aim of paragraph 131 of the National Planning Policy Framework (the Framework) which requires the desirability of sustaining and enhancing the significance of heritage assets to be taken into account.

*Other Matters*

13. The appellant argues that the appeal building is in need of substantial repair for which there is no funding. However, the nature and extent of the required repairs has not been adequately explained. Nor has any mechanism been put forward to link the proposal to the implementation of the repairs. This limits the weight that I can attach to the need for the repairs. In terms of the assessment required by paragraph 134 of the Framework therefore, whilst the impact on the Conservation Area would be less than substantial, the claimed public benefit is not sufficient to outweigh it.
14. There is nothing to indicate that the local plan policies referred to above are in conflict with the Framework.

*Conclusion*

15. For the reasons outlined above, the appeal should be dismissed.

*Simon Warder*

INSPECTOR



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## Appeal Decision

Site visit made on 14 May 2014

**by Cullum J A Parker BA(Hons) MA MRTPI AIEMA**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 11 June 2014**

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**Appeal Ref: APP/Q1445/A/13/2210638**

**Top Floor Flat, 5 Buckingham Road, Brighton, East Sussex, BN1 3RA**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Ms Tracey Fish against the decision of Brighton & Hove City Council.
  - The application Ref BH2013/02254, dated 4 July 2013, was refused by notice dated 23 September 2013.
  - The development proposed is extension within roof void to form 2 bedrooms and bathroom.
- 

### Decision

1. The appeal is dismissed.

### Main Issues

2. The main issues are the effects of the proposed development on the character and appearance of the host building, street scene, and West Cliff Conservation Area.

### Reasons

#### *Character and appearance*

3. The appeal building is a semi-detached building which is subdivided into a number of flats. The street scene is characterised by buildings mostly dating from the same mid-to-late Victorian period. This results in the street scene having a relatively uniform character owing to designs, materials and detailing. At roof level the host building has a double pitched roof with central valley (also known as a 'butterfly' style roof). This roof form is replicated by the directly adjacent building Nos 3 and 4 Buckingham Road, with other examples within the street scene.
4. The proposed development consists of three main components; rooflights serving the flat roof infill, the flat roof infill itself and a conservation style rooflight in the rear roof slope.
5. The plans shown give limited details on the rooflights that would be used in the flat roof element. The appellants Grounds of Appeal indicate that conservation rooflights would be used. This is documented on the drawings for the rooflight to the rear, but not those serving the flat roof. Furthermore, there is no indication as to the visual appearance the rooflights would have, and therefore

- it is uncertain as to what level of impact they would have on the character and appearance of the host building.
6. The appellant points to the fact that a condition could be used to secure specific detailing of these rooflights. I have had regard to Paragraph 206 of the National Planning Policy Framework and the Planning Practice Guidance which was issued on 6 March 2014 which refer to the use of conditions. Given that the appeal site is located within a Conservation Area, and that windows and openings can dramatically alter the form and appearance of roofs, I do not consider that the use of a condition is reasonable in this case.
  7. In terms of the flat roof element, this would be visible from Buckingham Road, especially when viewed from the end of the road near to No 100 and the conservation style rooflight would be visible from Leopold Road to the rear. I accept the appellant's view that the impact of the development would be limited by the location of the development between two pitched roofs. Nevertheless, the proposed development would be visible from street level and nearby dwellings.
  8. Moreover, it would alter the external appearance of the host building by introducing a flat roof element that would be at odds with the prevailing character of roof developments within the West Cliff Conservation Area. The proposal would also result in the loss of the butterfly roof form, which is a key characteristic of both the host building and this part of the Conservation Area. As such, the proposal would fail to respect the character and appearance of the street scene and host building. Moreover, due to its design and loss of the butterfly roof form, the proposed development would fail to preserve the character and appearance of the Conservation Area.
  9. I have found that the proposal would result in changes to the external appearance of the building which would be visible from street level on nearby roads, and also from nearby dwellings. The appellant points to case law relating to vantage points, but I do not find that this provides compelling justification in this instance for overcoming the harm I have identified.
  10. I therefore conclude that the proposed development would fail to preserve or enhance the character or appearance of the West Cliff Conservation Area, the street scene or host building. The proposed development is therefore contrary to Policies HE6 and QD14 of the Brighton and Hove Local Plan 2005 which seek that proposals within conservation areas should show no harmful impact on the townscape and roofscape of the Conservation Area.
  11. The proposal is also contrary to the advice contained within the Council's adopted Supplementary Planning Document 09 – Architectural Features 2009 (SPD09) which supplements Policy HE6. The SPD09, whilst not adopted policy, provides a clear indication of what the Council considers as acceptable in that the main pitched roofs of a building must not be removed to create a flat roof and that where a roof is visible from the street, its form and shape must not be altered.
  12. Whilst the harm to the significance of the Conservation Area is less than substantial, the benefits arising from the scheme suggested by the appellant, in terms of allowing a one bedroom flat to become a two bedroom flat to meet the needs of the appellant family, are not sufficient to outweigh the harm. Accordingly, the proposal fails to take account of the desirability of new



development to make a positive contribution to local character in accordance with Paragraph 131 of the National Planning Policy Framework (the Framework). I note the support for the proposal from local residents, who consider that the 'Conservation Area' designation should not be used to prevent families from gaining extra space. However, I have considered these factors in my reasoning, and find that they do not outweigh the harm I have identified.

13. I have paid special attention to the representations about sustainability. However, to be sustainable development, the Framework identifies that there are three dimensions which are mutually dependent. The development would not fulfil the environmental role of planning due to the proposed development failing to protect or enhance the built and historic environment. It therefore follows that the proposed development is not sustainable development.
14. The Council's adopted Supplementary Planning Document 12 – Design guide for extensions and alterations (SPD12) has been cited in the Council's reasons for refusal, but it is unclear how it specifically relates to the proposal. In any case, it does not alter my findings on the main issues or overall conclusion.

**Conclusion**

15. For the reasons given above, I conclude that the appeal should be dismissed.

*Cullum J A Parker*

INSPECTOR



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## Appeal Decision

Site visit made on 14 May 2014

**by Cullum J A Parker BA(Hons) MA MRTPI AIEMA**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 11 June 2014**

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**Appeal Ref: APP/Q1445/A/13/2210569**

**Land at rear 32 Stanford Avenue (fronting Rugby Road), Brighton, BN1 6EA**

- 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 Mills against the decision of Brighton & Hove City Council.
  - The application Ref BH2013/01836, dated 28 May 2013, was refused by notice dated 25 September 2013.
  - The development proposed is described on the application form as demolition of existing single storey garage. Construction of two storey, one bedroom detached house. Resubmission of refused application BH2012/03990.
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### Decision

1. The appeal is dismissed.

### Main Issues

2. The main issues are:
  - the effect of the proposed development on the character and appearance of the area and street scene, and whether the proposed development would preserve or enhance the character or appearance of the Preston Park Conservation Area, and;
  - the effect on the living conditions of occupiers of adjoining dwellings in terms of outlook, and;
  - the effect on highway safety in terms of pedestrians.

### Reasons

*Character and appearance of street scene/Conservation Area*

3. The appeal site is occupied by a garage facing onto Rugby Road, which serves the property No 32 Stanford Avenue to the rear. The garage is single storey in height, with a flat roof form. It is proposed that the garage would be demolished and replaced with a new detached dwelling on a similar footprint to the garage. My site visit confirmed that the street scene, and wider conservation area, is generally characterised by Victorian era dwellings. In particular, Rugby Road is principally characterised by semi-detached two storey houses, with gabled roofed bay windows on their front elevations. However, directly adjacent to the site there is a terrace of four dwellings from the Victorian period which do not have the gable roofed bays.

4. The site area, as shown by the red line, would be significantly smaller than those adjacent to the site, and within the wider area. I accept the appellant's case that there are a variety of plots shapes within the nearby area, and the proposal would not represent overdevelopment in terms of density. However, the general characteristic of plot sizes within the immediate street scene are relatively uniform. The proposed plot size and shape, would therefore represent an incongruous and inappropriate development that would contrast sharply with the wider street scene.
5. The appellant also points to a dwelling at No 51 Rugby Road which is a two storey side extension, attached to the original dwelling. I do not have the full details of how that development arose. However, my site visit confirmed that this is an uncharacteristic development within the street scene and not representative of the prevailing pattern of development. I do not, therefore, find that it provides compelling justification for allowing the detached dwelling in this case for which the context and design proposed is very different.
6. Moreover, the proposed building would step forward of the building at single storey height, with a squat two storey height overall. The combination of this stepped forward element, together with its overall design and materials would result in a jarring visual juxtaposition compared to the prevailing pattern and character of development within the street scene and also this part of the Preston Park Conservation Area. The appellant has suggested that the gable of the pitched roof proposed would mimic those found in the nearby Victorian dwellings with a 45 degree pitch. However, the overall design and visual appearance of those existing two-storey dwellings is significantly different to that proposed in this case.
7. I acknowledge that the existing garage also has a similar footprint to that proposed, however the overall form, design and appearance of the existing building is very different to that proposed. The uncharacteristic and incongruous nature of the proposed development it would mean that it fails to preserve or enhance the character or appearance of the Preston Park Conservation Area.
8. I appreciate that the National Planning Policy Framework, at Paragraph 60, indicates that planning decisions should not attempt to impose architectural styles or tastes. On the other hand, at Paragraph 131, it indicates that planning authorities should take account of the desirability of new development making a positive contribution to local character and distinctiveness. This is explained further at a local level by Policy HE6 of the BHLP which provides that proposals within a conservation area should show a consistently high standard of design and detailing reflecting the scale and character or appearance of the area, including the layout of streets, development patterns, building lines and building forms.
9. I therefore conclude that the proposed development would fail to preserve or enhance the character or appearance of the Preston Park Conservation Area, the street scene and area generally. Accordingly, the proposal is contrary to Policies QD1, QD2, QD3 and HE6 of the BHLP, which, amongst the aims I have cited above, also seek that new developments enhance the positive qualities of the local neighbourhood by taking account of local characteristics including the height, scale, bulk and design of existing buildings.

### *Living Conditions*

10. The dwelling would be situated close to the boundaries with Nos 30, 32 and 34, beyond which are gardens serving those dwellings. I was able to view the appeal site from the gardens and internally from Nos 32 and 34. My site visit confirmed that it is unlikely that the proposal would result in a loss of light or privacy for occupiers of these dwellings. Nevertheless, the proposal would see the replacement of a flat roofed single storey garage with a much higher two-storey pitched roof dwelling. Due to the height, depth and proximity of the proposal to the established gardens at Nos 30, 32 and 34, the proposal would result in a large expanse of roof that would create a greater sense of enclosure at the neighbouring properties. The roof, in particular, would therefore have an overbearing and oppressive effect on the outlook of residents of these properties both internally and from within the gardens of those dwellings.
11. I therefore conclude that the proposed development would be contrary to Policies QD27 of the BHLP which, amongst other aims, seeks that development will not be granted where it would cause a loss of amenity to the proposed, existing and adjacent residents.

### *Highway safety*

12. There is an existing area of hardstanding to the front of the garage which my site visit confirmed was used for the storage of a vehicle. Furthermore, I was able to see inside the garage and saw a number of other vehicles for which the only access into and out of the garage would be over the existing dropped curb. Whilst I acknowledge the Council's concerns that the proposed hardstanding could be used for parking, it is difficult to see how the proposed arrangement would be significantly different from that at present.
13. Logically, this leads to the conclusion that the proposed parking would be no worse in terms of pedestrian, vehicle or cycle safety than the current situation. Moreover, I have been provided with no technical evidence that suggests that the existing arrangements, which appear to have been in place for a significant length of time, have resulted in danger to users of adjacent pavements, cycle routes or roads. Nor is there any evidence that suggests that vehicle(s) could not be safely parked within the whole of the hardstanding area and not overhang the pavement.
14. I note that the Local Highway Authority did not object to the proposed scheme, but they did suggest a condition requiring that a lower kerb and footway to improve the pedestrian link be installed. Moreover, they would want a boundary wall erected so as to prevent cars bumping up the pavement to use the hardstanding. However, this negates the fact that other vehicles, such as motorbikes and cycles, could be parked or stored within the hardstanding without overhanging the pavement. In any case, a wall is not proposed in this instance and I must consider the appeal on the proposal before me.
15. I therefore conclude that the proposed development would not result in material harm in terms of highway safety of pedestrians. As such it accords with the aims of Policy T7 of the BHLP, which, amongst other aims, seeks that planning permission will only be granted for developments that do not increase the danger to users of adjacent pavements and roads.

## **Conclusion**

16. I have found in favour of the appellant in terms of highway safety and acknowledge that the proposal would contribute to the provision of housing in the district. However, whilst the harm to the significance of the Conservation Area is less than substantial, these benefits are not sufficient to outweigh that harm. Moreover, have I also found that the proposal would result in unacceptable material harm to the living conditions of neighbours.
17. For the reasons given above, I conclude that the appeal should be dismissed.

*Cullum J A Parker*

INSPECTOR

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## Costs Decision

Site visit made on 14 May 2014

**by Cullum J A Parker BA(Hons) MA MRTPI AIEMA**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 13 June 2014**

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### **Costs application in relation to Appeal Ref: APP/Q1445/D/14/2215684 16 Waldegrave Road, Brighton, BN1 6GE**

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
  - The application is made by Mr J and Mrs C Holden for a full award of costs against Brighton & Hove City Council.
  - The appeal was against the refusal of planning permission for single storey side/rear extension.
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### **Decision**

1. The application for an award of costs is refused.

### **Reasons**

2. The application for costs was made and responded to on the basis of Circular 03/2009, which has been superseded by the Planning Practice Guidance issued on 6 March 2014 (the Guidance). However, having regard to the submissions put to me, I am satisfied that no party's interests will be prejudiced by my considering the application and response against the Guidance.
3. The Guidance, advises that irrespective of the outcome of the appeal, costs may only be awarded against a party who has behaved unreasonably, and where this has directly caused another party to incur unnecessary or wasted expense in the appeal process, they may be subject to an award of costs.
4. In this case, the applicant indicates that the Council has failed to determine similar cases in a consistent manner (paragraph 49 of the Guidance). A number of cases, determined by both the Council and the Planning Inspectorate have been cited<sup>1</sup>; however I have not been supplied with the full details of these proposals.
5. At the same time, it is well-established planning practice that each and every application is considered on its own merits, as there can be a number of factors which will need to be considered by the decision-maker. One such factor is the context of the proposal, and in this case I have no evidence that the other sites were for identical schemes or that the factors under consideration would have been directly comparable. My experience suggests that the context of one site, which can at first appear very similar to another can, on closer inspection, be different and lead to a different overall conclusion in terms of acceptability.

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<sup>1</sup> BH2012/03445 and APP/Q1445/D/13/2193437, with developments at Nos 30, 36, 52 and 58 Waldegrave Road cited, but unreferenced.

6. In this case the application was considered by the Planning Committee, for which a copy of the minutes have been supplied, dated 19 February 2014. I note the appellants concerns over the shortcomings of the Council's general approach. However the evidence shows that other cases were considered and the reasons for refusal were substantiated and not vague, generalised or inaccurate assertions. Although I have come to a different overall conclusion, this was based on the evidence before me and, due to its design facets, there is a degree of subjectivity involved.
7. In conclusion, I am not convinced that the applicants were subject to unnecessary or wasted expense in providing further evidence at the appeal stage. The reasons for refusal and the evidence presented for the appeal were not unreasonable. It is therefore found that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated.
8. For the reasons given above, I refuse the application for an award of costs.

*Cullum J A Parker*

INSPECTOR



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## Appeal Decision

Site visit made on 7 May 2014

**by Cullum J A Parker BA(Hons) MA MRTPI AIEMA**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 13 June 2014**

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**Appeal Ref: APP/Q1445/A/14/2213817**  
**10 Barrow Hill, Brighton, East Sussex, BN1 7FF**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Miss Vanessa Parr against the decision of Brighton & Hove City Council.
  - The application Ref BH2013/02100, dated 19 June 2013, was refused by notice dated 25 September 2013.
  - The development proposed is change of use from dwellinghouse (Class C3) to a use falling within Class C3 (dwellinghouse) or Class C4 (house in multiple occupation).
- 

### Decision

1. The appeal is allowed and planning permission is granted for change of use from dwellinghouse (Class C3) to a use falling within Class C3 (dwellinghouse) or Class C4 (house in multiple occupation) at 10 Barrow Hill, Brighton, East Sussex, BN1 7FF in accordance with the terms of the application, Ref BH2013/02100, dated 19 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: Location Plan, Existing ground floor plan, Existing first floor plan, and Proposed ground floor plan.

### Main Issue

2. The main issue is the effect of the proposed development on the character and appearance of the area and on the living conditions of neighbours with due regard to ensuring a mixed and balanced community.

### Reasons

3. The appeal site is located in a residential area of Brighton. The appeal building itself is an end of terrace dwelling. It is understood that the building is a three bedroom dwellinghouse, which the submitted drawings show would be converted internally into a four bedroom building with shared kitchen and bathroom facilities.
4. In terms of the appeal site and its context, the Council has listed the buildings they consider are in Class C4 HMO or *Sui Generis*<sup>1</sup>. However, it was not

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<sup>1</sup> These are uses which do not fall into the normal Use Classes such as C3, C4, but can include HMOs over a certain size.

obvious to me during my site visit that these were in such uses. Visually the buildings are well-kept and there is no evidence to suggest that, in the same vein, the proposed use would harm the overall character and appearance of the street scene. Moreover, there is nothing to suggest that the quality of accommodation or the visual appearance would deteriorate in the future just because of the building's use as a HMO. I therefore conclude that the proposed development would not result in material harm to the character and appearance of the area.

5. I acknowledge the Council's aim to ensure mixed and balanced communities. I am also mindful of Policy QD27 of the Brighton and Hove Local Plan 2005 (BHLP), which indicates that permission should not be granted where it would cause material nuisance and loss of amenity. Furthermore, the National Planning Policy Framework (the Framework), which is a material consideration, indicates in the over-arching core planning principles of Paragraph 17 that planning should always seek a good standard of amenity for all existing and future occupants of land and buildings. I note the concerns made by a neighbour relating to another property on Uplands Road where noise and disturbance appear to be an issue.
6. The Council is concerned that, due to its potential usage as a House of Multiple Occupation (HMO), the proposal would give rise to a loss of amenity to nearby residents and subsequently could result in the area becoming 'imbalanced'. This concern appears to be based upon a general stance that occupiers of HMOs, whether students, professionals or other members of the community, could create noise and disturbance. However, there is no technical evidence before me, that indicates that there is a particular proliferation of such problems within the area. As such, there is no substantive basis to conclude that the provision of a HMO in this case would result in a material nuisance or loss of amenity to adjacent users.
7. I note that Policy CP21 of the Brighton and Hove Submission City Plan Part One February 2013 (CP) has been cited. It is understood that the CP is under examination, and has not been adopted. The Council has indicated that no objections were raised to part of Policy CP21, which provides that where more than 10% of properties within a 50 metre radius are in HMO use, then a change of use to a HMO type of use will not be permitted. I am mindful of its advance stage of examination, that no objections have been received to the element of the Policy in question, and its consistency with the Framework. I therefore consider that in this case it should be afforded significant weight.
8. Based on the Council's records, the proposed development would exceed this threshold, which already stands at around 11%. Nevertheless, I have found no harm in terms of living condition of neighbours in terms of noise and disturbance in this case. Moreover, the Framework does not contain a specific threshold on the levels of HMOs, indicating that the focus is on generally seeking a good standard of amenity for occupiers. I acknowledge that the Policy threshold has technically been breached. However, there is no clear evidence that demonstrates that in allowing the current scheme, it would represent a tipping point from the heterogeneous, mixed and balanced community that I saw, to a homogenous and unbalanced one. Given that the proposal would not result in harm to residential amenity or the character and appearance of the area, I do not find that it would fail to contribute to balanced

or mixed communities, which is one of the broad aims of the emerging unadopted Policy CP21.

9. Accordingly, the proposed development is in accordance with the broad aims of Policy QD27 of the BHLP and the Framework as cited above. It would also be in accordance with the underlying aim of unadopted Policy CP21 of the CP, the objectives of which I have aforesaid.
10. I note the observations made by the Council's Environmental Health team in terms of room sizes and licensing. These are matters which are subject to a separate regulatory regime and do not alter my consideration of the planning merits of the appeal before me. I have also considered the concerns raised by a neighbour including parking. The Council in their assessment consider that parking provision was not at a level to warrant refusal of permission. My site visit confirmed that parking provision within the area was unregulated, and did not appear to be a particular issue. Accordingly, none of these factors changes my overall conclusion that the appeal should be allowed.

### **Conditions**

11. The Council has suggested two conditions. I have had regard to Paragraph 206 of the Framework and the Planning Practice Guidance which was issued on 6 March 2014. The existing use of the building is residential. My site visit confirmed that there is sufficient external space to the rear and front of the site for the storage of bicycles and refuse. As such, I do not consider that conditions requiring the submission of specific details for bicycle storage and refuse/recycling to be reasonable in this instance given that such facilities are likely to exist for existing occupants and there is already space within the site for this to be provided.

### **Conclusion**

12. For the reasons given above, I conclude that the appeal should be allowed.

*Cullum J A Parker*

INSPECTOR





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## Appeal Decision

Site visit made on 4 April 2014

**by Megan Thomas BA (Hons) in Law, Barrister**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 16 June 2014**

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**Appeal Ref: APP/Q1445/D/14/2214634**  
**20 Marlborough Street, Brighton, BN1 3EE**

- 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 P Bowler against the decision of Brighton & Hove City Council.
  - The application Ref BH2013/04017, dated 25 November 2013, was refused by notice dated 21 January 2014.
  - The development proposed is ground and first floor rear extensions.
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### Decision

1. The appeal is dismissed.

### Main issue

2. The main issues are the effect of the proposed first floor extension on the living conditions of the occupants of no.40 Upper North Street with particular regard to outlook and light; and the effect of the proposed first floor extension on the character and appearance of the Montpelier and Cliftonhill Conservation Area 'CA'.

### Reasons

#### *Living conditions at no.40 Upper North Street*

3. The appeal site is a small two storey terrace house on the west side of Marlborough Street and it is within the Montpelier and Cliftonhill Conservation Area. It is situated near the corner of the junction with Upper North Street. Nos 39 and 40 Upper North Street are terraced houses and are orientated towards the north with the rear of their plots adjoining the northern boundary of the plot of the appeal site.
4. The appeal site has a ground floor sitting room with a staircase to the first floor. The kitchen is situated to the rear of the sitting room and the bathroom is at the rear of the kitchen. Both have a monopitch roof. There is a small open air courtyard to the south of the kitchen and bathroom enclosed on all four sides. There are two bedrooms on the first floor of the appeal property. The proposed ground floor extension would extend the kitchen into part of the courtyard and create a new access from the sitting room into the enlarged kitchen. The proposed first floor extension would involve the construction of a new room over part of the existing kitchen which would project about 1.4m from the main rear wall of the appeal property. It would have a rendered

finish, a flat roof below the eaves line of the main building and a new window in the southern elevation.

5. No.40 Upper North Street has ground floor and first floor windows to its rear (south) elevation. The first floor French windows are stepped back behind a small south-facing roof terrace with a white balustrade. The northern wall of the proposed first floor extension would extend the area of wall facing no.40's windows which would result in a considerable feeling of enclosure at the rear for the occupants of no.40 as the separation distance between the two is small. The effect would be overbearing.
6. Furthermore, no.40, being a terraced property, has a limited number of windows and there would be some loss of light to those rear windows as a result of the proposed first floor extension. Light to those south facing windows is likely to be of particular importance to the enjoyment of the property as is the outlook from the rear roof terrace. For those reasons, I consider that the first floor extension would unacceptably harm the living conditions of the occupants of no.40 Upper North Street by reason of loss of outlook and light. The proposed first floor extension would be contrary to policies QD14(a) & (b) and QD27 of the Brighton & Hove Local Plan 2005.
7. No.41 Upper North Street has a roof terrace too but it would be too distant from the proposal to result in loss of outlook or light to its windows sufficient to warrant refusal of planning permission.

#### *Character & appearance*

8. Whilst the proposed extensions would be located within the CA, there would be no views of them from the public realm. However, there would be private views of the first floor extension in particular and I am in agreement with the Council insofar as it emphasises that it is important to achieve high quality design when extending a dwellinghouse. Putting aside the loss of outlook for neighbouring occupiers, the flat roof of the proposed first floor extension would not be so out of character or of such intrinsically poor design to warrant refusal of planning permission on that basis alone. There are a number of flat roofs in the vicinity including some at two storey level. Moreover, the first floor extension would not be higher than the existing eaves of the main building and the proposed development as a whole would be subordinate to the main building. Consequently, on this issue I conclude that the proposal would not unduly harm the character or appearance of the area and would not conflict with policies QD14(c) & (d), or HE6 of the LP.
9. The content of the Planning Practice Guidance has been considered but in the light of the facts in this case it does not alter my conclusions. Whilst the proposed ground floor extension is not objectionable, it would not be appropriate in this case to issue a split decision for that element of the development. I have considered the benefits that the development would bring to the standard of accommodation at the appeal site but I consider these to be clearly outweighed by the loss of outlook and loss of light for the occupiers of no.40 Upper North Street. Having taken into account all representations made, I therefore dismiss the appeal.

*Megan Thomas*

INSPECTOR

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## Appeal Decision

Site visit made on 27 May 2014

**by Kenneth Stone Bsc(Hons) DipTP MRTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 18 June 2014**

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**Appeal Ref: APP/Q1445/A/14/2215162**

**Land at the rear of 285 Dyke Road, Hove, East Sussex BN3 6PD.**

- 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 Lakeside Investments Ltd (Mr E Herandi) against the decision of Brighton & Hove City Council.
  - The application Ref BH2013/02616, dated 29 July 2013, was refused by notice dated 22 November 2013.
  - The development proposed is the construction of a new 3 bedroom detached bungalow.
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### Decision

1. The appeal is dismissed.

### Procedural Matters

2. I have had regard to the Government's recently published Planning Practice Guidance (PPG) but its provisions have not materially affected my considerations in this case.
3. I note the address on the appeal form refers to the site as 285 Dyke Road, Hove, however the original application form, the Council's decision notice and red line on the submitted drawings make it clear that the site relates to an area of land to the rear of the building. I have therefore used the original address in the banner heading above.

### Main Issues

4. The Council have acknowledged that they cannot demonstrate a five year housing land supply. As such policies which are relevant to the supply of housing cannot be considered up to date. As the application is for a new house it must therefore be considered in the context of the presumption in favour of sustainable development and in line with paragraphs 14 and 49 of the National Planning Policy Framework (the Framework) which I paraphrase in this context as advising to grant permission unless any adverse impacts would outweigh the benefits. The site is not identified in any special protection or policy area so I do not see specific policies in the Framework, in line with the examples sited, indicating development should be restricted.
5. On this basis, and in the context of the presumption in favour of sustainable development, the main issues are:
  - (a) the effect of the development on the character and appearance of the area; and

- (b) whether the proposed development would provide acceptable living conditions for future occupiers, with regard to privacy.

### **Reasons**

6. The appeal site is formed by the subdivision of the rear garden of 285 Dyke Road (No 285) a large detached property that has been subdivided into flats. A short access road leads from The Droveaway to the site and serves a number of other properties, including a bungalow to the rear of 283 Dyke Road which is addressed as 3a The Droveaway (No 3a).

#### *Character and Appearance*

7. The proposed bungalow would be located to the rear of the site and would be of a height scale and bulk that would appear similar to that of No 3a and many of the other surrounding properties. A new building was being erected towards the rear of the adjoining site, at 287 Dyke Road, and again the proposed building would not appear out of place when compared to the bulk, scale and mass of that building.
8. There are limited views of the appeal site from public locations and where these are available from The Droveaway it would be seen in the context of the other properties fronting the access way and it would not appear out of place.
9. The larger footprint and smaller garden that has led to the concern of the overdevelopment raised by the Council would not be readily apparent in surrounding views. The positioning or relationship of the building to those surrounding does not appear cramped or inappropriate and in that regard I judge that the proposed bungalow would not appear as overdevelopment as there would be no direct visible manifestation of this in the surrounding area.
10. For the reasons given above I conclude on this main issue that the proposed development would not have an adverse effect on the character and appearance of the area. Consequently it would not conflict with policies QD1, QD2, QD3 and HO4 of the Brighton and Hove Local Plan 2005 (LP). Collectively these seek amongst other things high quality development that is appropriate in scale, height and design. This is consistent with the Framework and in particular paragraphs 17, 56 and 60 which require high quality design that reflects local distinctiveness.

#### *Living Conditions*

11. The proposed bungalow would be laid out with the majority of its principal habitable rooms towards the rear of the property. Two bedrooms and the living room would be served by windows in the rear elevation facing No 285 which would have a number of windows directly overlooking this rear elevation. The short separation distance of only some 17m in conjunction with the difference in levels would mean these windows would be severely overlooked and the privacy of any future occupiers significantly compromised. Given that No 285 is subdivided into flats, that there is an open balcony at a higher level and there is limited effective screening this loss of privacy would be further compromised.
12. The main amenity space available for the use of the future occupiers of the development whilst adequate in terms of space would be similarly compromised with regard to privacy. There would be little opportunity to find



an area that was not readily overlooked from the flats in No 285, and this adds to my concerns.

13. Whilst the proposal does provide for fencing and the potential for some landscaping the small size of the garden and limited separation between the boundary and the rear elevation of the proposed bungalow would mean any significant landscaping introduced to address such concerns would dominate and overpower the bungalow. Whilst No 3a is a bungalow in a similar position the smaller footprint of that bungalow with its greater separation from its boundaries and No 283 provide a better balance to provide it with a reasonable degree of protection and amenity.
14. I do not see this as mutual overlooking normally found in residential areas as asserted by the appellant. As noted above there are differences with surrounding examples such as No 3a and no other examples have been drawn to my attention. Also the overlooking is not comparable to the existing situation where the flats overlook the existing garden space. Particularly as the area closest to the back of the existing property, which is the most private and sensitive area is not currently overlooked. Whereas that area directly to the rear of the proposed bungalow would be directly overlooked.
15. For the reasons given above I conclude on this main issue that the proposed development would not provide acceptable living conditions for future occupiers, with regard to privacy. Consequently it would conflict with policies QD27 and HO5 of the LP which require development to provide a good standard of amenity for future users. This is consistent with the Framework and in particular paragraph 17 bullet point 4 which notes the planning system should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

#### *Other Matters*

16. I note it has been stated that the garden is presently provided for the use of the ground floor flat and this is excessively large, expensive and difficult to maintain. On site I noted that the garden was well maintained and in very good order. Its present use does not reflect the concerns expressed and these are not an issue that weigh heavily in favour of allowing the new bungalow.

#### **Conclusions**

17. I have noted above that the Council cannot demonstrate a 5 year housing land supply and that the scheme before me provides for an additional unit of accommodation. I have concluded that there is material harm resultant from the poor living conditions that would be provided for future occupants and I am satisfied that this harm is such that it would not be outweighed by the limited benefit that would derive from one additional housing unit, even though there is no agreed 5 year housing land supply.
18. For the reasons given above I therefore conclude that the appeal should be dismissed.

*Kenneth Stone*

INSPECTOR



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# Appeal Decision

Site visit made on 3 June 2014

**by Simon Warder MA BSc(Hons) DipUD(Dist) MRTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 17 June 2014**

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**Appeal Ref: APP/Q1445/A/14/2214950**  
**36 Baker Street, Brighton, BN1 4JN**

- 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 Lotus Loan-Thu Nguyen against the decision of Brighton and Hove City Council.
  - The application Ref BH2013/01905, dated 11 June 2013, was refused by notice dated 7 October 2013.
  - The development proposed is demolition of rear basement structure and creation of 3 storey extension forming three residential units and associated external alterations.
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## Decision

1. The appeal is dismissed.

## Preliminary Matters

2. The national Planning Practice Guidance came into force on 6 March 2014. However, it has not had a bearing on the considerations in this appeal.
3. The application includes alterations to the shopfront of the property. The Council does not object to that element of the scheme and I see no reason to disagree with its conclusion on this element of the proposal. I have framed the main issues accordingly. All of the proposed works were completed at the time of my site visit.

## Main Issues

4. The main issues in this case are the effects of:
    - the proposal on the living conditions of future occupiers with regard to the adequacy of the outlook and natural light available and the amount of floorspace provided
    - the proposal on the living conditions of neighbouring occupiers at 37 Baker Street with regard to privacy and noise and disturbance and at 35 Baker Street with regard to outlook and loss of daylight
    - the rear extension and dormer window on the character and appearance of the host building.
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## **Reasons**

### *Living Conditions of Future Occupiers*

5. The proposal would create self contained studio apartments at basement and ground floor levels. The Council calculates the useable floor area of the basement apartment as some 30sqm and the total area of the ground floor apartment as 18.26sqm. The appellant has not disputed these figures.
6. Policy QD27 of the Brighton and Hove Local Plan (LP) requires development to protect the amenity of proposed occupiers. I have not been made aware of any local standards on the size of residential accommodation, although the Council has made reference to the London Plan which requires one person units to have a minimum gross internal area of 37sqm. Whilst the appellant has referred to the sustainability and dense urban character of the area and the urban living lifestyle and small household size of the local population, these characteristics could equally apply to many parts of London. Therefore, and in the absence of any suggested space standards from the appellant, I consider that the London Plan standard provides a reasonable yardstick against which to assess the proposal. The basement and ground floor apartments fall significantly below that standard.
7. Natural light to the basement apartment is provided by a double door and one window at the rear of the building. Both look out onto a very confined, courtyard which is partly below ground level. Consequently, the outlook from the door and window is poor and the amount of light they provide, particularly in the area of the apartment towards the front of the building, is limited. The appellant has suggested that the layout of the apartment could be re-arranged to put the kitchen at the front of the building. However, this would still leave the kitchen area with no outlook and very little natural light or ventilation. It would not therefore, offer a significant improvement over the existing arrangement.
8. Consequently, I find that the proposal would not provide future occupiers with satisfactory living conditions with regard to the amount of floorspace provided in the basement and ground floor apartments and the adequacy of the outlook and natural light available in respect of the basement apartment. It would, therefore, be contrary to LP policy QD27 and paragraph 17 of the National Planning Policy Framework (the Framework) which among other things, require a good standard of amenity for future occupiers of buildings.
9. The appellant has referred to an earlier planning permission (application reference 2007/04660) at the appeal property which included a basement apartment. I have not been provided details of that scheme which limits the weight to be attached to it.

### *Living Conditions of Neighbouring Occupiers*

10. The proposal includes a terrace at second floor level accessed from the first/second floor maisonette. The terrace is reasonably large and, potentially, could be occupied by a considerable number of people over extended periods. I recognise that the area to the rear of the appeal property is densely developed and that the level of privacy available to occupiers is less than may be expected in other situations. However, the terrace offers very close range

views to the second floor windows of number 37 which appear to serve residential accommodation. As such, the terrace would significantly reduce the privacy of the occupiers of number 37 as well as, potentially, increasing the level of noise and disturbance that they experience.

11. The appellant has suggested that a condition could be used to prevent use of the terrace. However, this would leave the two bedroom maisonette with no external amenity space. This would be a material change to the proposal about which the Council and others might expect to be consulted. As such, it would be inappropriate to change the proposal in this way at the appeal stage. The appellant's suggestion that the doors leading to the terrace could be fitted with obscure glazing would not prevent overlooking from the terrace itself.
12. The three storey rear extension is located close to the boundary with number 35. Unlike some others in the row, that property has not been extended to the rear and, therefore, the appeal extension projects some 4m beyond its rear wall. This wall includes windows at basement and ground floor levels. Appendix A of the Council's *Design Guide for Extensions and Alterations Supplementary Planning Document (SPD)* advises that rear extensions of two storeys or more should not breach notional horizontal or vertical planes extending at 45 degrees from the quarter point of the nearest neighbouring window. The appeal extension would not meet this requirement. Given also that it is located to the west of number 35, it would overshadow that property's rear windows and courtyard. As such, I find that the rear extension would lead to an unacceptable loss of outlook and sunlight to the nearest basement and ground floor windows of number 35.
13. The appellant has referred to a planning permission for a rear extension to number 35 which, it considers, would overcome concerns over the impact of the appeal extension on the occupiers of that property. However, there is nothing to suggest that the appellant has control over whether the extension to number 35 will be built and, therefore, I must consider the situation as it currently exists.
14. Consequently, I find that the proposal would have a harmful effect on the living conditions of neighbouring occupiers at 37 Baker Street with regard to privacy and noise and disturbance and at 35 Baker Street with regard to loss of outlook and sunlight. As such, it would conflict with LP policies QD14 and QD27 as well as paragraph 17 of the Framework which, among other things, require a good standard of amenity for existing occupiers of buildings.

#### *Character and Appearance*

15. The three storey rear extension takes up the full width of the appeal property and, apart from a small courtyard area projects the full depth of the appeal site. It does not, therefore, comply with the design principles for the size of rear extensions in relation to the host property set out at section 3.1 of the SPD. Whilst other properties in the row have substantial rear extensions, none appear to be as large in relation to their respective host buildings and plots as the appeal proposal. By virtue of its height and bulk therefore, the extension dominates the rear of the property. I understand that the extension previously permitted (application reference 2007/04660) was smaller than the current extension.

16. The rear facing dormer window is also bulky in relation the roof slope it occupies. Together with the second floor terrace, it results in the loss of most of the eaves of the host building and leaves little of the original tiled roof slope on either side or above it. The dormer is also significantly larger in size than the dormers in the rear roof slopes of other properties in the row and the double sliding doors are out of proportion with the openings in those dormers. Considered along with the bulk of the rear extension therefore, it exacerbates the dominance of the alterations to the rear of the building.
17. Consequently, I conclude that the rear extension and dormer would have a detrimental effect on the character and appearance of the host property. As such they would conflict with LP policy QD14 which requires extensions, including the formation of rooms in the roof, to be well designed in relation to the property to be extended.

*Other Matters*

18. I recognise that the appeal site is sustainably located and that the proposal would provide additional residential units. However, those considerations do not outweigh the harms identified above or the conflicts with development plan and Framework policies.
19. The appellant has referred to the changing character and demography of the area and the predominance of younger urban dwellers. The Framework also identifies the need to deliver a wide range of housing to meet the changing needs of different groups in the community. However, I have not been made aware of any national or local policies which suggest that these needs should be met by relaxing the considerations outlined above.
20. There is nothing to indicate that the development plan policies referred to above are in conflict with the Framework.
21. I have had regard to the other concerns expressed locally, but none has led me to a different overall conclusion.

*Conclusion*

22. For the reasons outlined above, the appeal should be dismissed.

*Simon Warder*

INSPECTOR

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## Appeal Decision

Site visit made on 17 June 2014

by **D Cramond** BSc MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 23 June 2014

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**Appeal Ref: APP/Q1445/D/14/2218021**  
**10 Lloyd Road, Hove, BN3 6NL**

- 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 D Green against the decision of Brighton & Hove City Council.
  - The application Ref BH2013/03541 was refused by notice dated 18 March 2014.
  - The development proposed is two storey rear extension and enlargement of existing front dormer.
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### Decision

1. The appeal is allowed and planning permission is granted for a two storey rear extension and enlargement of existing front dormer at 10 Lloyd Road, Hove, BN3 6NL in accordance with the terms of the application, Ref BH2013/03541, 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: 246/01 & 02.
  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 of the proposal on, firstly, the character and appearance of the host property and the locality and, secondly, the living conditions of neighbours.

### Reasons

#### *Character and appearance*

3. The appeal property is an attractively elevated two storey detached home. It is within a locality of established residential suburban character comprising mainly detached and semi-detached well proportioned properties which come together to form a pleasing streetscene. The proposal is as described above.
4. The Council is concerned that the planned increase in size for the front dormer would lead to the structure appearing cramped, mis-placed and incongruous on the building and in the streetscene. However, I noted that dormers locally vary in depth, width and positioning. Furthermore the existing dormer has a

somewhat strange asymmetrical location on the roof and in relation to the fenestration below and the scheme would bring some rectification to this. Whilst the dormer would be enlarged it would, to my mind, continue to be very much a subordinate feature on the front elevation as a whole and to the projecting hipped gable element in particular. The dormer would be comfortably located well below the gable roof and very much lower than the main roof's ridge. The elevation qualities and character of the property, helped through the use of matching materials and the planned consistent window form, would remain virtually unvaried and my assessment is that this enlarged dormer would not be jarring on the eye from any vantage point.

5. Saved Policy QD14 of the Brighton & Hove Local Plan (LP) calls for, amongst other matters, development to be well designed to protect local distinctiveness and respect the character of local buildings and the streetscene. I conclude that the appeal scheme would not run contrary to these objectives which are similar to those embodied in the Council's Supplementary Planning Document No.12, Design Guide for Extensions and Alterations (SPD) – a guidance document unable in any event to cover every eventuality in detail.

#### *Living conditions*

6. The Council is concerned that rear extension would result in loss of light and outlook to the neighbours to the north east. The planned addition would indeed be sited outward relative to the neighbouring main wall but I did note some variation locally in rear building lines and the projection itself at some 2.8 metres in depth would be relatively modest. There would be some set back off the immediate shared boundary and the Appellant's ground level is a little below the neighbouring garden. The proposed roof would pitch away from the neighbouring dwelling and would be fully hipped thus minimising bulk. I consider that given the scale, design, levels and siting there would not be undue 'blinkering' of outlook and that the change to levels of light entering the nearest part of the neighbouring garden and windows would be minimal with no effect elsewhere on this large plot and elevation. There would be some reduction in sunlight towards the end of the day at certain times of the year to a limited part of the neighbouring property but this would not be of sufficient degree to justify refusal of the scheme before me.
7. One benefit of the proposal is that privacy would be improved for neighbours as the planned upper window would be more helpfully sited in this regard and the new structure itself would lie between 'patio' areas.
8. The Council's LP Saved Policies QD14 and QD27 seek, amongst other matters, to protect living conditions of neighbours. This is also a key consideration of the SPD. I conclude that this development would not run contrary to this policy objective for the reasons I have given.

#### *Conditions*

9. The standard commencement condition should apply and there should be a condition that works are to be carried out in accordance with listed, approved, plans; for the avoidance of doubt and in the interests of proper planning. I agree with the Council that there should be a condition relating to the use of matching materials in the interests of visual amenity.



*Overall conclusion*

10. For the reasons given above I conclude that the appeal proposal would not have an unacceptable adverse effect on the character and appearance of the host property or the locality or on the living conditions of neighbours. Accordingly the appeal is allowed.

*D Cramond*

INSPECTOR



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## Appeal Decision

Site visit made on 17 June 2014

by **D Cramond** BSc MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 23 June 2014

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**Appeal Ref: APP/Q1445/D/14/2218086**  
**22 Pembroke Crescent, Hove, BN3 5DD**

- 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 Everard against the decision of Brighton & Hove City Council.
  - The application Ref BH2013/04362 was refused by notice dated 27 February 2014.
  - The development proposed is demolition of existing single garage and construction of single storey side extension.
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### Decision

1. The appeal is dismissed.

### Main issue

2. I consider the main issue to be the effects of the proposal on the character and appearance of the host dwelling and the locality.

### Reasons

3. The appeal property is a well proportioned, pleasingly elevated, detached two storey Victorian Villa with a detached garage and an enclosed rear garden on a corner plot. It is located within an established residential area of generally characterful detached and semi-detached Victorian Villas creating a very agreeable streetscene. The proposal is described above as on the application form albeit "extension" should be plural as a single storey addition is planned for each side of the house.
4. The site lies within the Pembroke and Princes Conservation Area. There is a duty imposed by Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requiring decision makers to have special regard to the desirability of preserving or enhancing the character or appearance of a Conservation Area. Saved Policy HE6 of the adopted Brighton & Hove Local Plan (LP) broadly reflects S72(1) as well as setting out appropriate requirements to achieve suitable design.
5. The existing main dwelling stands proud and well-balanced. The larger extension to the east would be too wide in this context and its unsuitability would be emphasised by the height and bulk of the roof, the inappropriate design of the door with its individual pitched roof over and the poor relationship to the main house as a whole. Furthermore, the garage is an attractive small edifice with quaint and subordinate design and its loss for this plain and bulky

proposal would be a negative step in terms of both character and appearance. Most local properties display largely original front elevations and in contrast this scheme would result in a very noticeable and detrimental difference to this frontage which presently sits so comfortably and well-balanced within a degree of space.

6. The proposed extension to the south west would not be open to such wide views but nevertheless with a property of this elevational quality within a Conservation Area it is important to ensure that any additions would harmonise with the host dwelling. The proposal here would have an awkward visual relationship to the main building. It would emerge at a strange angle, have an unrelated roof, detract from and impinge upon an extremely attractive large bay and sit uncomfortably and uncharacteristically on the boundary.
7. Having regard to all of the above I conclude that there would be conflict with S72(1) of the Act and LP Saved Policy HE6; there would not be preservation of the character or appearance of the Conservation Area. The LP also includes Saved Policy QD14 which, amongst other matters, and in common with the Council's Design Guide for Extensions and Alterations, seeks to ensure extensions are well designed; being sympathetic to the scale, proportion and character of the original building and respectful of its setting. Given the nature of the appeal scheme, I conclude that the proposal would run contrary to these objectives.
8. I sympathise with the Appellant's wish to increase the accommodation of this property and can see how efforts have been made to seek to replicate roofs, walls, windows and materials and not step outside the building lines. I note that no trees would be under threat, that there would be no privacy intrusion and that there has, in the past, been development within what is now the gap between house and garage. I can see that a roof which presently overhangs a boundary wall would be 'pulled back'. I have carefully considered all the points raised by the Appellant but these matters do not outweigh the concerns which I have in relation to the main issue identified above.
9. I confirm that policies in the National Planning Policy Framework have been considered. Key objectives of the Framework are to protect and enhance the qualities of the built environment as well as to safeguard heritage assets; development plan policies which I cite mirror these.

*Overall conclusion*

10. For the reasons given above I conclude that the appeal proposal would have unacceptable adverse effects on the character and appearance of the host dwelling and the locality. Accordingly the appeal is dismissed.

*D Cramond*

INSPECTOR