





**Brighton & Hove  
City Council**

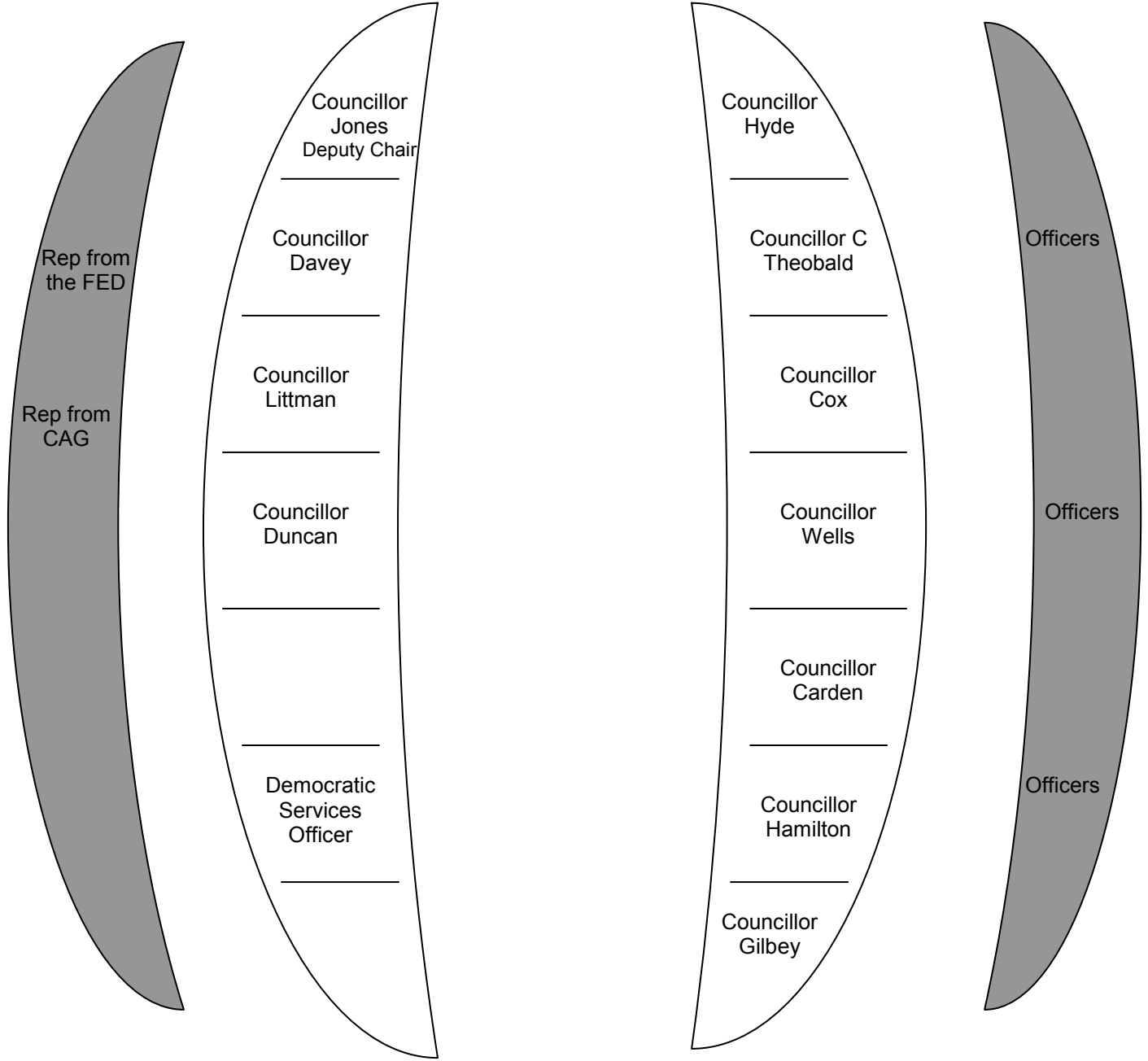
# Planning Committee

Title:	<b>Planning Committee</b>
Date:	<b>6 August 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>PennyJennings</b> Democratic Services Officer 01273 29-1064/5 planning.committee@brighton-hove.gov.uk</p>

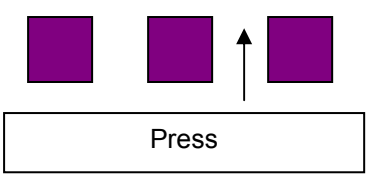
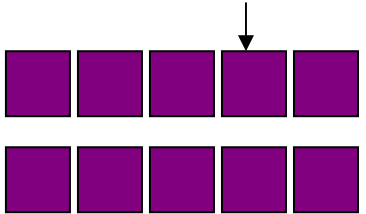
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# Democratic Services: Planning Committee

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



## AGENDA

### 38 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

### 39 MINUTES OF THE PREVIOUS MEETING 1 - 16

Minutes of the meeting held on 16 July 2014 (copy attached).

### 40 CHAIR'S COMMUNICATIONS

### 41 PUBLIC QUESTIONS

**Written Questions:** to receive any questions submitted by the due date of 30 July 2014.

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

### 43 TO CONSIDER AND DETERMINE PLANNING APPLICATIONS

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

## MAJOR APPLICATIONS

#### A **BH2014/01431- 27-33 Ditchling Road, Brighton -Full Planning** **17 - 38**

Demolition of existing building and erection of new four storey building (plus basement) comprising new College facility and Halls of Residence (58 students rooms, 1 wheelchair accessible room, 1 warden's room and 2 rooms for supervisors), catering facilities, cycle parking and refuse and recycling facilities.

**RECOMMENDATION – MINDED TO GRANT**

*Ward : St Peter's & North Laine*

#### B **BH2014/00093- Landsdowne Place, Hotel, Landsdowne Place, Hove - Full Planning** **39 - 70**

Part demolition, change of use and alteration and extensions, including creation of additional penthouse floor to convert existing hotel (C1) to 47no residential units (C3), creation of car parking and secure cycle parking at lower ground floor level, landscaping and other associated works. (Revised design).

**RECOMMENDATION – MINDED TO GRANT**

*Ward : Brunswick & Adelaide*

#### C **BH2013/03926 - The Astoria, 10-14 Gloucester Place, Brighton - Full Planning** **71 - 108**

## PLANNING COMMITTEE

Demolition of existing Grade II listed building and construction of new building consisting of 3no storeys in height at rear and 6no storeys in height at front (including basement) incorporating café/restaurant (A3) on the ground floor fronting Gloucester Place and community rooms (D1) on the ground floor fronting Blenheim Place with offices (B1) above and to the rear, together with 6no residential units (C3) on the fifth floor.

**RECOMMENDATION – MINDED TO GRANT**

Ward : *St Peter's & North Laine*

- D BH2013/03927 - The Astoria, 10-14 Gloucester Place, Brighton -Listed Building Consent 109 - 126**

Demolition of existing Grade II listed building.

**RECOMMENDATION – GRANT**

Ward : *St Peter's & North Laine*

### MINOR APPLICATIONS

- E BH2014/01672 -24 Elrington Road, Hove -Full Planning 127 - 142**

Demolition of existing house and erection of two storey house with associated landscaping.

**RECOMMENDATION – GRANT**

Ward : *Hove Park*

- F BH2014/04293 - Flamingo, 4 Hill Brow, Hove - Full Planning 143 - 164**

Demolition of existing dwelling and erection of 3no five bedroom houses with associated parking and landscaping.

**RECOMMENDATION – GRANT**

Ward : *Hove Park*

- G BH2014/01209 -119 Portland Road, Hove - Full Planning 165 - 180**

Erection of 1no two bedroom house (C3) with alterations to side elevation of existing building.

**RECOMMENDATION – REFUSE**

Ward : *Westbourne*

- H BH2013/02536 -Rock Clinic, 8 Western Street, Brighton - Full Planning 181 - 190**

Rebuilding of rear first floor extension, replacement of first floor flat roof with additional overhang and replacement railings. (Retrospective).

**RECOMMENDATION – GRANT**

## PLANNING COMMITTEE

Ward : Brunswick & Adelaide

**I BH2014/01009- Land rear of 308 Dyke Road, Brighton -Full Planning 191 - 202**

Demolition of existing garages and erection of 1no three bedroom house with off street parking.

**RECOMMENDATION – REFUSE**

Ward : Withdean

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

**INFORMATION ITEMS**

**45 INFORMATION ON PRE APPLICATION PRESENTATIONS AND REQUESTS 203 - 204**

(copy attached).

**46 LIST OF APPLICATIONS DETERMINED UNDER DELEGATED POWERS OR IN IMPLEMENTATION OF A PREVIOUS COMMITTEE DECISION (INC. TREES MATTERS) 205 - 318**

(copy attached)

**47 LIST OF NEW APPEALS LODGED WITH THE PLANNING INSPECTORATE 319 - 322**

(copy attached).

**48 INFORMATION ON INFORMAL HEARINGS/PUBLIC INQUIRIES 323 - 324**

(copy attached).

**49 APPEAL DECISIONS 325 - 382**

(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>

## PLANNING COMMITTEE

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 Penny Jennings, (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).

Date of Publication - Tuesday, 29 July 2014





**BRIGHTON & HOVE CITY COUNCIL****PLANNING COMMITTEE****2.00pm, 16 JULY 2014****COUNCIL CHAMBER, HOVE TOWN HALL****MINUTES**

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

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

**Officers in attendance:** Paul Vidler, Deputy Development Control Manager; Nicola Hurley, Area Planning Manager; Adrian Smith, Senior Planning Officer; Rob Fraser, Head of Planning Strategy; Tim Jefferies, Senior Planning Officer, Conservation; Steven Shaw, Principal Transport Manager; Greg Minns, Environmental Health Officer; Steven Shaw, Principal Transport Manager; Hilary Woodward, Senior Lawyer and Penny Jennings, Democratic Services Officer.

**PART ONE****26 PROCEDURAL BUSINESS****26a Declarations of substitutes**

26.1 Councillor Shanks stated that she was present in substitution for Councillor Littman. Councillor Pissaridou stated that she was present in substitution for Councillor Gilbey.

**26b Declarations of interests**

26.2 Councillor Pissaridou referred to Application BH2014/012636, 240 Dyke Road, Brighton stating that the applicant's school was located in her ward confirming that she had not pre-determined the application, remained of a neutral mind and intended to remain present during discussion and determination of the application. Councillor Pissaridou also stated that she had received a number of e mail's in relation to Applications BH2013/04348 and BH2013/04351, The Hippodrome and Hippodrome House, 51-58 Middle Street, 47 Middle Street, 10 & 11 Duke's Lane and land adjacent

to 18-19 Ship Street. The Chair, Councillor Mac Cafferty stated that he believed that Members of the Committee had received a lot of correspondence but all confirmed that they remained of a neutral mind. The Legal Adviser to the Committee explained that as she lived in the immediate vicinity of 93 Woodland Avenue, Application BH 2013/03815, she considered she was conflicted from giving any legal advice in respect of the application and would therefore withdraw from the Chamber during its consideration.

## **26c Exclusion of the press and public**

26.3 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.

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

## **26d Use of mobile phones and tablets**

26.5 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’.

## **27 MINUTES OF THE PREVIOUS MEETING**

27.1 **RESOLVED** – That the Chair be authorised to sign the minutes of the meeting held on 25 June 2014 as a correct record.

## **28 CHAIR'S COMMUNICATIONS**

28.1 There were none.

## **29 PUBLIC QUESTIONS**

29.1 There were none.

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

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

## **31 TO CONSIDER AND DETERMINE PLANNING 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**

- (1) It was noted that this application had been the subject of a site visit prior to the meeting.
- (2) The Senior Planning Officer, Adrian Smith gave a detailed presentation in relation to both the application for planning permission (BH2013/04348) and the application for listed consent (BH2013/04351) by reference to site plans, photographs and elevational drawings. He referred to the amendments to the report and conditions set out in the Additional Representations List and to representations received following preparation of the report. He referred to the fact that a petition containing 1,083 signatures had been received by the Economic Development and Culture Committee at its meeting in January 2014 which pre-dated the planning application before the Committee for determination. Its contents had been considered however in the context of its reference to future use of the building. A petition had also been handed in the previous day containing 11,584 signatures seeking use of the Hippodrome as a live performance venue. He referred to the fact that if the Committee minded to grant Listed Building Consent that the application would have to be referred to the Secretary of State (National Planning Casework Unit) in consequence of the objection made by the Victorian Society.
- (3) The Senior Planning Officer explained that 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.
- (4) Planning permission was sought for internal and external alterations to the Grade II\* Hippodrome and Hippodrome House to form an eight screen cinema (D2) with 4 associated café/restaurant units. The works included the following elements: 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.
- (5) It was further explained that the Hippodrome was had originally constructed as an ice rink before being converted first into a circus and then a variety theatre by celebrated theatre architect Frank Matcham. Following the closure of the variety theatre in the 1960's, the building operated as a Bingo Hall. This use had now ceased and the Hippodrome had lain vacant since 2007.
- (6) The Hippodrome was in a very poor condition having deteriorated over a long period of time such and had been classified as a 'Building at Risk' on the English Heritage and council registers. The extent of deterioration included extensive water and damp

penetration, the failing of the ornate plaster decorations, and evidence of failure to structural timbers and corrosion to steelwork.

- (7) The Senior Planning Officer explain that the main considerations in the determination of this application related 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 included 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. In order to address and allay concerns that conversion would permanently disable the Hippodrome's future ability to operate as a theatre or other performance venue; the applicants had sought to design in elements of reversibility into the proposals so that they would not preclude a future conversion back into a performance venue. Specifically, the three semi-basement auditoria and mezzanine floor within the Hippodrome itself were designed to be essentially stand alone structures that could 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 replaced the existing fly tower to the rear had intentionally been 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. The applicants had also provided track plots to demonstrate the access into the service yard by articulated lorries and pantechnicons would remain largely as existing such that a future theatre use could be serviced to the same extent as currently.
- (8) The Senior Planning Officer concluded his presentation by stating that issue of viability had been one of the major considerations in assessing the scheme. The Grade II\* Brighton Hippodrome and Hippodrome House were in a poor state of repair and had deteriorated to such an extent that they had been identified as Buildings at Risk on English Heritage's register and the council's own. It was considered that it had been satisfactorily demonstrated that the proposed development to part demolish, extend and convert the buildings to form a cinema complex with associated restaurants represented the optimum viable use of the buildings.
- (9) 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 the 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 had been identified, to which considerable weight had 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 overall, the condition of the listed building and public benefit derived from the positive aspects of the proposals were therefore considered to outweigh potential harm of the various elements of the buildings and insertions in accordance with the NPPF and development plan policies. Minded to Grant planning

permission was therefore recommended subject to a S106 agreement and the Conditions and Informatives set out in section 11 of the report.

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

- (10) Mr Pol the Co-Chair of the Middle Street, Ship Street and Ship Street Gardens Residents Association addressed the Committee. Whilst residents supported the concept of suitable viable development which would return the site to use they did not agree that the proposed development was of an appropriate design, nor that it would not have a detrimental impact on neighbouring buildings or the character of the conservation area. Residents did not feel that they had been properly consulted in respect of the proposed form of development. Residents regarded the proposed rear extension to be particularly detrimental to the adjacent residential properties. Residents were also concerned in respect of the proposals to include shops and restaurants within the proposed form of development and the pressure which any additional footfall could put on the surrounding narrow twittens.
- (11) Councillor Davey sought clarification regarding residents' objections to the retail units within the site and Mr Pol explained that in the current economic climate local businesses and restaurants were placed under increasing financial pressure, the introduction of new businesses would squeeze those already there.
- (12) The Chair, Councillor MacCafferty referred to the fact that often when major schemes were in the process of being submitted residents were often approached throughout from inception to submission of the scheme and enquired as to the number of meetings and level of consultation that had taken place in this instance. Mr Pol stated that there had been no separate consultation and nothing in addition to the two day exhibition that had been held.
- (13) Mr Neate spoke on behalf of the applicants in support of their application. He considered that it was important the building had not originally been built as a theatre, but as an indoor ice skating rink, then a circus and most recently as a Bingo Hall. Whilst the building had been in use as a theatre that had been of relatively short duration and amongst a number of other uses. Their scheme sought to re-invigorate and restore the building and to enable the public to have access to it which was not the case at present and sought to recognize its importance as a heritage asset. The scheme would be executed in a manner which would enable it to be returned to use as a theatre venue should that be a viable option in future.
- (14) In answer to questions of Councillor Hyde regarding the level of public consultation which had taken place Mr Neate explained that a two day public exhibition had been mounted and that materials on display there had included reference to the proposed developers web address. The applicants had not had knowledge of a residents association.
- (15) Councillor C Theobald asked whether the site had been actively marketed as a theatre and why it had been allowed to deteriorate over the past seven years into its current condition. Mr Neate explained that at present responsibility for the site lay with the current tenants, a contributory factor in part was the number of years it had been vacant. However pending the proposed re-development works had been undertaken to prop up

those parts of the building which were in a parlous condition and to make the building watertight.

### Questions for Officers

- (16) Councillor Theobald referred to assessments made regarding the viability of the scheme bearing in mind that there were already a number of cinemas in the city. In her view the number of screens proposed seemed very high. She also referred to reversibility of the proposed use in the event that the proposed venture failed.
- (17) Councillor Hyde referred to the proposed modern aspect to the Middle Street frontage enquiring why that design solution had been chosen. The Senior Planning Officer stated that planning policies did not preclude well designed modern buildings, a number of amendments had been made following as a result of discussions with officers and this element of the scheme was not considered at variance with the setting of the conservation area subject to approval of all final details in relation to finishes and materials. In response to further questions the distances between the rear extension and neighbouring properties was given. The Heritage Officer confirmed that a number of changes had been made to the originally submitted plans and that this building was of a size massing and proportions that were comparable with its neighbours. It should be noted that although the conservation area contained a number of listed buildings, it was not characterised by one particular building style but had within it buildings of varied styles and ages.
- (18) Councillor Hyde also referred to the signage to be used but it was explained that this did not form part of the application before the Committee that day.
- (19) The Chair, Councillor MacCafferty explained that as the site was of national, arguably international importance because of its architectural heritage a number of factors needed to be balanced in determining the application.
- (20) Councillor Jones sought further clarification regarding the stand alone elements of the scheme which would be reversible should a theatre use be required at a future date.
- (21) Councillor Davey sought clarification regarding configuration of the internal space within the Hippodrome building and location of viewing screens within the cinema complex. Councillors Davey and Cox sought clarification of the access/egress arrangements and the distance between the proposed new elevations to the rear of the site.
- (22) Councillor Shanks enquired regarding whether large vehicles would be able to access the site (for example carrying theatrical scenery) following completion of the works and it was confirmed that they would be the same as currently.
- (23) Councillor Pissaridou enquired regarding access by the public and it was explained that anyone entering the building would be able to view the restored building. In answer to further questions it was explained that the restaurant, café and retail elements of the scheme were considered to be integral to the viability of the scheme by the applicants.

- (24) Councillor Davey enquired regarding any other viable uses and tests that had been undertaken to ensure that any element of harm to the listed building and its environs were mitigated against.
- (25) Councillor Pissaridou referred to the level of investment proposed to convert the building to its proposed use and to convert it to a theatre. It was noted that should the building be required for use as a theatre at a future date the cost of conversion would have already been met in part by the current proposals.

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

- (26) Councillor Jones, the Deputy Chair stated that he had given a great deal of thought and consideration which was the only current proposal to retain the building and noted that at present the public did not have access to the building at all and that it was in a very poor state of repair so much so that it had been placed on buildings at risk registers.
- (27) Councillor Cox concurred in that view stating that this application did appear to be the “only game in town”. The Hippodrome building was clearly in an advanced state of deterioration having stood empty for a number of years and if something was not done soon it could well be lost. Whilst use as a theatre would be his preferred choice that was not the application before the Committee and it did not appear that such an application was likely to be brought before them in the foreseeable future. This application needed to be determined and he felt able to support it.
- (28) Councillor Davey stated that he also supported the officer’s recommendations. The proposed use would affect the changes that were required in order to make the building safe and would return it to public use whilst not precluding its future use as a theatre.
- (29) Councillor Pissaridou concurred with the views expressed by other Members whilst agreeing that it was not an easy decision to make it was clear that at present the options were either to agree this application or to have nothing and leave the site to deteriorate further. It was far better to have this use than to have nothing, particularly in view of the reversible elements of the scheme.
- (30) Councillor Hyde supported all that had been said stating that she would be voting for the officers recommendations.
- (31) Councillor Theobald stated that she did not feel able to support the recommendations as she felt that the venue had not been marketed sufficiently as a theatre and she considered that the building should be returned to use as a theatre.
- (32) Councillor Carden agreed with Councillor Theobald stating that he was of the view that loss of the building for use as a theatre was to be regretted and he could not support it.
- (34) Jim Gowans, CAG responded in answer to questions that CAG had divided views about the application. Overall they had no objections to the principle of the scheme or the restoration/refurbishment proposed, including those to the canopy, façade and interior, they did however have some concerns regarding the new building and how its design would sit in relation to the neighbouring street scene.

- (35) Councillor MacCafferty, the Chair stated that he had poured over the application and struggled with considering the principle of it for days. The site and the Hippodrome building itself were of wider importance than to the city alone being of national and arguably wider significance. He had serious concerns regarding the overall viability of the scheme and was mindful in particular of the comments that had been received from the Victorian Society. He did not feel able to support the recommendations at this stage and concluded by stating that his preference would be to defer consideration of this application in order to enable continued dialogue to take place and to allow time for other applications to come forward including one for use as a theatre space.
- (36) The Legal Adviser to the Committee stated that in order to defer the application detailed and robust reasons for doing so would need to be given. The Committee as local planning authority had a legal duty to determine applications that came before them.
- (37) Councillor Cox stated that in view of the debate that had taken place he was perplexed that the Chair had raised these issues so late in the process. The Chair responded that he had considered it important not to seek to steer the debate and for Members to have the opportunity to formulate their own views in respect of the application. Councillor Shanks stated that in order to support deferral she was of the view that would need to know how long they were deferring consideration for and whether there was a reasonable prospect of another application being submitted in the foreseeable future.
- (38) The Senior Planning Officer confirmed in answer to questions that although he had been in discussion with Our Brighton Hippodrome since March 2014 and had encouraged them to put forward alternative proposals and further information for consideration that had not happened and there were no indications that such details were imminent.
- (39) The Deputy Development Control Manager, Paul Vidler stated that the application before the Committee had been the subject of a detailed presentation and lengthy debate. Arguments in support of and against the scheme had been put and Members had heard that no other viable scheme was anticipated. The current condition of the building and the fact it was deemed “at risk” had been given weight by officers and underpinned their recommendations. The Committee needed to deal expeditiously with all applications which came before them unless they had compelling reasons otherwise.
- (40) Councillor Theobald indicated that she would be prepared to support a proposal to defer if that was put formally but the Chair stated that he sensed that the mood of the Committee was that it wished to determine the application and also mindful of the advice given he considered it was appropriate to proceed to the vote.
- (41) A vote was taken and on a vote of 8 to 3 with 1 abstention Members resolved that they were minded to grant planning permission as set out below which include the amendments set out in the Additional Representations List:
- 31.1 **RESOLVED** – That the Committee has taken into consideration and agrees with the reasons for the recommendations set out in section 11 of the report and the policies and guidance in section 7 of the report and resolves to be **MINDED TO GRANT** planning permission subject to a S106 agreement and the Conditions and Informatives set out in the report and the amendments set out in the Late Representations List and reproduced below.



**Amended conditions 4, 13 & 23 to read:**

4. The D2 (cinema) use hereby permitted shall not be open to customers except between the hours of 09:00 Sundays to Thursdays, and 02.00 the following day.

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

13. No works to any property on Dukes Lane 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.

23. No works to form the portico and stepped access into Hippodrome House shall commence until the adopted highway on Middle Street where the new portico and steps are 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.

**Additional Condition:**

No development shall take place until full details of the elevational treatment of the new building fronting Ship Street, 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. 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 QD1, QD2 & HE6 of the Brighton & Hove Local Plan.

**Additional Condition:**

Prior to their installation a written scheme for new street nameplates for the development shall be submitted to and approved in writing by the Local Authority. The nameplates shall be installed in strict accordance with the approved details and thereafter retained.

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

**B BH2013/04351-The Hippodrome & Hippodrome House, 51-58 Middle Street - Listed Building Consent**

- (1) It was noted that this application had been the subject of a site visit prior to meeting.
- (2) The Senior Planning Officer, Adrian Smith explained during his presentation that paragraph 8.7 which currently read "less than significant harm" should be amended to read "less than substantial harm. The report recommendation had been amended as set out in the Additional Representations List to reflect the fact that if the Committee were

mind to grant Listed Building Consent the application would have to be referred to Secretary of State (National Planning Casework Unit) because of the objection made by the Victorian Society.

- (3) A vote was taken and on a vote of 8 to 4 Members approved the amended recommendation set out below:

31.2 **RESOLVED** – That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in section 11 of the report and the policies and guidance in section 7 and resolves to be **MINDED TO GRANT** Listed Building Consent subject to there being no call in of the application pursuant to s13 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and to the Conditions and Informatives set out in section 11 of the report.

**C BH2014/01281- 6 Norfolk Terrace, Brighton - Full Planning**

- (1) A vote was taken and Members voted unanimously that planning permission be granted for the reasons set out in the report.

31.3 **RESOLVED** – That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in section 11 of the report and the policies and guidance in section 7 of the report and resolves to **GRANT** planning permission subject to the conditions and informatives set out in section 11 of the report.

**D BH2014/01207- 6 Norfolk Terrace, Brighton - Listed Building Consent**

- (1) A vote was taken and Members voted unanimously to grant Listed Building Consent subject to the Conditions and Informatives set out in the report.

31.4 **RESOLVED** – 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 of the report and resolves to **GRANT** Listed Building Consent subject to the Conditions and Informatives set out in section 11 of the report.

**E BH2013/03815 - 93 Woodland Avenue, Hove - Householder Planning Consent**

- (1) The Area Planning Manager, Nicola Hurley introduced the application and gave a presentation by reference to plans, photographs and elevational drawings which showed the existing property and proposed development. The amendments made to the scheme originally submitted were also shown and it was also proposed that a condition be added requiring that obscure glazing be fitted to the south facing elevation to the extension.
- (2) It was considered that the proposed extension was of a suitable design and 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. Approval was therefore recommended.

- (3) A vote was taken and Members voted by 11 with 1 abstention that planning permission be granted in line with the recommendations set out in the report and the additional condition set out below:

- 31.5 **RESOLVED** – That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in section 11 of the report and the policies and resolves to **GRANT** planning permission subject to the Conditions and Informatives set out in section 11 of the report.

The following condition was recommended by officers and was also agreed to be added at Committee:

The proposed window in the south facing elevation of the extension 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.

Note: Having declared a prejudicial interest in respect of the above application the Senior Solicitor and Legal Adviser to the Committee withdrew from the meeting during consideration of the above application.

#### **F BH2014/01236- 240 Dyke Road, Brighton - Full Planning**

- (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 a semi detached property located on the eastern side of Dyke Road, close to the junction with Wincome Road. The two storey property was currently in use as a single family dwelling. The main considerations in determining this application related to the acceptability of the proposed change of use, the impacts upon the neighbouring properties and transport and sustainability issues. The applicant currently operates 3 children's homes within the City and it was proposed that the home would operate and be managed in a similar manner to that located in Seafield Road, Hove. No more than 5 young people would be residing at the property at any time and given the size of the property that number or more could be living there if it was a residential dwelling.
- (2) It was considered that the proposed change of use was acceptable in terms of policy requirements and was not considered to be out of character with the surrounding area. Subject to compliance with the recommended conditions, it was not considered that the proposed use as a children's care home would have a significant detrimental impact on the amenity of neighbouring properties or parking within the area and approval was therefore recommended.

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

- (3) Dr Simcock spoke as neighbouring resident setting out his objections to the scheme and those of four other neighbours. He disputed the applicant's assertion that they had been unable to find other suitable accommodation elsewhere in the city, contending that they should be required to prove that this was the case. There were also concerns about

bringing young people who had complex issues into close proximity to other families bearing in mind that the property was semi-detached rather than detached. As these children required support he contended that this would generate more traffic movements and footfall to the property than those to a residential property and would impact on parking and traffic flows to a far greater extent than had been indicated. Additionally the proposed use was contrary to the council's own policy HO9 and would set an undesirable precedent which could give rise to the loss of residential family properties elsewhere across the city.

- (4) Mr Menedue spoke on behalf of the applicants and was accompanied the manager who ran the group's existing homes in the city. He explained in answer to questions by Councillor Jones that the Lioncare Group had run homes successfully across the city for 23 years and had assisted 150 children. They had been looking for a house with suitably sized bedrooms for the last 3-4 years but had not been able to find any that were not too far from the city centre. The home would provide accommodation for children aged between 12-16 years usually for between 18 months and 4 years. Staff would be encouraged to use public transport and in addition to the children there would be a Manager, Deputy Manager and 6/7 staff.
- (5) In answer to questions by Councillor Hyde it was confirmed that there would be 3 staff on site at any one time all of whom were highly trained.
- (6) The Chair referred to paragraph 4.2 of the report which stated that placements to the home would 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. It was confirmed this would be adhered to.
- (7) In answer to questions by Councillors Theobald and Pissaridou it was confirmed that the children would all be at school during the day and would travel to their respective schools each day on foot or by public transport. After school they would attend clubs and activities as did other children and at weekends would have contact with their families or go out with friends.

### **Questions for Officers**

- (8) Councillor Cox referred to the earlier permission which had been given to convert the property to a residential home enquiring whether permission should have been sought to return it to use as a family home. The Area Planning Manager explained that that the earlier permission may not have been implemented and that although that might have been the case technically, planning policies had changed significantly since permission had first been granted. The current application had been considered against current policies.
- (9) Councillor Wells referred to the comments made by the objector that the application was contrary to policy HO9. The Area Planning Manager explained that HO9 related to retention of smaller dwellings where permission was being sought to convert them into flats so was not relevant to consideration of this application.
- (10) A vote was taken and on a vote of 11 with 1 abstention Members voted to grant planning permission.

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

**G BH2013/04367-13 Wilbury Road, Hove - Full Planning**

- (1) It was noted that the application site had been the subject of a site visit prior to the meeting.
- (2) The Area Planning Manager, Nicola Hurley gave a presentation by reference to plans (including block plans), photographs and elevational drawings including those showing the existing rear projection and an aerial view which showed the site in the context of the neighbouring and wider street scene. It was noted that the application site comprising a large detached villa style building to the west side of Wilbury Road was currently vacant having last been occupied as five self contained flats.
- (3) It was considered that the development would meet the aims of the Local Plan and would continue to provide residential units capable of family occupation. Whilst the existing units did not meet the criteria set out in policy HO9, given the reconfiguration of the existing units which was proposed together with the additional space which would be provided by the extension for the units as proposed it was considered that it would be appropriate for an exception to be made to policy H09. Also, 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. Approval was therefore recommended.

**Public Speaker(s) and Questions**

- (4) Councillor Hawtree spoke in his capacity as a Local Ward Councillor setting out his objections to the scheme and those of Councillor Wealls who was also a Local Ward Councillor but had been unable to attend the meeting. The view from the rear gardens of these properties was remarkable, considerable attention had been given to the brickwork and detailing which gave this row of buildings a pleasing symmetry, notwithstanding the existing extension. The proposals would destroy this and would have a detrimental impact on neighbouring buildings including loss of light to dwellings situated to the rear in Wilbury Grove.
- (5) Mr Lap Chan spoke on behalf of the applicant in support of their application. He explained that the application before the Committee that day had undergone a number of amendments following consultation with officers and in order to respect neighbouring amenity and in order to mitigate any potential overlooking.

**Questions for Officers**

- (6) Councillor Hyde referred to the rendered finish proposed to the rear elevation seeking confirmation whether it was intended that this would be painted. The applicant who was in attendance confirmed that it would and would be of an appropriate shade which would respect neighbouring properties.

- (7) Councillor Cox requested confirmation of the location of the parking space on site and it was shown by reference to photographs.
- (8) Councillor Pissaridou stated that Councillor Wealls had referred to the proposed form of development having the potential to cause a greater degree of overlooking and loss of light and sought confirmation of the measures which had been taken to address this, also the distance from the neighbouring properties to the rear and whether the 45 degree angle had been compromised.
- (9) The Area Planning Manager explained that the distance between the site and neighbouring properties was considered sufficient not to impact on privacy and any diminution of light would not be sufficient to warrant refusal of planning permission.
- (10) Councillor Theobald sought clarification regarding the extent to which the extension would project into the existing garden area.

**Debate and Decision Making Process**

- (11) Councillor Theobald stated that although she liked the scheme she considered that the rear extension would be overly dominant and overpowering of its rear neighbours and for that reason she would be voting against the application.
  - (12) Councillor Hyde stated that having attended the site visit she considered that the proposals would result in sympathetic improvements to the appearance of the existing building including those made to the garden area and that on that basis she would be supporting the officers recommendations.
  - (13) A vote was taken and on a vote of 11 to 1 Members voted to grant planning permission.
- 31.7 **RESOLVED** – That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in section 11 of the report and the policies and guidance in section 7 of the report and resolves to grant planning permission subject to the Conditions and Informatives set out in section 11 of the report.

Condition 2 to be amended to include reference to the following plans:

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-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,	1384-P-08,		23/12/2013
as Existing			
South & West Elevations,	1384-P-09,	P1,	23/12/2013
As Existing			
Section AA as existing,	1384-P-10,	P1,	23/12/2013

Lower Ground Floor Plan, 1384-P-12, P2, 28/02/2014  
 As Proposed  
 Ground Floor Plan as Proposed, 1384-P13, P4, 13/05/2014  
 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, P3, 13/05/2014  
 North & East Elevations, 1384-P-18, P6, 16/07/2014  
 As Proposed  
 South & West Elevations, 1384-P-19, P6, 16/07/2014  
 As Proposed  
 Section AA as Existing, 1384-P-20, P1, 23/12/2013

### **32 INFORMATION ON PRE APPLICATION PRESENTATIONS AND REQUESTS**

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

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

- 33.1 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.]

### **34 LIST OF NEW APPEALS LODGED WITH THE PLANNING INSPECTORATE**

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

### **35 INFORMATION ON INFORMAL HEARINGS/PUBLIC INQUIRIES**

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

### **36 APPEAL DECISIONS**

- 36.1 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.

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

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

The meeting concluded at 5.00pm

Signed

Chair

Dated this

day of



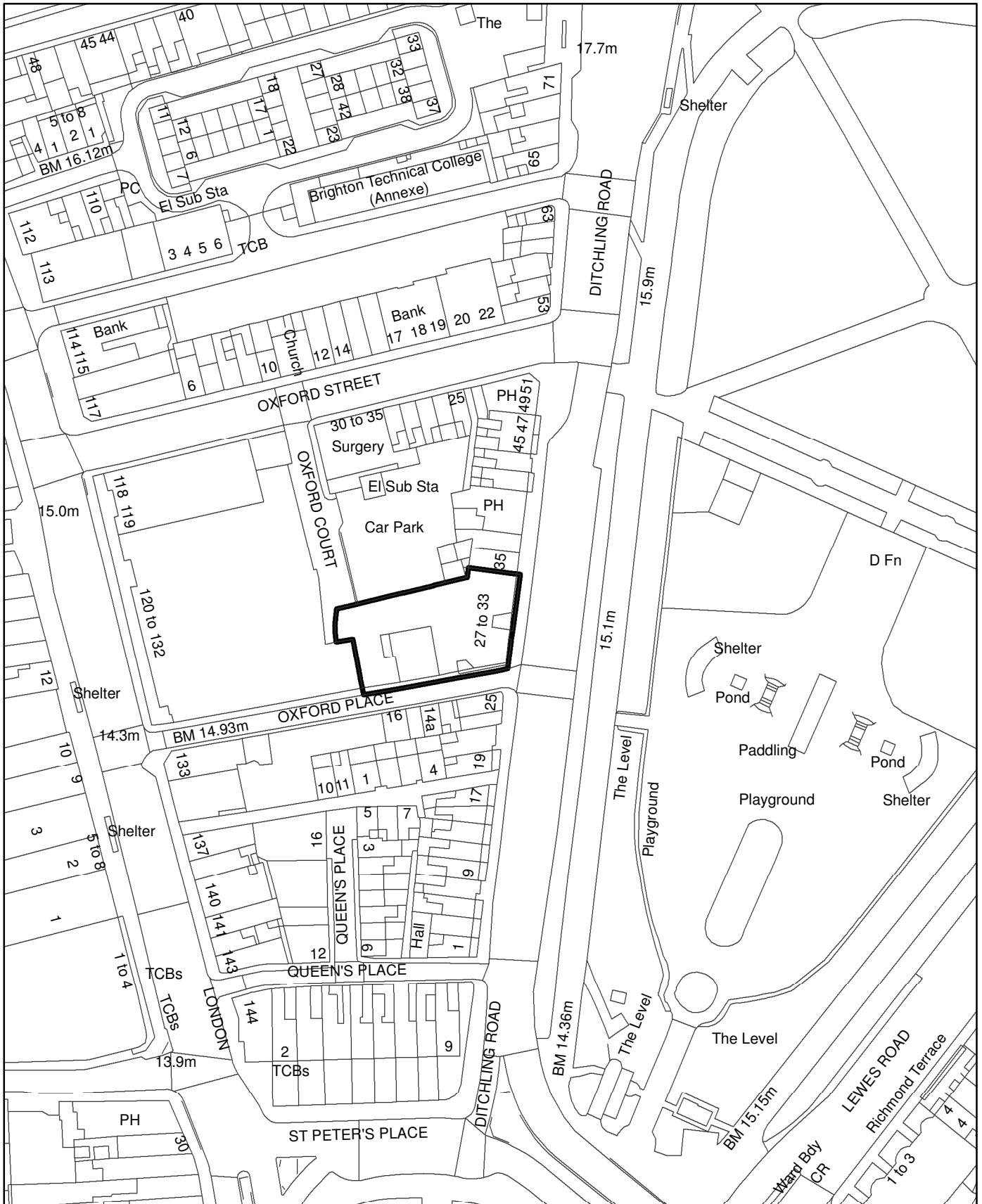
# **ITEM A**

**27-33 Ditchling Road, Brighton**

**BH2014/01431  
Full planning**

**06 AUGUST 2014**

# BH2014/01431 27-33 Ditchling Road, Brighton.



**Brighton & Hove  
City Council**



**Scale: 1:1,250**

<b><u>No:</u></b>	<b>BH2014/01431</b>	<b><u>Ward:</u></b>	<b>ST. PETER'S &amp; NORTH LAINE</b>
<b><u>App Type:</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>27-33 Ditchling Road Brighton</b>		
<b><u>Proposal:</u></b>	<b>Demolition of existing building and erection of new four storey building (plus basement) comprising new College facility and Halls of Residence (58 students rooms, 1 wheelchair accessible room, 1 warden's room and 2 rooms for supervisors), catering facilities, cycle parking and refuse and recycling facilities.</b>		
<b><u>Officer:</u></b>	Jonathan Puplett Tel 292525	<b><u>Valid Date:</u></b>	20 May 2014
<b><u>Con Area:</u></b>	Adjoining Valley Gardens	<b><u>Expiry Date:</u></b>	19 August 2014
<b><u>Listed Building Grade:</u></b>	N/A		
<b><u>Agent:</u></b>	Lewis and Co Planning SE Ltd, 2 Port Hall Road, Brighton		
<b><u>Applicant:</u></b>	Zise Ltd, Mr David Dalton, Curtis House, 34 Third Avenue, Hove		

### 1 RECOMMENDATION

- 1.1 That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in section 11 and the policies and guidance in section 7 and resolves to 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 relates to an end of terrace two storey property (large floor to ceiling heights) located on the corner of Oxford Place with Ditchling Road. The property is currently vacant but was formerly in use as a retail unit with ancillary storage. There is an inset hardstanding located adjacent to Oxford Place which can accommodate 8 parking spaces. A delivery and loading bay is located to the rear of the building, accessed from Oxford Court.
- 2.2 In a wider context this site lies in an area of mixed character, within the London Road Town Shopping Centre. In the immediate surroundings there are commercial properties at ground floor level with office and residential accommodation above. Somerfield supermarket and a car park adjoin the site to the northwest. The buildings fronting Ditchling Road and the southern side of Oxford Place are of varying height ranging typically between 2 - 3 storeys. The buildings to the west of the site (London Road) are larger in scale (3 + storeys).

### 3 RELEVANT HISTORY

**BH2012/03707:** Demolition of existing building and construction of new 4no storey building providing retail (A1), offices (B1), financial and professional services (A2) and restaurant/café (A3) uses at ground floor level and student accommodation (sui generis) (total of 86 rooms) at ground, first, second and third floor levels with associated works. Approved 01/05/2014.

**BH2011/00806:** Application to extend time limit of previous approval BH2008/00535 for the demolition of existing building. Proposed change of use

to mixed use development comprising (D2) Gym, (A1) Retail and (C3) 28 apartments. Approved 19/01/2012.

**BH2008/00535:** Demolition of existing building. Proposed change of use to mixed use development comprising (D2) Gym, (A1) Retail and (C3) 28 apartments. Approved 06/06/2008.

**BH2007/03476:** Demolition of existing structure (former furniture store) with construction of mixed use development comprising leisure, retail and thirty flats. Refused 02/01/2008.

**BH2007/00581:** Demolition of existing buildings and erection of four storey building (five storeys at rear) to provide ground floor retail with 27 flats above (6 x 1 bed units and 21 x 2 bed units). Refused 07/06/2007.

#### **4 THE APPLICATION**

- 4.1 Planning permission is sought for the demolition of the existing building and the erection of a four storey building and basement comprising a college at basement, ground and first floor level, student and staff accommodation (58 student rooms and two staff rooms) at second and third floor level, and a wheelchair accessible studio and warden's studio at ground floor level.
- 4.2 Additional and revised information and drawings have been submitted during the course of the application. Most significantly, it was originally proposed that the college would have a maximum of 200 students. It has since been clarified that the college would have a maximum of 300 students.

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

##### **External**

- 5.1 **Neighbours: Thirty-two (32)** letters of representation have been received from **no. 3 Glynn Rise Peacehaven, no. 20 Northcote Lane Peacehaven, Flat 4 5 Belmont Brighton, no. 27 Fonthill Road Hove, no. 1 Franklin Road Southwick, no. 71 Elm Drive Hove, no. 6 Hollingbury Copse, no. 2 Chepstow Court, no. 47 Springfield Road Brighton (2 letters), Unit 4 Gordon Mews Portslade, Flat 16, Blanche House Brighton, 18 Roman Road Hove, no. 4 Portside Brighton Marina, no. 30 Marlborough Street Brighton, no. 4 Rugby Road Brighton, no. 46 Adur Drive Shoreham (2 letters), Honeybourne Farm Albourne, no. 16 Highdown Road Brighton, no. 31B York Avenue Hove (2 letters), no. 61 Falmer Road (2 letters) Brighton, no. 11 Cross Street Hove, 30 West Hill Road Brighton, no. 59 Ditchling Road Brighton, no 21 Jersey Street Brighton, 7 Erringham Road Shoreham (2 letters) supporting the application for the following reasons:**
- The proposed development would improve the site and the area.
  - The proposed development would create jobs and boost the economy.
  - The proposed development would bring more students to the area which would increase diversity and would be good for business.
- 5.2 **London Road Area Action Team: Comment.** A meeting was held with the applicant and information regarding the operation of the college was provided.

## PLANNING COMMITTEE LIST- 06 AUGUST 2014

Some concerns were raised but the representation received states neither objection or support.

- 5.3 **CAG: Object**. The Group expressed concern about the proposed materials which appear cheap and unattractive and would look out of character in the area, especially opposite the newly renovated Level. The Group recommend refusal of the application as the design of the building, particularly the fenestration, is inappropriate to the site and is out of character to neighbouring buildings.
- 5.4 **Environment Agency: No comment**.
- 5.5 **UK Power Networks: No comment**.
- 5.6 **East Sussex Fire and Rescue: No comment**. The installation of sprinkler systems is recommended.
- 5.7 **Southern Gas: Comment**. The gas main runs in proximity to the site; no mechanical digging should take place within 0.5 – 3 metres of the gas main.
- 5.8 **Southern Water: Comment**. A public sewer crosses the site. This will restrict development in the vicinity of the sewer or require re-routing of the sewer. A formal application to connect to the public sewerage system is required. Further details of foul and surface water drainage are required.
- 5.9 **Sussex Police: Comment**. Security measures are recommended.
- Internal:**
- 5.10 **Planning Policy:** Given the history of the site and its status in the SHLAA, the use of the site for purpose-built student accommodation is generally acceptable in principle. However, the proposal will create a net increase in demand for student accommodation in the city; it is important, therefore, that an accommodation management plan is provided to show how all students attending the college would be accommodated.
- 5.11 An amendment to the proposed scheme to retain an element of commercial use on the ground floor, and amendments to the design of the scheme, would be welcome in order to give the building a more active frontage and to better contribute to the supporting role that Ditchling Road makes to the vitality of the London Road town centre.
- 5.12 The applicants should also provide an accommodation management plan, an employment strategy, a letter of support from Kings College, and appropriate developer contributions.
- 5.13 An open space contribution of £71,008 is required.
- 5.14 **Heritage: Support**. Overall the design is acceptable and would preserve the appearance and character of the Valley Gardens Conservation Area.

- 5.15 **Sustainable Transport:** Comment. It is recommended that further details of disabled parking provision be secured. It is recommended that a condition be applied to ensure that students would not have an entitlement to residents parking permits. A revised cycle parking layout is required as the proposed layout would not provide adequate spacing between cycles. The proposed development would produce an increased level of trip generation in comparison to the established use of the site and to address the demand for travel which the development would cause a contribution of £31,950 towards sustainable transport infrastructure is required. Details of measures to encourage the use of sustainable transport measures should be secured.
- 5.16 **Sustainability:** Comment. As a major development SPD08 advises that in order to meet the objectives of policy SU2 the proposed scheme should deliver a BREEAM rating of 'excellent'. The submitted details suggest that the development would deliver a rating of 'Very Good', the failure to meet the advised required level of sustainability set out in SPD08 has not been adequately justified. In the absence of adequate justification, it is recommended that a rating of Excellent be secured by condition.
- 5.17 **Environmental Health:** Initial comments 27/06/2014- further information regarding sound insulation and land contamination is required.
- 5.18 At the time of writing this report further comments were awaited.
- 5.19 **Economic Development:** Comment. No adverse comments. A Local Employment and Training Strategy and a commitment to 20% local labour should be secured.
- 5.20 **Ecologist:** The proposed demolition and development could impact upon bats. The applicants are reminded of their obligations in this regard as bats are a protected species. Nature conservation enhancements are required and no such measures have been proposed; a scheme of appropriate measures should be provided.
- 5.21 **Public Art:** A public Art element to the value of £20,800 is required.

## 6 MATERIAL CONSIDERATIONS

- 6.1 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 states that "If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."
- 6.2 The development plan is:
- Brighton & Hove Local Plan 2005 (saved policies post 2007);
  - East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (Adopted February 2013);
  - East Sussex and Brighton & Hove Minerals Local Plan (November 1999); Saved policies 3,4,32 and 36 – all outside of Brighton & Hove;

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

## **7 RELEVANT POLICIES & GUIDANCE**

### The National Planning Policy Framework (NPPF)

#### Brighton & Hove Local Plan:

TR1	Development and the demand for travel
TR2	Public transport accessibility and parking
TR4	Travel plans
TR5	Sustainable transport corridors and bus priority routes
TR7	Safe development
TR12	Helping the independent movement of children
TR14	Cycle access and parking
TR18	Parking for people with a mobility related disability
TR19	Parking standards
SU2	Efficiency of development in the use of energy, water and materials
SU3	Water resources and their quality
SU4	Surface water run-off and flood risk
SU5	Surface water and foul sewerage disposal infrastructure
SU9	Pollution and nuisance control
SU10	Noise nuisance
SU11	Polluted land and buildings
SU13	Minimisation and reuse of construction industry waste
SU14	Waste management
SU15	Infrastructure
SU16	Production of renewable energy
QD1	Design – quality of development and design statements
QD2	Design – key principles for neighbourhoods
QD3	Design – efficient and effective use of sites
QD4	Design – strategic impact
QD5	Street frontages
QD6	Public art
QD27	Protection of amenity

## PLANNING COMMITTEE LIST- 06 AUGUST 2014

QD28	Planning obligations
HO2	Affordable housing – ‘windfall sites’
HO3	Dwelling type and size
HO4	Dwelling densities
HO5	Provision of private amenity space in residential developments
HO6	Provision of outdoor recreation space in residential development
HO7	Car free housing
HO13	Accessible housing and lifetime homes
HO20	New community facilities
SR5	Town and district shopping centres
HE3	Development affecting the setting of a listed building
HE6	Development within or affecting the setting of conservation areas

### Supplementary Planning Guidance:

SPGBH4 Parking Standards

### Supplementary Planning Documents:

SPD02	Shop Front Design
SPD03	Construction & Demolition Waste
SPD08	Sustainable Building Design
SPD10	London Road Central Masterplan
SPD11	Nature Conservation & Development

### Supplementary Planning Guidance Notes:

SPGBH4: Parking Standards

### Supplementary Planning Documents:

SPD02:	Shop Front Design
SPD03:	Construction and Demolition Waste
SPD08	Sustainable Building Design

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

SS1	Presumption in Favour of Sustainable Development
CP21	Student Accommodation and Houses in Multiple Occupation

## **8 CONSIDERATIONS & ASSESSMENT**

8.1 The main considerations in the determination of this application relate to the principle of the loss of the existing retail use and proposed college use and student accommodation; the demolition of the existing building and the suitability of the site to accommodate the proposed building; the impact of the development upon the character and appearance of this site; the wider locality and important strategic views of the adjoining conservation area and nearby listed St Bartholomew’s Church; neighbouring amenity; the standard of accommodation which the proposed student rooms would provide, transport and sustainability.

### **Principle of development:**

8.2 The application site has an extant planning permission for housing (ref. BH2011/00806) which includes the provision of affordable housing. The site



was previously identified in the Strategic Housing Land Availability Assessment (SHLAA). Planning permission for a mixed use redevelopment scheme consisting of ground floor commercial space and student accommodation to the upper floors (ref. BH2012/03707) was minded to grant subject to a s106 Agreement by the Planning Committee at the meeting on 3<sup>rd</sup> April 2013. Following this approval the site has been removed from the SHLAA.

- 8.3 Prior to the granting of application ref. BH2012/03707, the site was protected as a housing site identified in the SHLAA and in this context a proposal for student accommodation is contrary to policy CP21 of the Brighton & Hove City Plan Part One (submission document) which states that:
- 8.4 *'Permanent purpose built student accommodation will not be supported on sites with either an extant planning permission for residential development or sites identified as potential housing sites.'*
- 8.5 The granting of application ref. BH2012/03707 is a material planning consideration which carries significant weight; the principle of the loss of the site for housing was considered to be acceptable at this time and the permission for commercial uses and student accommodation remains extant. Furthermore the site has been removed from the SHLAA. In this context it would not be reasonable to object to the principle of the use of the site for a use other than housing. A new educational facility and student accommodation is considered an appropriate mix as a proposed use of the site.
- 8.6 The use proposed is a residential institution. The basement ground and first floors would contain a college for a maximum of 300 students. 58 rooms in the upper floors would provide accommodation for students, with the remaining students (a maximum of 242 students) residing with host families off-site.
- 8.7 It has been confirmed that students living off site would stay with host families and would not therefore place pressure upon housing stock in the city which could otherwise potentially be occupied by families. The strategy for accommodating students on and off site can be secured as part of a management plan.

**Impact on the London Road Shopping Centre:**

- 8.8 The site forms part of the London Road Town Centre secondary frontage and as such a change of use from retail must be considered having regard to policy SR5 of the Brighton & Hove Local Plan. In regard to non-prime frontage Policy SR5 states that:
- 8.9 *'Outside the prime frontage in the town and district centres, the loss of retail use will be permitted provided that a healthy balance and mix of uses (including Class A1 retail) is retained and concentrations of uses other than Class A1 are avoided. The proposed use should still attract pedestrian activity to the centre and should not have a significantly harmful impact on the amenity of the area.'*
- 8.10 The proposed development would result in the loss of the retail use of the site. The proposed use would attract pedestrian activity to the centre in the form of

students and staff attending the college and the students residing within the upper floors of the building. A student reception area is proposed to the Ditchling Road frontage at ground floor level, on Oxford Place classrooms are proposed. Ideally a commercial use would be proposed which would attract visiting members of the public and generate combined visits to the centre, such as a retail or café use would do. In this, it is accepted that the development would draw those directly associated with the college to the centre and would retain an active frontage to some extent on Ditchling Road provided the glazed proposed is not obstructed internally and the reception remains an active/social area rather than classroom space. It is considered that the nature of the use of this area and the need to retain unobscured glazing could be secured as part of a management plan of the college.

8.11 Overall the impact upon the shopping centre is considered to be acceptable.

**Visual Impact:**

- 8.12 This site adjoins the Valley Gardens Conservation Area, which is characterised by largely Regency and Victorian development fronting onto a series of open spaces, but with some 20th Century redevelopment of generally poor architectural quality. Ditchling Road where it fronts onto The Level comprises mostly modest two and three storey bayed properties and there is a mixed roofline, though mostly steeply pitched roofs without parapets. The southern end is wholly residential and includes a group of listed buildings, Regency townhouses, at numbers 5-13. The northerly part has commercial premises at ground floor level. Whilst not at all uniform in appearance, Ditchling Road has a general consistency of scale, proportion and materials. The Valley Gardens Conservation Area Study and Enhancement Plan identifies the existing buildings at 27-33 as detracting from the appearance and character of the area due to the flat roof, grid-like flat façade with large picture windows and the dark brick cladding. To the west of the site, across London Road, is the imposing St Bartholomew's Church, a city landmark and a Grade I Listed Building.
- 8.13 This is a mixed use area, including a mix of residential and commercial uses at ground floor level, and it is considered that the proposed mix of uses would preserve the character of the conservation area. The Ditchling Road frontage would retain sufficient ground floor interest and the corner entrance is welcome.
- 8.14 The principle of the loss of the existing buildings and the redevelopment of the site is welcomed and the previous scheme for the site was considered to be appropriate in terms of scale and footprint. These are unchanged. A key issue in redeveloping this site is the potential impact on views of St Bartholomew's Church. In this respect it is considered that as there is no increase in height over the approved scheme and there would be no harmful impact on views of the Church.
- 8.15 The design approach remains unchanged except for some amendments to the ground floor commercial frontages. There is no objection to these changes. The ground floor frontage would now be clad in white or very pale coloured glazed bricks. There is certainly a precedent in Brighton for white glazed bricks on some 19<sup>th</sup> century buildings and traditional shop fronts often incorporated brick-shaped

glazed tiles. This would therefore be an appropriate material that would relate well to the finishes above and would give the ground floor some local distinctiveness.

- 8.16 The Oxford Place elevation is considered acceptable, relating in rhythm and materials to the rather industrial appearance of the adjoining large retail building. The building changes in facing material from brick to render as it turns the corner into Ditchling Road and adds projecting rectangular bays at 1<sup>st</sup>/2<sup>nd</sup> floor level which echo, on a larger scale, the bays on the Victorian properties on this stretch of road. The bays also help to break down this elevation vertically so that it reflects to some degree the plot width and rhythm of the historic buildings. This design approach breaks down a little at third floor and roof level but it has now been clarified that the zinc cladding to the bays would extend vertically to third floor level between the windows, which would help to counterbalance the horizontality of the third floor. Alternative design approaches to the roof and third floor have been explored but would result in additional blank bulk to the north end elevation in views from Ditchling Road and The Level.
- 8.17 Overall therefore it is considered that the design is acceptable and would preserve the appearance and character of the Valley Gardens Conservation Area.

**Neighbouring Amenity:**

- 8.18 The built form scheme now proposed would have a very similar impact to that approved under BH2012/03707, the main change in the regard being the proposed basement level.
- 8.19 A sunlight and daylight report has been submitted which confirms that the impact of the current proposal upon the neighbouring property to the southern corner of Oxford Place, no. 25 Ditchling Road, would be similar to that of the two previously approved schemes. In regard to overlooking the impact of the proposed would again be similar to those previously approved. Overall the proposed building is likely to have a similar impact to those previously approved and is considered acceptable. The nature of the proposed use differs from the previously approved schemes, the potential impacts of this use must therefore be considered.
- 8.20 The proposed college and student accommodation is unlikely to cause undue disturbance by way of noise emanating from activity within the building. There is an outdoor courtyard area proposed and comings and goings of students and staff could cause noise disturbance. It is considered that such potential harm could be appropriately managed by the college operator and details of appropriate measures could be secured as part of a management plan.
- 8.21 In regard to plant and machinery, some information has been submitted. Plan 2006 rev. 01 shows an area demarked for the installation of plant at first floor level on a flat roof, this is however annotated as 'for B1/A1/A2/A3 uses' which is a reference from the scheme proposed under application ref. BH2012/03707. A riser is shown at roof level to serve the basement kitchen, full details of this extraction system have not however been provided. It is recommended that full details of the proposed plant and machinery be secured by planning condition.

8.22 Overall, it is considered that subject to implementation and review of a management plan being secured by legal agreement, and the application of appropriate planning conditions, the proposed development would not cause significant harm to neighbouring amenity.

**Standard of Accommodation (student rooms):**

8.23 Residential accommodation is proposed to ground, second and third floors of the building as follows:

- Ground floor: a wheelchair accessible student studio and a Warden's studio.
- Second floor: 29 en-suite student bedrooms, a student common room, a student kitchen and a supervisor's bedroom
- Third floor: 29 en-suite student bedrooms, a student common room, a student kitchen and a supervisor's bedroom.

8.24 It is considered that the proposed student rooms and studio would provide an acceptable standard of accommodation. Student kitchens and common rooms are proposed at second and third floor level, a 'student zone / reception is proposed at ground floor level, and a cafeteria is proposed at basement level, along with a courtyard area to the rear of the building. Overall it is considered that the students would benefit from an acceptable standard of accommodation.

8.25 Brighton & Hove Local Plan policy HO6 requires that new residential development provides outdoor recreational space, specifying that 2.4 hectares per 1000 population accommodated within the development should be provided. This is not provided within the site. In recognition that some development schemes will be capable of addressing the whole requirement on a development site, the policy allows for contributions towards the provision of the required space on a suitable alternative site. A contribution towards off-site improvements is therefore recommended to address the requirements of policy HO6. In this case the contribution required towards sport, recreation and open space required is £71,008.

8.26 A noise report has been submitted to demonstrate that future occupiers would not be subjected to undue disturbance from traffic noise. At the time of writing the report further comments from the Environmental Health Officer were awaited as additional information was submitted during the course of the application. A condition is recommended to secure the submission of full information and to secure implementation the proposed measures.

**Transport:**

8.27 The proposed development in comparison to the established retail use of the site will result in an increase in trip generation. In order for the development to comply with policy TR1 of the Brighton & Hove Local Plan, which states that development should provide for the demand for travel which it would create, a contribution of £31,950 towards sustainable transport infrastructure is required, which it is recommended be secured by s106 legal agreement.

- 8.28 Cycle parking is proposed to the rear courtyard; the layout of the stands do not provided adequate spacing and are not covered, therefore it is recommended that revised details be secured by planning condition.
- 8.29 No disabled parking is proposed on site. It is recommended that an assessment of the demand of on-street disabled parking in the area and any required measures be secured as part of a travel plan which would also detail measures to maximise the use of sustainable transport methods.

**Environmental Health:**

- 8.30 As detailed above, information regarding sound insulation and land contamination has been submitted and at the time of writing this report further comments from the Environmental Health Team were awaited. Conditions are recommended to secure further details in relation to these matters. This recommendation may be reviewed based upon the further comments of the Environmental Health Team.
- 8.31 In regard to plant and machinery, as detailed above it is recommended that further information be secured by planning condition.
- 8.32 Conditions are also recommended to secure details of delivery and waste collection timings and further details of external lighting. It is recommended that a Construction Environmental Management Plan (CEMP) to agree management of disturbance, nuisance and highway obstruction during construction works be secured by s106 legal agreement along with a management plan for the college and residential accommodation.

**Sustainability:**

- 8.33 As a major development SPD08 advises that in order to meet the objectives of policy SU2 the proposed scheme should deliver a BREEAM rating of 'excellent'. The submitted details suggest that the development would deliver a rating of 'Very Good', the failure to meet the advised required level of sustainability set out in SPD08 has not been adequately justified. In the absence of adequate justification, it is recommended that a rating of Excellent be secured by condition.

**Landscaping and ecology:**

- 8.34 Policy QD15 of the Brighton & Hove Local Plan requires that all new development incorporates high quality landscaping (soft and hard). Policy QD17 and the guidance set out in SPD11 require that all new development include nature conservation enhancement measures. The submitted drawings do not detail any soft landscaping or ecological improvements. The rear courtyard area provides an area for additional planting and features. Green walls and rooftop planting are also possible, and were a flat roof design to be proposed as recommended above, this would provide a greater opportunity for rooftop planting. Whilst ideally such measures would be integral to the proposed development design and would be presented at application stage, in the absence of such proposals it is recommended details of appropriate landscaping and nature conservation measures be secured by planning conditions.

**Planning obligations:**

- 8.35 As detailed above, to deliver compliance with Local Plan Policies and to ensure a contribution towards the area based objectives of SPD10, financial contributions would be required towards sustainable transport infrastructure (£31,950), sports recreation and open space (£71,008), and a public art scheme to the value of £20,800. It is recommended that these measures could be secured as part of a planning legal agreement to deliver compliance with policies QD6, QD28 and HO6 of the Brighton & Hove Local Plan.

**9 CONCLUSION**

- 9.1 Following the approval of application ref. BH2012/03707 and the removal of the site from the SHLAA, it would be unreasonable to seek to protect the site as a housing site. The proposed uses are considered acceptable in this location. It is considered that the proposed building would have an acceptable visual impact and would preserve the character of the Valley Gardens Conservation Area. The proposed student rooms would provide an acceptable standard of accommodation. The proposed uses, subject to securing a management plan and other details, would have an acceptable impact upon neighbouring amenity. Issues relating to transport, sustainability, landscaping and ecology can be appropriately resolved by way of planning condition and legal agreement. Approval is recommended subject to completion of a legal agreement and the planning conditions set out in section 11.

**10 EQUALITIES**

- 10.1 The proposed ground floor entrances provide level access and doorway clearance widths suitable for wheelchair access. The proposed student accommodation has similar ground floor access, includes a wheelchair accessible ground floor unit and a lift is proposed to provide access to the upper floors of the building and the basement.

**11 PLANNING OBLIGATION / CONDITIONS / INFORMATIVES**

11.1 S106 Heads of Terms

- Sustainable Transport Contribution (£31,950)
- Open Space Contribution (£71,008)
- Public Art scheme to the value of £20,800
- Construction Environmental Management Plan
- Local Employment and Training Strategy and commitment to use of at least 20% local labour.
- Management Plan

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.

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

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

Plan Type	Reference	Version	Date Received
Site Location Plan	1000	01	02/05/2014
Existing and Proposed Block Plan	1001	01	02/05/2014
Existing Ground Floor Plan	2000	01	16/05/2014
Existing First Floor Plan	2001	01	16/05/2014
Proposed Basement Floor Plan	2004	01	16/05/2014
Proposed Ground Floor Plan	2005	02	09/07/2014
Proposed First & Second Floor Plans	2006	01	16/05/2014
Proposed Third Floor Plan	2007	01	16/05/2014
Existing North, East and South Elevations	2100	01	16/05/2014
Existing East and South Elevations in Context	2101	01	02/05/2014
Contextual Analysis Ditchling Road	2103	02	09/07/2014
Contextual Analysis Oxford Place	2104	02	09/07/2014
Proposed North, East and South Elevations	2105	02	09/07/2014
Proposed Elevations in Context	2106	02	09/07/2014
Proposed Extant Mass Comp Typical Sections	2111	01	02/05/2014
Visual Impact Diagram	2200	02	02/05/2014
Proposed Sections and Courtyard Elevations	2201	01	02/05/2014

- 3) No more than 300 students shall be taught within the college hereby approved at any one time.

**Reason:** To ensure that the scale of development and level of activity remains at an acceptable level and that harm to neighbouring amenity is not caused, and to comply with policies TR1 and QD27 of the Brighton & Hove Local Plan.

- 4) No deliveries to or from the development hereby approved, shall occur except between the hours of 07.00 and 19.00 Monday to Saturday, and not at all 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.

- 5) No servicing for collection of refuse/recycling at the site shall occur except between the hours of 07:00 and 19:00 on Mondays to Saturdays not at all on Sundays or Bank/Public Holidays.

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

- 6) 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.

**11.3 Pre-Commencement Conditions:**

- 7) (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;  
and unless otherwise agreed in writing by the local planning authority,
  - (b) a site investigation report documenting the ground conditions of the site and incorporating chemical and gas analysis identified as appropriate by the desk top study in accordance with BS10175;  
and, unless otherwise agreed in writing by the local planning authority,
  - (c) a detailed scheme for remedial works and measures to be undertaken to avoid risk from contaminants and/or gases when the site is developed and proposals for future maintenance and monitoring. Such scheme shall include nomination of a competent person to oversee the implementation of the works.
- (ii) The development hereby permitted shall not be occupied or brought into use until there has been submitted to the local planning authority verification by a competent person approved under the provisions of condition (i)c that any remediation scheme required and approved under the provisions of condition (i)c has been implemented fully in accordance with the approved details (unless varied with the written agreement of the local planning authority in advance of implementation). Unless otherwise agreed in writing by the local planning authority such verification shall comprise:
- a) built drawings of the implemented scheme;
  - b) photographs of the remediation works in progress;
  - c) certificates demonstrating that imported and/or material left in situ is free from contamination (or has been secured / contained in a manner which makes such material safe).

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.



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

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

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

a) evidence that the development is registered with the Building Research Establishment (BRE) under BREEAM (either a 'BREEAM Buildings' scheme or a 'bespoke BREEAM') and a Design Stage Assessment Report showing that the development will achieve an BREEAM rating of 'Excellent' for all non-residential development have been submitted to the Local Planning Authority; and

b) a BRE issued Design Stage Certificate demonstrating that the development has achieved a BREEAM rating of 'Excellent' for all non-residential development has been submitted to, and approved in writing by, the Local Planning Authority.

A completed pre-assessment estimator will not be acceptable.

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

- 10) Unless otherwise agreed in writing by the Local Planning Authority, no residential development shall take place until:

a) evidence that the development is registered with the Building Research Establishment (BRE) under BREEAM (either a 'BREEAM Buildings' scheme or a 'bespoke BREEAM') and a Design Stage Assessment Report showing that the residential development (student accommodation) hereby approved will achieve a Multi Residential BREEAM rating of 'Excellent' for the development have been submitted to the Local Planning Authority; and

b) a BRE issued Design Stage Certificate demonstrating that the residential development (student accommodation) hereby approved has achieved a Multi Residential BREEAM rating of 'Excellent' for the development has been submitted to, and approved in writing by, the Local Planning Authority.

A completed pre-assessment estimator will not be acceptable.

**Reason:** To ensure that the development is sustainable and 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) No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme for landscaping, which shall include hard surfacing, means of enclosure,

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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.

- 12) No development shall take place until a scheme to enhance the nature conservation interest of the site has been submitted to and agreed in writing by the Local Planning Authority. The scheme shall be implemented in 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.
- 13) 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, QD2, QD3, QD4, QD5 and HE6 of the Brighton & Hove Local Plan.
- 14) Notwithstanding the details shown in the approved drawings, no development shall take place until the following details have been submitted to and approved in writing by the Local Planning Authority:
- a) Full details of the proposed shopfronts including 1:20 scale elevation drawings and section drawings;
  - b) Elevations and sections at 1:20 scale of the proposed doors, and proposed windows, including solar shading and louvers;
  - c) Sections at no smaller than 1:10 scale showing the horizontal bands of precast concrete; and
  - d) Details of the proposed rainwater downpipes.
- Reason:** To secure further details of the proposed building design and to comply with policies QD1, QD2, QD3, QD4, QD5 and HE6 of the Brighton & Hove Local Plan.
- 15) Notwithstanding the details shown in the approved plans, no development shall take place until a scheme for the storage of refuse and recycling, including improved provision to serve the individual commercial units approved, 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.
- 16) No development shall commence until a scheme for sound insulation and alternative means of ventilation for the student accommodation within the

development has been submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied until construction has been completed in accordance with the agreed details. The development shall be retained as such thereafter.

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

- 17) No development shall take place until details of external lighting have been submitted to and approved in writing by the Local Planning Authority. The lighting installation shall comply with the recommendations of the Institution of Lighting Professionals (ILP) "Guidance Notes for the Reduction of Light Pollution" (2011) for zone E or similar guidance recognised by the council. The 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.

- 18) No development shall take place until such time as a scheme has been submitted to and approved in writing by the Local Planning Authority to provide that the residents of the development, other than those residents with disabilities who are Blue Badge Holders, have no entitlement to a resident's parking permit. The scheme as approved shall thereafter be implemented.

**Reason:** To ensure that the development is car-free and to comply with policies TR1, HO7 and QD27 of the Brighton & Hove Local Plan.

#### 11.4 Pre-Occupation / Post Completion Conditions:

- 19) Prior to the occupation of the development hereby approved the applicant shall reinstate the redundant vehicle crossover on the northern side of Oxford Place back to footway by raising the existing kerb and footway. The works shall be completed prior to the occupation of the development and shall be retained as such thereafter.

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

- 20) Unless otherwise agreed in writing by the Local Planning Authority, none of the non-residential development hereby approved shall be occupied until a BREEAM Design Stage Certificate and a Building Research Establishment issued Post Construction Review Certificate confirming that the non-residential development built has achieved a BREEAM rating of '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.

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- 21) Unless otherwise agreed in writing by the Local Planning Authority, none of the residential development (student accommodation) hereby approved shall be occupied until a BREEAM Design Stage Certificate and a Building Research Establishment issued Post Construction Review Certificate confirming that the residential development (student accommodation) built has achieved a Multi Residential BREEAM rating of '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.
- 22) Within 3 months of occupation of the hereby approved student accommodation a 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) shall be submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall 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) Assess the demand for and provision of disabled parking in the vicinity of the site, including surveys of usage of existing on-street parking bays, and identify the most appropriate locations for additional disabled bays as required, and submit these findings to the Local Planning Authority.
  - (viii) Following the annual staff survey, an annual review will be submitted to the Local Planning Authority to update on progress towards meeting targets:
  - (ix) Identify a nominated member of staff or post to act as Travel Plan Co-ordinator, and to become the individual contact for the Local Planning Authority relating to the Travel Plan.
- Reason:** To ensure the promotion of sustainable forms of travel and comply with policies TR1 and TR4 of the Brighton & Hove Local Plan.

### 11.5 Informatives:

- 1) In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One (submission document) the approach to making a decision on this planning application has been to

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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 acceptable in this location. The resulting building would preserve the appearance and character of the Valley Gardens Conservation Area. Subject to compliance with conditions and legal agreement requirements, no significant harm to neighbouring amenity would be caused, and transport, sustainability, landscaping and ecology considerations would be adequately addressed.
- 3) The applicant is advised that the scheme of ventilation required by condition 16 should be designed so that all the residential units (student accommodation) meet the internal 'good' internal noise level standards of BS8233:1999 and World Health Organisation for living rooms and bedrooms and internal individual noise events do not exceed 45dB  $L_{Amax}$  as per BS8233:1999.
- 4) The applicant is advised that the scheme of soundproofing required by condition 16 should be designed so that all the residential units meet the internal 'good' noise level standards of BS8233:1999 and World Health Organisation for bedrooms and internal individual noise events do not exceed 45dB  $L_{Amax}$  as per BS8233:1999.
- 5) The applicant is advised of the possible presence of bats on the development site. All species of bat are protected by law. It is a criminal offence to kill bats, to intentionally or recklessly disturb bats, damage or destroy a bat roosting place and intentionally or recklessly obstruct access to a bat roost. If bats are seen during construction, work should stop immediately and Natural England should be contacted on 0300 060 0300.



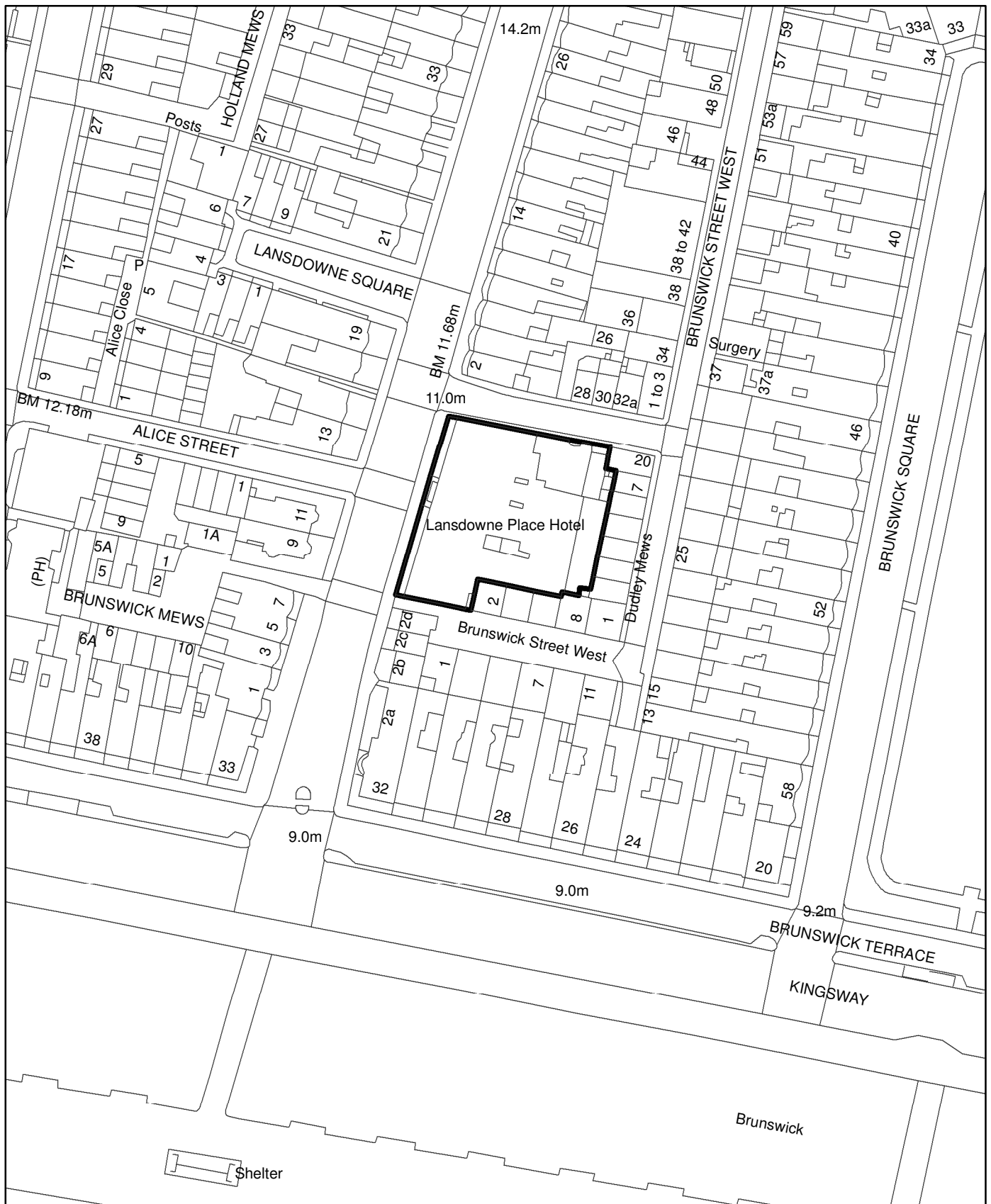
# **ITEM B**

**Lansdowne Place Hotel, Lansdowne Place,  
Hove**

**BH2014/00093  
Full planning**

**06 AUGUST 2014**

# BH2014/00093 Lansdowne Place Hotel, Lansdowne Place, Hove.



**Brighton & Hove  
City Council**



**Scale: 1:1,250**



<b><u>No:</u></b>	<b>BH2014/00093</b>	<b><u>Ward:</u></b>	<b>BRUNSWICK AND ADELAIDE</b>
<b><u>App Type:</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>Lansdowne Place Hotel Lansdowne Place Hove</b>		
<b><u>Proposal:</u></b>	<b>Part demolition, change of use and alteration and extensions, including creation of additional penthouse floor to convert existing hotel (C1) to 45no residential units (C3), creation of car parking and secure cycle parking at lower ground floor level, landscaping and other associated works. (Revised Design)</b>		
<b><u>Officer:</u></b>	<b>Steven Lewis Tel 290480</b>	<b><u>Valid Date:</u></b>	<b>20 January 2014</b>
<b><u>Con Area:</u></b>	<b>Brunswick Town</b>	<b><u>Expiry Date:</u></b>	<b>21 April 2014</b>
<b><u>Listed Building Grade:</u></b>	<b>N/A</b>		
<b><u>Agent:</u></b>	<b>GVA, 10 Stratton Street, London</b>		
<b><u>Applicant:</u></b>	<b>Lansdowne Investments Ltd (in Administration), C/O KPMG, 100 Temple Street, Bristol</b>		

## **1 RECOMMENDATION**

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

## **2 SITE LOCATION & DESCRIPTION**

- 2.1 The site comprises a group of 6 unlisted terraced properties within the Brunswick Town Conservation Area. The properties date from the mid 19<sup>th</sup> century, having originally been within residential use.
- 2.2 The premises were last occupied as a hotel in approximately December 2012 and have since been vacant. The condition of the building has declined since the closure of the hotel.
- 2.3 The building is split from the long terrace flanking the east side of Lansdowne Place by mews streets to the north and south, and differs from the rest of the Lansdowne Place terraces with its more robust boundary treatment and the altered ground floors which have lost their individual street connections, instead gaining a grand central entrance to the hotel. The property compliments the adjacent listed terraces of Lansdowne Place and Brunswick Terrace with its range of bay fronts, stucco detailing and parapet roofscape.
- 2.4 As is typical in this area, the scale and architectural treatment of the grand frontage falls away at the rear, and the modest small scale mews buildings of Brunswick Street West and Dudley Mews are in contrast. The rear elevation of the hotel is typically plain and in parts disfigured by fire escapes.

### 3 RELEVANT HISTORY

**BH2006/03207** - Conversion of existing hotel kitchens to 3 no. mews houses with lower ground floors. Approved 14/12/2006.

**BH2005/02067/LB** – Two new townhouses and two new maisonettes on Lansdowne Place. Approved 12/12/2005.

**BH2004/03748/FP** - Two new townhouses and two maisonettes on Lansdowne Place conversion of existing kitchens/coldstores into 4 no. mews houses at rear, addition to main roof to contain 2 no additional suites of hotel accommodation and new restaurant entrance with canopy and replacement windows to the front elevations of the hotel. Approved 01/08/2005.

### 4 THE APPLICATION

- 4.1 Planning permission is sought for part demolition, change of use and alteration and extensions, including creation of additional penthouse floor, to convert the existing hotel (C1) to 45 residential units (C3), creation of car parking and secure cycle parking at lower ground floor level, landscaping and other associated works.
- 4.2 The scheme has been revised during the course of the application to omit the proposed central rear wing extension and amend the additional storey. The application now comprises an additional storey to the main roof, the demolition of the kitchen and ballroom areas at the rear, the construction of 5 houses fronting a landscaped courtyard at the rear and other refurbishment works to the building to allow the residential conversion of the building.
- 4.3 The existing rear basement parking area, accessed from Brunswick Street West, would be retained.

### 5 PUBLICITY & CONSULTATIONS

#### External:

- 5.1 **Neighbours: Fourteen (14)** letters of representation have been received from **2 (x2), 28, Flat 2 32, 33 (x2), 37a Brunswick Street West, Flat 8 29, 29 Brunswick Terrace, 1, 7 Dudley Mews, Flat 9 Riveria Court (13-15 Lansdowne Place), 2, Flat 6 11, 33 Lansdowne Place** objecting the application for the following reasons:
- The building is already higher than those in the area and the additional storey is out of character of the harmonious architecture and conservation area.
  - The development would result in a loss of light and overshadowing.
  - The development would create overlooking and loss of privacy.
  - More flats in the areas would create greater parking displacement and pressure, the development is located within an over subscribed parking area where there is a long waiting list.
  - The apartments are under sized and squeezed in, leading to a poor standard of living accommodation.

- There are too many flats being planned and the proposal is an over development of the site.
- The flats could be rented as party flats causing significant amenity loss.
- The extra traffic and travel demand will cause additional air pollution.
- The construction will cause additional dust, noise and disruption.
- The building could have toxic substances and these should be properly dealt with.
- The application fails to address the structural damage caused by the lack of maintenance from the hotel to 2 Brunswick Street West.
- There are deficiencies in the structural report.
- There is insufficient information with regards to construction methods, phasing and re-occupation.
- The local infrastructure is inadequate to deal with an additional high number of flats, citing street bins, waste storage, parking, doctor surgery places.

**5.2 Cllr Ollie Sykes:**

Objects to the application. A copy of his comments are attached.

**5.3 Lansdowne Area Residents Association:**

Supports the application on grounds that the site risks becoming an eyesore and deteriorating and whilst it is not listed it has been suggested for the Local List. Also raise concerns with regards to design detailing, limited parking, lighting impact, lack of recycling facilities, appropriate soundproofing, construction pollution and management.

**5.4 The Friends of Palmeira and Adelaide Residents Association:**

Support plans to improve the site of this old hotel and the aim to provide further homes, but object on grounds that there are too many smaller units proposed, the penthouse will change the outline of the properties in the road and insufficient parking, increased parking pressure in the area which will not be compensated by cycle parking.

**5.5 Friends of Brunswick Square and Terrace:**

Object on grounds of overdevelopment in terms of the number and standard on the units proposed, inadequate parking, pressure on parking provision in the area. Support the retention of the external building and its future repair and renovation.

**Hove Civic Society:**

**5.6 Supports the application as the building makes an important contribution to the city housing needs and will help restore an important building badly in need of repair.**

**5.7 There are however reservations about the proposal which HCS would like to see being addressed regarding the exact shape and materials of the penthouses. A slate finished mansard at approx 70 degrees with lead clad dormer type projections for glazed elements and access to the roof terrace would diminish its actual size slightly and reduce the visual impact from vantage points. Slate and lead would be correct materials for the building. The colour**

would be important because it enables the curve of the bayed parapet elevation to still read clearly from below. A relatively small adjustment such as this would contribute more positively to the townscape.

**Environment Agency:**

- 5.8 The planning application is located on a Principal Aquifer. However as this is not land where contamination is suspected this proposal falls outside our current working arrangements. Have no comments to make on the proposal as submitted.

**Sussex Police:**

- 5.9 The NPPF demonstrates the Government's commitment to creating safe and accessible environments where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion. This area is above the average level of crime for Sussex, it is therefore essential that all appropriate measures to create a safe and secure environment are considered.

**East Sussex Fire and Rescue Service:**

- 5.10 When considering active fire safety measures for all types of premises, including residential and domestic buildings, East Sussex Fire & Rescue Service would recommend the installation of sprinkler systems. Information concerning guidance and standards for domestic and commercial sprinkler systems is available by reference to British Standard, Codes of Practice BS9251 & BS EN 12845.

**Southern Water:**

- 5.11 The existing property lies over a public water distribution main. If the works carried out will alter the existing foundation line or depth it will be necessary for the applicant to contact Southern Water.

- No excavation, mounding or new tree planting should be carried out within 3m of the public water main without the consent of Southern Water.
- No new soakaways should be located within 5m of a water main.
- All existing infrastructure, including protective coating and cathodic protection should be protected during construction.

- 5.12 Should any new sewer be found during construction works, an investigation of the sewer will be required to ascertain the number of properties served and potential means of access before any further works commence on site.

- 5.13 In order to protect public water supply apparatus, request that if granted, a condition is attached to the planning permission to require measure to protect the public water supply.

- 5.14 Any new connections to the public sewer will require a formal application. On the basis of a planning approval request that an informative be added to any consent to advise the applicant of this.

- 5.15 The detailed design for the proposed basement should take into account the possibility of the surcharging of the public sewers. Request that this should be

taken into account if the application is given planning approval and an informative added to advise the applicant of this.

**County Ecologist:**

- 5.16 The proposed development is unlikely to have a detrimental impact on biodiversity and can be supported from an ecological perspective. The site offers opportunities for biodiversity enhancements that will help the Council address its duties and responsibilities under the Natural Environment and Rural Communities Act (NERC) and NPPF.
- 5.17 There are no sites designated for their nature conservation interest that are likely to be impacted by the proposed development.
- 5.18 The site comprises existing buildings and hardstanding, with trees subject to a Tree Protection Order, within an urban setting and there is minimal existing biodiversity interest.
- 5.19 The trees should be protected in accordance with BS5837:2012 *Trees in relation to design, demolition and construction*.
- 5.20 As the proposed development involves the demolition of buildings, there is a chance that bats and/or nesting birds could be impacted. However, from the information available, the risk is considered to be low. If any sign of protected species is discovered during demolition, works should stop and advice should be sought from a suitably qualified and experienced ecologist. (Reason: (i) All species of bats are protected under Schedule 5 of the Wildlife and Countryside Act 1981, as amended, and Schedule 2 of the Conservation of Habitats and Species Regulations 2010 making all species of bats European Protected Species; (ii) Under Section 1 of the Wildlife and Countryside Act 1981 (as amended), wild birds are protected from being killed, injured or captured, while their nests and eggs are protected from being damaged, destroyed or taken.)
- 5.21 The site offers opportunities for enhancement that will help the Council address its duties and responsibilities under the NERC Act and the NPPF. The proposal to establish 73m<sup>2</sup> of green wall and 135m<sup>2</sup> of green roof (sedum with raised beds) is welcomed and should be supported. Details of the green wall and roof, including species to be used, should be provided.
- 5.22 The proposal to provide six bird boxes is welcomed and should be supported. It is recommended that these should include swift boxes.
- 5.23 The landscaping scheme should use species of benefit to wildlife. Advice on species can be found in the Council's SPD 11, Annex 7 *Notes on Habitat Creation and Enhancement*. Where possible, native species of local provenance should be used.

**CAG:**

- 5.24 The Group recommend refusal of the application and feel it is inappropriate to add an additional floor to a building which is already the tallest in the area and adjacent to a Grade I Listed Estate. If the application is granted, the Group would

like to see a condition added that the penthouses be painted grey, rather than white, to reduce their visual impact. As the building is not covered by an Article 4 direction it is recommended further condition that shade BS10B15 paint is used on the front, rear and side elevations in line with other buildings along Lansdowne Place.

**Internal:**

**Education Capital Strategy:**

- 5.27 If this application were to proceed a contribution towards the cost of providing educational infrastructure for the school age pupils this development would generate would be sought. In this instance a contribution of £60,563 in respect of primary and secondary and sixth form education is required.
- 5.28 It is understood that in the current financial climate that there may be financial sacrifices to be made when negotiating S106 Agreements and that some 'nice to have' items may suffer as a result. However education is an essential part of any community and therefore any development needs to be able to provide for the education infrastructure that it requires. In addition the council has a statutory duty to provide a school place for every child that wants one.
- 5.29 The closest primary school to the development is Davigdor Infant School and Somerhill Junior School neither of which have any surplus capacity. The next closest primary schools are St Mary Magdalene RC Primary School, St Andrews CE Primary School, West Hove Infant School, Connaught Road Annexe and Middle Street Primary. None of these schools have any surplus capacity either and we anticipate this being the case for the foreseeable future.
- 5.30 Consequently it is entirely appropriate to request a sum of money for nursery primary and secondary education in respect of this development. It is expected by the DfE that the LEA should maintain between 5% and 10% surplus places to allow for parental preference. Taking the schools mentioned above there are a total of 2,033 primary places available and currently there are 2,022 children on roll. This means that there is no surplus in this part of the city whatsoever. A development of 45 residential units will have a serious impact on the school places issue in this part of the city and parents will have no choice, believe that developers should ensure that their developments are sustainable in the broadest sense of the work and this has to include funding the education infrastructure that their development demands.

**Heritage:**

Comment 13/05/2014

- 5.31 The proposals for the roof accommodation have been amended to form a staggered alignment, and also removing the strong horizontal feature formed by the projecting element of flat roof. This is in response to concerns over the effect of this proposal on the undulating skyline formed by the historic canted parapets repeated along the length of Lansdowne Place and Brunswick Terrace.
- 5.32 This amendment reduces the dominance of the proposal slightly when viewed from the north, although the forward-most parts of the roof accommodation have not been moved back as hoped, and this is disappointing and as a result the

amendments are less effective in reducing the visual dominance of this part of the scheme in views from the south and west.

- 5.33 The proposed materials are not entirely clear; the elevation and plan do not correspond accurately thereby making it difficult to interpret the elevation. Also the impact of the balustrade is unclear; the position is not shown on the plan, and the detailed design is not specified. As the forward-most element of the roof alterations this will have a significant impact on the appearance of the scheme and needs further consideration with more detail.
- 5.34 Concern remains over the impact of the roof extension and it is considered that the proposed structure should be moved back as requested previously. The amended proposal makes an insufficient improvement and it is still considered that the roof extension would be too dominant in the street scene and have an adverse impact on the heritage assets as set out in the original comments.
- 5.35 The existing central rear projection is dominated and disfigured by the fire escape, and the loss of this feature is welcome. The amended scheme deletes the proposal for an extended central projecting wing, therefore all objections to detailing of this element of the scheme are withdrawn.
- 5.36 The forward-most part of the roof extension should be pushed back to reduce its impact.

Comment 02/03/2014

- 5.37 *Statement of Significance:* This property is in the Brunswick Town Conservation Area. It dates from the mid 19<sup>th</sup> century, having originally been a group of 6 terraced townhouses.
- 5.38 It is split from the long terrace flanking the East side of Lansdowne Place by mews streets to the north and south, and differs from the rest of the Lansdowne Place terraces with its more robust boundary treatment and the altered ground floors which have lost their individual street connections, instead gaining a grand central entrance to the hotel. This property compliments the adjacent listed terraces of Lansdowne Place and Brunswick Terrace with its range of bay fronts, stucco detailing and parapet roof scape.
- 5.39 Above ground floor the original terrace can still be understood, and the roof scape, although visible only from elevated positions, fully identifies the origins as individual houses.
- 5.40 As is typical in this area the scale and architectural treatment of the grand frontage falls away at the rear, and the modest small scale mews buildings of Brunswick Street West and Dudley Mews are in contrast. The rear elevation of the hotel is typically plain and in parts disfigured by fire escapes.
- 5.41 The brick wall bounding the rear of the building to the north is unusual in its materials and detailing, however makes a positive impact on the conservation area

- 5.42 *Relevant Design and Conservation Policies and Documents:* NPPF, English Heritage Practice Guide for PPS5, HE3, HE6, QD1, QD2, QD4, SPD 12.
- 5.43 *The Proposal and Potential Impacts:* The two main elements of this scheme that will impact on the conservation area and adjacent listed buildings are the penthouse extension and the reconstruction of the central rear projection.

Proposals for the roof

- 5.44 It is considered that the proposed penthouse roof form is alien to the general roofscape of the area and would have a detrimental impact on what is currently an undulating skyline formed by the canted parapets – a feature repeated the length of Lansdowne Place and Brunswick Terrace. The proposed roofline is broken only briefly at the bay intervals, leaving the long horizontal feature to be the dominant element of the block when viewed from Alice Street, Lansdowne Place, Brunswick Street West and the seafront.

National Policy

- 5.45 It is considered that this element would cause substantial harm to the significance of the building, adjacent listed buildings and the conservation area generally, and as such would be in contradiction to the requirements of the NPPF, which also states that in consideration of proposals for development attention should be given to: *sustaining and enhancing the significance of heritage assets, making a positive contribution to local character and distinctiveness, and supporting proposals for assets that better reveal their significance.*

Local policy

- 5.46 HE6 of the Local Plan states: *Proposals within or affecting the setting of a conservation area should preserve or enhance the character or appearance .... reflecting the scale and character or appearance of the area, ....building lines and building forms and should show ...no harmful impact on the townscape and roofscape of the conservation area.*
- 5.47 In SPD 12 it states: *Additional storeys or raised roofs may be permitted on detached properties where they respect the scale, continuity, roofline and general appearance of the street scene, including its topography. Additional storeys should respect the design and materials of the host building.*
- 5.48 It is not considered that the proposed roof form would conform to these requirements and cannot therefore be supported.

Proposals for the rear

- 5.49 The existing central rear projection is dominated and disfigured by the fire escape, and the loss of this feature is welcome, however the proposed form for the redevelopment of this structure will have a significantly greater impact than existing, due to its increased height and projection, also its stepped nature, which is un-softened by sloping roof forms in the way that the existing building is.
- 5.50 The proposed north elevation of this block has a large area of plain, unrelieved façade that will be visible above Dudley Mews and also from higher up Brunswick Street West and it is considered that this would not make a positive contribution



to the streetscape, added to which the windows on the eastern elevation of this block appear over-sized in relation to the rest of the rear elevation, and it is considered that this would add another discordant element to the overall appearance of the site.

- 5.51 *Mitigations and Conditions:* It is considered that alterations to make the central rear projection acceptable may be possible, however it is difficult to see how the roof extension could become acceptable without being significantly scaled down and re-designed.

**Housing: Comment**

- 5.52 Housing Strategy is committed to maximising the provision of affordable housing in the City. Therefore welcome this scheme as it will assist in achieving the Council's aim of achieving mixed, balanced and sustainable communities to deliver high quality affordable housing for local people in housing need.

- 5.53 The developer is offering 40% of the units for affordable housing and would expect that at least 10% should be built to fully wheelchair accessible standards in line with our affordable housing brief. These units should be owned and managed by one of the Registered Providers of affordable housing.

- 5.54 The affordable housing brief reflects the very pressing need for affordable homes in the City. We currently have over 17,000 people on the joint housing register waiting for affordable rented housing and 794 people waiting for low cost home ownership.

**Tenure Mix**

- 5.55 The tenure mix of the affordable housing units is generally agreed through negotiation on a site by site basis and a phase by phase basis informed by housing needs assessment and site/ neighbourhood characteristics.

- 5.56 Generally across the city the required tenure split for affordable housing will be 55% rented / 45% intermediate housing.

- 5.57 In respect of this particular development the tenure mix can be varied to favour shared ownership to achieve 40% affordable housing and it is recognised that intermediate housing has a high demand in this area of the city.

**Access Consultant: Comment**

- 5.58 There is now no requirement for a wheelchair accessible unit to be provided in accordance with policy HO13 following the reduced number of new build units.

- 5.59 There is a general note about meeting Lifetime Homes Standards where possible. It would be good to have more detail and particularly confirmation that all the standards will be met, at least in the new units.

- 5.60 The following are issues noted in the current design:

- Corridors in common ways need to be at least 1200mm wide. (e.g. internal fire escape corridors at both ends of the block, corridor to Flat 1 and store).

- Handrails on common stairs need to project 300mm beyond top and bottom risers.
- If a lift is present it should meet the 1400 x 1100 mm min size requirement. The lift appears to be smaller than required (it does appear to be existing however).
- There should be 300mm clear space at the leading edge on the 'pull' side of doors. There are still problems with this. (corridor door leading to unit 1, door on fire escape route at the other end of the basement)

**Arboricultural: Comment**

- 5.61 The plans submitted show two trees covered by Tree Preservation Order, however, there are three trees covered by Tree Preservation Order (No 12) 2012 in the rear court-yard area of the hotel.
- 5.62 All three trees were still present at the time of the inspecting officer's visit. Although access to the court-yard was not available at this time, the trees and this area could be seen from nearby roads.
- 5.63 Despite one tree having been left off all plans, it should be possible to protect all three trees during the course of the development, however, the proposed landscaping plans will need to be amended.
- 5.64 The Arboricultural Section has no objection to the proposals in this application subject to suitable conditions being attached to any planning consent granted.

**Sustainable Transport:**

- 5.65 (Original comments) The Highway Authority has no objections to the application subject to the inclusion of the necessary conditions on any permission granted and that the applicant enters into a S106 agreement to provide a residential travel pack to each flat which shall include a commitment to provide 2 years membership to City Car Club.

Pedestrian Access

- 5.66 Pedestrian access is from Lansdowne Place as is existing. The applicant is also proposing a new pedestrian footpath from Brunswick Street West into the site and the newly proposed courtyard garden area.

Vehicular Access

- 5.67 The applicant is intending to retain the existing vehicular access from Brunswick Street West to the existing ramped access to the basement car parking. The Highway Authority has no objections to this arrangement.

Cycle Parking

- 5.68 SPG04 states that a minimum of 1 cycle parking space is required for every dwelling and 1 visitor's space for every 3 units. For this development of 47 residential units the minimum cycle parking standard is 47 cycle parking spaces for residents and 16 spaces for visitors (63 in total).

5.69 In order to be in line with Policy TR14 of the Brighton & Hove Local Plan 2005 cycle parking must be secure, convenient, well lit, well signed and wherever practical, sheltered. The Highway Authority's preference is for the use of Sheffield type stands spaced in line with the guidance contained within the Manual for Streets section 8.2.22.

5.70 The applicant states that they intend to provide 68 cycle parking spaces. There is one store with a Josta 2-tier rack of 52 spaces and a visitor's cycle store of 16 spaces. This level of cycle parking provision therefore meets the minimum cycle parking standards in SPG04 and is deemed acceptable.

#### Disabled Car Parking

5.71 SPG04 states that the minimum standard for disabled parking for residential units is 1 disabled car parking space per 10 residential units. Therefore for this development of 47 residential units the minimum disabled car parking standard is 5 spaces.

5.72 The applicant is proposing 5 residential spaces which is deemed acceptable and in line with the standards. The spaces are designed in line with the Department for Transport (DfT) produced guidance TAL 5/95 Parking for Disabled People which states that a 1.2m clear zone should be provided to the side of each bay. Therefore the proposed disabled car parking provision is deemed acceptable.

#### Servicing

5.73 Within the submitted TS the applicant has stated that servicing will continue to be undertaken from on-street as is currently the case for neighbouring properties. The Highway Authority has no objections to this arrangement.

#### Car Parking

5.74 SPG04 states that the maximum car parking standard for residential units within a CPZ is 1 space per dwelling plus 1 car space per 5 dwellings for visitors. Therefore the maximum car parking standard for this proposed development of 47 residential units is 47 spaces for residents and a maximum of 9 spaces for visitors.

5.75 The applicant is providing 14 car parking spaces on-site, 5 of which are for Blue Badge holders. These spaces are provided at basement level accessed from Brunswick Street West.

5.76 At pre-application stage the applicant was asked to consider the implications of any potential overspill car parking from the development and to consider the need to undertake an on-street parking survey and to introduce mitigation measures to limit the likelihood of localised areas of car parking stress.

5.77 The applicant has undertaken an on-street parking survey in line with the Lambeth Parking Survey Methodology. Table 2.1 in the TS presents the findings of this parking survey and concludes that the local area is at 86% parking stress. This figure does take into account Pay & Display bays on the Kingsway as well

though. When considering the residents permit bays most streets are at capacity or approaching capacity.

5.78 In section 2.23 of the TA the applicant states:

*“It should be noted that BHCC control the level of residents parking permits that are issued. Therefore residents of the development will not increase the existing level of car parking in permit holder spaces.”* While the Council does only issue a certain number of permits per zone, as the applicant states, the Council can obviously not control where these residents park within the zone. Large residential units can potentially result in localised areas of parking stress within a zone as residents will ultimately want to park as near to their property as they can. This can result in certain areas of the CPZ experiencing higher levels of parking stress than others and vehicles circulating round looking for a place to park.

5.79 In order to ensure that this scenario is less likely to occur, to encourage lower car ownership and to promote sustainable forms of travel to and from the site the Highway Authority would look for the applicant to provide a Travel Information Pack to first residents of the residential units. This Travel Pack should be secured through a S106 agreement and should include the following:

- Details of pedestrian and cycle routes in the local area.
- Public transport timetable/maps.
- 2 years membership to City Car Club.

5.80 These measures would help to mitigate the likelihood of a localised parking stress occurring in the streets around the development.

#### Trip Generation & S106

5.81 The applicant has forecast the existing and proposed trips to and from the development by accessing the TRICS database. The applicant concludes that the analysis demonstrates that there will be a reduction of total person trips to the site as a result of the proposals to change to a residential use. The Highway Authority does not disagree with this conclusion and therefore would not request a S106 contribution towards infrastructure improvements in this instance.

#### Other Matters

5.82 On Lansdowne Place directly outside the front door of the hotel there is a stretch of double yellow lines. The applicant states that this used to be used as a taxi pick up set down area, when the hotel was in operation. As a result of this development the double yellow lines are being made redundant and it would make better use of the road space to provide 2 additional CPZ bays in this location, as is suggested by the applicant. Therefore the Highway Authority would look for this aspect to be conditioned. There would be no cost to the developer as the changes would be covered by the Council's 6 monthly consolidated order change.

#### **Sustainability:**

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- 5.83 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.
- 5.84 Under SPD08 major conversions to residential buildings are expected to be assessed under BREEAM Domestic Refurb, and demonstrate no net additional CO2 emissions, major new build residential on previously developed land would be expected to achieve Code level 4.
- 5.85 The Design and Access Statement commits to the achievement of Code level 4 in new build units, and BREEAM Domestic Refurb 'very good' standard in new dwellings created in the existing building. This meets local policy standards and is welcomed.
- 5.86 Taking information from the drawings, the dwellings that should be assessed under the CSH includes the 6 new dwellings in the mews accommodation; and the two new penthouse flats. The remaining dwellings can be assessed under BREEAM.
- 5.87 Positive aspects of the scheme include:
- Use of existing building, and bringing unused building back into use.
  - BREEAM Domestic Refurb 'very good' for dwellings in existing building
  - Code for Sustainable Homes level 4 for new built dwellings .
  - Green walls are proposed around the courtyard using stainless steel tension cables to support climbing plants (73m<sup>2</sup>) and green sedum roofs (135m<sup>2</sup>).
  - Raised bed allotments are proposed (40m<sup>2</sup>) within the shared garden (280m<sup>2</sup>).
  - Rainwater butts proposed for garden irrigation.
  - Lifetime Homes Standards are being pursued where possible given pre-existing layouts/levels.
  - A composting area is shown on drawings next to the Allotment area.
- 5.88 Areas where it is not demonstrated that policy has been addressed:
- Submitted documents do not address sustainable or renewable energy or energy efficiency improvements. These will have to be addressed in order to achieve the BREEAM and Code standards committed to, but further information on means by which this could be achieved should be sought from the applicant. This is in order to avoid the need to amend the application at a later stage to achieve the standards.
- 5.89 Whilst the achievement of Code Level 4 and BREEAM 'very good' will ensure that key areas of sustainability policy are addressed, there is little other information submitted that helps clarify how this will be achieved.
- 5.90 Overall the application is acceptable if sustainability standards via Code and BREEAM are achieved, but to provide confidence that this is possible, some further information should be provided on energy.

**5.91 Planning Policy: Support**

The site is outside the revised Hotel Core Zone set out in the Submission City Plan. As Policy CP6 of the City Plan is considered to hold more weight than Local Plan Policy SR15, the loss of hotel accommodation in this location is considered acceptable. The provision of new residential accommodation to include 40% affordable housing is welcomed.

**5.92 Environmental Health:** Comments awaited.

**5.93 Economic Development:**

No adverse comments. Requests a contribution of through a S106 agreement for £25,000 towards the Local Employment Scheme and the provision of an Employment and training Strategy with the developer committing to using 20% local employment during demolition and construction phases.

**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)

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### Brighton & Hove Local Plan:

TR1	Development and the demand for travel
TR2	Public transport accessibility and parking
TR4	Travel Plans
TR7	Safe development
TR14	Cycle access and parking
TR18	Parking for people with a mobility related disability
TR19	Parking standards
SU2	Efficiency of development in the use of energy, water and materials
SU9	Pollution and nuisance control
SU10	Noise nuisance
SU11	Pollution land and buildings
SU13	Minimisation and re-use of construction industry waste
SU14	Waste management
SU16	Production of renewable
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 frontage
QD7	Crime prevention through environmental design
QD9	Boarding up of flats, shops and business premises
QD14	Extensions and alterations
QD15	Landscape design
QD16	Trees and hedgerows
QD17	Protection and integration of nature conservation features
QD20	Urban open space
QD25	External lighting
QD27	Protection of Amenity
HO2	Affordable Housing – Windfall Sites
HO3	Dwelling type and size
HO4	Dwelling densities
HO5	Provision of private amenity space in residential development
HO6	Provision of outdoor recreation space in housing schemes
HO7	Car free housing
HO13	Accessible housing and lifetime homes
SR15	Protection of hotels/guest houses
HE3	Development affecting the setting of a listed building
HE6	Development within or affecting the setting of conservation areas

### Supplementary Planning Guidance:

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

Supplementary Planning Documents:

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

Brighton & Hove City Plan Part One (submission document)

SS1	Presumption in favour of sustainable development
CP2	Sustainable economic development
CP5	Culture and tourism
CP6	Visitor accommodation
CP7	Infrastructure and developer contributions
CP8	Sustainable buildings
CP9	Sustainable transport
CP12	Urban design
CP13	Public streets and spaces
CP15	Heritage

**8 CONSIDERATIONS & ASSESSMENT**

- 8.1 The main considerations in the determination of this application relate to the loss of the hotel, the provision of housing, the design of the extensions and alterations and their impact upon the character and appearance of the Brunswick Town Conservation Area and nearby listed buildings, impact on the amenities of adjoining properties, the living standards of occupiers of the new residences created, landscaping/trees, transport and sustainability.

**Loss of Hotel Accommodation:**

- 8.2 The site is located within the Hotel Core Area as defined in the Local Plan. Policy SR15 of the Local Plan does not permit the change of use of hotels in this core area unless clear evidence is provided to demonstrate that the hotel or other holiday accommodation is no longer viable.
- 8.3 However, Policy CP6 of the Submission City Plan redefines the Hotel Core Zone boundary in light of findings from the Hotel Futures Study 2007 to exclude the western (Hove) part of the city. This policy is considered to hold more weight than Local Plan Policy SR15 as although there is a significant change of approach, the objections support the direction of travel of the policy.
- 8.4 The supporting text to this policy states that it is important that Brighton & Hove's hotel sector is allowed a period of consolidation and recovery to help demand and supply get back into balance, and in paragraph 4.63 notes that a flexible approach is introduced to allow those premises that have become poorly located to the main generators of demand and with limited potential to re-position themselves viably to exit the market.
- 8.5 The Planning Statement submitted to support the application details how the hotel has suffered from consistently low occupancy rates from 2009-12, and is poorly located compared to the numerous new hotels that have opened in the



city in recent years. The loss of a hotel in this location, outside the Submission City Plan Hotel Core Zone, therefore does not raise a policy conflict.

**Housing:**

- 8.6 At present, there is no agreed up-to-date housing provision target for the city against which to assess the five year housing land supply position. Until the City Plan Part 1 is adopted, with an agreed housing target, appeal Inspectors are likely to use the city's full objectively assessed need (OAN) for housing to 2030 (20,000 units) as the basis for the five year supply position.
- 8.7 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.
- 8.8 The provision of 45 residential units is welcomed as a contribution towards meeting the city's housing requirements and is in line with the criteria in Policy CP1 of the Submission City Plan which seeks to focus new development in accessible areas of the city.
- 8.9 The site is a windfall site and therefore Policy HO2 of the Local Plan applies. In accordance with this policy, it is noted that 40% (18) of the residential units would be affordable rented (7 units) or shared ownership (11 units). This level of affordable housing provision also meets the criteria of Policy CP20 of the Submission City Plan.
- 8.10 The proposed development contains a mix of dwelling sizes, comprising 18 one bedroom units (including 3 houses) and 27 two bedroom units (including 2 houses) and is therefore considered to meet the requirements of Policy HO3 and Policy CP19 of the City Plan.

**Planning History:**

- 8.11 Planning permission was granted under reference BH2004/03748/FP for the construction of two new townhouses and two maisonettes on Lansdowne Place, conversion of existing kitchens/coldstores into 4 no. mews houses at rear, addition to main roof to contain 2 no additional suites of hotel accommodation and new restaurant entrance with canopy and replacement windows to the front elevations of the hotel. This application was approved in August 2005 which post dates both the current adopted Brighton & Hove Local Plan and the Tall Buildings Supplementary Planning Guidance.
- 8.12 Works to convert the townhouses has been completed and whilst there is no certificate of lawfulness to confirm this position, the permission for the additional appears to be extant and the additional storey could be constructed in the future under this permission. Accordingly significant weight as a material consideration should be given the roof storey approved in 2005.

**Design and impact on conservation area and Listed Buildings:**

- 8.13 Despite being vacant for a short time, the building is in a poor state of repair. Much of the building at lower level has been secured with overboarding of the windows and blocked access to the main and rear entrances with hoarding fencing at the rear. Presently the building has a negative impact upon the appearance of the conservation area.
- 8.14 The application was accompanied by a building survey, tall buildings statement and visual assessment of the proposed additional storey.
- 8.15 The large central projecting wing originally proposed has been deleted from the scheme following adverse comments, including those from the Conservation Officer. The rear external fire escape will be removed which will improve the appearance of the building.
- 8.16 Following discussions with the applicant about the planning permission granted in 2005, which appears to be extant, the footprint and height of the proposed additional storey has been amended to closely match that previously approved. In particular, the alignment of the front and side elevations now match those approved. A recessed stair enclosure at the rear is proposed. The proposed rooflight above roof level has been removed. The external walls would be finished with painted render, with powder coated aluminium double glazed doors and windows. The proposed fenestration to the front elevation does not match the uniformity of that previously approved and results in a disjointed appearance. The applicant has been requested to submit further revisions to address this matter.
- 8.17 A glazed balustrade is proposed to enclose the roof terraces. As this will be set back by a minimum of 0.7m and a maximum of 1.6m from the front elevation of the building. The balustrade would be set back 2.5m from the side elevations.
- 8.18 Details of external materials can be secured by condition.
- 8.19 It is recognised that there remain concerns over the visual impact of the roof extension. However, the extant permission is a material consideration of significant weight. Subject to further changes to the fenestration, it is considered that the proposal would have a similar visual impact to the previous proposals in terms of their affect on the character and appearance of the building and the conservation area and the setting of the listed buildings in the vicinity.

Landscaping:

- 8.20 The development is within a dense urban location and accordingly the opportunity for landscape is often limited. However, the development is seeking to re-landscape the courtyard to create a garden with raised flower beds, green wall and allotments.
- 8.21 Three trees covered by a Tree Preservation Order are located within the rear garden, however only two are shown on the submitted drawings. Further revised drawings have been requested showing all three trees and amendments to the landscaping proposals following the deletion of the proposed rear central wing.

8.22 Details of species and materials can be secured by condition.

**Amenity of Future Occupiers:**

8.23 The size and layout of the proposed residential units are considered to be acceptable. Given the nature of the existing historic property, there is little opportunity to provide private amenity space for the new units, with the exception of the penthouse units. However, the development would have the benefit of a large landscaped courtyard at the rear which would be accessible to all residents.

**Impact on Surrounding Amenity:**

8.24 The proposals, by reasons of their use, siting and form, are not considered to have a likely harmful impact upon the amenities of adjacent and nearby residential occupiers.

Use

8.25 The surrounding area is predominantly residential. Accordingly, it is considered that the principle of new residential properties within this building and their associated activity is compatible with the remainder of the area.

8.26 Whilst the proposal would create an additional 45 residential properties, such a concentration is considered appropriate given the background density of the area. The surrounding streets are a combination of converted townhouses and mews style properties within a comparable high density.

8.27 The hotel building is attached to the properties in Dudley Mews and spaced from others in the surrounding area, soundproofing would be required to meet Building Regulations and would prevent undue noise transmission. Notwithstanding this, any noise complaint could be dealt with by other primary legislation. Accordingly, with appropriate soundproofing, compatible density and uses it is considered that the use of the building for residential is not likely to have a harmful impact upon the amenities of others in the area.

8.28 Issues with regards to parking displacement and additional transport demand/movements are considered later in this report.

Physical alterations

8.29 The creation of an additional storey, construction of houses at the rear and conversion of the main building into residential accommodation would not have an unduly harmful physical impact.

8.30 The application was accompanied by a Daylight & Sunlight Study conducted by the BRE in reference to 'Site layout planning for daylight and sunlight – a Guide to good practice'. The report asserts all but one of the windows identified as being affected are well within the BRE guideline with only a small or negligible loss of daylight. The excepted property affected is the basement door with glazed area of 20 Brunswick Street West. This window is calculated as having a loss of a small quantity of vertical sky component.

- 8.31 The window has been analysed in light of the rear extension being removed and the penthouse level remaining and the lighting condition was calculated as the same. Therefore it is the penthouse which is considered to result in the loss of light. On the basis of the limited loss of light being identified and that it is to a door at basement level and a previous consent having approved for similar roof storey, permission should not be withheld on light grounds in this case.
- 8.32 The rear extension has been removed and accordingly the bulk of the extension is limited to the roof storey and alteration of the garage building. The potential for loss of outlook from surrounding properties is therefore further reduced. The additional storey by reason of its siting at high level and setback position from neighbouring properties would be unlikely to have any undue loss of amenity.
- 8.33 The new houses at the rear would be constructed to the same profile as the existing kitchens and ballroom which would be removed. Except for high level rooflights, these properties would have no outward facing windows. For these reasons, the new houses would not adversely impact the adjoining properties in Brunswick Street West and Dudley Mews.
- 8.34 The new accommodation within the main building would largely make use of existing openings where there is already an expectation of use and presence. The most prominent remaining new windows following the removal of the rear wing is the penthouse storey. The penthouse flats by reason of their spacing, high level aspect and views afforded would not result in a harmful loss of privacy and would only be afforded longer views and those over the surrounding roof scape.

**Sustainable Transport:**

- 8.35 The maximum car parking standard for this proposed development of 45 residential units is 45 spaces for residents and a maximum of 9 spaces for visitors.
- 8.36 The applicant is providing 14 car parking spaces on site, 5 of which are for disabled persons. These spaces are provided at basement level accessed from Brunswick Street West.
- 8.37 At pre-application stage the applicant was asked to consider the implications of any potential overspill car parking from the development and to consider the need to undertake an on-street parking survey and to introduce mitigation measures to limit the likelihood of localised areas of car parking stress.
- 8.38 The applicant undertook an on-street parking survey in line with the Lambeth Parking Survey Methodology. The report concluded that the local area is at 86% parking stress. Analysis of this figure shows that it failed to take into account Pay & Display bays on the Kingsway.
- 8.39 When considering the residents permit bays it is considered that most streets are at capacity or approaching capacity. The applicant contends that because the Council control the level of residents parking permits that are issued, the residents of the development will not increase the existing level of car parking in

permit holder spaces. The Council only issue a limited number of permits per zone, and therefore can't control where these residents park within the zone. Large residential units such as the proposal can potentially result in localised areas of parking stress within a zone as residents will ultimately want to park as near to their property as they can and would result in certain areas of the CPZ experiencing higher levels of parking stress than others and vehicles circulating round looking for a place to park.

- 8.40 In order to ensure that this scenario is less likely to occur, to encourage lower car ownership and to promote sustainable forms of travel to and from the site the Transport Manager has advised that the applicant should provide a Travel Information Pack to first residents of the residential units. The Travel Pack should be secured through a S106 agreement and should include the following:
- Details of pedestrian and cycle routes in the local area:
  - Public transport timetable/maps:
  - 2 years membership to City Car Club:
- 8.41 Such measures would mitigate the likelihood of a localised parking stress occurring in the streets around the development.
- 8.42 Pedestrian access from Lansdowne Place is unchanged from the existing. The applicant is also proposing a new pedestrian footpath from Brunswick Street West into the site and the newly proposed courtyard garden area to which there are no objections
- 8.43 The applicant is intending to retain the existing vehicular access from Brunswick Street West to the existing ramped access to the basement car parking, accordingly there is no objection to the retention of an existing arrangement.
- 8.44 Adopted parking standards required that a minimum of 1 cycle parking space is required for every dwelling and 1 visitor's space for every 3 units. For this development of 45 residential units the minimum cycle parking standard is 45 cycle parking spaces for residents and 15 spaces for visitors (60 in total). To be in accordance with adopted policy the cycle parking must be secure, convenient, well lit, well signed and wherever practical, sheltered. The Council's preference is for the use of Sheffield type stands spaced in line with the guidance contained within the Manual for Streets.
- 8.45 The applicant has stated an intention to provide 68 cycle parking spaces. There is one store with a 2-tier rack of 52 spaces and a visitor's cycle store of 16 spaces. The provided level of cycle parking provision therefore meets the adopted cycle parking standard.
- 8.46 Adopted car parking standards are a minimum standard, with disabled parking for residential units its 1 disabled car parking space per 10 residential units. Therefore a development of 45 residential units the minimum disabled car parking standard is 5 spaces. The applicant is proposing 5 disabled residential spaces which is acceptable and in line with the adopted standards.

- 8.47 Within the submitted Transport Statement the applicant has stated that servicing would continue from on-street as is currently the case for neighbouring properties and the Highway Authority has no objections to the continuation of this arrangement.
- 8.48 The applicant has forecast the existing and proposed trips to and from the development by accessing the TRICS database. The applicant concludes that the analysis demonstrates that there will be a reduction of total person trips to the site as a result of the proposals to change to a residential use. The Highway Authority does not disagree with this conclusion and therefore does not request a S106 contribution towards infrastructure improvements in this instance.
- 8.49 Directly outside the front door of the hotel on Lansdowne Place there is a long area of double yellow line restrictions. It appears that was once used as a taxi pick up set down area when the hotel was in operation. As a result of the development the double yellow lines would be redundant and it would make a more efficient use of the road space to provide 2 additional CPZ bays in this location. Therefore the Highway Authority would request this be secured by conditions.

**Amenity and Recreation Space:**

- 8.50 Policy HO5 of the Local Plan requires the provision of private useable amenity space in new residential development where appropriate to the scale and character of the development. Although conversion of an existing building and the site being located within a conservation area means there is no scope for incorporating balconies into the residential units, there are courtyard gardens proposed within the development. The site is also in close proximity to public recreation space on Hove Lawns and the beach.
- 8.51 A contribution towards the provision of outdoor recreation space should be sought from the applicant in line with the requirements of Policy HO6 of the Local Plan. Using the open space 'ready reckoner' the gives a figure of £116,711, inclusive of an indoor sport contribution of £18,522. The applicant has agreed to this level of contribution and accordingly in-lieu of sufficient on-site opportunity the open space requirements can be provided off-site within the locality as sufficient mitigation.

**Sustainability:**

- 8.52 Under Supplementary Planning Document SPD08 major conversions to residential buildings are expected to be assessed under BREEAM Domestic Refurbishment and demonstrate no net additional CO2 emissions, major new build residential on previously developed land would be expected to achieve Code level 4.
- 8.53 The Design and Access Statement commits to the achievement of Code level 4 in new build units, and BREEAM Domestic Refurbishment 'very good' standard in new dwellings created in the existing building. This meets local policy standards and is welcomed.

- 8.54 The dwellings that should be assessed under the CSH includes the 6 new dwellings in the mews accommodation and the two new penthouse flats. The remaining residences can be assessed under BREEAM.

Ecology/Nature Conservation:

- 8.55 There are no sites designated for their nature conservation interest that are likely to be impacted by the proposed development. The site comprises existing buildings and hardstanding, with trees subject to a Tree Protection Order, within an urban setting and there is minimal existing biodiversity interest.
- 8.56 The proposed development is unlikely to have a detrimental impact on biodiversity and can be supported from an ecological perspective. The site offers some opportunity for biodiversity enhancements that would help the Council address its duties and responsibilities under the NERC Act and NPPF.
- 8.57 The trees should be protected during construction works and this can be secured by condition.
- 8.58 As the proposed development involves the demolition of buildings, there is a chance that bats and/or nesting birds could be impacted. An informative is recommended to draw this to the applicant's attention.
- 8.59 The proposal to provide six bird boxes is welcomed and can be secured by condition.

**9 CONCLUSION**

- 9.1 The building is currently vacant. The principle of its conversion from hotel to residential use is acceptable and would secure the future of the building. The proposed residential accommodation would be of an acceptable standard and would not adversely impact on the amenities of neighbouring properties. Whilst there are concerns about the visual impact of the additional storey, the extant planning permission for a similar structure is a material planning consideration.

**10 EQUALITIES**

- 10.1 The development is required to comply with the Building Regulations. The main entrance from Lansdowne Place is stepped, however level access is available at the rear to the five houses and one flat. There is internal lift access to all floors within the building.

**11 PLANNING OBLIGATION / CONDITIONS / INFORMATIVES**

11.1 S106 Heads of Terms

- Contribution towards open space provision to the sum of £116,711
- Contribution towards education provision to the sum of £60,563

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- Contribution towards the 'Local Employment Scheme' to the sum of £25,000
- Commitment to an Employment Strategy to use 20% local labour
- Construction Environmental Management Plan
- Provision of Travel Information Pack to first residents of each residential unit to include:
  - Details of pedestrian and cycle routes in the local area.
  - Public transport timetable/maps.
  - 2 years membership to car club.

### 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) No extension, enlargement or alteration of the dwellinghouses as provided for within Schedule 2, Part 1, Classes A - D of the Town and Country Planning (General Permitted Development) Order 1995, as amended (or any order revoking and re-enacting that Order with or without modification) other than that expressly authorised by this permission shall be carried out without planning permission obtained from the Local Planning Authority.  
**Reason:** The Local Planning Authority considers that further development could cause detriment to the character of the area and to the amenities of the occupiers of nearby properties and for this reason would wish to control any future development proposals to comply with policies QD14, QD27 and HE6 of the Brighton & Hove Local Plan.
- 3) The development hereby permitted shall be carried out in accordance with the approved drawings listed below.  
**Reason:** For the avoidance of doubt and in the interests of proper planning.  
[To follow with Additional Representations List]
- 4) The vehicle parking area shown on the approved plans shall not be used otherwise than for the parking of private motor vehicles and motorcycles belonging to the occupants of and visitors to the development hereby approved. **Reason:** To ensure that adequate parking provision is retained and to comply with policy TR19 of the Brighton & Hove Local Plan.
- 5) All planting, seeding or turfing comprised in the approved scheme of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are



removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation. All hard landscaping and means of enclosure shall be completed before the development is occupied.

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

#### 11.2 Pre-commencement conditions

- 1) 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, including the balustrade to the penthouse flats, 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.
- 2) No development or other operations shall commence on site until a scheme which provides for the retention and protection of trees (in accordance with BS5837:2012 *Trees in relation to design, demolition and construction*), shrubs and hedges growing on or adjacent to the site, including trees which are the subject of a Tree Preservation Order currently in force, has been submitted to and approved in writing by the Local Planning Authority; no development or other operations shall take place except in complete accordance with the approved protection scheme.  
**Reason:** To protect the trees which are to be retained on the site in the interest of the visual amenities of the area and to comply with policies QD1 and QD16 of the Brighton & Hove Local Plan.
- 3) Unless otherwise agreed in writing by the Local Planning Authority, no development shall commence until a BRE issued Interim/Design Stage Certificate demonstrating that the development has achieved a BREEAM Domestic Refurbishment rating of 'very good' as a minimum for the residential units created by the conversion of the existing building has been submitted to, and approved in writing by, the Local Planning Authority. A completed pre-assessment estimator will not be acceptable.  
**Reason:** To ensure that the development is sustainable and makes efficient use of energy, water and materials and to comply with policy SU2 of the Brighton & Hove Local Plan and Supplementary Planning Document SPD08 Sustainable Building Design.
- 4) Unless otherwise agreed in writing by the Local Planning Authority, no development shall commence until a Design Stage/Interim Code for Sustainable Homes Certificate demonstrating that each of the new build houses achieve a Code for Sustainable Homes rating of Code level 4 as a

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minimum for these residential units has been submitted to, and approved in writing by, the Local Planning Authority.

A completed pre-assessment estimator will not be acceptable.

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

- 5) No development shall commence on site until a scheme for the landscaping of the site has been submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall include details of hard landscaping, planting plans, written specification (including cultivation and other operations associated with tree, shrub, hedge or grass establishment), schedules of plants noting species, plant sizes and proposed numbers / densities and an implementation programme.  
**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.
- 6) No development shall take place until details of the proposed green walling and maintenance and irrigation programme have been submitted to and approved in writing by the Local Planning Authority. The walls shall thereafter be constructed, maintained and irrigated in accordance with the approved details.  
**Reason:** To ensure that the development contributes to ecological enhancement on the site and in accordance with policy QD17 of the Brighton & Hove Local Plan.
- 7) 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.
- 8) 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.
- 9) Prior to the commencement of development, details of foul and surface water sewerage disposal shall be submitted to and approved in writing by the Local Planning Authority. **Reason:** To prevent the increased risk of

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flooding and to prevent pollution of controlled waters by ensuring the provision of a satisfactory means of surface water disposal and to comply with policy SU3 of the Brighton & Hove Local Plan.

- 10) Prior to the commencement of development, a scheme setting out the measures to be undertaken to protect the public water supply main shall be submitted to and approved in writing by the Local Planning Authority  
**Reason:** To protect the public water supply and to comply with policy SU3 of the Brighton & Hove Local Plan.
- 11) Prior to the commencement of development an affordable housing Tenure Plan shall be submitted to and approved in writing by the Local Planning Authority which secures 18 affordable units. **Reason:** To ensure the provision and retention of an appropriate amount of affordable housing in accordance with policy HO2 of the Brighton & Hove Local Plan.
- 12) The proposed development shall not commence until a scheme for the details of the provision of affordable housing, as part of the development, has been submitted to and approved in writing by the local planning authority. The affordable housing shall be provided in accordance with the approved scheme which shall include:
  - i) the timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing
  - ii) the arrangements for the transfer of the affordable housing to an affordable housing provider;
  - iii) the arrangements to ensure that the affordable housing remains as affordable housing for both first and subsequent occupiers of the affordable housing; and
  - iv) the occupancy criteria shall be agreed by Brighton & Hove City Council Housing Teamand for the purposes of this condition 'affordable housing' has the meaning ascribed to it by the National Planning Policy Framework.  
**Reason:** To ensure the provision and retention of an appropriate amount of affordable housing in accordance with policy HO2 of the Brighton & Hove Local Plan.

### 11.3 Pre-occupation conditions

- 1) Unless otherwise agreed in writing by the Local Planning Authority, none of the residential units created by the conversion of the existing building hereby approved shall be occupied until a BRE issued BREEAM Domestic Refurbishment Final/Post Construction Certificate confirming that each of these units built has achieved a rating of 'very good' as a minimum for the residential units created by the conversion of the existing building 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.

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- 2) Unless otherwise agreed in writing by the Local Planning Authority, none of the new build houses hereby approved shall be occupied until a Final/Post Construction Code Certificate issued by an accreditation body confirming that each of these units 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.
- 3) The new dwellings hereby permitted shall be constructed to Lifetime Homes standards prior to their first occupation and shall be retained as such thereafter.  
**Reason:** To ensure satisfactory provision of homes for people with disabilities and to meet the changing needs of households and to comply with policy HO13 of the Brighton & Hove Local Plan.
- 4) 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.
- 5) The development hereby permitted shall not be occupied until details of a scheme of works to change the redundant double yellow lines on Lansdowne Place to shared use CPZ bays has been submitted and approved by the Local Planning Authority. **Reason:** To ensure that the development provides for the demand for travel it creates and to comply with policy TR1 of the Brighton & Hove Local Plan.
- 6) Prior to the occupation of the development hereby approved, a minimum of six bird boxes shall be provided on the development in accordance with details which have been submitted to and approved in writing by the Local Planning Authority. The bird boxes shall be retained thereafter. **Reason:** To promote biodiversity and to comply with policy QD17 of the Brighton & Hove Local Plan.

### 11.4 Informatives:

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

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2. To satisfy conditions regarding details of foul and surface water sewerage disposal and the protection of the public water supply main, it is requested that you prepare information in consultation with Southern Water.
3. Detailed design of the proposed drainage system should take into account the possibility of surcharging within the public sewerage system in order to protect the development from potential flooding.
4. A formal application for connection to the public sewerage system is required in order to service this development, please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire, SO21 2SW (Tel 0330 303 0119 or at [www.southerwater.co.uk](http://www.southerwater.co.uk))
5. The applicant is advised that details of the BREEAM Domestic Refurbishment assessment and a list of approved assessors can be obtained from the BRE website ([www.breeam.org/page.jsp?id=228](http://www.breeam.org/page.jsp?id=228)). Details can also be found in Supplementary Planning Document SPD08 Sustainable Building Design, which can be accessed on the Brighton & Hove City Council website ([www.brighton-hove.gov.uk](http://www.brighton-hove.gov.uk)).
6. The applicant is advised that details of the Code for Sustainable Homes can be found on the Planning Portal ([www.planningportal.gov.uk](http://www.planningportal.gov.uk)), on the Department for Communities and Local Government website ([www.communities.gov.uk](http://www.communities.gov.uk)) and in Supplementary Planning Document SPD08 Sustainable Building Design, which can be accessed on the Brighton & Hove City Council website ([www.brighton-hove.gov.uk](http://www.brighton-hove.gov.uk)). Accreditation bodies at March 2010 include BRE and STROMA; other bodies may become licensed in future.
7. If any signs of bats and/or nesting birds are discovered during demolition, works should stop and advice should be sought from a suitably qualified and experienced ecologist. All species of bats are protected under Schedule 5 of the Wildlife and Countryside Act 1981, as amended, and Schedule 2 of the Conservation of Habitats and Species Regulations 2010 making all species of bats European Protected Species. Under Section 1 of the Wildlife and Countryside Act 1981 (as amended), wild birds are protected from being killed, injured or captured, while their nests and eggs are protected from being damaged, destroyed or taken.
8. 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 building is currently vacant. The principle of its conversion from hotel to residential use is acceptable and would secure the future of the building. The proposed residential accommodation would be of an acceptable standard and would not adversely impact on the amenities of neighbouring properties. Whilst there are concerns about the visual impact of the additional storey, the extant planning permission for a similar structure is a material planning consideration.

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**From:** Ollie Sykes  
**Sent:** 14 February 2014 18:33  
**To:** Steven Lewis  
**Cc:** Jeanette Walsh; Phelim MacCafferty; Planning Applications  
**Subject:** Lansdowne Place Hotel BH2014/00093 - objection  
**Importance:** High

Dear Steven

I wish to object to this application on the grounds of ongoing nuisance due to water ingress, potential nuisance due to noise, potential security concerns and inadequate survey information with respect to structural impact on neighbouring properties:

1. Water ingress. As ward Councillor, I was made aware in October 2012 by the residents and owners of 2 Brunswick Street West (BSW) of issues affecting their property, which was recently built adjacent to the Lansdowne Place Hotel and under a major south-facing wall of the Hotel. The poor condition of the south facing wall and windows of the Hotel was resulting in significant volumes of water entering 2 BSW after rain. I have visited and inspected the site on a number of occasions and it seemed clear (to me and to independent surveyors) from internal and external inspection of both 2 BSW and the Hotel that during rain, water penetrated the Hotel's south facing wall, ran down and into the wall and from there into 2 BSW. Following placement of the Hotel into receivership, the Receivers KPMG contributed to the cost of basic repairs but the problem continues to this date as verified by residents of 2 BSW and by me on 12<sup>th</sup> February 2014. A Stage 1 Building Survey dated July 2013, which accompanies the planning application, acknowledges (section 3.13) that there was a problem but incorrectly maintains it has been resolved. Furthermore the budget for immediate repairs to make the building safe and rainproof (section 5) does not acknowledge the ongoing water ingress into 2 BSW and does not include costs of remedying this major problem.
2. Noise nuisance. The residents of 2 BSW report a history of clear noise transmission from hotel rooms to their home while the Hotel was still in operation. There is concern that with conversion to dwellings, this may intensify. This is not acknowledged in planning documentation and I suggest that a requirement for adequate sound insulation be added as a condition to planning permission if given.
3. Security concerns. The roof and therefore the upstairs windows of 2 BSW are accessible from the second floor windows of the Hotel and this may become a security and noise risk following conversion. It is suggested that planning permission if awarded include conditions limiting access through these Hotel windows.
4. Structural problems resulting from water ingress. Surveyors commissioned by the owners of 2 BSW inform that prolonged water seepage down the main south facing wall of the Hotel and into 2 BSW is likely to have caused damage to structural elements including steel and wooden joists. This risk has not been addressed in the Stage 1 building survey and I suggest that investigations and any remedial work is included as part of immediate measures to make the building safe.

If these important matters are addressed by means of conditions to planning permission I may be happy to support the planning application.

Kind regards

Ollie Sykes  
City Councillor (Green Party), Brunswick and Adelaide ward  
Deputy Chair, Environment Transport and Sustainability Committee  
01273 291 413

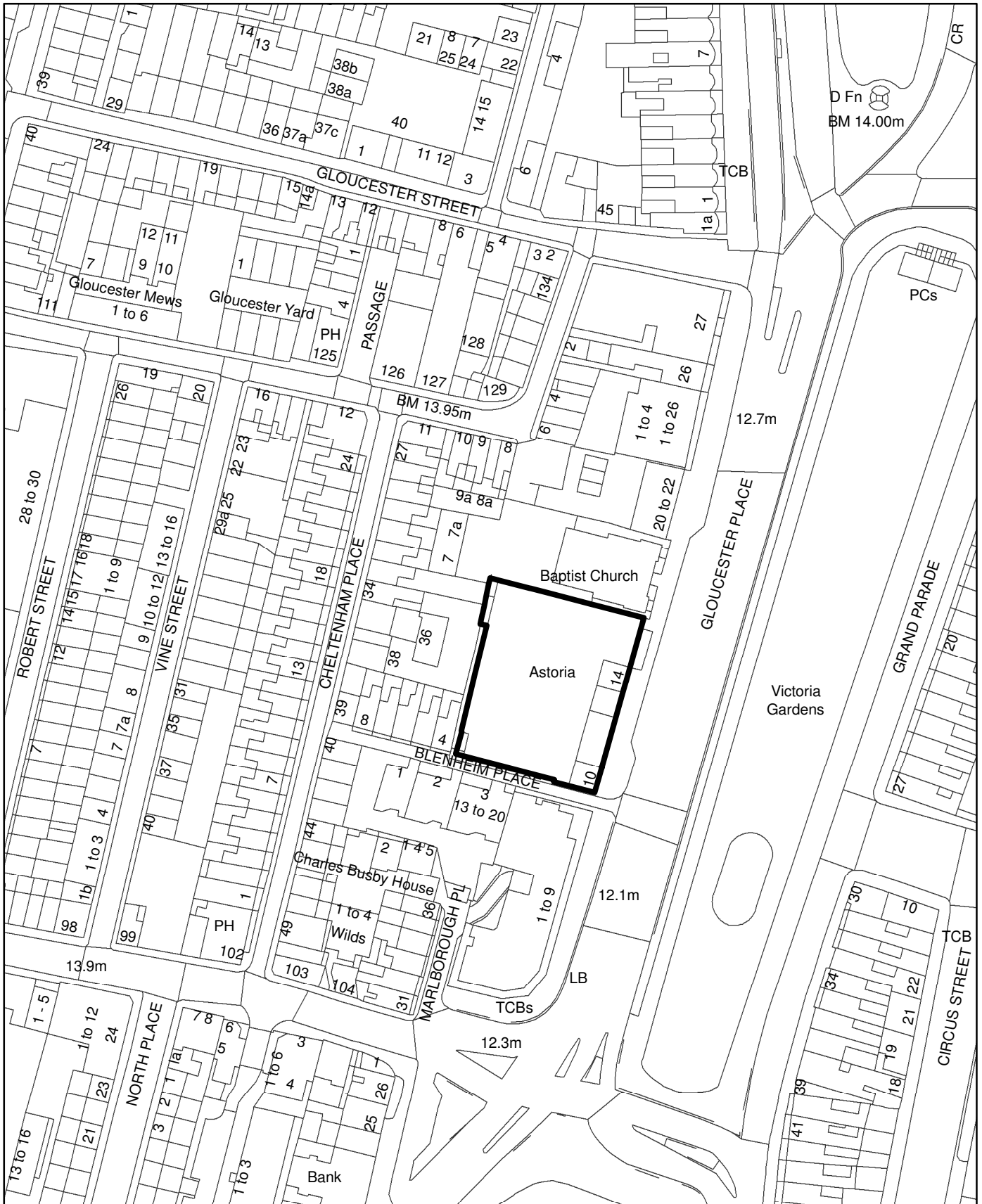
# **ITEM C**

**The Astoria, 10-14 Gloucester Place,  
Brighton**

**BH2013/03926  
Full planning**

**06 AUGUST 2014**

# BH2013/03926 The Astoria, 10-14 Gloucester Place, Brighton.



**Scale: 1:1,250**



<b><u>No:</u></b>	<b>BH2013/03926</b>	<b><u>Ward:</u></b>	<b>ST. PETER'S &amp; NORTH LAINE</b>
<b><u>App Type:</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>The Astoria 10-14 Gloucester Place Brighton</b>		
<b><u>Proposal:</u></b>	<b>Demolition of existing Grade II listed building and construction of new building consisting of 3no storeys in height at rear and 6no storeys in height at front (including basement) incorporating retail/café/restaurant (A1/A3) on the ground floor fronting Gloucester Place and community rooms (D1) on the ground floor fronting Blenheim Place with offices (B1) above and to the rear, together with 6no residential units (C3) on the fifth floor.</b>		
<b><u>Officer:</u></b>	<b>Adrian Smith Tel 290478</b>	<b><u>Valid Date:</u></b>	<b>09 December 2013</b>
<b><u>Con Area:</u></b>	<b>Within Valley Gardens and adjacent to North Laine.</b>	<b><u>Expiry Date:</u></b>	<b>10 March 2014</b>
<b><u>Listed Building Grade:</u></b>	<b>Grade II</b>		
<b><u>Agent:</u></b>	<b>Lewis and Co Planning SE Ltd, 2 Port Hall Road, Brighton BN1 5PD</b>		
<b><u>Applicant:</u></b>	<b>H30 Media Ltd, Mike Holland, The British Engineerium, The Droveaway, Hove BN3 7QA</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 Astoria site lies within the Valley Gardens Conservation Area and abuts the North Laine Conservation Area. The Valley Gardens Conservation Area is characterised by mostly grand Regency and Victorian terraces fronting onto public gardens. Gloucester Place has been much more significantly redeveloped in the 20<sup>th</sup> century than other frontages in the area, with buildings of generally larger scale. The North Laine Conservation Area is characterised by contrastingly smaller scale, mixed-use buildings on a tight urban grain of mainly north-south streets.
- 2.2 The building is currently vacant and has been since circa 1996/97 when the previous use as a Bingo Hall (D2) vacated. Prior to operating as a Bingo Hall the building operated as a cinema between 1933 and 1977.
- 2.3 The property is set out over three storeys and the accommodation includes vacant commercial units on the ground floor, the previous tea room above at first floor level and the manager's flat at second storey level. The auditorium takes up some 55% of the internal space. The property is Grade II Listed and has been since 2000.

- 2.4 The surrounding area is contained within a Controlled Parking Zone (CPZ). Gloucester Place is a three lane one way road heading north and to the front of the building is an existing layby containing pay and display, disabled and taxi spaces. Blenheim Place is a narrow no through road with double yellow lines to either side.

### 3 RELEVANT HISTORY

**BH2013/03927-** Listed Building Consent for demolition of existing Grade II listed building. Under Consideration

**BH2010/03760-** Listed Building Consent for demolition of existing Grade II listed building. Approved 15/05/2012.

**BH2010/03759-** Demolition of existing Grade II listed building and construction of new office block consisting of 2no storeys at rear and 6no storeys at front incorporating café and community rooms on ground floor at front of development. Approved 14/05/2012

**BH1997/02007/FP-** Change of use from bingo hall (class D2) to music/dance venue and public house (class A3) including internal alterations. Approved 13/03/1998.

**BN75.2505-** Change of use from Cinema to Cinema Class XVII and for indoor games including bingo and ancillary social club. Approved 16/12/1975.

### 4 THE APPLICATION

- 4.1 The application is a re-submission following the approval of planning permission for the demolition of the Grade II listed Brighton Astoria and the construction of a replacement part 6, part 2 storey office building incorporating café and community rooms under application BH2010/03759.
- 4.2 Planning permission is again sought for the demolition of the existing building and the redevelopment of the site with a 6 storey building fronting Gloucester Place. The application now proposes a taller part-three part-four storey wing to the rear and a revised mix of uses comprising additional office floorspace, a new restaurant/retail unit, community space, and six residential flats. The scheme also proposes a courtyard garden space for general use and roof terrace and balconies in connection with the office use. The mix of uses comprise the following, set in comparison to the extant permission BH2010/03759:

	<b>BH2010/03759</b>	<b>Proposed</b>
B1 Office floorspace	3055sqm	3300sqm
D1 Community space	86sqm	67sqm
A3 Café floorspace	280sqm	233sqm
A1/A3 Retail/restaurant floorspace	0	345sqm
Residential flats (1 x 1-bed; 4 x 2-bed; 1 x 3-bed)	0	6

- 4.3 The pallet of suggested materials is as previous and includes render, metal panels, concrete panels to the solar chimneys, flint work and anodized metal screens/solar shading.
- 4.4 As previous, the application proposes to extend the existing layby to the front of the site on Gloucester Place to provide a loading bay. This is to be facilitated by the removal of two Elm trees and their replacement with six new Elm trees set along the length of the bay. One of the existing taxi bays is to be replaced by an additional disabled parking bay. Public realm improvements are proposed to Blenheim Place including re-surfacing and the provision of street lighting.

## 5 PUBLICITY & CONSULTATIONS

### External:

#### 5.1 Neighbours:

**One (1)** letter has been received from **1 Village Barn, Church Hill**, objecting to the proposed development on the following grounds:

- The building is a 1930's Grade II listed Art Deco building with significant historical importance to the city
- The plans are not sympathetic to the conservation area
- The council should consider purchasing the building for use as a public building such as an art gallery which would benefit the city culturally

#### 5.2 **Ancient Monuments Society:** Comment.

The Society wishes to defer to the Twentieth Century Society.

#### 5.3 **Twentieth Century Society:** Object.

The Society does not believe that clear and convincing justification has been made for the loss of this designated heritage asset. The marketing report has not been updated to reflect the current economic climate, whilst the PH Warr costings report does not provide financial details for alternative uses for the site. There are many examples of the successful reclamation and reuse of redundant cinema and theatre buildings that have fallen into disrepair, as pointed out by the Theatres Trust.

#### 5.4 **The Theatres Trust:** Object.

The Trust remain opposed to the total demolition of the Grade II listed Astoria Theatre, and has never accepted the case for demolition as previously granted. The Trust consider it important to find a long term use that retains the Astoria. It is clear that the building does not need to be used for theatrical or cinematic uses or that these uses are even viable. There are many examples of the successful reclamation and reuse of redundant cinema and theatre buildings that have fallen into disrepair and there is no reason why the Astoria cannot be retained and contribute to the rejuvenation of this part of Brighton. The Trust would expect that at the very least key features of the existing building be incorporated into any redevelopment of the site.

#### 5.5 It is disappointing that the application has not made any attempt to reconfirm that there are no current alternative community uses available or to provide updated marketing reports that reflect the improved economic climate.

- 5.6 The application's justification for demolition remains questionable. It appears contradictory to argue that the Astoria is 'at odds with its conservation area setting' and is 'very bulky' and out of scale when the proposed replacement building is much taller across the entire width of the site, dominating Gloucester Place, the adjacent Baptist Church and other low rise buildings in the area. The dilapidation report and costings are focussed on restoring the building as a cinema rather than considering alternative uses.
- 5.7 **The Cinema Theatre Association (CTA): Object.**  
The Cinema Theatre Association is not satisfied that the criteria for demolition have been met and the historic report is not convincing in its authority regarding the development and context of the building type of the cinema or its (lack) of historic merit. We therefore strongly object to this application.
- 5.8 The building has not been altered since it was listed. The historic features described are all still in situ, albeit some concealed by the accretion of later surfaces. The building possibly would have been afforded a higher listing had more original fabric survived.
- 5.9 Any deterioration has been the cause of prolonged neglect. The deterioration of a building is the direct effect of a lack of maintenance by the owner. Failure to maintain a building is therefore effectively neglect by the owner.
- 5.10 It appears that the owner has ambitious expectations regarding the value of the site and its location in terms of its redevelopment potential rather than considering the historic building that occupies it.
- 5.11 There is no reason why the shop units could not have been in business, contributing to the income of the site for the past ten years. Their closure for the past ten years attests to the lack of interest of the owner to actually use the building. It was never intended for any use and had been purchased as a redevelopment site.
- 5.12 It is clear from several other cinemas that have stood empty and have now been successfully returned to entertainment use that the Astoria is not beyond repair and could under the right ownership be brought back to life.
- 5.13 It has not been proven that the building is surplus to cultural, community and tourism requirements.
- 5.14 Several documents that have been submitted as part of this application are dated 2010 and must therefore be considered outdated. This is particularly relevant regarding the Marketing Report. Many factual inaccuracies of the Heritage Report were pointed out in our last correspondence for the previous application. This new application again relies on the faulty information.
- 5.15 **English Heritage: No objection**  
English Heritage carefully scrutinised the justification put forward by the applicant in 2011/12 and there are no substantial changes to either the policy framework or

the nature of the circumstances here that would lead to a different conclusion. English Heritage does not therefore object to the current application for listed building consent to demolish the Astoria.

The current proposal for the Gloucester Place façade remains unchanged from the previous application and would conserve the character and appearance of the Valley Gardens Conservation Area. The current application proposes a scheme of greater height and massing to the west to that consented in order to provide increased office, retail and residential accommodation. This part of the development relates more to the context of the North Laine Conservation Area, which in the main comprises lower, smaller buildings than in the Valley Gardens Conservation Area.

It is acknowledged that the scale of buildings proposed is less than that of the existing building, and that the tight grain of Blenheim Place, Cheltenham Place and the Laines beyond make views of higher elements of buildings difficult to achieve. The enlivenment of the Blenheim Place elevation, which is currently the blank flanking elevation of the Astoria, would enhance this part of the conservation area, and provide assurances are sought on quality finishes and materials, English Heritage does not wish to provide any substantive comments on the revised proposals.

5.16 **CAG:** No objection.

5.17 **Environment Agency:** No objection.

5.18 **Southern Water:** No objection.

5.19 **Sussex Police:** No objection.

5.20 **Southern Gas Networks:** No comment.

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

5.22 **East Sussex Fire and Rescue Service:** Objection.

The application does not show compliance with B1 or B5 of the Building Regulations

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

According to the District Valuer's records the building was built in 1910 as a theatre and subsequently adapted for use as a cinema. Its last use was as a Bingo Hall which ceased in June 1997. It is understood that the property has remained vacant. The property is configured as a traditional theatre with a raked auditorium and circle seating. The current planning use is Class D2 and initially market value for occupations with this class have been considered.

5.24 **Bingo Hall:** In recent years the number of Bingo Halls has declined owing to the introduction of the smoking ban, restrictions from the Gambling Act 2005, shrinking customer bases, and increased online gambling sites. In response to this the main chain operators, Mecca, Gala, Walkers and Top Ten reduced their

estates. Some 54 Bingo Halls in the UK were closed in 2009. Only the strong performing locations remain with the majority situated in Shopping Centres or close to residential estates.

- 5.25 Converted cinemas have high operating costs and achieve lower profitability than modern types. Therefore the remaining converted cinema Bingo Halls are mainly found within local primary retail areas and where there is an absence of any competition for some distance. This property is not located close to a residential area and in my opinion there would be no demand for an occupation as a Bingo Hall. The comments made by Mr. Edward Flude BSc FRICS in paragraph 6.3 of his valuation report are therefore agreed with.
- 5.26 Cinema: Cinemas are valued by reference to the reasonable expectation of trading potential. The trading performances of single screen cinemas in Brighton and elsewhere have been examined and analysed. The DV's estimate of the reasonable expectation of gross trading receipts was deduced from comparable trading information and after making adjustments for location, competition and the establishment of the business. The market value of the property retained as a Cinema would be £500,000 (Five Hundred Thousand Pounds) for the Freehold vacant possession interest.
- 5.27 Casino: A casino occupation is not a viable consideration.
- 5.28 Other Occupations: No evidence for demand for other uses within Class D2 has been found:
1. Theatres: The trading performance of Theatres in Brighton & Hove and East Sussex have been examined. In the DV's opinion there would be no demand for occupation as a Theatre as provincial theatre struggle to achieve a profit or rely on grants to continue operating
  2. Licensed Night Club: The location of the property is isolated from the main trading centre and difficulties with the location are evidenced by the closures of the nearby Gloucester Club.
  3. Church or Religious Meeting Halls: A number of converted cinemas (like Finsbury Park in London) have been occupied as meeting halls. Demand for this use is incidental and therefore cannot be assessed.
  4. Other uses, like Health and Fitness Clubs, has also been briefly considered but in the Valuer's experience the Leisure market avoids auditorium layouts as they are considered to be inefficient and difficult to manage and operate.
- 5.29 Conclusion: It is considered that the market value of the property retained as a Cinema is £500,000 for the Freehold vacant possession interest. It is understood that the opinion of value prepared by Mr. Edward Flude BSc FRICS represents the best, or optimistic, consideration to demonstrate the negative residual value. The District Valuer does not consider there to be a conflict between the opinions of value.

**Internal:**

5.30 **Heritage: No objection**

This proposal is in effect a variation to the applications approved under BH2010/03759 and BH2010/03760. The principle of demolition of the building

and redevelopment of the site was accepted under those approvals. In terms of the loss of the listed building, the main change in policy considerations since then has been the replacement of PPS5 by the National Planning Policy Framework (NPPF), though the PPS5 Planning Practice Guide has not yet been superseded. The loss of the listed building represents substantial harm to the heritage asset under paragraph 133 of the NPPF. The criteria that must be met to justify this substantial harm are effectively unchanged from policy HE9.2 of PPS5 and therefore no additional justification is required to meet national policy. Since the previous approvals the South East Plan has been abolished and the council's City Plan (part 1) has progressed but remains an emerging policy document. Policy CP15 of that Plan is relevant to the application for demolition but does not conflict with the NPPF and does not require any additional justification to be provided beyond that to satisfy paragraph 133 of the NPPF. Consequently the loss of this building is accepted provided that the proposed redevelopment is acceptable and would produce the same heritage and other public benefits as the approved scheme.

- 5.31 The main part of the new building, fronting Gloucester Place, is to be the same height and design as previously approved but with residential use on the fifth floor. The front (east) elevation at fifth floor level would now be glazed to the northern-most bay in the same manner as the others but would still be set back to the same degree as previously approved. The fenestration at fourth and fifth floors to the main rear (west) elevation has been revised but there are no objections to these changes.
- 5.32 The previously-proposed solar chimneys on each flank elevation would be omitted and there would be other revisions to these elevations, including a more slender tower elevation on the south elevation and a revised roofline and fenestration. Overall and on balance it is considered that these amendments are acceptable and retain the necessary design quality of the development. The ground floor of the south flank elevation has also been revised and incorporates more door openings for fire escapes and stores. The design and appearance of these would need to be carefully considered to avoid a dead appearance.
- 5.33 This proposal differs most significantly from the approved scheme in terms of its footprint at the northern end and in additional floors to the rear wing. The courtyard between the main frontage building and the rear wing would be reduced in size as the front and rear buildings would be linked at the northern end, though there would be a light well above ground floor level. The rear wing would have an additional floor, making it three storeys above ground, but the new link section would rise a further storey to be four storeys in height. A key public heritage benefit of the approved scheme, mitigating the loss of the listed building, was the enhancement to the character and appearance of the North Laine conservation area arising from the substantial reduction in bulk along the rear of the site. The additional storey to the rear wing would mean that it would now be a storey higher than the historic Blenheim Place and Cheltenham Place buildings. Nevertheless it is still considered that in this respect that the development would make an appropriate transition in scale from the Valley Gardens frontage to the small scale of the North Laine.

- 5.34 Concerns were initially raised with regard to the impact of the additional storeys on the key views from Marlborough Place northwards to the historic roofline of Blenheim Place. The enhancement of these key views, and the enhancement of the North Laine conservation area by a careful transition in scale and massing from the Valley Gardens Conservation Area, were considered to be important public benefits of the redevelopment, contributing significantly to the balance of public benefits that were considered to outweigh the substantial harm caused by the complete demolition of the listed building. Additional and revised details, in the form of long sections and CGIs have satisfactorily demonstrated the very limited extent to which the proposed development would be visible above the historic roofline, and only at some distance southwards. On this basis there is no objection to the additional rear storeys.
- 5.35 **Planning Policy: No objection.**  
The loss of the listed building and retail units, and the provision of new office floorspace has been accepted in principle through the approval of application BH2010/03759. Evidence has been submitted to demonstrate that there has not been a significant change in the viability of retaining the existing building as a community facility since that time. This revised application broadly maintains the level of office and community facility floorspace, whilst also providing six residential units, which are a welcome contribution towards the city's housing need.
- 5.36 **Loss of Community Facilities:** The building has been vacant for some years. The most recent use was a bingo hall (class D2 Assembly and Leisure) which closed in 1997 though there have been informal uses in the building since then (dance studio). There is a presumption against the loss of this use in policy HO20 which sets out four tests for justifying the loss, however the principle of an exception to policy has been accepted through the approval of the previous scheme (BH2010/03759). Evidence submitted to support the application under consideration from the marketing agents states that the conclusions of their 2010 marketing report remain unchanged, i.e. that a D1 and D2 community use would not deliver refurbishment or redevelopment of the site.
- 5.37 67m<sup>2</sup> of community meeting space is proposed in the development, which is a slight decrease on the 86m<sup>2</sup> proposed in the existing approved scheme, however this small decrease is not considered to be significant. As with the previous scheme, the community meeting space that is provided should be secured by condition and a management plan submitted (by condition or S106) to ensure that community groups are aware of its availability, it is clear how to use/book the room and that it is affordable.
- 5.38 **New Office Floorspace:** The proposal for new, modern office floorspace development (3301m<sup>2</sup>) is welcomed and will contribute towards shortage of good quality, modern office space identified in the Employment Land Study Review 2012, whilst helping to offset the loss of B1 office space that has taken place elsewhere in the city. The scheme is considered to meet to the criteria for new business use on unidentified sites set out in Policy EM4 of the Local Plan. Although the amount of office floorspace is a small decrease from the 3362m<sup>2</sup>



proposed in the previous approved scheme, this decrease is not considered to be significant.

- 5.39 Provision of Residential Units: The provision of six new residential units is welcomed as a contribution towards the city's significant housing requirement as identified in the Submission City Plan. It is considered that the scheme meets the requirements of Policy HO3 of the Local Plan and Policy CP19 of the Submission City Plan due to the variety of dwelling sizes proposed.
- 5.40 The quantity of units falls below the threshold for provision of affordable housing set out in Policy HO2 of the Local Plan. Although Policy CP20 of the Submission City Plan requires an element of affordable housing on all sites of 5 or more dwellings, this policy is considered to hold less weight than the Local Plan policy as it is a significant change of approach and has not been fully tested through a completed Examination. In line with the requirements of Policy HO5 of the Local plan, the residential units are provided with private amenity space.
- 5.41 No outdoor recreation space is provided as part of the development. In line with Local Plan Policy HO6, contributions to their provision on a suitable alternative site may be acceptable. Using the open space 'ready reckoner', a figure of £18,525.69, including £2,940 towards indoor sport, should be sought.
- 5.42 Loss of Retail Units: There are 3-5 vacant retail type units on the ground floor. The proposal must be considered against policy SR7 Local Parades as it represents the loss of a local parade (cluster of more than 3 shops). The applicant makes the case for an exception to policy on the grounds of the close proximity of nearby retail centres; that the shops have been vacant for some years and the replacement use offsets the loss.
- 5.43 Convenience shops and the London Road District Centre are located within 400m (easy walking distance) of this vacant parade. For this reason and by reason of the overall benefits of the scheme (set out above) the proposal is considered satisfactory as an exception to policy along with the requirement for an active frontage.
- 5.44 Streetscape improvements: In accordance with policy SA3 Valley Gardens in the Submission City Plan, the proposal has proposals to enhance the streetscape and have an active frontage at ground floor level. The applicant is proposing an active elevation on the ground floor and this will be helped by the new proposed restaurant. Landscaping improvements are proposed at the front of the building including tree planting which should be secured through an S106 agreement.
- 5.45 **Sustainable Transport:**  
General parking: Although the application is described as car free it cannot be guaranteed that commuters working at the development will not drive to work. However, the local circumstances here indicate that this aspect of the proposal is acceptable on balance. SPG4 indicates that non-operational parking is inappropriate for office developments within the CPZ (which the application site is) and the CPZ itself clearly prevents commuter parking in the immediate vicinity of the site. The applicants have demonstrated in their TA that provision for

sustainable modes of transport in the area is good. Given these considerations it is considered that the car free nature of the proposal is acceptable. The standard car free conditions should be attached to any consent to prevent able bodied residents from buying residents parking permits.

- 5.46 Disabled parking: SPG4 indicates that the minimum disabled parking provision required is 33 spaces for the office use, 5 for the A1/ A3 use and none for the residential use, i.e. 38 in total. The applicants propose no on-site provision and suggest that the 2 existing on street bays on Gloucester Place can be used and the taxi rank which has been indicated by their surveys to be unused could be converted to disabled parking. Any conversion would be subject to consultation which the applicants would have to fund along with subsequent implementation if approved. Officers have indicated that some limited use is made of the taxi rank. Parking in the area will be subject to revision as part of the Valley Gardens project. In any case the proposed disabled parking provision is substantially below minimum requirements and mitigation should be sought by way of a contribution to shopmobility as provided for by policy TR18. An appropriate amount would be £30,000 and this should be required in the S106 agreement.
- 5.47 Cycle parking: The number of cycle parking places proposed is substantially above the SPG4 minimum but some of the details give rise to concerns. It is proposed to mostly replace Sheffield stands as in the previous consent with two tier Josta stands which are not as easy for cyclists to use. A cycle parking condition requiring further details should therefore be attached to any consent.
- 5.48 Highways impact: There will be negligible impact on local highway capacity since the application is car free.
- 5.49 Highways alterations: The applicants propose to fund the creation of a new loading bay on Gloucester Place and improvements to Blenheim Place involving resurfacing and raising the carriageway to footway level, provision of new street lighting and public art. This would make Blenheim Place and Gloucester Place more attractive pedestrian routes and prevent the need for loading in Blenheim Place. The work should be fully funded by the developers through a Section 278 agreement. Co-ordination with the Valley Gardens proposals and informal consultation with the neighbouring occupiers TSB should be required of the applicants if they choose to proceed with these works. It is currently expected that the part of the Valley Gardens scheme adjacent to the application site will be implemented in 2016.
- 5.50 Sustainable modes/Contributions: Taking into account the changes from the previous application the standard contributions formula suggest that an amount of £62,400 would be appropriate for this application. This is required for the development to comply with policy TR1. Although existing provision in the wider area is good there is scope for improvements and the S106 contributions should be directed to these. Examples of such improvements are a new pedestrian crossing in Gloucester Place, local wayfinding signs, pedestrian improvements identified in the local street audit, provision of real time bus information at the North Rd. bus stop, and resurfacing of the local section of NCN route 20. The contributions should be spent on measures such as these. However if the Valley

Gardens scheme, which will comprehensively improve transport facilities near to the application site, is implemented at an appropriate time, the contributions should be spent on this instead.

- 5.51 **Travel plan:** The applicants have submitted an acceptable travel plan framework and a full travel plan should be required by condition. This should be subject to approval which should be required before occupation.
- 5.52 **Economic Development: No objection.**  
No objection subject to a contribution through a S106 agreement for the payment of £36,010 towards the Local Employment Scheme (LES) in accordance with the Developer Contributions Interim Guidance and the provision of an Employment and Training Strategy with the developer committing to using 20% local employment during demolition and construction phases of the development.
- 5.53 **Arboricultural Services: No objection.**  
To facilitate the loading bay, 2 juvenile on-street Elms (*Ulmus glabra*) will need to be removed, which is to be regretted. The Arboricultural Section would not object to this, subject to a condition requiring 6 replacement trees of the same species to be planted further along the road beside the new parking bays.
- 5.54 The landscaping plan (P.409) supplied by the applicant is adequate and the Arboricultural Section are in full agreement with it. It is recommended that an Arboricultural Method Statement on size of Elms to be planted, staking, size of planting pits etc is sought prior to development commencing.
- 5.55 **Environmental Health: No objection.**  
There are residential properties behind the site in Blenheim Place. The new residential units at 5<sup>th</sup> floor level will be set back from the front of the building. A noise assessment has been submitted that recommends installing thermal double glazing and ventilation systems to provide adequate acoustic insulation.
- 5.56 There is the potential for noise and odour from the ground floor restaurant to impact on the offices above and residents on the fifth floor. To manage this conditions are necessary to increased sound insulation. Noise from deliveries to the restaurant/café could cause noise issues and hours should be conditioned. It is recommended that the opening hours of the restaurant, offices and community rooms are conditioned in order to prevent noise complaints. All plant and machinery both internally and externally on the roof area including but not exclusively mechanical ventilation, odour control and air handling units should operate at 5dB below background. This should be capable of being met with all plant running simultaneously.
- 5.57 Two sites adjacent to the north and to west of the site have the potential to have caused localised contamination during their operation therefore a discovery strategy is recommended to be applied to any grant of planning consent. A Construction Environmental Management Plan (CEMP) should be submitted to detail proposals for managing the construction phase including proposals for dealing with any noise complaints that may arise.

5.58 **Air Quality:** No objection.

5.59 **Sustainability Officer:**

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. SPD08 states that major new built developments are expected to achieve BREEAM 'excellent', including 60% in the energy and water sections, for non residential development, and Code for Sustainable Homes (CfSH) Level 4 for residential development.

5.60 As submitted, the residential development is proposed to be delivered to CfSH Level 4 which meets expected residential standards. However, the non-residential development falls below the expected BREEAM standards, with the Office development to achieve BREEAM Office 'very good' (with 44% in energy and 50% in water sections), and the Retail element to achieve BREEAM Retail 'very good' (with 48% in energy and 44% in water sections).

5.61 The BREEAM Office pre-assessment shows that there is a relatively small shortfall of just 3.7% to achieve an 'excellent' score. Retail has a slightly larger shortfall. There has not been any specific information submitted which demonstrates that the achievement of 'excellent' would make the scheme unviable (such as costings against BREEAM credits). The inclusion of residential development in the scheme is proposed as enabling development to address viability.

5.62 Given the shortfall to achieve BREEAM Office 'excellent' is small, and that this scheme is being assessed on an older, less challenging version of BREEAM, it is recommended that the target of BREEAM 'excellent' be maintained. To allow the applicant some leeway in support of viability however, the energy and water section target could be dropped to 50%. Similarly, as a compromise position the BREEAM target for the Retail element, could be dropped to BREEAM Retail 'very good' with 50% in energy and water sections.

5.63 Approval is recommended with the inclusion of conditions to secure Code for Sustainable Homes Level 4 for housing, BREEAM Office 'excellent' with 50% in the energy and water sections, BREEAM Retail 'very good' with 50% in the energy and water sections, Considerate Constructors scheme, and Lifetime Homes standard

5.64 **Ecology:** No objection.

5.65 **Access:** No objection.

## 6 MATERIAL CONSIDERATIONS

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

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

## **7 RELEVANT POLICIES & GUIDANCE**

### The National Planning Policy Framework (NPPF)

#### Brighton & Hove Local Plan:

TR1	Development and the demand for travel
TR2	Public transport accessibility and parking
TR4	Travel Plans
TR7	Safe development
TR8	Pedestrian routes
TR14	Cycle access and parking
TR15	Cycle network
TR18	Parking for people with a mobility related disability
TR19	Parking standards
SU2	Efficiency of development in the use of energy, water and materials
SU3	Water resources and their quality
SU4	Surface water run-off and flood risk
SU5	Surface water and foul sewage disposal infrastructure
SU9	Pollution and nuisance control
SU10	Noise nuisance
SU11	Polluted land and buildings
SU13	Minimisation and re-use of construction industry waste
SU14	Waste management
SU15	Infrastructure
SU16	Production of renewable energy

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QD1	Design – quality of development and design statements
QD2	Design – key principles for neighbourhoods
QD3	Design – full and effective use of sites
QD4	Design – strategic impact
QD5	Design – street frontages
QD6	Public art
QD7	Crime prevention through environmental design
QD15	Landscape design
QD16	Trees and hedgerows
QD17	Protection and integration of nature conservation features
QD18	Species protection
QD25	External lighting
QD27	Protection of amenity
QD28	Planning obligations
HO19	New community facilities
HO20	Retention of community facilities
EM4	New business and industrial uses on unidentified sites
SR7	Local parades
SR12	Large use class A3 (food and drink) venues and use class A4 (pubs and clubs)
SR21	Loss of indoor recreation facilities
HE1	Listed buildings
HE2	Demolition of a listed building
HE3	Development affecting the setting of a listed building
HE6	Development within or affecting the setting of conservation areas
HE8	Demolition in conservation areas

### Supplementary Planning Guidance:

SPGBH4	Parking Standards
SPGBH9	A guide for Residential Developers on the provision of recreational space
SPGBH13	Listed Building – General Advice
SPGBH15	Tall Buildings

### Supplementary Planning Documents:

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

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

SS1	Presumption in Favour of Sustainable Development
SA3	Valley Gardens
CP15	Heritage

## **8 CONSIDERATIONS & ASSESSMENT**

- 8.1 Planning permission has previously been granted for the demolition of the Astoria and its replacement with an office-led mixed use scheme under application

BH2010/03759. The permission is extant and the deadline for commencement of works expires on 15 May 2015.

- 8.2 The main considerations in the determination of this application relate to the principle of the development in relation to demolition of this grade II listed building and the principle of the proposed development, the impact of the design on the character and appearance of the Valley Gardens Conservation Area and the North Laine Conservation Area and the setting of the nearby grade II\* listed St Peter's Church, its impact on neighbouring amenity, the standard of accommodation to be provided, the transport implications of the development and sustainability matters.
- 8.3 Since planning permission was previously granted there have been a number of changes to local and national policy. PPS5 'Planning for the Historic Environment' has been superseded by the National Planning Policy Framework (NB the PPS5 Planning Practice Guide has not yet been superseded) whilst the South East Plan has been abolished and the council's City Plan Part One has progressed but remains an emerging policy document. The main policy framework with regard the demolition of the listed building therefore comprises the National Planning Policy Framework (in particular paragraph 133), policy HE2 of the Brighton & Hove Local Plan, and policy CP15 of the emerging City Plan Part One.
- 8.4 The demolition of the Grade II listed Astoria represents substantial harm to a heritage asset under paragraph 133 of the NPPF. Paragraph 133 of the NPPF replicates the four key tests previously set out in policy HE9.2 from PPS5 that must be met in order to accept substantial harm to or total loss of a designated heritage asset:
- '133. Where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:*
- a. the nature of the heritage asset prevents all reasonable uses of the site; and*
  - b. no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and*
  - c. conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible; and*
  - d. the harm or loss is outweighed by the benefit of bringing the site back into use.'*
- 8.5 Local Plan policy HE2 is considered compliant with the NPPF and also sets out three criteria that must be met in order to accept the demolition of a listed building. These criteria broadly mirror those in paragraph 133 of the NPPF:
- 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.*
- 8.6 Policy CP15 of the emerging City Plan Part One is relevant to the application for demolition but does not conflict with the NPPF and does not require any additional justification to be provided beyond that to satisfy paragraph 133 of the NPPF.
- 8.7 In addition to considering the relevant policies in the NPPF and the Local Plan regard must be had to sections 16, 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. Where harm to the preservation of a listed building, its setting or a conservation area is identified, the Act places a strong presumption against permission being granted.

**Principle of development:**

- 8.8 Demolition of the listed building: The Heritage Officer notes the significance of the building in summary as follows:  
*'The period 1920-1940 saw around 4,000 cinemas built in Britain and the large cinemas, usually built as part of chains, emerged in the late 1920s following the arrival of sound. They generally followed a standardised approach, usually incorporating tea rooms and an organ, and with either a classical or modern style to the external design but with a variety of styles adopted for the interiors. Each chain had distinctive styles and in-house architects and designers. This was an age of mass entertainment and avid film-viewing and the new cinemas displayed an architecture of glamour and escapism that was entirely appropriate. Architectural quality and extent of alteration are key considerations in whether cinemas of this period are listed.'*
- 8.9 The Astoria was listed grade II in 2000. The significance of Brighton Astoria lies in its architectural and artistic interest as a 1930s super-cinema with associated tea room, shops and manager's flat, with the surviving architectural design of its exterior reflecting the 'moderne' style and its interior in a French Art Deco style, though the interior was altered in both 1958 and, especially, 1977 when it was converted to a bingo hall.
- 8.10 It can be deduced from the list entry and inspection of the building that its special interest resides in a number of factors:
- i) its survival as an example of the work of E.A. Stone, a noted cinema and theatre designer of the period in London and the South East;
  - ii) the design of its front elevation to Gloucester Place (excluding the later shop fronts);



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- iii) the scale of the auditorium;
  - iv) the historical placing of the cinema as part of a wider chain of Astorias in seaside towns;
  - v) the survival of its internal decorative scheme by the French designers Henri and Laverdet, particularly the proscenium arch; and
  - vi) the rareness of the French art deco style of interior decoration.
- 8.11 These issues are mostly covered by the submitted Heritage Assessment, which provides a history of the building and an assessment of its place in the context of cinema design and development in the south east in the 1930s, as well as information on the career of E.A. Stone. This document does, however, downplay the overall significance of the Astoria, particularly with regard to the interior decoration. Heritage officers remain of the view that the significance of the building is unquestioned and its demolition must be considered on that basis.
- 8.12 Both paragraph 133 of the NPPF and Local Plan Policy HE2 presume against the demolition of a heritage asset unless in exceptional circumstances whereby their respective tests are met. Sections 16, 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 imposes a strong presumption against granting consent where a proposal would result in harm to the preservation of a listed building, the setting of a listed building, or to a conservation area.
- 8.13 In respect of test (a) within paragraph 133 of the NPPF, the building occupies the whole footprint of the site, with no subsidiary or secondary elements. The most significant element of the building is the auditorium which takes up around 55% of the floor area and sits central to the site. The continued significance of the Astoria as a heritage asset is therefore dependant on retaining the auditorium space in situ. The range of potential uses are therefore limited to those compatible with the auditorium as failure to conserve this element would result in the substantial loss of the Astoria's heritage significance. Given the site coverage and central position of the auditorium it is not reasonably possible for the existing building and its auditorium space to be worked around or incorporated into new development without substantial harm to, or the entire loss of, its significance. As such, any viable use of the building as required by test b) would need to ensure the preservation and restoration of the auditorium space in a form that would enable its special interest to be both conserved and appreciable. This constraint immediately limits the opportunities for viable alternative uses to come forward.
- 8.14 In respect of test b), the applicants have updated and re-submitted the supporting documentation previously considered to demonstrate the case for demolition as an exception to local and national policy. These documents include a 'Dilapidations Survey' (P H Warr), a 'Market Valuation' report (Flude), a 'Marketing Report' (Graves Jenkins), and a 'Report on the Yes No Productions Ltd Development of the Astoria, Brighton' (Bonnar Keenlyside), which includes an Order of Cost for Refurbishment.
- 8.15 The main updates are to the PH Warr 'Dilapidations Survey' and Flude Market Valuation Report. The PH Warr 'Dilapidations Survey' includes a Conditions Assessment Survey carried out in September 2013. This survey concludes that the condition of the building has deteriorated since last being surveyed in 2009,

but without further major defects. The additional repair costs are estimated as being £83,000 which, in combination with uplifts in market rates and contractor preliminaries, results in the estimated restoration costs rising from £3.47m to £3.97m.

- 8.16 The updated 2010 Flude 'Market Valuation Report' re-confirms that the Astoria has no positive present day market value. This conclusion has been reached having regard alternative uses such as a theatre, nightclub or casino. Flude consider that the building's likely maximum market rent of £184,000 as calculated in the 2010 report would remain unchanged in the event the repair works set out in the PH Warr report are completed. This would result in the Astoria continuing to have a negative residual value of more than £2m. Flude consider this value to be of such significance that the retention and restoration of the Astoria would not be viable in the medium term even if offered to the market for sale at nil consideration.
- 8.17 The Graves Jenkins Marketing Report and addendum statement confirms that marketing has continued on the property since permission for the previous scheme was granted. The building has been marketed in the main as a development site with an extant planning permission however the particulars do relay the existing form and use of the building. Interest has been in the main from development companies looking to redevelop the site rather than refurbish. This ties with the feedback received from the previous marketing of the site. Although the marketing is not robust given its focus on being a development site rather than a cinema, taken in conjunction with the PH Warr Dilapidations Survey and Flude Market Valuation Report, and the conclusions of the extant permission, the case remains convincing beyond reasonable doubt that the condition of the building, the nature of its special interest, and broader market conditions render its restoration and conservation as a going concern unviable.
- 8.18 On this basis it is clear that the condition of the building and the market for its potential re-use remains broadly unchanged from previous, and that the site remains unviable for retention either as a cinema or as an alternative community use. The District Valuation Office has assessed the updated reports and remains unchanged in its conclusions, namely that the site is unviable for alternative uses and would have a significant negative residual value if its current use is maintained.
- 8.19 In relation to test (c), as previous the Bonnar Keenleyside report within the applicant's submission sets out the extensive search for funding partners and grant aid that has taken place. The authors have confirmed that its contents and conclusions remain applicable in every respect and, as previous, this report is considered to suitably address this test. The identified negative residual property value of more than £2m would suggest that even a low or zero asking price would be unlikely to attract charitable ownership, whilst the prospect of future public ownership in the medium term would seem unlikely in view of recent and future public spending cuts.
- 8.20 In relation to test (d), the Valley Gardens Conservation Area is an 'at risk' area on the English Heritage register and a specific area policy has been included in the

submission version of the Core Strategy to find solutions to revitalise Gloucester Place and provide a mix of uses. The site has been vacant for some 17 years and given its scale and prominent location along a key route through the City, its continued vacancy and poor condition has undoubtedly caused blight to the area. The redevelopment of the site as justified by tests a)-c) would both bring the site back into active use and bring significant benefits to the area. Such benefits include the provision of an active and attractive street frontage to Gloucester Place, the opportunity to substantially reduce the scale and massing of building to the rear, and the opportunity to introduce improvements to the public realm along Blenheim Place. By association these benefits would serve to both preserve and enhance the character and appearance of both the Valley Gardens Conservation Area and the adjoining North Laine Conservation Area to the wider public benefit.

8.21 In respect of the tests set out in Local Plan Policy HE2, test a) has been addressed above. In respect of test b), on the basis that the existing building and use has proven to be unviable, the redevelopment of the site with a building that provides active street frontage, viable commercial and community floorspace, and an improved relationship with the buildings to the rear to the benefit of the adjacent Conservation Areas, would produce substantial benefits for the community. In respect of test c), whilst the condition of the building has clearly deteriorated, officers consider that any neglect has occurred over a considerable number of years and under various ownerships despite temporary repairs being carried out. Officers are also satisfied that there is no evidence to suggest that the current owner has deliberately neglected or damaged the building.

8.22 On the basis of the above, and in line with extant permission and English Heritage advice, it is considered that the tests under paragraph 133 of the NPPF and those set out in Local Plan policy HE2 have been met and the case for the demolition of the Astoria remains justified.

8.23 In reaching this conclusion regard has been had to duty set out in Sections 16, 66 & 72 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. The proposed works would result in the total loss of the Grade II listed building and its special interest, and considerable weight has been attached to this harm accordingly. However, the considerable weight attached to the loss of the building is considered to be outweighed by the absence of any viable alternative use that would enable the building to be retained, and by the public interest benefits of the proposal as detailed above.

8.24 Proposed development and mix of uses

The site's existing planning use is D2 (assembly and leisure) and was last in operation as a Bingo Hall up until circa 1996/97. This constitutes a community use protected under Local Plan Policy HO20 and paragraph 70 of the NPPF. Paragraph 70 of the NPPF seeks to guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day to day needs, whilst policy HO20 contains an exception to allow the loss of community facilities where it can be demonstrated that the site is not needed for such uses. In this instance, the site has been redundant for over

sixteen years therefore its value to the local community as a Bingo Hall or other community facility is now negligible. In terms of alternative community provision, it has been evidenced through the marketing and viability appraisals that the building is unsuitable for retention as a Bingo Hall or conversion in its entirety to any other community use. As such, and as previous, it is considered that the exception test d) in policy HO20 has been met.

- 8.25 In such circumstances policy HO20 prioritises the inclusion of starter business units within replacement development. As before the application proposes a number of flexible start-up units to the rear of the building totalling 416sqm of floorspace (5 units). Also proposed is a 67sqm community/exhibition room at the rear of the site accessed off Blenheim Place to help retain an element of community provision within the development. Although less floorspace than previously secured, the standard of community space to be provided is considered to remain sufficient having regard the difficulties in finding a community use for the building as a whole and the wider benefits of the development as set out in this report. On this basis the proposed development remains acceptable in compliance with paragraph 70 of the NPPF and as an exception to policy HO20.
- 8.26 To ensure that the community space operates to its potential, a management plan is sought via a legal agreement, as previous. The plan will include details such as method of advertising to ensure community groups are aware of its availability, agreement on how to use/book the facility and details of rates to ensure it is affordable.
- 8.27 Policy SR21 seeks to resist the loss or reduction of indoor recreation and sporting facilities such as Bingo Halls however as previous no conflict is identified given the provision of a Bingo Hall on Eastern Road to the east of the site.
- 8.28 The proposal will bring forward a total of 3,300sqm of modern and flexible B1 office floorspace with the potential of providing 173 jobs (based on offPAT employment densities – 5.25 jobs per 100sqm), plus a further 645sqm of retail/restaurant, cafe and community floorspace. This represents an increase in B1 office floorspace of 247sqm from previous, and an increase in retail/restaurant, cafe and community floorspace of 279sqm. The revised B1 office floorspace would be set in a range of unit sizes including five small start-up units of between 51sqm and 141sqm. 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 (2009) and Review (2012), and help to offset the loss of B1 office space that has taken place elsewhere in the city in accordance with Local Plan policy EM4. The location of the site remains good in terms of both sustainable transport access and in terms of suitability for the creative industries and digital media sector.
- 8.29 The Economic Development Team remain in support of the proposal, subject to an appropriate contribution towards the Local Employment Scheme (LES) and the provision of an Employment and Training Strategy. This is to be secured within to S106 agreement, as previous.

- 8.30 The front portion of the site at ground floor level opening out onto Gloucester Place formerly function as a local parade of shops (3-5 units) which are all now vacant and have been for some time. The loss of the parade was previously considered acceptable under policy SR7 given the close proximity of convenience shops and the London Road District Centre. The application proposes an retail/restaurant unit at ground floor level in addition to the café unit and office reception previously approved. The additional unit would bring further diverse active frontage to the site to the benefit of the street scene, in a similar manner to the former parade of shops within the Astoria.

**Design and Appearance**

- 8.31 Local Plan policies QD1, QD2, QD3, QD4 and QD5 relate to the design quality of a development, the emphasis and enhancement of the positive quality of the local characteristics, making efficient and effective use of sites, the enhancement and preservation of strategic views and presenting an interesting and attractive frontage particularly at street level. Policies HE3 and HE6 relate to development within or affecting the setting of a listed building and conservation areas respectively.
- 8.32 The main building fronting Gloucester Place remains of the same height, scale, design and overall appearance as previously considered acceptable under the extant scheme. In this respect the proposal continues to suitably preserve the setting of Grade II\* Listed St Peter's Church to the north, and views within the Valley Gardens Conservation Area and towards the North Laine Conservation Area. Minor alterations are proposed to the side elevations including the removal of two vent stacks and new door openings to Blenheim Place. These alterations do not fundamentally alter the appearance of the building and its relationship with both adjacent properties, or harm its contribution to the wider street scene. The loss of the north side vent stack would not substantially harm the relationship of the building with the Baptist Church adjacent, or result in an overly bland elevation in views above the Church. Although the building does not lie within one of the tall buildings nodes or corridors identified on SPGBH15, as previous it is considered that the height as proposed is acceptable within its context and the tall buildings statement provides sufficient justification for this.
- 8.33 The main alterations are to the rear. The extant permission included a two storey element at the rear of the site, separated from the main building by a courtyard. This proposal seeks to infill the northern third of the courtyard and add a third storey to the rear element. A further smaller fourth storey link section is proposed towards the northern end of the site.
- 8.34 One of the main benefits of the extant scheme was its reduction in scale at the rear of the site compared to existing. The Astoria building currently has a poor relationship with the two storey buildings and the intimate character of Blenheim Place and Cheltenham Place by virtue of its scale and proximity. In particular, the blank rear/south elevation rises up some 22.4m in height within 3.5m of a two storey residential terrace adjacent along Blenheim Place, creating significant bulk and a poor transition in massing and form. The extant permission breaks up this bulk dramatically with the southern elevation stepping down from six storeys to

two storeys to complement the residential terrace, with the materials and openings proposed improving its articulation. This arrangement greatly improves the relationship between the site and the scale and character of Blenheim Place and Cheltenham Place to the rear, to the benefit of the wider North Laine Conservation Area. The reduction in massing at the rear also benefitted views of the site from Marlborough Place to the south, with the bulk of the south elevation removed in longer views and the rooflines of buildings in the foreground better silhouetted against the sky.

- 8.35 The addition of a third storey to the rear element would retain a suitable transition in scale from the front to the rear of the site (from six storeys at the front of the site to three storeys at the rear and to two storeys on Blenheim Place). The third storey would be broadly the same height as the ridge to the adjacent building immediately to the rear at 38 Cheltenham Place and is set back from the south elevation of the lower floors such that it would be a subservient addition when viewed from Blenheim Place.
- 8.36 The fourth floor element would be a considerably smaller addition set 24m from the main southern elevation and 6m from the main northern elevation. As such it would not be appreciable in views from Blenheim Place or from Cheltenham Place. Although visible from along Gloucester Road to the north, the building would remain lower than the existing north elevation and would not be so harmful as to warrant the refusal of permission. To the rear, the main third storey would remain lower than the eaves height to the existing auditorium, thereby ensuring that the bulk and massing of the rear elevation remains reduced from existing. Although the fourth floor would be taller, given its limited width such an increase would not be significantly harmful to the overall massing of the building and the transition in scale through the site. A section drawing and visuals have been provided which demonstrate that the fourth floor would not impose in views from along Marlborough Place to the south, and would continue to enhance the setting of the listed buildings at 31-36 Marlborough Place.
- 8.37 The mix of materials suggested is supported in principle, are appropriate for the context and further help in articulating the elevations. The use of flint facing to the lower floors would relate well to the Baptist Church which also has flint facing, and to the character of Blenheim Place. The proposed pedestrianisation and hard landscaping of this area is again welcome, subject to further details by condition.

**Public Art:**

- 8.38 In line with policy QD6 the development is required to include an element of public art, calculated to be to the value of £34,000. Details of an appropriate proposal for public art are secured within the s106 heads of terms.
- 8.39 Trees, Landscaping and Ecology  
Policies QD15 and QD16 relate to landscape design, trees and hedgerows and require that proposals for new development must submit details to show that adequate consideration has been given to landscape design at an early stage in the design process, including open space provision, the spaces around and between buildings, making effective use of existing trees and hedgerows and

where appropriate existing nature conservation features retained and new suitable ones created.

- 8.40 As previous, the applicants are proposing to remove two of the semi-mature street Elm trees adjacent to the entrance to Blenheim Place, to be replaced with six Elms lining the pavement in front of the site adjacent to the parking and loading bay. The arboricultural officer has raised no objection to this arrangement, which is secured in the S106 agreement. A landscaping scheme for the central courtyard is also sought, as previous.
- 8.41 The County Ecologist has identified that the existing building has very limited ecological value, however demolition works may uncover bats or nesting birds. An informative is attached to advise the applicant of their responsibilities under the Wildlife and Countryside Act 1981 as amended. As previous a condition is attached seeking a scheme to improve the nature conservation interest of the site. The County Ecologist has recommended that the installation of sparrow, swift and general purpose bat boxes would be sufficient in this instance.

**Standard of accommodation:**

- 8.42 The application now proposes a residential element comprising 6 flats at top floor level, four two-bedroom flats, one one-bedroom flat and one three-bedroom flat. The size and layout of each unit is of a good size with access to natural light and ventilation. Access to the residential units would be via a separate stairwell and lift from the commercial element of the scheme. Outside space for each unit would be provided by top floor balconies, to accord with policy HO5 requirements. Policy HO13 requires the units to be Lifetime Homes compliant, and this is secured by condition.
- 8.43 A noise assessment has been submitted that recommends installing thermal double glazing and ventilation systems to provide adequate acoustic insulation within the residential units from traffic noise below. These measures are secured by condition in accordance with Environmental Health advice.

**Impact on Amenity:**

- 8.44 Local Plan policy QD27 will not permit development which would cause a material nuisance or loss of amenity to the proposed, existing and/or adjacent users, residents or occupiers where it would be liable to be detrimental to human health.
- 8.45 As per the previous scheme, the building represents an improvement for neighbouring occupiers with the reduced bulk and massing to the rear having a less oppressive impact than existing. The Tall Buildings Statement contains an updated shadow study which shows that sunlight levels to adjacent land would be generally increased from existing. The Daylight Report also confirms that the enlarged building would continue to improve daylight levels to windows along Blenheim Place, Gloucester Road and Cheltenham Place. Although some windows to properties on Gloucester Road and Cheltenham Place would experience a technical drop in daylight levels, the report indicates that this drop would be marginal at worst with the affected windows remaining above the minimum BRE standard. On this basis it is concluded that the impact of the proposed additional height and massing in relation to neighbouring dwellings in

terms of overshadowing and overbearing impact remains an improvement on existing.

- 8.46 The application proposes four windows in the ground floor west elevation, with a further four windows in the new second floor level. These windows would face adjacent residential properties and, as previous, conditions are attached to ensure they are obscurely glazed. The affected units within the development would retain a suitable outlook to the east into the site.
- 8.47 The main six storey element remains a suitable distance from neighbouring dwellings (minimum distance 17.8m between the closest window and the western elevation of number 4 Blenheim Place) to preclude adverse overlooking from either the office units or the proposed residential units. The residential units would have access to the same front roof terraces as previously approved and use of this space for residential purposes would not result in overlooking issues. An additional terrace is proposed on the Blenheim Place elevation however this would face the neighbouring office building and would not result in direct overlooking issues for the nearest residents. The terrace above the rear element would be screened by 1.8m high screens, details of which are required by condition. Further conditions are attached to restrict the hours of use of the rear terrace to avoid noise disturbance to neighbouring dwellings, as previous. Subject to these conditions the proposed development is considered to have an acceptable impact on neighbouring amenity.

**Sustainable Transport:**

- 8.48 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. While 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.
- 8.49 The site is in a sustainable City Centre location which benefits from strong public transport links. The area surrounding the site is part of a Controlled Parking Zone (CPZ).
- 8.50 The transport and highways aspects of the proposal remain as previous. No onsite car parking is proposed however given the sustainable location of the site within a CPZ this aspect of the scheme is considered acceptable. In accordance with policy HO7 a condition is attached to ensure that occupiers of the residential properties are ineligible for parking permits. The applicants propose to retain the two disabled parking space fronting the site however there remains a shortfall in disabled parking for the development. In this instance the shortfall is considered acceptable having regard the town centre location of the development on public transport routes, and the availability of other parking bays in the area that blue badge holders can use for free. The Transport Assessment recommends that the two taxi spaces fronting the site could be converted to two additional disabled parking bays and a commitment to explore this is included in the s106 heads of terms, alongside the other highway works referenced below.



- 8.51 The submitted plans detail 52 cycle parking places, four on Blenheim Place, 18 within covered stores, four within the rear courtyard, and 26 at basement level. This level of provision is in excess of the standards set out in SPGBH4, which require approximately 27 spaces. However, 44 of the places would be on 'Josta' racks which are not easily accessible for all. A condition is attached requiring a revised scheme that includes the use of accessible Sheffield stands.
- 8.52 The off site works to Gloucester Place and Blenheim Place remain as previously approved, with the applicants proposing to fund the creation of a new loading bay on Gloucester Place and improvements to Blenheim Place involving resurfacing, raising the carriageway to footway level, and the provision of new street lighting. This would make Blenheim Place and Gloucester Place more attractive pedestrian routes and prevent unintended and obstructive loading and unloading in Blenheim Place. These works would be fully funded by the developers through a Section 278 agreement.
- 8.53 In order to off-set the impact of the proposal and make improvements to sustainable infrastructure in the vicinity of the site in compliance with policy TR1, a contribution of £62,400 is sought via the S106 agreement. This figure has been adapted from previous to reflect the increased floorspace and new residential units in the building. In addition to the above the applicants have submitted an acceptable travel plan framework, with a full travel plan required by condition.

**Sustainability:**

- 8.54 Policy SU2 and SPD08 requires the commercial element of the scheme to meet 'Excellent' BREEAM achieving 60% in the energy and water sections, and the submission of a Sustainability Checklist. It also recommends a commitment to join the Considerate Constructors Scheme, ensure zero net annual Carbon Dioxide from energy use, and a feasibility study on rainwater harvesting and grey water recycling systems. As part of a major development, the residential element would be required to meet level 4 of the Code for Sustainable Homes.
- 8.55 As submitted, the application proposed to meet BREEAM 'very good' for the office element, achieving 48% in the energy and 44% in the water sections, BREEAM 'very good' for the retail/cafe element, achieving 43% in the energy and 50% in the water sections, and Level 4 of the Code for Sustainable Homes for the residential element. Measures to meet these targets include a general passive ventilation approach incorporating air stack ventilation approach and underground earth ducts, photovoltaic panels, solar shading, grey water and rainwater harvesting, and biodiversity improvements.
- 8.56 Following negotiations, the Council's Sustainability Officer has agreed to accepting BREEAM 'excellent' of the office part of the development, achieving 50% in the energy and water sections, and 'very good' for the retail/café element, again achieving 50% in the energy and water sections. However, in order to meet the 'excellent' standard, the applicants have transferred energy generated by the solar photovoltaics from the residential to the office element, thereby resulting in the residential element dropping from a low Code level 4 to a high Code level 3. In this instance this small drop is considered acceptable in order to secure the up-rating of the remaining majority of the development. Accordingly it is considered

that the development has suitably met the requirements of policy SU2 and SPD08 guidance.

**Other Matters:**

- 8.57 The site is within a Cumulative Impact Area therefore conditions are attached to ensure the restaurant and café uses cease by midnight daily and alcohol is served to seated customers only, in order to preserve the amenities of the area. A further condition is recommended to restrict use of the rear roof terrace to 22:00 daily, to preserve the amenities of adjacent residents. A scheme for odour control and associated soundproofing is also requested in the event the ground floor units are first occupied in A3 use.

**9 CONCLUSION**

- 9.1 It is considered that, on balance, the demolition of the building as an exception to national and local policy remains justified by the evidence submitted in support of the application. The loss of the existing facility has been sufficiently justified in relation to the benefits provided by the modern flexible B1 office floorspace, residential flats, and community room. Subject to conditions the design of the replacement scheme and the increased massing proposed to the rear would preserve the character and appearance of the North Laine and Valley Gardens Conservation Areas without resulting in harm to neighbouring amenity.

**10 EQUALITIES**

- 10.1 None identified.

**11 PLANNING OBLIGATION / CONDITIONS / INFORMATIVES**

**11.1 S106 Heads of Terms**

- Management Plan and Community Use Agreement for the community meeting room/exhibition space.
- Contribution towards improvements to sustainable transport infrastructure to the sum of £62,400.
- Off-site highway improvements to Blenheim Place to change the surfacing and provide street lighting, and to Gloucester Place to provide a loading bay and disabled parking bays – details to be agreed.
- Off-site tree planting of six Elm trees within the vicinity of the site.
- Contribution towards the 'Local Employment Scheme' to the sum of £36,010.
- Commitment to an Employment Strategy to use 20% of local labour.
- Integrated public art provision element within the scheme that equates to the value of £34,000.
- Prior to demolition, the detailed recording of the existing building and agreement of suitable retention and integration of original features within the new development.

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- The submission of a Construction Environmental Management Plan, to include the registration of the development with the Considerate Constructors Scheme

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
Site plan and block plan	P-001	-	18/11/2013
Existing site plan	P-002	A	06/12/2013
Existing elevations and sections	P-003	A	06/12/2013
Existing elevations	P-004	-	18/11/2013
Existing landscaping/tree plan	P-005	-	18/11/2013
Proposed site plan	P-300	-	18/11/2013
Proposed floor plans	P-400	-	18/11/2013
	P-401	-	18/11/2013
	P-402	-	18/11/2013
	P-403	-	18/11/2013
	P-404	-	18/11/2013
	P-405	A	07/03/2014
	P-406	A	07/03/2014
	P-407	-	18/11/2013
Proposed landscaping/tree plan	P-409	-	18/11/2013
Proposed elevations	P-301	-	18/11/2013
	P-500	-	18/11/2013
	P-501	-	18/11/2013
	P-502	-	18/11/2013
	P-503	A	07/03/2014
	P-504	-	18/11/2013
	P-505	A	06/12/2013
	P-506	A	06/12/2013
Typical bay study	P-601	-	18/11/2013
Proposed sections	P-507	-	18/11/2013
	P-508	-	18/11/2013
	P-509	-	18/11/2013
	P-510	-	18/11/2013
	P-511	-	18/11/2013
Mechanical services	50BG01	P1	18/11/2013
	500001	P2	18/11/2013
	500101	P2	18/11/2013
	500201	P2	18/11/2013
	500301	P2	18/11/2013
	500401	P2	18/11/2013

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	500501	P2	18/11/2013
	500601	P2	18/11/2013
	50ZZ01	P1	18/11/2013
	50ZZ02	P1	18/11/2013
	50ZZ03	P1	18/11/2013

3. Prior to first occupation the windows within the west elevation of the three storey element shall not be glazed otherwise than with obscured glass and thereafter permanently retained as such.  
**Reason:** To safeguard the privacy of the occupiers of the adjoining property and to comply with policy QD27 of the Brighton & Hove Local Plan.
4. Unless otherwise agreed in writing by the Local Planning Authority, no cables, wires, aerials, pipework (except rainwater downpipes as shown on the approved plans), meter boxes or flues shall be fixed to any elevation facing a highway.  
**Reason:** To safeguard the appearance of the building and the visual amenities of the locality and to comply with policies QD1 and QD27 of the Brighton & Hove Local Plan.
5. The development hereby approved shall not be occupied until the refuse and recycling storage facilities indicated on the approved plans have been fully implemented and made available for use. These facilities shall thereafter be retained for use at all times.  
**Reason:** To ensure the provision of satisfactory facilities for the storage of refuse and recycling and to comply with policy QD27 of the Brighton & Hove Local Plan.
6. The restaurant and café uses hereby permitted as shown on drawing no. P-401 received on 18 November 2013 shall not be open to customers except between the hours of 07:00 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.
7. The third floor roof terrace as shown on drawing no.P-404 received on 18 November 2013 shall not be used except between the hours of 08:00 and 22:00 daily.  
**Reason:** To safeguard the amenities of the locality and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.
8. No loading or unloading of vehicles shall take place to the premises except between the hours of 07.00 and 19.00 Mondays to Saturdays and 08.00 and 18.00 on Sundays.  
**Reason:** To safeguard the amenities of the locality and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.
9. No intoxicating liquor shall be sold or supplied within the A3 units except to persons who are taking meals on the premises and who are seated at tables. 'Meals' means food that has been cooked or prepared and

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purchased within the premises. Any bar area shall be ancillary to the approved A3 restaurant use.

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

10. Any noise from all plant or machinery shall be controlled such that the Rating Level, measured or calculated at 1-metre from the façade of the nearest existing noise sensitive premises, shall not exceed a level 5dB(A) below the existing LA90 background noise level. Rating Level and existing background noise levels to be determined as per the guidance provided in BS 4142:1997.

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

11. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with.

**Reason:** In the interests of the protection of controlled waters as the site overlies a principal aquifer and to comply with policy SU3 of the Brighton & Hove Local Plan.

12. Unless otherwise approved in writing by the Local Planning Authority, no plant or equipment shall be erected or installed on the roofs except where specifically shown on the drawings hereby approved.

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

### 11.4 Pre-Commencement Conditions:

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

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

14. The development hereby permitted shall not begin until such time as a scheme has been submitted to and approved in writing by the Local Planning Authority to provide that the residents of the development, other than those residents with disabilities who are Blue Badge Holders, have no entitlement to a resident's parking permit.

**Reason:** To ensure that the development is car-free and to comply with policy HO7 of the Brighton & Hove Local Plan.

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15. The new dwellings hereby permitted shall be constructed to Lifetime Homes standards prior to their first occupation and shall be retained as such thereafter.  
**Reason:** To ensure satisfactory provision of homes for people with disabilities and to meet the changing needs of households and to comply with policy HO13 of the Brighton & Hove Local Plan.
16. No development shall commence until a scheme to protect the residential dwellings from noise disturbance has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of glazing and ventilation systems in accordance with the recommendations set out in the 7<sup>th</sup> Wave Acoustics Planning Noise Assessment received on 18 November 2013, and be implemented in full prior to the first occupation of the residential properties and retained as such thereafter.  
**Reason:** To safeguard the amenities of the occupiers of adjoining properties and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.
17. In the event the ground floor units are occupied in A3 use, the use shall not commence until a scheme for the fitting of odour control equipment and associated sound insulation to the building has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in strict accordance with the approved details prior to the occupation of the unit(s) and shall thereafter be retained as such.  
**Reason:** To safeguard the amenities of the occupiers of adjoining properties and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.
18. No development shall take place until details of any 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 be retained as such thereafter.  
**Reason:** To safeguard the amenities of the occupiers of adjoining properties and to comply with policies QD25 and QD27 of the Brighton & Hove Local Plan.
19. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme for the landscaping of the courtyard and terraces, which shall include details of materials, hard surfacing, means of enclosure, and all planting.  
**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. 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

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next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation. All hard landscaping and means of enclosure shall be completed before the development is occupied.

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

21. 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.

22. No development shall commence until details, including sections, of measures to preclude overlooking from the roof terrace over the three storey element have been submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details and thereafter retained as such.

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

23. No development shall take place until sample elevations at 1:20 scale showing all the architectural elements of each elevation of the development, including gates, have been submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in strict accordance with the approved details.

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

24. No development shall take place until details at 1:20 scale of all balustrading or railings to the roofs have been submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in strict accordance with the approved details.

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

25. Notwithstanding the approved drawings, no development shall commence until details of the cradle equipment to be fitted to the roof of the six storey element for maintenance of the façade have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and thereafter retained as such.

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

26. 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 include the provision of sparrow, swift and bat boxes and 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 policies QD17 and QD18 of the Brighton & Hove Local Plan.

27. 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.

28. Unless otherwise agreed in writing by the Local Planning Authority, no residential development shall commence until a Design Stage/Interim Code for Sustainable Homes Certificate demonstrating that the development achieves a Code for Sustainable Homes rating of Code level 3 as a minimum for all residential units has been submitted to, and approved in writing by, the Local Planning Authority.

A completed pre-assessment estimator will not be acceptable.

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

29. Unless otherwise agreed in writing by the Local Planning Authority, no office development shall commence until a BRE issued 'Office' Interim/Design Stage Certificate demonstrating that the development has achieved a minimum BREEAM rating of 50% in energy and water sections of relevant BREEAM assessment within overall 'Excellent' for all office development has been submitted to, and approved in writing by, the Local Planning Authority.

A completed pre-assessment estimator will not be acceptable.

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

30. Unless otherwise agreed in writing by the Local Planning Authority, no retail/café/restaurant development shall commence until a BRE issued 'Retail Shell and Core' Interim/Design Stage Certificate demonstrating that the development has achieved a minimum BREEAM rating of 50% in energy and water sections of relevant BREEAM assessment within overall 'Very Good' for all retail/café/restaurant development has been submitted to, and approved in writing by, the Local Planning Authority.

A completed pre-assessment estimator will not be acceptable.



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

11.4 Pre-Occupation Conditions:

31. Prior to first occupation of the development a Travel Plan (a document setting out a package of measures tailored to the needs of the site and aimed at promoting sustainable travel choices and reduce reliance on the car) for the development shall be submitted to and approved by the Local Planning Authority. The Travel Plan shall be approved in writing prior to first occupation of the development and shall be implemented as approved thereafter. The Travel Plan must be reviewed on an annual basis by undertaking a travel survey and updating the travel plan where appropriate.

**Reason:** To seek to reduce traffic generation by encouraging alternative means of transport to private motor vehicles in accordance with policies TR1 and TR4 of the Brighton & Hove Local Plan.

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

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

33. Unless otherwise agreed in writing by the Local Planning Authority, none of the office development hereby approved shall be occupied until a BREEAM Design Stage Certificate and a Building Research Establishment issued Post Construction Review Certificate confirming that the office development built has achieved a BREEAM Office rating of 50% 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.

34. Unless otherwise agreed in writing by the Local Planning Authority, none of the retail/café/restaurant development hereby approved shall be occupied until a BREEAM Design Stage Certificate and a Building Research Establishment issued Post Construction Review Certificate confirming that the retail/café/restaurant development built has achieved a BREEAM rating of 50% in energy and water sections of relevant BREEAM assessment within overall 'Very Good' has been submitted to, and approved in writing by, the Local Planning Authority.

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

11.5 Informatives:

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

It is considered that, on balance, the demolition of the building as an exception to national and local policy remains justified by the evidence submitted in support of the application. The loss of the existing facility has been sufficiently justified in relation to the benefits provided by the modern flexible B1 office floorspace, residential flats, and community room. Subject to conditions the design of the replacement scheme and the increased massing proposed to the rear would preserve the character and appearance of the North Laine and Valley Gardens Conservation Areas without resulting in harm to neighbouring amenity.
3. 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)).
4. The applicant is advised that formal applications for connection to the public sewerage system and to the water supply 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)
5. The applicant is also advised that an agreement with Southern Water is required, prior to commencement of the development, for the measures to be undertaken to divert/protect the public water supply main.

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6. The applicant is advised that as the scheme includes a basement, the detailed design of the proposed drainage system should take account of possible surcharging within the public sewerage system.
7. The applicant is advised that under Part 1 of the Wildlife and Countryside Act 1981 disturbance to nesting birds must not occur and the applicant must comply with all relevant legislation. Nesting season is from March – September inclusive, any nest found on the site should be protected until such time as they have fledged and left the nest.



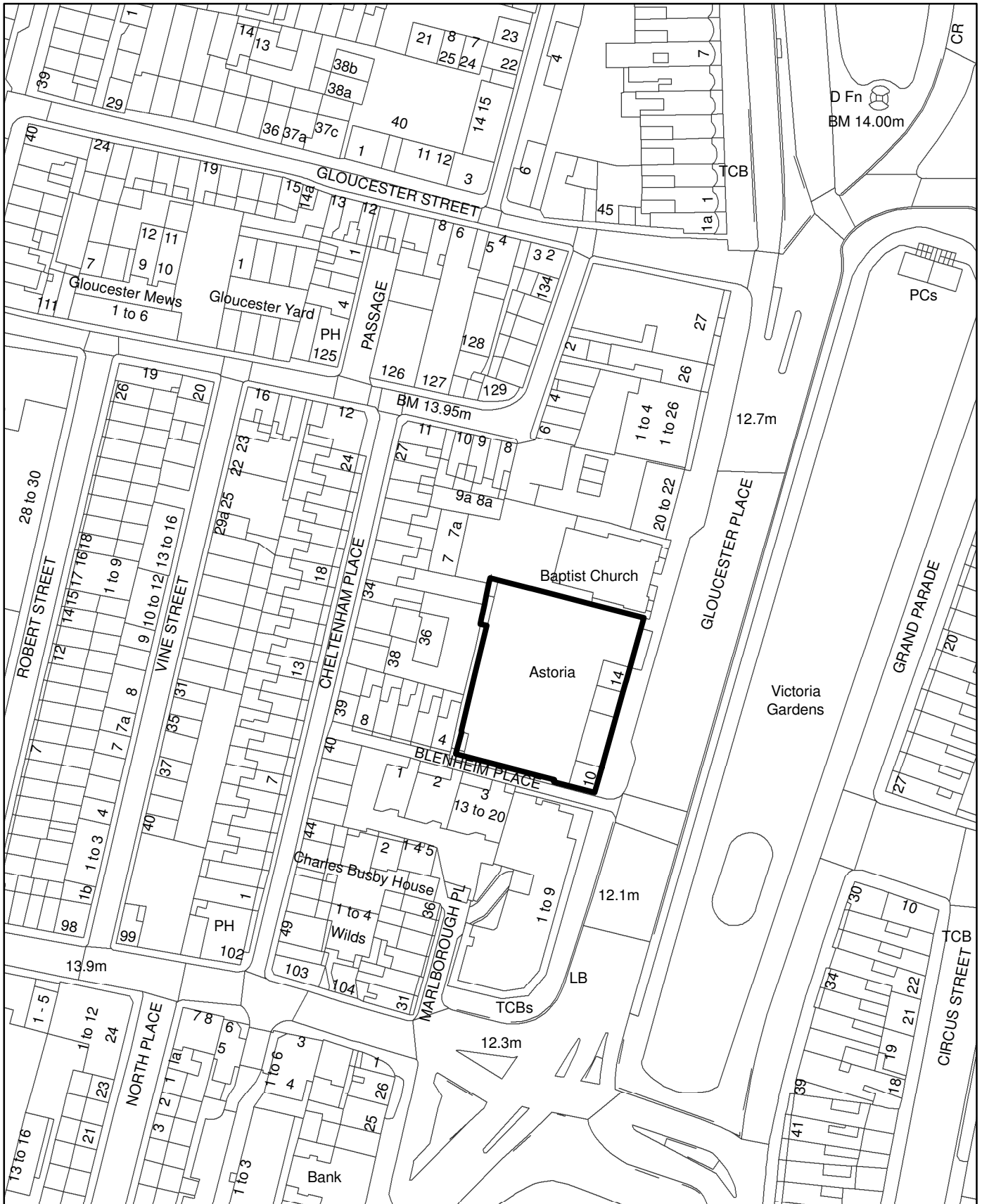
# **ITEM D**

**The Astoria, 10-14 Gloucester Place,  
Brighton**

**BH2013/03927  
Listed Building consent**

**06 AUGUST 2014**

# BH2013/03927 The Astoria, 10-14 Gloucester Place, Brighton.



**Brighton & Hove  
City Council**



**Scale: 1:1,250**

<b><u>No:</u></b>	<b>BH2013/03927</b>	<b><u>Ward:</u></b>	<b>ST. PETER'S &amp; NORTH LAINE</b>
<b><u>App Type:</u></b>	<b>Listed Building Consent</b>		
<b><u>Address:</u></b>	<b>The Astoria 10-14 Gloucester Place Brighton</b>		
<b><u>Proposal:</u></b>	<b>Demolition of existing Grade II Listed Building.</b>		
<b><u>Officer:</u></b>	Adrian Smith, tel: 290478	<b><u>Valid Date:</u></b>	06 December 2013
<b><u>Con Area:</u></b>	Within Valley Gardens and adjacent to North Laine.	<b><u>Expiry Date:</u></b>	31 January 2014
<b><u>Listed Building Grade:</u></b>	Grade II		
<b><u>Agent:</u></b>	Lewis and Co Planning SE Ltd, 2 Port Hall Road, Brighton BN1 5PD		
<b><u>Applicant:</u></b>	H30 Media Ltd, Mike Holland, The British Engineerium, The Droveaway, Hove BN3 7QA		

## 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 Astoria site lies within the Valley Gardens Conservation Area and abuts the North Laine Conservation Area. The Valley Gardens Conservation Area is characterised by mostly grand Regency and Victorian terraces fronting onto public gardens. Gloucester Place has been much more significantly redeveloped in the 20<sup>th</sup> century than other frontages in the area, with buildings of generally larger scale. The North Laine Conservation Area is characterised by contrastingly smaller scale, mixed-use buildings on a tight urban grain of mainly north-south streets.
- 2.2 The building is currently vacant and has been since circa 1996/97 when the previous use as a Bingo Hall (D2) vacated. Prior to operating as a Bingo Hall the building operated as a cinema between 1933 and 1977.
- 2.3 The property is set out over three storeys and the accommodation includes vacant commercial units on the ground floor, the previous tea room above at first floor level and the manager's flat at second storey level. The auditorium takes up some 55% of the internal space. The property is Grade II Listed and has been since 2000.
- 2.4 The surrounding area is contained within a Controlled Parking Zone (CPZ), Gloucester Place is a three lane one way road heading north. To the front of the building is an existing layby containing pay and display, disabled and taxi spaces. Blenheim Place is a narrow no through road with double yellow lines to either side.

### 3 RELEVANT HISTORY

**BH2013/03926-** Concurrent planning application- Demolition of existing Grade II listed building and construction of new building consisting of 3no storeys in height at rear and 6no storeys in height at front (including basement) incorporating café/restaurant (A3) on the ground floor fronting Gloucester Place and community rooms (D1) on the ground floor fronting Blenheim Place with offices (B1) above and to the rear, together with 6no residential units (C3) on the fifth floor. Awaiting determination

**BH2010/03759-** Demolition of existing Grade II listed building and construction of new office block consisting of 2no storeys at rear and 6no storeys at front incorporating café and community rooms on ground floor at front of development. Approved 14/05/2012.

**BH2010/03760-** Listed Building Consent for demolition of existing Grade II listed building and construction of new office block consisting of 2no storeys at rear and 6no storeys at front incorporating café and community rooms on ground floor at front of development. Approved 15/05/2012.

**BH1997/02007/FP-** Change of use from bingo hall (class D2) to music/dance venue and public house (class A3) including internal alterations. Approved 13/03/1998.

**BN75.2505-** Change of use from Cinema to Cinema Class XVII and for indoor games including bingo and ancillary social club. Approved 16<sup>th</sup> December 1975.

### 4 THE APPLICATION

- 4.1 Listed Building Consent is sought for the demolition of the existing listed building.

### 5 PUBLICITY AND CONSULTATIONS

#### External:

#### 5.1 Neighbours:

**One (1)** letter has been received from **1 Village Barn, Church Hill**, objecting to the proposed development on the following grounds:

- The building is a 1930's Grade II listed Art Deco building with significant historical importance to the city
- The plans are not sympathetic to the conservation area
- The council should consider purchasing the building for use as a public building such as an art gallery which would benefit the city culturally

#### 5.2 Ancient Monuments Society: Comment.

The Society wishes to defer to the Twentieth Century Society.

#### 5.3 Twentieth Century Society: Object.

The Society does not believe that clear and convincing justification has been made for the loss of this designated heritage asset. The marketing report has not been updated to reflect the current economic climate, whilst the PH Warr costings report does not provide financial details for alternative uses for the site. There are many examples of the successful reclamation and reuse of redundant cinema and theatre buildings that have fallen into disrepair, as pointed out by the Theatres Trust.



5.4 **The Theatres Trust: Object.**

The Trust remain opposed to the total demolition of the Grade II listed Astoria Theatre, and has never accepted the case for demolition as previously granted. The Trust consider it important to find a long term use that retains the Astoria. It is clear that the building does not need to be used for theatrical or cinematic uses or that these uses are even viable. There are many examples of the successful reclamation and reuse of redundant cinema and theatre buildings that have fallen into disrepair and there is no reason why the Astoria cannot be retained and contribute to the rejuvenation of this part of Brighton. The Trust would expect that at the very least key features of the existing building be incorporated into any redevelopment of the site.

5.5 It is disappointing that the application has not made any attempt to reconfirm that there are no current alternative community uses available or to provide updated marketing reports that reflect the improved economic climate.

5.6 The application's justification for demolition remains questionable. It appears contradictory to argue that the Astoria is 'at odds with its conservation area setting' and is 'very bulky' and out of scale when the proposed replacement building is much taller across the entire width of the site, dominating Gloucester Place, the adjacent Baptist Church and other low rise buildings in the area. The dilapidation report and costings are focussed on restoring the building as a cinema rather than considering alternative uses.

5.7 **The Cinema Theatre Association (CTA): Object.**

The Cinema Theatre Association is not satisfied that the criteria for demolition have been met and the historic report is not convincing in its authority regarding the development and context of the building type of the cinema or its (lack) of historic merit. We therefore strongly object to this application.

5.8 The building has not been altered since it was listed. The historic features described are all still in situ, albeit some concealed by the accretion of later surfaces. The building possibly would have been afforded a higher listing had more original fabric survived.

5.9 Any deterioration has been the cause of prolonged neglect. The deterioration of a building is the direct effect of a lack of maintenance by the owner. Failure to maintain a building is therefore effectively neglect by the owner.

5.10 It appears that the owner has ambitious expectations regarding the value of the site and its location in terms of its redevelopment potential rather than considering the historic building that occupies it.

5.11 There is no reason why the shop units could not have been in business, contributing to the income of the site for the past ten years. Their closure for the past ten years attests to the lack of interest of the owner to actually use the building. It was never intended for any use and had been purchased as a redevelopment site.

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- 5.12 It is clear from several other cinemas that have stood empty and have now been successfully returned to entertainment use that the Astoria is not beyond repair and could under the right ownership be brought back to life.
- 5.13 It has not been proven that the building is surplus to cultural, community and tourism requirements.
- 5.14 Several documents that have been submitted as part of this application are dated 2010 and must therefore be considered outdated. This is particularly relevant regarding the Marketing Report. Many factual inaccuracies of the Heritage Report were pointed out in our last correspondence for the previous application. This new application again relies on the faulty information.
- 5.15 **English Heritage:** No objection.  
English Heritage carefully scrutinised the justification put forward by the applicant in 2011/12 and there are no substantial changes to either the policy framework or the nature of the circumstances here that would lead to a different conclusion. English Heritage does not therefore object to the current application for listed building consent to demolish the Astoria.
- 5.16 **CAG:** No objection.
- 5.17 **District Valuation Office:** No objection.  
According to the District Valuer's records the building was built in 1910 as a theatre and subsequently adapted for use as a cinema. Its last use was as a Bingo Hall which ceased in June 1997. It is understood that the property has remained vacant. The property is configured as a traditional theatre with a raked auditorium and circle seating. The current planning use is Class D2 and initially market value for occupations with this class have been considered.
- 5.18 Bingo Hall: In recent years the number of Bingo Halls has declined owing to the introduction of the smoking ban, restrictions from the Gambling Act 2005, shrinking customer bases, and increased online gambling sites. In response to this the main chain operators, Mecca, Gala, Walkers and Top Ten reduced their estates. Some 54 Bingo Halls in the UK were closed in 2009. Only the strong performing locations remain with the majority situated in Shopping Centres or close to residential estates.
- 5.19 Converted cinemas have high operating costs and achieve lower profitability than modern types. Therefore the remaining converted cinema Bingo Halls are mainly found within local primary retail areas and where there is an absence of any competition for some distance. This property is not located close to a residential area and in my opinion there would be no demand for an occupation as a Bingo Hall. The comments made by Mr. Edward Flude BSc FRICS in paragraph 6.3 of his valuation report are therefore agreed with.
- 5.20 Cinema: Cinemas are valued by reference to the reasonable expectation of trading potential. The trading performances of single screen cinemas in Brighton and elsewhere have been examined and analysed. The DV's estimate of the reasonable expectation of gross trading receipts was deduced from

comparable trading information and after making adjustments for location, competition and the establishment of the business. The market value of the property retained as a Cinema would be £500,000 (Five Hundred Thousand Pounds) for the Freehold vacant possession interest.

5.21 Casino: A casino occupation is not a viable consideration.

5.22 Other Occupations: No evidence for demand for other uses within Class D2 has been found:

1. Theatres: The trading performance of Theatres in Brighton & Hove and East Sussex have been examined. In the DV's opinion there would be no demand for occupation as a Theatre as provincial theatre struggle to achieve a profit or rely on grants to continue operating
2. Licensed Night Club: The location of the property is isolated from the main trading centre and difficulties with the location are evidenced by the closures of the nearby Gloucester Club.
3. Church or Religious Meeting Halls: A number of converted cinemas (like Finsbury Park in London) have been occupied as meeting halls. Demand for this use is incidental and therefore cannot be assessed.
4. Other uses, like Health and Fitness Clubs, has also been briefly considered but in the Valuer's experience the Leisure market avoids auditorium layouts as they are considered to be inefficient and difficult to manage and operate.

5.23 Conclusion: It is considered that the market value of the property retained as a Cinema is £500,000 for the Freehold vacant possession interest. It is understood that the opinion of value prepared by Mr. Edward Flude BSc FRICS represents the best, or optimistic, consideration to demonstrate the negative residual value. The District Valuer does not consider there to be a conflict between the opinions of value.

**Internal:**

5.24 Heritage: No objection

This proposal is in effect a variation to the applications approved under BH2010/03759 and BH2010/03760. The principle of demolition of the building and redevelopment of the site was accepted under those approvals. In terms of the loss of the listed building, the main change in policy considerations since then has been the replacement of PPS5 by the National Planning Policy Framework (NPPF), though the PPS5 Planning Practice Guide has not yet been superseded. The loss of the listed building represents substantial harm to the heritage asset under paragraph 133 of the NPPF. The criteria that must be met to justify this substantial harm are effectively unchanged from policy HE9.2 of PPS5 and therefore no additional justification is required to meet national policy. Since the previous approvals the South East Plan has been abolished and the council's City Plan (part 1) has progressed but remains an emerging policy document. Policy CP15 of that Plan is relevant to the application for demolition but does not conflict with the NPPF and does not require any additional justification to be provided beyond that to satisfy paragraph 133 of the NPPF. Consequently the loss of this building is accepted provided that the proposed redevelopment is acceptable and would produce the same heritage and other public benefits as the approved scheme.

- 5.25 The main part of the new building, fronting Gloucester Place, is to be the same height and design as previously approved but with residential use on the fifth floor. The front (east) elevation at fifth floor level would now be glazed to the northern-most bay in the same manner as the others but would still be set back to the same degree as previously approved. The fenestration at fourth and fifth floors to the main rear (west) elevation has been revised but there are no objections to these changes.
- 5.26 The previously-proposed solar chimneys on each flank elevation would be omitted and there would be other revisions to these elevations, including a more slender tower elevation on the south elevation and a revised roofline and fenestration. Overall and on balance it is considered that these amendments are acceptable and retain the necessary design quality of the development. The ground floor of the south flank elevation has also been revised and incorporates more door openings for fire escapes and stores. The design and appearance of these would need to be carefully considered to avoid a dead appearance.
- 5.27 This proposal differs most significantly from the approved scheme in terms of its footprint at the northern end and in additional floors to the rear wing. The courtyard between the main frontage building and the rear wing would be reduced in size as the front and rear buildings would be linked at the northern end, though there would be a light well above ground floor level. The rear wing would have an additional floor, making it three storeys above ground, but the new link section would rise a further storey to be four storeys in height. A key public heritage benefit of the approved scheme, mitigating the loss of the listed building, was the enhancement to the character and appearance of the North Laine conservation area arising from the substantial reduction in bulk along the rear of the site. The additional storey to the rear wing would mean that it would now be a storey higher than the historic Blenheim Place and Cheltenham Place buildings. Nevertheless it is still considered that in this respect that the development would make an appropriate transition in scale from the Valley Gardens frontage to the small scale of the North Laine.
- 5.28 Concerns were initially raised with regard to the impact of the additional storeys on the key views from Marlborough Place northwards to the historic roofline of Blenheim Place. The enhancement of these key views, and the enhancement of the North Laine conservation area by a careful transition in scale and massing from the Valley Gardens conservation area, were considered to be important public benefits of the redevelopment, contributing significantly to the balance of public benefits that were considered to outweigh the substantial harm caused by the complete demolition of the listed building. Additional and revised details, in the form of long sections and CGIs have satisfactorily demonstrated the very limited extent to which the proposed development would be visible above the historic roofline, and only at some distance southwards. On this basis there is no objection to the additional rear storeys.

## **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
HE6	Development within or affecting the setting of conservation areas
HE8	Demolition in conservation areas

#### Supplementary Planning Guidance:

SPGBH11	Listed Building Interiors
SPGBH13	Listed Building – General Advice

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

SS1	Presumption in Favour of Sustainable Development
SA3	Valley Gardens
CP15	Heritage

## 8 CONSIDERATIONS & ASSESSMENT

- 8.1 Listed Building Consent has previously been granted for the complete demolition of the Astoria under application BH2010/03759. The permission is extant and the deadline for commencement of works expires on 15 May 2015. This application again seeks listed building consent for the complete demolition of the building in association with a revised corresponding planning application for a mixed use commercial and residential scheme (BH2013/03926).
- 8.2 Since listed building consent was previously granted there have been a number of changes to local and national policy. PPS5 'Planning for the Historic Environment' has been superseded by the National Planning Policy Framework and National Planning Practice Guide (NB the PPS5 Planning Practice Guide has not yet been superseded), whilst the South East Plan has been abolished and the council's City Plan Part One has progressed but remains an emerging policy document.
- 8.3 In light of the above policy changes the main consideration is the acceptability of the demolition of the grade II listed Astoria having regard the National Planning Policy Framework (in particular paragraph 133), policy HE2 of the Brighton & Hove Local Plan, and policy CP15 of the emerging City Plan Part One. Also relevant is Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 which 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".
- 8.4 The demolition of the Grade II listed Astoria represents substantial harm to a heritage asset under paragraph 133 of the NPPF. Paragraph 133 of the NPPF replicates the four key tests previously set out in policy HE9.2 from PPS5 that must be met in order to accept substantial harm to or total loss of a designated heritage asset:
- '133. Where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:*
- a. the nature of the heritage asset prevents all reasonable uses of the site; and*
  - b. no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and*
  - c. conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible; and*
  - d. the harm or loss is outweighed by the benefit of bringing the site back into use.'*
- 8.5 Local Plan policy HE2 is considered compliant with the NPPF and also sets out three criteria that must be met in order to accept the demolition of a listed building. These criteria broadly mirror those in paragraph 133 of the NPPF:

- 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.*
- 8.6 Policy CP15 of the emerging City Plan Part One is relevant to the application for demolition but does not conflict with the NPPF and does not require any additional justification to be provided beyond that to satisfy paragraph 133 of the NPPF.

**Principle of demolition:**

Heritage Significance

- 8.7 The Heritage Officer notes the significance of the building in summary as follows:  
'The period 1920-1940 saw around 4,000 cinemas built in Britain and the large cinemas, usually built as part of chains, emerged in the late 1920s following the arrival of sound. They generally followed a standardised approach, usually incorporating tea rooms and an organ, and with either a classical or moderne style to the external design but with a variety of styles adopted for the interiors. Each chain had distinctive styles and in-house architects and designers. This was an age of mass entertainment and avid film-viewing and the new cinemas displayed an architecture of glamour and escapism that was entirely appropriate. Architectural quality and extent of alteration are key considerations in whether cinemas of this period are listed.'
- 8.8 The Astoria was listed grade II in 2000. The significance of Brighton Astoria lies in its architectural and artistic interest as a 1930s super-cinema with associated tea room, shops and manager's flat, with the surviving architectural design of its exterior reflecting the 'moderne' style and its interior in a French Art Deco style, though the interior was altered in both 1958 and, especially, 1977 when it was converted to a bingo hall.
- 8.9 It can be deduced from the list entry and inspection of the building that its special interest resides in a number of factors:
- i) its survival as an example of the work of E.A. Stone, a noted cinema and theatre designer of the period in London and the South East;
  - ii) the design of its front elevation to Gloucester Place (excluding the later shop fronts);
  - iii) the scale of the auditorium;
  - iv) the historical placing of the cinema as part of a wider chain of Astorias in seaside towns;

- v) the survival of its internal decorative scheme by the French designers Henri and Laverdet, particularly the proscenium arch; and
  - vi) the rareness of the French art deco style of interior decoration.
- 8.10 These issues are mostly covered by the submitted Heritage Assessment, which provides a history of the building and an assessment of its place in the context of cinema design and development in the south east in the 1930s, as well as information on the career of E.A. Stone. This document does, however, downplay the overall significance of the Astoria, particularly with regard to the interior decoration. Heritage officers remain of the view that the significance of the building is unquestioned and its demolition must be considered on that basis.

Considerations

- 8.11 Both paragraph 133 of the NPPF and Local Plan Policy HE2 presume against the demolition of a heritage asset unless in exceptional circumstances whereby their respective tests are met. Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 imposes a strong presumption against granting consent where a proposal would result in harm to the preservation of a listed building.
- 8.12 In respect of test (a) within paragraph 133 of the NPPF, the building occupies the whole footprint of the site, with no subsidiary or secondary elements. The most significant element of the building is the auditorium which takes up around 55% of the floor area and sits central to the site. The continued significance of the Astoria as a heritage asset is therefore dependant on retaining the auditorium space in situ. The range of potential uses are therefore limited to those compatible with the auditorium as failure to conserve this element would result in the substantial loss of the Astoria's heritage significance. Given the site coverage and central position of the auditorium it is not reasonably possible for the existing building and its auditorium space to be worked around or incorporated into new development without substantial harm to, or the entire loss of, its significance. As such, any viable use of the building as required by test b) would need to ensure the preservation and restoration of the auditorium space in a form that would enable its special interest to be both conserved and appreciable. This constraint immediately limits the opportunities for viable alternative uses to come forward.
- 8.13 In respect of test b), the applicants have updated and re-submitted the supporting documentation previously considered to demonstrate the case for demolition as an exception to local and national policy. These documents include a 'Dilapidations Survey' (P H Warr), a 'Market Valuation' report (Flude), a 'Marketing Report' (Graves Jenkins), and a 'Report on the Yes No Productions Ltd Development of the Astoria, Brighton' (Bonnar Keenlyside), which includes an Order of Cost for Refurbishment.
- 8.14 The main updates are to the PH Warr 'Dilapidations Survey' and Flude Market Valuation Report. The PH Warr 'Dilapidations Survey' includes a Conditions Assessment Survey carried out in September 2013. This survey concludes that the condition of the building has deteriorated since last being surveyed in 2009,



but without further major defects. The additional repair costs are estimated as being £83,000 which, in combination with uplifts in market rates and contractor preliminaries, results in the estimated restoration costs rising from £3.47m to £3.97m.

- 8.15 The updated 2010 Flude 'Market Valuation Report' re-confirms that the Astoria has no positive present day market value. This conclusion has been reached having regard alternative uses such as a theatre, nightclub or casino. Flude consider that the building's likely maximum market rent of £184,000 as calculated in the 2010 report would remain unchanged in the event the repair works set out in the PH Warr report are completed. This would result in the Astoria continuing to have a negative residual value of more than £2m. Flude consider this value to be of such significance that the retention and restoration of the Astoria would not be viable in the medium term even if offered to the market for sale at nil consideration.
- 8.16 The Graves Jenkins Marketing Report and addendum statement confirms that marketing has continued on the property since permission for the previous scheme was granted. The building has been marketed in the main as a development site with an extant planning permission however the particulars do relay the existing form and use of the building. Interest has been in the main from development companies looking to redevelop the site rather than refurbish. This ties with the feedback received from the previous marketing of the site. Although the marketing is not robust given its focus on being a development site rather than a cinema, taken in conjunction with the PH Warr Dilapidations Survey and Flude Market Valuation Report, and the conclusions of the extant permission, the case remains convincing beyond reasonable doubt that the condition of the building, the nature of its special interest, and broader market conditions render its restoration and conservation as a going concern unviable.
- 8.17 On this basis it is clear that the condition of the building and the market for its potential re-use remains broadly unchanged from previous, and that the site remains unviable for retention either as a cinema or as an alternative community use. The District Valuation Office has assessed the updated reports and remains unchanged in its conclusions, namely that the site is unviable for alternative uses and would have a significant negative residual value if its current use is maintained.
- 8.18 In relation to test (c), as previous the Bonnar Keenleyside report within the applicant's submission sets out the extensive search for funding partners and grant aid that has taken place. The authors have confirmed that its contents and conclusions remain applicable in every respect and, as previous, this report is considered to suitably address this test. The identified negative residual property value of more than £2m would suggest that even a low or zero asking price would be unlikely to attract charitable ownership, whilst the prospect of future public ownership in the medium term would seem unlikely in view of recent and future public spending cuts.
- 8.19 In relation to test (d), the Valley Gardens Conservation Area is an 'at risk' area on the English Heritage register and a specific area policy has been included in

the submission version of the Core Strategy to find solutions to revitalise Gloucester Place and provide a mix of uses. The site has been vacant for some 17 years and given its scale and prominent location along a key route through the City, its continued vacancy and poor condition has undoubtedly caused blight to the area. The redevelopment of the site as justified by tests a)-c) would both bring the site back into active use and bring significant benefits to the area. Such benefits include the provision of an active and attractive street frontage to Gloucester Place, the opportunity to substantially reduce the scale and massing of building to the rear, and the opportunity to introduce improvements to the public realm along Blenheim Place. By association these benefits would serve to both preserve and enhance the character and appearance of both the Valley Gardens Conservation Area and the adjoining North Laine Conservation Area to the wider public benefit.

- 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), on the basis that the existing building and use has proven to be unviable, the redevelopment of the site with a building that provides active street frontage, viable commercial and community floorspace, and an improved relationship with the buildings to the rear to the benefit of the adjacent Conservation Areas, would produce substantial benefits for the community. In respect of test c), whilst the condition of the building has clearly deteriorated, officers consider that any neglect has occurred over a considerable number of years and under various ownerships despite temporary repairs being carried out. Officers 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 extant permission and English Heritage advice, it is considered that the tests under paragraph 133 of the NPPF and those set out in Local Plan policy HE2 have been met and the case for the demolition of the Astoria remains justified.
- 8.22 In reaching this conclusion 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. The proposed works would result in the total loss of the Grade II listed building and its special interest, and considerable weight has been attached to this harm accordingly. However, the considerable weight attached to the loss of the building is considered to be outweighed by the absence of any viable alternative use that would enable the building to be retained, and by the public interest benefits of the proposal as detailed above. On this basis the approval of listed building consent is recommended, subject conditions to ensure an appropriate level of recording of its fabric and that demolition is followed swiftly by the approved development following completion of contracts.

## **9 CONCLUSION**

- 9.1 It is considered that, on balance, the demolition of this grade II listed building remains justified by the evidence submitted as an exception to national and

local policy, subject to the imposition of conditions to secure the recording and analysis of the building through a written scheme of investigation and the development of the approved scheme soon after the demolition. The significant public benefits of the proposed development 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 None identified.

## 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) No works to which this consent relates shall commence until an appropriate programme of historic building recording and analysis has been secured and implemented in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority. Such a scheme must include a full photographic record of the building.  
**Reason:** To ensure that a suitable record of the building is secured and to accord with policy HE2 of the Brighton & Hove Local Plan.
  
- 3) The works of demolition hereby permitted shall not be begun until documentary evidence is produced to the Local Planning Authority to show that contracts have been entered into by the developer to ensure that building work on the site the subject of this consent is commenced within a period of 6 months following commencement of demolition in accordance with a scheme for which planning permission has been granted.  
**Reason:** To prevent premature demolition in the interests of the character and appearance of the Conservation Area and to comply with policy HE8 of the Brighton & Hove Local Plan.

### 11.2 Informatives:

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

Plan Type	Reference	Version	Date Received
Site plan and block plan	P-001	-	18/11/2013
Existing site plan	P-002	A	06/12/2013
Existing elevations and sections	P-003	A	06/12/2013
Existing elevations	P-004	-	18/11/2013
Existing landscaping/tree plan	P-005	-	18/11/2013

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Proposed site plan	P-300	-	18/11/2013
Proposed floor plans	P-400	-	18/11/2013
	P-401	-	18/11/2013
	P-402	-	18/11/2013
	P-403	-	18/11/2013
	P-404	-	18/11/2013
	P-405	A	07/03/2014
	P-406	A	07/03/2014
	P-407	-	18/11/2013
Proposed landscaping/tree plan	P-409	-	18/11/2013
Proposed elevations	P-301	-	18/11/2013
	P-500	-	18/11/2013
	P-501	-	18/11/2013
	P-502	-	18/11/2013
	P-503	A	07/03/2014
	P-504	-	18/11/2013
	P-505	A	06/12/2013
	P-506	A	06/12/2013
Typical bay study	P-601	-	18/11/2013
Proposed sections	P-507	-	18/11/2013
	P-508	-	18/11/2013
	P-509	-	18/11/2013
	P-510	-	18/11/2013
	P-511	-	18/11/2013
Mechanical services	50BG01	P1	18/11/2013
	500001	P2	18/11/2013
	500101	P2	18/11/2013
	500201	P2	18/11/2013
	500301	P2	18/11/2013
	500401	P2	18/11/2013
	500501	P2	18/11/2013
	500601	P2	18/11/2013
	50ZZ01	P1	18/11/2013
	50ZZ02	P1	18/11/2013
	50ZZ03	P1	18/11/2013

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:-  
It is considered that, on balance, the demolition of this grade II listed building remains justified by the evidence submitted as an exception to national and local policy, subject to the imposition of conditions to secure the recording and analysis of the building through a written scheme of investigation and the development of the approved scheme soon after the demolition. The significant public benefits of the proposed development

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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.



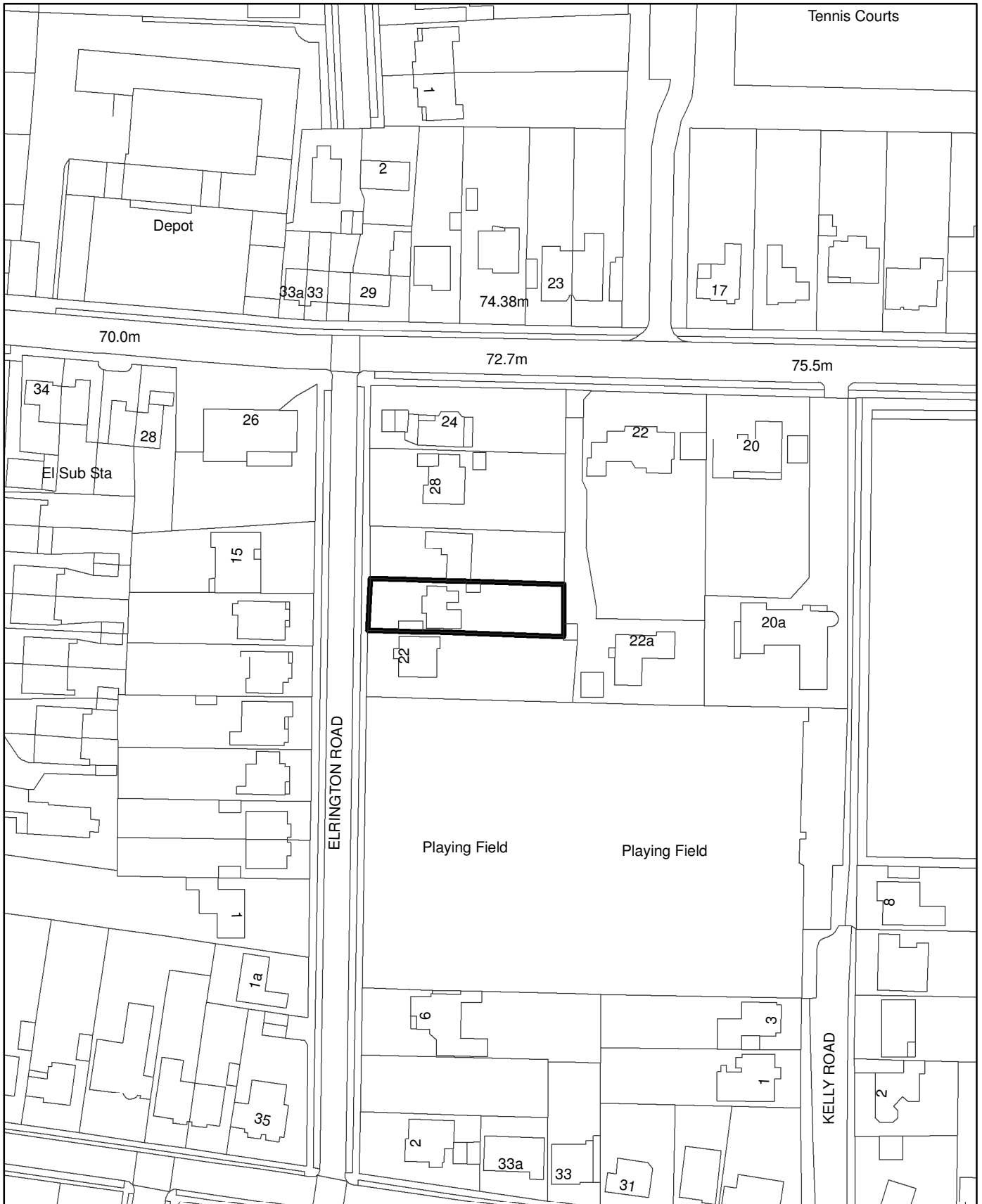
# **ITEM E**

**24 Elrington Road, Hove**

**BH2014/01672**  
**Full planning**

**06 AUGUST 2014**

# BH2014/01672 24 Elrington Road, Hove.



**Scale: 1:1,250**



<b><u>No:</u></b>	<b>BH2014/01672</b>	<b><u>Ward:</u></b>	<b>HOVE PARK</b>
<b><u>App Type:</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>24 Elrington Road Hove</b>		
<b><u>Proposal:</u></b>	<b>Demolition of existing house and erection of two storey house with associated landscaping.</b>		
<b><u>Officer:</u></b>	Sonia Gillam Tel 292265	<b><u>Valid Date:</u></b>	21 May 2014
<b><u>Con Area:</u></b>	N/A	<b><u>Expiry Date:</u></b>	16 July 2014
<b><u>Listed Building Grade:</u></b>	N/A		
<b><u>Agent:</u></b>	MJS Planning & Design Ltd, First Floor, Handel House, 2 Somerset Place, Teignmouth, Devon TQ14 8EP		
<b><u>Applicant:</u></b>	Dr Richard Inwood, 31 Hillside, Portslade BN41 2DG		

## 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 detached dwellinghouse located on the eastern side of Elrington Road. There is a free standing garage to the front of the property.
- 2.2 The street is made up of good sized, mainly detached dwellings and the surrounding area is predominantly residential in character. In terms of architectural style, the prevailing pattern is of early 20th century housing with examples of modern infill development.

## 3 RELEVANT HISTORY

**BH2013/03726** Demolition of existing house and erection of two storey house with associated landscaping. Refused 31/12/2013, for the following reasons:

1. *The proposed dwelling, by virtue of its siting, design, height and bulk, would result in a form of development which would fail to emphasise and enhance the positive qualities and characteristics of the area, and would appear out of scale, bulky and overly dominant in relation to its neighbours, and relate poorly to the rest of the street. The proposed development is thereby contrary to policies QD1 and QD2 of the Brighton & Hove Local Plan.*
2. *The proposed dwelling, by virtue of its siting, design, height and bulk, would have an overbearing and unduly prominent and unneighbourly relationship with the property to the north, no. 26, resulting in a loss of light and outlook for occupants of this property. The proposed development is thereby contrary to policy QD27 of the Brighton & Hove Local Plan.*

#### **4 THE APPLICATION**

- 4.1 Planning permission is sought for the demolition of the existing house and the erection of a two storey house with associated landscaping. The plans have been amended to show a greater area of vegetation/ screening to the front garden.
- 4.2 The proposed dwelling would be a two storey pre-fabricated, low energy 'Hanse Haus' with a larger footprint to the existing dwelling. The existing free standing garage would be removed and the building line of the proposed dwelling would be further forward than the existing.
- 4.3 The property would have a hipped roof form with a front gable projection. White rendered walls, concrete roof tiles and uPVC fenestration is proposed. The layout would incorporate an open plan kitchen/ diner, a lounge area, a utility room, a study and a bathroom at ground floor level and four bedrooms (two en suite) and a family bathroom at first floor level. It is proposed that there would be a parking area to the front of the property with refuse, recycling and cycle parking proposed to the rear.

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

##### **External:**

- 5.1 **Neighbours: Seven (7)** letters of representation have been received from nos. **7, 9, 11, 22 (x2), 26 Elrington Road, and 35 Hove Park Road** objecting to the application for the following reasons:

- Size, height and bulk of new dwelling
- New dwelling would be out of proportion with its neighbours
- New dwelling would be overbearing
- Contemporary design not in keeping
- Overshadowing and loss of light
- Loss of privacy
- Loss of front garden area to be replaced with hard standing
- More vehicles on show in the street due to hard standing
- Disruption from building works

- 5.2 **One (1)** letter of representation has been received from no. **13 Elrington Road** supporting the application for the following reasons:

- Street elevation would sit well with its neighbours

##### **Internal:**

- 5.3 **Sustainable Transport: No objection**, subject to the inclusion of conditions. The proposed trip generation is proposed to be identical to the existing use. Due to this and the fact the temporary recession measures are in place the Highway Authority would not look for a developer contribution in this instance. The proposed vehicle and cycle parking provision and siting is acceptable. There is no objection to widening the existing crossover on Elrington Road.

- 5.4 **Arboriculture: No objection**. Should this application be granted consent, the majority if not all of the vegetation in the front garden will be lost. This is mostly leylandii hedging and ornamental shrubs, along with one pollarded

Lime tree. This tree is of poor form and is not worthy of Preservation Order, therefore the Arboricultural Section would not object to its loss.

- 5.5 The rear garden has some maturity with old fruit trees and other vegetation. The Arboricultural Section would recommend that this vegetation is protected during the course of the development, however, this is advisory only and should not be made the subject of a condition attached to any consent granted.
- 5.6 **Access Officer:** The internal layouts are satisfactory but the elevations seem to show steps at various doors. Approach to all entrances should be level or gently sloping and there should be level thresholds.

## 6 MATERIAL CONSIDERATIONS

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

## 7 RELEVANT POLICIES & GUIDANCE

The National Planning Policy Framework (NPPF)

Brighton & Hove Local Plan

- |     |  |
|-----|--|
| TR1 | Development and the demand for travel      |
| TR2 | Public transport accessibility and parking |

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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 - full and effective use of sites
QD5	Design - street frontages
QD15	Landscape Design
QD16	Trees and hedgerows
QD27	Protection of amenity
QD28	Planning obligations
HO3	Dwelling type and size
HO4	Dwelling densities
HO5	Provision of private amenity space in residential development
HO13	Accessible housing and lifetime homes

### Supplementary Planning Guidance Notes

SPGBH 4: Parking Standards

### Supplementary Planning Documents

SPD03	Construction and Demolition waste
SPD08	Sustainable Building Design
SPD06	Trees and development sites
SPD11	Nature Conservation & Development

### Planning Advice Notes

PAN05	Design and Guidance for Storage and Collection of Recyclable Materials and Waste
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### Brighton & Hove City Plan Part One (submission document)

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

- 8.1 Matters relating to disruption during building works are not material planning considerations. The main considerations in the determination of this application relate to principle of the proposed development, the suitability of the site to accommodate the proposed dwelling having regard to the amenity requirements for the dwelling, the effect upon the character of the area and neighbouring residential amenity and issues relating to transport and sustainability.

### **Principle of development:**

- 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. 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. The specific impacts of the development are considered fully below.

- 8.3 There is no objection in principle to the demolition of the existing building. The proposal relates to a traditional two storey building, with a free standing garage to the front. The property is not listed and does not lie within a conservation area. Whilst the existing house sits comfortably in the street scene, the LPA would not insist on its retention.
- 8.4 It is noted that several modern developments have been recently approved in the local area, for example at no. 1a Elrington Road (BH2012/01670 - remodelling, including the creation of an additional storey), no. 1 Elrington Road (BH2013/00559 – remodelling including various extensions), and 34 Hove Park Road (BH2012/00213 - demolition of existing dwelling and erection of new three storey dwelling house). Additionally an application (BH2013/00803) for a new dwelling on land at no. 4 Elrington Road, at the southern end of the street, was recently allowed on appeal.
- 8.5 As such, a residential redevelopment of the site would not be resisted in principle, but must be carefully assessed and considered.

**Design and visual impact:**

- 8.6 Policy QD2 requires new developments to be designed in such a way that they emphasise and enhance the positive qualities of the local neighbourhood, by taking into account local characteristics such as height, scale, bulk and design of existing buildings, impact on skyline, natural and built landmarks and layout of streets and spaces. It is important that the design of any replacement dwelling reflects the existing character of surrounding properties and does not appear visually jarring.
- 8.7 With regard to positioning, the new dwelling would be sited forward of the existing building line, although it would still be sited behind the front building line of the adjacent property to the south, no. 22 Elrington Road. The building would remain set back from the roadside and retain the open character of the street. The positioning of the building line relative to the neighbouring properties would be acceptable as these would remain staggered. The building would be positioned centrally in the plot which is common-place for the area and a readable gap would be retained between the new house and the neighbouring properties.
- 8.8 The area is characterised by decent sized, mainly detached dwellings with good sized gardens. The plot is clearly large enough to accommodate the new dwelling, the footprint of which, although larger than its immediate neighbours to the north and south, is generally not too dissimilar or out of keeping with the surrounding properties. The larger footprint would not be readily apparent in surrounding views and is not considered to be overdevelopment of the site. Furthermore, the depth of the plot is substantial and the proposal would provide

garden areas to the front and rear, the scale of which would be more than adequate to serve the needs of a dwelling of the size proposed. In this sense, the footprint and scale of the dwelling is not disproportionate to the size of the site. Therefore the principle of a larger replacement dwelling and the proposed siting is considered acceptable subject to detailed design considerations.

- 8.9 The majority of two storey properties in Elrington Road feature hipped roofs; additionally a front gable projection is a common architectural feature. The proposed design incorporates a two-storey dwelling with a hipped roof and a front gable projection which adds visual relief to the front elevation. It is considered that the proposed dwelling would be read as a clearly modern development in the street scene. However the proposal would comprise a style of dwelling which would reflect the features and appearance of the existing properties within the street scene and is considered to successfully fit in with and pick up on the positive characteristics of the area.
- 8.10 In terms of height, the proposed ridge height of the dwelling would follow the incline of the street (the ground levels rise gently from south to north) and the line of the surrounding roofscape. The eaves height would be slightly above those of the property to the south, no. 22 Elrington Road, and below the eaves level of the property to the north, no. 26 Elrington Road. This is considered appropriate as the overall height would not be disproportionate to the neighbouring dwellings and would be in keeping with the shallow incline of the street as it rises to the north.
- 8.11 From the plans it appears that the existing house is built on a slight incline, with land rising both south to north and west to east; it appears that it is proposed to build the new dwelling into the land, or to build the land up slightly. Drawings showing the ground levels can be secured by condition.

**Impact on Amenity:**

- 8.12 Policy QD27 of the Brighton & Hove Local Plan states that planning permission for any development or change of use will not be granted where it would cause material nuisance and loss of amenity to the proposed, existing and/or adjacent users, residents, occupiers or where it is liable to be detrimental to human health.
- 8.13 The development is proposed further forward than the existing, creating a larger two storey element, 3.9 metres depth of which would be visible from the front rooms of no. 26 Elrington Road, the property most likely to be affected by the proposal. It is acknowledged that the entire depth of the two storey element (some 2.3 metres) of the existing property is already visible from no. 26. It is also noted that there is a single storey garage to no. 26 sited to the south of the main dwelling which would add separation between this neighbouring property and the proposed development.
- 8.14 There is no doubt that there would be some impact on outlook from no. 26 created by the visible extra bulk of the proposal close to the shared boundary. Nevertheless the proposed relationship between the properties would not be particularly unusual in terms of siting (see the similar relationship between nos. 24 and 26 Elrington Road), and the separation distance between the properties is

relatively comfortable. Therefore the additional impact is not considered to be unacceptably imposing or enclosing.

- 8.15 Due to the orientation of the application site to the south of no. 26, it is considered that there could potentially be a loss of sunlight/ daylight to the front rooms from the new dwelling. However again, bearing in mind the distance between the properties and the open nature of the sites, it is considered that any impact on light would be minimal and not warrant refusal of the application. The occupants of no. 26 have objected to the scheme on the grounds that there could also be an impact on their rear conservatory. However, given that a single storey element is proposed at the rear of the new dwelling, in line with the rear of no. 26, and that there is sufficient distance between the dwellings, there is not considered to be a significant impact upon the neighbouring rear conservatory.
- 8.16 A first floor window is proposed to the northern side elevation of the new dwelling. It is recommended that this window should be obscured glazed to prevent overlooking of no. 26.
- 8.17 It is not considered that there would be an unacceptable impact on no. 22 Elrington Road to the south of the site. Although no. 22 has existing windows to the upper floor of its northern elevation, they appear to be secondary windows and/or serve non-habitable rooms and it is not considered that the mass of the development would significantly impact upon light to habitable rooms. However it is considered appropriate that the proposed windows to the first floor of the southern elevation of the development should be obscured glazed to prevent potential overlooking of the side windows of no. 22.
- 8.18 The existing property projects 4.8 metres further to the rear than no. 22 Elrington Road; 2.2 metres of this is at two storey level. The proposed dwelling would project further to the rear than the existing house, 5.4 metres at the boundary with no. 22. The two storey element would project 4.6 metres at the boundary, further than the existing by 2.4 metres, thereby creating some impact on the relationship with rear of no. 22. Clearly the increased height and bulk of the structure would be visible from the rear windows and garden of no. 22.
- 8.19 However, given the existing situation, the distances between the properties, the hipped nature of the proposed roof form and the good size and open nature of the plots to the rear, it is not considered that this increase in the height and bulk of the property to the rear would create a significantly imposing or enclosing impact, or unacceptably impact on the living conditions of no. 22. Additionally as the application site is to the north of no. 22 there would not be a significant impact on daylight/ sunlight to the rear windows.
- 8.20 The properties to the front and rear would be some distance away from the development and would not be significantly affected.

**Amenity for future occupants:**

- 8.21 The proposed dwelling would provide a good standard of accommodation; habitable rooms would benefit from adequate natural light and outlook, and a

garden area commensurate to the size of the proposed dwelling would be provided.

- 8.22 Policy HO13 requires all new dwellings to fully meet lifetime home standards. From the plans submitted, the internal layouts are considered to be satisfactory; the property would be capable of complying with lifetime home standards, given the overall size of the dwelling. However it would appear that the thresholds to the entrance doors are not level. This would be achievable in a development such as this and it is recommended that full compliance with Lifetime Homes criteria is secured by condition.
- 8.23 Policy HO5 requires the provision of useable private amenity space in new residential developments, which is appropriate to the scale and character of the development. The site would retain a substantial rear garden which would provide private usable amenity space which is appropriate to the size of the dwelling.
- 8.24 Policy SU2 requires all new residential development to provide refuse and recycling storage facilities. This is proposed to the rear of the development with side access which is acceptable.

**Sustainable Transport:**

- 8.25 Policy TR1 of the Local Plan requires development proposals to provide for the demand for travel which they create and maximise the use of public transport, walking and cycling. Policy TR7 will permit developments that would not increase the danger to users of adjacent pavement, cycle routes and roads.

Car Parking

- 8.26 The site is outside of the Controlled Parking Zone (CPZ). The applicant is proposing 2 car parking spaces on-site, which is the same as the existing provision. SPG04 states that the maximum car parking standard for a house outside of a CPZ is 1 space per dwelling plus 1 car space per 2 dwellings for visitors, i.e. a maximum of two spaces. Therefore the proposed level of parking is in line with the maximum car parking standards and is deemed to be acceptable.

Cycle Parking

- 8.27 SPG4 states that a minimum of 1 cycle parking space is required for every dwelling. In order to be in line with Policy TR14 of the Local Plan, cycle parking must be secure, convenient, well lit, well signed and wherever practical, sheltered. The applicant states that they intend to provide cycle parking provision in the rear garden. As there is access to the side of the property this arrangement is deemed acceptable and can be secured by condition.

Vehicle Access

- 8.28 From the plans, it appears that the intention is to widen the existing crossover on Elrington Road. There is no objection to this proposal, subject to the applicant obtaining the necessary licence prior to commencing works on the crossover.

**Sustainability:**

- 8.29 Policy SU2 and SPD08 seeks to ensure that development proposals are efficient in the use of energy, water and materials. Proposals are required to demonstrate



that issues such as the use of materials and methods to minimise overall energy use have been incorporated into siting, layout and design.

- 8.30 Part of the proposed floor space is on land that is currently undeveloped (and therefore greenfield). The proposed dwelling clearly represents a substantial increase in size over the existing building. The applicant has advised that the build would achieve Level 4 of the Code for Sustainable Homes. This is considered appropriate in accordance with policy SU2 of the Local Plan and the supplementary guidance on Sustainable Building Design.

**Arboriculture and landscaping:**

- 8.31 It is proposed that a section of the vegetation in the front garden would be lost. This is mostly leylandii hedging and ornamental shrubs, along with one Lime tree. The Council's Arboricultural section has advised that this tree is of poor form and is not worthy of a Preservation Order; therefore there is no objection to its loss.
- 8.32 It is noted that most of the front gardens in Elrington Road are, at least partially, laid to lawn. If the development was to go ahead, it is proposed that there would be a parking area to the front of the property. Although it is regrettable to lose the greenery to the front of the property as it is a characteristic of the properties in the area, the LPA would not resist the development of the hard standing as the site is not in a conservation area or of a sensitive nature. Additionally it is proposed that the parking area would be partially shielded by vegetation to the front and side of the property.

**9 CONCLUSION**

- 9.1 The proposal would make an effective and efficient use of the site without compromising the quality of the local environment. Subject to the compliance with the attached conditions no significant harm to neighbouring amenity would result and the scheme is acceptable with regard to sustainability measures and traffic issues.

**10 EQUALITIES**

- 10.1 The internal layouts are acceptable in terms of Lifetime Homes criteria. Full compliance should be secured by condition.

**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.

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Plan Type	Reference	Version	Date Received
Site location plan			21/05/2014
Existing site plan		B	21/05/2014
Proposed site plan		P	24/06/2014
Existing elevations		B	21/05/2014
Street scene		P	24/06/2014
Proposed elevations	0002	M	21/05/2014
Proposed floor plans	0002	M	21/05/2014

- 3) No extension, enlargement, alteration or provision within the curtilage of the of the dwellinghouse(s) as provided for within Schedule 2, Part 1, Classes A - E of the Town and Country Planning (General Permitted Development) Order 1995, as amended (or any order revoking and re-enacting that Order with or without modification) other than that expressly authorised by this permission shall be carried out without planning permission obtained from the Local Planning Authority. **Reason:** The Local Planning Authority considers that further development could cause detriment to the amenities of the occupiers of nearby properties and to the character of the area and for this reason would wish to control any future development to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.
- 4) The first floor windows in the northern and southern side elevations of the development hereby permitted shall be obscure glazed and non-opening, unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed, and thereafter permanently retained as such. **Reason:** To safeguard the privacy of the occupiers of the adjoining property and to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.
- 5) The hard surface hereby approved shall be made of porous materials and retained thereafter or provision shall be made and retained thereafter to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the property. Reason: To reduce the risk of flooding and pollution and increase the level of sustainability of the development and to comply with policy SU4 of the Brighton & Hove Local Plan.

11.2 Pre-Commencement Conditions:

- 6) 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.
- 7) No development shall take place until samples of the materials (including colour of render, paintwork and colourwash) to be used in the construction of the external surfaces of the development hereby permitted have been submitted to

and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details. **Reason:** To ensure a satisfactory appearance to the development and to comply with policy QD1 of the Brighton & Hove Local Plan.

- 8) 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.

### 11.3 Pre-occupation conditions

- 9) 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.
- 10) The new dwelling hereby permitted shall be constructed to Lifetime Homes standards prior to its first occupation and shall be retained as such thereafter. **Reason:** To ensure satisfactory provision of homes for people with disabilities and to meet the changing needs of households and to comply with policy HO13 of the Brighton & Hove Local Plan.
- 11) 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) 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.

- 13) The new/extended 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.

11.4 Informatives:

1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One (submission document) the approach to making a decision on this planning application has been to apply the presumption in favour of sustainable development. The Local Planning Authority seeks to approve planning applications which are for sustainable development where possible.
2. This decision to grant Planning Permission has been taken:
  - (i) having regard to the policies and proposals in the National Planning Policy Framework and the Development Plan, including Supplementary Planning Guidance and Supplementary Planning Documents:  
(Please see section 7 of the report for the full list); and
  - (ii) for the following reasons:-  
The proposal would make an effective and efficient use of the site without compromising the quality of the local environment. Subject to the compliance with the attached conditions no significant harm to neighbouring amenity would result and the scheme is acceptable with regard to sustainability measures and traffic issues.
3. The applicant is advised that details of the Code for Sustainable Homes can be found on the Planning Portal ([www.planningportal.gov.uk](http://www.planningportal.gov.uk)), on the Department for Communities and Local Government website ([www.communities.gov.uk](http://www.communities.gov.uk)) and in Supplementary Planning Document SPD08 Sustainable Building Design, which can be accessed on the Brighton & Hove City Council website ([www.brighton-hove.gov.uk](http://www.brighton-hove.gov.uk)). Accreditation bodies at March 2010 include BRE and STROMA; other bodies may become licensed in future.
4. The applicant is advised that details of Lifetime Homes standards can be found in Planning Advice Note PAN 03 Accessible Housing & Lifetime Homes, which can be accessed on the Brighton & Hove City Council website ([www.brighton-hove.gov.uk](http://www.brighton-hove.gov.uk)).
5. The planning permission granted includes a vehicle crossover which requires alterations and amendments to areas of the public highway. All necessary costs including any necessary amendments to a Traffic Regulation Order (TRO), the appropriate license and application fees for the crossing and any costs associated with the movement of any existing street furniture will have to be funded by the applicant. Although these works are approved in principle by the Highway Authority, no permission is hereby granted to carry out these works until all necessary and appropriate design details have been submitted and agreed. The crossover is required to be constructed under licence from

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the Highways Operations Manager. The applicant must contact the Network Co-ordination Team (01273 293 366) prior to any works commencing on the public highway.



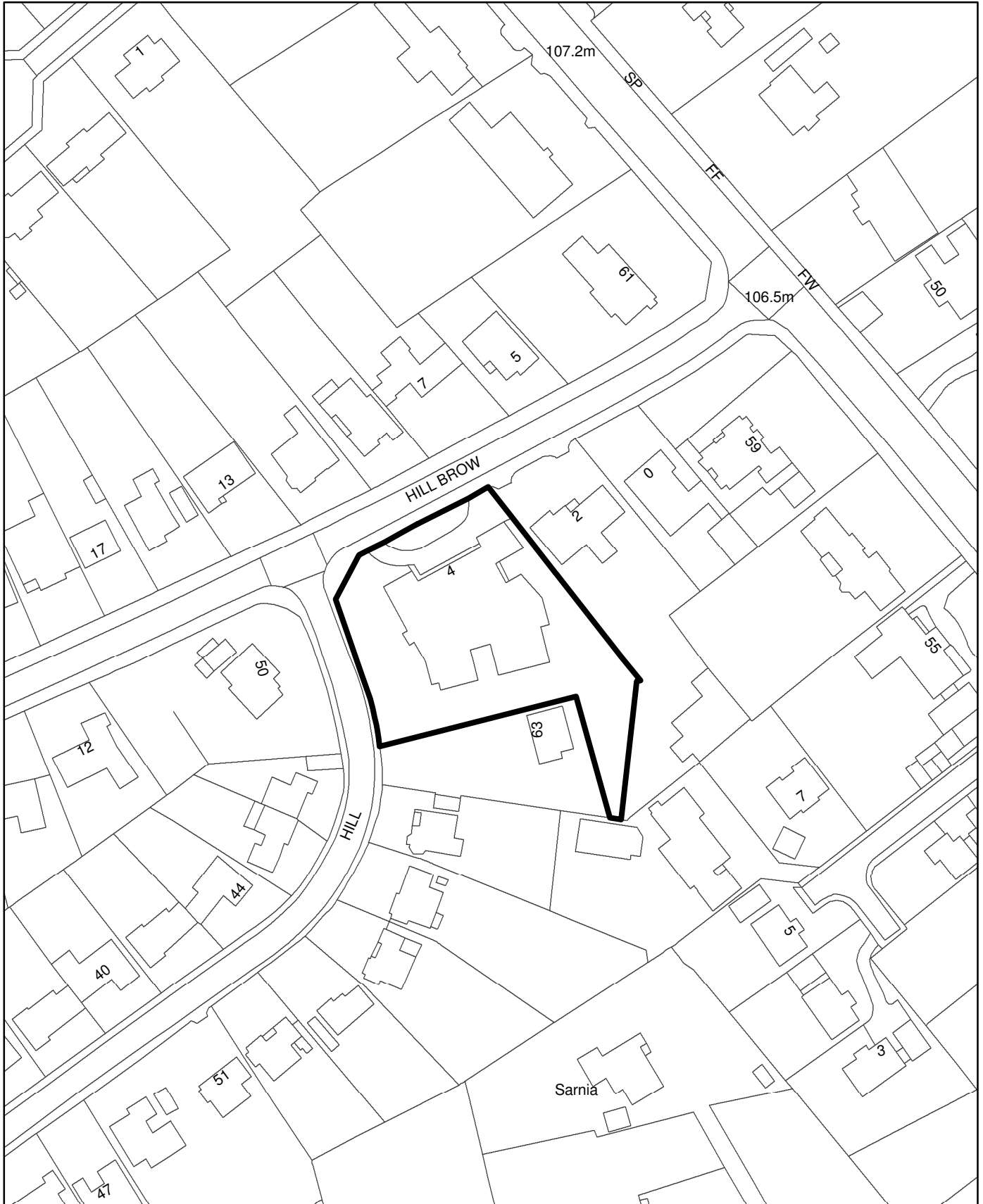
# **ITEM F**

**Flamingo, 4 Hill Brow, Hove**

**BH2013/04293**  
**Full planning**

**06 AUGUST 2014**

# BH2013/04293 Flamingo, 4 Hill Brow, Hove.



**Brighton & Hove  
City Council**

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**Scale: 1:1,250**



<b><u>No:</u></b>	<b>BH2013/04293</b>	<b><u>Ward:</u></b>	<b>HOVE PARK</b>
<b><u>App Type:</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>Flamingo 4 Hill Brow Hove</b>		
<b><u>Proposal:</u></b>	<b>Demolition of existing dwelling and erection of 3no five bedroom houses with associated parking and landscaping.</b>		
<b><u>Officer:</u></b>	Liz Arnold Tel 291709	<b><u>Valid Date:</u></b>	20 December 2013
<b><u>Con Area:</u></b>	N/A	<b><u>Expiry Date:</u></b>	14 February 2014
<b><u>Listed Building Grade:</u></b>	N/A		
<b><u>Agent:</u></b>	DMH Stallard Planning, 100 Queens Road, Brighton BN1 3YB		
<b><u>Applicant:</u></b>	Sigma Homes Limited, c/o DMH Stallard Planning, 100 Queens Road Brighton BN1 3YB		

## 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 large property located on the southern side of Hill Brow, on the corner with Hill Drive. The existing property amounts to a total site coverage of approximately 825m<sup>2</sup>, including the garage. The property appears to have been extended in the past by way of rear and side extensions, one of which houses a swimming pool.
- 2.2 The existing dwelling is accessed from both Hill Brow (double access points) and Hill Drive (single access point). From Hill Brow the existing property appears as a single storey dwelling however from Hill Drive it appears as a two storey dwelling.
- 2.3 Due to the topography of the site the land levels alter from north to south and north-east to south-east across the site.

## 3 RELEVANT HISTORY

4 Hill Brow  
None identified.

35 Hill Brow  
**BH2011/03287** – Demolition of existing dwelling and erection of 2no storey house with basement/garage level. Approved 08/02/2012

53 Hill Brow

**BH2009/03109** - Demolition of existing bungalow and erection of 2no. 3 storey dwelling houses. Approved 01/03/2010.

**BH2007/04259** - Demolition of existing bungalow with redevelopment of 2 no. 3 storey house. Approved 05/06/2008.

**BH2007/02762** - Demolition of existing bungalow with redevelopment of 2no 3 storey houses. Refused 13/09/2007. Appeal Dismissed.

61 Hill Brow

**BH2012/03708** - Demolition of bungalow and erection of a two storey, five bedroom detached house. Refused 16/01/2013.

**BH2012/02298** - Demolition of bungalow and erection of a two storey, five bedroom, detached house. Approved 14/11/2012.

**BH2012/01154** - Demolition of existing bungalow and erection of new dwelling house. Refused 07/06/2012.

50 Hill Drive

**BH2014/01168** - 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. Refused 11/06/2014.

61 Dyke Road Avenue

**BH2005/02238/RM** - Reserved matters application for two-storey detached house fronting Hill Brow pursuant to outline permission BH2005/01432/OA. Approved 24/01/2006.

**BH2005/01432/OA** - Outline application for detached two storey house fronting Hill Brow. (Revision to approved BH2005/00675/OA). Approved 04/07/2005

**BH2005/00675/OA** - Outline application for detached two storey house fronting Hill Brow. Approved 28/04/2005.

#### **4 THE APPLICATION**

4.1 Planning permission is sought for the demolition of the existing dwelling and the construction of 3 no. five bedroom houses with associated parking and landscaping.

4.2 The site would be subdivided on a south to north basis in order to provide three new plots;

- House 1 would be located on the western side of the site with the main frontage and entrance facing onto Hill Drive and would have a plot width of between approximately 17.8m and 26m. This house would have an internal gross floor area of 350m<sup>2</sup> and private amenity space of approximately 220m<sup>2</sup>. The ridge height would be 108.850 AOD whilst the lower ground floor internal floor level would be 95 AOD.
- House 2 (middle house) would have a plot width of between approximately 13.6m and 14.2m. This house would have an internal gross floor area of approximately 350m<sup>2</sup> and a private amenity area of 290m<sup>2</sup>. The ridge height would be 110.150 AOD whilst the lower ground floor internal floor level would be 96 AOD.
- House 3 would be located on the eastern side of the site and would a plot width of between approximately 16.4m and 21.4m (excluding the southerly

most garden area). This house would have an internal gross floor area of approximately 335m<sup>2</sup> with a private amenity area of approximately 830m<sup>2</sup>. The large garden area is in part due to the extended southerly 'finger' of garden that runs to the east of no. 63 Hill Brow. The ridge height would be 110.150 AOD whilst the lower ground floor internal floor level would be 99 AOD.

- 4.3 Houses 1 and 3 exploit the sloping nature of the site with the provision of a lower ground floor level.
- 4.4 The proposed dwellings would comprise the following materials;
- Plain slate/tile roofs,
  - Brick,
  - Cladding,
  - Render, and
  - Aluminium windows

## 5 PUBLICITY & CONSULTATIONS

### External

- 5.1 **Neighbours: Nine (9)** letters of representation have been received from nos. **2 (x2), 5, 7, 9, 11, 13 and 50 Hill Brow, 61 Hill Drive** objecting to the application for the following reasons:

- Over-development. The density is excessive, 2 larger houses are more appropriate for the neighbourhood. Results in loss of green surrounding area,
- Design is too modern and completely out of keeping with neighbouring properties. Houses are too high, bulky and wide. There are no other 3 storey houses in area other than conversion of existing roof space. Proposal would materially change the character of Hill Brow/Hill Drive and the visual aspect and sense of space enjoyed by a number of Hill Brow dwellings. The heights should reflect the gradient of the site and Hill Brow,
- Construction site will damage existing roads and pavements and construction will cause nuisance to neighbours,
- Additional vehicle access points onto Hill Brow, which is an already tight and tricky T-junction, will cause traffic safety issues
- There are a number of nursing homes and residential homes in the surrounding area and the development would increase the pedestrian hazards,
- Impact upon neighbouring amenity including, loss of sunlight, daylight, over-shadowing and actual and perceived loss of privacy and over-looking. Dwellings will include great expanses of glass,
- The large dwellings would have small garden areas,
- Conifer hedge which provides screening is likely to be removed,
- The proposed front building line is set approximately 4m further forward than neighbouring properties and the general building line in the related part of the street. The building line of the three houses has also been "cranked" relative to the rest of the street, with lower level properties this would not be a concern but with the larger height of properties proposed this will be very visible,

- There is no proper street elevation so it is difficult to relate the development to the context of the street setting,
  - There are inconsistencies between drawings,
  - The gaps between neighbours would not be sufficient to respect the character of the related part of Hill Brow,
  - There are covenants which restrict development on the site, specifically the construction of three houses, and
  - Replacing one house with three will have a negligible effect on the housing shortage and in any case these properties are unlikely to be within the financial reach of these people most in need of homes,
- 5.2 **One (1)** letter of representation have been received **25 Hill Drive** supporting the application on the grounds that policy QD2 requires development proposals to emphasis and enhance the positive qualities of the local neighbourhood. This development with its traditionally shaped house, is probably doing just that, where as the existing house actually is more at odds with the local stock.
- 5.3 **Councillors Bennett and Brown:** Object to the application. Correspondence attached.
- 5.4 **County Ecologist:**  
(Comments 23/01/2014 and 23/06/2014) Further information is required to assess the potential impacts of the proposed development on biodiversity. In addition to whatever mitigation may be required for protected species, the site offers opportunities for enhancement which will help the Council address its duties and responsibilities.
- 5.5 (Final comments 7/07/2014 following receipt of Ecology Survey) Provided the recommended mitigation measures are carried out, the proposed development is unlikely to have a detrimental impact on bats and can be supported from an ecological perspective.
- Internal:**
- 5.6 **Access Officer:** Approach to all entrances should be level or gently sloping, otherwise the properties all meet Lifetime Homes Standards.
- 5.7 **Arboriculturist** (Comments 29/01/2014 and 16/06/2014) Loss of three trees and one group of trees, none of which are worthy of Preservation Orders. Overall there is no objection to the proposals in the application subject to conditions regarding the retention and protection of existing trees and landscaping.
- 5.8 **Environmental Health:** The council's mapping system identifies that it is built on a former farm and a pit is shown and there is potential for it to contain contaminants.
- 5.9 Given the above, it is prudent and appropriate in this instance to apply a condition, which will ensure that if there are any unexpected findings encountered during the construction process, that works cease and a formal risk assessment by a professional and competent individual takes place to guide further action. This is referred to as a discovery strategy.

- 5.10 **Network Co-ordination:** Require the construction of a cross-over to be a minimum of 1m from a lamp column. However if the column needs to be removed then Street Lighting would need to authorise this.
- 5.11 **Sustainable Transport:** (Comments 17/01/2014 and 23<sup>rd</sup> June 2014) Recommend approval as the Highway Authority has no objections to the application subject to the approval of the arboriculture and network co-ordination teams and the inclusion of conditions relating to retention of parking area, cycle storage and new/extended/redundant cross-overs.

## 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

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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
QD15	Landscape design
QD16	Trees and hedgerows
QD17	Protection and integration of nature conservation features
QD18	Species protection
QD27	Protection of Amenity
HO3	Dwelling type and size
HO4	Dwelling densities
HO5	Provision of private amenity space in residential development
HO13	Accessible housing and lifetime homes

### Supplementary Planning Guidance:

SPGBH4 Parking Standards

### Supplementary Planning Documents:

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

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

SS1 Presumption in Favour of Sustainable Development

## **8 CONSIDERATIONS & ASSESSMENT**

- 8.1 The main considerations in the determination of this application relate to the principle of the provision of three dwellings within the site, the impacts of the proposed development upon the visual amenities of the Hill Brow and Hill Drive street scenes and the wider area. The living conditions for future occupiers, the impact upon the amenities of the neighbouring properties and issues including sustainability, arboriculture, ecology and transport must also be assessed.

### **Principle of Development:**

- 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. 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. The specific impacts of the development are considered fully below.

**Visual Amenities:**

- 8.3 Policies QD1, QD2 and QD3 set out the design criteria for applications of this nature. These policies require proposals to make an efficient and effective use of the site, contributing positively to the visual quality of the environment, addressing key principles for the neighbourhoods in terms of height, scale, bulk and design. The onus is upon the applicant to demonstrate that new development can be integrated successfully into its context.
- 8.4 The NPPF states that good design is a key aspect of sustainable development and that development should function well and add to the overall quality of the area, respond to local character and reflect the identity of the local surroundings. The principle of modern designed dwellings on this site is not objected to, however the resulting properties must respect their context and should be designed to emphasise and enhance the positive qualities of the local neighbourhood, taking into account the local characteristics in order to accord to design policies in the local plan.
- 8.5 The size, positioning and proposed construction finish materials of the proposed dwellings are set out in section 4 above.
- 8.6 Policy QD2 requires developments to take into account the prevailing characteristics of the surrounding area. The site would be subdivided into three separate plots on a south to north basis. The resulting plot sizes and proposed dwelling footprints are considered in keeping with the character of the area and would not result in a cramped form of development or an over-development of the site.
- 8.7 The height of the flat roof of the existing dwelling measures 103 AOD. The ridge heights of the proposed dwellings vary from 110 AOD (House 3 and 2) to 108 AOD (House 1). Due to the varied chalet bungalow and two storey form of properties in the immediate vicinity of the site, the stepping down of dwelling heights to reflect the gradient of Hill Brow is not characteristic and therefore it is not considered that the same ridge height for House 2 and 3 would be of detriment to the visual amenities of the Hill Brow street scene. The ridge heights of the proposed House 2 and 3 would not be significantly higher than that of the eastern neighbouring dwellings whilst a significant gap would be located between House 1 and the western neighbouring property, 50 Hill Drive and therefore the higher height of House 1 compared to no. 50 would not be of detriment to the visual amenities of Hill Brow.
- 8.8 The Hill Brow and Hill Drive street scenes provide an array of dwelling type, form, designs and style. The design of each of the proposed 3 dwellings is slightly different but they would all be of a complimentary contemporary design with two storeys fronting Hill Brow and Hill Drive, with a main gable end pitched roof, the ridge of which would be orientated on a north to south basis, and a subordinate gable end pitched roof, relating to the associated garages. Each dwelling would have a chimney that exceeds the height of the main ridge of the

dwelling and a chimney stack that extends down the rear elevation. A flat roofed dormer window would also be located one side of the proposed dwelling (eastern roofslope for Houses 1 and 2 and western for House 3). The dormers extending from the elevation do not conform with the advice contained in SPD12. However, given the acceptability of the scheme overall, this element is not considered sufficient to refuse on this basis. It is considered that the proposed design would not be of detriment to the visual amenities of the Hill Brow or Hill Drive street scenes.

- 8.9 The Hill Brow facing frontages of the proposed dwelling would comprise 2.5 storeys (with accommodation in the roofspace). Houses 1 and 2 would comprise 3 storeys at the rear plus roof space accommodation whilst House 3 would comprise 2 storeys with roofspace accommodation.
- 8.10 The height/design/scale/massing of the proposed dwellings is similar to other developments previously approved (details set out in section 3 above).
- 8.11 The northern elevation of House 2 and 3 would comprise triangular shaped windows adjacent to the proposed roof forms, square casement windows, a garage door and the main entrance to the dwellings. The north facing gable end of House 1 would comprise triangular shaped windows adjacent to the proposed main pitched roof forms, square casement windows and gable end of the proposed garage. The western side of House 1 would contain square casement windows, the entrance door and a garage door.
- 8.12 The proposed rear elevation would comprise pairs of full height sliding glazed doors, Juliet balconies and terraced areas. The amount of glazing reduces at each higher floor level, but the amount of glazing does appear significant. The existing southern established vegetation would limit the visibility of the rear elevations from within a majority of the Hill Drive street scene. For this reason, it is not considered significant to justify a refusal on this basis.
- 8.13 The proposed northern building line of the attached garages dwellings would not project forward of that of the existing dwelling whilst the main bulk of each dwelling would be set back. The northern building line of 4 Hill Brow is already located forward of that of the eastern neighbouring properties, nos. 0 and 2 Hill Brow.
- 8.14 In respect of House 1 the western building line would be set further to the west than that of the existing dwelling. However the front building line of the properties on the southern side of Hill Drive follow the swept curve of the road. It is considered that the proposed western building line of House 1 would respect this swept curve of Hill Drive and would not result in the proposed dwelling being overly dominant within the Hill Drive street scene despite being of a large scale, bulk and massing than the existing dwelling. In addition the existing established vegetation located along the southern boundary of the site helps to screen House 1 from views within parts of Hill Drive, although it is acknowledged that the height of this existing vegetation cannot be ensured or its retention guaranteed long-term.



- 8.15 Overall it is considered that the proposed development would make efficient and effective use of the site. The height, design and bulk of the proposed contemporary detached dwellings would not compromise the quality of the local environment including the Hill Brow and Hill Drive street scenes.

**Impact Upon Amenity:**

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

Future occupiers

- 8.17 Policy HO5 requires new residential development to provide adequate private and usable amenity space for occupiers, appropriate to the scale and character of the development. All three proposed dwellings would have access to private external garden areas of a size considered adequate for the scale and character of the dwellings proposed.
- 8.18 Policy HO13 requires new residential dwellings to be built to Lifetime Homes Standards, which enables units to be adapted at a later date to meet the changing needs of occupants, without the need for major structural alterations. There are sixteen standards relating to Lifetime Homes and as the proposal is for a new build development all of the standards must be incorporated into the design (except the standard relating to communal staircases and lifts). The comments made by the Council's Access Officer are noted in that all entrances should be level or gently sloping. Compliance with Lifetime Homes Standards can be ensured via the attachment of a condition to an approval.

- 8.19 It is considered that the standard of accommodation proposed is acceptable.

Neighbouring Amenities

- 8.20 The northern most building line of the existing dwelling is located approximately 21.7m from the southern boundary of properties located on the northern side of Hill Brow, opposite the site. These north neighbouring properties are set back within their sites from the southern boundary. Although the proposed dwellings comprise north facing windows, given the distance that would be located between the site and the dwellings on the northern side of Hill Brow, it is not considered that the proposal would result in significant overlooking or loss of privacy to these neighbouring properties.
- 8.21 Despite objections received it is not considered that the proposal would have a significant adverse impact upon the amenities of the northern neighbouring properties within regards to loss of light/daylight or overshadowing given the distance between the bulk of the proposed dwellings and northern neighbouring properties.
- 8.22 The proposed rear elevations would comprise significant amounts of glazing and terrace/balcony areas. No. 63 Hill Drive is located directly to the south of the site. This neighbouring property is located towards its eastern boundary. The only private garden area of this neighbouring property is located on its southern side

as the area to the west provides the pedestrian and vehicular access point to this neighbouring property.

- 8.23 The window openings within the northern side of no. 63 appear to be either secondary windows or relating to non-habitable rooms as they are obscurely glazed. The proposed dwelling would be located a minimum distance of approximately 17.8m from the boundary with no. 63. Established vegetation currently provides significant screening between the site and no. 63. Whilst it is noted that the height and density of the existing boundary screening cannot be guaranteed long term it is considered that vegetation along the southern boundary of the site and the distance between the proposed southern elevations and the boundary with no. 63 mitigates the impacts of the proposal upon the amenities of this southern neighbouring property with regards to overlooking or loss of privacy. Views from the rear upper floor windows would be towards the north facing roofslope of no. 63 which does not currently contain any rooflight or dormer windows.
- 8.24 The east facing elevation of no. 50 Hill Drive, the western neighbouring property, faces towards the north-western corner of no. 4 Hill Brow rather than directly towards the eastern elevation. It is noted that a recent application which sought permission for the demolition of the existing dwelling at no. 50 and the provision of 3 new dwellings, with front or side elevations fronting Hill Drive and no. 4 Hill Brow, was refused. The eastern boundary of no. 50 currently comprises established vegetation of a sufficient height. Due to the slight variation in levels between the plots of nos. 4 Hill Brow and 50 Hill Drive, the easting eastern boundary treatment of no. 50, the physical separation between the two sites due to the Hill Drive road and the gardens areas of the proposal providing an open area to the south of the dwellings (which will allow daylight/sunlight to infiltrate towards no. 50), it is considered that the proposal would not have a significant adverse impact upon the amenities of no. 50 Hill Drive with regards to overlooking, loss of privacy, loss of light/sunlight or overshadowing and would not prejudice any subsequent re-development applications at 50 Hill Drive.
- 8.25 The ground floor level of no. 2 Hill Brow is set higher than that of no. 4. The proposed eaves line of the eastern facing main roofslope of House no. 3 would be located level with the top of the garage door of no. 2. It is considered that the proposed ground floor windows within the east facing elevation of House 3 would face onto the existing shared boundary between the site and no. 2, currently a wall with a close boarded fence above. The proposed first floor east facing window would relate to a bathroom area and therefore it can be ensured that this window contains fixed glazing and is non-openable unless located 1.7m above related floor level.
- 8.26 The southern building line of House 3 would be sited further to the south than that of no. 2. The eastern building line of House 3 would angle further away from no. 2 from north to south and result in the distance between the eastern elevation of House 3 and the western elevation of no. 2 varying from between approximately 4m to 6m. Due to the pitched roof form of House 3 and the angled relationship between the two properties it is not considered that the proposal would have an overbearing or harmful impact upon the amenities of no. 2 Hill Brow. Furthermore

within the immediate vicinity of the site the plot widths allows for mutual overlooking between adjacent neighbouring properties.

- 8.27 It is noted that the objection from no. 2 refers to overlooking and loss of privacy to the rear garden area. However due to the variation in height between the site and no. 2 and the angled positioning of House 3 in relation to no. 2 it is considered that any views from the upper floor rear facing windows would be oblique.

**Sustainable Transport:**

- 8.28 Policy TR1 requires new development to address the demand for travel which the proposal will create and requires the design of the development to promote the use of sustainable modes of transport on and off site, so that public transport, walking and cycling are as attractive as use of a private car. Policy TR7 requires that new development does not increase the danger to users of adjacent pavements, cycle routes and roads. Policy TR14 requires the provision of cycle parking within new developments, in accordance with the Council's minimum standards as set out in SPGBH4. Policy TR19 requires development to accord with the Council's maximum car parking standards, as set out in SPGBH4.
- 8.29 The pedestrian and vehicles access to House 2 and 3 would be from Hill Brow whilst the access to House 1 would be from Hill Drive. Such access is considered acceptable to the Council's Transport Officer. Each house will have an individual cross-over. The cross-over related to House 3 is existing however new cross-overs would be provided for House 1 and 2. The existing cross-over on Hill Brow, to the west of the proposed cross-over 2, and the existing cross-over on Hill Drive, to the south of cross-over 1, would become redundant. A condition could be attached to an approval relating to the implementation of the proposed cross-overs in addition to a condition relating to the reinstatement of the redundant cross-overs. The existing tree referred to by the Council's Transport Officer in vicinity of proposed cross-over 2 would be removed as part of the proposal, an issue discussed in further detail below.
- 8.30 Each dwelling would have sole use of a double garage located to the north of the dwellings. The plans submitted show the provision of cycle storage facilities in each of the proposed garages. The provision of such facilities could be secured via a condition.
- 8.31 SPG04 states that a maximum number of car parking spaces for new dwellings outside of the City's controlled parking zones is 1 space per dwelling and 1 car space per 2 dwellings for visitors. It is noted that a double garage would be provided for each of the proposed 3 dwellings which results in the proposal exceeding the maximum car parking standards however it is not considered that refusal on this basis could be sustained.
- 8.32 Due to the Council's current short term recession measures and having regard to the scale of development proposed, a financial contribution towards off-site highway improvement schemes within the vicinity of the site would not be sought in this instance.

**Sustainability:**

- 8.33 Policy SU2 and SPD08 seeks to ensure that development proposals are efficient in the use of energy, water and materials. Proposals are required to demonstrate that issues such as the use of materials and methods to minimise overall energy use have been incorporated into siting, layout and design.
- 8.34 The Sustainability Checklist submitted indicates that the proposed dwellings would be constructed to Code for Sustainable Homes Level 4. It is considered that this level is acceptable given that the proposal would incorporate both developed and undeveloped land (as defined by Annex 2 of the National Planning Policy Framework), an issue which can be ensured via the attachment of a condition.
- 8.35 Plans submitted show the provision of an area for the storage of refuse and recycling at the sides of the dwellings. The provision of such facilities can be ensured via the attachment of a condition.

**Landscaping:**

- 8.36 As part of the application an Arboricultural Report has been submitted, the contents of which is agreed with by the Council's Arboriculturist.
- 8.37 Should the application be granted two individual trees (a Pear tree and a Field Maple) and a group of 3 Lawson Cypress trees (located to the north-west of the existing dwelling) would be removed in order to accommodate the proposal. A willow tree would also be removed however it is noted that this does not need to be removed to facilitate development but should be removed for reasons of sound arboricultural management regardless of whether permission is granted for this proposal.
- 8.38 The Willow, Pear and Lawson Cypress Trees are not considered to be worthy of Tree Preservation Orders and therefore the Council's Arboriculturist does not object to their loss, subject to suitable replacement trees being included as part of a landscape scheme, an issue which can be ensured via the attachment of a condition.
- 8.39 The Council's Arboriculturist is concerned about the loss of the Field Maple located on Hill Brow outside the existing dwelling. However the Arboriculturist acknowledges that this tree is a juvenile tree that was only planted in 2009 and therefore subject to it being replaced no objection to its removal are raised, an issue which can be ensured via a condition.
- 8.40 All the other trees, hedges and scrubs on site, which are to be retained, should be protected during the course of the development, an issue which can be ensured via a condition.

Ecology

- 8.41 An Initial Bat Survey was submitted as part of the application however the County Ecologist considered that this survey was not sufficient. A subsequent Bat Survey has since been submitted which is considered sufficient to inform appropriate mitigation/compensation measures.

8.42 The survey concludes that there is no evidence of bat roosts within the site however the boundaries of the site, particularly the Leyland Cypress Hedge, provides foraging and communing habitats.

8.43 Section 5 of the submitted report sets out 3 recommendations;

- the survey being updated if the development does not commence within 12 months of the report,
- the Leyland Cypress Hedge being retained, and
- additional roost sites, either in the form of bat boxes or bat bricks being provided as part of the scheme.

8.44 The compliance with the recommendations in the report can be ensured via conditions.

8.45 In addition to the recommendation set out in the Bat Survey the County Ecologist recommends that any external lighting take account of best practice guideline and that the Leyland Cypress Hedge remain unlit, issues which can also be ensured via conditions.

**Other Considerations:**

8.46 The Council's mapping system has identified the site as former farm land and a pit and as such it is considered that there is potential for the site to contain contaminants. As a result it is recommended that a condition is attached to an approval in respect of any contamination discovered during implementation of the development.

**9 CONCLUSION**

9.1 The proposed development would make efficient and effective use of the site. The height, design and bulk of the proposed dwellings would not compromise the quality of the local environment including the Hill Brow and Hill Drive street scenes. The standard of accommodation provided is considered acceptable and adequate private usable amenity space provided. Subject to the compliance with attached conditions the scheme would comply with the requirements for sustainability, waste management, parking standards and refuse and recycling storage. In addition, subject to the compliance with conditions, it is considered that the new residential properties would not have a significant adverse impact upon the amenities of neighbouring properties.

**10 EQUALITIES**

10.1 The development would be required to comply with Part M of the Building Regulations and the Lifetime Homes policy of the Brighton & Hove Local Plan.

**11 CONDITIONS / INFORMATIVES**

11.1 Regulatory Conditions:

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

Plan Type	Reference	Version	Date Received
Location & Block Plans	1213/13/P/0 1	Rev. C	25 <sup>th</sup> June 2014
Site Layout Plan Context Elevations	1213/13/P/0 2	Rev. F	25 <sup>th</sup> June 2014
Proposed Floor Plans, Elevations & Sections [Plot 1]	1213/13/P/0 3	Rev. C	22 <sup>nd</sup> May 2014
Proposed Floor Plans, Elevations & Sections [Plot 2]	1213/13/P/0 4	Rev. C	22 <sup>nd</sup> May 2014
Proposed Floor Plans, Elevations & Sections [Plot 3]	1213/13/P/0 5	Rev. C	18 <sup>th</sup> July 2014
Site Sections 1 and 2	1213/13/P/0 6	Rev. B	25 <sup>th</sup> June 2014
Site Sections 3 and 4	1213/13/P/0 7	Rev. A	22 <sup>nd</sup> May 2014
Existing Floor Plans, Elevations	1213/13/P/0 8	-	22 <sup>nd</sup> May 2014
Content Elevations	1213/13/P/0 9	Rev. D	22 <sup>nd</sup> May 2014
Site Sections 5 and 6	1213/13/P/1 0	-	25 <sup>th</sup> June 2014

- 3) No extension, enlargement, alteration or provision within the curtilage of the of the dwellinghouse(s) as provided for within Schedule 2, Part 1, Classes A - D of the Town and Country Planning (General Permitted Development) Order 1995, as amended (or any order revoking and re-enacting that Order with or without modification) other than that expressly authorised by this permission shall be carried out without planning permission obtained from the Local Planning Authority.  
**Reason:** The Local Planning Authority considers that further development could cause detriment to the amenities of the occupiers of nearby properties and to the character of the area and for this reason would wish to control any future development to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.
- 4) The vehicle parking area shown on the approved plans shall not be used otherwise than for the parking of private motor vehicles and motorcycles belonging to the occupants of and visitors to the development hereby approved.  
**Reason:** To ensure that adequate parking provision is retained and to comply with policy TR19 of the Brighton & Hove Local Plan.

## PLANNING COMMITTEE LIST- 06 AUGUST 2014

- 5) The new dwellings hereby permitted shall be constructed to Lifetime Homes standards prior to their first occupation and shall be retained as such thereafter.  
**Reason:** To ensure satisfactory provision of homes for people with disabilities and to meet the changing needs of households and to comply with policy HO13 of the Brighton & Hove Local Plan.
- 6) 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.
- 7) 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.
- 8) The first floor window in the east elevation, of House 3 hereby permitted shall be obscure glazed and non-opening, unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed, and thereafter permanently retained as such.  
**Reason:** To safeguard the privacy of the occupiers of the adjoining property and to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.
- 9) All planting, seeding or turfing comprised in the approved scheme of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation. All hard landscaping and means of enclosure shall be completed before the development is occupied.  
**Reason:** To enhance the appearance of the development in the interest of the visual amenities of the area and to comply with policies QD1 and QD15 of the Brighton & Hove Local Plan.

### 11.2 Pre-Commencement Conditions:

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

PLANNING COMMITTEE LIST- 06 AUGUST 2014

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.

- 11) No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority, a plan detailing the positions, height, design, materials and type of all existing and proposed boundary treatments. The boundary treatments shall be provided in accordance with the approved details before the dwellings are occupied.

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

- 12) 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.

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

- 14) No development or other operations shall commence on site until a scheme which provides for the retention and protection of trees, shrubs and hedges growing on or adjacent to the site, has been submitted to and approved in writing by the Local Planning Authority; no development or other operations shall take place except in complete 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.

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



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

- 17) 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.

- 18) No development shall commence until details showing the type, number, location and timescale for implementation of the compensatory bat boxes/bricks has been submitted to and approved in writing by the Local Planning Authority. The scheme shall then be carried out in strict accordance with the approved details.

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

- 19) Unless otherwise agreed in writing with the Local Planning Authority the recommendations set out in Section 5 of the Nocturnal Emergence and Dawn Re-Entry Bat Surveys, received on the 25<sup>th</sup> June 2014, shall be implemented in strict accordance with the approved details.

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

### 11.3 Pre-Occupation Conditions:

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

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

- 21) 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.

- 22) 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.

- 24) The new crossovers 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.

- 25) Prior to the first occupation of the development hereby permitted the applicant shall reinstate the redundant vehicle crossovers located to the west of proposed cross-over 2 on Hill Brow and to the south of proposed cross-over 1 on Hill Drive, back to a footway by raising the existing kerb and footway.

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

#### 11.4 Informatives:

1. The planning permission granted includes a vehicle crossover which requires alterations and amendments to areas of the public highway. All necessary costs including any necessary amendments to a Traffic Regulation Order (TRO), the appropriate license and application fees for the crossing and any costs associated with the movement of any existing street furniture will have to be funded by the applicant. Although these works are approved in principle by the Highway Authority, no permission is hereby granted to carry out these works until all necessary and appropriate design details have been submitted and agreed. The crossover is required to be constructed under licence from the Highways Operations Manager. The applicant must contact the Network Co-ordination Team (01273 293 366) prior to any works commencing on the public highway.
2. The applicant is advised that the proposed highways works should be carried out in accordance with the Council's current standards and specifications and under licence from the Network Co-ordination team. The applicant should contact the Network Co-ordination Team (01273 293366).
3. The applicant is advised that details of the Code for Sustainable Homes can be found on the Planning Portal ([www.planningportal.gov.uk](http://www.planningportal.gov.uk)), on the Department for Communities and Local Government website ([www.communities.gov.uk](http://www.communities.gov.uk)) and in Supplementary Planning Document SPD08 Sustainable Building Design, which can be accessed on the Brighton & Hove City Council website ([www.brighton-hove.gov.uk](http://www.brighton-hove.gov.uk)). Accreditation bodies at March 2010 include BRE and STROMA; other bodies may become licensed in future.
4. The applicant is advised that advice regarding permeable and porous hardsurfaces can be found in the Department of Communities and Local Government document 'Guidance on the permeable surfacing of front gardens' which can be accessed on the DCLG website ([www.communities.gov.uk](http://www.communities.gov.uk)).
5. The applicant is advised that the details of external lighting required by the condition above should comply with the recommendations of the Institution of Lighting Engineers (ILE) 'Guidance Notes for the Reduction of Light

Pollution (2011)' for Zone E or similar guidance recognised by the council. A certificate of compliance signed by a competent person (such as a member of the Institution of Lighting Engineers) should be submitted with the details. Please contact the council's Pollution Team for further details. Their address is Environmental Health & Licensing, Bartholomew House, Bartholomew Square, Brighton, BN1 1JP (telephone 01273 294490 email: ehlpollution@brighton-hove.gov.uk website: www.brighton-hove.gov.uk).

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

The proposed development would make efficient and effective use of the site. The height, design and bulk of the proposed dwellings would not compromise the quality of the local environment including the Hill Brow and Hill Drive street scenes. The standard of accommodation provided is considered acceptable and adequate private usable amenity space provided. Subject to the compliance with attached conditions the scheme would comply with the requirements for sustainability, waste management, parking standards and refuse and recycling storage. In addition, subject to the compliance with conditions, it is considered that the new residential properties would not have a significant adverse impact upon the amenities of neighbouring properties.

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**From:** Vanessa Brown  
**Sent:** 15 January 2014 18:51  
**To:** Liz Arnold  
**Subject:** 4 Hill Brow BH2013/04293

Dear Ms Arnold

Re: BH2013/04293 4 Hill Brow

As Ward Councillors we are writing to object to these plans for three extremely large five bedroomed houses on this site. We believe this is an overdevelopment.

The roofs are particularly large and high making the houses higher than the surrounding houses and much higher than no.3 Hill Drive which is adjacent to the site. All the houses would also be higher than no. 2 Hill Brow although they are situated further down the hill. We are not sure that the plans reflect this accurately. There does not seem to be a plan showing the street elevations.

No. 63 Hill Drive will suffer severe overlooking and loss of privacy. Their entire garden is situated at the front of their property and these houses all have large terraces and many full length windows and doors on each level overlooking the garden. They will also overlook the bedroom windows and a bathroom. There is some protection from trees and hedging at the moment but there is no guarantee that these will stay particularly as they are not very attractive.

If this proposal should be recommended to be passed we would request a site visit and ask that the decision is taken by the Planning Committee.

Yours sincerely

Vanessa Brown

Jayne Bennett

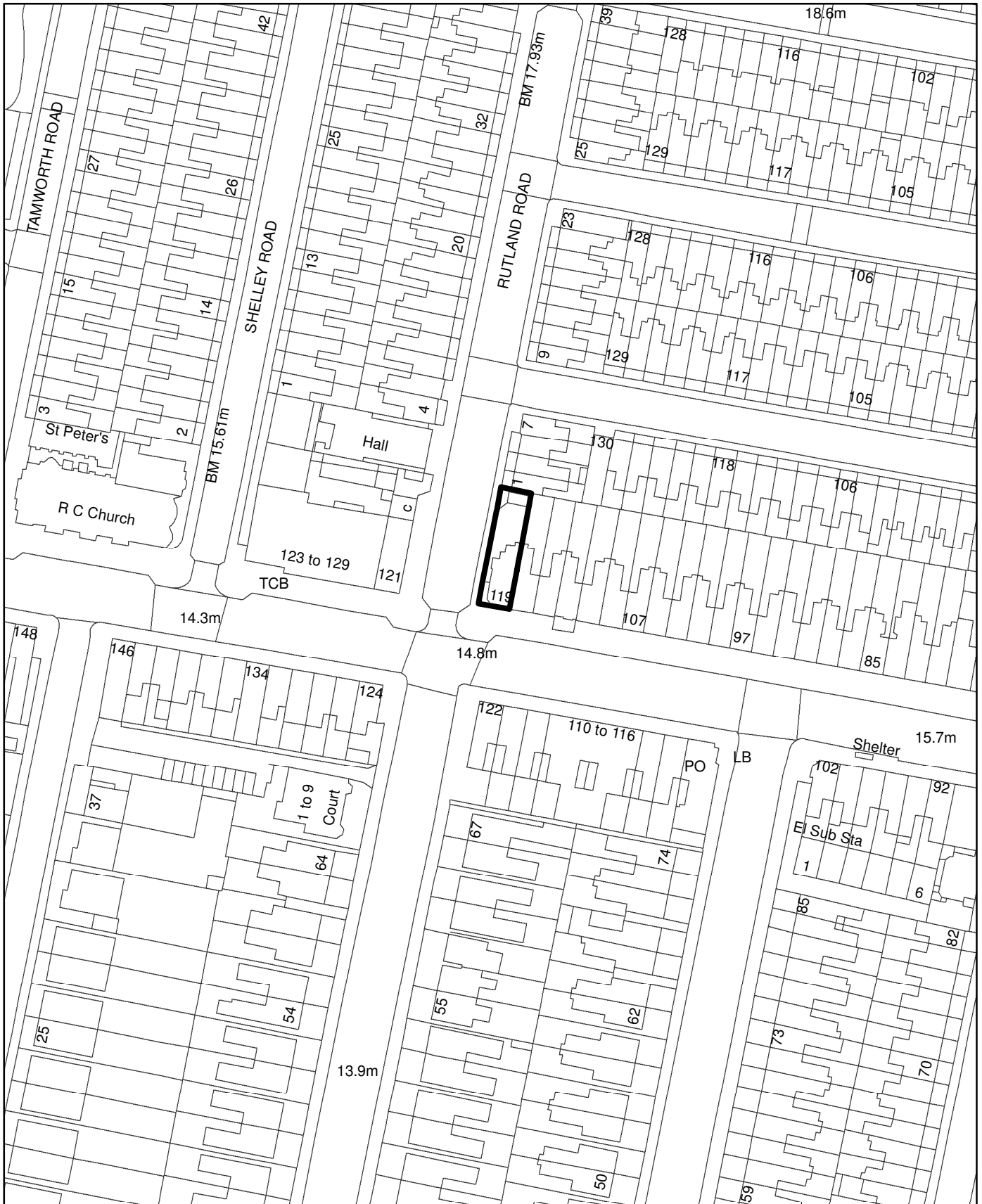
# **ITEM G**

**119 Portland Road, Hove**

**BH2014/01209**  
**Full planning**

**06 AUGUST 2014**

# BH2014/01209 119 Portland Road, Hove.



**Brighton & Hove  
City Council**



**Scale: 1:1,250**

<b><u>No:</u></b>	<b>BH2014/01209</b>	<b><u>Ward:</u></b>	<b>WESTBOURNE</b>
<b><u>App Type:</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>119 Portland Road Hove</b>		
<b><u>Proposal:</u></b>	<b>Erection of 1no two bedroom house (C3) with alterations to side elevation of existing building.</b>		
<b><u>Officer:</u></b>	Jason Hawkes Tel 292153	<b><u>Valid Date:</u></b>	29 April 2014
<b><u>Con Area:</u></b>	N/A	<b><u>Expiry Date:</u></b>	24 June 2014
<b><u>Listed Building Grade:</u></b>	N/A		
<b><u>Agent:</u></b>	RSP Architects Ltd, 1 Westbourne Grove, Westbourne Gardens, Hove, BN3 5PJ		
<b><u>Applicant:</u></b>	Mr D & Mrs R Lumba, 119 Portland Road, Hove, BN3 5DP		

## 1 RECOMMENDATION

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

## 2 SITE LOCATION & DESCRIPTION

- 2.1 The application site relates to a two-storey end terrace property on the corner of Portland Road and Rutland Road. The property is divided into a ground floor shop with a first floor flat above. The shop is currently occupied by Premier convenience store. The flat is accessed by an entrance to the side of the building. The shop is part of Portland Road Local Shopping Centre.
- 2.2 The building was extended in 2005 through the construction of a flat roofed rear extension. It has a painted render finish with upvc windows and two first floor rear bay windows. The property includes a rear yard enclosed by a rendered wall and a detached garage. The garage is set adjacent to the side wall of 1 Rutland Gardens, a two-storey dwellinghouse. The adjacent property at 117 Portland Road is also comprised of a ground floor shop unit with a flat above. The flat at 117A Portland Road has a rear first floor roof terrace and has access to the rear yard at 117.
- 2.3 The adjacent corner at 121 Portland Road comprises a two-storey building with a large return shopfront. To the west along Rutland Road is West Hove Community Baptist Church. The rest of Rutland Road is predominately comprised of two-storey terraced houses of traditional design.

## 3 RELEVANT HISTORY

**BH2014/01209:** Erection of 1no. three bedroom dwelling house. Refused on the 1<sup>st</sup> May 2013 for the following reasons:

1. The proposed dwelling, by virtue of its design, scale and siting, relates poorly to the adjacent properties and to the host property and would

stand out in the street scene as an incongruous and unsympathetic addition. The proposed dwelling is therefore considered overdevelopment of the site and would look out of character with the existing residential development in the area. For this reason the development is contrary to policies QD1, QD2, QD3 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. The scheme proposes relocating existing plant to the side elevation of the property fronting Rutland Road and the removal of one of the rear first floor windows. These alterations would significantly detract from the appearance of the host property and would stand out in the street scene as unsympathetic alterations. The scheme is therefore considered contrary to policies QD1 and QD14 of the Brighton & Hove Local Plan.
3. Due to the position and bulk of the proposed dwelling, the proposal would result in a significant loss of outlook, light and a heightened sense of enclosure to the residents of 117A Portland Road. The proposal would therefore lead to an unacceptable material loss of amenity and is contrary to policies QD14 and QD27 of the Brighton & Hove Local Plan.
4. The scheme does not include suitably sized outside private amenity areas which would be appropriate for a family sized dwelling. The scheme is therefore considered contrary to policy HO5 of the Brighton & Hove Local Plan.
5. The ground floor bedroom would suffer severe lack of privacy or have limited light and outlook if blinds or curtains were constantly drawn to the window serving the bedroom in order to maintain privacy. The lounge area also has limited outlook and light with one window facing south. Having regard to above, the scheme is deemed to result in an inappropriate standard of accommodation and is contrary to policies SU2, QD2 and QD27 of the Brighton & Hove Local Plan.

**BH2005/00928/FP:** Formation of rear first floor terrace. This application was refused on the 19<sup>th</sup> May 2005 on the grounds of overlooking and loss of privacy of adjacent residential properties. This application was appealed by the applicant. The appeal was dismissed in July 2005.

**BH2002/02674/FP:** Alterations and extension to enlarge shop premises at side and rear and provide additional bedroom and bathroom at first floor. Approved November 2002.

**3/89/0543:** Single-storey building forming 2 no. shop units at rear. Refused August 1989.

#### **4 THE APPLICATION**

- 4.1 Planning permission is sought for a revised scheme for the construction of a two bedroom two-storey dwelling to the rear of the existing building. The scheme involves the demolition of the existing garage and part demolition of the existing rear extension at 119 Portland Road. The proposal utilises a small forecourt area onto Rutland Road.



- 4.2 The scheme includes the relocation of plant to the side elevation of the building, the removal of one of the rear first floor bay windows and the insertion of a larger first floor window to the west elevation. The scheme includes cycle storage in the proposed rear garden.

## 5 PUBLICITY & CONSULTATIONS

### External:

- 5.1 **Neighbours: One (1)** email has been received from **117A Portland Road** objecting to the application for the following reasons:

- The new building will impact upon the light of the rear garden at no.119. In particular, the light that is provided to the garden and afternoon and evening will be impacted by the proposal resulting in a loss of amenity. The scheme would also enclose the rear garden and result in a loss of outlook.
- The rear window proposed will also result in overlooking of the garden area and there will also be overlooking of the kitchen area and decked area at 119. The proposal will be built directly against the boundary wall and will result in an increased sense of enclosure.
- The current proposal includes the repositioning of the new plant machinery to the side of the building which was refused as part of the previous scheme.
- As with the previous scheme, the proposal is an over development of the site and not in keeping with the existing properties within the area.

- 5.2 **Eleven (11)** emails / letters of representation have been received from **Ground Floor Flat, 122 Portland Road, 101, 124, 146, 148 Portland Road, 1 & 8 Rutland Road, 1 Westbourne Grove, Westbourne Gardens, 42 Bryon Street, 57 Cowper Street and 386-388 Kenton Road Harrow (accountants of applicant)** supporting to the application for the following reasons:

- The shop is an asset to the community. The current business owners have suffered since the local Sainsburys opened a couple of years ago and it appears that this is a matter of the survival of Mr Lumba's shop. Due to the decrease in trade, the shop does not require as much floor space.
- The scheme would not adversely affect the amenity of any adjacent properties.
- The modern design fits in with the existing building. The scheme would improve the look of the area.
- The scheme would provide additional housing which is in short supply.

- 5.3 **Councillor Graham Cox:** Email of support has been received (copy attached).

- 5.4 **Mike Weatherley MP:** Comment. It is understood that, following advice from planning officers, a number of alterations have been made to Mr & Mrs Lamba's application. It is hoped that these changes will be given strong considerations when the application is reconsidered.

- 5.5 **East Sussex Fire & Rescue Service:** No objection.

### Internal:

- 5.6 **Environmental Health:** No comment.

- 5.7 **Sustainable Transport: No objection.** The scheme is deemed appropriate subject to the following conditions:
- Prior to the occupation of the development the applicant shall reinstate the redundant vehicle crossover on Rutland Road back to footway by raising the existing kerb and footway. The works shall be completed prior to the occupation of the development hereby permitted and shall thereafter be retained.
  - 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.
- 5.8 **Access Consultant: No objection.** No objection subject to amendments to the internal layout of the proposed dwelling.

## **6 MATERIAL CONSIDERATIONS**

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

## 7 RELEVANT POLICIES & GUIDANCE

### The National Planning Policy Framework (NPPF)

#### Brighton & Hove Local Plan:

TR1	Development and the demand for travel
TR7	Safe development
TR14	Cycle access and parking
TR19	Parking standards
SU2	Efficiency of development in the use of energy, water and materials
SU13	Minimisation and re-use of construction industry waste
QD1	Design – quality of development and design statements
QD2	Design – key principles for neighbourhoods
QD3	Design – efficient and effective use of sites
QD14	Extensions and alterations
QD15	Landscape design
QD27	Protection of Amenity
HO3	Dwelling type and size
HO4	Dwelling densities
HO5	Provision of private amenity space in residential development
HO7	Car free housing
HO13	Accessible housing and lifetime homes
SR6	Local Centres

#### Supplementary Planning Guidance:

SPGBH4	Parking Standards
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#### Supplementary Planning Documents:

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

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

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

- 8.1 The main considerations of this case are the impact on the appearance of the proposed building and the wider street scene, the impact on neighbouring properties, the adequacy of living conditions provided for future occupiers, highway issues and sustainability matters.

### **Design:**

- 8.2 Brighton & Hove Local Plan policies QD1 and QD2 require new development to be of a high standard of design that would make a positive contribution to the surrounding area and that emphasises and enhances the positive characteristics of the local neighbourhood. Policies QD3 and HO4 require that new infill development, such as that proposed in this case, does not result in town cramming or detriment to the amenity of the surrounding area.

- 8.3 Policy HO4 states that residential development will be permitted at higher density where it can be demonstrated that the proposal exhibits a high standard of design.
- 8.4 Permission is sought for a revised scheme for the construction of a two bedroom dwelling to the rear of the existing building at 119 Portland Road. To allow the new building, it is proposed to demolish the existing garage and part of the rear extension at no.119. The new dwelling is partly two-storeys high with flat roofs. The front of the proposed building line aligns with 119 Portland Road adjacent to the pavement. The scheme includes a small garden. The proposed building would have a rendered finish, with timber doors and metal windows. The front of the property is proposed with one door and a window. With the proposed flat roofs to the building, the proposal would result in a stepped appearance onto Rutland Road which would also be visually prominent from Portland Road. The scheme also includes a 45 degree cut away to the first floor addition. This reduces the impact of the proposal on the adjacent property. However, the cut away results in a contrived appearance to the development which would be clearly visible from the street and out of context with the character of the area.
- 8.5 The rear of the house is within 3.6m of 1 Rutland Road and the scheme would be read in relation to the main property and in the context of Rutland Road. 1 Rutland Road is part of a terrace of four traditional houses with bay windows and continuous roof slopes divided by party walls. The remainder of Rutland Road broadly comprises rows of traditional terraced houses. The modern design of the dwelling with its flat roofs and stepped appearance would bear no relation to the adjacent terraced houses of traditional design on Rutland Road resulting in an incongruous feature that would stand out in the street scene.
- 8.6 The flat roof of the proposed house is also lower than the existing flat roofed extension at the host property, 119 Portland Road. This, together with the proposed single-storey extension results in an over extended appearance to the property and would form an unsympathetic addition to the building. The dwelling would also replace an existing gap in the street scene with an overdominant addition which neither relates to the host property or the surrounding area.
- 8.7 The scheme also results in the loss of the majority of the back yard area leaving only a small area for a garden. This is considered overdevelopment of the site and would also be out of character with the adjacent properties on Portland Road which have largely retained a large rear yard or garden area.
- 8.8 Having regard to design, scale and bulk of the proposed house, it is felt that the scheme would result in a house which would stand out in the street scene as an inappropriate and incongruous addition which bears no relation to the host property or to the existing residential character of the area. The proposal is also considered to be overdevelopment and results in town cramming to the detriment of the appearance of the scheme and overall street scene. The

scheme is therefore considered contrary to policies QD1, QD2, QD3 and HO4 of the Brighton & Hove Local Plan.

- 8.9 The scheme includes the relocation of existing plant / air conditioning units to the side of the building fronting Rutland Road. This is to allow the siting of the proposed house. The existing plant is currently hidden from view to the rear of the property. Repositioning the plant to the side of building would make the plant prominent in Portland Road and Rutland Road and would detract from the appearance of the building. There is already one air conditioning unit to the side of the building. Additional plant to this prominent elevation would be inappropriate. With regard to the alterations proposed to the host property, the scheme is also considered contrary to policies QD1 and QD14 of the Brighton & Hove Local Plan.

**Impact on Amenity:**

- 8.11 Policy QD27 of the Brighton & Hove Local Plan states that planning permission for any development or change of use will not be granted where it would cause material nuisance and loss of amenity to the proposed, existing and/or adjacent users, residents, occupiers or where it is liable to be detrimental to human health.
- 8.12 The off-licence located to the south of the proposed building is open 8am till 11pm Monday to Saturday and 10am till 10:30pm on Sundays. Having looked at the history for the premises, Environmental Health has previously confirmed that no complaints have ever been received in relation to noise despite the fact that a residential property is located above. It is therefore unlikely that the proposed residents will be adversely affected by noise from the off-licence.
- 8.13 In terms of loss of light, outlook, privacy and an increased sense of enclosure, the main properties affected by this development would be the immediate adjacent properties to the east (115-117 Portland Road), the flat above the ground floor shop at 119 Portland Road and the adjacent property to the north at 1 Rutland Road. Due to its position, the proposed dwelling would not significantly affect the amenity of any other adjacent properties.
- 8.14 No.1 Rutland Road is directly to the north of the proposed dwelling. The proposed house would face the side south facing elevation of no.1 Rutland Road. This elevation does not include any windows and accordingly this property would not be significantly affected by the scheme.
- 8.15 No.119 Portland Road includes a flat above the existing shop. The flat has an existing bay window facing to the rear. It is proposed to remove this bay window to facilitate the proposal. The room the bay window serves has a side window to allow light and outlook. It is proposed to widen the side window to compensate for the loss of this rear window.
- 8.16 In respect of the amenity of the adjacent property at 117 Portland Road, the scheme would have a significant impact. As with no.119, this property is part of Portland Road shopping centre and has a ground floor commercial use with a residential flat above (117A). No.117 is the adjacent property to no.119 and the

first floor flat has access to a rear first floor terrace as well as the rear garden. The proposed house would be immediately adjacent to the boundary. Adjacent to the boundary, the proposed house would have a single-storey element with a set back first floor. The single-storey section would have a height of 3m and is shown to be an additional 1.1m above the existing boundary wall. This single-storey section would result in an additional 5.6m of extension adjacent the boundary. Having regard to the scale of the single-storey section of the proposal building and its proximity to the boundary with 117A, the scheme would result in an increased sense of enclosure and loss of light to the garden area.

- 8.17 The first floor section proposed would be set back 2.4m from the boundary with a height of 5.5m. Given the set back of the proposed first floor addition, this part of the proposal would not result in a loss of outlook or light to the first floor balcony or garden at 117A Portland Road. The proposal includes a first floor side window facing north. This window serves a hallway and could potentially result in overlooking of the adjacent property. If recommended approval, a condition could be imposed requiring this window to obscure glazed and fixed shut. This would prevent any overlooking of the adjacent property.
- 8.18 Having regard to the impact on the amenity of 117A Portland Road outlined above, the scheme is considered contrary to policy QD27 of the Brighton & Hove Local Plan.

**Adequacy of Living Conditions:**

- 8.19 Brighton & Hove Local Plan policy QD27 requires new residential development to provide suitable living conditions for future occupiers. As in the previous scheme, there are concerns that the scheme would not provide a suitable standard of accommodation. The proposal would result in a ground floor kitchen and lounge which would have limited outlook and light. The kitchen and lounge are shown as one shared space with the kitchen at the back adjacent to the boundary with 117 Portland Road. The room would only be served by one window onto the proposed garden. This garden area is enclosed and, with the bulk of the adjacent property at Rutland Road and the existing boundary wall, the lounge would receive limited daylight and sunlight. As the lounge and kitchen are the main living areas for the dwelling, this area should have adequate levels of light and outlook.
- 8.20 Policy HO5 requires suitable external private amenity space to be provided for new residential development. The scheme includes one outside amenity areas in the form of a small garden. The garden is 7.2m x 3.4m. The garden is considered too small with limited light and would not provide an appropriate outside amenity area for a two bedroom family dwelling. Accordingly, the scheme does not provide a suitable outside amenity area which can accommodate the needs of a family dwelling.
- 8.21 It should be noted that the proposal does not include the use of the proposed flat roof area over the single-storey extension as an outside amenity area. The use of this area would be discouraged as it would lead to overlooking of adjacent properties. If recommended for approval, a condition could be

imposed restricting the use of this area so that it can't be used as an outside amenity area.

- 8.22 Brighton & Hove Local Plan policy HO13 requires new development to comply with Lifetime Homes standards. The Council's Disability Access Advisor has stated that the scheme requires amendments to meet the Lifetime Homes standards. These include the following:
- The provision of 1100mm clear space in front of the WCs at ground and first floors.
  - There should be a bedroom somewhere in the house capable of accommodating a 1.5m diameter circle.
  - 300mm clear space required at leading edges.
- 8.23 The above amendments are minor internal alterations. If the scheme were minded for approval, these amendments could be secured by condition.

**Sustainable Transport:**

- 8.24 Brighton & Hove Local Plan policy TR1 requires new development to address the related travel demand, and policy TR7 requires that new development does not compromise highway safety.
- 8.25 The Highway Manager has commented that the proposal for one additional dwelling will increase trips slightly but not to a level that would warrant a refusal of planning permission.
- 8.26 The applicant is not proposing any on-site car parking spaces therefore the existing vehicular access is now redundant. The Highway Authority would recommend that the existing crossover is reinstated back to footway. If recommended for approved, this could be secured by condition.
- 8.27 Supplementary Planning Guidance Note 04 (SPG4) states that the maximum car parking standard for a house within a Controlled Parking Zone (CPZ) is 1 space per dwelling plus 1 car space per 5 dwellings for visitors. The applicant is not proposing any on-site car parking. Therefore this level of car parking is deemed acceptable and in line with SPG04.
- 8.28 Due to the site's location in an outermost CPZ, the current availability of spaces in this location and the fact that an additional on-street car parking space could be created by the Highway Authority when the applicant reinstates the vehicle crossover back to footway, the Highway Authority would not recommend that the development is made car free in line with policy HO7.
- 8.29 SPG04 states that a minimum of 1 cycle parking space is required for every dwelling plus 1 space per 3 dwellings for visitors. For this development of 1 house the minimum parking standard is 1 cycle parking space in total. In order to be in line with Policy TR14 of the Brighton & Hove Local Plan 2005 cycle parking must be secure, convenient, well lit, well signed and wherever practical, sheltered. The Highway Authority's preference is for the use of Sheffield type stands spaced in line with the guidance contained within the Manual for Streets section 8.2.22.

- 8.30 The applicant is providing cycle storage in the rear garden which is acceptable. However, no details have been given of the cycle storage. If recommended for approval, a condition could be imposed requiring the submission of these details prior to development commencing.

**Sustainability:**

- 8.31 Policy SU2 of the Brighton & Hove Local Plan requires new development to demonstrate a high level of efficiency in the use of water, energy and materials. The scheme does include some sustainability measures such as solar panels and a sustainability checklist. The checklist indicates that the scheme will meet level 3 of the Code for Sustainable Homes. This is in accordance with Supplementary Planning Document 8: Sustainable Buildings. If recommended for approval, a condition could be applied to ensure the development meets this standard.
- 8.32 Policy SU13 and Supplementary Planning Document 03 on Construction and Demolition Waste seek to reduce construction waste and require a Waste Minimisation Statement demonstrating how elements of sustainable waste management have been incorporated into the scheme in order to reduce the amount of waste being sent to landfill. Information has been submitted with the application to demonstrate how these requirements have been met.

**Viability of existing shop:**

- 8.33 The site is within Portland Road Local Shopping Centre which is covered by policy SR6 of the Brighton & Hove Local Plan. The policy seeks to retain a ground floor A1 use within the centre. The scheme proposes the loss of a small area of the ground floor shop to the rear but still retains a substantial area for the shop. The scheme is therefore unlikely to affect the viability of the ground floor shop and is in accordance with the policy.
- 8.34 It has been stated that the scheme should be approved on the basis that the shop has financially suffered through the opening of the larger Sainsbury's nearby. The applicant has not submitted a full viability assessment to justify the argument. Notwithstanding this, the financial argument does not outweigh the harm identified above.

**Provision of Housing:**

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



when assessed against the policies of the Framework taken as a whole. The specific impacts of the development are considered in this report.

- 8.36 Whilst it is recognised that the Local Planning Authority does not currently have an agreed 5 year housing land supply, the benefits of the additional housing proposed is outweighed by the harm resulting from the proposed design, impact upon neighbouring occupiers and the amenity of future occupiers. As such it is considered to be contrary to Local Plan Policy and refusal is recommended.

## **9 CONCLUSION**

9.1 The scheme is deemed inappropriate for the following reasons:

- The proposal results in an incongruous and unsympathetic addition which would stand out in the street scene as an inappropriate feature. The scheme is also considered overdevelopment of the site and proposes alterations to the host property which are detrimental to its appearance.
- Due to the scale and bulk of the building adjacent to the boundary, the scheme results in a detrimental impact on the amenity of 117A Portland Road in terms of loss of outlook, light and an increased sense of enclosure.
- Having regard to the proposed layout of the ground floor of the house, the scheme does not provide a suitable standard of accommodation.
- The proposed outside amenity area is deemed inadequate in terms of its size and positioning and is not suitable for a family sized house.

## **10 EQUALITIES**

10.1 The scheme is required to fully meet Lifetime Homes standards.

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

11.1 Reasons for Refusal:

1. The proposed dwelling, by virtue of its design, scale and siting, would relate poorly to the adjacent properties and to the host property and would stand out in the street scene as an incongruous and unsympathetic addition. The proposed dwelling is therefore considered an overdevelopment of the site and would look out of character with the existing residential development in the area. For this reason the development is contrary to policies QD1, QD2, QD3 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. The scheme proposes relocating existing plant to the side elevation of the property fronting Rutland Road and the removal of one of the rear first floor windows. This alteration would significantly detract from the appearance of the host property and would stand out in the street scene as an unsympathetic alteration. The scheme is therefore considered contrary to policies QD1 and QD14 of the Brighton & Hove Local Plan.
3. Due to the position and bulk of the proposed dwelling, the proposal would result in a significant loss of outlook, light and a heightened sense of

## PLANNING COMMITTEE LIST- 06 AUGUST 2014

enclosure to the residents of 117A Portland Road. The proposal would therefore lead to an unacceptable material loss of amenity and is contrary to policies QD14 and QD27 of the Brighton & Hove Local Plan.

4. The scheme does not include a suitably sized outside private amenity area which would be appropriate for a family sized dwelling. The scheme is therefore considered contrary to policy HO5 of the Brighton & Hove Local Plan.
5. The ground floor kitchen and lounge area would have limited outlook and light with one window facing north. The scheme is deemed to result in an inappropriate standard of accommodation and is contrary to policies SU2 and QD27 of the Brighton & Hove Local Plan.

### 11.2 Informatives:

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

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Location Plan			14/04/2014
Block Plan			29/04/2014
Existing and Proposed	01	B	18/06/2014

**From:** Graham Cox  
**Sent:** 14 May 2014 09:02  
**To:** Planning Applications; Jason Hawkes  
**Subject:** Planning Application BH2014/01209 119 Portland Road

To Planning Department

I write as Ward Councillor in connection with planning application BH2014/01209 119 Portland Road, Hove.

This application has carefully taken into account the reasons for refusal of the last application on this site. This would provide a much needed small home in an area where there is high demand for such homes.

The application has general support from neighbours (hence this note from me).

Although not strictly a planning consideration if approved this application will enhance the viability of the applicant's popular independent store, which has been impacted by conversions of nearby premises into mini-supermarkets run by the large operators.

I confirm my support for the application, and request that if the planning department intends to refuse the application under delegated powers, that the application is passed to the Planning Committee for a decision.

Thank you.

Graham

**Graham Cox**  
Councillor for Westbourne Ward  
07557 082663  
graham.cox@brighton-hove.gcsx.gov.uk  
Website <http://grahamcox.yourcldr.com>  
Twitter @CoxGraham



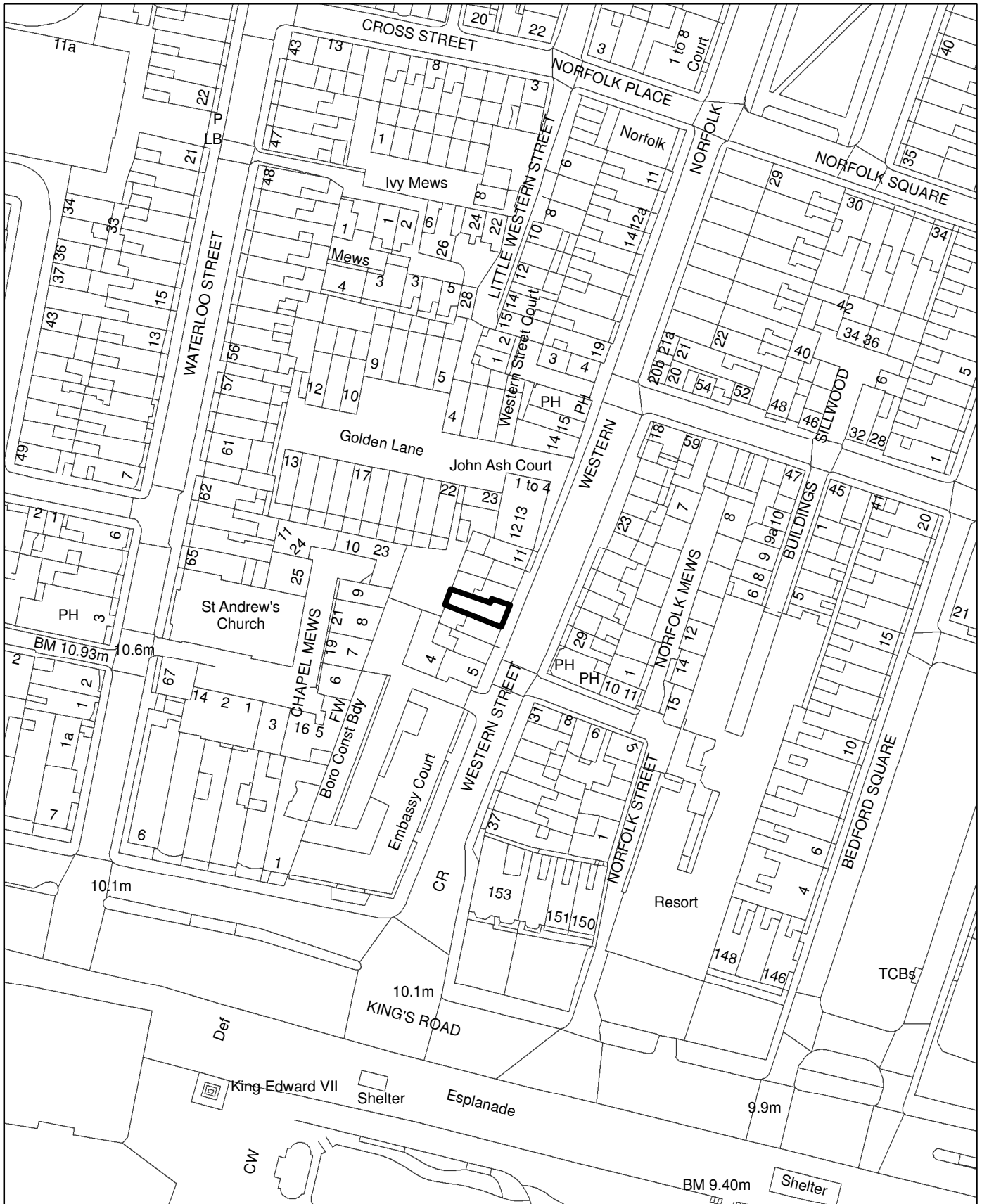
# **ITEM H**

**Rock Clinic, 8 Western Street, Brighton**

**BH2013/02536**  
**Full planning**

**06 AUGUST 2014**

# BH2013/02536 Rock Clinic, 8 Western Street, Brighton.



**Brighton & Hove  
City Council**



**Scale: 1:1,250**

<b><u>No:</u></b>	<b>BH2013/02536</b>	<b><u>Ward:</u></b>	<b>BRUNSWICK AND ADELAIDE</b>
<b><u>App Type:</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>Rock Clinic 8 Western Street Brighton</b>		
<b><u>Proposal:</u></b>	<b>Rebuilding of rear first floor extension, replacement of first floor flat roof with additional overhang and replacement railings. (Retrospective).</b>		
<b><u>Officer:</u></b>	Jason Hawkes Tel 292153	<b><u>Valid Date:</u></b>	12 August 2013
<b><u>Con Area:</u></b>	Regency Square	<b><u>Expiry Date:</u></b>	07 October 2013
<b><u>Listed Building Grade:</u></b>	N/A		
<b><u>Agent:</u></b>	N/A		
<b><u>Applicant:</u></b>	Ms Melanie Withers, 113 Freshfield Road, Brighton BN2 0BR		

## 1 RECOMMENDATION

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

## 2 SITE LOCATION & DESCRIPTION

- 2.1 The application site relates to a three-storey and basement terraced building on the west side of Western Street. The property was formerly a vacant retail unit at ground and basement floor with a self contained maisonette at first and second floor. The property does not include a rear garden or yard area. The property is currently in use as consulting rooms for the Rock Clinic as approved under ref: BH2012/01358. The Rock Clinic is a Class D1 use offering counselling services.
- 2.2 This area is predominately residential with dwellinghouses immediately adjacent the property. The Bedford Tavern Public House is immediately opposite the proposed site. Embassy Court, a large block of flats, lies just south of the site. To the rear of the property is a shared amenity area for the occupiers of the Golden Lane, a residential development just north of the site. The site is within the Regency Square Conservation Area.

## 3 RELEVANT HISTORY

**BH2013/00808:** Rebuilding of rear first floor extension with timber weatherboarding, replacement of first floor flat roof with additional overhang and installation of 2no galvanised bicycle racks to front forecourt. (Part Retrospective). Refused 5<sup>th</sup> June 2013 for the following reasons:

- The proposed use of external Cedral Weatherboard cladding is deemed an inappropriate and unsympathetic finish for the rear extension, in contrast to the rendered finish of the main building, and would detract from the character and appearance of the building and surrounding conservation

area. The scheme is therefore contrary to policies QD1, QD14 and HE6 of the Brighton & Hove Local Plan.

- The installation of cycle stands in a visually prominent location to the front of the building is deemed inappropriate due to the limited size of the front forecourt area. Cycles in this position would partly overhang the highway and obstruct the pavement and entrance to the building, and would also result in additional visual street clutter to the detriment of the appearance of the street scene and wider conservation area. The scheme is therefore contrary to policies QD1, HE6 and TR7 of the Brighton & Hove Local Plan.

**BH2013/00179:** Application for approval of details reserved by conditions 7, 8 and 9 of application BH2012/01358. Approved 22<sup>nd</sup> February 2013.

**BH2012/01358:** Change of use from ground floor retail (A1) and first and second floor maisonette to consulting rooms (D1). Approved 8<sup>th</sup> October 2012.

**91/1170/FP:** Alterations at first floor rear to provide access to flat roof and part enclosure of the roof with railings. Approved November 1991.

#### **4 THE APPLICATION**

- 4.1 Planning permission is sought for alterations to the premises which comprise the rebuilding of the rear first floor extension, the replacement of first floor flat roof with additional overhang and replacement railings. The scheme is part retrospective as the works have been largely completed. During the last site visit, it was noted that the new roof had been installed and the first floor extension completed. The replacement railings were not in place.

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

##### **External**

- 5.1 **Neighbours: Ten (10)** letters of representation have been received from **7, 9, 10, 19, 20, Flat 2, 21, 26 & 33B Western Street, 12-13 Brunswick Terrace, 13 Cross Street** and **2 Manor Gardens** objecting to the application for the following reasons:

- The proposed roof overhang is inappropriate. To install the new roof, the builders have damaged the adjacent property. The roof overhang also encroaches onto the adjacent property without the consent of the neighbours. The applicant has stated that the new roof is required due to building regulations. This is not accepted as a reason to damage property or to trespass. The Council should be defending the rights of neighbours.
- The drawings are inappropriate and an assessment cannot be made from these drawings.
- The railings are inappropriate as they would allow the use of the roof as an outside area. This would result in a loss of privacy. The railings are also attached to the adjoining property without consent.
- The proposed works have resulted in the loss of adjacent tenants due to disturbance.

- 5.2 **Councillor Ollie Sykes:** Letter of objection received (email 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:

TR1	Development and the demand for travel
TR7	Safe development
TR14	Cycle access and parking
TR19	Parking standards
SU2	Efficiency of development in the use of energy, water and materials
SU13	Minimisation and re-use of construction industry waste
QD1	Design – quality of development and design statements
QD2	Design – key principles for neighbourhoods
QD14	Extensions and Alterations
QD27	Protection of Amenity
HE6	Development within or affecting the setting of a conservation area

#### Supplementary Planning Guidance:

SPGBH4	Parking Standards
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Supplementary Planning Documents:

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

Brighton & Hove City Plan Part One (submission document)

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

- 8.1 The main considerations in the determination of this application are whether the proposed development is visually satisfactory in respect of its impact on the existing properties, surrounding area and Conservation Area. In addition, whether the scheme would have an acceptable impact on the amenity of neighbouring properties, particularly in relation to loss of outlook, light or privacy is also a consideration.

**Design:**

- 8.2 Brighton & Hove Local Plan policies QD1 and QD2 require new development to be of a high standard of design that would make a positive contribution to the surrounding area and that emphasises and enhances the positive characteristics of the local neighbourhood. QD14 and SPD12 outline the Council's approach to extensions and alterations to buildings and require alterations to be well designed, sited and detailed in relation to the property to be extended.
- 8.3 Planning permission is sought for alterations to the property which facilitate the use of the property by the Rock Clinic. Planning permission was granted for the use of the property for counselling purposes under ref: BH2012/01358. Works to the property are now mostly completed. The scheme is therefore retrospective as the replacement roof to the rear is in place and the rear extension has been rebuilt.
- 8.4 To the rear, the works comprise the re-laying of the flat roof with a Gasplas membrane roof, the rebuilding of the rear first floor extension with a rendered finish and a uPVC window and the installation of replacement railings to the flat roof. The new Gasplas roof is in place and includes an overhang. The new roof has a grey finish and is considered visually appropriate for the building and surrounding area. The overhang is also minimal and does not significantly affect the appearance of the building.
- 8.5 The rear first floor extension has been rebuilt to the same height and projection as the former extension with a floor area of 2.2m x 2.1m. The extension is used as a toilet for the Class D1 use. The extension has been finished in matching render to the host property. In a rendered finish, the extension is a sympathetic addition to the building. The extension has been altered to the side where it has been squared off. A replacement upvc window for the first floor extension has been installed to the return elevation. This window is deemed appropriate in the proposed location as it would not be readily visible and does not detrimentally affect the appearance of the rear of the building. There are existing uPVC windows within this rear elevation already. The replacement black, galvanised

metal railings would be in same position as the previous railings and are also visually appropriate for this building.

- 8.6 Overall, the works are deemed visually acceptable and preserve the appearance of the building and surrounding conservation area.

**Impact on Amenity:**

- 8.7 Policy QD27 of the Brighton & Hove Local Plan states that planning permission for any development or change of use will not be granted where it would cause material nuisance and loss of amenity to the proposed, existing and/or adjacent users, residents, occupiers or where it is liable to be detrimental to human health.
- 8.8 In respect of the replacement Gasplas roof covering, this alteration does not result in a significant impact on the amenity of any adjacent properties. The roof does have slight overhang when compared to the previous roof. However, the difference between the existing roof and the previous roof is minimal and this alteration does not detrimentally affect the adjacent properties in terms of loss of light, outlook or an increased sense of enclosure.
- 8.9 The replacement first floor extension is the same height and projection as the former extension. The rebuilt extension is slightly larger than the previous extension as it is being extended to the side elevation facing south. This increase in size is minor and results in the extension being squared off to the side. As the extension is broadly the same dimensions as the previous extension, the extension does not result in a detrimental impact on the amenity of any adjacent properties when compared to the previous extensions.
- 8.10 The scheme includes replacement railings positioned adjacent the rear extension at first floor level. There were existing railings in this position which were previously used by the first floor flat as part of an outside amenity area. The scheme includes the replacement of the French doors. As part of the recent permission (BH2012/01358), access to the flat roof over the ground floor extension to the rear and the first floor rear roof terrace was restricted by a condition such that they can only be used for maintenance or emergency purposes. The proposed replacement railings have legitimately raised concerns from adjacent neighbours that the Rock Clinic intends to use the roof terrace as an amenity space. The applicant has stated that it is not their intention to use the roof terrace and that the replacement railings are required by Building Control because there is currently a door providing access to the roof area.
- 8.11 If the Rock Clinic does use the roof terrace as an amenity area, they would be liable to enforcement proceedings. A condition is recommended that states access to the flat roof over the ground floor extension to the rear and the first floor rear roof terrace shall used be for maintenance or emergency purposes only and the flat roof and terrace shall not be used as roof gardens, terraces, patios or similar amenity areas. On this basis, the replacement of the railings is deemed acceptable.

- 8.12 Given the adjacent neighbours objection to the railings being attached to a party wall, amended plans have been submitted indicate that the railings would not be attached to the party wall.

**Other Considerations:**

- 8.13 The resident of no.7 Western Street has objected to the new roof on the grounds that it has impeded on their property and that works were undertaken to the building without her consent. The applicant has confirmed that works are on their land. The right of the applicant to undertake works to no.7 is not a material planning consideration and any encroachment that may have occurred would be a civil matter between the parties involved rather than a matter for the Local Planning Authority.
- 8.14 Given the additional roof overhang, an objection has also been raised to whether the correct ownership certificate has been served with the application. The roof overhangs a lower party wall and it is unclear who this wall belongs to. The applicant has been made aware of this concern and has stated that the correct ownership certificate has been submitted. Again, issues regarding ownership are not material planning considerations and this is a private matter between the parties concerned.

**9 CONCLUSION**

- 9.1 The proposed alterations preserve the character and appearance of the host property and the surrounding conservation area and would not significantly affect the amenity of any adjacent properties.

**10 EQUALITIES**

- 10.1 None identified.

**11 PLANNING OBLIGATION / CONDITIONS / INFORMATIVES**

11.1 Regulatory Conditions:

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

Plan Type	Reference	Version	Date Received
Location Plan			25 <sup>th</sup> July 2013
Existing First and Second Floor Plan	11A		6 <sup>th</sup> March 2014
Proposed Ground and First Floor Plan	13C		6 <sup>th</sup> March 2014
Existing Elevations	14		6 <sup>th</sup> March 2014
Proposed Elevations	15		6 <sup>th</sup> March 2014

- 2) Access to the flat roof over the ground floor extension to the rear and the first floor rear roof terrace shall used be for maintenance or emergency

purposes only and the flat roof and terrace shall not be used as roof gardens, terraces, patios or similar amenity areas.

Reason: In order to protect adjoining properties from overlooking and noise disturbance and to comply with policies 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 alterations preserve the character and appearance of the host property and the surrounding conservation area and would not significantly affect the amenity of any adjacent properties.

**From:** Ollie Sykes  
**Sent:** 03 September 2013 22:31  
**To:** Jason Hawkes  
**Cc:** Phelim MacCafferty  
**Subject:** 8 Western Street BH2013 /02536 (unclassified)

Dear Jason

Further to our conversation today, for which thanks, I feel I must object to this application.

I object in particular to the encroachment of the new roof over the boundary line with the neighbouring property. I realise this is not a large encroachment, being a matter of a few inches, but it has already resulted in a real perception of damage to amenity by the affected neighbour. In the way the roof ties in with the main rear wall of the neighbouring property and also the rear garden wall, the encroachment has caused damage and has potential to cause future additional damage to the neighbouring property.

I hope you are still able to take my objection into account.

With kind regards

Ollie Sykes  
City Councillor (Green Party), Brunswick and Adelaide ward  
Deputy Chair, Environment Transport and Sustainability Committee  
01273 291 413

***Please note that from the 19th August 2013 my email address will change to [ollie.sykes@brighton-hove.gcsx.gov.uk](mailto:ollie.sykes@brighton-hove.gcsx.gov.uk)***

# **ITEM I**

**Land rear of 308 Dyke Road, Brighton**

**BH2014/01009  
Full planning**

**06 AUGUST 2014**

# BH2013/01009 Land rear of 308 Dyke Road, Brighton.



**Scale: 1:1,250**



<b><u>No:</u></b>	<b>BH2014/01009</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>Land rear of 308 Dyke Road Brighton</b>		
<b><u>Proposal:</u></b>	<b>Demolition of existing garages and erection of 1no three bedroom house with off street parking.</b>		
<b><u>Officer:</u></b>	Jason Hawkes Tel 292153	<b><u>Valid Date:</u></b>	31/03/2014
<b><u>Con Area:</u></b>	N/a	<b><u>Expiry Date:</u></b>	26 May 2014
<b><u>Listed Building Grade:</u></b>	N/a		
<b><u>Agent:</u></b>	Turner Associates, 19a Wilbury Avenue, Hove, BN3 6HS		
<b><u>Applicant:</u></b>	Jonathan Stern, 4 Hove Park Way, Hove, BN3 6PS		

## 1 RECOMMENDATION

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

## 2 SITE LOCATION & DESCRIPTION

- 2.1 The application site relates to land to the rear of 308 Dyke Road. The site currently comprises a row of 5 garages and is accessed via a driveway off Dyke Road between 306 & 308 Dyke Road. 308 Dyke Road is a detached two-storey building which comprises 5 flats. The house includes accommodation in the roof slope. One of the flats includes an outside terrace area over a rear extension. Dyke Road is predominately comprised of large detached buildings set in substantial grounds.

## 3 RELEVANT HISTORY

- 3.1 None relevant.

## 4 THE APPLICATION

- 4.1 Planning permission is sought for the demolition of the existing garages and the construction of a three bedroom dwellinghouse. The dwelling would be two-storeys tall with additional living accommodation at basement level. The dwelling includes green roofs and would be accessed via the existing side access.

## 5 PUBLICITY & CONSULTATIONS

### External:

- 5.1 **Neighbours:** Six representations have been received from **4, Ground Floor Flat, 15 Maldon Road, 17, 19, 21 & 23 Maldon Road** objecting to the scheme on the following grounds:

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- Acknowledging that there is a significant need for housing in the city, the harm caused by this proposal far outweighs the benefit of providing one new dwelling.
  - The scheme would be out of scale, and an overdevelopment of the site with excessive plot coverage. The footprint is too large to provide appropriate subservience to the frontage development which should maintain prominence.
  - The retained amenity space is uncharacteristically small for the proposed dwelling given the scale of the property.
  - The scheme is overbearing and enclosing. The height and scale would be overbearing for neighbouring properties particularly given the change in land levels to the rear. The neighbouring gardens at Maldon Road are lower than the applications site and would suffer from loss of outlook, light, noise and disturbance.
  - The 45 degree lines have been drawn inappropriately and do not meet the guidance and tests set out in BRE guidance.
  - The form of the dwelling is contrived at the upper storey which demonstrates that the applicant is aware of the overbearing impact of the scheme.
  - The scheme would also result in overlooking of adjacent properties.
  - Concern is raised regarding proposed fencing. If this development goes ahead, it will have serious implications in the ability of neighbours to carry out repairs to the fence.
- 5.2 One letter has been received from **306 Dyke Road** in support of the scheme on the following grounds:
- The garages have a negative impact on the immediate area. The use of the garages results in a negative impact with a high level of traffic coming in and out of the driveway.
  - Rubbish is frequently dumped on the site which has resulted in antisocial noise, vandalism and occasional robbery.
  - The scheme would significantly improve the surrounding area and community feel.
  - It will dramatically reduce the traffic on the plot, the overall security of the area and result in a much quieter and enjoyable environment.
- 5.3 **Brighton & Hove Archaeological Society:** The Dyke Road area has in the past produced find from the Palaeolithic, Bronze Age and Roman periods. The Society would suggest contacting the County Archaeologist.
- 5.4 **East Sussex County Council Archaeologist:** Although this application is situated within an Archaeological Notification Area, it is not believed that there are any significant archaeological remains to be affected by this proposal.
- Internal:**
- 5.5 **Environmental Health:** No objection subject to a condition that if, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted

and obtained written approval from the Local Planning Authority for, a method statement to identify, risk assess and address the unidentified contaminants.

- 5.6 **Arboricultural Section:** No objection.
- 5.7 **East Sussex Fire & Rescue Service:** Comment. The plans do not appear to indicate access for fire appliances for fire fighting as required by Section B5 of Approved Document B of the Building Regulations and Section 35 of the East Sussex Act 1981. The installation of a sprinkler system conforming to BS9251 may be a consideration.
- 5.8 **Access Consultant:** No objection.
- 5.9 **Sustainable Transport:** No objection subject to the following:
- 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.
  - The development 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.

## **6 MATERIAL CONSIDERATIONS**

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

which there are unresolved objections to relevant policies and the degree of consistency of the relevant policies to the policies in the NPPF.

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

## **7 RELEVANT POLICIES & GUIDANCE**

### The National Planning Policy Framework (NPPF)

#### Brighton & Hove Local Plan:

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

#### Supplementary Planning Guidance:

SPGBH4 Parking Standards

#### Supplementary Planning Documents:

SPD03	Construction & Demolition Waste
SPD06	Trees & Development Sites
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 whether the scheme is appropriate in terms of its design and appearance, its impact on the amenity of adjacent properties, highway considerations, sustainability, standard of accommodation and impact on trees.

### **Design:**

- 8.2 Brighton & Hove Local Plan policies QD1 and QD2 require new development to be of a high standard of design that would make a positive contribution to the surrounding area and that emphasises and enhances the positive characteristics of the local neighbourhood.
- 8.3 Policies QD3 and HO4 require that new infill development, such as that proposed in this case, does not result in town cramming or detriment to the amenity of the surrounding area. Policy HO4 states that residential development will be permitted at higher density where it can be demonstrated that the proposal exhibits a high standard of design.
- 8.4 Planning permission is sought for the construction of a detached dwelling house following the demolition of the existing garages. The dwelling would be up to two-storeys high and includes accommodation and a patio at basement level. The dwelling is modern in design and includes flat roofs. The flat roofs at ground floor level are shown as green meadow roofs. The roof at first floor is shown as a zinc standing seam roof. The proposed house would be surrounded by a small green area which includes refuse and bin storage. The scheme includes a timber pergola along the entrance to the proposed dwelling. The house would have rendered walls and timber / aluminium composite windows. The dwelling would be accessed via the existing vehicular access and the scheme includes one off-street parking space.
- 8.5 The dwelling is 'L' shaped and largely fills the proposed site. The space around the proposed dwelling would be limited. To the south elevation, there would be a gap of 2m between the dwelling and the boundary. To the east elevation, there would only be a gap of 1m. To the north elevation, there would be gap of 1.4m and to the east elevation, there would be a gap of 1m. This would result in the development appearing cramped and represents an overdevelopment of the site, especially when viewed in conjunction with the large dwelling and extensions at 308 Dyke Road which will be in close proximity. The residential character of the Dyke Road is predominately of large detached houses (some converted into flats) with large gardens. The houses on Maldon Road directly to the rear are smaller in size but have also retained suitable sized gardens.
- 8.6 The proposed development at the rear of 308 Dyke Road would leave little area around the house and this would be in contrast to the character and context of the surrounding area. The proposed development would result in an overdevelopment of the site and is contrary to the objectives of policies QD1, QD2, QD3 and HO4 of the Brighton & Hove Local Plan.

**Impact on Amenity:**

- 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.
- 8.8 Due to the close proximity of the proposed boundaries, there is concern that the scheme would result in a detrimental impact on the amenity of adjacent properties. The drawings indicate that the dwelling has been set back from each boundary

and a 45 degree line has been drawn on the plans to indicate that the scheme would not be overbearing from any adjoining property. Given the scale of the building, the Local Planning Authority is not convinced that these 45 degree lines are sufficient to overcome concerns regarding the potential impact of the scheme on adjacent properties as outlined below.

- Eastern boundary: This boundary is adjacent the gardens of 17, 19 & 21 Maldon Road. The gardens of these properties are approximately 14m long. There is an existing boundary fence in place to a height of approximately 3m. Drawings TA749/10B & 16B indicate that this fence would be replaced with a new close boarded fence to a height of 2.6m. The proposal includes a first floor which would be clearly visible from the gardens and rear of 17-21 Maldon Road. The plans indicate that the ground floor would not be readily visible from these properties. Given the size of the rear gardens and the proximity of the properties on Maldon Road, the proposed first floor would be highly visible and would result in an overbearing presence and unneighbourly form of development.
- Western boundary: This boundary is adjacent to the retained garden for the host property. The host property is divided into flats and includes a rear garden and extension with a first floor roof terrace. The plans indicate a boundary wall of 2.2m. This plans show the building 700mm from the wall with a height of 900mm above the wall. The garden at 308 Dyke Road is shown with a length of 7.7m. The dwelling would also be within 2.6m of the rear single-storey extension which includes a first floor roof terrace. Given the proximity of the dwelling in relation to the host property, the scheme would form a dominant addition and would result in an overbearing presence and detrimentally affect the amenity of these properties.
- Southern boundary: This is the common boundary with 306 Dyke Road. The plans indicate additional screening along this boundary to a height of 3m. There is currently a fence in place and extensive trees and bushes on the neighbour's side. However, there is no guarantee that this natural screening can be retained and there is also concern that a 3m screen would result in an overdominant impact on the amenity of 306 Dyke Road. The proposed structure is set 2m from the boundary and would not result in any loss of light or outlook to the residents of no.306.
- Northern boundary: This is the common boundary with 310 Dyke Road. There is again extensive bushes and trees along the boundary found in the garden of 306 Dyke Road. There is also an outbuilding at 310 Dyke Road. The proposal would result in a single-storey structure within 1.5m of the boundary and a two-storey structure within 3.1m of the boundary. Given the existing outbuilding and the screening including the trees and hedges in the garden of no 310, the proposal would not result in a significant impact on the amenity of this property.

8.9 In conclusion, the scheme would result in an overbearing impact and an increased sense of enclosure on the residents of the host property at 308 Dyke Road and the residents of 306 Dyke Road and 17, 19 & 21 Maldon Road.

8.10 The visibility and prominence of the development from these properties is also evidence of the overdevelopment of the site.

**Living Conditions for Future Occupiers:**

- 8.11 Brighton & Hove Local Plan policy QD27 requires new residential development to provide suitable living conditions for future occupiers. The proposed house includes appropriate sized rooms with adequate light and outlook to all habitable rooms.
- 8.12 New residential buildings are expected to be built to a lifetime homes standard whereby it can be adapted to meet the needs of people with disabilities without major structural alterations. The Council's Access advisor has commented that the proposal is acceptable and would meet lifetime homes requirements.
- 8.13 Policy HO5 requires suitable external amenity space to be provided for new residential development. The proposal would have limited usable outside amenity space. The dwelling would be in close proximity to the boundaries on all sides. The areas left by the dwelling would not be usable as an outside amenity space. The drawings indicate small outside area in the south west corner of the plot adjacent a timber pergola. This area would measure approximately 24 square metres and is shown with trees. The scheme also includes a lower level patio area for the basement bedrooms. The patio area would be an enclosed area with limited light and no outlook. The garden area would also be small and would not be adequate to meet the needs of a family dwelling. The garden is also small when compared to the gardens of adjacent properties. The scheme is therefore deemed contrary to policy HO5.

**Sustainable Transport:**

- 8.14 Brighton & Hove Local Plan policy TR1 requires new development to address the related travel demand, and policy TR7 requires that new development does not compromise highway safety.
- 8.15 The Transport Manager has raised no objections to the scheme. The scheme results in the loss of 5 garages. The Transport Manager acknowledges that the garages are redundant as stated by the applicant and may not have been used as car parking spaces.
- 8.16 The applicant is proposing one on-site car parking space. The Transport Manager has commented that this level of car parking is acceptable for one dwelling and in line with the maximum car parking standards quoted within SPG4 on parking standards.
- 8.17 In respect of cycle parking, the applicant has indicated a proposed cycle store in the driveway. This is deemed acceptable subject to details of the cycle store being submitted to and approved in writing by the local planning authority. The preference of the Highway Authority would be Sheffield type stands.

**Sustainability:**

- 8.18 Policy SU2 of the Brighton & Hove Local Plan requires new development to demonstrate a high level of efficiency in the use of water, energy and materials. Detail of the proposed sustainability credentials of the scheme are set out in a Sustainability Check list and Statement submitted with the application. This is in

accordance with SPD08 on Sustainable Building Design. The supporting statement indicates that the scheme would meet level 4 of the Code for Sustainable Homes. This would be in accordance with SPD8 which requires brownfield sites to meet level 3.

- 8.19 Brighton & Hove Local Plan policy SU13 requires the minimisation and re-use of construction waste. Further detail of the information required to address this policy is set out in SPD03 Construction and Demolition Waste. The applicant has submitted a waste minimisation statement which is deemed acceptable and in accordance with the above policy and statement.

**Provision of Housing:**

- 8.20 The scheme would supply additional housing for the city. At present, there is no agreed up-to-date housing provision target for the city against which to assess the five year housing land supply position. Until the City Plan Part 1 is adopted, with an agreed housing target, appeal Inspectors are likely to use the city's full objectively assessed need (OAN) for housing to 2030 (20,000 units) as the basis for the five year supply position. The Local Planning Authority is unable to demonstrate a five year supply against such a high requirement. As such, applications for new housing development need to be considered against paragraphs 14 and 49 of the NPPF. These paragraphs set out a general presumption in favour of sustainable development unless any adverse impacts of development would significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework taken as a whole. The specific impacts of the development are considered in this report.
- 8.21 Whilst it is recognised that the Local Planning Authority does not currently have an agreed 5 year housing land supply, the benefits of the additional housing proposed is outweighed by the harm resulting from the proposed design, impact upon neighbouring occupiers and the amenity of future occupiers. As such it is considered to be contrary to Local Plan Policy and refusal is recommended.

**9 CONCLUSION**

- 9.1 The proposal is deemed inappropriate for the following reasons:
- The proposed plot size is too small to adequately accommodate the proposed dwelling which would represent a cramped form of development and an overdevelopment of the site.
  - The scheme would form an overbearing presence in the garden and detrimentally affect the amenity of the residents of the host property on the residents of the host property at 308 Dyke Road and the residents of 306 Dyke Road and 17, 19 & 21 Maldon Road.
  - The proposal does not include an adequately sized amenity area for the proposed dwelling.

**10 EQUALITIES**

- 10.1 The new dwelling is required to comply with Part M of the Building Regulations and the Council's Lifetime Homes policy.



**11 REASON FOR REFUSAL / INFORMATIVES**

**11.1 Reasons for Refusal:**

1. The proposed dwelling would have limited space around it and the proposed plot size is considered too small to adequately accommodate the proposed dwelling. In conjunction with the existing building, the proposal, by reason of its excessive footprint and plot coverage, would represent an overdevelopment of the site and would fail to respect the context of the residential character of the area. 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. Having regard to the close proximity of the development to the host property which includes a first floor roof terrace and to the adjacent properties to the east on Maldon Road, the proposal would result in an increased sense of enclosure and an unneighbourly and imposing form of development. The proposed 3m screen to the southern boundary would also result in an increased sense of enclosure and an unneighbourly form of development for the residents of 306 and 308 Dyke Road. The scheme is therefore deemed contrary to policy QD27 of the Brighton & Hove Local Plan.
  
3. The proposal results in a small outside amenity area which would not be adequate for the needs of a family dwelling. This would be to the detriment of the living conditions of the future occupiers of the proposed dwelling. The scheme is therefore contrary to policy HO5 of the Brighton & Hove Local Plan.

**11.2 Informatives:**

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

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Block & Site Location Plan	TA749/01		31 <sup>st</sup> March 2014
Existing ZARA Survey	TA749/02		31 <sup>st</sup> March 2014
Existing Elevations	TA749/03		31 <sup>st</sup> March 2014
Existing Sections AA & BB	TA749/04		31 <sup>st</sup> March 2014
Proposed Site Plan	TA749/10	B	31 <sup>st</sup> March 2014
Proposed Floor Plans	TA749/11	C	31 <sup>st</sup> March 2014
Proposed Contextual Elevations	TA479/12	B	31 <sup>st</sup> March 2014
Proposed Front Elevations & Section BB	TA749/13	A	31 <sup>st</sup> March 2014
Proposed Side Elevation & Section AA	TA749/14	B	31 <sup>st</sup> March 2014

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Proposed Side Elevation & rear Elevation	TA749/15	B	31 <sup>st</sup> March 2014
Proposed Side Elevation & Section CC	TA749/16	B	31 <sup>st</sup> March 2014

### Information on Pre-application Presentations and Requests

#### Upcoming presentations – Dates TBC

Anston House, Preston Road, Brighton – site redevelopment

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

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



### PLANS LIST 6 August 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

#### BH2013/03946

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

Creation of additional floor above existing to provide 8no flats with additional car parking at ground floor level.

**Applicant:** Anstone Properties Ltd

**Officer:** Sue Dubberley 293817

**Approved after Section 106 signed on 27/06/14 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**

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

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

#### **3) UNI**

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

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

#### **4) 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 cables, wires, aerials, pipework (except rainwater downpipes as shown on the approved plans), meter boxes or flues shall be fixed to any elevation facing a highway.

*Reason: To safeguard the appearance of the building and the visual amenities of the locality and to comply with policies QD1 and QD27 of the Brighton & Hove Local Plan.*

**6) UNI**

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

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

**7) UNI**

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

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

**8) UNI**

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

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

**9) UNI**

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

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

**10) UNI**

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

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

**11) UNI**

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

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

**12) UNI**

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

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

**13) UNI**

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

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

**14) 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.*

**15) UNI**

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

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

Plan Type	Reference	Version	Date Received
Location Plan	A1713/01		09/12/2013
Site plan	A1713/02	A	09/012/2013
Existing typical Floor Plans	A1713/03	A	25/11/2013
Existing Elevations Blocks C & D	A1713/04	A	25/11/2013
Proposed plans and east elevation	A1713/05	A	25/11/2013
Proposed elevations	A1713/06	A	25/11/2013
Existing roof plan	A1713/07	A	25/11/2013
Proposed roof plan	A1713/08	A	25/11/2013
Lifetime Homes compliance	A1713/09	A	25/11/2013

**BH2014/00812**

**98A Graham Avenue Brighton**

Change of use of outbuilding in rear garden to tattoo studio

**Applicant:** Mrs Sharon Oliver

**Officer:** Adrian Smith 290478

**Approved on 27/06/14 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 tattoo studio hereby permitted shall be operated by Mrs Sharon Oliver (the applicant) only and by no other person, and upon the cessation of occupation by Mrs Sharon Oliver the use hereby permitted shall cease.

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

**3) UNI**

The tattoo studio hereby permitted shall be located within the outbuilding detailed on the submitted plans only, and shall not be operational within the main dwelling at 98a Graham Avenue or any other part of the site.

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

**4) UNI**

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

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

Plan Type	Reference	Version	Date Received
Site plan			28/04/2014
Floor plan			02/05/2014

**5) UNI**

The use hereby permitted shall not be operational except between the hours of 11:00 and 18:00 on Mondays, Tuesdays and Fridays only, including 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.*

**BH2014/00926**

**12 Carden Avenue Brighton**

Erection of single storey rear extension.

**Applicant:** Ms E Plane

**Officer:** Joanne Doyle 292198

**Approved on 15/07/14 DELEGATED**

**1) BH01.01**

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

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

**2) UNI**

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

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

**3) UNI**

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

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

Plan Type	Reference	Version	Date Received
Part Ground Floor Plan Location & Block Plan	0308.EXG.001		24 Mar 2014

Report from: 26/06/2014 to: 16/07/2014



Part Sections & Elevations	0308.EXG.002	A	11 Apr 2014
Elevations	0308.EXG.003		11 Apr 2014
Proposed Floor Plans	0308.PL.001		24 Mar 2014
Proposed Sections	0308.PL.002	B	11 Apr 2014
Proposed Elevations	0308.PL.003		11 Apr 2014

**BH2014/01107**

**Asda Stores Ltd 1 Crowhurst Road Brighton**

Erection of canopy in car park.

**Applicant:** Asda Stores Ltd

**Officer:** Adrian Smith 290478

**Approved on 27/06/14 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 plan	4946-2	B	01/05/2014
Block plan	4946-3		01/05/2014
Plans and photographs	4946-1		01/05/2014
Proposed plans and elevations	8400-SD-C	D	12/05/2014
	8400-ED	C	07/04/2014

**BH2014/01112**

**4 Eskbank Avenue Brighton**

Erection of single storey rear extension to replace existing conservatory.

**Applicant:** Mr Carter

**Officer:** Joanne Doyle 292198

**Approved on 04/07/14 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 & Proposed Floor Plans, Existing & Proposed Elevations	JW/14/024		07 Apr 2014

**BH2014/01128**

**94 Carden Avenue Brighton**

Certificate of lawfulness for proposed demolition of existing conservatory and erection of a single storey rear extension.

**Applicant:** Mr Kevin Rowland

**Officer:** Tom Mannings 292322

**Approved on 03/07/14 DELEGATED**

**BH2014/01131**

**31 Rotherfield Crescent Brighton**

Conversion of existing garage into habitable space with associated external alterations incorporating installation of 4 no. rooflights.

**Applicant:** E Toms

**Officer:** Joanne Doyle 292198

**Approved on 09/07/14 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**

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 rooflights other than those expressly authorised by this permission shall be constructed in the eastern elevation and east facing roof slope of the garage without planning permission obtained from the Local Planning Authority.

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

**4) UNI**

The window proposed to the east elevation of the garage hereby shall not be glazed otherwise than with obscured glass and thereafter permanently retained as such.

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

**5) UNI**

The development hereby permitted shall be carried out in accordance with 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	Block Plan & Floor Plans	A.001	26 June 2014
Existing Elevations	A.002	08 Apr 2014	
Proposed Site Location Plan	Block Plan & Floor Plans	D.001	26 Jun 2014
Proposed Elevations	D.002	A	17 Jun 2014
Proposed Rear Elevations	D.003		01 Jul 2014

**BH2014/01276**

**22 Glenfalls Avenue Brighton**

Certificate of lawfulness for proposed single storey rear conversion.

**Applicant:** Mr Laundon

**Officer:** Christine Dadswell 292205

**Refused on 14/07/14 DELEGATED**

**1) UNI**

The development is not permitted under Schedule 2, Part 1, Class B of the Town and Country Planning (General Permitted Development) Order 1995, as amended as the proposed roof enlargement along with existing extensions to the roof would exceed 50m<sup>3</sup>.

Informatives:

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

Plan Type	Reference	Version	Date Received
Existing and Proposed Floor Plans and Elevations and Location Plan 1			27 May 2014

**BH2014/01327**

**Patcham Service Station Patcham by Pass Brighton**

Display of 2no internally illuminated and 3no non-illuminated canopy signs and 1no internally illuminated site identification sign.

**Applicant:** Esso Petroleum Company Limited

**Officer:** Christine Dadswell 292205

**Approved on 03/07/14 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.*

**BH2014/01348**

**24 Craignair Avenue Brighton**

Certificate of lawfulness for proposed single storey rear extension to replace existing rear extension.

**Applicant:** Mr & Mrs Taylor

**Officer:** Tom Mannings 292322

**Approved on 02/07/14 DELEGATED**

**BH2014/01373**

**2A Beechwood Avenue Brighton**

Erection of single storey front extension, two storey side extension with associated roof alterations.

**Applicant:** Mr & Mrs Smith

**Officer:** Joanne Doyle 292198

**Approved on 11/07/14 DELEGATED**

**1) UNI**

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

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

**2) UNI**

The development hereby permitted shall be carried out in accordance with 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	0925/1788		28 Apr 2014
Existing Elevations	0925/1789		28 Apr 2014
Proposed Single Storey Front/ Two Storey Side Extension	0925/1790		28 Apr 2014
Proposed Elevations	0925/1791		28 Apr 2014

Report from: 26/06/2014 to: 16/07/2014

### **3) UNI**

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

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

### **4) UNI**

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 southern elevation of the extension hereby approved without planning permission obtained from the Local Planning Authority.

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

### **5) UNI**

The ground floor bathroom window in the south 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.*

### **6) 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.*

## **BH2014/01519**

### **1 Stoneleigh Avenue Brighton**

Erection of detached annex to rear.

**Applicant:** Dave Floate

**Officer:** Joanne Doyle 292198

**Approved on 04/07/14 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 proposal hereby approved shall only be used as ancillary accommodation in connection with the use of the main property 1 Stoneleigh Avenue as a single dwelling house and it shall at no time be occupied as a separate unit of accommodation.

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

**4) UNI**

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

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

Plan Type	Reference	Version	Date Received
Site Location Plan	PBP0113/02		09 May 2014
Block Plan	PBP0113/03		09 May 2014
Proposed Site Plan, Floor Plan & Elevation	PBP0113/01		09 May 2014

**BH2014/01670**

**52 Mayfield Crescent Brighton**

Prior approval for the erection of a single storey rear extension, which would extend beyond the rear wall of the original house by 4.715m, for which the maximum height would be 3.7m, and for which the height of the eaves would be 2.3m.

**Applicant:** Mr & Mrs Westwood

**Officer:** Tom Mannings 292322

**Prior Approval is required and is approved on 30/06/14 DELEGATED**

**BH2014/01807**

**29 Dale Drive Brighton**

Prior approval for the erection of a single storey rear extension, which would extend beyond the rear wall of the original house by 4.4m, for which the maximum height would be 3.6m, and for which the height of the eaves would be 2.65m.

**Applicant:** Mr Sidney Gregory

**Officer:** Jessica Hartley 292175

**Prior approval not required on 11/07/14 DELEGATED**

**PRESTON PARK**

**BH2014/01253**

**60 Sandgate Road Brighton**

Erection of a part one part two storey rear extension.

**Applicant:** Ms M Knox

**Officer:** Chris Swain 292178

**Approved on 01/07/14 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**

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no windows, dormer windows, rooflights or doors other than those expressly authorised by this permission shall be constructed within the hereby approved extension 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 and block plan			17 April 2014
Existing and proposed plans and elevations			17 April 2014

**BH2014/01358**

**90 Waldegrave Road Brighton**

Erection of single storey rear extension.

**Applicant:** Mr John Dance

**Officer:** Joanne Doyle 292198

**Approved on 15/07/14 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 extension hereby approved shall be constructed and completed concurrently with the rear extension at no 88 Waldegrave Road which was granted planning permission on 25 October 2012 under ref: BH2012/02693.

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

**3) UNI**

The development hereby permitted shall be carried out in accordance with 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			25 Apr 2014
Block Plan			25 Apr 2014
Existing & proposed Floor Plan	90WR/01		25 Apr 2014
Existing & Proposed Elevations			11 July 2014
Proposed Section	90WR/03		25 Apr 2014

**4) UNI**

The external elevations of the extension hereby permitted shall match in material, colour, style and texture those of the existing building.

Report from: 26/06/2014 to: 16/07/2014

*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.*

**BH2014/01396**

**26 Sandgate Road Brighton**

Erection of first floor rear extension.

**Applicant:** Mrs Deborah Walshe

**Officer:** Chris Swain 292178

**Approved on 11/07/14 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**

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no windows, dormer windows, rooflights or doors other than those expressly authorised by this permission shall be constructed within the hereby approved extension 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
Existing and proposed first floor plans	26SR/01		30 April 2014
Existing and proposed	26/SR02		30 April 2014
Existing and proposed plans, elevations and section	26/SR03		30 April 2014

**BH2014/01455**

**13 Upper Hamilton Road Brighton**

Prior approval for the erection of a single storey rear extension, which would extend beyond the rear wall of the original house by 5.17m, for which the maximum height would be 3.35m, and for which the height of the eaves would be 2.7m.

**Applicant:** Miranda Peters

**Officer:** Sue Dubberley 293817

**Prior approval not required on 08/07/14 DELEGATED**



**BH2014/01522**

**Prestamex House 171-173 Preston Road Brighton**

Prior approval for change of use from offices (B1) to residential (C3) to create 3 no. one bed flats, 28 no. two bed flats and 4 no. three bed flats.

**Applicant:** Daejan (Brighton) Limited

**Officer:** Christopher Wright 292097

**Prior Approval is required and is approved on 04/07/14 DELEGATED**

**BH2014/01535**

**60 Ashford Road Brighton**

Certificate of lawfulness for proposed single storey rear extension to replace existing conservatory.

**Applicant:** Mr Anthony Crowther

**Officer:** Tom Mannings 292322

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

**BH2014/01605**

**15 Florence Road Brighton**

Certificate of lawfulness for proposed use of existing outbuilding as granny annex.

**Applicant:** Mr W Hemstedt & Mrs A Hemstedt

**Officer:** Liz Arnold 291709

**Approved on 09/07/14 DELEGATED**

**BH2014/01897**

**28 Highcroft Villas Brighton**

Prior approval for the erection of a single storey rear extension, which would extend beyond the rear wall of the original house by 6m, for which the maximum height would be 3.3m, and for which the height of the eaves would be 2.6m.

**Applicant:** Richard Hill

**Officer:** Robert Hermitage 290480

**Prior approval not required on 16/07/14 DELEGATED**

**BH2014/01999**

**Rear of 375 Ditchling Road Brighton**

Application for Approval of Details Reserved by Condition 12 of application BH2013/03374.

**Applicant:** Richard Brain

**Officer:** Adrian Smith 290478

**Approved on 27/06/14 DELEGATED**

**REGENCY**

**BH2014/00122**

**51 Ship Street Brighton**

Conversion of first, second and third floors to create 9no residential units incorporating formation of ancillary storage in part of basement, separate entrance, revision to fenestration and fire escapes to rear and associated works.

**Applicant:** Veerose Limited

**Officer:** Christopher Wright 292097

**Approved on 03/07/14 DELEGATED**

**1) BH01.01**

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

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

**2) UNI**

The development hereby permitted shall not be occupied until the sustainability measures detailed within the Sustainability Checklist received on the 15 January 2014 have been fully implemented, and such measures shall thereafter be retained as such.

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

**3) UNI**

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

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

**4) UNI**

No works shall take place until full details of the proposed new replacement windows and their reveals and cills, including 1:20 scale sample elevations and 1:1 scale joinery profile sections 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 policies HE1 and HE6 of the Brighton & Hove Local Plan.*

**5) UNI**

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

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

**6) UNI**

The development hereby permitted shall not begin until such time as a scheme has been submitted to and approved in writing by the Local Planning Authority to provide that the residents of the development, other than those residents with disabilities who are Blue Badge Holders, have no entitlement to a resident's parking permit.

*Reason: To ensure that the development is car-free and to comply with policy HO7 of the Brighton & Hove Local Plan.*

**7) 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.*

**8) UNI**

Notwithstanding the information submitted, no development shall commence until full details of means of ventilation of the residential units, including the specifics of where clear air is to be drawn from and that sufficient acoustic protection is built into the system to protect end users of the development, have 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 the property and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan and to ensure a satisfactory appearance to the development and to comply with policies HE3 and HE6 of the Brighton & Hove Local Plan.*

**9) UNI**

Notwithstanding the information submitted, no development shall commence until full details of the soundproofing and glazing requirements of the windows of the residential units to both the Ship Street façade and properties overlooking the light-well at all storeys hereby approved, have 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 the property and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan and to ensure a satisfactory appearance to the development and to comply with policies HE3 and HE6 of the Brighton & Hove Local Plan.*

**10) UNI**

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

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

Plan Type	Reference	Version	Date Received
Site Location Plan	H1976.01	A	15 Jan 2014
Block Plan	H1976.02	A	15 Jan 2014
Existing Elevations	H1976.08	E	21 Mar 2014
Proposed Elevations	H1976.09	B	21 Mar 2014
Existing & Proposed Basement & Ground Floor Layout (including Lease Definitions)	H1976.10	B	15 Jan 2014
Existing First, Second & Third Floor Layout Plan (including walls proposed to be removed)	H1976.11		15 Jan 2014
Proposed First, Second & Third Floor Layout Plan	H1976.12	D	15 Jan 2014
Existing & Proposed Ground Floor Layout Plan showing communal entrances to flats	H1976.13	C	15 Jan 2014

**11) UNI**

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

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

**12) UNI**

All new and replacement rainwater goods, soil and other waste pipes shall be in powder-coated aluminium cast-iron-effect and shall be painted black and retained as such thereafter.

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

**13) UNI**

The external escape stairs hereby permitted shall be painted black within one calendar month of installation and shall be maintained as such thereafter.

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

**14) 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.*

**15) 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. The works shall be carried out in strict accordance with the approved details.

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

**16) UNI**

No development shall take place until full details of the new communal entrance doors including 1:20 scale elevation 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 a satisfactory appearance to the development, the satisfactory preservation of this listed building and to comply with policies HE1 and HE6 of the Brighton & Hove Local Plan*

**17) UNI**

Notwithstanding the information submitted, no development shall commence until full details of how the first floor flats will be protected against airborne sound transmission from activities associated with the ground floor unit, (e.g. kitchen, toilets and public areas for example) have 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 the property and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan and to ensure a satisfactory appearance to the development and to comply with policies*

HE3 and HE6 of the Brighton & Hove Local Plan.

**18) UNI**

Unless otherwise agreed in writing 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.*

**19) UNI**

No development shall take place until full details of the new steel security gate including 1:20 scale elevation drawings 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 a satisfactory appearance to the development, the satisfactory preservation of this listed building and to comply with policies HE1 and HE6 of the Brighton & Hove Local Plan.*

**20) UNI**

No development shall take place until full details of the new glazed privacy screen including 1:20 scale elevation drawings 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 a satisfactory appearance to the development, the satisfactory preservation of this listed building and to comply with policies HE1 and HE6 of the Brighton & Hove Local Plan.*

**BH2014/00778**

**24 East Street Brighton**

Change of use from Sui Generis at basement, first and second floors to retail (A1) (Retrospective).

**Applicant:** Downing Bentley

**Officer:** Liz Arnold 291709

**Approved on 26/06/14 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	000		25th March 2014
Floor Plans - Basement & Ground Floor General Arrangements	101	Rev. 2	25th March 2014
Floor Plans - First & Second	102	Rev. 1	25th March 2014

Report from: 26/06/2014 to: 16/07/2014

Floor General Arrangement			
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**BH2014/00816**

**Units 6-10 Churchill Square Brighton**

Application for variation of conditions 2 and 3 of application BH2012/03350 (External and internal alterations to part of Western Road frontage (Units 4-5, 6 and 7, 8, 9, 10 and BHS Unit Msu1) including installation of double height shopfronts, raising of roof height of part of first floor, reconfiguration of retail units and associated works). Condition 2 to be varied to allow for alterations to the shopfront elevations. Condition 3 to be varied to allow for changes to the proposed materials.

**Applicant:** Kleinwort Benson (Channel Islands) Corporate Services + Kleinwort Benson (Jersey) Trustees

**Officer:** Andrew Huntley 292321

**Approved on 08/07/14 DELEGATED**

**1) UNI**

Not used.

**2) UNI**

The external finishes of the development hereby permitted shall be those approved within application BH2013/02990 and the following materials in relation to the Topshop/Topman unit:

Stall Riser: White polished granite.

Goalposts: Powder coated aluminium cladding - colour white (RAL 9010).

*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**

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

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

Plan Type	Reference	Version	Date Received
Location Plan	(PL)001		01.05.2014
Existing Upper Car Park Plan	(PL)002		22.10.2012
Existing Lower Mall Plan	(PL)003		22.10.2012
Existing Upper Mall Plan	(PL)004		22.10.2012
Existing First Floor Plan	(PL)005		22.10.2012
Existing Roof Plan	(PL)006		22.10.2012
Existing Western Road	(PL)007		22.10.2012
Existing Sections	(PL)008		22.10.2012
Proposed Upper Car Park Plan	(PL)010		08.11.2012
Proposed Lower Mall Plan	(PL)011		08.11.2012
Proposed Upper Mall (Ground Floor) Plan	(PL)012	B	08.05.2014
Proposed First Floor Plan	(PL)013	B	08.05.2014
Proposed Roof Plan	(PL)014	C	08.05.2014
Proposed Western Road (North) Elevation	(PL)015	C	08.05.2014
Proposed Sections	(PL)016		22.10.2012

Overall Proposed Western Road (North) Elevation (illustrative only)	(PL)017	A	08.05.2014
Views of Overall Proposed Frontage (illustrative only)	(PL) 018		22.10.2012
Proposed Unit 6 Elevation	(PL)019		22.10.2012
Shopfront Elevation Initial Proposal (Dorothy Perkins & Burton)	100		13.11.2012
Shopfront Details as Proposed (BHS)	BHS - 0040 - 108	C	13.05.2014
Shopfront Elevation as Proposed (Topshop/Topman)	24900.073	B	13.05.2014

### **BH2014/01072**

#### **Units 72-74 Churchill Square Brighton**

Replacement of existing 3no air conditioning units with 4no air conditioning units (retrospective).

**Applicant:** Monsoon Accessorize Ltd

**Officer:** Sonia Gillam 292265

**Approved on 09/07/14 DELEGATED**

#### **1) UNI**

The air conditioning units shall be operated and thereafter maintained in strict accordance with the acoustic report received on 17 June 2014.

*Reason: To safeguard the amenity of the occupiers of the adjoining property and to comply with policies SU10, QD14 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
Site location plan and block plan	DOC-001-Location Plan		15/05/2014
Existing and proposed elevations	REA-Brighton (D)-ELEV-L003		03/04/2014

### **BH2014/01134**

#### **1-5 Prince Albert Street Brighton**

Internal alterations to extend existing staircase to roof level. Erection of extension behind existing false facade at roof level to contain extended staircase. Creation of roof garden behind existing false facade at roof level and associated works.

**Applicant:** InnBrighton Ltd

**Officer:** Robin Hodgetts 292366

**Approved on 03/07/14 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.*

**BH2014/01304**

**80 Preston Street Brighton**

Alterations to shopfront. (Part retrospective)

**Applicant:** Mr Rahmi Aktepe

**Officer:** Helen Hobbs 293335

**Refused on 27/06/14 DELEGATED**

**1) UNI**

The replacement shopfront represents an inappropriate design by reason of the incorporation of tongue and groove timber board cladding, together with the inappropriate signage and the loss of the traditional shopfront features. The development therefore causes harm to the appearance of the property, wider street and the character and appearance of surrounding Regency Square Conservation Area. The development is therefore contrary to policies QD1, QD2, QD5, QD10 and HE6 of the Brighton & Hove Local Plan and SPD02: Shop front design.

**BH2014/01399**

**43-44 Western Road Brighton**

Display of non - illuminated panel sign.

**Applicant:** Cancer Research UK

**Officer:** Christine Dadswell 292205

**Approved on 10/07/14 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.*

**BH2014/01419**

**80-82 Preston Street Brighton**

Display of externally illuminated fascia sign.

**Applicant:** Rahmi Aktepe

**Officer:** Helen Hobbs 293335

**Refused on 26/06/14 DELEGATED**

**1) UNI**

The replacement fascia sign by virtue of the fascia depth and timber cladding forms an unduly bulky and overly prominent addition to the building and to the wider street scene which covers the traditional proportions of the pre-existing fascia. The prominence of the fascia is exacerbated by the excessively large lettering that projects beyond the fascia board. The signage would therefore fail to preserve the character and appearance of the Regency Conservation Area. The proposal would result in significant harm to amenity and is contrary to policies QD12 and HE9 of the Brighton & Hove Local Plan, and Supplementary Planning Document 09, Advertisements.

**BH2014/01472**

**Unit 4-5 Churchill Square Brighton**

Display of internally - illuminated lettering signs to adjoining retail units (part retrospective).

**Applicant:** Arcadia Group

**Officer:** Andrew Huntley 292321

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

**1) UNI**

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

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

**2) UNI**

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

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

### **3) UNI**

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

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

### **4) UNI**

The illumination of the advertisement shall be non-intermittent.

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

### **5) UNI**

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

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

### **6) UNI**

No advertisement shall be sited or displayed so as to -

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

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

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

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

### **7) UNI**

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

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

## **BH2014/01473**

### **Unit MSU 1 Churchill Square Brighton**

Display of internally illuminated fascia and lettering signs.

**Applicant:** Arcadia Group

**Officer:** Andrew Huntley 292321

**Approved on 15/07/14 DELEGATED**

#### **1) UNI**

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

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

#### **2) UNI**

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

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

### **3) UNI**

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.*

### **4) UNI**

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

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

### **5) UNI**

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

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

### **6) UNI**

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.*

## **BH2014/01477**

### **Unit 7-10 Churchill Square Brighton**

Display of internally illuminated fascia signs to front elevation.

**Applicant:** Arcadia Group

**Officer:** Andrew Huntley 292321

**Approved on 15/07/14 DELEGATED**

### **1) UNI**

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

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

### **2) UNI**

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

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

### **3) UNI**

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

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

**4) UNI**

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

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

**5) UNI**

No advertisement shall be sited or displayed so as to -

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

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

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

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

**6) UNI**

The illumination of the advertisement shall be non-intermittent.

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

**7) UNI**

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

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

**BH2014/01511**

**22A East Street Brighton**

Conversion of first and second floors from offices (B1) to 2no two bedroom flats.

**Applicant:** Baron Homes Corporation

**Officer:** Liz Arnold 291709

**Approved on 11/07/14 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**

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) UNI**

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

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

#### **5) UNI**

The development hereby permitted shall be carried out in accordance with 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	E01		8th May 2014
Existing Plans; Ground, First and Second Floors	E02		8th May 2014
Block Plan	P01		8th May 2014
Proposed Plans; Ground, First and Second Floors	P02	Rev. B	14th May 2014

#### **6) UNI**

The development hereby permitted shall not begin until such time as a scheme has been submitted to and approved in writing by the Local Planning Authority to provide that the residents of the development, other than those residents with disabilities who are Blue Badge Holders, have no entitlement to a resident's parking permit.

*Reason: To ensure that the development is car-free and to comply with policy HO7 of the Brighton & Hove Local Plan.*

### **BH2014/01512**

#### **22A East Street Brighton**

Internal alteration to first and second floors to convert offices (B1) to 2no two bedroom flats.

**Applicant:** Baron Homes Corporation

**Officer:** Liz Arnold 291709

**Approved on 09/07/14 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.

Report from: 26/06/2014 to: 16/07/2014

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

**3) UNI**

This approval is limited to the works shown on the approved drawings and does not indicate approval for associated or enabling works that may be necessary to carry out the scheme. Any further works must be submitted to and approved in writing by the Local Planning Authority prior to any works commencing.

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

**4) UNI**

All internal doors hereby approved shall have a painted finish.

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

**BH2014/01531**

**13 Duke Street Brighton**

Display of non illuminated fascia and hanging signs.

**Applicant:** Match Bags UK

**Officer:** Helen Hobbs 293335

**Refused on 15/07/14 DELEGATED**

**1) UNI**

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 QD12 and HE9 of the Brighton & Hove Local Plan and Supplementary Planning Document 07 on Advertisements.

**2) UNI2**

Notwithstanding the lack of information, the replacement fascia sign, by reason of its depth, would have an adverse impact upon the visual amenity of the listed building and surrounding Old Town Conservation Area. The proposal would result in significant harm to amenity and is contrary to policies QD12 and HE9 of the Brighton & Hove Local Plan and Supplementary Planning Document 07 on Advertisements.

**BH2014/01541**

**20 West Street Brighton**

Display of externally - illuminated fascia and hanging signs.

**Applicant:** Madhu Subs Ltd

**Officer:** Emily Stanbridge 292359

**Approved on 15/07/14 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.*

**BH2014/01566**

**19 Market Street Brighton**

Certificate of lawfulness for existing use of first floor as a self contained flat.

**Applicant:** Baron Homes Corporation Ltd

**Officer:** Christopher Wright 292097

**Refused on 14/07/14 DELEGATED**

**BH2014/01567**

**15 Middle Street Brighton**

Display of internally illuminated fascia sign.

**Applicant:** Castletime Limited

**Officer:** Helen Hobbs 293335

**Approved on 16/07/14 DELEGATED**

**1) UNI**

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

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

**2) UNI**

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

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

### **3) UNI**

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

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

### **4) UNI**

The illumination of the advertisement shall be non-intermittent.

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

### **5) UNI**

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

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

### **6) UNI**

No advertisement shall be sited or displayed so as to -

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

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

### **7) UNI**

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

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

## **BH2014/01678**

### **12 Powis Grove Brighton**

Application for approval of details reserved by condition 3 of application BH2013/03561.

**Applicant:** Mr David Wileman

**Officer:** Liz Arnold 291709

**Refused on 15/07/14 DELEGATED**

### **1) UNI**

The submitted drawings fail to show the reveals in which the windows would be set in, the window horn details, and that the replacement windows would be 1 over 1 windows (as shown in approved application BH2013/03561). Furthermore, if glazing bars are proposed the 24mm wide glazing bar is too wide.



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

### **BH2014/00769**

#### **96-99 & 97 Queens Road Brighton**

Change of use of lower ground and ground floor of 98-99 Queens Road and part of lower ground floor of 96-97 Queens Road from B1a use to A1 or A2 or A3 or B1a use incorporating revised shop front and associated alterations.

**Applicant:** Hargreaves Management Ltd

**Officer:** Chris Swain 292178

**Approved on 26/06/14 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 premises shall not be brought into use within Class A3 of the Town and Country Planning (Use Classes) Order, 1987 (or any provision amending or re-enacting that Order) until a scheme for the fitting of odour control equipment has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details for the sound insulation of the odour control equipment. The scheme shall be implemented in accordance with the approved details prior to the occupation of the development (within Class A3) and shall thereafter be retained as such.

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

#### **3) UNI**

The premises shall not be open or in use within Class A3 of the Town and Country Planning (Use Classes) Order 1987 (or any provision amending or re-enacting that Order) except between the hours of 07.00 and 23.00 Monday to Sunday.

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

#### **4) UNI**

The premises shall not be open or in use within Class A3 of the Town and Country Planning (Use Classes) Order 1987 (or any provision amending or re-enacting that Order) until a scheme for the soundproofing of the lower ground and ground floor levels 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 (within Class A3) and shall thereafter be retained as such.

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

#### **5) UNI**

The development hereby permitted shall be carried out in accordance with 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	A	10 March 2014
Existing elevations	302	A	28 March 2014
Proposed elevations	301	A	28 March 2014
Basement floor plan	200	A	28 March 2014

Report from: 26/06/2014 to: 16/07/2014

Proposed lower ground floor plan	201	A	28 March 2014
Proposed ground floor plan	202	A	28 March 2014

## 6) UNI

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

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

## **BH2014/01151**

### **Las Iguanas 7 Jubilee Street Brighton**

Display of internally illuminated fascia and hanging signs and non illuminated vinyl signs.

**Applicant:** Las Iguanas

**Officer:** Andrew Huntley 292321

**Approved on 26/06/14 DELEGATED**

## 1) UNI

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

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

## 2) UNI

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

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

## 3) UNI

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

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

## 4) UNI

The illumination of the advertisement shall be non-intermittent.

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

## 5) UNI

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

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

## 6) UNI

No advertisement shall be sited or displayed so as to -

(a) endanger persons using any highway, railway, waterway, dock, harbour or

aerodrome (civil or military);

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

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

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

### **7) UNI**

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

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

## **BH2014/01152**

### **Las Iguanas 7 Jubilee Street Brighton**

Installation of new shopfront incorporating replacement of mosaic tiles with faded aluminium cladding and repainting.

**Applicant:** Las Iguanas

**Officer:** Andrew Huntley 292321

**Approved on 26/06/14 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 paintwork to be used on the pillasters have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

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

#### **3) UNI**

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

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

Plan Type	Reference	Version	Date Received
Site Location Plan	BRS.4448_01-1		10.04.2014
Existing Shopfront	BRS.4448_03-1		10.04.2014
Proposed Shopfront	52-31-06	A	01.05.2014
Signage Details	52-31-07	A	10.04.2014
Signage Details	52-31-08	A	10.04.2014

**BH2014/01160****14 Bond Street Brighton**

Internal alterations to layout of shop including installation of new fire doors and repainting of fascia and hanging signs.

**Applicant:** Oliver Bonas

**Officer:** Adrian Smith 290478

**Approved on 04/07/14 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.*

**BH2014/01184****15 North Gardens Brighton**

Erection of single storey side extension and roof terrace.

**Applicant:** Mrs Bryony October

**Officer:** Christine Dadswell 292205

**Approved on 30/06/14 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	100		11 Apr 2014
Concept Sketches			11 Apr 2014
Existing Plans	101		11 Apr 2014
Existing Section A	102		11 Apr 2014
Existing Section B & C	103		11 Apr 2014
Existing West Elevation and Section D	104		11 Apr 2014
Proposed Plans	110		11 Apr 2014
Proposed Section A	111		11 Apr 2014
Proposed Section B	112		11 Apr 2014
Proposed Sections C & D	113		11 Apr 2014

**BH2014/01339****35 Shaftesbury Road Brighton**

Erection of first floor rear extension.

**Applicant:** Mr & Mrs Daish

**Officer:** Chris Swain 292178

**Refused on 14/07/14 DELEGATED**

**1) UNI**

The proposed extension by reason of design, form and siting would relate poorly to the original built form of the property and would detract significantly from the character and appearance of the building and the wider surrounding area, contrary to policy QD14 of the Brighton & Hove Local Plan and the

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**BH2014/01403**

**18 Upper Gardner Street Brighton**

Alterations to the external finish of front elevation from face brickwork to render. (Retrospective)

**Applicant:** Richard English

**Officer:** Emily Stanbridge 292359

**Approved on 01/07/14 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 and pre-existing front elevation	01	A	04.06.2014

**2) UNI**

The brick cills to the existing sash windows, the corbelling at eaves level and the existing archway around the front entrance door shall be rendered over but maintained in relief.

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

**3) UNI**

Within 3 months of approval the entirety of the front elevation of the property, including any vents, shall be painted white (BS 4800 00E55) 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.*

**BH2014/01501**

**90A & 90B Shaftesbury Road Brighton**

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

**Applicant:** Dr John Fernley

**Officer:** Christopher Wright 292097

**Prior Approval is required and is approved on 02/07/14 DELEGATED**

**BH2014/01513**

**4 Park Crescent Brighton**

Removal of chimney on front roof slope.

**Applicant:** Ms Julia Davis

**Officer:** Emily Stanbridge 292359

**Approved on 03/07/14 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**

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 policies HE1 and HE6 of the Brighton & Hove Local Plan.*

**3) UNI**

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

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

Plan Type	Reference	Version	Date Received
Site location plan			08.05.2014
Schedule of photographs			03.04.2014

**BH2014/01543**

**11 Princes Road Brighton**

Installation of rooflight to front roofslope.

**Applicant:** Mrs Elaine Dobbin

**Officer:** Christine Dadswell 292205

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

**1) BH01.01**

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

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

**2) UNI**

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

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

**3) UNI**

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

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

Plan Type	Reference	Version	Date Received
Existing and Proposed Elevations and Floor Plans with Location Plan	FI/01		12 May 2014

**BH2014/01563**

**Unit 1 Brighton Station Queens Road Brighton**

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

**Applicant:** Mr Anthony Prior

**Officer:** Chris Swain 292178

**Approved on 16/07/14 DELEGATED**

**BH2014/01577**

**Ground Floor Flat 12 Buckingham Road Brighton**

Erection of detached single storey home office building in rear garden.

**Applicant:** Miss Andrea Furlong

**Officer:** Emily Stanbridge 292359

**Approved on 09/07/14 DELEGATED**

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**1) BH01.01**

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

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

**2) UNI**

No development or other operations shall commence on site until a scheme which provides for the retention and protection of the Willow 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. The protection scheme shall include such information as protection of the tree during the course of the development to BS 5837 (2112) Trees in relation to design demolition and construction, facilitation pruning of the tree to BS 3998 (2010) Tree Pruning Operations as well as a construction specification / method statement for foundation design has been submitted to and approved in writing by the Local Planning Authority. This shall provide for the long-term retention of the tree. No development or other operations shall take place except in complete accordance with the approved construction specification / method statement.

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

**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			07.07.2014
Block Plan			07.07.2014
Proposed plans			07.07.2014

**BH2014/01585**

**87-88 Upper Lewes Road Brighton**

Removal of existing shopfront and installation of bay window and door at ground floor level. Removal of lean-to and canopy to lower ground floor level. Installation of rooflight to north east elevation, alterations to fenestration and other associated works.

**Applicant:** Alison Deacon & Sara Richardson

**Officer:** Emily Stanbridge 292359

**Approved on 09/07/14 DELEGATED**

**1) BH01.01**

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

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

**2) UNI**

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

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

Plan Type	Reference	Version	Date Received
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Existing elevations, site plan and sections	3397.EX03	A	14.05.2014
Existing lower ground and ground floor plans	3397.EX.01		14.05.2014
Existing first and second floor plans	3397.EX.02		14.05.2014
Proposed plans and elevations	3397.PL.20	A	14.05.2014

**BH2014/01592**

**3 The Auction Rooms 28 Gloucester Street Brighton**

Prior approval for change of use from office (B1) to residential (C3) at ground floor level to form one studio flat.

**Applicant:** Mr Nicholas Everett

**Officer:** Christopher Wright 292097

**Prior approval not required on 07/07/14 DELEGATED**

**BH2014/01593**

**104 North Road Brighton**

Prior approval for change of use of office (B1) to residential (C3) to form a single dwelling house.

**Applicant:** Miles Broe Architecture LLP

**Officer:** Christopher Wright 292097

**Prior approval not required on 14/07/14 DELEGATED**

**BH2014/01640**

**11-12 Marlborough Place Brighton**

Prior approval for change of use from offices (B1) to residential (C3) to form 17no self contained flats.

**Applicant:** Kilbracken Properties (Brighton) Limited

**Officer:** Christopher Wright 292097

**Prior Approval is required and is approved on 14/07/14 DELEGATED**

**BH2014/01859**

**Land Adjoining 10 New England Road Brighton**

Application for approval of details reserved by condition 4 of application BH2013/00245.

**Applicant:** Mr Ross Gilbert

**Officer:** Jessica Hartley 292175

**Approved on 08/07/14 DELEGATED**

**WITHDEAN**

**BH2013/00627**

**Land West of Redhill Close Brighton**

Application for Approval of Details Reserved by Conditions 10, 11, 12, 13 & 17 of application BH2013/00293.

**Applicant:** Bellway Homes (South East) Ltd

**Officer:** Guy Everest 293334

**Approved on 03/07/14 DELEGATED**

**BH2014/00449**

**16 Redhill Drive Brighton**

Erection of handrail to retaining wall in rear garden (part retrospective).

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**Applicant:** Mr David Meredith  
**Officer:** Jason Hawkes 292153

**Approved on 03/07/14 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
Ordnance Survey Plans	OS/01		6th February 2014
Existing / Proposed South Elevation with levels	01	A	15th April 2014
Existing / Proposed West Elevation	02		6th February 2014
Existing / Proposed East Elevation	03		6th February 2014
Existing Block Plan with Levels	OS/03		15th April 2014

**BH2014/00994**

**21 Clermont Road Brighton**

Creation of patio at lower ground floor level with steps to garden level and associated alterations to fenestration.

**Applicant:** Alexandra Riepler

**Officer:** Jonathan Puplett 292525

**Approved on 04/07/14 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 new first floor side window hereby approved (which would serve a bathroom) shall be obscure glazed and shall be retained as such thereafter.

*Reason: To protect the amenity of neighbouring residents and to comply with policy 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 AND BLOCK PLAN	01		27/03/2014
EXISTING FLOORPLANS	02	A	27/03/2014
EXISTING ELEVATION	03		27/03/2014

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EXISTING ELEVATION AND SECTION	04		27/03/2014
PROPOSED FLOORPLANS	10	F	16/05/2014
PROPOSED ELEVATION	11	A	27/03/2014
PROPOSED ELEVATION AND SECTION	12	D	27/03/2014

**BH2014/01033**

**20 Peacock Lane Brighton**

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

**Applicant:** Mr Tim Hazelden

**Officer:** Mick Anson 292354

**Approved on 27/06/14 DELEGATED**

**BH2014/01036**

**6 Tongdean Rise Brighton**

Erection of two-storey rear extension, single-storey side extensions, conversion of garage into habitable living space and erection of new garage to front garden. (Revised scheme)

**Applicant:** Mr Denver Knight

**Officer:** Jason Hawkes 292153

**Approved on 30/06/14 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 front garage and side 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**

No development shall commence on site until a detailed scheme which provides for the retention and protection of the adjacent Cherry tree on the verge in front of the dwelling has been submitted to and approved by the Local Planning Authority. The scheme shall be implemented in strict accordance with the agreed details.

*Reason: To protect the trees in the vicinity of the site, in the interest of the visual amenities of the area and to comply with policies QD1 and QD15 of the Brighton & Hove Local Plan.*

**5) UNI**

No development shall take place until details of the construction of the green roof 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 roof shall then be

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

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

#### **6) UNI**

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

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

#### **7) UNI**

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

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

Plan Type	Reference	Version	Date Received
Location Plan	ADC630/LP		31st March 2014
Block Plan	ADC630/BP	B	25th April 2014
Existing Plans	ADC630/01		31st March 2014
Existing Elevations	ADC630/02		31st March 2014
Proposed Garage and Roof Plan	ADC630/03	C	16th June 2014
Proposed Floor Plans	ADC630/04	C	23rd April 2014
Proposed Elevations	ADC630/05	C	23rd April 2014
Proposed Elevation / Sections	ADC630/06	C	23rd April 2014

#### **8) UNI**

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

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

### **BH2014/01159**

#### **Kingsmere London Road Brighton**

Formation of 4no. car parking spaces.

**Applicant:** Anstone Properties Ltd

**Officer:** Sonia Gillam 292265

**Approved on 07/07/14 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 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)

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until a detailed Arboricultural Method Statement for protection of the Yew, Holly and Lime covered by the Preservation Order has been submitted to and approved in writing by the Local Planning Authority. No development or other operations shall take place except in complete accordance with the approved Method Statement.

*Reason: To ensure the adequate protection of the 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.*

**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**

No development or other operations shall commence on site in connection with the development hereby approved until a detailed Construction Specification / Method Statement for the new parking areas has been submitted to and approved in writing by the Local Planning Authority. This shall provide for the long-term retention of the trees. No development or other operations shall take place except in complete accordance with the approved Construction Specification / Method Statement.

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

**5) UNI**

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

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

Plan Type	Reference	Version	Date Received
Site location plan 1:1250			10/04/2014
Site plan 1:500	A814/02		10/04/2014

**6) UNI**

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

*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.*

**BH2014/01234**

**9 Mulberry Close Brighton**

Erection of single storey side extension.

**Applicant:** Mr & Mrs Sia & Liz Abbaszadeh

**Officer:** Joanne Doyle 292198

**Approved on 26/06/14 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 flint wall to the southern boundary of the site shall be retained and any damage to the existing wall during the construction of the development shall be rectified using materials of matching composition, form and finish to those of the existing wall.

*Reason: In the interests of the character and appearance of the area and to comply with policy 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	13140 E01		16 Apr 2014
Block Plan	13140 P01		16 Apr 2014
Existing Floor & Roof Plans	13140 E02		16 Apr 2014
Proposed Floor & Roof Plans	13140 P02		16 Apr 2014
Proposed Elevations	13140 P03		16 Apr 2014
Existing & Proposed Elevations	13140 P03	A	01 May 2014

**BH2014/01269**

**11 South Road Brighton**

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

**Applicant:** Uniglobe Preferred Travel

**Officer:** Joanne Doyle 292198

**Approved on 26/06/14 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**

All new and disturbed surfaces shall be made good at the time of the development using materials of matching composition, form and finish to those of the Listed Building.

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

**3) UNI**

The development hereby permitted shall be carried out in accordance with 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	317 ord s		01 May 2014
Plans & Elevations	317 10	C	26 Jun 2014
Roof Detail	317 11	B	26 Jun 2014

**BH2014/01278**

**Flat 7 Carlton House 239 - 241 Preston Road Brighton**

Replacement of existing timber framed windows with UPVC to dormer windows at front and rear.

**Applicant:** Christopher Heath

**Officer:** Christine Dadswell 292205

**Refused on 27/06/14 DELEGATED**

**1) UNI**

The replacement windows, by reason of their material and thickness of the frames, would be an unsympathetic alteration that fail to reflect the original character and appearance of the building and fail to preserve or enhance the character or appearance of the Preston Park Conservation Area. As such the proposal is contrary to policies QD14 and HE6 of the Brighton & Hove Local Plan and Supplementary Planning Document 09, Architectural Features, and 12, Design Guide for Extensions and Alterations.

**BH2014/01354**

**34 Hillcrest Brighton**

Erection of single storey rear/side extension, landscaping, installation of timber decking to rear and widening of front parking area.

**Applicant:** David Browning

**Officer:** Emily Stanbridge 292359

**Approved on 15/07/14 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 hereby approved decking shall not be brought into use until screening, in the form of a solid fence, to the western boundary of the site, has been erected in accordance with drawing nos. BR 06, BR 07 & BR 10. The screen 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.*

**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

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Location plan	BR01		20.05.2014
Site plan	BR02		30.06.2014
Existing ground floor plan	BR03		28.04.2014
Existing elevations	BR04		28.04.2014
Proposed ground floor plan	BR05		30.06.2014
Proposed elevations	BR06		30.06.2014
Proposed eastern elevation	BR07		30.06.2014
Modification to driveway	BR09		28.04.2014
Roof plan	BR10		30.06.2014

**BH2014/01488**

**Stowford Withdean Road Brighton**

Certificate of Lawfulness for existing use of property as a single dwelling house.

**Applicant:** Sussex Partnership NHS FT

**Officer:** Andrew Huntley 292321

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

**BH2014/01561**

**53 Fernwood Rise Brighton**

Installation of raised timber decking and steps with handrail to rear garden.

**Applicant:** Mr & Mrs Bouri

**Officer:** Jessica Hartley 292175

**Approved on 11/07/14 DELEGATED**

**1) BH01.01**

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

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

**2) UNI**

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

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

Plan Type	Reference	Version	Date Received
Existing Plans, Section and Elevations	1162-01	1	13/05/2014
Proposed Plans, Section and Elevations	1162-02	1	13/05/2014

**BH2014/01569**

**46 Redhill Drive Brighton**

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

**Applicant:** Mr Sonny Mears

**Officer:** Andrew Huntley 292321

**Approved on 09/07/14 DELEGATED**

**BH2014/01576**

**Westdene Library Bankside Brighton**

Non Material Amendment to BH2012/02626 to allow the access system to be pre-fabricated in smaller pieces and assembled on site, to allow for small fishplates to be used in bolting sections together and to allow minor modification

of supporting brickwork.

**Applicant:** Brighton & Hove City Council

**Officer:** Jason Hawkes 292153

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

**1) UNI**

No development shall commence on site until a detailed scheme which provides for the retention and protection of adjacent trees to be retained has been submitted to and approved by the Local Planning Authority. The scheme shall indicate how the new piers shall be installed without detriment to the root systems and overall health of the adjacent Elm trees. The scheme shall be implemented in strict accordance with the agreed details.

*Reason: To protect the trees in the vicinity of the site, in the interest of the visual amenities of the area and to comply with policies QD1 and QD15 of the Brighton & Hove Local Plan.*

**BH2014/01720**

**52 Bates Road Brighton**

Erection of bicycle storage shed at front of property.

**Applicant:** Dr Rebecca Moberly

**Officer:** Christine Dadswell 292205

**Refused on 03/07/14 DELEGATED**

**1) UNI**

By virtue of its height, bulk and siting the bicycle storage shed is an unduly prominent and incongruous feature in the street scene, detracting from the character and appearance of the recipient property and the wider area. The development is therefore contrary to policies QD2 and QD14 of the Brighton & Hove Local Plan and the guidance contained in SPD12. The potential benefits that would accrue from the scheme, in terms of encouraging sustainable travel modes, are not considered to outweigh the level of harm caused in this instance.

**EAST BRIGHTON**

**BH2013/03437**

**St Marys Hall Eastern Road Brighton**

Alterations to 3no entrances to Eastern Road incorporating gate widening and alterations to walls, piers, fences and gates. Widening of Western access road and pedestrian footpath. (Part retrospective).

**Applicant:** Brighton & Sussex University Hospitals NHS Trust

**Officer:** Mick Anson 292354

**Approved on 30/06/14 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 the commencement of works to implement the permanent widening of Gateways 1 and 2 into the site and the other associated works hereby approved, a schedule of works shall be submitted for approval to the Local Planning Authority for restoration works to the Grade II Listed boundary wall and brick piers fronting Eastern Road. Sample panels of proposed restoration works for each type of boundary wall shall be constructed on site to be approved by the Local Planning Authority. The works shall be restricted to those sections either side of Gateway 1 up to and including Gateway 3 as identified on the hereby approved

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Site Block Plan (AL604 Rev D) and all sections of wall in between. Notwithstanding the plans hereby approved, details of the height and width and materials of the permanent western pier to Gateways 1 and 2 shall be submitted to the Local Planning Authority for approval and shall be carried out in accordance with the approved plans.

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

### **3) UNI**

Within 18 months of completion of the works hereby approved to widen the access and egress of the site, the restoration works to the boundary wall identified in Condition 3 above shall be completed to the satisfaction of the Local Planning Authority.

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

Plan Type	Reference	Version	Date Received
Site Location Plan	AL603	Rev B	09.10.13
Site Block Plan	AL604	Rev D	09.10.13
Entrance Gates Position 1	AA725	Rev P1	09.10.13
Gates at Entrance 2	AA726	Rev P2	09.10.13
Gate 3 entrance area	AA727	Rev P1	09.10.13
Level study - Elliot House Pick up point	AA728	Rev P1	09.10.13
Gate 3 Driveway widening and existing elevations to Eastern Road	AA729	Rev P2	16.10.13
Photograph of School pedestrian and vehicular access prior to temporary widening (Gate 1)			16.10.13
Photograph of Swimming pool entrance prior to temporary widening (Gate 2)			16.10.13
Existing Photographs of Flint wall panels			07.03.14

### **4) 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.*

### **5) UNI**

Prior to the commencement of works to implement the permanent widening of Gateways 1 and 2 into the site a scheme of traffic management, cycle and pedestrian movement shall be submitted to the Local Planning Authority for approval to improve drop off facilities and the safe entry, circulation and exit of vehicles and pedestrians into, around and leaving the site as well as vehicles and pedestrians using the public highway and footway outside. The scheme shall

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include physical measures, signage and road markings within the site. The scheme shall be fully implemented before the widened gateways are brought into use and shall thereafter be retained.

*Reason: In the interests of the safety of people who enter and depart the site by all modes of transport and public highway users in the vicinity of the site and to accord with Policies TR7 and TR8 of the adopted 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.*

#### **7) UNI**

No development shall take place until a survey report and a method statement setting out how the existing boundary walls are to be protected, maintained, repaired and stabilised during and after demolition and construction works, and including details of any temporary support and structural strengthening or underpinning works, shall have been submitted to and approved in writing by the Local Planning Authority. The demolition and construction works shall be carried out and completed fully in accordance with the approved method statement.

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

### **BH2013/03438**

#### **St Marys Hall Eastern Road Brighton**

Alterations to 3no entrances to Eastern Road incorporating gate widening and alterations to walls, piers, fences and gates. Widening of Western access road and pedestrian footpath. (Part retrospective).

**Applicant:** Brighton & Sussex University Hospitals NHS Trust

**Officer:** Mick Anson 292354

**Approved on 04/07/14 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 development shall take place until a survey report and a method statement setting out how the existing boundary walls are to be protected, maintained, repaired and stabilised during and after demolition and construction works, and including details of any temporary support and structural strengthening or underpinning works, shall have been submitted to and approved in writing by the Local Planning Authority. The demolition and construction works shall be carried out and completed fully in accordance with the approved method statement.

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

#### **3) UNI**

Within 18 months of completion of the works hereby approved, the restoration works to the boundary wall required by Condition 2 of this Listed Building Consent shall be completed to the satisfaction of the Local Planning Authority.

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

#### **4) UNI**

Prior to the commencement of works to implement the permanent widening of Gateways 1 and 2 into the site and the other associated works hereby approved, a schedule of works shall be submitted for approval to the Local Planning

Authority for restoration works to the Grade II Listed boundary wall fronting Eastern Road. Sample panels of proposed restoration works for each type of boundary wall shall be constructed on site to be approved by the Local Planning Authority. The works shall be restricted to those sections either side of Gateway 1 up to and including Gateway 3 as identified on the hereby approved Site Block Plan (AL604 Rev D) and all sections of wall in between. Notwithstanding the plans hereby approved, details of the height and width and materials of the permanent western piers to Gateways 1 and 2 shall be submitted to the Local Planning Authority for approval and shall be carried out in accordance with the approved plans.

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

**BH2014/00482**

**Flat 2 115 - 116 Marine Parade Brighton**

Insertion of fire resistant doors internally.

**Applicant:** Catherine Le Busque

**Officer:** Sue Dubberley 293817

**Approved on 15/07/14 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 doors shall be half glazed 4 panel door in line with the details submitted on 13 June 2014 of the 'Canterbury 2 Light glazed fire door' 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.

**BH2014/00770**

**2 Chichester Place Brighton**

Erection of new brick and flint wall and gates to Northerly boundary.

**Applicant:** Mrs Juliette Wright

**Officer:** Wayne Nee 292132

**Approved on 26/06/14 DELEGATED**

**1) UNI**

Prior to the installation of the hereby approved gate 1:1 scale joinery details of the gate shall be submitted to and approved in writing by the local planning. The works shall be carried out and completed in their entirety fully in accordance with the approved 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.*

**2) UNI**

Prior to above ground works commencing in connection with the hereby approved boundary wall samples of the materials, including a flint panel and mortar, to be used in the construction of the external surfaces of the hereby permitted boundary wall shall be 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.*

**BH2014/01122**

**1 Manor Road Brighton**

Application for Approval of Details Reserved by Condition 19 of application BH2012/03364.

**Applicant:** Hill Partnerships Ltd

**Officer:** Wayne Nee 292132

**Approved on 15/07/14 DELEGATED**

**BH2014/01379**

**Bristol Mews Bristol Gardens Brighton**

Erection of single storey extension to front and erection of infill extension to rear. Alterations and extension to roof including installation of front dormer, installation of 6 no rooflights and revised fenestration.

**Applicant:** Mr Sudirman Yusuf

**Officer:** Joanne Doyle 292198

**Refused on 15/07/14 DELEGATED**

**1) UNI**

The proposed first floor rear extension, by reason of its design, form and bulk would dominate the rear of the building, appearing poorly designed and detailed in relation to the existing building and wider Bristol Mews development. The proposal would thereby be contrary to policy QD14 of the Brighton & Hove Local Plan, and Supplementary Planning Document 12, Design Guide for Extensions and Alterations.

**2) UNI2**

The proposed front dormer, by reason of its design and size, would appear an unduly bulky addition which would dominate the front roofslope of the property. The proposal would disrupt the character and appearance of the existing property and wider Bristol Mews development. The proposal would thereby be contrary to policy QD14 of the Brighton & Hove Local Plan, and Supplementary Planning Document 12, Design Guide for Extensions and Alterations.

**BH2014/01427**

**11 Rock Street Brighton**

Application for Approval of Details Reserved by Condition 3 of application BH2012/01426.

**Applicant:** Robin Tyler

**Officer:** Adrian Smith 290478

**Approved on 10/07/14 DELEGATED**

**1) UNI**

The proposed development would, by reason of the design, form, scale and siting, result in an unsympathetic and visually harmful addition that would detract from the character of the recipient terrace building to the detriment of visual amenity. As such the proposal is contrary to the requirements of policy QD14 of the Brighton & Hove Local Plan and Supplementary Planning Document 12: Design guidance for extensions and alterations.

**2) UNI2**

The proposed development would, by reason of the scale and siting, have an overbearing impact on the neighbouring lower ground floor level property at 34 Cowper Street, and would result in a loss of light and outlook and an increased sense of enclosure that would be detrimental to residential amenity. As such the proposal is contrary to policies QD14 and QD27 of the Brighton & Hove Local Plan and Supplementary Planning Document 12: Design guidance for extensions and alterations.

**BH2014/01430****25 St Marys Square Brighton**

Replacement of windows and doors with UPVC double glazed units.

**Applicant:** Mr A Gerrard**Officer:** Christine Dadswell 292205**Approved on 27/06/14 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			02 May 2014
Block Plan			02 May 2014
Existing and Proposed Elevations	A131/45		02 May 2014
Window Drawings	A131/46		02 May 2014
Door Drawings			02 May 2014

**BH2014/01634****Flat 2 3 Eastern Terrace Brighton**

Internal alterations to layout of flat

**Applicant:** Stephen Tooma**Officer:** Christine Dadswell 292205**Approved on 14/07/14 DELEGATED****1) BH01.01**

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

*Reason: To ensure that the Local Planning Authority retains the right to review unimplemented permissions.***2) UNI**

All new cornices and dado rails shall 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***BH2014/02011****1 Manor Road Brighton**

Application for approval of details reserved by condition 14 of application BH2012/03364.

**Applicant:** Hill Partnerships Ltd**Officer:** Wayne Nee 292132**Approved on 15/07/14 DELEGATED****BH2014/02012****1 Manor Road Brighton**

Application for approval of details reserved by condition 16 of application BH2012/03364.

**Applicant:** Hill Partnerships Ltd

Report from: 26/06/2014 to: 16/07/2014

**Officer:** Wayne Nee 292132  
**Approved on 15/07/14 DELEGATED**

**BH2014/02013**

**1 Manor Road Brighton**

Application for Approval of Details Reserved by Condition 17 of application BH2012/03364.

**Applicant:** Hill Partnerships Ltd

**Officer:** Wayne Nee 292132

**Approved on 15/07/14 DELEGATED**

**BH2014/02014**

**1 Manor Road Brighton**

Application for Approval of Details Reserved by Condition 20 of application BH2012/03364.

**Applicant:** Hill Partnerships Ltd

**Officer:** Wayne Nee 292132

**Approved on 15/07/14 DELEGATED**

**HANOVER & ELM GROVE**

**BH2014/00739**

**131 Islingword Road Brighton**

Application for Approval of Details Reserved by Condition 7 of application BH2013/02995.

**Applicant:** CIP (Hampstead) Limited

**Officer:** Wayne Nee 292132

**Approved on 03/07/14 DELEGATED**

**BH2014/01330**

**14 Richmond Terrace Brighton**

Erection of a single storey rear extension with pitched roof and associated alterations.

**Applicant:** Rabbi Pesach Efune

**Officer:** Helen Hobbs 293335

**Approved on 01/07/14 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) BH13.02**

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

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

**3) BH13.05**

No works shall take place until full details of the proposed works 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 &*

**BH2014/01445**

**131 Islingword Road Brighton**

Application for Approval of Details Reserved by Condition 6 of application BH2013/02995.

**Applicant:** CIP (Hampstead) Limited

**Officer:** Wayne Nee 292132

**Approved on 03/07/14 DELEGATED**

**BH2014/01574**

**54 Islingword Place Brighton**

Certificate of lawfulness for proposed demolition of existing conservatory and erection of single storey rear extension.

**Applicant:** Mr Jonathan Taylor

**Officer:** Adrian Smith 290478

**Approved on 09/07/14 DELEGATED**

**HOLLINGDEAN & STANMER**

**BH2013/04337**

**University of Sussex Refectory Road Brighton**

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.

**Applicant:** University of Sussex

**Officer:** Sue Dubberley 293817

**Refused on 01/07/14 COMMITTEE**

**1) UNI**

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;

**2) UNI2**

The outline application, by virtue of its overall masterplanning 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;

**3) UNI3**

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;

**4) UNI4**

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;

**BH2014/01326**

**96 Stanmer Villas Brighton**

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

**Applicant:** Mr Paul Spedding

**Officer:** Allison Palmer 290493

**Approved on 30/06/14 DELEGATED**

**BH2014/01446**

**50 Hollingbury Road Brighton**

Conversion of roof space to form one bedroom flat incorporating front rooflights, rear dormers, formation of new access steps to first floor flat and cycle/bin storage.

**Applicant:** Mrs Sarah Smith

**Officer:** Adrian Smith 290478

**Refused on 27/06/14 DELEGATED**

**1) UNI**

The proposed flat, by virtue of its small floor area, part of which set beneath low ceilings, would form an excessively cramped form of residential accommodation contrary to policy QD27 of the Brighton & Hove Local Plan.

**2) UNI2**

The proposed development, by virtue of the scale and design of the rear dormer and the number of rooflights to the front, would be harmful to the appearance of the building and wider area, contrary to policy QD14 of the Brighton & Hove Local Plan and guidance within SPD08.

**3) UNI3**

The proposed development, by virtue of the scale and location of the rear access steps and platform, would be harmful to the amenities of adjacent residents by way of loss of privacy, light and outlook, contrary to policy QD27 of the Brighton & Hove Local Plan.

**BH2014/01850**

**2 Dudley Road Brighton**

Demolition of 2 Dudley Road.

**Applicant:** Griston Lahaise Cross LLP

**Officer:** Andrew Huntley 292321

**Prior approval not required on 09/07/14 DELEGATED**

**MOULSECOOMB & BEVENDEAN**

**BH2014/01394**

**2 Coombe Terrace Brighton**

Change of use from restaurant (A3) to 1 no. one bedroom flat (C3) at ground floor level incorporating removal of existing shopfront, installation of 2 no. windows and entrance door with associated alterations.

**Applicant:** A Mohammid

**Officer:** Emily Stanbridge 292359

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

**1) BH01.01**

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

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

**2) UNI**



The development hereby permitted shall not be occupied until the amenity space has been fully implemented and made available for use. The amenity space shall thereafter be retained for use by the occupants at all times.

*Reason: To ensure that a satisfactory standard of accommodation is formed and to comply with policy QD27 of Brighton & Hove Local Plan.*

### **3) 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 and water are included in the development and to comply with policy SU2 of the Brighton & Hove Local Plan and Supplementary Planning Document SPD08 Sustainable Building Design.*

### **4) 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.*

### **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
Location Plan			19.05.2014
Existing and proposed	01	B	30.04.2014

### **6) 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.*

### **BH2014/01493**

#### **Heath Hill Lodge Nursing Home Heath Hill Avenue Brighton**

Application for Approval of Details Reserved by Conditions 3, 4, 5, 7 and 11 of application BH2011/01556.

**Applicant:** Hazelgrove Nursing Home

**Officer:** Adrian Smith 290478

**Approved on 27/06/14 DELEGATED**

### **QUEEN'S PARK**

### **BH2013/04344**

#### **2 Windmill Terrace Brighton**

Erection of single storey rear infill extension.

**Applicant:** Mr & Mrs C Farrington

**Officer:** Wayne Nee 292132

**Approved on 08/07/14 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
Proposed elevations, sections	223WT2/01		03 July 2014
Existing plans	223WT2/01		02 May 2014
Existing elevations	223WT2/02		02 May 2014
Proposed plans	223WT2/03	A	03 July 2014

**BH2014/00244**

**8-10 Rock Place Brighton**

Change of use from Drama School (D1) to mixed use Drama School (D1) and Public Theatre (Sui Generis).

**Applicant:** Academy of Creative Training

**Officer:** Wayne Nee 292132

**Approved on 03/07/14 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 theatre use hereby permitted shall not be open to the public except between the hours of 09:00 and 23:00 on Mondays to Sundays.

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

**3) UNI**

No loading or unloading of vehicles shall take place in connection with the hereby approved theatre use except between the hours of 09:00 and 23:00 on Monday to Friday, 10:00 to 23:00 on Saturdays and not at any time on a Sunday.

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

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

Plan Type	Reference	Version	Date Received
Site plan			27 January 2014
Existing layout	L-01		27 January 2014
Proposed layout	L-01		27 January 2014

### **BH2014/00583**

#### **Royal Spa Nursery School Park Hill Brighton**

Erection of single storey rear extension, demolition of existing large store and erection of replacement masonry storage shed to south elevation and installation of roof canopy and other associated works.

**Applicant:** Property & Design

**Officer:** Wayne Nee 292132

**Approved on 02/07/14 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 outdoor play sessions shall be restricted to within the hours of 09.00 to 17.00 Mondays to Fridays only with no use permitted on Saturdays, Sundays or Bank Holidays.

*Reason: To safeguard the residential amenities of the occupiers of neighbouring properties and to comply with policies QD27 & HO26 of the Brighton & Hove Local Plan.*

#### **3) UNI**

No amplified music or musical equipment shall be used in the outdoor play area at any time.

*Reason: To safeguard the residential amenities of the occupiers of neighbouring properties and to comply with policies QD27 & HO26 of the Brighton & Hove Local Plan.*

#### **4) UNI**

The outdoor play area shall have an appropriate soft play surface to minimise the generation of noise.

*Reason: To safeguard the residential amenities of the occupiers of neighbouring properties and to comply with policies QD27 & HO26 of the Brighton & Hove Local Plan.*

#### **5) UNI**

No development shall take place until 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) has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall be implemented in accordance with the agreed details.

*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.*

#### **6) UNI**

The premises shall only be used for Nursery D1 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: for the avoidance of doubt and to allow the Local Planning Authority*

opportunity to assess any new uses upon the site in the interests of the amenities of adjacent residents and to comply with policy QD27 of the Brighton & Hove Local Plan.

**7) UNI**

The number of children at the nursery at any time shall not exceed 62 without the prior approval of the Local Planning Authority.

*Reason: To prevent over intensive use of the premises and consequent adverse effect on the character of the area and to comply with policies QD27 & HO26 of the Brighton & Hove Local Plan.*

**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 and to comply with policy HE6 of the Brighton & Hove Local Plan.*

**9) UNI**

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

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

**10) UNI**

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

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

Plan Type	Reference	Version	Date Received
Existing and proposed west elevation	301		21 February 2014
Existing and proposed south elevation	302		21 February 2014
Proposed ramp east elevation	303		28 February 2014
Proposed roof canopy	305		06 June 2014
Existing and proposed floor plans	300	A	06 June 2014
Site and block plans	001		21 February 2014

**11) UNI**

No development shall take place until a written management plan for the outdoor play area needs to be produced showing how the outside area is managed, including details of staff supervision, layout of area showing types of play areas (e.g. quiet, wet, sand areas, planting etc) has been submitted and agreed in writing. The management plan shall be implemented prior to the increase in the number of children and shall be thereafter, retained for the duration of the approval with any required amendments made when necessary.

*Reason: To safeguard the residential amenities of the occupiers of neighbouring properties and to comply with policies QD27 & HO26 of the Brighton & Hove Local Plan.*

**BH2014/00668****113 Marine Parade Brighton**

Certificate of Lawfulness for proposed change of use of a four bedroom small house in Multiple Occupation (C4) and conversion of 2 no two bedroom maisonettes (C3) to form 2 no. residential units

**Applicant:** A Hills

**Officer:** Robin Hodgetts 292366

**Refused on 30/06/14 DELEGATED**

**1) UNI**

The proposal represents development under S.55 of the Town and Country Planning Act 1990 (as amended) and there is no exception to the requirement for planning permission within the Town and Country (General Permitted Development) Order 1995 (as amended).

Informatives:

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

Plan Type	Reference	Version	Date Received
Block and site location plans	01		28/02/14
Existing plans	02		28/02/14
Existing plans	03		28/02/14
Existing plans	04		28/02/14

**BH2014/01082****38 St James Street Brighton**

Change of use from retail (A1) to tanning studio (Sui Generis) with associated alterations.

**Applicant:** Mr Darren Parkins

**Officer:** Andrew Huntley 292321

**Approved on 27/06/14 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 & Existing & Proposed Plans	JMS - 100	P1	02.05.2014

**BH2014/01258****Brighton College Eastern Road Brighton**

Application for Approval of Details Reserved by Conditions 3 and 4 of application BH2012/02017.

**Applicant:** Brighton College

**Officer:** Andrew Huntley 292321

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

**BH2014/01259**

**Brighton College Eastern Road Brighton**

Application for Approval of Details Reserved by Conditions 4 and 5 of application BH2012/02016.

**Applicant:** Brighton College

**Officer:** Andrew Huntley 292321

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

**BH2014/01267**

**88A Queens Park Road Brighton**

Erection of a single storey rear extension.

**Applicant:** Ms Harriet Eton

**Officer:** Lorenzo Pandolfi 292337

**Refused on 08/07/14 DELEGATED**

**1) UNI**

The proposed development, by reason of design, siting, excessive footprint and proportions would result in an unsympathetic and visually harmful addition to the rear of the property. The resultant extension would have a cluttered and incoherent appearance, to the detriment of the character of the building and the wider surrounding area. In addition, the extension by reason of its excessive depth, height and footprint would have an unneighbourly impact on neighbouring occupiers by reason of increased building bulk and overshadowing contrary to policy QD14 of the Brighton & Hove Local Plan and the Supplementary Planning Document: Design Guide for Extensions and Alterations (SPD012)

**BH2014/01299**

**75 Albion Hill Brighton**

Erection of first floor rear extension and other associated works.

**Applicant:** Antonia Clarke

**Officer:** Chris Swain 292178

**Approved on 30/06/14 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			22 April 2014
Block plan	1362/BLK		22 April 2014
Plans and elevations as existing	1362/P1		22 April 2014
Plans and elevations as	1362/02		22 April 2014

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proposed			
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**BH2014/01369**

**Flat 1 25 Burlington Street Brighton**

Reinstatement of basement level front entrance door and alterations to fenestration including installation of timber sash windows to front and rear elevations to replace existing.

**Applicant:** Mr Steven Pike

**Officer:** Christine Dadswell 292205

**Approved on 16/07/14 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	1288 01	A	21 May 2014
Existing Floor Plans	1288 02		21 May 2014
Proposed Floor Plans	1288 03	C	01 Jul 2014
Existing Cross Section	1288 04		21 May 2014
Proposed Cross Section	1288 05	C	10 Jul 2014
Existing and Proposed East Elevation	1288 06		21 May 2014
Joinery Details Lower Ground Floor Front Elevation	1288 07		21 May 2014
Joinery Details	1288 08		21 May 2014

**3) UNI**

The hereby approved cast iron vent shall be painted to match the remainder of the building and shall be maintained as such thereafter.

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

**4) UNI**

Notwithstanding the submitted plans no works shall take place until full details of the proposed doors and windows including 1:1 scale joinery profiles have been submitted to and approved in writing by the Local Planning Authority. The works shall be implemented in strict accordance with the agreed details and maintained as such thereafter.

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

**5) UNI**

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

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

**BH2014/01370**

**Flat 1 25 Burlington Street Brighton**

Internal and external alterations, including alterations to layout, installation of new internal staircase, reinstatement of basement level front entrance door and alterations to fenestration including installation of timber sash windows to front and rear elevations to replace existing.

**Applicant:** Mr Steven Pike

**Officer:** Christine Dadswell 292205

**Approved on 16/07/14 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 kitchen units shall not be higher than the bottom cill of the adjoining window openings.

*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 hereby approved cast iron vent shall be painted to match the remainder of the building and shall be maintained as such thereafter.

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

**4) UNI**

All new architraves, skirtings and cornices shall 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.*

**5) UNI**

Notwithstanding the submitted plans no works shall take place until full details of the proposed doors and windows including 1:1 scale joinery profiles have been submitted to and approved in writing by the Local Planning Authority. The works shall be implemented in strict accordance with the agreed details and maintained as such thereafter.

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

**6) UNI**

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

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

**BH2014/01432**

**Puffin Pre School Milner Flats Kingswood Street Brighton**

Replacement of existing timber framed door with timber effect UPVC folding doors and erection of external store to South elevation.

**Applicant:** Brighton & Hove City Council

**Officer:** Tom Mannings 292322

**Approved on 11/07/14 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	J073001	A	16th May 2014
Location Plans	J073002	A	16th May 2014
Floor Plan Existing	J073003	0	2nd May 2014
Floor Plan Alterations	J073004	A	2nd May 2014
Floor Plan Proposed	J073005	C	2nd May 2014
South & West Elevations Existing & Proposed	J073006	C	2nd May 2014

**BH2014/01442**

**16 Park Street Brighton**

Erection of single storey rear extension.

**Applicant:** Mr Robert Brooks

**Officer:** Joanne Doyle 292198

**Approved on 27/06/14 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 Existing & Proposed Floor Plans and Elevations (including sections)		02 May 2014	02 May 2014

**BH2014/01507**

**20 Margaret Street Brighton**

Creation of 2no dormers to rear.

**Applicant:** Chris & Suki Stephens

**Officer:** Emily Stanbridge 292359

**Refused on 03/07/14 DELEGATED**

**1) UNI**

The proposed two rear dormers by virtue of their size, position, number and

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design form unduly dominant additions to the existing modestly scaled roof slope and disrupt the character and appearance of the host property. The proposed dormers are therefore contrary to policy QD14 of the Brighton & Hove Local Plan and SPD12: Design guide for extensions and alterations.

## **ROTTINGDEAN COASTAL**

### **BH2013/03781**

#### **The Terraces Seafront South of White Horse Hotel Rottingdean Brighton**

Temporary consent for the installation of a disabled access ramp for a period of three years.

**Applicant:** Rottingdean Parish Council

**Officer:** Robin Hodgetts 292366

**Approved on 26/06/14 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			03/02/14
Block plan			03/02/14
Proposed plan and elevation			03/02/14

#### **2) UNI**

The temporary access ramp hereby approved shall be permanently removed on or before 06 June 2017 and the land restored to its former condition immediately prior to the development authorised by this permission.

*Reason: The structure hereby approved is not considered suitable as a permanent form of development and to comply with policy QD2 of the Brighton & Hove Local Plan.*

#### **3) UNI**

The permission hereby granted shall be for a temporary period only, expiring on or before 06 June 2017.

*Reason: The structure hereby approved is not considered suitable as a permanent form of development and to comply with policy QD2 of the Brighton & Hove Local Plan.*

### **BH2013/03950**

#### **Unit 8 Boardwalk Level Waterfront Brighton Marina Brighton**

Certificate of lawfulness for proposed use as temporary classroom and training facility for period of one year.

**Applicant:** City College Brighton & Hove

**Officer:** Wayne Nee 292132

**Approved on 08/07/14 DELEGATED**

### **BH2014/00665**

#### **Flat 7 17 Lewes Crescent Brighton**

Internal alterations to layout of flat.

**Applicant:** Suzanna Collis

**Officer:** Wayne Nee 292132

**Approved on 14/07/14 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 architrave to the original doorway to the bedroom shall be retained.

*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 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.*

**4) UNI**

The proposed bathroom door and architraves hereby approved shall exactly match the existing.

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

**5) UNI**

All pipes/services shall run in the floor void and shall not cut through joists, unless otherwise agreed with the Local Planning Authority.

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

**6) UNI**

The door between the kitchen and hallway shall be retained in the existing position.

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

**7) UNI**

The new bedroom cupboard hereby approved shall exactly match the existing cupboard.

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

**BH2014/00996**

**Asda Superstore Brighton Marina Village Brighton**

Erection of canopy in car park.

**Applicant:** Asda Stores Ltd

**Officer:** Adrian Smith 290478

**Approved on 27/06/14 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.*

**BH2014/01065**

**6 Arundel Place Brighton**

Alterations to South elevation incorporating changes to fenestration and rendering and garage area incorporated into house.

**Applicant:** Joanne Way-Young  
**Officer:** Christine Dadswell 292205

**Approved on 14/07/14 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	158/PA/201		03 April 2014
Existing and Proposed South Elevations	158/PA/203	A	30 June 2014
Existing and Proposed East Elevations	158/PA/205		09 May 2014
Existing Floor Plans	158/PA/201		03 April 2014
Proposed Floor Plans	158/PA/202		03 April 2014
Façade Details- Sliding Shutters	158/PA/300		16 May 2014
Façade Details- Shutter Configurations	158/PA/301		16 May 2014

**BH2014/01125**

**49 Wivelsfield Road Saltdean Brighton**

Erection of hip to barn end roof extension, rear dormer with balcony and front rooflights. Widening of existing vehicular crossover.

**Applicant:** Ms Liane Kirkcaldy  
**Officer:** Emily Stanbridge 292359

**Refused on 07/07/14 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.

**2) UNI2**

The vertical front rooflight (to the western section of the roof) would be excessively large and poorly positioned in relation to the fenestration below, causing significant harm to the character and appearance of the recipient property and the wider street scene. The proposal is thereby contrary to policy QD14 of the Brighton & Hove Local Plan and Supplementary Planning Document 12, design guide for extensions and alterations.

**3) UNI3**

The proposed first floor balcony by reason of its elevation position would create increased levels of overlooking and loss of privacy to 51 Wivelsfield Road. The resulting impact would be detrimental to neighbouring amenity and is contrary to policies QD14 and QD27 of the Brighton & Hove Local Plan.

**BH2014/01145****1 & 6 Winton Cottages Falmer Road Rottingdean Brighton**

Replacement of timber balustrade with metal balustrade to rear decking and boundary alterations. (Part Retrospective)

**Applicant:** Falmer Road Developments (Sussex) Ltd

**Officer:** Wayne Nee 292132

**Approved on 02/07/14 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
Proposed external stair details	2002	n/a	30 April 2014
Proposed boundary wall and fence details	2004	n/a	30 April 2014
Existing external stair details	2001	n/a	11 April 2014
Existing landscape plan	1001	n/a	29 April 2014
Existing boundary wall and fence details	2003	n/a	29 April 2014
Proposed landscape plan	1002	n/a	29 April 2014
Location plan and block plan	1003	n/a	11 April 2014
Existing site plan	001	n/a	11 April 2014

**BH2014/01162****Saltdean Primary School Chilington Way Saltdean Brighton**

Erection of two temporary classrooms with associated landscaping.

**Applicant:** Brighton & Hove City Council

**Officer:** Adrian Smith 290478

**Approved on 03/07/14 COMMITTEE**

**1) UNI**

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

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

Plan Type	Reference	Version	Date Received
Site location plan	001	0	10/04/2014
Block plan	002	0	10/04/2014
Existing plan with levels	003	0	10/04/2014
Proposed plan	004	A	10/04/2014
Proposed elevations	005	A	10/04/2014
	006	A	10/04/2014

**2) UNI**

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

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

**3) UNI**

The temporary classroom hereby approved shall be permanently removed on or before 25 June 2019 and the land restored to its former condition immediately prior to the development authorised by this permission.

*Reason: The structure hereby approved is not considered suitable as a permanent form of development and in order to safeguard residential and visual amenity and to comply with policies QD1, QD20 & SR20 of the Brighton & Hove Local Plan.*

**4) UNI**

The permission hereby granted shall be for a temporary period only, expiring on or before 25 June 2019.

*Reason: The structure hereby approved is not considered suitable as a permanent form of development and to comply with policies QD1, QD20, SR20 of the Brighton & Hove Local Plan.*

**BH2014/01217**

**2 Perry Hill Brighton**

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

**Applicant:** Mr & Mrs Izzard

**Officer:** Chris Swain 292178

**Approved on 01/07/14 DELEGATED**

**BH2014/01252**

**114 High Street Rottingdean Brighton**

Removal of existing rear external stairs, enlargement of first floor rear landing and alterations to fenestration.

**Applicant:** Mr M Parkhouse

**Officer:** Christine Dadswell 292205

**Refused on 11/07/14 DELEGATED**

**1) UNI**

The proposed terrace, due to its height and location close to neighbouring boundaries, would represent an un-neighbourly and overbearing addition for nearby residents resulting in increased overlooking and adverse loss of privacy. This would be to the detriment of residential amenity; therefore the proposal is contrary to policies QD14 and QD27 of the Brighton & Hove Local Plan.

**2) UNI2**

The proposed terrace, by virtue of its timber material, increased size and prominent location, would detract from the character and appearance of the property and the Rottingdean Conservation Area, contrary to policy HE6 of the Brighton & Hove Local Plan.

**BH2014/01371**

**Flat 4 4 Lewes Crescent Brighton**

Application for Approval of Details Reserved by Conditions 3, 4, 6, 7, 8 and 9 of application BH2013/00147.

**Applicant:** Simon Mawby

**Officer:** Adrian Smith 290478

**Approved on 30/06/14 DELEGATED**

**BH2014/01424****15 Welesmere Road Rottingdean Brighton**

Installation of windows and dormer to front, window to side, rooflights to rear and solar panels to rear and side roof slopes.

**Applicant:** Pam Collings

**Officer:** Joanne Doyle 292198

**Approved on 09/07/14 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			01 May 2014
Block Plan	1103/09		01 May 2014
Floor Plans & Elevations as Existing	11/0309 1		01 May 2014
Floor Plans & Elevations as Proposed	11/0309 2B		01 May 2014
Floor Plan & Elevations as Existing	11/0309 3		14 May 2014
Floor Plan & Sections as Proposed	11/0309 4B		14 May 2014
Detailed Sections Existing & Proposed	11/0309 5B		14 May 2014

**BH2014/01464****Flat 6 Sussex Mansions 39 - 40 Sussex Square Brighton**

Internal alterations to layout of flat.

**Applicant:** Mrs Susan & Mr Ian Jacobs

**Officer:** Emily Stanbridge 292359

**Approved on 10/07/14 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 kitchen units should be scribed round the existing skirting boards rather than cut through them.

*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 area of replacement wall and surrounding areas to the interior of the property shall be made good, and shall match in material, colour, style and texture to those of the existing building.

*Reason: To ensure the satisfactory preservation of this listed building and to comply with policies HE1 and HE4 of the Brighton &*

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*Hove Local Plan.*

**4) UNI**

Notwithstanding the details submitted, all replacement and reinstatement features including corncicing, skirting, and picture rails should match exactly the original in materials and detail, and shall be retained as such thereafter, 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 policies HE1 and HE4 of the Brighton & Hove Local Plan.*

**5) UNI**

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 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.*

**BH2014/01480**

**124 Longhill Road Brighton**

Certificate of Lawfulness for proposed removal of existing conservatory and erection of single storey extension to side elevation.

**Applicant:** Mr Tim Dakers

**Officer:** Tom Mannings 292322

**Approved on 11/07/14 DELEGATED**

**BH2014/01508**

**19 Lewes Crescent Brighton**

Replacement of existing zinc covering to part of roof at first floor level on front elevation with lead covering.

**Applicant:** Mrs Devries

**Officer:** Christine Dadswell 292205

**Refused on 03/07/14 DELEGATED**

**1) UNI**

The proposed development by reason of inappropriate material would harm the architectural and historic character of the Grade I Listed Building. The proposal is therefore contrary to policy HE1 of the Brighton & Hove Local Plan and Supplementary Planning Document 09, Architectural Features.

**BH2014/01538**

**16 Perry Hill Brighton**

Certificate of lawfulness for proposed single storey rear extension.

**Applicant:** Mr & Mrs D Collins

**Officer:** Tom Mannings 292322

**Refused on 16/07/14 DELEGATED**

**BH2014/01539**

**16 Perry Hill Brighton**

Erection of single storey front extension.

**Applicant:** Mr & Mrs D Collins

**Officer:** Tom Mannings 292322

**Refused on 16/07/14 DELEGATED**

**1) UNI**

The proposed development would visually unbalance the semi-detached pair of dwellings and would have a detrimental impact on the uniform character and



appearance of the Perry Hill street scene. The proposal would therefore fail to emphasise and enhance the positive qualities of the local neighbourhood and is contrary to policies QD2 and QD14 of the Brighton & Hove Local Plan and Supplementary Planning Document 12: Design guide for extensions and alterations.

**BH2014/01581**

**12 Ainsworth Close Ovingdean Brighton**

Certificate of lawfulness for proposed dormer to side elevation.

**Applicant:** Mrs Christine Chisholm

**Officer:** Tom Mannings 292322

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

**WOODINGDEAN**

**BH2014/00714**

**91A Crescent Drive North Brighton**

Enlargement of existing front dormer incorporating pitched roof and replacement of rear dormer with first floor extension incorporating double pitched roof.

**Applicant:** Raymond Finnis

**Officer:** Joanne Doyle 292198

**Refused on 10/07/14 DELEGATED**

**1) UNI**

The proposed enlargement of the existing front dormer incorporating the addition of a second dormer, by reason of its design, siting, size and excessive cladding would appear an unduly bulky addition which would dominate the front roofslope of the property. The proposal would cause significant harm to the character and appearance of the property and the wider street scene. The proposal would therefore be contrary to policy QD14 of the Brighton & Hove Local Plan, and Supplementary Planning Document 12, Design Guide for Extensions and Alterations.

**2) UNI2**

The proposed replacement of the existing rear dormer with a first floor extension incorporating a double pitched roof would by virtue of its design, form and bulk fail to emphasise and enhance the characteristics of the area, and would appear out of scale, bulky and overly dominant in relation to the original bungalow form of the property. 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.

**BH2014/01193**

**3 Rudyard Road Brighton**

Demolition of existing bungalow and erection of 2no two bedroom dwellings with associated alterations.

**Applicant:** Mr Jason Raynsford

**Officer:** Andrew Huntley 292321

**Approved on 01/07/14 DELEGATED**

**1) BH01.01**

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

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

**2) UNI**

No extension, enlargement, alteration or provision within the curtilage of the of

the dwellinghouse(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.*

### **3) 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.*

### **4) 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.*

### **5) 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.*

### **6) UNI**

No development above ground floor slab level shall take place until a Design Stage/Interim Code for Sustainable Homes Certificate demonstrating that the development achieves a Code for Sustainable Homes rating of Code Level 3 as a minimum for all residential units has been submitted to, and approved in writing by, the Local Planning Authority. A completed pre-assessment estimator will not be acceptable.

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

### **7) UNI**

Notwithstanding the submitted plans no development above ground floor slab level shall take place until details of revised vehicle parking areas have been submitted and approved in writing by the Local Planning Authority. The revised parking area shall provide one hardstanding to each property at the frontage of

the site. These facilities shall be fully implemented and made available for use prior to the occupation of the development hereby permitted. The facilities shall thereafter be retained for use at all times for the parking of private motor vehicles and motorcycles belonging to the occupants of and visitors to the development hereby approved.

*Reason: The proposed vehicle parking is overly engineered and dominant to the detriment of the character and appearance of the street scene and to ensure that adequate parking provision is retained and to comply with policy TR19 of the Brighton & Hove Local Plan.*

**8) UNI**

No development above ground floor slab 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 policy QD1 of the Brighton & Hove Local Plan.*

**9) UNI**

No development above ground floor slab level 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.*

**10) UNI**

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

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

**11) UNI**

The development hereby permitted shall not be occupied until details of secure cycle parking facilities for the occupants of, and visitors to, the development 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.*

**12) UNI**

Notwithstanding the submitted plans the development hereby permitted shall not be occupied until a scheme for the storage of refuse and recycling has been submitted to and approved in writing by the Local Planning Authority. 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: The proposed storage of refuse and recycling are visually unacceptable and contrary to Policy QD1 and to ensure the provision of satisfactory facilities for the storage of refuse and to comply with policy QD27 of the Brighton & Hove Local Plan.*

### 13) UNI

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

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

### 14) UNI

The development hereby permitted shall not be occupied until 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.*

### 15) UNI

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

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

Plan Type	Reference	Version	Date Received
Existing Site Layout	RRB.001		14.04.2014
Existing Plans & Elevations	RRB.009		14.04.2014
Proposed Site Layout	RRB.002	F	14.04.2014
Proposed Floor Plans	RRB.004 sheet 1	F	14.04.2014
Proposed Street scene Elevation	RRB.004 sheet 2	F	14.04.2014
Proposed Elevations	RRB.004 sheet 3	F	14.04.2014
Existing Site Layout	RRB.001		14.04.2014

### **BH2014/01516**

#### **13 Channel View Road Brighton**

Alterations to roof including raising of ridge height, barn end roof extension, front dormer incorporating balcony, insertion of rear window and 4no side facing rooflights.

**Applicant:** Mr Mike Webb

**Officer:** Andrew Huntley 292321

**Refused on 07/07/14 DELEGATED**

#### **1) UNI**

The proposed development, by virtue of its design, size, form and massing would result in visually intrusive and bulky additions to the property unsympathetic to the design of the existing modest bungalow. The resulting building would be of detriment to the visual amenities of the parent property and the wider area and is therefore contrary to policies QD1 and QD14 of the Brighton & Hove Local Plan, and Supplementary Planning Document 12, Design Guide for

Report from: 26/06/2014 to: 16/07/2014

Extensions and Alterations.

## **BRUNSWICK AND ADELAIDE**

### **BH2014/01008**

#### **Flat 3 1-2 Adelaide Mansions Hove**

Damp proofing works to basement entrance area.

**Applicant:** House of Wolf

**Officer:** Christine Dadswell 292205

**Approved on 27/06/14 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 damproofing works shall take place in accordance with the 'guidance and recommendations' outlined in the damproofing specification dated 25th February 2014 (ref: PRS/0214/ADEL/00\*/RP01).

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

### **BH2014/01331**

#### **Flat 5 2 Brunswick Square Hove**

Replacement of existing windows with timber double glazed sash windows and casement window.

**Applicant:** Mr Peter Ditch

**Officer:** Tom Mannings 292322

**Refused on 09/07/14 DELEGATED**

#### **1) UNI**

The submitted information for the kitchen and main bedroom windows are in places contradictory and unclear. It is unlikely that the proper reinstatement of traditional sliding sashes appropriate for this grade I listed building would be achieved from the information submitted and it is therefore deemed that this proposal would be detrimental to the architecture, historic character and appearance of the listed building, contrary to policy HE1 of the Brighton & Hove Local Plan.

### **BH2014/01346**

#### **Flat 6 10 Palmeira Avenue Hove**

Replacement of existing timber framed windows to the front and rear with UPVC.

**Applicant:** John Rundle

**Officer:** Christine Dadswell 292205

**Approved on 26/06/14 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			28 April 2014
Window Drawings and Photo Montage			28 April 2014

**BH2014/01367**

**Flat 1 9 Selborne Road Hove**

Replacement of window and door with french doors to summer house in rear garden.

**Applicant:** Hellen Barlow

**Officer:** Christine Dadswell 292205

**Approved on 07/07/14 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			12 May 2014
Block Plan			12 May 2014
Existing Plan			12 May 2014
Proposed Plan			12 May 2014
Existing and Proposed Front Elevation			12 May 2014
Side and Rear Elevation			12 May 2014

**BH2014/01418**

**20 Holland Mews Hove**

Application for Approval of Details Reserved by Condition 3 of application BH2010/03596.

**Applicant:** Dr Julian Greaves

**Officer:** Jason Hawkes 292153

**Approved on 03/07/14 DELEGATED**

**CENTRAL HOVE**

**BH2013/02543**

**Seaholme Hotel 10-11 Seafield Road Hove**

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.

**Applicant:** SoBo

**Officer:** Steven Lewis 290480

**Approved on 03/07/14 COMMITTEE**

**1) UNI**

The development hereby permitted shall be commenced before the expiration of

Report from: 26/06/2014 to: 16/07/2014

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 development hereby permitted shall be carried out in accordance with 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	CH435/001	-	25/07/2013
Existing Lower Ground Floor Plan	CH435/002	-	25/07/2013
Existing Ground Floor Plan	CH435/003	-	25/07/2013
Existing First Floor Plan	CH435/004	-	25/07/2013
Existing Second Floor Plan	CH435/005	-	25/07/2013
Front Elevation & Section	CH435/006	-	25/07/2013
Existing Rear Elevation and Section	CH435/007		25/07/2013
Proposed Lower Ground Floor Plan	CH435/008	B	25/07/2013
Proposed Ground Floor Plan	CH435/009	E	02/04/2014
Proposed First Floor Plan	CH435/010	E	19/11/2013
Proposed Second Floor Plan	CH435/011	F	02/04/2014
Proposed Front Elevation (Excluding Section)	CH435/012	B	19/11/2013
Proposed Rear Elevation (Excluding Section)	CH435/013	C	02/04/2014

**3) UNI**

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

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

**4) UNI**

The development hereby permitted shall not begin until such time as a scheme has been submitted to and approved in writing by the Local Planning Authority to provide that the residents of the development, other than those residents with disabilities who are Blue Badge Holders, have no entitlement to a resident's parking permit.

*Reason: To ensure that the development is car-free and to comply with policy HO7 of the Brighton & Hove Local Plan.*

**5) UNI**

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

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

**6) 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.*

**7) UNI**

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

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

**BH2014/01157**

**Flat 2 40 Norton Road Hove**

Replacement of existing single glazed timber sash windows with double glazed timber sash windows.

**Applicant:** Vincent Morrissey

**Officer:** Christine Dadswell 292205

**Approved on 01/07/14 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			10 April 2014
Block Plan			10 April 2014
Window Drawings			06 May 2014
Photograph Schedule			10 April 2014

**BH2014/01378**

**Land to rear of 33 Sackville Road Hove**

Application for variation of condition 6 of application BH2011/00897 (Demolition of existing garages and erection of 1no two bedroom dwelling adjoining 62 Stirling Place) to require that the house achieves Level 2 of the Code for Sustainable Homes as a minimum, and should achieve as close a score to Level 3 as possible.

**Applicant:** Mr & Mrs Colasurdo

**Officer:** Liz Arnold 291709

**Refused on 07/07/14 DELEGATED**



**1) UNI**

The applicant has failed to demonstrate that the dwellinghouse could not achieve Code for Sustainable Homes Level 3. In the absence of sufficient justification the variation of condition 6 application ref: BH2011/00897, in order to allow Code for Sustainable Homes Level 2, would be contrary to policy SU2 of the Brighton & Hove Local Plan, and Supplementary Planning Document 08: Sustainable Building Design.

**BH2014/01471**

**69 Seafield Road Hove**

Replacement of existing single glazed wooden windows with UPVC double glazed units to front elevation.

**Applicant:** Janet Bray

**Officer:** Andrew Huntley 292321

**Refused on 01/07/14 DELEGATED**

**1) UNI**

The replacement front windows, by reason of their bulky design, detailing and material, are an unsympathetic alteration that fails to reflect the original character and appearance of the Old Hove and Cliftonville Conservation Areas. As such the proposal is contrary to policies QD14 and HE6 of the Brighton & Hove Local Plan and Supplementary Planning Document 09, Architectural Features, and Supplementary Planning Document 12, Design Guide for Extensions and Alterations.

**BH2014/01653**

**19 Vallance Road Hove**

Alterations to existing rear extension including alterations to fenestration, installation of slate mono-pitched roof incorporating rooflights, increased roof height and associated works.

**Applicant:** Andrew Hutchings

**Officer:** Emily Stanbridge 292359

**Approved on 16/07/14 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 (with the exception of the roof tiles) 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 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	L-100		21.05.2014
Block Plan	L-101		21.05.2014
Existing drawings	L-102		21.05.2014
Proposed drawings	L-103		21.05.2014

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Proposed specification and sections	L-104		21.05.2014
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**GOLDSMID**

**BH2014/00222**

**58 Palmeira Avenue Hove**

Application for Approval of Details Reserved by Condition 11 of application BH2012/01178.

**Applicant:** Owen Property

**Officer:** Andrew Huntley 292321

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

**BH2014/00223**

**58A Palmeira Avenue Hove**

Application for Approval of Details Reserved by Condition 8 of application BH2012/01177.

**Applicant:** Owen Property

**Officer:** Andrew Huntley 292321

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

**BH2014/01165**

**Land rear of 37 & 38 Cromwell Road Hove**

Removal of condition 10 of application BH2013/03692 (Erection of 1no three bedroom house including basement level) which states that the development hereby permitted shall not begin until such time as a scheme has been submitted to and approved in writing by the Local Planning Authority to provide that the residents of the development, other than those residents with disabilities who are Blue Badge Holders, have no entitlement to a resident's parking permit.

**Applicant:** Maureen Wheeler

**Officer:** Helen Hobbs 293335

**Approved on 02/07/14 DELEGATED**

**1) UNI**

The development hereby permitted shall be commenced on or before 23rd August 2015.

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

**2) UNI**

The development hereby approved shall not be occupied until photovoltaic panels, as outlined on approved drawing nos. AD100 & AD101, have been installed on the roof of the approved building. The panels shall be maintained and permanently retained in place thereafter.

*Reason: To secure micro-generation technologies for the site and to comply with policy SU2 of the Brighton & Hove Local Plan and the Supplementary Planning Document on Sustainable Building Design SPD08.*

**3) UNI**

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

*Reason: The Local Planning Authority considers that further development could*

*cause detriment to the amenities of the occupiers of nearby properties and to the character of the area and for this reason would wish to control any future development to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.*

**4) UNI**

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**

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.*

**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 HE6 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 hard surfacing, boundary treatments, planting of the development, indications of all existing trees and hedgerows on the land and details of any to be retained, together with measures for their protection in the course of development.

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

**8) UNI**

No development shall take place until details of the construction of the green roof 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 roof shall be constructed in accordance with the approved details and shall be retained as such thereafter.

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

*Plan.*

**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 5 as a minimum has been submitted to, and approved in writing by, the Local Planning Authority. A completed pre-assessment estimator will not be acceptable.

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

**10) UNI**

Not used.

**11) 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.*

**12) UNI**

No development shall take place until details of the retaining boundary wall structure, including cross sections, depth of footings, retained height, thickness of wall construction and construction materials, 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 the stability of the adjacent pavement and to comply with policy TR7 of the Brighton & Hove Local Plan.*

**13) UNI**

Notwithstanding the submitted plans no development shall take place until details of Lifetime Homes standards to be incorporated in the design 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 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.*

**14) UNI**

Unless otherwise agreed in writing by the Local Planning Authority, the residential unit hereby approved shall not be occupied until a Final / Post Construction Code Certificate issued by an accreditation body confirming that each residential unit built has achieved a Code for Sustainable Homes rating of Code level 5 as a minimum has been submitted to, and approved in writing by, the Local Planning Authority.

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

**15) UNI**

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

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

Plan Type	Reference	Version	Date Received
Proposed floor plans and sections	AD100		29th October 2013
Proposed elevations	AD101		29th October 2013

**BH2014/01213**

**Davigdor Infants School Somerhill Road Hove**

Erection of temporary mobile classrooms for 3 years.

**Applicant:** Brighton & Hove City Council

**Officer:** Jason Hawkes 292153

**Approved on 02/07/14 DELEGATED**

**1) UNI**

The temporary classroom hereby permitted shall be removed and the land restored to its condition immediately prior to the development authorised by this permission commencing on or before 31 July 2017 in accordance with a scheme of work submitted to and approved in writing by the Local Planning Authority.

*Reason: The building hereby approved is not considered suitable as a permanent form of development to safeguard residential and visual amenity and to comply with policies QD1, QD2 & QD27 of the Brighton & Hove Local Plan.*

**2) UNI**

Within 3 months of occupation of the development hereby approved, the Developer or owner shall submit to the Local Planning Authority for approval in writing a reviewed and updated detailed School 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 pupils, staff, deliveries and parking management) for the development. The updated Travel Plan shall be approved in writing by the Local Planning Authority and shall be implemented as approved thereafter.

*Reason: To seek to reduce traffic generation by encouraging alternative means of transport to private motor vehicles and to comply with policy TR4 of the Brighton & Hove Local Plan.*

**3) UNI**

Prior to occupation of the development hereby permitted, details of secure cycle parking facilities for the occupants of, and visitors to, the development hereby approved have been submitted to and approved in writing by the Local Planning Authority. These facilities shall be fully implemented and made available for use prior to the occupation of the development hereby permitted and shall thereafter be retained for use at all times.

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

**4) UNI**

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

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

Plan Type	Reference	Version	Date Received
Site Location Plan	100	A	15th April 2014
Block Plan	101	A	15th April 2014
Floor Plan	102	A	15th April 2014

Report from: 26/06/2014 to: 16/07/2014

Proposed Elevations	103	A	15th April 2014
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**BH2014/01335**

**Hove Service Station Denmark Villas Hove**

Display of 2no internally illuminated site identification signs.

**Applicant:** Esso Petroleum Company Limited

**Officer:** Christine Dadswell 292205

**Approved on 07/07/14 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.

**BH2014/01422**

**25 Hove Park Villas Hove**

Erection of 1 no two bedroom detached dwelling to rear of existing property.

**Applicant:** Lindene GB Promotions Ltd

**Officer:** Adrian Smith 290478

**Refused on 11/07/14 DELEGATED**

**1) UNI**

The proposed development, by virtue of the sub-division of the site and the introduction of an additional domestic building form and separate residential use into a quiet and tranquil garden environment, represents an alien and incongruous form of backland development that would significantly harm the character of the area and the amenities of adjacent occupiers, contrary to policies QD1, QD2, QD3 and QD27 of the Brighton & Hove Local Plan.

**BH2014/01450**

**36 Livingstone Road Hove**

Certificate of lawfulness for proposed single storey rear extension at lower ground floor level, loft conversion incorporating rear dormer and 2 no. front rooflights, alterations to fenestration and other associated works.

**Applicant:** Trend Projects Ltd

**Officer:** Tom Mannings 292322

**Split Decision on 14/07/14 DELEGATED**

**1) UNI**

Reasons for approval

1. The proposed rear and roof extensions, insertion of rooflights and alterations to fenestration are permitted under Schedule 2, Part 1, Classes A, B and C of the Town and Country Planning (General Permitted Development) Order 1995, as amended.

**2) UNI**

GRANT a lawful development certificate for the proposed roof extensions and alterations:-

1. The rear and roof extensions, insertion of rooflights and alterations to fenestration are permitted under Schedule 2, Part 1, Classes A, B and C of the Town and Country Planning (General Permitted Development) Order 1995, as amended.

**1) UNI**

REFUSE a lawful development certificate for the associated works to the rear garden for the following reason:-

1. The proposed associated works to the rear garden are not permitted under Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) Order 1995, as amended, as they constitute engineering works, which is considered to be development and represents a material change in levels.

**BH2014/01451**

**Flat 4 21 Wilbury Villas Hove**

Installation of rooflight to front roof slope.

**Applicant:** James Goring

**Officer:** Helen Hobbs 293335

**Refused on 15/07/14 DELEGATED**

**1) UNI**

The proposed front rooflight, by virtue of its size and positioning would poorly

relate to the elevation below and would unbalance the pair of semi detached causing significant harm to the character and appearance of the recipient property and the wider street scene. The proposal is thereby contrary to policy QD14 of the Brighton & Hove Local Plan and Supplementary Planning Document 12, design guide for extensions and alterations.

**BH2014/01510**

**88 Old Shoreham Road Hove**

Erection of single storey side extension and alterations to existing rear extension, including new lantern rooflight.

**Applicant:** Mr Steve Page

**Officer:** Helen Hobbs 293335

**Approved on 04/07/14 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	SO		8th May 2014
Block plan	PO		8th May 2014
Ground floor as existing	S1		8th May 2014
Ground floor plan as existing	S2		8th May 2014
First floor plan and roof plan	S3		8th May 2014
Front elevation as existing	S4		8th May 2014
Side elevation as existing	S5		8th May 2014
Rear elevation as existing	S6		8th May 2014
Side elevation as existing	S7		8th May 2014
Section A-A	S8		8th May 2014
Section B-B	S9		8th May 2014
Section C-C	S10		8th May 2014
Ground floor plan as proposed	P1		8th May 2014
Ground floor as proposed	P2		8th May 2014
First floor plan and roof plan as proposed	P3		8th May 2014
Front elevation as proposed	P4		8th May 2014
Side elevation as proposed	P5		8th May 2014
Rear elevation as proposed	P6		8th May 2014
Side elevation as proposed	P7		8th May 2014
Section A-A as proposed	P8		8th May 2014



Section B-B as proposed	P9		8th May 2014
Section C-C as proposed	P10		8th May 2014

**BH2014/01528**

**10 The Upper Drive Hove**

Certificate of lawfulness for proposed single storey rear extension.

**Applicant:** David Hindmarch

**Officer:** Joanne Doyle 292198

**Refused on 03/07/14 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 extension would project more than 4 metres beyond the rear wall of the original dwellinghouse (e) and the eaves height would exceed 3 metres (g).

Informatives:

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

Plan Type	Reference	Version	Date Received
Block Plan	A01		09 May 2014
Location Plan	A02		09 May 2014
Existing Floor & Roof Plans	A03		09 May 2014
Existing Elevations	A04		09 May 2014
Proposed Floor & Roof Plans	D01		09 May 2014
Proposed Elevations	D02		09 May 2014

**BH2014/01621**

**50 Hovedene 95 Cromwell Road Hove**

Replacement of existing aluminum windows/sliding doors with double glazed UPVC.

**Applicant:** South East Properties Ltd

**Officer:** Robert Hermitage 290480

**Approved on 10/07/14 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	-	-	15th May 2014
Frame Designs	P0001/0002	-	15th May 2014
Horizontal Sections	P0002/0002	-	15th May 2014

**BH2014/01741**

**25 Addison Road Hove**

Prior approval for the erection of a single storey rear extension, which would extend beyond the rear wall of the original house by 4.65m, for which the maximum height would be 3.8m, and for which the height of the eaves would be 2.8m.

**Applicant:** Shirley Greenhalgh

**Officer:** Emily Stanbridge 292359

**Prior approval not required on 30/06/14 DELEGATED**

**BH2014/01968**

**Kings Gate 111 The Drive Hove**

Non Material Amendment of BH2014/00075 to the variation of internal layout to provide for open plan kitchen/living rooms in each flat, and slight enlargement of wc rooms to accommodate shower cubicles.

**Applicant:** Anstone Properties Ltd

**Officer:** Christopher Wright 292097

**Approved on 10/07/14 DELEGATED**

**HANGLETON & KNOLL**

**BH2014/00339**

**100 Sunninghill Avenue Hove**

Certificate of lawfulness for a proposed loft conversion incorporating roof lights to all roof slopes and additional parking space to front garden area with associated alterations to boundary wall.

**Applicant:** James breen

**Officer:** Liz Arnold 291709

**Approved on 09/07/14 DELEGATED**

**BH2014/01010**

**21 Honey Croft Hove**

Erection of a two storey side extension.

**Applicant:** Russell English

**Officer:** Emily Stanbridge 292359

**Approved on 03/07/14 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 plan			10.04.2014
Block plan			10.04.2014
Existing details			10.04.2014
Proposed details			10.04.2014

**BH2014/01109**

**Hangleton Manor Inn 9 Hangleton Valley Drive Hove**

Installation of concealed sprinkler system to ground, first and second floors and installation of fire barriers within roof space.

**Applicant:** Hall and Woodhouse Ltd

**Officer:** Jason Hawkes 292153

**Refused on 04/07/14 DELEGATED**

**1) UNI**

Insufficient detail has been submitted to enable a full understanding of the impact that the proposal would have on the special interest of the listed building. The proposal therefore has the potential to detrimentally affect the character and appearance of the listed building and is contrary to policy HE1 of the Brighton & Hove Local Plan and Supplementary Planning Guidance Note 11: Listed Building Interiors.

**BH2014/01380**

**166 Nevill Avenue Hove**

Certificate of Lawfulness for proposed loft conversion incorporating rooflights to rear and side and rear dormer with Juliet balcony.

**Applicant:** Mr Grant Sherwood

**Officer:** Chris Swain 292178

**Approved on 02/07/14 DELEGATED**

**BH2014/01498**

**22 Summerdale Road Hove**

Certificate of lawfulness for proposed installation of dormer to side elevation.

**Applicant:** Simone Walton

**Officer:** Tom Mannings 292322

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

**BH2014/01554**

**11 Northease Gardens Hove**

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

**Applicant:** Chris Lighburn-Jones

**Officer:** Helen Hobbs 293335

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

**BH2014/01583**

**253 Old Shoreham Road Hove**

Erection of single storey rear extension.

**Applicant:** Foundation UK Property Ltd

**Officer:** Emily Stanbridge 292359

**Refused on 14/07/14 DELEGATED**

**1) UNI**

The proposed extension would form a large addition to the host building which would appear unduly dominant and result in an over extended appearance to the building. The extension, despite the presence of a (dummy) pitched roof, would incorporate a large expanse of flat roof which would be visible from Holmes Avenue and which would create a poor relationship to the existing building,

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appearing uncharacteristic of the wider street scene. The proposed development is thereby contrary to policy QD14 of the Brighton & Hove Local Plan and Supplementary Planning Document 12, Design Guide for Extensions and Alterations.

**BH2014/01630**

**72 Fallowfield Crescent Hove**

Prior approval for the erection of a single storey rear extension, which would extend beyond the rear wall of the original house by 3.7m, for which the maximum height would be 3.15m, and for which the height of the eaves would be 2.7m.

**Applicant:** Shaun Dorrington

**Officer:** Tom Mannings 292322

**Prior approval not required on 26/06/14 DELEGATED**

**BH2014/01660**

**15 St Helens Drive Hove**

Certificate of lawfulness for proposed loft conversion incorporating hip to gable roof extension, side dormers, roof light to front elevation and associated works.

**Applicant:** Thomas Wilkins

**Officer:** Tom Mannings 292322

**Approved on 15/07/14 DELEGATED**

**SOUTH PORTSLADE**

**BH2013/04392**

**63 Gladstone Road Portslade**

Erection of 1no detached two storey house to West of existing house with associated car parking.

**Applicant:** Green Space Homes Ltd

**Officer:** Steven Lewis 290480

**Refused on 07/07/14 DELEGATED**

**1) UNI**

The proposed dwelling, by reason of its position, depth, height, overlooking from the front windows, perception of overlooking from the side windows, increased sense of enclosure and loss of light, would be detrimental to the amenities of the occupiers of the adjoining property, 63 Gladstone Road, contrary to policy QD27 of the Brighton & Hove Local Plan.

**2) UNI2**

Insufficient information has been submitted with the application with regard to potential noise disturbance to the occupiers of the new development from the railway line immediately to the north, contrary to policies SU10 and QD27 of the Brighton & Hove Local Plan.

**BH2014/00180**

**67 Norway Street Portslade**

Application for Approval of Details Reserved by Condition 19 of application BH2014/00208 .

**Applicant:** Taylor Wimpey South West Thames

**Officer:** Jason Hawkes 292153

**Approved on 16/07/14 DELEGATED**

**BH2014/00611****Ground Floor Flat 11 St Andrews Road Portslade**

Erection of single storey rear extension. Amended side and rear elevation.

**Applicant:** Shaun Gildine**Officer:** Joanne Doyle 292198**Approved on 07/07/14 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 elevations of the extension hereby permitted shall match in material, colour, style 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			20 Feb 2014
Block Plan			20 Feb 2014
Proposed Floor Plans & Elevations	13/13-01	A	20 Feb 2014
Existing Floor Plan & Elevations	13/13-02		20 Feb 2014
Proposed Side Elevation	13/13-03		15 Apr 2014
Proposed Rear Elevation	13/13-04		15 Apr 2014

**BH2014/01409****94-106 Old Shoreham Road Portslade**

Prior approval for change of use at first floor level from office (B1) to residential (C3) to form 5 no flats.

**Applicant:** Tates**Officer:** Christopher Wright 292097**Prior Approval is required and is approved on 01/07/14 DELEGATED****BH2014/01465****2 Fairfield Gardens Portslade**

Certificate of lawfulness for proposed single storey side extension.

**Applicant:** Mr John Shepherd**Officer:** Christine Dadswell 292205**Approved on 16/07/14 DELEGATED****BH2014/01484****17 Vale Road Portslade**

Construction of vehicle crossover and dropped kerb.

**Applicant:** Mr Peter Harden**Officer:** Tom Mannings 292322**Approved on 02/07/14 DELEGATED**

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**1) BH01.01**

The development hereby permitted shall be commenced before the expiration of three 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			7th May 2014
Block Plan			7th May 2014
Existing and Proposed Plan and Elevations			7th May 2014
Photo of site/ Proposed crossover			7th May 2014

**BH2014/01499**

**4 Lincoln Road Portslade**

Erection of a single storey outbuilding in rear garden.

**Applicant:** Ms L McRory

**Officer:** Helen Hobbs 293335

**Approved on 03/07/14 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 outbuilding hereby permitted shall be used solely as ancillary residential accommodation in connection with the enjoyment of the main property as a single dwellinghouse and it shall at no time be occupied as a separate unit of accommodation.

*Reason: To enable the Local Planning Authority to retain control over subdivision of the site and in order to protect the amenities of adjacent properties and in accordance with policy QD27 of the Brighton & Hove Local Plan.*

**3) UNI**

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

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

Plan Type	Reference	Version	Date Received
Existing survey, block site and location plan	31901	A	8th May 2014
Block plan	319 01	A	8th May 2014
Ground floor plan	319 101	B	8th May 2014
Proposed roof plan	319 102	B	8th May 2014
Proposed elevations	319 105	B	8th May 2014
Proposed block plan and location plan	319 121		8th May 2014

**BH2014/01607****49-51 Church Road Portslade**

Application for approval of details reserved by condition 6 of application BH2012/03086.

**Applicant:** Westscott Developments

**Officer:** Adrian Smith 290478

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

**BH2014/01885****48 Mill Lane Portslade**

Non material amendment to BH2014/00732 to garage width to be increased by 150mm at the rear section where it adds the proposed kitchen extension.

**Applicant:** Mr Richard Berriman

**Officer:** Benazir Kachchhi 294495

**Refused on 30/06/14 DELEGATED**

**HOVE PARK****BH2014/00599****24 Hill Brow Hove**

Erection of single storey rear extension, revised fenestration, increased ridge height, rear dormers, front and rear rooflights and associated works.

**Applicant:** Mr Mark Walters

**Officer:** Christopher Wright 292097

**Approved on 03/07/14 COMMITTEE**

**1) UNI**

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

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

**2) UNI**

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

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

Plan Type	Reference	Version	Date Received
Existing Floor Plan, Location Plan and Site Plan	158-E001	B	7 May 2014
Existing Elevations	158 E002	B	7 May 2014
Proposed Plans and Perspectives	158-SK001	A	8 Apr 2014
Proposed Elevations	158-SK002	A	8 Apr 2014
Proposed and Existing Street Elevations	158-SK005	A	8 Apr 2014

**3) UNI**

No development shall commence until there has been submitted to and approved in writing by the Local Planning Authority, a plan detailing the positions, height, design, materials and type of all existing and proposed boundary treatments. The boundary treatments shall be provided in accordance with the approved details and retained as such thereafter.

*Reason: To enhance the appearance of the development in the interest of the visual and residential amenities of the area and to comply with policies QD1,*

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QD15 and QD27 of the Brighton & Hove Local Plan.

**4) 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.*

**5) UNI**

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

*Reason: To safeguard the amenities of the occupiers of neighbouring properties, particularly 26 Hill Brow, and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.*

**6) UNI**

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

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

**BH2014/00911**

**79 Hove Park Road Hove**

Erection of 1no three bedroom dwelling with access from Hove Park Way.

**Applicant:** Mr Spencer Orman

**Officer:** Helen Hobbs 293335

**Approved on 15/07/14 DELEGATED**

**1) UNI**

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

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

**2) UNI**

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

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

Plan Type	Reference	Version	Date Received
Block and site plan	TA697/01	C	21st March 2014
Contextual block plan	TA697/02	B	21st March 2014
Existing site survey plan	TA697/03	A	21st March 2014
Existing west elevation	TA697/04	A	21st March 2014
Proposed site plan	TA697/10	E	21st March 2014
Proposed floor plans	TA697/11	G	21st March 2014

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Proposed first floor plan	TA697/12	F	21st March 2014
Proposed west elevation	TA697/13	F	21st March 2014
Proposed south elevation	TA697/14	E	26th June 2014
Proposed north and rear elevations	TA697/15	E	26th June 2014
Existing and proposed street scenes	TA697/16	D	21st March 2014

### 3) UNI

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

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

### 4) UNI

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.*

### 5) UNI

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

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

### 6) UNI

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.*

### 7) UNI

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

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

### 8) UNI

Unless otherwise agreed in writing by the Local Planning Authority, no residential development shall commence until a Design Stage/Interim Code for Sustainable Homes Certificate demonstrating that the development achieves a Code for Sustainable Homes rating of Code level 4 as a minimum for all residential units

has been submitted to, and approved in writing by, the Local Planning Authority. A completed pre-assessment estimator will not be acceptable.

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

**9) UNI**

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.*

**10) 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.*

**11) UNI**

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

**12) UNI**

No extension, enlargement, alteration or provision within the curtilage of the of the dwellinghouse as provided for within Schedule 2, Part 1, Classes A - E of the Town and Country Planning (General Permitted Development) Order 1995, as amended (or any order revoking and re-enacting that Order with or without modification) 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.*

**BH2014/01246**

**27 Woodland Drive Hove**

Remodelling of existing dwelling including demolition of garage, erection of two storey side and rear extension, two storey side extension with associated roof extensions and alterations.

**Applicant:** Mr Ben Cox

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**Officer:** Liz Arnold 291709

**Refused on 01/07/14 DELEGATED**

**1) UNI**

The proposed extensions, by reason of their design, siting, form and the resulting bulk, would create a sense of bulk and appear out of scale and unduly dominant in relation to its neighbours. The proposal would harm the existing character and appearance of The Droveaway and result in a form of development which would fail to emphasise and enhance the positive qualities and characteristics of the area. The proposal is therefore contrary to policy QD14 of the Brighton & Hove Local Plan and Supplementary Planning Document 12, Design Guide for Extensions and Alterations.

**2) UNI2**

The proposed development, by reason of its bulk, massing, height and proximity to the boundary with 29 Woodland Drive, would creating an increased sense of enclosure, loss of outlook and loss of light for occupants of this adjoining property and therefore represents an unneighbourly form of development. The proposal is therefore contrary to policies QD14 and QD27 of the Brighton & Hove Local Plan.

**3) UNI3**

The proposed development, by reason of its projection, scale, bulk and massing and height in close proximity to the boundary with 25 Woodland Drive, would appear overbearing and oppressive for occupants of this adjoining property and therefore represents an unneighbourly form of development. The proposal is therefore contrary to policies QD14 and QD27 of the Brighton & Hove Local Plan.

**BH2014/01256**

**155 Woodland Avenue Hove**

Erection of single storey rear extension and raised decking (amended description).

**Applicant:** Mr Woodward

**Officer:** Emily Stanbridge 292359

**Approved on 14/07/14 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 southern elevation of the development hereby permitted shall be obscurely 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 policy QD27 of the Brighton & Hove Local Plan.*

**3) UNI**

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

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

Plan Type	Reference	Version	Date Received
Site location plan	P/001		17.04.2014
Existing plan and elevations	P/002		17.04.2014
Proposed plan and elevations	P/003		17.04.2014

**BH2014/01266**

**17 Milcote Avenue Hove**

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

**Applicant:** Mr Andy Lake

**Officer:** Joanne Doyle 292198

**Approved on 02/07/14 DELEGATED**

**BH2014/01275**

**4 Tongdean Road Hove**

Application for approval of details reserved by condition 6 of application BH2010/00908.

**Applicant:** Christopher Liu

**Officer:** Jason Hawkes 292153

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

**BH2014/01408**

**79 Hove Park Road Hove**

Certificate of Lawfulness for proposed front rooflights and rear dormers.

**Applicant:** Inbox Ltd

**Officer:** Jessica Hartley 292175

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

**BH2014/01449**

**9 Lullington Avenue Hove**

Certificate of lawfulness for proposed single storey rear extension.

**Applicant:** Oliver Gospel

**Officer:** Tom Mannings 292322

**Refused on 14/07/14 DELEGATED**

**BH2014/01463**

**6 The Spinney Hove**

Remodelling of existing chalet bungalow to create a two storey 5no bedroom house with associated alterations including erection of first floor side extension and creation of rear terrace.

**Applicant:** Margaret Rignell

**Officer:** Liz Arnold 291709

**Refused on 27/06/14 DELEGATED**

**1) UNI**

The proposed development, by reason of its width, siting, massing and detailing would appear unduly dominant and would fail to emphasise or enhance the positive characteristics of the area. In addition the use of slate roof covering and part render elevations would result in a development out of keeping and incongruous with The Spinney. The proposal is therefore contrary to policy QD14 of the Brighton & Hove Local Plan and Supplementary Planning Document 12, Design Guide for Extensions and Alterations.

**BH2014/01469**

**64 Amherst Crescent Hove**

Erection of single storey rear extension.

**Applicant:** Mr & Mrs Stokes

**Officer:** Roselle Goacher 292265

**Approved on 01/07/14 DELEGATED**

**1) BH01.01**

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

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

## **2) BH03.03**

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

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

## **3) UNI**

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

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

Plan Type	Reference	Version	Date Received
Existing Floor Plans and Elevations	1515/1786		06/05/14
Proposed Single Storey Rear Extension and Alterations	1515/1787	A	06/05/14

### **BH2014/01590**

#### **47 The Drove Hove**

Erection of part one, part two storey rear extension, alterations to fenestration including installation of rooflights to front, rear and side elevations and associated works.

**Applicant:** Mr & Mrs Cunningham

**Officer:** Sonia Gillam 292265

**Refused on 09/07/14 DELEGATED**

#### **1) UNI**

1. The development, by virtue of its design, form, height and bulk, would create an unsympathetic structure which would relate poorly to the existing form and design features of the property and fail to emphasise and enhance the positive qualities and characteristics of the area. As such the proposal would be detrimental to the character and appearance of the property and the visual amenities enjoyed by neighbouring properties and therefore would be contrary to policy QD14 of the Brighton & Hove Local Plan, and Supplementary Planning Document 12 Design Guide on Extensions and Alterations.

### **BH2014/01655**

#### **Cottage Hove Recreation ground Old Shoreham Road Hove**

Application for approval of details reserved by conditions 6, 8 and 9 of application BH2013/02917.

**Applicant:** Miss Leah Keating

**Officer:** Jason Hawkes 292153

**Approved on 02/07/14 DELEGATED**

### **BH2014/01711**

#### **48 Elizabeth Avenue Hove**

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

**Applicant:** Mr Perry Linington

**Officer:** Helen Hobbs 293335  
**Prior approval not required on 03/07/14 DELEGATED**

**BH2014/01712**

**85 Shirley 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 5m, for which the maximum height would be 4m and for which the height of the eaves would be 2.2m.

**Applicant:** Mr Paul Chalkey

**Officer:** Tom Mannings 292322

**Prior Approval is required and is refused on 30/06/14 DELEGATED**

**BH2014/01853**

**8 Mallory Road Hove**

Non Material Amendment to BH2013/01215 to erect conservatory on the northern side of raised deck next to the new extension.

**Applicant:** Carlos Enrech

**Officer:** Christopher Wright 292097

**Refused on 03/07/14 DELEGATED**

**WESTBOURNE**

**BH2014/00742**

**25 Arthur Street Hove**

Removal of external staircase to rear, relocation of entrance and alteration to fenestration to front and rear and creation of cycle store and recycling & waste store.

**Applicant:** D C Ajmi

**Officer:** Robin Hodgetts 292366

**Approved on 09/07/14 DELEGATED**

**1) BH01.01**

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

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

**2) UNI**

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

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

**3) UNI**

The first floor of the building shall not be occupied until the two new first floor windows to the south elevation have been obscure glazed to a height of 1.7m above the floor of the rooms in which the windows are installed and fitted with window restrictors. Except in emergencies, the restrictors shall restrict the windows to an opening of no more than 100mm. The obscure glazing and restrictors shall be permanently retained as such thereafter.

*Reason: To protect the amenity of adjacent properties and in accordance 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 site and block plan	01		06/03/14
Existing ground floor plan	02		06/03/14
Existing first floor plan	03		06/03/14
Existing roof plan	04		06/03/14
Existing street elevation	05		06/03/14
Existing east elevation	06		06/03/14
Existing west elevation	07		06/03/14
Existing north and south elevations	08		06/03/14
Existing sections	09		06/03/14
Proposed ground floor plan	10	A	22/05/14
Proposed first floor plan	11		06/03/14
Proposed roof plan	12		06/03/14
Proposed street elevations	13	A	22/05/14
Proposed east elevation	14		06/03/14
Proposed west elevation	15		06/03/14
Proposed north and south elevations	16		06/03/14
Proposed sections	17		06/03/14

## **BH2014/01250**

### **50 Westbourne Villas Hove**

Erection of rendered wall incorporating vehicular access and a roller door fronting Westbourne Place and replacement of concrete hardstanding with paved hardstanding.

**Applicant:** Mrs Janice Tyler

**Officer:** Emily Stanbridge 292359

**Approved on 10/07/14 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 a sample panel or a biscuit sample of the render finish (showing the texture of the render and the paint colour for the finish) to be used in the construction of the external surface of the rear boundary wall hereby permitted have been constructed on site, or submitted to, and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details and thereafter maintained as such.

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

#### **3) UNI**

Notwithstanding the submitted drawings no development shall take place until details of the gate (including materials, finish, colour, mechanical operation of the gates) and the wall coping detail have been submitted to and approved in writing by the Local Planning Authority. The details shall include elevations and sectional drawings to a scale of 1:5 with full size moulding cross-sections (where mouldings are to be used). Development shall be carried out in accordance with

the approved details and thereafter maintained 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 carried out in accordance with the approved drawings listed below.

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

Plan Type	Reference	Version	Date Received
Location Plan			16.04.2014
Block Plan			02.05.2014
Existing elevation	1		16.04.2014
Existing site plan	3		16.04.2014
Proposed garden wall	8		27.06.2014
Proposed site plan	7		27.06.2014
Gate mechanism			17.06.2014

### **BH2014/01318**

#### **1 St Philips Mews Hove**

Insertion of front and rear rooflights and a sun pipe.

**Applicant:** Richard Jones

**Officer:** Helen Hobbs 293335

**Approved on 26/06/14 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
Existing GF plan	01		24th April 2014
Proposed GF plan	02		24th April 2014
Existing FF plan	03		24th April 2014
Proposed FF plan	04		24th April 2014
Proposed SF plan	05		24th April 2014
Proposed roof plan	06		24th April 2014
Existing elevations	07		24th April 2014
Proposed elevations	08		24th April 2014
Location plan	09		24th April 2014
Section	10		24th April 2014

### **BH2014/01374**

#### **43 Lawrence Road Hove**

Application for Approval of Details Reserved by Conditions 1-11 of application BH2013/01597.

**Applicant:** Tony Franco

**Officer:** Christopher Wright 292097

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**Split Decision on 03/07/14 DELEGATED**

**1) UNI**

APPROVE the details pursuant to conditions 9 and 10 subject to full compliance with the submitted details.

**1) UNI**

The details pursuant to condition 11 are NOT APPROVED for the reason(s) set out below:

The proposed cycle parking facility does not provide support for bikes or allow for both frame and wheel(s) to be secured. In addition, the cycle parking facility is not sheltered. As such visitors and staff would be less encouraged to cycle to and from the application site. For these reasons the proposed details are contrary to the requirements of policy TR14 of the Brighton & Hove Local Plan

**BH2014/01428**

**16 Modena Road Hove**

Erection of single storey side extension.

**Applicant:** Amanda Quantick

**Officer:** Liz Arnold 291709

**Approved on 08/07/14 DELEGATED**

**1) BH01.01**

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

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

**2) UNI**

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

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

Plan Type	Reference	Version	Date Received
Site and Block Plan	496(PL)	2a	13th May 2014
Proposals	496(PL)	1a	13th May 2014

**BH2014/01485**

**99A Portland Road Hove**

Installation of metal staircase and replacement of existing timber sash window with door to rear at first floor level.

**Applicant:** Mr Graham Howard

**Officer:** Joanne Doyle 292198

**Refused on 03/07/14 DELEGATED**

**1) UNI**

The first floor platform, by reason of its size and elevated position, would create significant potential for sustained use which would lead to harmful downward overlooking of neighbouring properties to the detriment of their amenity. The proposal is therefore contrary to policies QD14 and QD27 of the Brighton & Hove Local Plan.

**BH2014/01489**

**6 Westbourne Gardens Hove**

Certificate of Lawfulness for existing use of property as a single dwelling house.

**Applicant:** Sussex Partnership NHS FT

**Officer:** Andrew Huntley 292321

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

**BH2014/01514****32 Cowper Street Hove**

Demolition of existing single storey rear extension and erection of a two storey rear extension with associated works.

**Applicant:** Mr & Mrs J Hopkins

**Officer:** Christopher Wright 292097

**Refused on 14/07/14 DELEGATED**

**1) UNI**

The proposed development would, by reason of the design, form, scale and siting, result in an unsympathetic and visually harmful addition that would detract from the character of the recipient terrace building to the detriment of visual amenity. As such the proposal is contrary to the requirements of policy QD14 of the Brighton & Hove Local Plan and Supplementary Planning Document 12: Design guidance for extensions and alterations.

**2) UNI2**

The proposed development would, by reason of the scale and siting, have an overbearing impact on the neighbouring lower ground floor level property at 34 Cowper Street, and would result in a loss of light and outlook and an increased sense of enclosure that would be detrimental to residential amenity. As such the proposal is contrary to policies QD14 and QD27 of the Brighton & Hove Local Plan and Supplementary Planning Document 12: Design guidance for extensions and alterations.

**BH2014/01518****24 Westbourne Street Hove**

Erection of single storey rear extension.

**Applicant:** Tim Barclay

**Officer:** Sonia Gillam 292265

**Approved on 08/07/14 DELEGATED**

**1) BH01.01**

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

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

**2) UNI**

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

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

Plan Type	Reference	Version	Date Received
Existing lower ground floor plan	01	a	09/05/2014
Existing north elevation	02	a	09/05/2014
Existing south and west elevation	03	a	09/05/2014
Proposed section	05	a	09/05/2014
Site location plan and block plan	10	a	09/05/2014
Proposed lower ground and ground floor plan	11	b	09/05/2014
Proposed north elevation and section	12	a	09/05/2014
Proposed south and west	13	b	09/05/2014

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elevation			
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**BH2014/01536**

**116 Westbourne Street Hove**

Erection of a single storey rear extension.

**Applicant:** Ms Joanna Marshall-Fraser

**Officer:** Christopher Wright 292097

**Approved on 07/07/14 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**

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 north facing flank elevation of the extension hereby permitted 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
OS Map and Block Plan	5015/P/01		12 May 2014
Proposed Floor Plans and Elevation (note this shows existing plans and elevations)	513/P/02		12 May 2014
Proposed Floor Plans and Elevations	513/P/03		12 May 2014

**BH2014/01687**

**First Floor Flat 27 Lawrence Road Hove**

Installation of rooflights to front and rear and window to existing gable to front.

**Applicant:** Mr Koorush Amel

**Officer:** Liz Arnold 291709

**Approved on 16/07/14 DELEGATED**

**1) BH01.01**

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

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

**2) UNI**

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

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

Plan Type	Reference	Version	Date Received
Proposed Loft Conversion	AM/01	Rev. A	14th July 2014

## **WISH**

### **BH2014/00907**

#### **1 Kenton Road Hove**

Certificate of lawfulness for proposed rear dormer with Juliet balcony and rooflights to side elevation.

**Applicant:** Mr Chris Parsons

**Officer:** Mick Anson 292354

**Approved on 27/06/14 DELEGATED**

### **BH2014/00943**

#### **198 New Church Road Hove**

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

**Applicant:** J Ruge & M Agbro

**Officer:** Mick Anson 292354

**Approved on 27/06/14 DELEGATED**

### **BH2014/00984**

#### **Kingsway Miniature Golf Course Kingsway Hove**

Creation of 18 hole mini golf course within existing pitch and putt site including erection of a 2.2m high perimeter fence and associated landscaping.

**Applicant:** Mini Golf South East LLP

**Officer:** Helen Hobbs 293335

**Refused on 02/07/14 DELEGATED**

#### **1) UNI**

The proposed mini golf course and boundary fence would enclose part of Hove Lawns which forms urban open space. Furthermore the development would be visually intrusive and have a detrimental impact on strategic views along the coastline, therefore contrary to policies QD20 and SR18 of the Brighton & Hove Local Plan.

### **BH2014/01248**

#### **319 Kingsway Hove**

Certificate of Lawfulness for proposed loft conversion incorporating rear dormer, rear rooflight and side window.

**Applicant:** Peter Stewart

**Officer:** Joanne Doyle 292198

**Approved on 27/06/14 DELEGATED**

### **BH2014/01249**

#### **5 Seaford Road Hove**

Removal of existing conservatory and erection of single storey rear extension.

**Applicant:** Jacqui Furlepa

**Officer:** Emily Stanbridge 292359

**Approved on 27/06/14 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 floor plans, elevations, block plan and OS plan	1407-01		17.04.2014
Proposed floor plans and elevations	1407-02		17.04.2014

**BH2014/01313**

**8 Brittany Road Hove**

Certificate of lawfulness for proposed single storey rear extension and loft conversion incorporating hip to gable roof extension, dormer to rear, installation of window to side and 2no rooflights to front.

**Applicant:** Martin Flanagan

**Officer:** Tom Mannings 292322

**Split Decision on 14/07/14 DELEGATED**

**1) UNI**

GRANT a lawful development certificate for the proposed roof extensions and alterations:-

1. The roof extensions and alterations are permitted under Schedule 2, Part 1, Classes B and C of the Town and Country Planning (General Permitted Development) Order 1995, as amended.

**1) UNI**

REFUSE a lawful development certificate for the rear extension for the following reason:-

1. The single-storey rear 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 project more than 3 metres beyond the rear wall of the original dwellinghouse (e) and would exceed half the width of the original dwellinghouse (h).

**BH2014/01336**

**Flat 2 8 Portland Villas Hove**

Loft conversion incorporating front and rear rooflights.

**Applicant:** Mr & Mrs Hall

**Officer:** Christine Dadswell 292205

**Approved on 03/07/14 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			23rd April 2014
Existing Plans			23rd April 2014
Existing Elevations			23rd April 2014
Proposed Plans		A	20th June 2014
Proposed Elevations		A	20th June 2014

**BH2014/01364**

**61 Boundary Road Hove**

Part change of use of retail unit (A1) to residential (C3) to form 1no two bedroom flat with associated alterations including erection of a single storey rear extension.

**Applicant:** Ali Merat Investments

**Officer:** Christopher Wright 292097

**Approved on 10/07/14 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**

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 new dwelling hereby permitted shall be constructed to Lifetime Home standards prior to their first occupation and shall be retained as such thereafter.

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

**5) 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

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made available for use prior to the occupation of the development hereby permitted and shall thereafter be retained for use at all times.

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

**6) UNI**

The development hereby permitted shall 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 and water are included in the development and to comply with policy SU2 of the Brighton & Hove Local Plan and Supplementary Planning Document SPD08 Sustainable Building Design.*

**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 Plan	431/P1		28 Apr 2014
Existing Ground Floor Plan	431/P2		28 Apr 2014
Existing Section/Elevations	431/P3		28 Apr 2014
Existing Elevations	431/P4		28 Apr 2014
Proposed Ground Floor Plan	431/P5		28 Apr 2014
Proposed Section/Elevations	431/P6		28 Apr 2014
Proposed Section/Elevations	431/P7		28 Apr 2014

**8) UNI**

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

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

**BH2014/01420**

**32a Boundary Road Hove**

Installation of 2 no. rooflights to front roofslope (Retrospective).

**Applicant:** Dr Harjinder Heer

**Officer:** Christopher Wright 292097

**Approved on 02/07/14 DELEGATED**

**1) UNI**

The decision to approve the development retrospectively has been taken in accordance with the approved drawings listed below.

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

Plan Type	Reference	Version	Date Received
Velux Windows- Existing and Proposed Elevations	499(PL)1		1 May 2014
Site and Block Plan	499(PL)2		1 May 2014

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**BH2014/01470**

**39 St Keyna Avenue Hove**

Erection of front dormer at first floor level and installation of front and rear rooflights and side window.

**Applicant:** |Mr Jon Calland

**Officer:** Joanne Doyle 292198

**Refused on 01/07/14 DELEGATED**

**1) UNI**

1. The proposed front dormer, by reason of its design, siting and size, would appear an unduly bulky addition which would dominate the front roofslope of the property and visually unbalancing the semi-detached pair of dwellings. The proposal would cause significant harm to the character and appearance of the property and the wider street scene. The proposal would therefore be contrary to policy QD14 of the Brighton & Hove Local Plan, and Supplementary Planning Document 12, Design Guide for Extensions and Alterations.

**2) UNI2**

2. The proposed rear rooflights, by reason of their number, size and siting, would relate poorly to the fenestration below and would create a cluttered appearance and would be of detriment to the character and appearance of the existing property and the wider area. The proposal is thereby contrary to policy QD14 of the Brighton & Hove Local Plan, and Supplementary Planning Document 12, Design Guide for Extensions and Alterations.

**BH2014/01689**

**336 Kingsway Hove**

Prior approval for change of use from offices (B1) to residential (C3) to form 6no 1 bed flats.

**Applicant:** Dixon Hurst Kemp

**Officer:** Christopher Wright 292097

**Prior Approval is required and is approved on 16/07/14 DELEGATED**

**Withdrawn Applications**

**BH2014/01934**

**38 Rothbury Road Hove**

Certificate of lawfulness for proposed single storey rear extension.

**Applicant:** Mr & Mrs Frank & Karen Parkinson

**Officer:** Benazir Kachchhi 294495

**WITHDRAWN ON 16/07/14**



# PLANNING COMMITTEE

Agenda Item 46(b)

Brighton & Hove City Council

## PLANS LIST 6 August 2014

### PRESTON PARK

**Application No: BH2014/01919**  
**67 Springfield Road, Brighton**

Fell 2no Cherry & 1no Ash. (Although trees are clearly visible to the street scene and make a contribution to public amenity, their location and proximity to built structures renders their long-term retention untenable.)

Applicant: Affinity Sutton  
**Approved on 02 Jul 2014**

**Application No: BH2014/01979**  
**The Lodge, Preston Park Avenue, Brighton**

1no Sycamore - reduce by 3-4m.

Applicant: Mr J Hatch  
**Approved on 02 Jul 2014**

**Application No: BH2014/01980**  
**195 Preston Drove, Brighton**

1no Sycamore - reduce height by 2m and side by 1m.

Applicant: Mr J Hatch  
**Approved on 02 Jul 2014**

**Application No: BH2014/02092**  
**51 Florence Road, Brighton**

2no Elder - reduce crown by 20% (2-3ft); 1no Apple - reduce crown by 20% (2-3ft) and remove ivy.

Applicant: Mr C Agnew  
**Approved on 08 Jul 2014**

### REGENCY

**Application No: BH2014/01975**  
**3 Vine Place, Brighton**

1no Lime - reduce by 2-3m, thin by 10%. 1no Sycamore - sever ivy, reduce stem over road.

Applicant: Mr J Hatch  
**Approved on 02 Jul 2014**

**Application No: BH2014/01978**  
**29 Clifton Hill, Brighton**

1no Ash - reduce by 1-2m.

Applicant: Mr J Hatch  
**Approved on 02 Jul 2014**

**Application No: BH2014/02086**  
**31 Montpelier Crescent ,Brighton**

Fell one Elm in rear garden. (Major structural weakness means that this tree does not warrant a TPO.)

Applicant: Mrs M Berridge  
**Approved on 08 Jul 2014**

**Application No: BH2014/02089**  
**12 Montpelier Crescent, Brighton**

Fell one Fig. (No public visibility, thus no TPO.)

Applicant: Mrs M D'Arcy  
**Approved on 08 Jul 2014**

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

**Application No: BH2014/01936**  
**45 Buckingham Road, Brighton**

T1 Cherry - reduce back to previous reduction points (approx. 1-1.5m).

Applicant: Miss Houda Davis  
**Approved on 08 Jul 2014**

**Application No: BH2014/01977**  
**29 Richmond Road, Brighton**

1no Sycamore in rear garden - reduce by 2-3m.

Applicant: Mr J Hatch  
**Approved on 02 Jul 2014**

**Application No: BH2014/02087**  
**86B Centurion Road, Brighton**

Fell one Sambucus nigra. (Structural damage renders the tree unsuitable for a TPO.)

Applicant: Mr I Lanyon  
**Approved on 08 Jul 2014**

### **WITHDEAN**

**Application No: BH2014/01976**  
**Robinia Lodge, Station Road, Brighton**

1no Elm - reduce branches back from property to give clearance of 4m; 1no Sycamore - remove any major dead wood and lowest branch over drive; 1no Acacia - remove major dead wood and reduce limbs over road by 2-3m.

Applicant: Mr J Hatch  
**Approved on 02 Jul 2014**

### **ROTTINGDEAN COASTAL**

**Application No: BH2014/02102**  
**2 The Rotyngs, Rottingdean**

Sycamore (T1) - lift over road by 5.2m. 5no Pine (T2-6) - remove dead wood, alleviate weight on branches.

Applicant: Mr J Hatch  
**Approved on 08 Jul 2014**

### **WOODINGDEAN**

**Application No: BH2014/02168**  
**Ravensbourne Court, Warren Way**

T1 Sycamore - Windblown - take down to near ground level. Remove stump. Replant new tree. To be agreed. (Acer platanoides).

Applicant: Moat Homes Ltd  
**Approved on 08 Jul 2014**

### **GOLDSMID**

**Application No: BH2014/02059**  
**Goodwood Court, Cromwell Road, Hove**

Sycamore - reduce to crown width 6.5m, height 6.5m, thin by 15%.

Applicant: Mr Paul Gibb  
**Approved on 08 Jul 2014**

### **HOVE PARK**

**Application No: BH2014/01826**  
**279 Dyke Road, Hove**

1no Lime - lift crown to 5m over garden and driveway and to 3m over footpath. 1no Monterey Cypress – reduce crown overhang on south side by 2.5m and raise crown by 1.5m.

Applicant: Mrs Sylvia Pargeter  
**Approved on 08 Jul 2014**

### **WESTBOURNE**

**Application No: BH2014/01918**  
**51 Walsingham Road, Hove**

Rear garden, right-hand side - T1 Sycamore - reduce length of all branches by 2 metres ensuring natural shape and balance typical of species is maintained where possible. Retain lower growth for screening purposes.

Applicant: Mr Seaborne  
**Approved on 08 Jul 2014**

**Application No: BH2014/02088**  
**53 Walsingham Road, Hove**

1no Sycamore in S.E. corner of back garden - re-pollard at height of old pollard wounds approx. 9-10'. 1no Elm (southern boundary) - thin crown by 25% and reduce height to where cut before, i.e. approx. 10' off height.

Applicant: Ms Lesley Baker  
**Approved on 08 Jul 2014**

**Application No: BH2014/02091**  
**62 Pembroke Crescent ,Hove**

Fell 2no Sycamores. (These two trees make an important contribution to the amenity of the local street scene and wider landscape; they have no significant visible structural defects, therefore have the potential to retain a high amenity value for at least 40+ years. They are presently managed by periodic pruning to maintain their present form; this management practice is entirely appropriate for the foreseeable future. Therefore, a TPO will be made on these two trees.)

Applicant: Mr M Hawksworth  
**Refused on 08 Jul 2014**



**NEW APPEALS RECEIVED****WARD****APPEAL APP NUMBER****ADDRESS****DEVELOPMENT DESCRIPTION****APPEAL STATUS****APPEAL RECEIVED DATE****APPLICATION DECISION LEVEL****HOVE PARK**

BH2014/00169

48 Hill Brow Hove

Erection of raised decking to rear garden, boundary screening and associated landscaping. (Retrospective).

APPEAL LODGED

26/06/2014

Delegated

**WARD****APPEAL APP NUMBER****ADDRESS****DEVELOPMENT DESCRIPTION****APPEAL STATUS****APPEAL RECEIVED DATE****APPLICATION DECISION LEVEL****ST. PETER'S & NORTH LAINE**

BH2013/03704

19 Bath Street Brighton

Demolition of existing building and erection of 4no bedroom residential dwelling with garage.

APPEAL LODGED

27/06/2014

Delegated

**WARD****APPEAL APP NUMBER****ADDRESS****DEVELOPMENT DESCRIPTION****APPEAL STATUS****APPEAL RECEIVED DATE****APPLICATION DECISION LEVEL****ROTTINGDEAN COASTAL**

BH2013/03923

Land Rear of 22 Bevendean Avenue Saltdean Brighton

Erection of 1no two bedroom bungalow (C3) accessed from Linchmere Avenue.

APPEAL LODGED

30/06/2014

Delegated

**WARD****APPEAL APP NUMBER****ADDRESS****DEVELOPMENT DESCRIPTION****APPEAL STATUS****APPEAL RECEIVED DATE****APPLICATION DECISION LEVEL****ROTTINGDEAN COASTAL**

BH2014/00722

140 Longhill Road Brighton

Alterations to front elevation including erection of single storey extension at lower ground floor level to replace existing garage and roof alterations including new pitched roof extension with gable end.

APPEAL LODGED

02/07/2014

Delegated

**WARD****APPEAL APP NUMBER****ADDRESS****DEVELOPMENT DESCRIPTION****APPEAL STATUS****APPEAL RECEIVED DATE****APPLICATION DECISION LEVEL****HANGLETON & KNOLL**

BH2014/00413

11 St Helens Drive Hove

Erection of single storey side extension and other associated alterations.

APPEAL LODGED

02/07/2014

Delegated

**WARD****APPEAL APP NUMBER****ADDRESS****DEVELOPMENT DESCRIPTION****APPEAL STATUS****APPEAL RECEIVED DATE****APPLICATION DECISION LEVEL****HANGLETON & KNOLL**

BH2014/01170

41 Hangleton Close Hove

Erection of single storey side extension.

APPEAL LODGED

07/07/2014

Delegated

**WARD****APPEAL APP NUMBER****ADDRESS****DEVELOPMENT DESCRIPTION****APPEAL STATUS****APPEAL RECEIVED DATE****APPLICATION DECISION LEVEL****WISH**

BH2013/03523

93 St Leonards Road Hove

Conversion of existing 2no self contained flats and chiropody surgery into 3no self contained flats.

APPEAL LODGED

09/07/2014

Delegated

**WARD****APPEAL APP NUMBER****ADDRESS****DEVELOPMENT DESCRIPTION****APPEAL STATUS****APPEAL RECEIVED DATE****APPLICATION DECISION LEVEL****REGENCY**

BH2013/02798

13A-14 Stone Street &amp; 19A Castle Street Brighton

Conversion of existing two storey office and storage building on Stone Street into 1no three bedroom dwelling with associated alterations and refurbishment. Demolition of existing two storey building on Castle Street and erection of three storey student accommodation block of 14no units.

APPEAL LODGED

10/07/2014

Planning Committee

**WARD****APPEAL APP NUMBER****ADDRESS****DEVELOPMENT DESCRIPTION****REGENCY**

BH2013/02799

13A-14 Stone Street &amp; 19A Castle Street Brighton

Conversion of existing two storey office and storage building on Stone Street into 1no three bedroom dwelling with associated alterations and refurbishment. Demolition of existing two storey building on Castle Street and erection of



APPEAL STATUS  
APPEAL RECEIVED DATE  
APPLICATION DECISION LEVEL

three storey student accommodation block of  
14no units.  
APPEAL LODGED  
10/07/2014  
Planning Committee

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**WARD**  
APPEAL APP NUMBER  
ADDRESS  
DEVELOPMENT DESCRIPTION

**QUEEN'S PARK**  
BH2014/00882  
29 Egremont Place Brighton  
Conversion of existing dwelling into 3no self  
contained flats and associated works.  
APPEAL LODGED  
10/07/2014  
Delegated

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**WARD**  
APPEAL APP NUMBER  
ADDRESS  
DEVELOPMENT DESCRIPTION  
APPEAL STATUS  
APPEAL RECEIVED DATE  
APPLICATION DECISION LEVEL

**GOLDSMID**  
BH2014/01219  
85B Livingstone Road Hove  
Formation of rear dormer.  
APPEAL LODGED  
11/07/2014  
Delegated

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**WARD**  
APPEAL APP NUMBER  
ADDRESS  
DEVELOPMENT DESCRIPTION

**WITHDEAN**  
BH2014/00785  
95 Green Ridge Brighton  
Erection of single storey rear extension, roof  
alterations including hip to gable rear roof  
extension with Juliet balcony and rooflights to  
side elevations.  
APPEAL LODGED  
14/07/2014  
Delegated

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**WARD**  
APPEAL APP NUMBER  
ADDRESS  
DEVELOPMENT DESCRIPTION

**PATCHAM**  
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.  
APPEAL LODGED  
14/07/2014  
Planning Committee

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**WARD**  
APPEAL APP NUMBER  
ADDRESS  
DEVELOPMENT DESCRIPTION

**PATCHAM**  
BH2014/01073  
22 Morecambe Road Brighton  
Erection of first floor extension and ground floor  
extension to rear elevation with creation of

<u>APPEAL STATUS</u>	basement level and associated alterations.
<u>APPEAL RECEIVED DATE</u>	APPEAL LODGED
<u>APPLICATION DECISION LEVEL</u>	16/07/2014
	Delegated

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**WARD**

APPEAL APP NUMBER

ADDRESS

DEVELOPMENT DESCRIPTION

APPEAL STATUS

APPEAL RECEIVED DATE

APPLICATION DECISION LEVEL

**QUEEN'S PARK**

BH2014/01153

31 West Drive Brighton

Creation of roof terrace with decking and glass balustrade.

APPEAL LODGED

16/07/2014

Delegated



### INFORMATION ON HEARINGS / PUBLIC INQUIRIES 6<sup>th</sup> August 2014

**Brighton & Hove  
City Council**

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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: 7<sup>th</sup> October 2014

Location: The Learning Centre, Jubilee Street, Brighton

#### **20-22 Market Street and 9 East Arcade, Brighton**

Planning application no: BH2013/01279

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

Decision: Delegated

Type of appeal: Informal Hearing

Date: TBC

Location: TBC



**APPEAL DECISIONS**

	<b>Page</b>
<p><b>A – PERFORMANCE VALETING, UNIT B, WESTERMAN COMPLEX SCHOOL ROAD, HOVE – WISH</b>                      Enforcement Case BH2012/0616 – Appeal against enforcement notice for change of use of land from B1 light industrial to hand car wash (sui generis). <b>APPEAL DISMISSED – ENFORCEMENT NOTICE UPHELD WITH CORRECTION AND VARIATION</b></p>	<b>329</b>
<p><b>B – 6 PALMEIRA SQUARE, HOVE – BRUNSWICK &amp; ADELAIDE</b>                      Enforcement Cases BH2013/2205869 &amp; 2206353 – Appeal against enforcement notice relating to contravention of listed building control. <b>APPEAL DISMISSED AND LISTED BUILDING ENFORCEMENT NOTICE UPHELD, CORRECTED AND VARIED AS SET OUT IN THE INSPECTOR’S LETTER</b></p>	<b>333</b>
<p><b>C – 1 – 3 RICHMOND PLACE, BRIGHTON – QUEEN’S PARK</b>                      Application BH2013/03850 – Appeal against refusal for single storey infill building in rear courtyard to form a two bedroom flat. <b>APPEAL ALLOWED</b> - (delegated decision)</p>	<b>341</b>
<p><b>D – FLAT 4, 191 EASTERN ROAD, BRIGHTON – EAST BRIGHTON</b>                      Application BH2013/03818 - Appeal against refusal for erection of single storey rear extension to second floor level and creation of dormer and rooflight to rear and 2 rooflights to the front. <b>APPEAL DISMISSED</b> (delegated decision)</p>	<b>345</b>
<p><b>E – 35 PROVIDENCE PLACE, BRIGHTON – ST PETER’S &amp; NORTH LAINE</b>                      Applications BH2013/03099 - Appeal against refusal of extension to the rear elevation flat roof to accommodate a new first floor. <b>APPEAL ALLOWED</b> (delegated decision)</p>	<b>347</b>
<p><b>F – 30 WHITEHAWK ROAD, BRIGHTON – EAST BRIGHTON</b>                      Application BH2013/02343 – Appeal against refusal to rebuild an extension of rear side return addition and removal of existing timber structure and erection of single storey rear extension. <b>APPEAL ALLOWED</b> (delegated decision)</p>	<b>349</b>

**G – THE JIVE MONKEY, 5 STEINE STREET, BRIGHTON – QUEEN’S PARK 351**

Application BH2013/02747 – Appeal against refusal for change of use of nightclub (Sui Generis) to 7 units of student accommodation (Sui Generis). **APPEAL DISMISSED** (delegated decision)

**H – THE INTERNATIONAL CASINO CLUB, 6 PRESTON STREET, BRIGHTON – REGENCY 355**

Application BH2014/00638 – Appeal against refusal for vertical internally illuminated projecting sign. **APPEAL DISMISSED** (delegated decision)

**I – 67 PRESTON STREET, BRIGHTON – REGENCY 357**

Applications BH2013/03445 & 03446 – Appeal against refusal to convert main house from offices to 1: one bedroom basement flat, 2: one bedroom top floor (third floor) flat and 3: five bedsits on ground/first/second floors (HMO). **APPEALS DISMISSED** (delegated decision)

**J – 55 JACK WILLS, 55 EAST STREET, BRIGHTON – REGENCY 361**

Application BH2014/00488 – Appeal against refusal for removal of the existing white shopfront to be removed and replaced with a new black timber shopfront, new illuminated fascia sign to be installed, new projecting sign to be installed and new window graphics to be installed.. **APPEAL ALLOWED** (delegated decision)

**K – DIRTY BLONDES, 75 EAST STREET, BRIGHTON – REGENCY 363**

Application BH2014/00804 – Appeal against refusal for fascia sign, two hanging signs and a menu board. **APPEAL ALLOWED** (delegated decision)

**L – PETS HOLIDAY HOME, 42 SHIRLEY STREET, HOVE – GOLDSMID 365**

Application BH2013/04326 – Appeal against refusal for erection of a dormer window to rear roof lope and two velux windows to the front roofslope. **APPEAL DISMISSED** (delegated decision)

**M. WALDEGRAVE COURT, WESTFIELD AVENUE, SALTDEAN – ROTTINGDEAM COASTAL 367**

Application BH2013/03810 - Appeal against refusal for erection of three new dwellings. **APPEAL DISMISSED** (delegated decision)

**N. – AIRWAVE SOLUTIONS SITE, COURT FARM BARN, DEVILS DYKE ROAD, HOVE – HANGLETON & KNOLL 369**

Application BH2013/02358 - Appeal against refusal to vary condition

attached to planning permission BH2008/03539, dated February 2009, which was itself for variation of a condition attached to planning permission BH2005/02256?FP for a radio base station for the Airwave network and a 9 metre timber mast within compound. **APPEAL ALLOWED** (delegated decision)(costs decision also attached)

**O. – 53 HOLLINGBURY ROAD, BRIGHTON – HOLLINGDEAN & STANMER 377**

Application BH2013/03203 – Appeal against refusal for change of use from dwelling house to multiple occupancy. **APPEAL ALLOWED** (delegated decision)





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## Appeal Decision

Site visit made on 11 June 2014

**by Sandra Prail MBA, LLB (Hons), Solicitor (non practising)**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 30 June 2014**

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**Appeal Ref: APP/Q1445/C/13/2208695**

**Land at Unit B, Westerman Complex, School Road, Hove, East Sussex BN3 5HX**

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
- The appeal is made by Mr Osman Shala against an enforcement notice issued by Brighton and Hove City Council.
- The notice was issued on 3<sup>rd</sup> October 2013.
- The breach of planning control as alleged in the notice is without planning permission the change of use of the land from B1 light industrial to a hand carwash (sui generis).
- The requirements of the notice are to (1) cease the use of the land as a hand carwash and (2) remove all signage and equipment related to the use as a hand carwash.
- The period for compliance with the requirements is 28 days.
- The appeal is proceeding on the grounds set out in section 174(2) (a) and (g) of the Town and Country Planning Act 1990 as amended.

**Summary of Decision:** the appeal is dismissed and the enforcement notice is upheld with correction and variation.

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### Preliminary Matter

1. The land described in the notice and edged red on the plan attached to the notice is Unit B Westerman Complex. But it is clear from the submissions and my site visit that the unauthorised use attacked by the notice takes place on part of the ground floor of Unit B only. The door to the northern aspect of the ground floor provides entrance to a church. The description of the land is therefore not entirely accurate. It is clear that the parties understand that the notice seeks to attack the carwash use only and therefore the notice can be corrected without injustice to either party. I will therefore use my powers to correct the description of the land accordingly as set out in the Formal Decision.

### Ground (a) appeal and deemed application

#### Main Issues

2. The main issues in this appeal are (1) whether the loss of the site for industrial and business use would undermine the aims of the employment strategy for the area and (2) the effect of the development on the living conditions of occupiers of residential and business properties in the surrounding area with particular regard to noise and disturbance.

## **Land use allocation**

3. Westerman Complex comprises a series of commercial units located in the School Road Industrial Area. The development plan for the area includes the Brighton and Hove Local Plan (the Local Plan). Policy EM1 of the Local Plan identifies the School Road Industrial Area primarily for industrial and business use (under Use Class B1(b)(c) and B2 but not excluding B1a). Policy EM3 says that land in industrial use (B1, B2 or B8) or allocated for industrial purposes will not be released for other uses unless the site has been assessed and found to be unsuitable for modern employment needs.
4. The Council argue that as the use of land as a carwash falls outside any of the specified industrial and business use classes set out in policy EM1 it fails to accord with the development plan. But the policy does not place a blanket restriction on land use as it refers to the specific sites as 'primarily' for industrial and business use. This accords with the National Planning Policy Framework (the Framework) which encourages flexibility to accommodate needs not anticipated in the development plan and changes in economic circumstances.
5. The stated objective of policy EM1 is to help meet the Council's strategic priority of getting people into work and making best use of land available. The Appellant provides employment data that suggests that a light industrial use of similar floorspace would generate 9 jobs and a storage use 5-6 jobs. I am told that the carwash currently employs 7 full time staff and is therefore within the range of employment generation estimates for the allocated use. These figures are not challenged by the Council.
6. I therefore find that the use of the site as a hand carwash use accords with the employment generating aim of policy EM1 and therefore the development does not undermine the aims of the Council's land use strategy and is not in conflict with policies EM1 and EM3 of the development plan or the Framework.

## **Living conditions**

7. The appeal site forms part of a complex of commercial buildings which is subdivided into smaller units. These units accommodate a range of uses including a children's indoor play centre and tyre sales (including MOT testing). The surrounding area has a mixed character with nearby commercial properties, a school and a significant number of residential properties including dwellings at the front and rear of the appeal site. I am informed that a noise abatement notice was served by the Council on the site on 9 July 2013 but I am not provided with any noise measurements relating to the site.
8. The National Planning Policy Framework (the Framework) seeks to protect residential amenity from undue noise and disturbance and this is mirrored in the Local Plan. Policy QD27 of the Local Plan says that planning permission will not be granted for development which would cause material nuisance and loss of amenity to proposed, existing and /or adjacent user, residents, occupiers or where it is liable to be detrimental to human health. Policy SU10 of the Local Plan provides that development generating significant levels of noise will be permitted only where appropriate noise attenuation

measures are incorporated to reduce the impact of the development on surrounding land uses.

9. Five local residents and two neighbouring businesses object to the development. Whilst I accept that residents living nearby and adjoining businesses can reasonably expect noisier living and working conditions than would be reasonable in a wholly residential area the representations demonstrate that their amenities have been unduly harmed by noise and disturbance. They describe noise from a variety of sources including jet washers, vacuuming equipment and cars. They describe a 7 day a week operation with hours that vary and extend into the evening during good weather. They describe noise that causes a material change in their day to day behaviour such as closing windows and avoiding use of gardens during periods when the noise persists. I found on my site visit that vacuuming and jet washers were noticeably audible in School Road and nearby residential streets but not at the rear of the premises with the rear roller door shut. The noise emitted from the premises unacceptably harms the living conditions of neighbours during normal working hours. Furthermore, the site gives rise to noise at times when other businesses are closed thus prolonging the period during which residents may be disturbed and including on Sundays when car washing is likely to be in demand and background noise levels lower than during the working week.
10. I conclude that continued use of the carwash would give rise to significant concerns about the living conditions of occupiers of adjoining premises and nearby residential properties with particular regard to noise and disturbance. It is contrary to the Framework and policy QD27 of the Local Plan. I have taken into account the employment generated by the unauthorised use but this does not outweigh the harm to the living conditions of occupiers of nearby properties by reason of noise and disturbance.

### **Conditions**

11. I have considered whether the identified harm by reason of noise and disturbance could be overcome by conditions. I have taken into account the recently published Planning Practice Guidance (the Guidance).
12. The Council has put forward conditions to be imposed on any grant of planning permission. I agree that it is necessary and reasonable to limit the opening hours (preventing opening on Saturday afternoons, Sundays, Bank and Public holidays), to require rear shutter doors to be closed at all times and to prevent car washing equipment being used outside the premises in order to protect the living conditions of occupiers of adjoining and nearby residential properties. But it is also necessary and reasonable to put in place noise attenuation measures that satisfy maximum noise thresholds at specific locations. The Council proposes two soundproofing conditions covering the building and plant/machinery. They propose that within 2 months of any permission being granted a soundproofing scheme be submitted to and approved in writing by the Council and that agreed measures be implemented within 2 months of agreement and retained thereafter. Although the Appellant says that he has no objection to such conditions I have nevertheless considered whether they satisfy the Guidance. There is no evidence before me to suggest that practical

measures exist which could adequately soundproof the building and/or its plant and machinery so that specific noise thresholds are not exceeded at specific locations. In the absence of this detail I find the proposed conditions unreasonable.

13. In the absence of any evidence before me to demonstrate that practical noise attenuation measures are possible I cannot be satisfied that conditions could overcome the identified harm to the living conditions of occupiers of adjoining and nearby residential properties by reason of noise and disturbance.

### **Other matters**

14. Neighbours raise other issues including highway safety issues, use of private land for parking and alleged intimidation by the Appellant. I have taken into account all of these matters, including comments about traffic, but none of them leads me to alter my conclusions on the main issues.

### **Conclusion**

15. For the reasons given above I conclude that the appeal should not succeed on ground (a) and planning permission should not be granted.

### **Ground (g) appeal**

16. This ground of appeal is that the time to comply with the requirements falls short of what should reasonably be allowed. The time period for compliance in the notice is 28 days. The Appellant says that this would cause hardship to workers who would be likely to lose their jobs and need adequate time to arrange their financial and housing affairs. He suggests that three months would be reasonable.
17. I have balanced competing interests – the private interest of the business to find alternative premises and its workers to potentially secure alternative employment and the public interest of bringing the harm to the living conditions of occupiers of nearby properties to an end without unnecessary delay. I consider that 3 months would strike an appropriate balance and I am varying the period for compliance accordingly, prior to upholding the notice. The appeal on ground (g) succeeds to that extent.

### **Formal Decision**

18. The enforcement notice is corrected by adding the words 'part of ground floor' after the words 'land at' in paragraph 2 of the notice and varied by substitution of three months as the period for compliance. Subject to that correction and variation the appeal is dismissed and the enforcement notice is upheld. Planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

*S. Prail*

**Inspector**

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## Appeal Decisions

Hearing held on 24 June 2014

Site visit made on 24 June 2014

**by Katie Peerless Dip Arch RIBA**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 2 July 2014**

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### **2 Appeals at 6 Palmeria Square, Hove, East Sussex BN3 2JA**

**Appeal A: APP/Q1445/F/13/2205869**

**Appeal B: APP/Q1445/F/13/2206353**

- The appeals are made under section 39 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by the Planning and Compensation Act 1991.
  - The appeals is made by Ms Justina Grigiate (Appeal A) and Mrs Sufiah Schweda (Appeal B) against a listed building enforcement notice issued by Brighton & Hove City Council.
  - The Council's reference is 2012/0207.
  - The notice was issued on 9 August 2013.
  - The contravention of listed building control alleged in the notice is the partitioning of the fourth floor level to form an additional residential unit, installation of 2 no. rooflights, installation of 32-38mm pipework to the western (rear) elevation, installation of new shower room in the south eastern corner of unit 5A including fixtures and fittings, installation of new fitted kitchen in the south western corner of unit 5A including associated fixtures and fittings, installation of new door on the northern side of the fourth floor landing, installation of new entrance door to unit 5A, installation of 4 no. spotlights and security cameras to the forth (sic) floor hallway, and removal of structural timbers from the loft space and fitting out as residential accommodation.
  - The requirements of the notice are: 1. Remove the 2 no. roof-lights from the southern roof slope and reinstate the roof with tiles to match existing. 2. Remove the 32-38mm pipe-work from the western (rear) elevation at fourth floor level and make good the wall with paintwork to match existing. 3. Remove the new shower room in its entirety from the south eastern corner of Unit 5A on the fourth floor including all fixtures, pipe-work, tiling, glazing and partitions. Make good the floor, walls and ceiling with paintwork, skirting and cornicing to match. Remove the kitchen unit from the south western corner of Unit 5A including all work surfaces, the sink, pipe-work, cooking hobs, extractor fan and associated service pipes, plumbing and drainage. Make good the floor, walls and ceiling with paintwork, skirting and cornicing to match. 4. (sic) Remove the partition and door from the northern side of the fourth floor landing facilitating the subdivision of the 2 units. Make good the floor, walls and ceiling with paintwork, skirting and cornicing to match. 5. Remove the entrance door to flat 5A with stained glass rose motif. 6. Remove 4 no. spotlights and security camera installed into the hallway at fourth floor level. Make good ceiling with paintwork to match.
  - The period for compliance with the requirements is 9 months
  - The appeal is made on the grounds set out in section 39(1)(c) (Appeal A only), (e) (g) (h) (Appeal B only) and (j) (Appeal B only) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended.
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## Decisions

### Appeal A: APP/Q1445/F/13/2205869

### Appeal B: APP/Q1445/F/13/2206353

1. The listed building enforcement notice is corrected by the renumbering of the individual requirements from 1 – 6 to 1 – 7 and by the deletion of the words '*32-38mm pipework*' and the substitution of '*small bore horizontal plastic pipework*' in requirement 2. The appeal is allowed and listed building consent is granted for the retention of the shower room and related partitions in Unit 5A.
2. The listed building enforcement notice is varied by the deletion of newly numbered requirements 3 and 4 and the deletion of the words '*and removal of structural timbers from the loft space and fitting out as residential accommodation*' from the allegations. The time for compliance is varied from 9 months to 15 months.
3. The appeal is dismissed and the listed building enforcement notice is upheld as corrected and varied, insofar as it relates to the 2 No. rooflights, the external pipework on the rear elevation, the partition to the fourth floor hallway, the entrance door to Unit 5A and the 4 No. spotlights and the security camera in the fourth floor hallway and listed building consent is refused for the retention of the works carried out in contravention of section 9 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended.

## Preliminary matters

4. Since the issue of the listed building enforcement notice, various works have been carried out to the fourth floor and the roof. The 2 rooflights have been removed, but from photographs of the re-instated areas of slate it can be seen that these works have been carried out to a poor standard. The appellant stated at the Hearing that the roof is leaking and it was accepted that further remedial works are needed to rectify this. Also, the new glazed door to Unit 5A has been replaced by a solid 6 panel door.
5. There is also an unresolved issue relating to the ownership of Unit 5A which, I am told, is currently the subject of court proceedings. At present, therefore, it is unclear who would bear the responsibility for ensuring that any outstanding requirements of the listed building enforcement notice were carried out. This matter had not been identified at the time the notice was issued and the Council accepted that, in these circumstances, there would need to be flexibility over the time for compliance.

## The appeal site

6. The listed building enforcement notice relates to the upper floor and roof of the property at 6 Palmeira Square, a grade II listed building within a terrace of similar properties within the Brunswick Town Conservation Area dating, according to the listing description, from 1850 - 60 . There are currently 2 residential units on the fourth floor of the building: flat 5 which has 2 bedrooms, a living room, kitchen and bathroom and unit 5A which is single room containing kitchen fittings and with a shower room at one end.

7. The works enforced against relate to the formation of the 2 separate units on the fourth floor. Each unit has a separate entrance from the stairwell, formed by the removal of a door and the angled partition in which it was set and the construction of another partition and door at roughly 45° to the original. Within the studio flat, the shower room and kitchen units are later additions to the original layout.

### **Procedural matters**

8. Appeal B has been submitted by the owner of flat 5, who has no jurisdiction or access over Unit 5A. This appeal is proceeding under the written representation procedure and the appellant and her agent did not attend the Hearing, although I carried out the site inspection of her flat at the same time as visiting the rest of the property. The appellant for Appeal B notes that it is only the second of the 2 requirements originally numbered 4 on the listed building enforcement notice over which she personally could have any control and she therefore asks that this part of the unauthorised development be granted listed building consent, under a split decision if other parts of the development are found to be unacceptable under the appeal on ground (e).

### **Applications for costs**

9. The appellant for Appeal A indicated at the Hearing that she wished to make an application for costs in respect of appeal reference APP/Q1445/C/13/220586, formerly linked to Appeal A, relating to a planning enforcement notice that was withdrawn before the Hearing, meaning that the appeal did not proceed. A costs application against the withdrawal of the same enforcement notice has also been made in respect of another appeal, previously linked to Appeal B, reference APP/Q1445/F/13/2206368. The latter application is being dealt with in-house by the Planning Inspectorate's Costs branch and I therefore suggested that the appellant should follow the same procedure and submit her application in writing to the Inspectorate, as I do not have the withdrawn appeal before me for consideration. Both these applications will therefore be the subject of separate Decisions.

### **The listed building enforcement notice**

10. There is a typographical error in the requirements of the notice, in that there are 2 paragraphs numbered 4. For clarity, I will therefore correct the numbering of the requirements from 1 – 6 to 1 – 7.
11. At the Hearing, the Council accepted that there are no requirements relating to the allegations in respect of the removal of structural timbers and the fitting out of the loft space as residential accommodation. This appears to be an error and the Council asked that I delete these allegations from the listed building enforcement notice, as it would not be equitable to increase the scope of the requirements to cover them at this stage in the proceedings. The appellant raised no objection to this course of action and I shall therefore amend the notice accordingly.
12. At the site visit, there was a suggestion made that the plastic pipework on the rear elevation and which serves Unit 5A is not 32-38mm as described in the enforcement notice, but nearer to 22mm. As the precise diameter was not measured, I will remove the reference to it and identify the relevant pipework in a different manner, for the avoidance of doubt.

**Main Issue**

13. I consider that the main issue in respect of the appeals against the listed building enforcement notice on ground (e) is the effect of the works on the special architectural and historic character of the listed building.

**Reasons***Appeal A - ground (c)*

14. The appellant challenges the need for listed building consent for some of the works that have been carried out, believing that they do not affect the architectural or historic interest of the listed building. In particular she cites the installation of the kitchen units and the shower room, together with the pipework relating to these, both inside the building and where it appears on the rear elevation. She also considers that the inset ceiling spotlights and security camera would not normally require an application for listed building consent.
15. The pipework runs above floor level from the kitchen sink and shower room and are boxed in within the unit; they have consequently not resulted in a need to cut into structural timbers. However, it goes through walls and emerges externally, where it can be seen from public viewpoints, albeit at a distance, and has an impact on the rear elevation. I therefore conclude that this part of the installation requires the grant of listed building consent to authorise it.
16. Within the unit, an original partition has been moved further into the room, contrary to the original submission of the appellant, and this extends the depth of a former recess between the lift shaft and the original fourth floor hallway. This alteration has created space to accommodate the fittings in the shower room, and has changed the shape of the original room; it consequently also requires listed building consent to authorise the change.
17. On its own, the installation of the kitchen in the existing room would not, in my opinion require listed building consent provided there was no loss of original fabric or damage to the structure and the floor plan remained unchanged. It appears that there has been no such damage in respect of the installation of the units and I will therefore vary the listed building enforcement notice by deleting the requirement to remove them. However, this addition has been combined with an alteration to the shape and configuration of the former bedroom as well as to the entrance hallway to the fourth floor. The removal of the door and angled partition in the hallway and their replacement by a new wall and doorway running east /west, which now separates Units 5 and 5A, have changed the plan form and together with the other changes noted above, have had an impact on the architectural character of the building. They therefore need listed building consent.
18. Although the installation of the lights and security camera may appear to be a minor change, they have also resulted in a loss of fabric and, for this reason, I conclude that a grant of listed building consent is needed to authorise them.
19. It was agreed that the installation of the rooflights would normally need listed building consent, although the Council confirmed that it was its usual policy to grant permission the addition of a single 'conservation' type rooflight. Consequently, I conclude that, apart from the installation of the kitchen units, the remainder of the works would not be authorised unless listed building consent was granted for them and the appeal on ground (c) succeeds only in respect of the kitchen units and internal pipework.



*Appeals A and B - ground (e)*

20. Under this ground of appeal, the appellants seek listed building consent for those parts of the works that have been carried out without it and which need such a consent to authorise them. I have taken into account that the original house has already been sub-divided into flats and has consequently lost some of its original features and plan form. However, each floor had previously been treated as a spacious individual unit and the unauthorised works to the partition in the hallway have now, in my view, unacceptably reduced the size of the internal entrance hall to flat 5 and facilitated an atypical sub-division of the fourth floor living space as a whole, which is harming the architectural composition of the building.
21. I note that the appellant for appeal B considers that the current arrangement is preferable to the former layout, in that the new partition is parallel to the party walls and not at an angle to them. However, the previous layout was the same as that found on the 3<sup>rd</sup> floor and therefore reflects the character of the building as found on that floor level. Also the partition and door are of a quality that fails to reflect that of the original fabric, as found elsewhere in the building.
22. Although I consider that the alterations to the partition in Unit 5A and the installation of the shower room as an 'en-suite' to the bedroom that was originally part of flat 5 would be acceptable in the context of the larger unit, for the reasons set out above I find that the hallway alterations are harmful to the character of the building and the listed building enforcement notice will be upheld for this part of the work and listed building consent refused.
23. In respect of the pipework to the kitchen units and shower room, the installation on the external rear wall is somewhat clumsy and could be better configured. The pipes are at high level and visible from the public realm within the Conservation Area and from the windows of nearby buildings. For this reason I shall refuse listed building consent for the external installation as it presently exists, which will allow the possibility of a more acceptable solution to be investigated.
24. Similarly, although the rooflights enforced against have now been removed, the standard of reinstatement of the roof covering appears to be poor. The original profile of the windows also projected above the roof plane in a design detail that was unsuitable for a listed building of this age. Whilst a single rooflight of another design might be acceptable and meet Council's policies on alterations to listed buildings, I consider that those originally installed did not and I shall uphold the enforcement notice in respect of them.
25. The recessed spotlights and security camera in the stairwell would have no logical purpose in the context of the reinstated angled partition and there is consequently no justification for the removal of parts of the ceiling to allow for their installation. Once again, listed building consent will be refused for these parts of the works. The notice has been complied with in respect of the door to Unit 5A but I was shown a photograph of the original and I conclude that, even if it had not been removed, the design was an inappropriate modern insertion that did not respect the character of the listed building.

26. In conclusion, listed building consent will be granted for the alterations to form the shower room but not for any of the other works which have harmed the architectural and historic interest of the listed building, thereby conflicting with the requirements of s.16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) (the Act), policy H1 of the Brighton and Hove Local Plan and the requirements of Chapter 12 of the National Planning Policy Framework (the Framework). The Framework notes that, where any harm to the significance of a heritage asset is identified, even if less than substantial, this harm should be weighed against the public benefits of the proposal and no such benefits have been identified in this case. The appeal on ground (e) therefore succeeds only to the limited extent outlined above.

*Appeals A and B - ground (g)*

27. This ground of appeal claims that the requirements of the listed building enforcement notice exceed what is necessary to restore the building to its condition before the works were carried out. The appellant for Appeal A draws attention to other rooflights in the terrace and states that a single rooflight would not be excessive. This may be so, but as previously noted, I have concluded that the inserted rooflights were of an unacceptable design and the requirement to remove them does not exceed what would be necessary to return the building to its previous state. Other matters raised by this appellant have been covered in my conclusions as set out in previous paragraphs.

28. The appellant for Appeal B claims that the requirement to remove the partition to the corridor is excessive, however, her reasons for this do no more than reiterate the grounds that she has put forward for the appeal on ground (e). They do not show that the requirement calls for more than would be needed to restore the building in the event that listed building consent is refused. The appeal on ground (g) consequently fails.

*Appeal B - ground (j)*

29. The appellant claims that the listed building enforcement notice does not state whether it is seeking to restore the building to its former state or alleviate the effect of the works. Therefore, under ground (j) she claims once again that the removal of the partition to the corridor is excessive, for the reasons previously set out. However, I consider that it is clear from the wording of the requirements that the Council is seeking to ensure that the building is returned to the condition it was in before the unauthorised works were carried out. To this end, the notice calls for the removal of the unauthorised elements that have been inserted and for making good when this has been done. There is nothing included in the notice that could be considered as alleviation rather than restoration. The appeal on ground (j) consequently fails.

*Appeal B - ground (h)*

30. The appellant seeks 18 months rather than 9 months as the time for compliance, due to the ongoing legal complications about the ownership of Unit 5A. As previously noted the Council has now accepted that flexibility will be needed in respect of the time for compliance, because of this problem. It is anticipated that the court case may take 6 – 9 months and whoever then proves to be responsible for carrying out the remedial work will need some time after its conclusion to organise the works. I consider that 15 months would be a reasonable time span, bearing in mind that the Council also has the power under s.38(5)(b) of the Act to extend the time for compliance, whether or not the notice has come into effect.

### *Other matters*

31. The appellant for appeal A queries whether the Council has acted inconsistently in taking enforcement action against the works carried out to flat 5 and Unit 5A and points to other instances where internal alterations appear to have been tolerated or ignored. However, I have no details of the planning history of other properties and have considered this case on its own merits. It is also the case that, even if unauthorised or unsuitable works have previously been carried out, this does not necessarily justify the retention of other such works, where they have been found to be harmful.
32. This appellant also considers that the notice is unclear in that it does not give any details of the type of door that should be reinstated to unit 5A and also that there is no requirement to restore the angled partition and door that have been removed, which would leave no secure access to the rest of the living accommodation on the fourth floor. However, listed building consent would not be required to reinstate the partition and doors provided they matched those that were taken out. There is consequently no ambiguity about what can now be carried out and these works to secure the flat could be undertaken without the need to obtain any further consents. Similarly, the door to the bedroom which now comprises Unit 5A has been replaced with a door to which the Council has raised no objection.

### **Conditions**

33. The Council has not suggested any conditions that it would wish to see imposed if listed building consent were to be granted for the works that have been carried out.

### **Conclusions**

34. I have found that the installation of the kitchen and the internal pipework does not require listed building consent and I will remove the requirement to remove this element of the works from the listed building enforcement notice. However, the remainder of the works need to be authorised by the grant of listed building consent and the only elements that I consider should be permitted are the installation of the shower room and the consequent alterations to the partition within Unit 5A.
35. The remainder of the works are refused listed building consent and the listed building enforcement notice will be upheld in respect of them, subject to the corrections and variations noted in previous paragraphs.

*Katie Peerless*

**Inspector**

## **APPEARANCES**

### FOR THE APPELLANT:

Philip Rowe BA (Hons) BTP	Planning Consultant
Justina Grigate	Appellant

### FOR THE LOCAL PLANNING AUTHORITY:

Aidan Thatcher MRTPI	Brighton and Hove City Council Planning Enforcement Manager
Lesley Johnston BSc (Hons) Dip Historic Building Conservation IHBC	Brighton and Hove City Council Conservation Officer

### INTERESTED PERSONS:

Cllr. Phelim Maccaffery	Brighton and Hove City Council Ward Councillor
Guity Saadat	Local resident
Betty Ringer	Local resident
Michael Ringer	Local resident
Joel Yang	Local resident

## **DOCUMENTS**

- 1 Letter of notification and circulation list



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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: 1 July 2014

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### **Appeal Ref: APP/Q1445/A/14/2216564 1-3 Richmond Place, Brighton, BN2 9NA**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mrs N Blencowe against the decision of Brighton & Hove City Council.
  - The application Ref BH2013/03586, dated 21 October 2013, was refused by notice dated 18 December 2013.
  - The development proposed is a single storey infill building in rear courtyard to form a two bedroom flat.
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### **Decision**

1. The appeal is allowed and planning permission is granted for a single storey infill building in rear courtyard to form a two bedroom flat at 1-3 Richmond Place, Brighton, BN2 9NA in accordance with the terms of the application, Ref BH2013/03586, dated 21 October 2013, subject to the conditions in the attached schedule.

### **Main Issues**

2. The main issues are the effect of the proposal on, firstly, the character and appearance of the locality and, secondly, the living conditions for future residents and neighbours.

### **Reasons**

#### *Character and appearance*

3. The appeal site is the majority of the rear yard area of a four storey converted block of flats and lies alongside two outbuildings that have been converted into residential studios. The area is of established residential character with a considerable mix of scale, age and type of home which come together to form a locality of interesting and largely attractive appearance and generally tight urban grain. The proposal is as described above.
4. The site lies within the Valley Gardens 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 Council is concerned that the scheme would represent inappropriate subdivision, design and layout, as well as consuming outside space for the flats and generally being harmful overdevelopment in immediate and Conservation Area terms. However, the former town house arrangement of the main block and gardens has long gone and in my opinion there would be no harm in principle at looking at the land available afresh. The subdivision would only be partial as shared access and communal yard arrangements would continue. The design takes its cue from the adjoining outbuildings and a linked modest grouping such as this would not be out of place as subordinate and subservient structures to the main frontage properties.
6. In an ideal world, or an up to date planning permission, the full extent of the yard area might be reserved for existing flat occupiers and laid out attractively but no evidence is brought that any consent required this and there is no justified suggestion that the owners must make this land available. I do also note that very attractive public open space for amenity purposes is close to hand in any event. The local built form includes a number of diverse properties and unusual juxtapositions of a 'quirky' nature and a close knit relationship and in my opinion rather than being overdevelopment the scheme would sit comfortably in character with the area. It would also not impact upon the visual qualities of the area either from the limited public or wider private vantage points.
7. Having regard to the above I conclude that there would not be conflict with S72(1) of the Act or LP Saved Policy HE6; there would be preservation of the character and appearance of the Conservation Area. The LP also includes Saved Policies QD1 and QD2 which, amongst other matters, seek to ensure development is well designed; being sympathetic to the scale, proportion and character of the neighbourhood. Given the nature of the appeal scheme, I conclude that the proposal would not run contrary to these objectives.

#### *Living conditions*

8. In terms of living conditions for would-be residents the Council is concerned that property would simply be too small, providing cramped accommodation with poor amenity exacerbated by being overlooked and having a poor outlook. The Council cites no specific breach of relevant adopted standards in terms of accommodation sizes. The scheme would appear to me to offer a small but usable home that would provide a reasonable internal arrangement, suitable daylight from three directions and a modest but usable and relatively private outside amenity area. The frontage area would be overlooked but this is not unusual and the main focus for privacy internally and externally would be to the rear. Outlook would be constrained but not unduly so for a tight urban area.
9. The concerns expressed by the Council with regard to the amenity of existing residents is that the planned building would impinge upon outlook from raised ground floor and basement flats, introduce overlooking and add to rear activity. However the proposed building would be of very modest height being single storey and virtually flat roofed, its frontage fenestration in addition to a door would be one bathroom window and one bedroom window and the rear courtyard and shared entrance area clearly already serves numerous properties such that one more would be likely to add little extra perceived or actual activity. The face to face distance would be quite tight but not particularly

unusual for a densely developed urban area and not to a degree which would justify preventing the provision of a further reasonable small home in a highly sustainable location.

10. The Council's LP Saved Policy QD27 seeks, amongst other matters, to ensure suitable living conditions. I conclude that this development would not run contrary to this policy objective for the reasons I have given.

*Conditions*

11. I agree with the Council that 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 also agree that there should be conditions relating to the use of matching materials and black painted railings in the interests of visual amenity and that in this unusual case 'permitted development' rights should be restricted in the interests of visual and residential amenity. The adjacent tree has some direct incursion upon the appeal site and in the interests of its wellbeing and visual amenity a construction condition should be applied as suggested. Cycle parking should be provided prior to first occupation to encourage sustainable travel and Code for Sustainable Homes level 3 should be achieved to embody other sustainability credentials.
12. The plans show the layout in detail and seeking any additional Lifetime Homes standards would be excessive in this modest development whilst requiring refuse and recycling storage details would also be unnecessary in the context of all the adjoining flats. I am not provided with sufficient justification to reach the conclusion that would-be residents should be prevented from applying for a resident's parking permit.
13. To aid precision and concision I do not in every condition exactly replicate the wording proposed by the Council.

*Overall conclusion*

14. 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 locality or on the living conditions for future residents and neighbours. Accordingly the appeal is allowed.

*D Cramond*

INSPECTOR

SCHEDULE OF CONDITIONS (8):

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: 1960/7B, 8B, 9A & 10A.
3. The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the adjacent buildings.
4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking, re-enacting or modifying that Order) Schedule 2, Part 1, Classes A - E, no extension, enlargement, roof alteration or provision within the curtilage of the development hereby permitted shall be constructed.
5. The railings shown on the approved plans shall be painted black prior to the first occupation of the development hereby permitted and shall be retained as such.
6. 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 and they shall be retained thereafter for this purpose.
7. The dwelling shall achieve Level 3 of the Code for Sustainable Homes. It shall not be occupied until a final Code Certificate has been issued for it certifying that Code Level 3 has been achieved.
8. No development shall commence until a detailed Construction Specification and Management Statement for the protection and long term retention of the adjacent Broad-leaved Lime tree has been submitted to and approved in writing by the Local Planning Authority and development shall be carried out in accordance with the approved Statement.





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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: 30 June 2014

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### Appeal Ref: APP/Q1445/A/14/2216460

### Flat 4, 191 Eastern Road, Brighton, BN2 5BB

- 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 Mike Stimpson against the decision of Brighton & Hove City Council.
  - The application Ref BH2013/03818, dated 8 November 2013, was refused by notice dated 27 February 2014.
  - The development proposed is the erection of single storey rear extension to second floor level and creation of dormer and rooflight to the rear and 2no rooflights to the front.
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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 mid terrace, 3 storey plus basement, building split into flats, it has a two storey outrigger to the rear which in part shares a pitch roof with the adjoining property. The property is pleasingly proportioned and with attractive elevations and these are reflected along the frontage of this terrace which stands prominently on Eastern Road. The locality is a mixed one of established attractive residential property generally to the south and large predominantly hospital related development to the north. The proposal is described above and would enable an appreciable increase in accommodation for the upper level flat.
4. The Eastern Road streetscene is enhanced by the generally unaltered frontage of this terrace and care needs to be taken to ensure that any change would not be a retrograde step in visual terms. Unfortunately the planned 'velux' windows would interrupt the harmony and would look awkwardly, almost randomly, positioned on the roof slope not placed relating to each other or sufficiently to the fenestration below. They would detract from the elevational qualities of the host property and the wider terrace. This would be exacerbated because the appeal property stands facing the end of the rising Eaton Place thoroughfare and so the degree of visual impact and scope of public vantage points is greater than might usually be found along the normal run of a street.

5. Turning to the rear the picture is a more mixed one. Of the five outriggers 3 have been altered over the years and the Appellant seeks to match, and attach to, the adjoining flat roofed tile hung projection which projects above and forward for about half of the outriggers length. The argument is put that this would add balance and symmetry and be beneficial to the look of the terrace as a whole. However for my part I see it as replicating and compounding a somewhat regrettable and historic extension to No. 189 and I could not condone this exacerbation in design terms and given present planning policy on this matter. The extension would bear little relationship to what lies below it, would awkwardly obscure part of the attractive pattern of rear windows found on the appeal property and would display a bulky appearance and profile quite unrelated to the upper level of this set of flats. The scheme would represent an unsatisfactory way to extend a building and there would be considerable scope from public vantage points along the rising Bristol Gate to the north west to appreciate the disfigurement.
6. The Brighton & Hove Local Plan 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.
7. I sympathise with the Appellant's wish to increase the accommodation of this property and I can see that to a considerable degree design has been led by seeking to replicate what has gone before. I note the difficulty of meeting the Means of Escape requirements for Building Control and appreciate that the Appellant would consider more conservation style rooflights. I recognise the scale of 'commercial' development which lies to the north. 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.
8. I confirm that policies in the National Planning Policy Framework have been considered. A key objective of the Framework is to protect and enhance the qualities of the built environment and the development plan policy which I cite mirrors this.

*Overall conclusion*

9. 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

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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: 30 June 2014

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**Appeal Ref: APP/Q1445/A/14/2216719**  
**35 Providence Place, Brighton, BN1 4GE**

- 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 Yasser Abbas (Atlas Property (Europe) Ltd) against the decision of Brighton & Hove City Council.
  - The application Ref BH2013/03099, dated 9 September 2013, was refused by notice dated 13 January 2014.
  - The development proposed is an extension to the rear elevation flat roof to accommodate a new first floor.
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### Decision

1. The appeal is allowed and planning permission is granted for an extension to the rear elevation flat roof to accommodate a new first floor at 35 Providence Place, Brighton, BN1 4GE in accordance with the terms of the application, Ref BH2013/03099, dated 9 September 2013.

### Procedural Matter

2. The works have been undertaken; this does not alter the way in which I assess the case.

### Main Issue

3. The main issue is the effect of the proposal on the character and appearance of the host property and the locality.

### Reasons

4. The appeal property is a two storey terraced commercial building. It is within a mixed area predominantly commercial in character, albeit with some residential flats. The locality includes a considerable range of building styles, ages and sizes which come together to form a neighbourhood of broadly utilitarian functional appearance. The proposal is as described above, when fitted out would provide enlarged storage or light industrial space, and has increased the previous shallow mono-pitch roofed rear projection by about 1.4 metres in height.
5. The Council is mainly concerned that the roof extension is of excessive height as it rises above the eaves level of the main building giving what is considered to be an awkward relationship. This, the Council argues, is compounded by the use of corrugated cladding in juxtaposition to the more traditional roofing material. I can readily appreciate that in general terms this is not the most

frequently taken approach to extending a building. However I can also see that to gain the desired ceiling heights the design options, without radical and costly change to the building as a whole, would be limited. I could see that the wider area has developed in a rather ad hoc fashion over the years and that there were some very varied types and sizes of rear buildings. The proposal lies to my mind comfortably 'mid height' between development to either side. The material is both suitably subdued and matches that used previously below. The nature of the extension being full width means that the eaves have been removed - I would be more concerned if an awkward part were remaining - and so the profile of the whole of the rear of the building has been changed. The end result is not something which is out of place, the building itself is acceptable in design terms and the new scheme sits comfortably within the character of the area.

6. The appeal development can only be glimpsed in part from one narrow public realm vantage point and it is certainly not jarring on the eye. Similarly it should not visually offend people looking out of nearby flats or businesses. The premises as extended are neat and functional and well suited to their surrounds.
7. 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.

#### *Conditions*

8. I note that the Planning Officer's report refers to the prospect of providing secure cycle parking were the scheme to be allowed, albeit there is recognition that no new visitors cycling trips will be generated. There is no firm indication that staff numbers would increase but in any event cycle parking could be arranged within the commercial ground floor of the premises, there is no exterior curtilage, and I think it reasonable in the circumstances to leave this to the site operator to implement. No other conditions are suggested by the Council and in the light of this being a retrospective proposal none would be applicable in my opinion.

#### *Overall conclusion*

9. 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. 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: 1 July 2014

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**Appeal Ref: APP/Q1445/A/14/2214179**  
**30 Whitehawk Road, Brighton, BN2 5FB**

- 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 V Thivakaram against the decision of Brighton & Hove City Council.
  - The application Ref BH2013/02343, dated 10 July 2013, was refused by notice dated 20 September 2013.
  - The development proposed is a rebuild and extension of rear side return addition and removal of existing timber structure and erection of single storey rear extension.
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### Decision

1. The appeal is allowed and planning permission is granted for a rebuild and extension of rear side return addition and removal of existing timber structure and erection of single storey rear extension at 30 Whitehawk Road, Brighton, BN2 5FB in accordance with the terms of the application, Ref BH2013/02343, dated 10 July 2013, subject to the following conditions:
  1. The development hereby permitted shall be carried out in accordance with the following approved plans: EO1, EO2, EO5, PO1, PO2, PO3, & PO4.
  2. No development shall take place until details and/or samples of the materials, colours and finishes 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.

### Procedural Matter

2. The works have been partly completed; this does not alter the way in which I assess the case.

### Main Issue

3. The main issue is the effect of the proposal on the character and appearance of the host property and the locality.

### Reasons

4. The appeal property is a two storey terraced building. It appears to have been a modest Victorian dwelling and is now converted with a hot food take away business at ground floor and associated internal and external alterations from the original form. The property is located opposite a large bus depot and lies within a mixed area of commercial and residential uses creating a lively character and unremarkable appearance for the neighbourhood. It has a small

- yard to the rear and, effectively, the proposal is to cover most of that yard with a single storage extension to provide for fridge and storage space.
5. The Council's case is that given the planned form and scale the scheme would represent incongruous overdevelopment which would harm visual amenities of the parent property and wider area. Certainly the development would 'wrap around' an existing outrigger and would largely fill this small yard area. However this rear ground floor run of commercial properties is very varied in the scale, coverage, form and materials found as additions to the original properties. Wider visual integrity has been lost and whether or not the adjacent and nearby properties with full yard coverage are historic I can quite understand why they are cited by the Appellant and in this instance I consider that their existence cannot be lightly dismissed. At a practical level the small yards to the rear of these commercial properties can, and in some cases I noticed did, merely become untidy external storage and there is something to be said for preventing any risk of that occurring at these premises. In any event the walled nature of the rear space would not be greatly over-topped by the planned extension.
  6. Despite wrapping around the outrigger the form of the original property would remain readily apparent at upper level. I appreciate that the Council is concerned that the intended cladding material on the extension would be out of keeping with the Victorian property. Clearly there would be a contrast but to my mind in this instance this would help the new development to display a suitable degree of subservience to the main building and to enable the host structure's solidity and features to visually prevail. The appeal development would not readily be seen from a public realm vantage point and would not be jarring on the eye for those viewing from nearby homes.
  7. Saved Policy QD14 of the Brighton & Hove Local Plan calls for, amongst other matters, development to be well designed to protect local distinctiveness and respect the character of immediate buildings and the wider area. I conclude that the appeal scheme would not run contrary to these objectives. I have also had regard to the Council's SPD12 Design Guide for Extensions and Alterations which has broadly the same objectives and cannot be expected to cover every eventuality such as areas of mixed character and where commercial intensity already prevails.

#### *Conditions*

8. The Council refers to the need for the standard commencement condition – however the work is partly completed and so this is not necessary. 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. Whilst there was some limited information with the application I agree with the Council that there should be a condition relating to the submission and approval of external materials in the interests of visual amenity.

#### *Overall conclusion*

9. 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. Accordingly the appeal is allowed.

*D Cramond*

INSPECTOR

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# Appeal Decision

Site visit made on 3 June 2013

**by Simon Warder MA BSc(Hons) DipUD(Dist) MRTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 20 June 2014**

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**Appeal Ref: APP/Q1445/A/14/2215587**

**The Jive Monkey, 5 Steine Street, Brighton, BN2 1TE**

- 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 Oazo Ltd against the decision of Brighton and Hove City Council.
  - The application Ref BH2013/02747, dated 9 August 2013, was refused by notice dated 6 November 2013.
  - The development proposed is change of use of nightclub (Sui Generis) to 7 units of student accommodation (Sui Generis).
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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 Council assessed the proposal as a house in multiple occupation. However, since the proposal would allow more than six persons to be accommodated, I have determined the appeal on the basis of the sui generis use for student accommodation as stated in the application and appeal submissions.
4. The proposal is within the East Cliff Conservation Area. Whilst the scheme does include external alterations to the building, amended plans were submitted which satisfy the Council's earlier concerns over the effect of the proposal on the character and appearance of the Conservation Area. I see no reason to disagree with the Council's position and have framed the main issue accordingly.

## Main Issue

5. The main issue in this case is the effect of the proposal on the living conditions of future occupants with particular regard to the adequacy the natural light and outlook and the size of the accommodation.

## Reasons

6. The appeal property is currently vacant, but was last used as a nightclub. The appeal proposal would create four units of student accommodation on the first floor, two on the ground floor and one unit of accommodation and a communal living and kitchen/dining area at the lower ground floor level.
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7. The appellant contends that it is appropriate to allow a relaxation of the standards normally applied to general housing, given that students are likely to spend shorter periods of time in the accommodation. In this respect my attention has been drawn to an appeal decision for student accommodation in Islington (appeal reference APP/V5570/A/10/2129052). The appellant has also referred to the particular requirements of English language students. Whilst I accept that some relaxation of general residential standards may be appropriate for student accommodation, the appeal proposal contains no mechanism for limiting occupation to English language students. Therefore, even if it could be demonstrated that such accommodation should be assessed against a lower standard, it would not be appropriate to apply it to the appeal proposal. The appellant also argues that the proposal meets the standards for student accommodation published by other Councils, but has not supplied details of those standards. As such, I can accord them negligible weight.
8. Notwithstanding the absence of detailed standards, Brighton and Hove Local Plan (LP) policy QD27 and paragraph 17 of the National Planning Policy Framework (the Framework) both seek to protect the amenity of future occupiers of buildings.
9. The only natural light in the communal area would be a pavement light at one end of the room. Based on the image at Appendix 1 of the Daylight report submitted by the appellant<sup>1</sup> it is not clear whether this has been taken into account in the Average Daylight Factor assessment. Notwithstanding the amount of natural light, occupants of this room would have no outlook. In three of the four units at the rear of the building the only windows would look out onto a confined courtyard some 2m wide and enclosed on all sides. The wall on the opposite side of this courtyard is five storeys height. Whilst the daylight assessment shows that these rooms would generally receive adequate daylight<sup>2</sup>, the outlook would be severely restricted with little view of the sky from the lower ground floor and ground floor units in particular.
10. In dealing with outlook in the Islington appeal, the Inspector noted that the distance between the affected windows and the wall opposite was 5m to 13m. Whilst the facing building was taller, the shortest distances were to pinch-points rather than continuous obstructions. In this case, the degree of confinement created by the courtyard would be significantly greater and, in my judgement, would have an oppressive effect on the outlook of occupiers of the three affected units.
11. The proposed units vary in size and configuration. However, those on the first floor would be particularly narrow and small. The application plan states that these rooms range in size from 8sqm to 12sqm excluding the en-suite bathrooms, although the Council's evidence is that they would be slightly smaller. In any event, with furniture in place, the floorspace available for occupants to move around in would be little more than 1m wide and, in some positions less than that.
12. Neither party has provided evidence of adopted space standards for student accommodation and the Inspector in the Islington appeal does not specifically

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<sup>1</sup> Delta Green Environmental Design, Revision 1, 6 February 2014

<sup>2</sup> The assessment finds that, in one of the ground floor units, only part of the floor area would receive adequate daylight.



address the issue of space standards. Nevertheless, the amount of space available to occupants of the first floor units would be very restrictive. The lack of natural light and outlook in the communal area would not make it an attractive alternative space in which to spend long periods of time. Therefore, even allowing that students may spend less time in the accommodation than other occupiers, I consider that the shortcomings in space and outlook would not provide occupants with satisfactory living conditions.

13. The Islington appeal Inspector balanced the positive aspects of scheme against its limitations. I recognise that each of the units in the current appeal would have an en-suite shower room and have no reason to doubt that the scheme would be fitted out to a high standard. I have also had regard to the support for the scheme from a number of education providers in the area including EC Schools. Nevertheless, in undertaking the balancing exercise in this case, I find that the shortcomings outlined above clearly outweigh the positive aspects of the proposal.
14. Therefore, I conclude that the proposal would not provide satisfactory living conditions for future occupiers with regard to the amount of floorspace in the first floor units and the outlook of three of the four units at the rear of the building. Consequently, the proposal would conflict with LP policy QD27 and paragraph 17 of the Framework.

#### *Other Matters*

15. There is support for the proposal on this basis that it would replace the last use of the building as a nightclub which is considered to be inappropriate to the area. It would also tidy up and bring back into use a neglected building. Furthermore, I have no reason to doubt the unmet demand for student accommodation in the area and note that the appeal site is very conveniently located for a number of education providers. However, my concerns are not with the principle of the use of the building for student accommodation. Rather, they are with specific aspects of the appeal scheme. It has not been satisfactorily demonstrated that the claimed benefits of the proposed use could not be achieved by an alternative scheme which addresses the concerns set out above.
16. Reference has been made to a recent approval for student accommodation at George Street. I have not been provided with details of that scheme, but understand that the Council had no concerns about the outlook or natural light available in the bedrooms in that case. That being so, it can be distinguished from the appeal proposal.
17. There is nothing to indicate that the local plan policy referred to above is in conflict with the Framework.

#### *Conclusion*

18. For the reasons outlined above, the appeal should be dismissed.

*Simon Warder*

INSPECTOR



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# Appeal Decision

Site visit made on 24 June 2014

**by L Gibbons BA (Hons) MRTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 8 July 2014**

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**Appeal Ref: APP/Q1445/H/14/2218887**

**International Casino Club, 6 Preston Street, Brighton BN1 2HN**

- 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 to display an advertisement.
  - The appeal is made by Mr Richard Jackson (Genting Casino UK Ltd) against the decision of Brighton & Hove City Council.
  - The application Ref BH2014/00638, dated 26 February 2014, was refused by notice dated 13 May 2014.
  - The development proposed is a vertical internally illuminated projecting sign.
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## Decision

1. The appeal is dismissed.

## Main Issue

2. The effect of the advertisement on the character and appearance of the area.

## Reasons

3. Preston Street forms part of the Regency Square Conservation Area, where special attention must be paid to the desirability of preserving or enhancing its character and appearance. The buildings in the area are closely related to the historical development of Brighton as a seaside resort. The west side of the road has a mix of Victorian properties arranged in pairs or terraces, with the exception of the appeal property. The appeal property is a large modern building with a projecting veranda above the ground floor and large bays on the first and second floors. It has a prominent presence in this part of the road. Both sides of the road are lined with shops and other businesses, with residential or other uses above.
4. As to be expected in this town centre area, there is considerable variety to the signs and fascias at ground floor level. There are a small number of signs above ground floor level, much further north of the appeal site at the junction of the Preston Street with Western Road. However, the presence of signs above the fascia is very limited within the immediate vicinity of the appeal site.
5. The vertical internally illuminated sign would be sited above the ground floor of the appeal property on a blank area of wall on the front elevation, between windows on the north side of the appeal property and the adjoining Victorian building. The eye would be drawn to the bright illuminated white lettering, red logo and black satin finish of the sign, which would jar against the plain walls of

- the front elevations and the windows on the appeal property and adjacent building.
6. In addition, the red LED tubing, which would face towards the east, would be highly visible from the pavement on the opposite side of the road. Moreover, due to the length of the sign, stretching for some distance between the first and second floor of the appeal property, it would appear as a dominant and incongruous element, particularly against the smaller scale features of the adjoining building to the north.
  7. The sign would not project beyond the bay windows of the appeal property. However, due to a slightly flatter facade on the adjoining property to the north, the sign would appear to protrude out from the main front elevation when looking south towards the building from both pavements and consequently would be highly visible. The sign would therefore be in stark contrast to the appearance of buildings and signs in the area. I conclude that the sign would adversely affect the character and appearance of the Regency Square Conservation Area.
  8. The appellant refers to a sign located above premises close to the appeal property, which I noted on my site visit, although it was not illuminated at the time. In any event, its presence does not allow something I have found harmful to the visual amenity of the area.
  9. The Council has drawn my attention to a number of policies in the Brighton and Hove Local Plan (2005) as well as Supplementary Planning Document 07: Advertisements. However, whilst I have taken them into account as material considerations, the powers to control advertisements under the regulations may be exercised only in the interests of amenity and public safety. Consequently, in my determination of this appeal the Council's policies and guidance have not, themselves, been decisive.
  10. I understand the concerns of the appellant regarding the way in which the Council dealt with the planning application process. However, I must deal with the proposal before me.
  11. For the reasons given above, I conclude that the appeal should be dismissed as the sign would be detrimental in the interests of amenity.

*L Gibbons*

INSPECTOR

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## Appeal Decisions

Site visit made on 24 June 2014

**by Philip Willmer BSc Dip Arch RIBA**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 15 July 2014**

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### **Appeal A Ref: APP/Q1445/A/14/2215801**

#### **67 Preston Street, Brighton, East Sussex, BN1 2HE.**

- 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 Regency Property Partnership against the decision of Brighton and Hove City Council.
  - The application Ref BH2013/03445, dated 14 August 2013, was refused by notice dated 27 December 2013.
  - The development proposed is described as convert main house from offices to 1: one bedroom basement flat, 2: one bedroom top floor (third floor) flat and 3: five bedsits on ground/first/second floors (HMO).
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### **Appeal B Ref: APP/Q1445/E/14/2215800**

#### **67 Preston Street, Brighton, East Sussex, BN1 2HE.**

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
  - The appeal is made by Regency Property Partnership against the decision of Brighton and Hove City Council.
  - The application Ref BH2013/03446, dated 14 August 2013, was refused by notice dated 20 December 2013.
  - The works proposed are described as convert main house from offices to 1: one bedroom basement flat, 2: one bedroom top floor (third floor) flat and 3: five bedsits on ground/first/second floors (HMO).
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### **Decisions**

1. The appeals are dismissed.

### **Main Issues**

2. I consider the main issues to be:
    - a) whether or not it has been adequately demonstrated that the office floorspace use here is no longer economically viable and that the change of use is the only practicable way of preserving the listed building;
    - b) the effect of the proposal on the special architectural and historic interest of 67 Preston Street listed grade II, its setting and whether the works would serve to preserve or enhance the character or appearance of the Regency Square Conservation Area; and
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c) whether the proposal would provide a satisfactory standard of accommodation for future occupiers.

### **Reasons**

3. The property the subject of these appeals, 67 Preston Street, is an end of terrace building that comprises three storeys plus basement and attic space. It is listed grade II and located in the Regency Square Conservation Area on the eastern side of Preston Street, between its junctions with Regency Square and Regency Mews. The appeals relate only to that part of the building that fronts Regency Square and Preston Street and not to the rear three-storey back addition with the gabled roof. The property is currently vacant having last been used for office accommodation.
4. Preston Street is characterised by a rich mix of commercial uses at ground floor level with mainly residential over, whereas Regency Square and Regency Mews are predominantly residential with some hotel uses.
5. According to the list description number 67 (previously 21 Regency Square), along with numbers 22 to 25 Regency Square, probably dates from circa 1818. In my view, the building's special architectural and historic interest relates to the history of its development and use, its design and detailing and its setting as part of the terrace and Regency Square and Preston Street. Unfortunately, as I saw on the occasion of my visit, the building is in a state of disrepair and there have been previous extensive works to the interior which may well have resulted in the loss of many historic features including, amongst others, skirtings, doors, fireplaces, wall and ceiling finishes etc.
6. The appellant wishes to convert the existing offices (B1) to form two number one bedroom flats on the lower ground and third floors and a house in Multiple Occupation (C4) (HMO) on the ground, first and second floors, together with window restoration, new front door, ventilation pipes on the roof and associated works.

### *First main issue*

7. The proposed change of use would result in the loss of office floorspace, which from the evidence I understand to amount to some 200 square metres or so.
8. Policy EM5 of the Brighton and Hove Local Plan (2005) (LP) advises that planning permission will not be granted for the change of use of office premises or office sites to other purposes, unless they are genuinely redundant because the site is unsuitable for development, the premises are unsuitable and cannot be readily converted to provide different types of office accommodation, or where a change of use is the only practicable way of preserving a building of architectural or historic interest.
9. The policy goes on to set out what the Council considers to be determining factors when assessing redundancy. Along with other things these include the length of time that the premises have been vacant, the marketing strategy adopted, and the prevailing vacancy rate for the size and type of office in Brighton and Hove.
10. Other than a statement that the building has been vacant for several years, no evidence has been submitted, such as the details of any marketing exercise, to indicate that the office use is redundant or that the proposed change of use is the only practicable way of preserving this grade II listed building. Further, although I appreciate that some businesses, because of their IT needs, may prefer to be located in modern offices, equally there are many that prefer smaller traditional

office suites. In my judgement, the provision of toilets, kitchens and tea rooms can usually, with careful consideration, be incorporated into historic buildings such as this.

11. Accordingly, in the light of the lack of evidence, I can only conclude in respect of the first main issue that the proposal would result in the loss of office accommodation contrary to the aims of LP Policy EM5.

*Second main issue*

12. The drawings before me are limited to internal and roof plans and external elevations only. They neither show nor record the building's architectural detail, the extent of recently completed building works as opposed to original fabric or how the works might affect or better reveal the heritage asset. The design and access statement is formulaic, lacks detailed information and is not supported by a detailed description of the works or specification. In my opinion the application documentation neither illustrates nor describes the works proposed adequately. Were listed building consent and planning permission granted, it would be impossible for a contractor to (a) know from the drawings what precisely had been permitted or, (b) carry out the works without potentially adversely harming the integrity of the listed building.
13. Furthermore, and in any case, in the light of the inadequate information provided in support of the applications, I do not consider that I can make a satisfactory judgement as to whether or not the works would cause harm to the special architectural and historic interest of the building.
14. Accordingly, I find that to consider the proposed works without detailed drawings or an adequate specification would be to disregard the duties imposed by Sections 16, 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, and the National Planning Policy Framework (the Framework) which are reflected in the Development Plan policies to which I have been referred. This is particularly the case as they relate to the quality of development, the preservation of the fabric and setting of listed buildings, and the preservation or enhancement of the character or appearance of conservation areas.

*Third main issue*

15. The Council states in its evidence, and this is not challenged by the appellant, that the bedsits located at the rear of the building would only be about 12.0 square metres or so inclusive of the kitchen area and circulation space around the entrance doors. Due to the limited floor area of the rooms, the proposed layout of the units, and the proposed location of the fireplaces and wall heaters, I agree that there would be limited scope for the introduction of necessary furniture to ensure that the bedsits would provide satisfactory living conditions for future residents.
16. Access to the third floor flat would be over the same staircase that would be used by the residents of the bedsitting rooms to access the communal bathroom. Overall I consider this to be an unsatisfactory arrangement that would be detrimental to the future residential occupiers' living conditions.
17. I note that the layout does not provide for any communal space such as a living room. While I agree with the Council that this would be desirable, bearing in mind the type of accommodation to be provided and the building's high density urban location, I am not persuaded that this alone is a determining factor in these

appeals. However, overall it adds weight to my concern that the proposed bed sitting room accommodation would not be satisfactory.

18. The living room and bedroom of the proposed one bedroom flat at lower ground floor level would have outlook and means of natural light from two light wells. That serving the living room, the window of which would be wide in proportion to the width of the room and have a southerly aspect, would be about 1.5 metres deep and span the full width of the front facade of the building. Taking these considerations into account, I consider it would provide both an acceptable outlook and access to natural light. Indeed it would not be untypical of many such light wells in other similar urban locations.
19. The light well serving the bedroom would be much narrower, not so long and overshadowed by the entrance porch. Nevertheless, given the building's urban location and as it would serve a bedroom and not a main living room, I believe that it would provide both adequate light and, albeit limited, an acceptable outlook.
20. The Council contends that the intense use of the site has the potential to lead to noise and disturbance that would impact on the living conditions of future residents. As the development would need, along with other things, to comply with the requirements of building regulations, I believe that any concerns in this respect could adequately be addressed as part of the conversion works. I therefore do not share the Council's fear in this respect.
21. I have found the lower ground floor flat would provide for a satisfactory level of accommodation for future residential occupiers and issues of noise leading to possible disturbance could be adequately addressed. However, for the reasons given above, the level of accommodation for the occupiers of the bed sitting rooms located to the rear of the building would be unsatisfactory. Accordingly, I conclude in respect of the third main issue that the proposal would provide a poor standard of accommodation contrary to the objectives of LP Policy QD27.

#### **Other matters**

22. The appellant has drawn to my attention concerns relating to problems emanating from a change of case officer and difficulties in meeting with officers to review matters. These issues are however not relevant to my consideration of the planning merits of these appeals.

#### **Conclusions**

23. The Government published its *planning practice guidance* on the 6 March 2014 and it applies from the date of publication. The content of the guidance has been considered but in light of the facts in this case it does not alter my conclusion.
24. For the reasons given above and having regard to all other matters raised, I conclude that the appeals should not succeed.

*Philip Willmer*

INSPECTOR



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## Appeal Decision

Site visit made on 24 June 2014

**by L Gibbons BA (Hons) MRTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 14 July 2014**

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**Appeal Ref: APP/Q1445/A/14/2218661**  
**Jack Wills, 55 East Street, Brighton BN1 1HN**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr B Chan (Jack Wills) against the decision of Brighton & Hove City Council.
  - The application Ref BH2104/00488, dated 14 February 2014, was refused by notice dated 15 April 2014.
  - The development proposed is the existing white shopfront to be removed and replaced with a new black timber shopfront, new illuminated fascia sign to be installed, new projecting sign to be installed and new window graphics to be installed.
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### Decision

1. The appeal is allowed and planning permission is granted for the existing white shopfront to be removed and replaced with a new black timber shopfront, new illuminated fascia sign to be installed, new projecting sign to be installed and new window graphics to be installed at Jack Wills, 55 East Street, Brighton BN1 1HN, in accordance with the terms of the application BH2014/00488, dated 14 February 2014, subject to the development being carried out in accordance with the following approved plans: 0637/00.1/; 0637/00.2/; 0637/02/ and 0637/04/A.

### Procedural Matter

2. At the time of my visit, the development had taken place and is in accordance with the plans as submitted. For the avoidance of doubt, I shall determine the appeal on the development as carried out.

### Main Issue

3. The main issue is whether the development would preserve or enhance the character or appearance of the Old Town Conservation Area.

### Reasons

4. The appeal site is located within the Old Town Conservation Area. The area has strong links to the early development of Brighton, before its growth into a seaside resort. East Street is a busy retail area, which is partially pedestrianised. Many of the buildings are of an older style, including the appeal site, although there are some modern buildings.
5. The shopfront has already been installed. I understand that the shopfront that it replaced may not have been original. I also note that the Council do not

object to other elements of the design including the use of materials and colour. They also indicate that some elements, including the recessed doorway represent an improvement on the previous shopfront and on the basis of my site visit and evidence before me, I see no reason to disagree. However, the Council refer to the height of the stall riser, which is below the height of the typical traditional stall riser, being unacceptable.

6. I have been referred to the Supplementary Planning Document 02: Shopfront Design (SPD). This includes guidance on the design of stall risers within Conservation Areas and includes references to the height of traditional stall risers being over 450mm to 700mm, but noting that some may have a shallower depth than others.
7. There is a wide variety of shopfronts on East Street, some are modern in design. This is matched by the variation in stall riser height, some of which are significantly shorter than that of the appeal property, indeed the stall riser as installed at No 55 is comparable in height to a number of nearby shopfronts. The height of the stall riser does not detract from the overall design of the shopfront and does not draw the eye. It matches the proportions of the rest of the shopfront and respects those of neighbouring properties. I consider that overall, the shopfront blends in well with the general appearance of the streetscene and this weighs heavily in favour of the development.
8. I conclude that the shopfront preserves the character and appearance of the Old Town Conservation Area. It is not in conflict with Policy QD10 of the Brighton and Hove Local Plan 2005, which amongst other things seeks replacement and alterations to shopfronts that preserve or enhance the special appearance or character of conservation areas. It is also not contrary to the general thrust of the SPD.

### **Conclusion and conditions**

9. The Council have not suggested any conditions in the event of the appeal being allowed. Since the shopfront has been installed I consider, for the avoidance of doubt and in the interests of proper planning, the only necessary condition is one specifying that the development shall be carried out in accordance with the approved drawings, including the use of materials as shown.
10. For the reasons given above, and having regard to all other matters raised and subject to the condition set out above, the appeal is allowed.

*L Gibbons*

INSPECTOR

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## Appeal Decision

Site visit made on 7 July 2014

by **Jim Metcalf BSc DipTP MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 16 July 2014

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**Appeal Ref: APP/Q1445/H/14/2219792**

**Dirty Blondes, 75 East Street, Brighton, BN1 1NF**

- 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 Eclectic Clubs and Bars Ltd against the decision of Brighton and Hove City Council.
  - The application Ref BH2014/00804, dated 12 March 2014, was refused by notice dated 14 May 2014.
  - The advertisement proposed is a fascia sign, two hanging signs and a menu board.
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### Procedural Matters

1. The signs have been installed and I have considered the case on that basis.
2. Three of the proposed signs were granted consent by the Council. One of the hanging signs was refused consent. The appellant has appealed this decision. In granting consent for the three signs the Council found that they would not harm the amenity of the building, the street scene, the Old Town Conservation Area or Listed Buildings nearby. I agree with this conclusion. Consequently, whilst all of the four signs described in the application are before me for consideration I have limited my assessment to the northern hanging sign.

### Decision

3. The appeal is allowed and express consent for the display of the fascia sign, two hanging signs and a menu board as applied for is granted. The consent is for five years from the date of this decision and is subject to the five standard conditions set out in the Regulations.

### Main Issue

4. The main issue is whether the northern hanging sign preserves or enhances the character or appearance of the Old Town Conservation Area and the setting of nearby Listed Buildings.

### Reasons

5. Policy QD12 and HE9 of the Brighton and Hove Local Plan (LP) and the Council's Supplementary Planning Document 07 'Advertisements' refer to the display of advertisements. LP Policy ST29 lists criteria that all new development should comply with. However, powers under the Regulations to control advertisements may only be exercised in the interests of amenity and public

safety. Development Plan policies cannot be decisive but I have taken them into account, so far as they are material to my considerations

6. Dirty Blondes, at the corner of East Street and Brills Lane, has a wide 'double' frontage in a prominent building in the Old Town Conservation Area, close to the sea-front. The building, formally the Savoy Cinema, was described in 2010, by an Inspector who dealt with a previous appeal (*APP/Q1445/A/09/2116160*) at the site, as a 'building of elegance and grandeur', with a 'curving frontage onto East Street of particular note'. The Inspector found that the stature and design of the building makes an important contribution to the character and appearance of the Conservation Area.
7. Although used as a night-club the ground floor windows of Dirty Blondes are dressed like a shop-front. The signs that have been granted consent advertise the presence of the club, with the southern hanging sign close to the entrance. The northern hanging sign is at the opposite end of the frontage, close to other separate units, albeit in the same building. There is a projecting sign over the door of this other unit, 'Platinum Lace'.
8. The sign subject of appeal measures about 900 x 580mm and hangs by short chains from a bracket about 1.2m long. It is internally illuminated. All four signs are part of recent refurbishment work and are designed to locate the club in the street for night time customers. The appellant submits that as a 'fall-back' position the sign, if non-illuminated, could be displayed without needing express consent by virtue of Class 5 of The Town and Country Planning (Control of Advertisement) (England) Regulations 2007. As well as the external signs a bright illuminated sign in the window helps to advertise the presence of the club.
9. The two hanging signs, at each end of the wide double-frontage, sit in a symmetrical relationship with the approved fascia sign. In the context of the large building the signs are modest features and relate satisfactorily, as a pair, to the scale and proportions of the frontage and the building. The presence of two signs, as opposed to the one as approved, does not create an obtrusive feature in the street scene or give the building a cluttered appearance.
10. On this basis, and bearing in mind the 'fall-back' position that would allow for the display of a non-illuminated hanging sign of the size and in the position involved, I find that the northern hanging sign preserves the character and appearance of the host building, the street scene, the Old Town Conservation Area and the setting of nearby Listed Buildings.
11. In granting consent I have imposed the five standard conditions set out in the Regulations. I have not however, imposed two other conditions, as imposed by the Council, relating to public safety and the nature of the illumination. These are unnecessary, bearing in mind the form and location of the signs and the terms of the consent that is limited to the signs as applied for, which does not include intermittent lighting.

*Jim Metcalf*

INSPECTOR

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# Appeal Decision

Site visit made on 24 June 2014

**by L Gibbons BA (Hons) MRTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 15 July 2014**

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**Appeal Ref: APP/Q1445/A/14/2216829**

**Pets Holiday Home, 42 Shirley Street, Hove, East Sussex BN3 3WJ**

- 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 K Wells against the decision of Brighton & Hove City Council.
  - The application Ref BH2013/04326, dated 19 December 2013, was refused by notice dated 24 February 2014.
  - The development proposed is the erection of a dormer window to rear roof slope and two velux windows to the front roofslope.
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## Decision

1. The appeal is dismissed.

## Main Issue

2. The main issue is the effect of the proposed development on the character and appearance of the host property and the surrounding area.

## Reasons

3. The appeal site is located within an area of older style residential development, which also includes a number of businesses and services. The houses are two-storey terraced properties, with the front elevation very close to the pavement. I note that the appeal site is not located within a Conservation Area, nor is there any listed buildings close by.
4. The proposed rear dormer would face towards the north flank elevation of No 3 Goldstone Street. The first floor rear elevation and roof of the appeal property and other properties are visible from a gap between No 44 Shirley Street and No 3 Goldstone Street, when looking east on Goldstone Street. This gap is particularly important, as it is one of a few exceptions where there are views of the rear roofscape of properties in the area from the street, as buildings otherwise block views of the roofscape.
5. I note that the scheme before me seeks to overcome previous concerns of the Council in relation to a previous planning application (BH2013/03536), including the reduction of the width of the rear dormer. I accept that the position and design of windows within the dormer would match those on the first floor. I note that the proposed dormer would be similar in design to that at No 40 to the east, which can also be seen from the gap to the north of No 3 Goldstone Street.

6. I have been referred to the Council's Supplementary Planning Document: Design Guide for Alterations and Extensions (SPD) 2012. This advises that dormers should be kept as small as possible and that the proportions, design and style should complement the existing building. Due to the size of the proposed dormer, just below the height of the ridge of the roof and across a significant portion of the width, this would obscure the majority of the existing roof and would therefore be overly dominant in relation to the modest proportions of the roof and host property. In addition, the combination of large areas of tile hanging to the side and between the windows as well as the flat roof design would result in a prominent feature on the roofscape and due to the visibility from Goldstone Street; this would be to the detriment of the area.
7. For the reasons given above, I conclude that the proposed development would cause harm to the character and appearance of the host property and the surrounding area. It would be in conflict with Policy QD14 of the Brighton and Hove Local Plan 2005, which amongst other things, seeks alterations to existing buildings which are well designed and sited in relation to the property, adjoining properties and the surrounding area. It would also be contrary to the SPD and the provisions of the National Planning Policy Framework where it relates to the need for high quality design.
8. My attention has been drawn to a High Court Case<sup>1</sup> and I note the reference to vantage points. However, I do not have the full details before me and am therefore unable to make a comparative assessment. I have been referred to similar extensions elsewhere including the dormer at No 40. However, I do not have the details of the circumstances surrounding their construction, nor indeed, whether they have planning permission. Even though the rear dormer at No 40 is also visible, it does not justify the unacceptable impact that would be caused by the proposal. In any case, I have determined the appeal on its own merits.
9. In respect of the front elevation rooflights, due to their small size and symmetrical position towards the ridge of the roof and adequate separation from the first floor window, they would not be disruptive to the appearance of the front of the property nor would they be detrimental to streetscene. Nevertheless, this does not outweigh my concerns in relation to the rear dormer.
10. I acknowledge that the alterations will facilitate the enlargement of the living space within the dwelling and I accept that the appeal site is located within an accessible location. However, these potential benefits do not outweigh the harm I have found.

### **Conclusion**

11. For the above reasons and having regard to all other matters raised, the appeal is dismissed.

*L Gibbons*

INSPECTOR

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<sup>1</sup> Burroughs Day v Bristol City Council

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# Appeal Decision

Site visit made on 8 July 2014

by **Jim Metcalf BSc DipTP MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 21 July 2014

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**Appeal Ref: APP/Q1445/A/14/2216987**

**Waldegrave Court, Westfield Avenue, Saltdean, Brighton, BN2 8HW**

- 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 David Rose, Homemakers of Brighton Ltd against the decision of Brighton and Hove City Council.
  - The application Ref BH2013/03810, dated 8 November 2013, was refused by notice dated 18 March 2014.
  - The development proposed is three new dwellings.
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## Procedural Matter

1. The appellant has submitted a series of amended plans with the appeal papers. These show remote garages and front gardens for the houses. However, these have not been the subject of consultations, with local residents interested in the future of the site amongst others, and I am unable therefore to consider the amended scheme as part of this appeal.

## Decision

2. The appeal is dismissed.

## Main Issues

3. The main issues are the effect of the development on the living conditions of residents around the site, with regard to outlook, and on the character and appearance of the area and the adequacy of the living conditions of the residents of the new houses, with regard to amenity space.

## Reasons

4. The row of three houses would be built on a sloping site, closely surrounded on all sides by houses and flats in Saltdean Vale, Westfield Avenue, Stanmer Avenue and Vale Road. There are two access routes into the site, from Westfield Avenue and Vale Road. Two derelict garages would be demolished to make room for the houses. Another longer row of garages would remain, sat in front of the new houses. At present the residents of the flats, and other residents surrounding the site look out onto a somewhat unsightly and under used piece of land.
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5. The gable walls of the new houses would be close to the site boundaries, with flats in Waldegrave Court, to the north, and bungalows, Nos 1-3 Vale Road, to the south. The houses would sit at a lower level than the Vale Road bungalows and this combined with the length of their gardens, would mean that the new houses would not be unreasonably prominent in the outlook of the existing residents. At the other end however, the rear wall of flats in Waldegrave Court would directly face the gable wall of the new houses at a distance of between 8.1m and 9.2m. In such proximity to the Waldegrave Court flats the new houses would create a sense of enclosure at the rear of the flats and appear as an overbearing feature in the outlook of residents.
6. Although the new houses would be somewhat lower than the existing flats this would not mitigate the unreasonably intrusive effect that the gable wall would have on those residents of Waldegrave Court whose flats would most directly face the new houses. Because of its position and size, the gable wall would cause a material loss of amenity to residents in Waldegrave Court, contrary to Policy QD27 of the Brighton and Hove Local Plan (LP), which amongst other things seeks to protect residents from changes that seriously affect, amongst other things, their outlook.
7. Although the appellant has explained that the garages that would remain could be refurbished as part of the scheme, with the doors placed on the other side facing the yards of the shops on Vale Road, this is not included in the appeal proposals. The new houses would directly face a somewhat dilapidated row of garages. This would be contrary to the approach set down in LP Policies QD1 and QD2 that seek to promote quality developments well related to adjoining buildings, and detract from the character and appearance of the area around the new houses. In addition the new houses would have small gardens at the rear, with the frontage forming an open shared forecourt with the row of garages. I am not satisfied that this aspect would satisfy the requirement set down in LP Policy HO5 for the provision of private useable amenity space appropriate to the scale and character of development. The living conditions of the residents of the new houses would be inadequate, with regard to their access to private amenity space.
8. Development of the site would contribute to the supply of houses in Brighton, and make good use of a dilapidated and under-used piece of land, in a sustainable location, well related to local services and public transport routes. Although these are advantages that would result from the development they are not outweighed by my concern that, as proposed, the houses would significantly detract from the living conditions of residents around the site, with regard to outlook, detract from the character and appearance of the area and provide inadequate living conditions for the residents of the new houses, contrary to well established LP Policies.

*Jim Metcalf*

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: 18 July 2014

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**Appeal Ref: APP/Q1445/A/14/2214347**

**Airwave Solutions Site Number SUS107, Court Farm Barn, Devils Dyke Road, Hove**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
  - The appeal is made by Airwave Solutions Ltd against the decision of Brighton & Hove City Council.
  - The application Ref BH2013/02358, dated 9 July 2013, was refused by notice dated 23 September 2013.
  - The application sought the variation of a condition attached to a planning permission Ref BH2008/03539, dated 6 February 2009, which was itself for variation of a condition attached to planning permission Ref BH2005/02256/FP for a radio base station for the Airwave network and a 9 metre timber mast within compound.
  - The condition in dispute is No 1 which states that: *The mast is hereby permitted for a limited period only expiring on 31 September 2015 after which the land shall be reinstated to its former condition.*
  - The reason given for the condition is: *The barn provides a screen and its removal would expose the mast to wider views than at present, the mast without the screening would be inappropriate in an Area of Outstanding Natural Beauty and to comply with policies QD23, QD24, NC6, NC7 & NC8 of the Brighton and Hove Local Plan.*
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### Decision

1. I allow the appeal and grant planning permission for a radio base station for the Airwave network and a 9 metre timber mast within compound at Airwave Solutions Site Number SUS107, Court Farm Barn, Devils Dyke Road, Hove in accordance with the application Ref BH2013/02358, dated 9 July 2013, without compliance with condition number 1 previously imposed on planning permission Ref BH2008/03539, dated 6 February 2009, but subject the following new condition:
  1. The structures hereby permitted shall be removed and the land restored to its former condition on or before 17 June 2024 in accordance with a scheme of work submitted to and approved in writing by the local planning authority.

### Main Issue

2. The main issue in this case is the effect of removing the disputed condition on the character and appearance of the locality.

## Reasons

3. Guidance on conditions is found in the National Planning Policy Framework (the Framework). In brief conditions should be:
  - (i) necessary
  - (ii) relevant to planning
  - (iii) relevant to the development permitted
  - (iv) enforceable
  - (v) precise
  - (vi) reasonable in all other respects.
4. Planning Practice Guidance (guidance) sets out that it will rarely be justifiable to grant a second temporary permission – further permissions should normally be granted permanently or refused if there is clear justification for doing so. It goes on to state that there is no presumption that a temporary grant of planning of planning permission should be granted permanently.
5. The Brighton & Hove Local Plan (LP) includes Saved Policies QD23, QD24, NC6, NC7 and NC8. The former two policies are in respect of Telecommunications Development and amongst other matters seek to ensure that projects are justified and suitably sited in landscape terms. The other three policies seek to prevent development that would cause harm to countryside / downland generally (NC6) and the Sussex Downs Area of Outstanding Natural Beauty (AONB) in particular.
6. I note that the AONB has been revoked following the designation of the South Downs National Park (NP). The site used to lie in the AONB it now rests in countryside close to the NP boundary. However this proximity to the NP indicates to me that the broad landscape principles and priorities enshrined in the cited protective policies continue to have relevance. Indeed explanatory text in the LP (paragraph 7.43) does indicate that the Council will use 'AONB' and 'National Park' as inter-changeable terms. Nevertheless the Appellant's points about the site no longer actually lying within GPDO Article 1(5) land, and the rights that brings relating to telecommunications, are very well made and noted. Similarly I shall take into account the matters about the restricted lifespan of the nearby non-operational telecommunications mast and the siting and emergency services' justifications put forward for the case in hand.
7. From my perspective given the topography of the site, the range and nature of short and longer distance views available, the attractive countryside location and the proximity of the NP, the crux of the matter is that the barns which are adjacent to this installation serve a very important role in its screening. Without the barns the prominence of the appeal development would increase markedly and its acceptability could very much be thrown into doubt. The barns are not within the ownership of the Appellant. In the past they have been assessed as being in a condition such that there should be caution over their future. However my viewing showed them presently as reasonably robust structures with relatively sophisticated anti-crime devices and I have seen correspondence from their owner which explains the important role they play in a wider landholding and the intention for retention. On this basis I can certainly see it would be most unlikely for them to be removed in the short or medium term.
8. Whilst guidance dissuades against the issue of a second (in this case third) temporary permission in my view this would be one of the *rare* cases where

such a course of action would be justifiable and it is therefore a path I shall follow. The barns explored above are in fair condition and certainly appear at the present time to have a key role to play in the wider farming estate which adjoins the appeal site. However both their condition and their role could change over the long term and with this their permanence cannot be guaranteed. I agree with the Council and a previous Inspector under appeal decision reference APP/Q1445/A/06/201977, that their screening function is very important to the visual acceptability of the mast installation within what was and continues to be sensitive landscape.

9. In the circumstances, in the interests of visual amenity, I consider it necessary, reasonable and relevant to apply a new planning condition which effectively time limits the planning permission for 10 years from the date of my site visit. Having regard to all relevant matters including the principal parties' submissions, I consider this to be a rational timescale. It would not be overly onerous on the Appellant whilst at the same time keeping a suitable degree of review control available to the Council to enable assessment of the position appertaining to the barns in an appropriately defined but fairly distant timeframe.
10. I am satisfied, in conclusion and for the reasons given above, that the approach I shall adopt would accord with the aims and objectives of relevant elements of the development plan policies I have cited. It would also accord with the Framework and guidance in their stance on planning conditions and on the government's attitude to matters such as sustainable development, the weight to be accorded to saved local plan policies since 2013, telecommunications development and landscape protection objectives.

*Overall conclusion*

11. In the light of the foregoing I shall allow the appeal albeit to the limited degree of imposing a further time-restricted condition.

*D Cramond*

INSPECTOR





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## Costs Decision

Site visit made on 17 June 2014

by **Doug Cramond** BSc MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 18 July 2014

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### **Costs application in relation to Appeal Ref: APP/Q1445/A/14/2214347 Airwave Solutions Site Number SUS107, Court Farm Barn, Devils Dyke Road, Hove**

- 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 Airwave Solutions Ltd for an award of costs against Brighton & Hove City Council.
  - The appeal was made against the refusal of an application, Ref BH2013/02358, dated 9 July 2013, which sought the variation of a condition attached to a planning permission Ref BH2008/03539, dated 6 February 2009.
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### **Decision**

1. The application for an award of costs is refused.

### **Reasons**

2. Planning Practice Guidance (guidance) advises that, irrespective of the outcome of the appeal, costs may only be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process.
3. The Appellant considers that there has been unreasonable behaviour by the Council in its determination of the proposal to remove the relevant controlling condition. This requires taking away the telecommunication apparatus, which is to a large degree screened by existing barns, by the end of September 2015. The Appellant's proposal to have pre-application discussions was not followed up. The case is made that the Council has failed to recognise the changes in planning policy since the previous determination of the case for non-time restricted retention of the telecommunications installation. The Framework has emerged, the land is no longer Article 1(5) land (AONB), Saved Local Plan (LP) Policies are out of date and the City Local Plan Part 1 is at an advanced stage of adoption.
4. Furthermore the Appellant underlines that the second mast to be found locally and which is presently redundant is required to be removed from its site by the end of September 2015 which would negate concern over cumulative visual impact. The Council failed to have proper regard to the 'no objection' stance of the adjoining National Park Authority. Although in the Appellant's eyes it would have been very much contrary to usual government policy which dissuades against a series of temporary permissions that option was still open to the Council and it has subsequently, belatedly, indicated it might have found such a course of action acceptable.

5. The case is made that the Council should have had regard to evidence from the 2008 that the barns had a long term future, should have appreciated the more recent security investment at the site and should have re-assessed the barns' condition. If the Council was not satisfied with the 2008 evidence the Appellant suggests it could and should easily have sought up-to-date information.
6. The general principle embodied within the guidance is that the parties involved should normally meet their own expenses. I have carefully considered the matter of a full or, indeed, partial, award of costs.
7. The offer of pre-application discussions was regrettably not acknowledged or taken up by the Council and it is quite wrong to say the suggestion was not made. However in practice and at the promoters choice when in the face of the 'September 2015 deadline' there was arguably no urgency, the application followed very quickly, about three weeks later, and no second written attempt seems to have been made to progress discussions prior to this.
8. To my mind the refusal reason is clear and sets out unequivocally the concerns of the Council. The reason cross-refers to the applicable saved policies and notwithstanding the revocation of the AONB these policies continue to have applicability in countryside and the National Park context. The LP provides for this. The application papers themselves refer to the saved policies of the LP and at that time made no suggestion that they are out of date. The City Local Plan Part 1 carries only limited weight due to the stage reached but in any event includes countryside protective objectives. The Council clearly had awareness of the Framework and I would not expect every Committee report to set out every avenue of that document. There is some concern expressed over cumulative impact from a second mast which does still presently exist but most weight, as is clear from the refusal reason, relates not to cumulative impact but to the screening role of the barns on this proposal.
9. There was some lethargy in the Council in merely looking back at historic undertakings by the barns' owner and using the shorthand that 'nothing had changed' but at the same time I would have expected the applicant to have provided, without prompting, up-to-date information on the key matter of barn retention. Such information as has now helpfully been provided with the appeal papers. The Officers' report sets out consultees' responses and they would seem to form part of the consideration. If in the light of the refusal to remove the controlling condition, and against the background of national guidance, a further temporary period had at the time been deemed appropriate by the promoters then approaches could have been made in that regard to the Council. The choice was made to appeal the case rather than explore this.
10. The Council's appeal papers expand upon the refusal reason, logically consider the planning history of the site, refer or cross-refer to pertinent policy issues and relevant guidance and explain why the proposal would, in the Council's eyes, fail to accord with the objective of ensuring that development would not impact upon the character and appearance of the area. It is widely appreciated that there is desirability in ensuring such objectives are met.
11. In conclusion, the Council's commentary throughout is lucid, sufficiently full and a reflection of the judgement of those who determined this proposal. On the evidence it had available, and against the proper planning policy template, it has provided a respectable standpoint within the reason set out on the

decision notice and as the background and justification in reaching that decision; the Council's stance was certainly not in any way irrational.

12. I therefore find that unreasonable behaviour resulting in unnecessary expense, as described in the planning guidance, has not been demonstrated.

*D Cramond*

INSPECTOR





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## Appeal Decision

Site visit made on 7 May 2014

**by Robert Parker BSc (Hons) Dip TP MRTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 21 July 2014**

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**Appeal Ref: APP/Q1445/A/14/2214317**  
**53 Hollingbury Road, Brighton, BN1 7JB**

- 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 and Mrs Donald Rayward against the decision of Brighton & Hove City Council.
  - The application Ref. BH2013/03203, dated 18 September 2013, was refused by notice dated 14 November 2013.
  - The development proposed is change of use from dwelling house to House of Multiple Occupancy.
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### Decision

1. The appeal is allowed and planning permission is granted for change of use from dwelling house to House of Multiple Occupancy at 53 Hollingbury Road, Brighton, BN1 7JB in accordance with the terms of the application, Ref. BH2013/03203, dated 18 September 2013, and the plans submitted with it, subject to the following conditions:
  - 1) Within 2 months of the date of this decision, full details of secure cycle parking facilities for the occupants of, and visitors to, the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The facilities shall be provided in accordance with the approved details and to an agreed timetable, and they shall thereafter be maintained for use in connection with the development.
  - 2) Within 2 months of the date of this decision, a scheme for the storage of refuse and recycling shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details and to an agreed timetable, and it shall thereafter be maintained for the lifetime of the development.

### Procedural Matters

2. My site visit included an inspection of the interior of the property and its rear garden. It was clear that the property is already in use as a House in Multiple Occupation (HiMO) providing 8 bedrooms. The application seeks to retain this use, which is classed as *sui generis* due to the number of persons occupying the property.

3. The appellants assert that the previous use of the property was a HiMO falling within Use Class C4<sup>1</sup>. The Council accepts that this could be the case. I have therefore taken this into account when determining the appeal.
4. The Government launched the Planning Practice Guidance web-based resource on 6 March 2014, after this appeal was lodged. The content of the guidance has been considered but in light of the facts in this case the Planning Practice Guidance does not alter my conclusions.

### **Main Issues**

5. The main issues in this case are:
  - a) Whether the continued use of the appeal property as a HiMO supports the objective of creating a mixed and balanced community, having regard to emerging development plan policy;
  - b) The effect on the living conditions of nearby residents, with particular reference to noise and disturbance; and
  - c) Whether the HiMO provides acceptable living conditions for its occupants.

### **Reasons**

#### *Community Structure*

6. The Council's case rests largely upon Policy CP21 of the Brighton & Hove City Plan Part One (submission document). This emerging policy seeks to balance the increasing accommodation demands from students with the need to create mixed, healthy and inclusive communities. Part (i) of the policy encourages the provision of purpose built student accommodation and allocates specific sites for this form of development. Part (ii) of the policy is aimed at actively managing the location of new HiMOs. The policy states that applications for the change of use to a Class C4 HiMO, a mixed C3/C4 use or a *sui generis* HiMO will not be permitted where more than 10 percent of dwellings within a radius of 50 metres of the application site are already in use for any of these purposes.
7. The Council has supplied data, taken from planning, licensing and Council Tax records, which indicates that there are already 9 HiMOs within 50 metres of the site. This represents 17.6 percent of the total number of properties in the policy radius. The creation of a HiMO at No.53 has increased the figure to nearer 20%. As such, there is a clear conflict with the emerging policy.
8. Policy CP21 does not currently form part of the statutory development plan. However, the National Planning Policy Framework (the Framework) states that weight may be accorded to an emerging plan according to the stage of preparation, the extent to which there are unresolved objections to relevant policies and the degree of consistency of the relevant policies in the emerging plan to the policies in the Framework.
9. The emerging plan has been through examination and therefore it is at a relatively advanced stage in the process. However, the Inspector has indicated that the plan falls well short of meeting the objectively assessed need for housing. Her initial conclusions suggest to me that significant additional work

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<sup>1</sup> Use of a dwellinghouse by not more than six residents as a "house in multiple occupation".

is required to make the plan sound and therefore it is unlikely to progress to adoption any time soon.

10. The Council states that the representations received on Policy CP21 at publication stage relate to part (i) of the policy and that no representations or objections were received to part (ii). It argues that, although Policy CP21 was subject to discussion at the examination hearing, part (ii) was not raised as an issue by the Inspector in her initial conclusions. Accordingly it considers that the policy should be accorded significant weight.
11. Whilst I can understand the Council's confidence in its own emerging policies, Policy CP21 is, to all intents and purposes, a policy relating to the delivery of housing. The Inspector's letter has only identified the headline issues in relation to the soundness of the emerging plan. For this reason, I cannot be completely confident that Policy CP21 will be retained in its current form and this significantly limits the weight which I can afford to it. Consequently, the conflict with emerging policy will not be determinative and the appeal will turn on whether the development complies with saved Policy QD27 of the adopted Brighton & Hove Local Plan (2005) (LP) in respect of the other main issues.

#### *Living Conditions of Nearby Residents*

12. The Council considers that the conversion of the appeal property to a HiMO would result in a material increase in noise and disturbance for neighbouring residents. However, it has provided no substantive evidence to support this assertion. This is despite the use being in existence, without planning permission, for over six months prior to the appeal being lodged.
13. According to local residents there has been at least one occasion where the police have been called to deal with a noisy party and anti-social behaviour at the property. However, I have not been provided with any police reports to corroborate the residents' version of events, nor is there any record of complaints to the Council's Environmental Health Service. Moreover, there is nothing to indicate that noisy parties are a regular occurrence at the property.
14. Neighbours have also expressed concerns regarding the level of noise emanating from within the appeal property. I accept that with 8 persons occupying the premises the level of activity is likely to be greater than would be expected for the previous use. This will almost certainly manifest itself in additional noise. However, there is no substantive evidence before me to persuade me that this noise is of such duration, volume or frequency so as to amount to material harm to the living conditions of adjacent occupiers, or that excessive noise cannot be controlled by the Council under its HiMO licensing or statutory nuisance powers.
15. Further concerns are expressed by local residents regarding the general effects of HiMOs on the appearance of the street, for example in relation to spill-over of refuse and litter. I accept that such issues are commonly associated with high concentrations of HiMOs. This is well documented in the background reports and studies supplied by the Council. However, I saw no evidence during my visit to indicate that use of the property as a HiMO has harmed the appearance of the street. The building is recently refurbished and in good order, and the front garden is well maintained and kept tidy. Indeed, without entering the property it was impossible for me to differentiate it from a family dwellinghouse.

16. Despite the lack of substantive evidence from the Council, it is clear from the representations received from local residents that there is a tension developing within the community, and a sense of frustration amongst owner occupiers, regarding the concentration of HiMOs in Hollingbury Road. This suggests a community imbalance and it lends weight to the Council's argument, which is supported by considerable background evidence, that the location of new HiMOs needs to be actively managed.
17. However, based upon the evidence before me and my observations whilst on site, I cannot be satisfied that the use of the appeal property as a HiMO has resulted in a material increase in noise and disturbance, or that the other impacts described by local residents can be attributed directly to the appeal property. This being the case, I am unable to conclude that there has been a conflict with saved Policy QD27 of the LP which seeks to prevent material nuisance and loss of amenity for existing residents.

#### *Living Conditions for Occupiers*

18. The appeal property has recently been extended at the rear to provide a communal kitchen and associated open plan area. The latter is labelled on the submitted drawings as a breakfast room but there is flexibility to use the area in different ways. At the time of my site inspection it contained a sofa, television and dining table.
19. The combined kitchen and communal area is approximately 22.5 sqm in size and I consider this to be adequate. I acknowledge that it would be a struggle to squeeze all 8 residents into the space available. However, this would be an extremely unlikely scenario. The nature of HiMOs means that occupiers tend to come and go, eat at different times and also spend time in their own rooms.
20. The Council is also concerned regarding bedroom sizes, and in particular the headroom available at second floor within the roof space. This area provides two bedrooms and a toilet/shower room. One of the bedrooms is served by a roof light and it has reduced ceiling height due to the slope of the roof. However, the room was furnished and occupied at the time of my visit and it was clear from my observations that space was not unduly restrictive. The other bedrooms are all reasonable sized and therefore I do not share the view that the accommodation is cramped.
21. The appellants draw my attention to the fact that the HiMO is licensed by the Council's Private Sector Housing team. Whilst this is a separate, albeit parallel, control regime it does reinforce my view that the standards of accommodation for the occupants are acceptable. Accordingly, I find no conflict with saved Policy QD27 of the LP insofar as it relates to the standards of amenity for occupiers of the development.

#### **Other Matters**

22. Concerns have been raised regarding overlooking and loss of privacy for residents of the sheltered housing at the rear of the property. These concerns stem from the recent addition of a rear dormer. However, this dormer does not form part of the application and the Council has indicated that it was constructed under permitted development rights.

23. I note the disquiet amongst local residents regarding the fact that planning permission is being sought retrospectively. However, this is not a factor which I can take into account. The appeal must be considered on its planning merits.
24. I accept that the development may have increased pressure on parking within the street. However, this issue does not form part of the Council's case and I have been provided with no evidence on the extent of any parking problems.

**Conditions**

25. I have imposed a condition requiring the provision of secure cycle parking, to meet the requirements of saved Policy TR14 of the LP and in the interests of promoting more sustainable modes of transport. A condition is also required in connection with the storage of refuse and recycling, to protect the amenity of the area. I have amended the wording of the Council's suggested conditions to reflect the fact that the development has already been implemented.

**Conclusion**

26. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be allowed.

*Robert Parker*

INSPECTOR

