





**Brighton & Hove  
City Council**

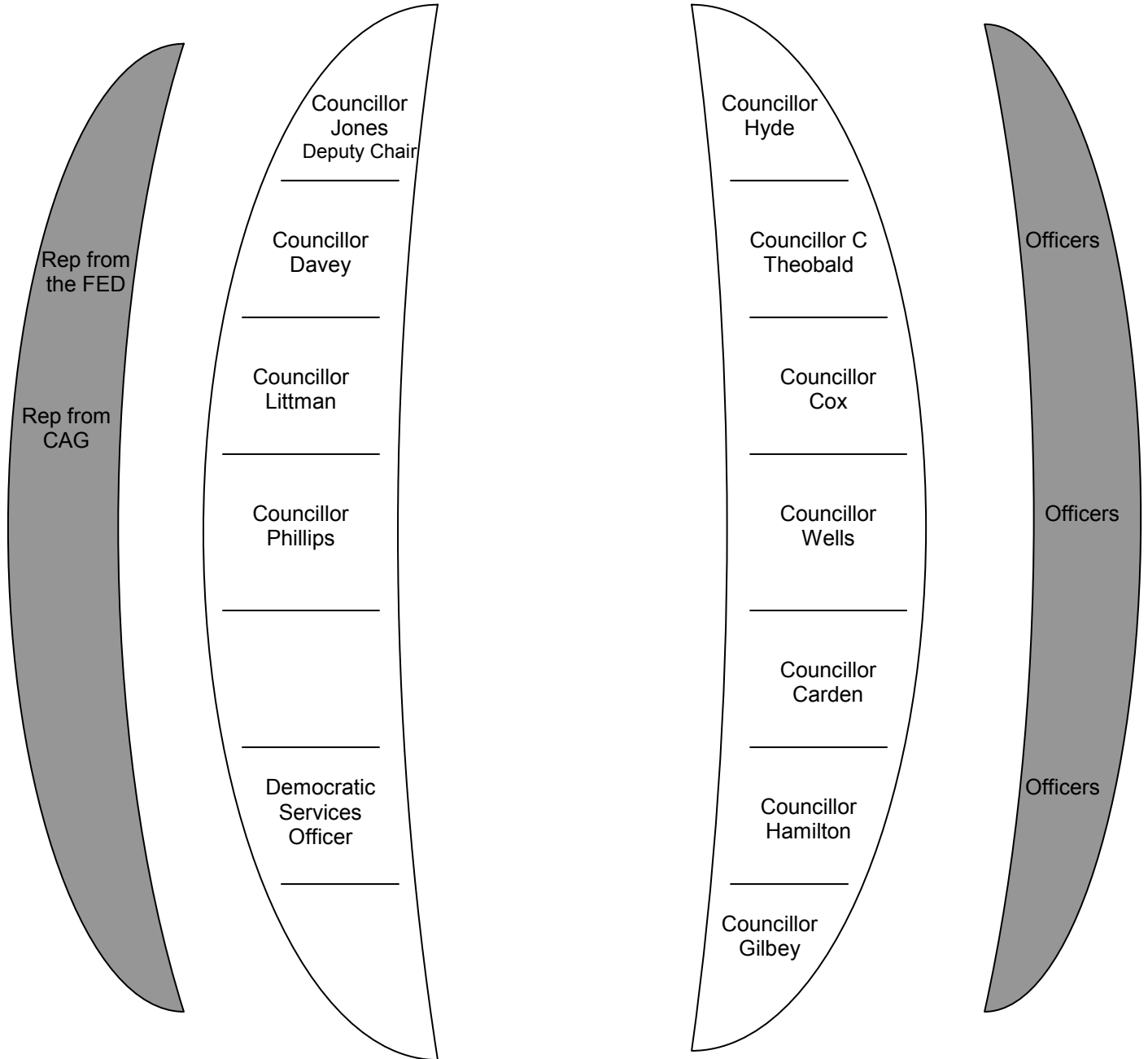
# Planning Committee

Title:	<b>Planning Committee</b>
Date:	<b>19 November 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>Ross Keatley</b> Acting Democratic Services Manager 01273 29-1064/5 planning.committee@brighton-hove.gov.uk</p>

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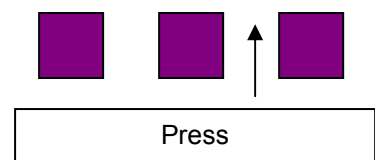
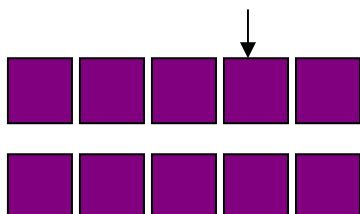
# Democratic Services: Planning Committee

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



## AGENDA

### 98 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

### 99 MINUTES OF THE PREVIOUS MEETING 1 - 10

Minutes of the meeting held on 29 October 2014 (copy attached).

### 100 CHAIR'S COMMUNICATIONS

### 101 PUBLIC QUESTIONS

**Written Questions:** to receive any questions submitted by the due date of 12 noon on 29 October 2014.

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

### 103 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 BH2014/02417 - Robert Lodge, Manor Place, Brighton - Council Development 11 - 38

Construction of two new 3 storey blocks of flats consisting of 8no one bed flats, 1no one bed wheelchair accessible flat and lift in the Southern block and 4no one bed flats and 2no two bed flats in the Northern block together with associated works including solar panels on the roofs of both blocks and the re-routing of the public footpath within the site.

**RECOMMENDATION – MINDED TO GRANT**

*Ward Affected: East Brighton*

#### MINOR APPLICATIONS

#### B BH2014/02412 - 168 Old Shoreham Road, Hove - Full Planning 39 - 54

Part change of use of ground floor from offices (B1) to residential (C3) with the erection of a single storey rear extension with associated external alterations to create 1no one bedroom flat (Part Retrospective).

**RECOMMENDATION – GRANT**

*Ward Affected: Hove Park*

## PLANNING COMMITTEE

- C BH2014/03227 - 4 Barrowfield Close, Hove - Full Planning 55 - 74**  
Erection of 1no four bedroom detached dwelling (C3).  
**RECOMMENDATION – GRANT**  
*Ward Affected: Hove Park*
- D BH2014/02503 - 75 - 105 Kings Road Arches, Brighton - Full Planning 75 - 92**  
Demolition of arches and erection of new arches with new brick façade with timber doors. Replacement railings to upper esplanade level. Change of use from storage to mixed uses comprising retail (A1), café (A3), storage (B8) and beach huts. (Part retrospective).  
**RECOMMENDATION – GRANT**  
*Ward Affected: Regency*
- E BH2014/03103 - 88 Waldegrave Road, Brighton - Householder Planning Consent 93 - 100**  
Replacement of existing timber sash windows with UPVC sash windows to the front elevation.  
**RECOMMENDATION – REFUSE**  
*Ward Affected: Preston Park*
- F BH2014/02826 - 24 Hythe Road, Brighton - Full Planning 101 - 122**  
Erection of 3no four bedroom dwellings, conversion of stable block to four bedroom dwelling and enlargement of garden to existing dwelling.  
**RECOMMENDATION – GRANT**  
*Ward Affected: Preston Park*
- G BH2014/03008 - 6 The Spinney, Hove - Householder Planning Consent 123 - 136**  
Remodelling of existing chalet bungalow to create a two storey 5no bedroom house with associated alterations including erection of first floor extensions to sides and rear and creation of rear terrace.  
**RECOMMENDATION – GRANT**  
*Ward Affected: Hove Park*

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

## PLANNING COMMITTEE

### INFORMATION ITEMS

- |            |  |                  |
|------------|--|------------------|
| <b>105</b> | <b>INFORMATION ON PRE APPLICATION PRESENTATIONS AND REQUESTS</b>   | <b>137 - 138</b> |
|            | (copy attached).   |                  |
| <b>106</b> | <b>LIST OF APPLICATIONS DETERMINED UNDER DELEGATED POWERS OR IN IMPLEMENTATION OF A PREVIOUS COMMITTEE DECISION (INC. TREES MATTERS)</b> | <b>139 - 236</b> |
|            | (copy attached)  |                  |
| <b>107</b> | <b>LIST OF NEW APPEALS LODGED WITH THE PLANNING INSPECTORATE</b>   | <b>237 - 240</b> |
|            | (copy attached).   |                  |
| <b>108</b> | <b>INFORMATION ON INFORMAL HEARINGS/PUBLIC INQUIRIES</b>   | <b>241 - 242</b> |
|            | (copy attached).   |                  |
| <b>109</b> | <b>APPEAL DECISIONS</b>  | <b>243 - 282</b> |
|            | (copy attached).   |                  |

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

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

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

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

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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## PLANNING COMMITTEE

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

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

Date of Publication - Tuesday, 11 November 2014





**BRIGHTON & HOVE CITY COUNCIL****PLANNING COMMITTEE****2.00pm 29 OCTOBER 2014****COUNCIL CHAMBER, HOVE TOWN HALL****MINUTES**

**Present:** Councillor Mac Cafferty (Chair) Councillor Jones (Deputy Chair), Hyde (Opposition Spokesperson), Carden (Opposition Spokesperson), Bowden, Cox, Gilbey, Littman, K Norman, Phillips, Robins and Wells

**Officers in attendance:** Jeanette Walsh (Head of Development Control); Adrian Smith (Senior Planning Officer); Jonathan Puplett (Senior Planning Officer); Pete Tolson (Principal Transport Officer); Greg Minns (Environmental Health Officer) Hilary Woodward (Senior Solicitor) and Penny Jennings (Democratic Services Officer).

**PART ONE****86 PROCEDURAL BUSINESS****86a Declarations of substitutes**

86.1 Councillor Bowden was in attendance in substitution for Councillor Davey, Councillor K Norman was in attendance in substitution for Councillor C Theobald and Councillor Robins was in attendance in substitution for Councillor Hamilton.

**86b Declarations of interests**

86.2 There were none.

**86c Exclusion of the press and public**

86.3 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.

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

**86d Use of mobile phones and tablets**

86.5 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 'aeroplane mode'.

**87 MINUTES OF THE PREVIOUS MEETING**

87.1 **RESOLVED** – That the Chair be authorised to sign the minutes of the meeting held on 8 October 2014 as a correct record.

**88 CHAIR'S COMMUNICATIONS**

88.1 The Chair confirmed that the next scheduled training session for Planning Committee Members was due to take place from 10.00am on 4 November.

**89 PUBLIC QUESTIONS**

89.1 There were none.

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

90.1 There were none.

**91 TO CONSIDER AND DETERMINE PLANNING APPLICATIONS**

**MAJOR APPLICATIONS**

**91A BH2014/02308-113-119 Davigdor Road, Hove-Full Planning** - Demolition of existing building and construction of a new part 4no, part 5no, part 7no and part 8no storey building providing 700sqm of office space (B1) at ground floor level and 68no residential units (C3) to upper levels. Creation of basement level car and cycle parking, landscaping, boundary treatments and other associated works.

(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 presentation detailing the constituent elements of the scheme by reference to site plans, elevational drawings and photographs. It was explained that the application related to a modern two storey building located on the north side of Davigdor Road comprising 700sqm of office accommodation. Associated parking was located to the west side and rear of the site, with access to Lyon Close from the rear.

(3) It was noted that the site was bordered to the east by the seven storey P&H office building and three storey Preece House, and to the west by the four storey Cambridge House (Happy Cell), which comprised a mix of B1 and D1 uses. A number of single

storey retail warehouses and trade counters were situated in Lyon Close to the rear, with the mainline railway beyond. A mix of two, three and four storey residential houses and flats sat opposite to the south. Permission was sought to demolish the existing office building and to replace it with a part four, part five, part seven and part eight storey building. 40% of the units would comprise affordable housing and car parking for 38 vehicles would be provided within the basement car park, 8 spaces would be allocated to the office uses and 30 to the residential flats. An area of landscaping would be provided to the front of the site.

- (4) Paragraph 8.8 of the report was corrected as it as it was clarified that all 5 wheelchair accessible units would be 1 bedroom units. Members were also advised of late amendments to the s106 Heads of Terms as set out in Paragraph 11 of the report. It should be noted that the open space contribution had been reduced to £140,000, the local employment scheme contribution had been reduced to £17,000 and the public art contribution had been removed. The applicants had confirmed that a minimum of 4 units would be affordable rent units. Condition 11 would require amendment to reflect this, by addition of the phrase “and include a minimum 4 units of affordable rent housing” at the end of part a)
- (5) The main considerations in determining the application related to the principle of development, the design of the proposed building and its impacts on the surrounding area, the standards of accommodation to be provided, the impact of the development on neighbouring amenity and transport, ecology and sustainability issues.
- (6) It was considered that the development was of a suitable scale and design that would make a more efficient and effective use of the site without harm to the surrounding townscape. The development would provide a suitable mix of additional housing, including affordable housing, without the loss of employment floorspace, and without significant harm to the amenities of adjacent occupiers. Subject to the conditions and the terms of the proposed s106 agreement the development would accord with development plan policies, minded to grant approval was therefore recommended.

### **Questions for Officers**

- (7) Councillor Hyde sought confirmation that 2 parking spaces were to be provided associated with the office use, if correct, she considered that number to be very low. It was confirmed that number was correct and that this had been carefully considered in line with the agreed Policy formula, taking account of the fact that a degree of on-site parking was to be provided (at basement level) and the site was located within a controlled zone. The site was well served by public transport and the level of on-site provision was considered acceptable. The Head of Development Control stated that a contribution had been suggested towards a sustainable transport infrastructure which would enable the proposed development to meet the requirements of policy TR1. These monies would be used to facilitate and encourage use of sustainable of transport locally. Councillor K Norman also sought clarification of the levels of parking to be provided.
- (8) Councillor Jones enquired regarding impact of the development, particularly to the rear. Whilst noting that the distances wall to wall between the site and the properties to the rear was generous he considered it was important to envisage the main visible

massing and set back of the buildings. Councillor Jones asked to see visuals showing the impact of shadowing across the site if they were available. It was explained that the distances between the site and the neighbouring development to the rear was considered significant and on consequence the impact from the new form of development would not be harmful to neighbouring amenity. Contextual drawings Visuals showing the proposed northern and southern elevations were also shown.

- (9) Councillor Gilbey enquired regarding the level of contribution being sought towards the cost of providing school places and supporting pressure on the school infrastructure in the city which could arise in consequence of the development. Councillor Gilbey noted that a number of schools had been referenced in the report, however, as St Andrew's Church of England Primary School had not been mentioned she sought confirmation as to whether any places available at this school had been taken account of. It was explained that St Andrew's was a small school with 1 form of entry which had already been expanded. It was acknowledged that there was pressure on school places in this part of the city and that the contribution sought would be allocated where it could be used most appropriately.

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

- (10) Councillor Wells stated that he considered that the application represented good use of a brown field site. Whilst he had some concerns regarding the potential impact of the development in terms of pressure on school places, he noted that measures had been taken to address this issue. He considered that the scheme fitted well into the neighbouring street scene and was pleased to note that on-site parking had been provided. He was happy to support this scheme.
- (11) Councillor Hyde agreed that the scheme made imaginative use of the site and was pleased to note that it was lower in height than the earlier scheme. Such development helped to protect the urban fringe and should in her view be supported. Councillor Hyde also referred to the palette of materials to be used and it was confirmed that final approval would be subject to agreement by the Head of Development Control following consultation with the Chair, Deputy Chair and two Opposition spokespersons.
- (12) Councillor Bowden welcomed the scheme which would also provide much needed affordable housing. Councillor Jones also concurred in that view.
- (13) Councillor Littman concurred with all that had been said also expressing support for the scheme. The availability of school places across the city would continue to be a pressure, however an appropriate level of contribution had been sought to seek to address this issue.
- (14) Councillor Gilbey supported the scheme but considered that the mix of social housing to be provided was unlikely to assist those who needed access to affordable rental property whilst recognising that this did not constitute reasons to refuse planning permission. Councillor Carden concurred in that view.
- (15) Councillor Robins also expressed support for the scheme which he considered was of an acceptable appearance which would provide much needed housing.

(16) A vote was taken and Members voted unanimously that Minded to Grant permission be granted in the terms set out below.

91.1 **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 to be **MINDED TO GRANT** planning permission subject to a S106 agreement and the Conditions and Informatives set out in section 11 and as amended below:

The s106 Heads of Terms to be amended to reflect the fact that the open space contribution has reduced to £140,000, the local employment scheme contribution has reduced to £17,000 and that the public art contribution has been removed.

As the applicants have confirmed that a minimum of 4 units will be affordable rent units, Condition 11 to be amended to reflect this by the addition of the phrase “and include a minimum of 4 units of affordable rent housing” at the end of part a).

### **MINOR APPLICATIONS**

**91B BH2014/02018-31 Ainsworth Avenue, Brighton-Full Planning** - Erection of 1no detached two bedroom dwelling with formation of access from Dower Close.

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

(2) The Senior Planning Officer (Jonathan Puplett) gave a presentation detailing the constituent elements of the scheme by reference to site plans, elevational drawings and photographs showing the site. It was noted that the application related to the rear garden area of a property which contained a detached bungalow which fronted onto Ainsworth Avenue. The rear boundary of the site faced onto Dower Close. Planning permission was being sought to divide the application site into two separate residential plots, and to erect a two storey dwelling in the rear-most plot. The existing dwelling would retain a plot of reduced size.

(3) The main considerations in determining the application related to the principle of the proposed development in the proposed location, the standard of accommodation which the proposed dwelling would provide, accessibility, the impact on neighbouring amenity, transport/highways, sustainability and landscaping/nature conservation.

### **Public Speakers**

(4) Mr Cook and Mrs Anns spoke on behalf of neighbouring residents setting out their objections to the proposed scheme. Mr Cook stated that neighbouring residents had particular concerns in respect of additional traffic, noise and potential obstruction of the highway which could occur during the construction period and in the longer term the additional on-street parking which could arise from the development. Objectors’ major concerns however related to the impact that the development would have on the existing hedgerows and trees on site. It was considered that the proposed works were likely to be detrimental to the existing planting, which if removed would have a very

negative impact as the new dwelling house would be clearly visible from neighbouring properties.

- (5) Mr Smith, the applicant, spoke in support of his application explaining that following concerns expressed in respect of an earlier application he had worked hard to address those concerns and to bring forward a scheme which provided the accommodation needed whilst respecting the amenity of neighbouring residents. The property would not overlook its neighbours as it would be set down into the site. Measures would be put into place to ensure that the Sycamore tree to the verge behind the site which could be threatened by the works was fully protected. There were no plans to remove any of the remaining hedging which would provide screening for both properties on site. Measures would be undertaken to ensure that any disruption resulting from the building works would be minimised.

### **Questions of Officers**

- (6) Councillor Jones enquired whether the existing hedges were privet, also their positioning and depth of the surrounding soil. Depending on the depth of their root system, they would be more or less likely to be compromised by the construction works, it could take some time for replacement planting to establish itself.
- (7) Councillor Hyde sought clarification whether the existing dwelling was visible from any of the neighbouring properties, it was confirmed that it was not. Mr Smith, the applicant, confirmed that he had no intention of removing the existing boundary planting as this which protected the privacy and amenity of the existing dwelling and would have the same benefit for the proposed new dwelling.
- (8) Councillor K Norman also enquired regarding the degree of protection envisaged and the form that any contingency measures would take. He concurred with Councillors Jones and Hyde that measures to protect the on-site planting were critical as if they were compromised overlooking and loss of amenity would undoubtedly occur to the detriment both of the buildings on site and the neighbouring residential properties. The depth of topsoil over the underlying chalk could also be factor.

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

- (9) The Senior Planning Officer (Jonathan Puplett) confirmed that access arrangements to the site had been considered by the Transport Team and were considered to be acceptable. Although the development would be visible from neighbouring dwellings and gardens it would be set down within the site. The first floor element which would be the most prominent, was set at the corner of the site to give spacing from the dwellings and gardens of Ainsworth Avenue and it was considered that in consequence the would not be overbearing or overly prominent in its appearance. Conditions were also required to ensure protection of the existing levels of planting on site, these also included a requirement to enhance the nature conservation interest of the site.
- (10) In answer to further questions by Councillor K Norman it was confirmed that whilst the planting on site could not be protected in perpetuity, the conditions proposed would ensure that this was protected over during the building works and over the initial period

following its completion. Councillor Norman re-iterated that he considered the protection of the hedges bounding the site to be of critical importance as they would also protect local wildlife. Hawk moths tended to live and breed in privet hedges, a species which was becoming increasingly rare.

- (11) In answer to questions regarding delivery of materials to and removal of waste from the site whilst it was acknowledged there could be some disruption during the construction period, it was noted that should difficulties occur in terms of noise or other nuisance there was recourse to action under the Environmental Health regime. During the course of the site visit building materials had been observed which were not associated with the proposed scheme.
- (12) Councillor Bowden indicated that he considered the proposed scheme was acceptable.
- (13) Councillors Cox and Robins concurred stating that the applicant had it clear that measures would be taken to protect neighbouring amenity and to avoid and detriment to neighbouring amenity and they therefore considered the proposed form of development to be acceptable.
- (14) Councillor Carden referred to developments in Mile Oak where hedges had been retained. Should this be the case he did not envisage that any problems would arise from the scheme.
- (15) Councillor Jones was pleased to note that detailed consideration appeared to have been given to the arrangements needed to support the planting on-site and to ensure that it continued to provide adequate screening and to protect wildlife associated with it.
- (16) The Chair, Councillor Mac Cafferty, stated that whilst noting objectors concerns regarding potential detriment arising from the development he was re-assured by the conditions which were proposed to seek to ensure that this did not occur.
- (17) A vote was taken and on a vote of 11 with 1 abstention planning permission was granted in the terms set out below.

91.2 **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 **GRANT** planning permission subject to receipt of satisfactory side elevation drawings and to the Conditions and Informatives also set out in section 11 of the report.

**Note:** Councillor Hyde abstained from voting in respect of the above application.

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

92.1 There were none.

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

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

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

- 94.1 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.]

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

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

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

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

**97 APPEAL DECISIONS**

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

The meeting concluded at 3.20pm



Signed

Chair



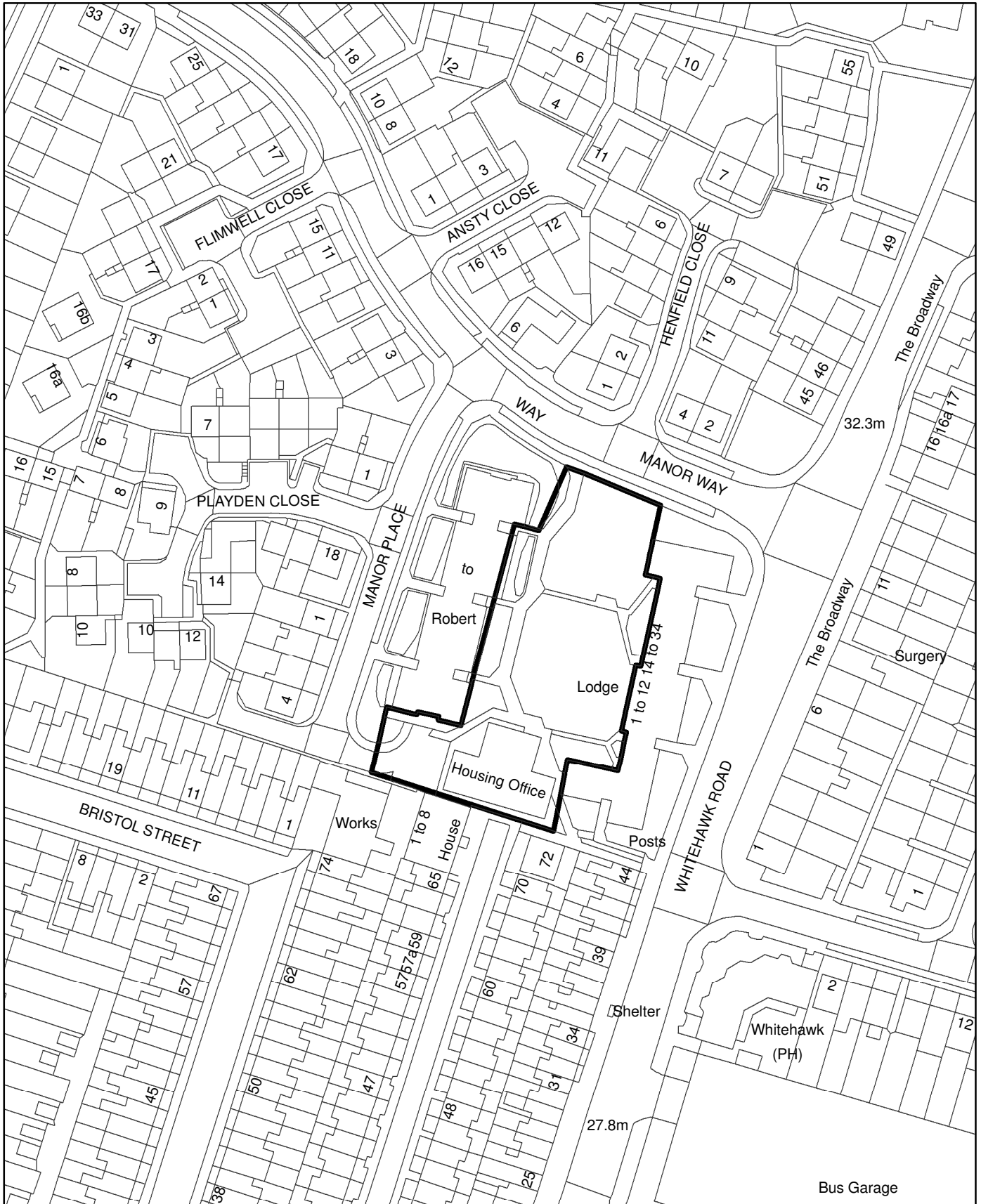
# **ITEM A**

**Robert Lodge, Manor Place, Brighton**

**BH2014/02417  
Council Development**

**19 NOVEMBER 2014**

# BH2014/02417 Robert Lodge, Manor Place, Brighton



Scale : 1:1,250

<b><u>No:</u></b>	<b>BH2014/02417</b>	<b><u>Ward:</u></b>	<b>EAST BRIGHTON</b>
<b><u>App Type:</u></b>	<b>Council Development (Full Planning)</b>		
<b><u>Address:</u></b>	<b>Robert Lodge Manor Place Brighton</b>		
<b><u>Proposal:</u></b>	<b>Construction of two new 3 storey blocks of flats consisting of 8no one bed flats, 1no one bed wheelchair accessible flat and lift in the Southern block and 4no one bed flats and 2no two bed flats in the Northern block together with associated works including solar panels on the roofs of both blocks and the re-routing of the public footpath within the site.</b>		
<b><u>Officer:</u></b>	Adrian Smith Tel 290478	<b><u>Valid Date:</u></b>	05 August 2014
<b><u>Con Area:</u></b>	N/A	<b><u>Expiry Date:</u></b>	04 November 2014
<b><u>Listed Building Grade:</u></b>	N/A		
<b><u>Agent:</u></b>	Brighton & Hove City Council, Property & Design, Kings House Grand Avenue, Hove BN3 2LS		
<b><u>Applicant:</u></b>	Brighton & Hove City Council, Sam Smith, Kings House Grand Avenue, Hove BN3 2LS		

## 1 RECOMMENDATION

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

## 2 SITE LOCATION & DESCRIPTION

- 2.1 The application site comprises Robert Lodge, two three-storey blocks of flats located at the junction of Whitehawk Road and Manor Way. The buildings sit parallel to each other on the eastern and western sides of the site with communal gardens and a public footpath set between. The basement level to the western block has been converted to form community rooms. A single storey pre-fabricated housing office sits on the southern part of the site.
- 2.2 The immediate area to the north, east and west is characterised by terraced houses set on land that rises to the west. Rugby Place leads to the southern part of the site and is a narrow residential street characterised by two storey plus basement Victorian terraces, with more modern three storey flats at the northern end. Rugby Place and the eastern building to Robert Lodge sit within a Controlled Parking Zone (Zone H).

## 3 RELEVANT HISTORY

**75/2720(CD)**- Demolition of existing 2-storey houses and provision of 69 flats in 3-storey units, with parking under one block, and doctors surgery. Approved 20/01/1976

**93/0218/CD/FP-** Enclosure of open area below building (to remove car parking facilities) and erection of building to form community rooms. Approved 18/05/1993

**93/0385/CD/FP-** Demolish existing depot and erect single storey accommodation for relocated Housing Offices. Provision of parking spaces (total 10) adj. new building, Robert Lodge and rear of 4 Manor Place and 12 Playden Close. Approved 02/11/1993

**BH2001/02533/FP-** 35-70 Robert Lodge- Change of use of basement store (use class C3) to craft centre (use class D1) with alterations to elevations. Approved 26/11/2001.

**BH2004/02184/FP-** Change of use of disused lower floor car parking area as a gymnasium (retrospective) and formation of new access door to rear elevation. Approved 03/09/2004.

#### **4 THE APPLICATION**

- 4.1 Planning permission is sought for the erection of two three-storey buildings comprising a total of 15 flats. Six of the flats would be set within a building at the northern end of the site, with the remaining nine flats within a new building in place of the housing office at the southern end of the site. The southern building would attach to the eastern Robert Lodge block. All of the units would comprise affordable social rent housing.
- 4.2 The application also includes the re-routing of the public footpath through the site and associated reconfigurations to the parking bays to the southwest corner of the site and the communal gardens to both buildings.
- 4.3 The proposal has been amended during the course of the application to include rendered elements to both buildings, alterations to the parking arrangement, a further re-alignment to the footpath, and to provide greater clarity on the landscape proposals.

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

##### **External:**

- 5.1 **Neighbours: Fifty One (51)** letters of representation have been received from *Flats 2, 10, 12, 18, 20, 30, 32, 33 & 62 Robert Lodge; 3 (x2), 6, 10, 13, 21, 23, 27, 28, 29, 39, 40 (x2), 42, 43, 45, 48, 53, 54, 55, 56, 57a, 59, 60, 61(x2), Flat 3 Rugby House 67, Basement 70 & Unknown Rugby Place; 3 Manor Place; 6 Manor Way; 25 & 26 Princes Terrace; 31, 32, 36, 67 Bennett Road; 4 & Unknown Playden Close; 15 Bristol Street; 109 Craven Road; 7 Arundel Court, Arundel Road* objecting to the application for the following reasons:
  - The provision of social housing is supported
  - The south building is too big and exceeds the height of adjacent buildings and the former housing office. It will be dominating in views up Rugby Place, overbearing and block the skyline

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- The buildings are ill thought out and ugly monstrosities that will dominate Rugby Place negatively
- The dark featureless modern lump has no character or design merit, an eyesore
- The design of the buildings is atrocious and out of keeping
- The development would not be in keeping with the period Victorian housing on Rugby Place and will harm its character. The building should be 2 storeys with a render/stucco finish
- The buildings should be of a lighter coloured brick, not dark brick
- The southern building should be a storey lower
- The north side of Robert Lodge should not be built on. There is no justification for building on this greenfield site, it is garden grabbing
- Building a block of flats on the gardens to Robert Lodge is totally unacceptable
- The gardens should be improved
- Overdevelopment and increased population density
- Loss of social cohesion and community spirit in the neighbourhood
- The gardens and area would become claustrophobic being enclosed on all sides
- Loss of green space, communal gardens and trees. Wildlife nest in the trees
- Overlooking from the balconies in the south building. They should face north into the communal gardens instead or be removed.
- The balconies would add to street noise levels in Rugby Place and be used for storage and to hang washing
- Overlooking onto Manor Way gardens
- Loss of daylight and sunlight to Robert Lodge and Manor Way
- Overshadowing
- Overcrowding
- Increased noise echoing into Rugby Place
- Disruption, construction noise and length of construction works. Construction work should not be allowed on Saturdays and construction vehicles should not be allowed to use Rugby Place
- Noise and loss of privacy from re-routed footpath through the gardens
- Insufficient parking. The area is already heavily parked reducing access for emergency vehicles and causing safety issues. The parking surveys are out of date
- Parking for construction workers and residents should not be allowed on Rugby Place
- Increased anti-social behaviour from increased footfall. Residents already experience street drinkers, drug dealers, dog fouling and car crime. Access from Rugby Place to Robert Lodge should be cut off.
- The garden area will become unsafe
- The footpath should not access the northern end of Rugby Place
- The north end of Rugby Place should be gated to prevent access from Whitehawk Road
- There are other brownfield sites that should be built on instead
- Loss of quality of life for Rugby Place residents

- Loss of house value
  - Insufficient drainage
  - The plans do not show the slope up Rugby Place or where the north building is to be set
  - It is unclear how the fence between the southern building and Rugby Place will appear and what size the trees will be
  - The land is contaminated
- 5.2 Following amendments, **thirteen (13)** letters of representation have been received from **2, 33 & 62 Robert Lodge; 26, 40, 43, 53, 56 (x2), 61, basement flat 70 & Unknown Rugby Place and 15 Bristol Street**, objecting to the proposed development for the following reasons:
- The northern building will be 5.5m from lounge windows and be overpowering.
  - The southern building is too large, overbearing and bulky and will still dominate Rugby Place despite the use of render
  - Loss of communal gardens
  - Parking problems
  - Overshadowing, loss of light, overlooking and loss of privacy
  - Loss of privacy and noise disturbance from the nine front balconies
  - The balconies should face onto the communal gardens
  - Noise and disturbance from additional traffic and the additional residents
  - Impact on residents health from building works, noise etc
  - The revised footpath would run directly beneath lounge windows
  - The top end of Rugby Place should be gated to prevent access
  - Occupants should be 50+
  - Building work should be Monday to Friday 9-5 only.
  - The planting does not adequately screen the southern building from Rugby Place
- 5.3 **The Robert Lodge Residents Association** comment that refuse and bicycle stores should be relocated, tree planting revised, and the footpath through the site be altered.
- 5.4 **Five (5)** letters of representation have been received from **14 (x2), 60 Robert Lodge; Flat 8 The Broadway Whitehawk Road; 3 Bennett Road**, supporting the application.
- 5.5 **Simon Kirby MP** has commented that constituents are raising concerns to him on the grounds of:
- The location of the buildings being too close to the existing flats
  - Overlooking for residents of Robert Lodge
  - The site should be used for alternative uses
  - The density of development is oppressive and too high
  - Loss of outdoor space for residents of Robert Lodge
  - Impact from additional traffic
- 5.6 **Councillor Morgan** has objected. A copy of the email is attached to the report



5.7 **County Archaeologist:** No objection

5.8 **Environment Agency:** No objection

5.9 **Sussex Police:** No objection

5.10 **Southern Water:** No objection

A public sewer crosses the site that will need diverting. A condition should be attached to any permission requiring the submission of measures to divert the sewer for approval prior to the commencement of development.

5.11 **East Sussex Fire and Rescue Service:** No objection

**Internal:**

5.12 **Ecology:** Comment

The trees to the north part of the site have the potential to support breeding birds and bats. The site is unlikely to support any other protected species and therefore no further mitigation is required. If protected species are encountered during demolition/construction, work should stop and advice should be sought from an ecologist on how to proceed.

5.13 **Education:** No objection

A contribution of £10,092.80 in respect of primary and secondary education is sought.

5.14 This development falls within the Queens Park and Whitehawk planning area in terms of primary place planning. This area is already showing a shortfall in the number of places available for primary age pupils. A development of 15 homes will increase this shortfall and therefore we would expect a financial contribution under a S106 agreement if this development proceeded.

5.15 In terms of secondary education this development falls into the Dorothy Stringer and Varndean catchment area. Both schools are full and oversubscribed and therefore a contribution in respect of secondary education would be required.

5.16 **Environmental Health:** No objection

Recommend approval, subject to conditions to deal with potential land contamination, lighting impact and to secure a Construction and Environmental Management Plan to address hours of operation and amenity impact from construction works.

5.17 Lighting has the potential to impact both the new users and residents introduced onto the site, but additionally any new lighting systems introduced might also adversely impact existing residents to the East and West of the site. Having considered drawing E003, it is unclear as to the scale and extent of the lighting or as stated, the impact that this might have. As such a lighting condition is necessary is ensure that both horizontal and vertical illuminance is appropriately considered and importantly, that it is considered in line with Institution of Lighting Professionals (ILP) "Guidance Notes for the Reduction of Obtrusive Light" (2011).

- 5.18 It is well recognised that construction activities have the potential to disturb existing residents. For this reason, for larger builds, it is common to apply an obligation for the applicant to provide a CEMP through the section 106 process. This places the onus on the developer to further consider how the site may impact residents (in terms of noise, dust, light, vibration etc), when and why and what measures are necessary to prevent such adverse impacts. The Westridge Environmental Plan dated 21<sup>st</sup> July 2014 is deficient in a number of areas therefore it is appropriate to require a new CEMP.
- 5.19 **Housing:** Support
- 5.20 **Planning Policy:** No objection  
The application form suggests that the office accommodation on this site has been vacant since January 2012 and that it was previously in use as a housing office by the council. It is understood that the council has been reorganising their housing office locations across the city. The office accommodation at this location appears to have been provided in a prefabricated building. The planning statement for the application goes on to state that the council's housing service and staff have been relocated to another site in Whitehawk and that the Manor Place site is no longer required for office space.
- 5.20 It is unclear how much office accommodation would be lost from this site. This should be clarified. The applicant should provide additional information to address the criteria of EM5 (or EM6 if less than 235sqm) i.e. whether this accommodation was marketed and if so for how long, the quality of the office accommodation etc.
- 5.21 Submission City Plan policy CP3.5 states that where release of employment land is permitted the preference for re-use will be for alternative employment generating uses or affordable housing.
- 5.22 Loss of Open Space  
It is clear from the existing plans submitted that the open space would originally have functioned as a garden area for the use of residents of the building.
- 5.23 Policy CP16 of the City Plan seeks the retention of existing open space in the city, with loss of open space allowed only where certain criteria are met. The site most closely fits criteria (c) under this policy, in that the proposed development will only result in a small loss of open space. The applicant has stated that they plan to upgrade the remaining space which is considered to satisfy the policy criteria. These improvements should be secured via condition(s).
- 5.24 **Sustainability:** No objection  
The proposed scheme addresses key aspects of sustainability policy. The units are proposed to be built to Code for Sustainable Homes (CSH) Level 4. Other sustainability features include: installation of renewable energy technology in the form of a 98m<sup>2</sup> roof mounted photovoltaic array; energy efficient design; passive design measures which include solar shading over south facing windows; use of sustainable materials and certified timber; greening of the site includes a green sedum roof covering 16m<sup>2</sup> and 16 trees to be planted on site; rainwater will be

collected for garden irrigation; and food growing is incorporated into plans for 10 fruit and nut trees and dedicated area in gardens of 100m<sup>2</sup> plus 10m<sup>2</sup> of raised beds.

5.25 Proposed main modifications to policy CP8 Sustainable Building, which were published in July 2014, amend the CSH standard being sought for all new housing (until 2016) to CSH Level 4. This has been made in response to the Planning Inspector's initial conclusions on the soundness of the City Plan. The proposed main modifications indicate direction of travel and are considered to be a material consideration. Whilst SPD08 recommends a standard of CSH Level 5 on Greenfield land, other benefits to the city are a consideration, and this scheme is proposing 100% affordable housing, therefore CSH Level 4 in addition to 100% affordable is considered to meet SPD08 standards also.

5.26 **Sustainable Transport:** No objection.

Recommended approval as the Highway Authority has no objections to this application, subject to the inclusion of the necessary conditions on any permission granted and that the applicant provides a contribution of £11,250 towards public transport improvements at the bus stops on Manor Road adjacent and opposite Henfield Close and/or footway improvements in the local area (dropped kerbs/tactile paving).

5.27 Currently on-site there are 8 car parking spaces accessed from Manor Place. The applicant is proposing 7 car parking spaces of which 3 will be disabled accessible bays. SPG04 states that the maximum car parking standard for a residential development outside a CPZ is 1 car parking per unit and 1 space per 2 units for visitors. Therefore the proposed level of car parking is in line with the maximum car parking standard.

5.28 The existing car parking was used to serve the housing office until it relocated. The applicant intends to allocate the proposed car parking spaces to the new residential units. In order to determine whether there is likely to be any overspill car parking the applicant has forecast the likely car ownership from 15 residential units from Census car ownership data. This forecast that there is likely to be 8 vehicles associated with the 15 flats. Therefore on this basis there is not considered to be significant overspill car parking associated with this development which would warrant refusal.

5.29 **Economic Development:** No comment.

5.30 **Arboricultural:** No objection.

No objection to the loss of six trees of little arboricultural value.

5.31 **Access:** No objection.

5.32 **Public Art:** No objection.

A contribution towards public art of £5,500 should be sought.

## **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
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
QD6	Public art

QD15	Landscape design
QD16	Trees and hedgerows
QD17	Protection and integration of nature conservation features
QD18	Species protection
QD20	Urban open space
QD27	Protection of Amenity
QD28	Planning obligations
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
EM3	Retaining the best sites for industry
EM5	Release of redundant office floorspace and conversions to other uses

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
CP1	Housing delivery
CP8	Sustainable buildings
CP14	Housing density
CP16	Open space

## **8 CONSIDERATIONS & ASSESSMENT**

8.1 The main considerations in the determination of this application relate to the design of the proposed buildings and its impacts on the surrounding area, the acceptability of the partial loss of communal garden space, the standard of accommodation to be provided, the impact of the development on neighbouring amenity, transport and sustainability issues.

### **8.2 Loss of office accommodation:**

The single storey pre-fabricated office building on the southern part of the site has been demolished since this application was submitted. It previously formed the Manor Place Housing Office but became vacant in spring 2012 when the housing office moved to new premises at the nearby Whitehawk Hub.

8.3 Policy EM5 generally resists the loss of office accommodation unless it has been adequately demonstrated that the site is genuinely redundant. In this

instance the employment use has moved to new facilities in the nearby area therefore the loss of the building has not resulted in a net loss of employment space in the city. Further, the building itself was a prefabricated structure of generally poor quality that detracted from the appearance of both Robert Lodge and Rugby Place. As such, it is considered that the opportunity to redevelop the site with a better quality building that provides a significant element of affordable housing outweighs the benefit that would otherwise arise from retaining office use on the site. For these reasons an exception to policy EM5 is considered acceptable in this instance.

**8.4 Design and Appearance:**

The broader Manor Place site currently comprises two blocks of flats set either side of communal gardens. The former housing office to the southern part of the site has now been demolished leaving a vacant hardstanding fronting the northern end of Rugby Place. A public footpath passes through the site. Both Robert Lodge buildings are flat roofed and completed in a dark brick, a contrast to the Victorian terraces along Rugby Place to the south and the more modern brick housing to the north and west.

**8.5 Southern building**

The proposed southern building would be set on the site of the former housing office and attached to the eastern block of Robert Lodge. It would be three storeys in height and completed in brick to complement the finish of the existing buildings, with rendered panelling to the front/south elevation. The southern elevation would be punctuated by upvc windows and balconies to each flat.

8.6 In terms of scale, the building represents a suitable transition between the three storey height of the existing eastern block and the four storey height of the western block. The use of brick (proposed to be a local Chailey stock) would complement the brick finishes to both the existing buildings within Robert Lodge and the Victorian terraces on Rugby Place, whilst the addition of render to the first and second floor front elevations would lighten the massing of the building and reduce its oppressive impact in views up Rugby Place.

8.7 Residents have raised concern at the dominating and imposing design of the building, in particular its scale and visibility at the northern end of Rugby Place. The former housing office was a single storey prefabricated structure that, although harmful to the general appearance of the area, provided some views over towards the Robert Lodge gardens behind. The proposed three storey building would effectively 'cap' the northern end of the street, removing views through to the north. It is not considered that this in itself would be significantly harmful to the general character and qualities of Rugby Place, which is effectively a cul-de-sac ending with more modern three storey blocks of flats at its northern end. The three storey height and overall scale of the proposed building would be in keeping with the scale of both these end blocks and the existing buildings to Robert Lodge, whilst the use of render to the front elevation and the provision of inset balconies would help to reduce its sense of massing and alleviate any oppressive impact it would otherwise have. The planting of a row of Whitebeam trees across the front of the building would also help to soften its appearance. For these reasons the proposed building is considered

an appropriate addition in accordance with policies QD1, QD2 and QD14 of the Brighton & Hove Local Plan.

8.8 Northern building

The proposed northern building would sit on sloping grassland adjacent to Manor Way and would be broadly of the same scale and design as the southern building. It would mark a suitable transition between the eastern and western Robert Lodge blocks, which have a height difference of approximately 3m. The building would be detached from the existing Robert Lodge buildings and set further to the north, approximately 1m from the Manor Way footway. The forward position of the building is such that its side elevations would be highly visible in views from the east and west. Following amendments these elevations, including the north elevation, have been better articulated with larger and more prominent windows to break up the massing of brick, and render panelling introduced to soften views from the north and east. On balance, having regard the mixed character of Manor Way, it is considered that the proposed northern building would be a suitable addition that would not be overly harmful to the character of the Robert Lodge estate or wider street.

8.9 Open space, landscaping and ecology:

The southern part of the site forms the former housing office building, now demolished. The northern part of the site has not previously been developed and comprises communal gardens for Robert Lodge residents with a number of mature Whitebeam trees set within lawns. The site is identified as open space on the proposals map for the submission City Plan Part One, and has strong amenity value providing communal gardens for Robert Lodge. These gardens are visible from Manor Way to the north of the site and from the public footpath that runs through the site.

8.10 Policy QD20 seeks to resist the loss of areas of public or private open space that are important to people because of their recreational, community, social or amenity value (amongst others). The loss of any such area will only be considered in exceptional circumstances where the proposal is essential to meet social, environmental or economic needs and where alternative provision for open space can be secured.

8.11 In this instance the Robert Lodge communal gardens provides clear recreational, community, social and amenity value to the local residents and amenity. The proposed northern building would result in the total loss of approximately 8% of the communal gardens. The plans detail that 6 Whitebeam trees to the north of the gardens and 1 Wild Cherry tree to the south would be removed to facilitate the development.

8.12 A tree report has been submitted with the application. The report identifies that there are 26 trees within the gardens, all Whitebeams and Wild Cherrys of between 5.5m and 8m in height. None of the trees are protected by preservation orders whilst the majority have been assessed as being category C trees of low quality and value. The 6 Whitebeam trees to be removed from the north part of the gardens are all category C or U trees in a generally poor physiological condition. The Cypress tree to the south of the gardens is a

category U tree also in a poor physiological condition. The removal of these trees is therefore considered acceptable subject to suitable replacements as part of the new landscaping plans.

- 8.13 The indicative landscaping plan details that the removed trees would be replaced with five new Judas trees within the communal gardens, with a further five Whitebeam trees planted in front of the southern building to provide green buffer in views up Rugby Place. Further improvements to the communal gardens include new benches and improved footways and fencing to create a more welcoming space for residents. The applicants have advised that all new and improved landscaping to the communal gardens would be undertaken in consultation with residents with final details to be submitted for approval prior to works commencing. This is secured by condition.
- 8.14 The development would provide an additional 15 residential units and create an additional demand for open space, sports and recreation provision. In accordance with the Developer Contributions paper a contribution of £32,570.37 is sought to offset this impact and is included in the S106 Heads of Terms.
- 8.15 On balance, having regard the benefits of the scheme in providing additional affordable housing and improved communal gardens to Robert Lodge, it is considered that the loss of approximately 8% of the open space is acceptable. As such the proposal is considered not to conflict with policies QD6, QD15 and QD16 of the Local Plan.
- 8.16 The County Ecologist has not identified any particular protected species within the site, other than the possibility of bats and other nesting birds within the trees. An informative is attached to advise the applicants of their responsibilities under Part 1 of the Wildlife and Countryside Act 1981 on disturbing nesting birds and bat roosts. A condition is attached to secure nature conservation enhancements as required under policy QD17, which the Ecologist advises should include bird, bat and insect boxes and native species within the landscaping plan.
- 8.17 **Standard of Accommodation:**  
Each residential unit is of a good size with all rooms having good access to natural light and ventilation and each flat having access to a private balcony as well as the communal gardens. Each of the flats has been designed to meet all Lifetime Homes standards whilst 1 wheelchair accessible unit is to be provided in the southern block. This is secured by condition. The overall level and standard of residential accommodation therefore accords with the requirements of policies QD27, HO5 and HO13.
- 8.18 Housing mix  
The application proposes 15 residential flats, 13 one bedroom units and 2 two bedroom units, all of which would be affordable social rent housing. This provision exceeds the 40% affordable housing target set out in policy HO2 of the Brighton & Hove Local Plan and policy CP20 of the Submission City Plan Part One and is secured by condition. This mix is considered appropriate having



regard policies HO2 & HO3 of the Brighton & Hove Local Plan and policies CP14 & CP20 of the Submission City Plan Part One.

**8.19 Impact on Amenity:**

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.

8.20 The applicants have submitted a daylight/sunlight study undertaken in accordance with the Building Research Establishment (BRE) guide 'Site Layout Planning for Daylight and Sunlight: a guide to good practice'. The study identifies that windows to five flats in the northeast, northwest and southwest corners of Robert Lodge adjacent to the proposed buildings would fail the BRE test for daylight, along with north side windows to two flats at 72 Rugby Place. In each case the degree of failure is either marginal or to rooms with secondary aspect, with the worst loss of light amounting to a 30% drop from existing. Whilst appreciable, it should be noted that the retained light to these windows would remain at approximately 26% (Nb the maximum possible light to a window is 40%). On this basis it is not considered that the proposal would result in a substantial or harmful loss of light to principal windows within adjacent properties.

**8.21 Northern building**

The main impact would be on the flats immediately adjacent within the existing eastern and western Robert Lodge blocks. To the east, the ground, first and second floor flats are set on lower ground level with a northerly and westerly aspect. The main bay windows face north with oblique views towards the proposed northern building. Given the angle of separation there would be no significant loss of outlook or light, or loss of privacy to these bays. Single windows are set within the side elevation facing the northern building. These windows are secondary to the main rooms served by the north facing bays and would retain an aspect across the rear elevation of the proposed northern building. Again this arrangement would not result in a significant loss of light or outlook, or loss of privacy.

8.22 To the west, the ground, first and second floor flats within the northeast corner of Robert Lodge are set on higher ground level with a northerly and easterly aspect. The main living and bedroom windows to these flats face east towards the flank wall of the northern building at a separation of 7m. The bedroom windows would face across the rear elevation to the northern building and retain good light, outlook and privacy. The bay windows to the main living spaces would face the blank side elevation but retain some views to the southeast into the communal gardens. The impact of the building would be most harmful to the bay windows, particularly to no.62 at ground floor level, and would result in an appreciable loss of outlook to the living rooms they serve. This impact would though be somewhat mitigated by the outlook provided by the smaller secondary north facing windows serving these rooms.

- 8.23 On balance the impact on these bay windows is considered acceptable in this instance having regard the secondary aspect to the living rooms and the degree of daylight retained to the main bay windows, and having regard overall public benefits of the scheme in providing a significant portion of affordable social rent housing. No other residential properties within Robert Lodge or opposite on Manor Way would be unduly impact by the northern building, whilst the position of the balconies would not result in significant loss of privacy.
- 8.24 Southern building  
The southern building would have the potential to impact on the amenities of properties both within Robert Lodge to the north and along Rugby Place to the south. The proposed building would attach to the existing eastern Robert Lodge block, projecting 1.5m further to the south. This level of projection would not unduly harm the amenities of the adjacent residents within the eastern block.
- 8.25 To the west, the southern building would sit perpendicular to the existing western block. The proximity of the proposed building is such that daylight, sunlight and outlook to the adjacent ground and first floor flats within the southeast corner of Robert Lodge would be appreciably impacted, most notably the nearest ground floor level flat at no. 35. The daylight/sunlight assessment calculates that daylight to the lounge bay window to this flat would be reduced by 30%, with sunlight levels halved. A lesser impact would be had on the flat above at first floor level. The top floor flat would retain good daylight and sunlight levels above the roofline of the southern building.
- 8.26 On balance it is considered that the impact to these flats within the southeast corner of Robert Lodge would not be so harmful as to outweigh the benefits of the proposal in bringing forward social rent housing for the city. The ground floor flat, which would be most severely impacted, would retain daylight of 26% (out of a maximum 40%), a level comparable to many of the other flats in the building. As such the scale and proximity of the building would not result in a significantly gloomy or oppressed living environment reliant on artificial lighting. In terms of sunlight, whilst this impact would be significant to the bay window, it is noted that this main living room has a secondary aspect to the south elevation which would retain high sunlight levels, thereby preserving a suitable degree of amenity for residents.
- 8.27 In terms of overlooking and outlook, the proposed southern building would be offset perpendicular to Robert Lodge. This is sufficient to ensure that the bay windows retain suitable outlook to the rear and north, whilst the position of the building and its fenestration is sufficient to ensure that overlooking is limited to oblique angles only. For these reasons the impact on the occupiers of Robert Lodge to the east and west is considered acceptable in this instance.
- 8.28 Residents of Rugby Place have raised concerns over loss of privacy and noise disturbance from the south facing balconies. The balconies would be set back 7m from the top of Rugby Place and positioned such that views into the nearest windows within Rugby House and 72 Rugby Place would be both at an oblique angle and at a minimum separation of 10m. This is sufficient to ensure that no direct views would be had into the main windows to either Rugby House or 72

Rugby Place. Views into the north side windows to 72 Rugby Place would be into the rear of the room only, and would not provide views of main living accommodation. In terms of noise disturbance, there is no evidence that occupants of the proposed flats would create significant additional noise beyond that which could be provided by existing residents in the street.

- 8.29 For the reason set out the proposal, whilst appreciably impacting on flats within the northeast and southeast corners of Robert Lodge, would not be so harmful or detrimental to the amenities of occupants to withhold permission given the secondary aspect to their main living spaces. The development would therefore comply with policy QD27 of the Brighton & Hove Local Plan.
- 8.30 **Sustainable Transport:**  
Brighton & Hove Local Plan policy TR1 requires all new development to provide for the travel demand it creates, whilst policy TR14 requires that new development should provide covered and secured cycle parking facilities for residents.
- 8.31 The site as existing provides 8 parking spaces in the southwest corner, spaces allocated for sole use by the housing office. The application proposes these spaces to be revised to 6 bays (including 2 disabled bays) to be allocated to residents of the development.
- 8.32 Residents have raised concern at the impact of overspill parking on surrounding streets, many of which are outside the controlled parking zone and heavily parked throughout the day. The applicant has used the latest census data to forecast likely car ownership levels for the 15 flats. The forecast shows that the development will likely generate parking demand for 8 vehicles. This would result in overspill parking of between 1 and 4 vehicles (assuming no occupiers qualify for disabled permits). Although it is acknowledged that surrounding streets are heavily parked, in this instance the addition of this limited number of vehicles is not considered so harmful as to warrant the refusal of permission. Residents have stated that parking levels are so severe that emergency vehicles have difficulty accessing the roads in the area, however this is a matter best addressed by highways measures rather than by the withholding of permission for this scheme.
- 8.33 In terms of cycle parking, the applicant is proposing stores discretely located adjacent to the western Robert Lodge building to serve the development. Further Sheffield stands are to be located fronting both buildings. This is considered a suitable arrangement to meet the requirements of the development.
- 8.34 Residents on Rugby Place have raised concern at the amenity impact of construction and worker vehicles using the narrow street to access the site, and have requested that such vehicles are banned from accessing the site from Rugby Place. Suitable access arrangements are a matter that can be addressed in an updated Construction and Environmental Management Plan, secured by condition. Alternative access to the southern building can be made via Manor Place using the existing parking area. This is the arrangement that is being used

to demolish the housing office and there is no apparent reason why this could not continue for the duration of construction works.

- 8.35 Given the uplift in trips generated by the development a contribution of £11,250 is sought to improve sustainable transport infrastructure in the vicinity of the site, in particular towards accessible bus stop kerbs, shelters and real time information signs and/or footway improvements. Subject to this contribution secured in the s106 heads of terms the proposal would meet the transport demand it would generate in accordance with policies TR1, TR2, TR4, TR7, TR8 & TR14 of the Brighton & Hove Local Plan.
- 8.36 The application proposes the realignment of a public footpath that runs through the site, connecting Manor Way to the north with Whitehawk Road and Rugby Place to the south. Residents of Rugby Place have requested the footpath link be restricted to prevent access to Rugby Place on the grounds that the link is resulting in anti-social behaviour and disturbance. The removal of an established link would be contrary to the aims of policy TR8 therefore as an alternative the footpath has been realigned to direct pedestrians to Whitehawk Road rather than Rugby Place. The remaining footpath would be directed around the south and west of the southern building to link with the existing path through the site to Manor Way. The Sustainable Transport Officer supports this realignment. Although the footpath would run closer to the flats in the northwest corner of Robert Lodge, its position below the adjacent windows is such that any amenity impact would be limited compared to existing.

**Sustainability:**

- 8.37 Policy SU2 of the Brighton & Hove Local Plan, including SDP08 'Sustainable Building Design', requires new development to demonstrate a high level of efficiency in the use of water, energy and materials. For major new-build residential schemes on previously developed land SPD08 requires proposals to meet level 4 of the Code for Sustainable Homes and achieve zero net annual CO2 from energy use. On previously undeveloped Greenfield land SPD08 requires new residential development to meet level 5 of the Code for Sustainable Homes.
- 8.38 The application is supported by a Sustainability Checklist which details that all residential units will achieve level 4 of the Code for Sustainable Homes. It is noted that the northern building sits on previously undeveloped land however the main modifications to policy CP8 of the submission City Plan Part One direct that development on such land should meet Level 4 of the Code rather than Level 5 as set out in SPD08. The specific measures incorporated into the proposal to achieve this standard include solar panels to the roofs and 16sqm of green sedum roof covering. This is sufficient to meet the standard recommended in SPD08. The sustainability officer is satisfied with the measures proposed, which are secured by condition.
- 8.40 Refuse and recycling facilities appropriate to the scale of the development are proposed in compounds adjacent to each building. This provision is secured by condition. For these reasons, and subject to the recommended conditions, the

proposed development is considered to reach the sustainability standards required by Policy SU2 and SPD08.

**Other Considerations:**

- 8.41 The application includes a Phase 1 Contaminated Land Assessment. The assessment identifies that the site has a history of uses that is likely to have resulted in potentially contaminated land. The Environmental Health officer has agreed with the report and its recommendation that further investigation works are required. This is secured by condition.
- 8.42 The Head of Education has identified that the site falls within the Queens Park and Whitehawk planning area in terms of primary place planning. This area is already showing a shortfall in the number of places available for primary age pupils. In terms of secondary education the site falls into the Dorothy Stringer and Varndean catchment area however both schools are full and oversubscribed. and therefore a contribution in respect of secondary education would be required. Consequently, and in line with the methodology set out in the Developer Contributions paper, a contribution of £10,092.80 is sought towards the cost of providing primary and secondary educational infrastructure for the school age pupils this development would generate. A contribution of £5,500 or a scheme of equivalent value is also sought towards public art as required under policy QD6, whilst a contribution of £7,500 towards the Local Employment Scheme and the provision of an Employment and Training Strategy with the developer committing to using 20% local employment during the construction works is also sought via the s106 heads of terms.
- 8.43 Residents have raised concern over potential noise and disruption during construction works, including disruption from workers parking in the already crowded streets. The applicants have submitted an initial Construction Environmental Management Plan which identifies working hours to be 7.30am to 6pm Monday to Friday, 8.30am to 1pm Saturdays, and at no time on Sundays. This complies with Environmental Health guidance. A final CEMP is secured by condition to finalise all matters including ensuring employee parking is sufficiently managed.

**9 CONCLUSION**

- 9.1 The proposed development would provide additional affordable housing for the benefit of the city within two suitably scaled and designed buildings. The development would have a generally acceptable impact on the amenities of existing residents and would not add significant parking pressure to the surrounding area. The proposal is considered to be in accordance with development plan policies.

**10 EQUALITIES**

- 10.1 The development is required to meet Lifetime Homes standards and would provide one wheelchair accessible unit

**11 PLANNING OBLIGATION / CONDITIONS / INFORMATIVES**

**11.1 S106 Heads of Terms**

- An Employment and Training Strategy that includes a commitment to at least 20% local labour during construction of the project.
- Contribution of £11,250 towards improving sustainable highway infrastructure in the vicinity of the site.
- Contribution of £32,570.37 towards open space, sports and recreation in the area.
- Contribution of £10,092.80 towards education provision.
- Contribution of £7,500 towards the Local Employment Scheme
- Contribution of £5,500 towards public art

**11.2 Regulatory Conditions:**

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

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Existing site plan	E001A	-	25/07/2014
Existing southern block	E020B	-	25/07/2014
Proposed site plan	E001B	A	25/07/2014
Northern block floor plans	E010	B	23/10/2014
	E011	B	23/10/2014
Northern block elevations	E012	C	23/10/2014
	E013	B	23/10/2014
Southern block floor plans	E020A	B	23/10/2014
	E021	B	23/10/2014
Southern block elevations	E022	B	23/10/2014
	E023	D	23/10/2014
Footpath diversion	E002	E	23/10/2014
Landscape and lighting scheme (indicative)	E003	B	23/10/2014
Tree and levels survey	J48.78/01	-	25/07/2014

- 3) 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.

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- 4) No development shall commence until a scheme for 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 and shall meet the definition of affordable housing in Annex 2 of the National Planning Policy Framework or any future guidance that replaces it. The scheme shall include:
- a. the numbers, type, tenure and location on the site of the affordable housing provision to be made which shall consist of not less than 40% of housing units/bed spaces;
  - b. the timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;
  - c. the arrangements for the transfer of the affordable housing to an affordable housing provider, or the management of the affordable housing (if no RSL involved);
  - d. the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

**Reason:** To ensure the development meets the housing needs of the city and to comply with policies HO2 & HO3 of the Brighton & Hove Local Plan.

- 5) Other than the dedicated balconies to each flat, access to the flat roofs over the building hereby approved shall be for maintenance or emergency purposes only and the flat roofs shall not be used as a roof garden, terrace, patio or similar amenity area.

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

- 6) The vehicle parking areas as detailed on drawing nos E003 rev.B & E020A rev.B received on 23/10/2014 shall be laid out as such and 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) All hard surfaces hereby approved within the development site shall be made of porous materials and retained thereafter or provision shall be made and retained thereafter to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the site.

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

- 8) The new dwellings hereby permitted shall be constructed to Lifetime Homes standards prior to their first occupation and shall be retained as

such thereafter. A minimum of one unit shall be built to wheelchair standards to the satisfaction of the Local Planning Authority.

**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.

11.3 Pre-Commencement Conditions

- 9) No development shall take place until a scheme of measures to divert the public sewer have been submitted to an approved in writing by the Local Planning Authority, in consultation with Southern Water.

**Reason:** To ensure satisfactory sewer infrastructure is maintained and to comply with policy SU3 of the Brighton & Hove Local Plan.

- 10) No development shall commence 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 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.

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

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

- 12) No development shall commence until a scheme for the soundproofing of the party walls and floors between the ground floor plant room and the first floor residential units has been submitted to and approved in writing by the Local Planning Authority. The measures should be designed to achieve a sound insulation value of 5dB better than Approved Document E performance standard, for airborne sound insulation for floors of purpose built dwelling-houses and flats. The scheme shall be implemented in strict accordance with the approved details prior to first occupation of the development and shall thereafter be retained as such.

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

- 13) (i) Prior to the commencement of the development details of the external lighting of the site shall be submitted to and approved in writing by the Local Planning Authority. These details shall include the predictions of both horizontal illuminance across the site and vertical illuminance affecting immediately adjacent receptors. The lighting installation shall comply with the recommendations of the Institution of Lighting



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

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

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

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

- 14) No development shall commence until the adopted footpath through the site where the southern and northern blocks are proposed, as is indicated on the footpath diversion block plan (Drawing number E002 revision E received on 23/10/2014), has been diverted and an alternative route been provided.

**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.

- 15) No development shall take place until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include:

a) a scheme of how the contractors will liaise with local residents to ensure that residents are kept aware of site progress and how any complaints will be dealt with reviewed and recorded (including details of any considerate constructor or similar scheme)

b) a scheme of how the contractors will minimise complaints from neighbours regarding issues such as noise and dust management vibration site traffic and deliveries to and from the site

c) details of hours of construction including all associated vehicular movements

d) details of the construction compound

e) a plan showing construction traffic routes

The construction shall be carried out in accordance with the approved CEMP.

**Reason:** In the interests of amenity and highway safety, to comply with policies QD27, SU10, SR18, SU9 and TR7 of the Brighton & Hove Local Plan.

- 16) 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.

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

- 17) No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme for landscaping, which shall include details of hard landscaping, boundary treatments, planting plans (including plant species and numbers, and tree sizes and their planting method), and indications of all existing trees on the land to be retained together with a Method Statement for their protection in the course of development. Development shall be carried out in accordance with the approved Method Statement.

**Reason:** To enhance the appearance of the development in the interest of the visual amenities of the area and to comply with policies QD1, QD15 & QD16 of the Brighton & Hove Local Plan.

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

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

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

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

- 20) (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 desktop study shall be the very minimum standard accepted. Pending the results of the desk top study, the applicant may have to satisfy the requirements of b and c below, however, this will all be confirmed in writing).

(a) a 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,  
(b) a detailed scheme for remedial works and measures to be undertaken to avoid risk from contaminants and/or gases when the site is developed and proposals for future maintenance 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)b has been implemented fully in accordance with the approved details (unless varied with the written agreement of the local planning authority in advance of implementation). Unless otherwise agreed in writing by the local planning authority such verification shall comprise:

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

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

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

#### 11.4 Pre-Occupation Conditions

21) 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.

22) 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.

23) 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.

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

### 11.5 Informatives:

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

The proposed development would provide additional affordable housing for the benefit of the city within two suitably scaled and designed buildings. The development would have a generally acceptable impact on the amenities of existing residents and would not add significant parking pressure to the surrounding area. The proposal is considered to be in accordance with development plan policies.
3. The applicant is advised that this planning permission does not override the need to agree and enter into all the relevant permissions with the Highway Authority prior to any works commencing on the adopted highway.
4. The applicant is advised that under Part 1 of the Wildlife and Countryside Act 1981 disturbance to nesting birds, their nests and eggs is a criminal offence. The nesting season is normally taken as being from 1<sup>st</sup> March – 30<sup>th</sup> September. The developer should take appropriate steps to ensure nesting birds, their nests and eggs are not disturbed and are protected until such time as they have left the nest.
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.
6. The applicant is advised that it has been identified that the land is potentially contaminated. If, during development, contamination not previously identified is found to be present at the site then no further development should be carried out until the developer contacted the Council's

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Environmental Health Department for advice. Please be aware that the responsibility for the safe development and secure occupancy of the site rests with the developer.

7. The applicant is advised that a formal connection to the public sewerage system is required in order to service this development. Please contact Atkins Ltd, Anglo St James House, 39A Southgate Street, Winchester, SO23 9EH (tel: 01962 858688) or [www.southernwater.co.uk](http://www.southernwater.co.uk)
8. The applicant is advised that the details required by Condition 11 are to be delegated for agreement to the Head of Development Control in consultation with the Chair, Deputy Chair and the Opposition Spokesperson.

**From:** Warren Morgan  
**Sent:** 03 October 2014 16:33  
**To:** Ross Keatley; Penny Jennings  
**Subject:** Letter of objection to Planning Committee, 26th October: planning application number: BH2014/02417 regarding Manor Place/Robert Lodge

Dear Ross/Penny,

I would like to place a letter on the agenda of the Planning Committee meeting of October 26<sup>th</sup> regarding application **BH2014/02417**

I would like to object to the application on behalf of residents of Robert Lodge and Rugby Place on the following grounds, in particular the loss of amenity:

- There will be considerable overshadowing of existing dwellings in both locations leading to loss of sunlight in gardens and dwellings.
- The locations and proximity of balconies in the design would contribute to noise disturbance and overlooking of residents properties including through bay windows along Rugby Place.
- The residents of Robert Lodge would lose a significant proportion of their outdoor space from the construction of the northern block adjacent to Manor Way.
- The diversion of the footpath will lead to pedestrians walking directly under windows of existing flats. There is concern from residents that this will lead to noise disturbance and an increase in anti-social behaviour.
- The size and design of the proposed flats is not in keeping with the current blocks in Robert Lodge or with the predominantly Victorian terraced dwellings in Rugby Place. Residents have expressed concern over the type and colour of materials used.
- The local roads in Rugby Place, Manor Place, Playden Close and Flimwell Close, Manor Way and Henfield Close are already overcrowded in terms of parking due to the current volume of resident parking and due to the site being on the edge of controlled parking zone H.
- The disturbance from the scheduled two year construction period with consequent increase in noise and construction traffic.

Although I share the desire of local residents for increased affordable housing in Whitehawk and Manor Farm, I would request that members consider rejecting this application in favour of a resubmitted application with significantly amended designs including moving the balconies on the elevations face into the Robert Lodge gardens.

Regards,

**Councillor Warren Morgan**

# **ITEM B**

**168 Old Shoreham Road, Hove**

**BH2014/02412**  
**Full planning**

**19 NOVEMBER 2014**

# BH2014/02412 168 Old Shoreham Road, Hove



**Brighton & Hove  
City Council**



Scale : 1:1,250



<b><u>No:</u></b>	<b>BH2014/02412</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>168 Old Shoreham Road Hove</b>		
<b><u>Proposal:</u></b>	<b>Part change of use of ground floor from offices (B1) to residential (C3) with the erection of a single storey rear extension with associated external alterations to create 1no one bedroom flat (Part Retrospective).</b>		
<b><u>Officer:</u></b>	Andrew Huntley Tel 292321	<b><u>Valid Date:</u></b>	24 July 2014
<b><u>Con Area:</u></b>	N/A	<b><u>Expiry Date:</u></b>	18 September 2014
<b><u>Listed Building Grade:</u></b>	N/A		
<b><u>Agent:</u></b>	David Chetwin Architects, 2 Titian Road, Hove BN3 5QS		
<b><u>Applicant:</u></b>	Dr Harjinder Heer, 144 Waldegrave Road, Brighton BN1 6GG		

## 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 is located on the southern side of Old Shoreham Road. The area is mixed use in nature and is on a busy main road. The building on the application site is in a mixture of uses with a small beauty salon on the ground and first floor at the front and B1 space at the rear at ground floor level only. There are flats at first floor and second floor level. The use of the first floor front room is part of the ground floor salon.

## 3 RELEVANT HISTORY

**BH2014/01988** - Conversion of existing office (B1) to form 1no one bedroom flat (C3) at first floor level with associated formation of Juliet balcony to rear elevation (Retrospective). Approved 23.09.2014.

**BH2014/01093** - Part change of use of ground floor from offices (B1) to residential (C3) with the erection of a single storey rear extension with associated external alterations to create 1no one bedroom flat. Approved 11/06/2014.

**BH2014/00664** - Replacement of existing UPVC windows with UPVC windows and french doors with Juliette balcony (Retrospective). Withdrawn 09/06/2014.

**BH2014/00651** - Certificate of lawfulness for proposed change of use from office (B1) to 1no one bedroom flat (C3) at first floor level. Withdrawn 09/06/2014.

**BH2013/03282** - Part change of use of ground floor from offices (B1) to residential (C3) with the erection of a single storey rear extension with

associated external alterations to create 1no. two bedroom flat. Refused 18/12/2013.

**BH2013/02373** - Erection of rear dormer to replace existing. Refused 26/09/2013. Appeal dismissed 10/04/2014.

#### **4 THE APPLICATION**

- 4.1 Planning permission is sought for the part change of use of ground floor from offices (B1) to residential (C3) with the erection of a single storey rear extension with associated external alterations to create 1 one bedroom flat.

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

##### **External**

- 5.1 **Neighbours: Sixteen (16)** letters of representation have been received from **Dominoes Pizza 93 Old Shoreham Road, Altitude Hairdressing 170 Old Shoreham Road, Gentlemans Barbershop 95 Old Shoreham Road, Doctor Tech 166 Old Shoreham Road, Kurls 174 Old Shoreham Road, 170a Old Shoreham Road, 95a Old Shoreham Road, 166a Old Shoreham Road, 99a Old Shoreham Road, 91 Old Shoreham Road, Flat 5 172 Old Shoreham Road, Flat 3 Old Shoreham Road, 11 Frith Road, 13 Frith Road (x2) and 21 Frith Road objecting** to the application for the following reasons:

- Contrary to policy QD14.
- Poorly designed and sited and would have a terracing effect.
- Overbearing and loss of outlook.
- The rear extension will lead to overlooking and loss of privacy and be used as a terrace.
- The roof would be visible from 166 and 170 Old Shoreham Road.
- Block morning sun to the garden of 170A and will not be able to use the garden some morning as it will reduce heat and light to this area. 116 Old Shoreham Road will be similarly affected in the afternoons.
- Loss of light to the rear staff room could result in the tenants leaving at the end of their tenancy.
- The extension can not use materials sympathetic to the building as it is 140 years old and can not be matched by modern materials.
- Tilt and turn windows were refused for 170A Old Shoreham Road.
- Would like to see the documentation from the agents trying to let the offices to prove that they are genuine and not fraudulent in order to dupe the Council.
- Proposal will increase parking pressure in the area and increase traffic noise.
- Community has clearly stated they do not want this.

- Provision of cycle racks and recycling boxes not a reason to destroy the buildings character.
- Application solely about money.
- Would like to register these objections to all future applications.
- Vans parking in the loading bay cause congestion in the area.

- 5.2 **One (1)** letter of representation has been received from **15 Frith Road** commenting on the application. The comments state that while they have no objections to the plans, it is unclear from the drawings whether an area of painted render or fence would be added to the back wall of the property in view of the loss of privacy this development would create.
- 5.3 **One (1)** letter of representation has been received from **166 Old Shoreham Road** raising no objection to the proposal.
- 5.4 **One (1)** letter of representation objecting to the application from **Councillors Bennett and Brown** has been received. Copy attached.
- 5.5 **County Archaeology:** Although this application site is situated within an Archaeological Notification Area, it is not believed that any significant archaeological remains are likely to be affected by these proposals. For this reason, there are no further recommendations to make in this instance.
- 5.6 **Environment Agency:** No comment.

**Internal**

- 5.7 **Environmental Health:**  
11/09/2014

Whilst a chalk pit, has been identified in the desk top study, there are references to it being 60m to the East which is not the case. Having studied the mapping and drawn some delineation of the old chalk pit there are concerns that this does cross into the application site. The 1875 mapping shows the old chalk pit crossing into the site. By 1898, the green trace shows the old chalk pit area as being retracted.

- 5.8 Whilst it is noted that the site is built on by the 1910 mapping and this is a long period for any ground gases to have disappeared, we are dealing with the unknown as it was not known what was filled. Environmental sensibilities at that time are extremely different to those today and even with items considered as inert in the 1980s with advances in technology and research, these might not necessarily be considered inert by today's standards.
- 5.9 I consider as above, that LEAP may wish to reconsider the information.

24.09.2014

- 5.10 Further to my email comments dated 11<sup>th</sup> September 2014, with embedded images relating to the Leap desk top Survey, I can confirm that I have spoken with the report author and my concerns over the wrong brick field site being examined were not warranted. Given the age of the site, the professional

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consultants do not feel that there is a risk warranting further investigation at this time. Specifically, they state as follows:

- 5.11 "Given when these features were backfilled, it is considered that there is a negligible risk of ground gas impacting the site." The report concludes that the risks posed by the site are low.
- 5.12 It is considered appropriate to apply a discovery strategy to deal with any unexpected findings during the construction stages.
- 5.13 The retail unit on the ground floor remains and the proposed residential space is set back from the road. Therefore, there are no concerns in regard to the future residential unit to airborne pollution and have no planning objections on the grounds of air quality.
- 5.14 **Planning Policy:** Planning policy comments not required. The application should be determined in accordance with the adopted and emerging development plan.
- 5.15 **Transport:** Recommended approval as the Highway Authority has no objections, subject to the applicant providing further details of cycle parking which can be secured via condition.
- 5.16 Following interrogation of the TRICS database the proposals are not considered to increase trip generation above existing levels. The permitted use of an office of 78m<sup>2</sup> is considered to have more total person trips than that of the proposed single residential unit.
- 5.17 Therefore in light of there not being an increase in trip generation as a result of these proposals the Highway Authority would not look for a S106 contribution in this instance.
- 5.18 The applicant is not proposing any on-site car parking spaces. SPG04 states that the maximum car parking standard for a residential development outside a CPZ is 1 car parking per unit and 1 space per 2 units for visitors. Therefore the proposed level of car parking is in line with these standards and is deemed acceptable. The likely overspill car parking which will park on-street is not considered to warrant a refusal of planning permission.
- 5.19 SPG04 states that a minimum of 1 cycle parking space per residential unit plus 1 space per 3 dwellings for visitors. 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.
- 5.20 For this development of 1 residential unit the minimum cycle parking standards is 1 space. The applicant has set aside space within the communal hallway and the rear garden for cycle parking. However, they have not provided details of the nature of the stand. Therefore further details should be secured via condition.

## **6 MATERIAL CONSIDERATIONS**

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

## **7 RELEVANT POLICIES & GUIDANCE**

### The National Planning Policy Framework (NPPF)

#### Brighton & Hove Local Plan:

TR1	Development and the demand for travel
TR7	Safe development
TR14	Cycle access and parking
TR19	Parking standards
SU2	Efficiency of development in the use of energy, water and materials
SU10	Noise nuisance
SU11	Polluted land and buildings
SU13	Minimisation and re-use of construction industry waste
QD1	Design – quality of development and design statements
QD14	Extensions and alterations
QD27	Protection of Amenity
HO3	Dwelling type and size
HO4	Dwelling densities
HO5	Provision of private amenity space in residential development

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- HO9 Residential conversions and the retention of smaller dwellings
- HO13 Accessible housing and lifetime homes
- EM5 Release of redundant office floorspace and conversions to other uses
- EM6 Small industrial, business units and warehouse units

### Supplementary Planning Guidance:

- SPGBH4 Parking Standards

### Supplementary Planning Documents:

- SPD03 Construction & Demolition Waste
- SPD11 Nature Conservation & Development
- SPD12 Design Guide for Extensions and Alterations

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

- SS1 Presumption in Favour of Sustainable Development

## **8 CONSIDERATIONS & ASSESSMENT**

- 8.1 The main considerations in the determination of this application relate to the principle of the change of use, the design of the rear addition, its impact on the character and appearance of the area, the impacts on the amenities of adjacent occupiers, the standard of accommodation to be provided, as well as sustainability, transport and waste minimisation issues.

### **Background:**

- 8.2 This application is the third application in relation to the change of use and extension at this property. The first application, BH2013/03282, was refused for the following reasons:

- a) *The development would result in the loss of a small office unit (Use Class B1) contrary to policies EM5 and EM6 of the Brighton & Hove Local Plan which seeks to retain small industrial, business and warehouse premises (Use Classes B1, B2 and B8) for employment purposes.*
- b) *The rear extension by reason of its size, height and bulk would appear overly dominant and would fail to respect the character and proportions of the existing building, adjoining properties and the wider surrounding area. In addition, the extension is of a poor 'wrap around' design and would be poorly related to the existing dwelling, eroding the original plan form of the property. 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.*
- c) *The proposed extension would rise 3.35m above ground level and extend the full width of the plot of land. As a result, due to its length, height and siting, the proposed extension would have an overbearing impact on 170 Old Shoreham Road, and would represent an un-neighbourly form of development. In addition, the extension would cause a loss of sunlight/daylight to the rear garden areas of 170 and 166 Old Shoreham Road (morning and afternoon respectively) due to the resultant overshadowing caused by the*

*height and depth of the extension. Therefore, it would cause a loss of amenity, contrary to policies QD14 and QD27 of the Brighton and Hove Local Plan and the provisions of Supplementary Planning Document 12, Design Guide for Extensions and Alterations.*

*d) The proposed residential unit is judged to provide an inappropriate and poor standard of accommodation as the proposed bedrooms would be substantially enclosed, would likely receive inadequate natural light and have a poor outlook. Therefore, the proposal fails to provide an acceptable residential environment for future occupiers and is contrary to policy QD27 of the Brighton & Hove Local Plan.*

8.3 The second application BH2014/01093 was approved on the 11<sup>th</sup> June 2014 subject to conditions. The proposal within this application is the same as this approval. The reason this application has been necessary, is that Condition 7 of approval BH2014/01093 required the submission of a land contamination investigation report be submitted prior to any works commencing. However, works commenced on site and footings laid down without this condition being satisfied and discharged. It was considered that permission BH2014/01093 had been lost as Condition 7 could not be satisfied. Works on site have ceased pending the outcome of this application.

8.4 While permission BH2014/01093 has been lost, that fact that the permission was granted planning permission is a material consideration with significant weight.

8.5 The main considerations in the determination of this application relate to the principle of the change of use, the design of the rear addition, its impact on the character and appearance of the area, the impacts on the amenities of adjacent occupiers, the standard of accommodation to be provided, as well as sustainability, transport and waste minimisation issues.

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

**Principle:**

8.7 Policy EM5 states that planning permission will not be granted for the change of use of offices premises or office sites to other purposes, unless they are genuinely redundant because the site is unsuitable for redevelopment or 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.

- 8.9 Redundancy will be determined by considering the following factors:
- a. the length of time the premises have been vacant; together with
  - b. the marketing strategy adopted, in particular whether the building has been marketed at a price that reflects local market prices; and whether measures have been adopted to make the building attractive to different types of business user;
  - c. the prevailing vacancy rate for the size and type of office in Brighton & Hove;
  - d. the complexity of the floor layout, the floor to ceiling height, the number of storeys in relation to total floorspace and the prominence of the main entrance;
  - e. links to public transport; and
  - f. the quality of the building.
- 8.10 If following consideration of the above criteria, the offices and / or the sites are regarded as genuinely redundant, preference will be given to:
- alternative employment generating uses; followed by
  - affordable housing.
- 8.11 Policy EM6 states that small industrial and business premises will be retained for employment purposes unless:
- a. specially built or converted starter business units are available elsewhere in the neighbourhood at a comparable rental;
  - b. the premises have been assessed and are genuinely redundant i.e. they are vacant and have been marketed locally at price that reflects their condition and commercial value and for a period of time that reflects the likely demand for the size of premises;
  - c. continued use of the premises for business purposes would cause undue disturbance to residential neighbours; or
  - d. access to the premises does not meet an acceptable safety standard and cannot reasonably be improved.
  - e. a change of use is the only practicable way of preserving a building of architectural or historic interest.
- 8.12 Marketing information has been submitted which shows that there has been no serious interest since July 2012. The marketing states that upon the commencement of the marketing campaign in July 2012, interest was limited mainly due to this not being a recognised office location and severe shortage of parking and amenities in the vicinity. The report states that they did have 5 or 6 viewings in the period of marketing which continued until a freehold sale was achieved by an alternative agent in July 2013 without success.
- 8.13 Additional marketing information dated 5<sup>th</sup> March 2014 has been submitted confirming that marketing of the ground floor of the building has taken place since August 2013. At that point, there had been no enquiries for the unit. A further letter from Ellis and Partners has been received dated 9<sup>th</sup> June 2014 stating that no interest has been shown in the premises. In addition, they state



that there have been very few hits on their website for the premises and that they have no current enquiries that are likely to be satisfied by the space.

- 8.14 With this in mind, it is considered that the application has shown that the office space is genuinely redundant and the proposed change of use is considered to be in accordance with policy EM5 and EM6 of the Brighton and Hove Local Plan in this regard. Policy EM5 states a preference for affordable housing. However, taking into account the recent planning permission granted to convert the office into a 'market' flat, the small nature of the site and the unlikelihood that a registered provider would be interested as it is only one unit, it is considered that a refusal on the basis that the unit was not for affordable housing is not warranted in this instance.

**Design and Character:**

- 8.15 Local Plan policy QD14 requires extensions to be well designed, sited and detailed in relation to the existing building and the wider surrounding area. This is expanded upon by Supplementary Planning Document 12, Design Guide for Extensions and Alterations, which states that rear extensions, if excessively large and poorly designed, can be harmful to the appearance of the building, can reduce useable garden space for existing and future residents, and can be overbearing for neighbours, reducing their daylight and/or outlook. In addition, rear extensions should not normally extend beyond the main side walls of the building and should normally be no deeper than half the depth of the main body of the original building (measured internally).
- 8.16 The proposed rear extensions have flat roofs with parapets. This has a depth of 3m from the rear of the original building and a height of 2.8m. The depth of the main body of the existing building measures 8.7m and therefore the 3m deep extension is considerably less than half the depth of the main body of the house.
- 8.17 This proposal has been reduced in depth by a metre and has lost the wrap around element from the first application submitted. The height has also been reduced by 0.5m from the first application submitted. It is considered that, the extensions depth, height and width are now acceptable in design terms and would not appear as a dominant or bulky addition and that the original plan form of the property would still be readable. While the proposed rear extension would be visible from Leighton Road, it would not be as visually prominent or disruptive to the uniformity and rhythm of the terrace.
- 8.18 One of the representations received related to the terracing effect the proposed rear extension would have. However, the rear extension does not create terracing effect as this only occurs when side extensions excessively infill the rhythm of spaces between buildings. While the proposal also includes a side extension, this is located behind an existing addition and would not have an impact on the street scene. This side addition extends to the rear up to the line of the existing outrigger. This modest addition is considered to be acceptable in design terms and in keeping with the existing building.

- 8.19 The application form and plans show the new additions would have a painted render finish. The use of render is in keeping with the host building and a suitably worded condition could be attached to secure that this is implemented.
- 8.20 Overall, the proposed extensions are of an acceptable design and would not be harmful to the character and appearance of the existing building and wider area. Therefore, the proposals are in accordance with policy QD14 of the Brighton and Hove Local Plan and Supplementary Planning Document 12.

**Amenity:**

- 8.21 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.
- 8.22 It is considered that a residential use is unlikely have any greater impact than a business use operating at the premises. It is not considered that a residential use in itself would result in undue noise or disturbance to neighbouring properties.
- 8.23 The proposed extension would rise 2.8m above ground level. With this reduced height and depth from the earlier application, it is considered that the proposed extension would not have an overbearing impact on 170 Old Shoreham Road, or represent an un-neighbourly form of development.
- 8.24 The extension would have some impact on sunlight/daylight to the rear garden areas of 170 and 166 Old Shoreham Road (morning and afternoon respectively) due to the resultant overshadowing caused by the extension. However, this impact is considered to be minimal and would not in this instance warrant the refusal of planning permission.
- 8.25 The proposed extension and change of use would not have a detrimental impact on privacy as the only openings are on the rear, looking down the remainder of the garden. As such, the proposal is considered to be in accordance with policy QD27.
- 8.26 Retrospective planning permission has recently been granted for the retention of the Juliet balcony at first floor level. This is not part of this application and therefore, cannot be considered within this application. However, concerns have been raised that the flat roof of the proposed extension would be used as a terrace as occupants could climb over the installed railings. It is considered that the use of this flat roof as a terrace would have a detrimental impact on the levels of privacy and increase the perception of overlooking to neighbouring properties.
- 8.27 Within application BH2014/01093, a condition was attached stating that the flat roof could only be used for maintenance or emergency purposes only and the flat roof shall not be used as a roof garden, terrace, patio or similar amenity area. The use of such a condition is an established approach taken by the Local

Planning Authority to maintain control and the use of the flat roofs where overlooking and loss of privacy could occur. It is considered that an appropriately worded condition would satisfactorily ensure that the roof of the extension was not used for amenity purposes. In addition, as the roof would not belong to the occupants of the first floor flat, it is considered less likely that such a situation would occur.

- 8.28 Overall, the proposal would not have a detrimental impact on the amenity of neighbours and is in accordance with policies QD14 and QD27 of the Brighton and Hove Local Plan.

**Land Contamination:**

- 8.29 The proposed development has not been prioritised under Part IIA of the Environmental Protection Act 1990. However, it is situated on the edge of a historic chalk pit. Therefore, it was possible that there is some fill under, or near to this premises. For this reason, Environmental Health had requested a full phased land contamination condition, which was subsequently attached to planning permission BH201/01093.

- 8.30 A desktop study has been submitted with this application and discussions between the report authors and Environmental Health have taken place. Following these discussions, Environmental Health raises no objections to the proposal but do recommend that a contaminated land discovery condition be attached to any permission.

- 8.31 It is considered that a contaminated land discovery condition is reasonable and necessary due to the application site being situated on the edge of a historic chalk pit and could be secured by a suitably worded condition. Overall, the proposal is in accordance with policy SU11 of the Brighton and Hove Local Plan.

**Standard of Accommodation:**

- 8.32 The residential accommodation now proposed has only a single bedroom rather than the two from the first application. This proposal is judged to provide an acceptable standard of accommodation. While the proposed kitchen has a relatively poor outlook onto the flank wall of 166 Old Shoreham Road, this is not considered to warrant the refusal of planning permission. The proposal is therefore in accordance with policy QD27 of the Brighton & Hove Local Plan.

**Sustainable Transport:**

- 8.33 Brighton and Hove Local Plan policy TR1 requires all new development to provide for the travel demand it creates, whilst policy TR14 requires that new development must provide covered cycle parking facilities for residents.

- 8.34 The Transport Team do not have any objections to the proposal and therefore, no objections are raised in regard to transport and parking matters. The Highway Authority has requested further details of the cycle parking and it is considered that this could be secured by an appropriately worded condition.

**Sustainability:**

8.35 Policy SU2 of the Brighton and Hove Local Plan requires new development to demonstrate a high level of efficiency in the use of water, energy and materials. Detail of proposed sustainability credentials of the scheme must be set out in a Sustainability Check list submitted with the application. In accordance with the SPD, any application for development on Brownfield sites to residential uses should include a Home Energy Report and reduce water consumption and minimise surface water run-off. The applicant has provided sufficient information to comply with Policy SU2 and SPD 08 for the refurbishment of existing building.

## 9 CONCLUSION

9.1 The proposed change of use from commercial to residential is considered acceptable in this instance and in accordance with local plan policy. The designs of the proposed extensions are of an acceptable design and would not harm the character and appearance of the area or the amenity of neighbours.

## 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
Site Location	468(PL)2b		18.07.2014
Existing & Proposed Floor Plan & Elevations	468(PL)3j		23.10.2014

2) 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.

3) 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.

## PLANNING COMMITTEE LIST- 19 NOVEMBER 2014

- 4) 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.
- 5) The development hereby approved shall not be occupied until the refuse and recycling storage facilities indicated on the approved plans have been fully implemented and made available for use. These facilities shall thereafter be retained for use at all times.  
**Reason:** To ensure the provision of satisfactory facilities for the storage of refuse and recycling and to comply with policy QD27 of the Brighton & Hove Local Plan.
- 6) The external finishes of the development hereby permitted shall 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.

### 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 change of use from commercial to residential is considered acceptable in this instance. The designs of the proposed extensions are of an acceptable design and would not harm the character and appearance of the area or the amenity of neighbours.

From: Vanessa Brown  
Sent: 23 August 2014 07:53  
To: Andrew Huntley;  
Subject: 168 Old Shoreham Road

Dear Mr Huntley

Ref. BN2014\ 02412. 168 Old Shoreham Road

As Ward Councillors we wish to object to the above planning application. This extension would cause serious light and privacy issues to the adjoining property. It is being built right up to the boundary.

By providing a large flat roofed area on the extension adjacent to patio doors on the first floor, which were installed totally without the relevant consents, this could easily be used as a terrace which would cause really severe overlooking of the bedroom next door.

By applying policy QD 14 to two floors but not the ground floor is an inconsistent application of the policy.

The work on the previous application was begun without fulfilling any of the 8 conditions that had been imposed, 4 of which were pre-commencement conditions.

We strongly object to this application and would request that this application go before the planning committee if it should be recommended for approval.

Yours sincerely

Vanessa Brown.

Jayne Bennett

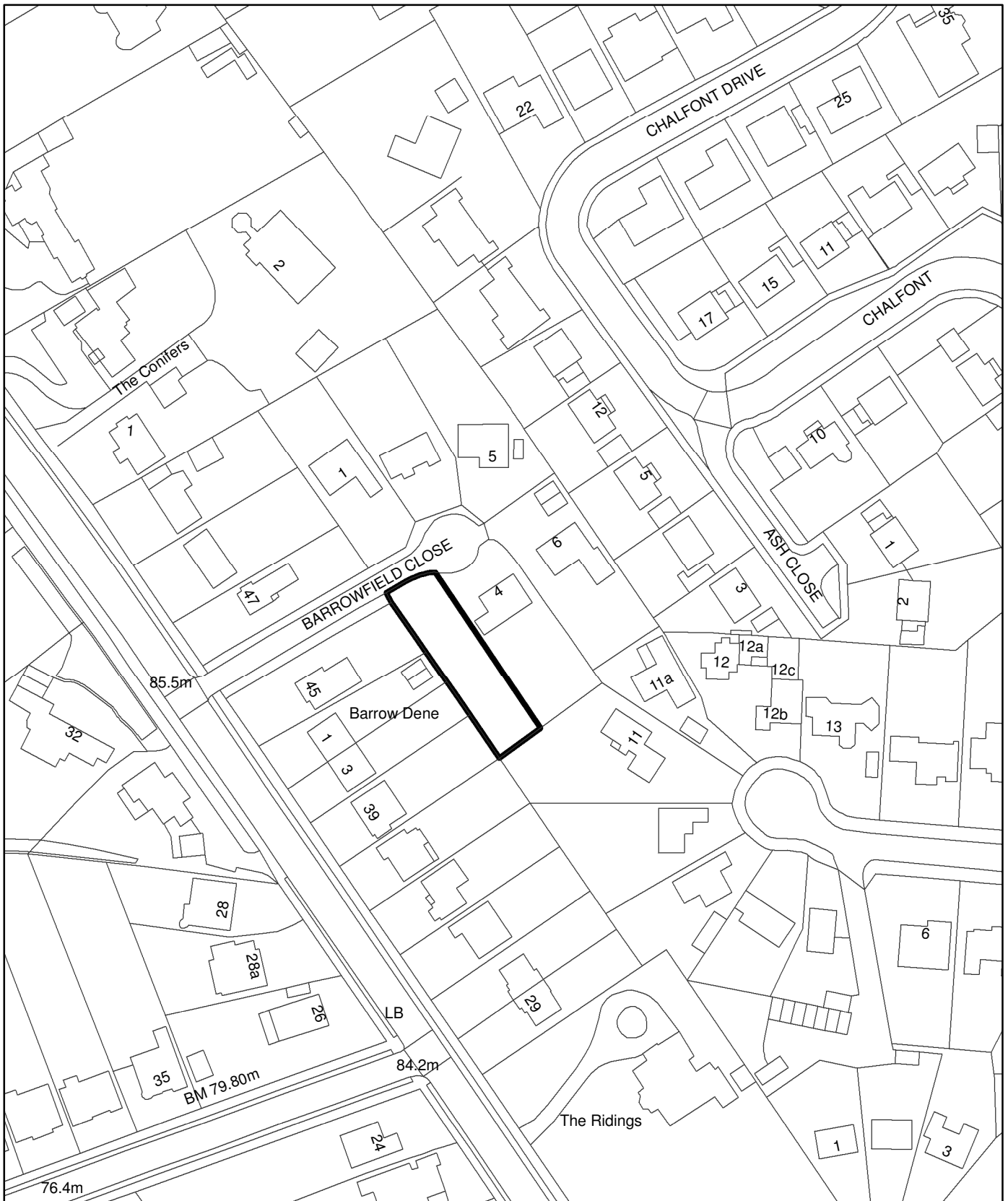
# **ITEM C**

**4 Barrowfield Close, Hove**

**BH2014/03227**  
**Full planning**

**19 NOVEMBER 2014**

# BH2014/03227 4 Barrowfield Close, Hove



**Brighton & Hove  
City Council**



Scale : 1:1,250



<b><u>No:</u></b>	<b>BH2014/03227</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>4 Barrowfield Close Hove</b>		
<b><u>Proposal:</u></b>	<b>Erection of 1no four bedroom detached dwelling (C3).</b>		
<b><u>Officer:</u></b>	Liz Arnold Tel 291709	<b><u>Valid Date:</u></b>	24 September 2014
<b><u>Con Area:</u></b>	N/A	<b><u>Expiry Date:</u></b>	19 November 2014
<b><u>Listed Building Grade:</u></b>	N/A		
<b><u>Applicant:</u></b>	Mr & Mrs J T Platt, 4 Barrowfield Close Hove BN3 6TP		

## 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 plot of land currently providing garden area for an existing detached dwelling, which is located on the south-eastern side of Barrowfield Close, at the eastern end of the cul-de-sac, which is accessed off Tongdean Avenue. The plot related to no. 4 Barrowfield Close is of a larger width than the plots relating to the other properties within the Close. The existing dwelling is situated towards the north-eastern side of the double plot resulting in a strip of garden area to the south-western side of the dwelling in addition to a large rear garden.
- 2.2 The existing dwelling comprises two storeys, and roofslope accommodation, with a subordinate hipped roof side section and an integral garage.
- 2.3 The Close comprises a total of 5 dwellings all of a detached form but of various styles and designs. A common characteristic in the Close is of the properties being contained towards the front of the plot providing large rear gardens.
- 2.4 The topography of the area results in the neighbouring properties on Tongdean Avenue being sited lower than the site but no. 6 Barrowfield Close being set at a higher level. The southern section of the plot currently related to no. 4 is also set at a slightly lower level than the land upon which the existing house is sited.
- 2.5 The boundary with the Tongdean Conservation Area is located to the rear of the properties on the northern side of the close and to the north of no. 47 Tongdean Avenue.

**3 RELEVANT HISTORY**

**BH2014/02487** - Erection of 4 bedroom detached dwelling house. Refused 08/09/2014. Reasons for refusal: The proposed development, by virtue of the excessive depth created by the proposed single storey rear section and positioning closer to the front boundary compared to neighbouring properties results in a development that would be out of keeping with the characteristic built form and positioning of the properties within Barrowfield Close. This contrast, in addition to the design and style of windows, would result in a development that is of detriment to the character and appearance of Barrowfield Close and wider surrounding area, contrary to policies QD1 and QD2 of the Brighton & Hove Local Plan. Appeal under consideration.

**BH2014/01708** - Demolition of existing house and erection of 5no bedroom house. Approved 18/07/2014.

**BH2014/00821** - Remodelling of existing dwelling incorporating two storey rear extension, two storey front/side extension and additional two storey extension to create entrance porch. Enlargement of existing garage, extensions and alterations to roof, revised fenestration and associated works. Approved 08/05/2014.

**BH2014/00479** - Erection of 3 bedroom detached dwelling house. Refused 16/04/2014.

**BH2013/04218** - Demolition of existing dwelling and erection of seven bedroom dwelling. Refused 28/04/2014

**BH2014/00250** - Certificate of lawfulness for proposed loft conversion with side dormer and rooflights, two storey rear extension, single storey extensions to both sides, front porch extension and erection of 2no single storey outbuildings to rear. Approved 07/03/2014

**BH2013/03757** - Certificate of lawfulness for proposed loft conversion with side dormer and rooflights, two storey rear extension, single storey extensions to both sides, front porch extension and erection of 2no single storey outbuildings to rear. Split Decision 27/12/2013

Plot 2 Barrowfield Close

There has been 8 previous outline consent applications for the erection of a detached house on the plot, the first granted in 1979 the most recent set out below:

**BH2001/00496/OA** – Outline application for the erection of one two storey detached house. Approved 09/05/2001

**4 THE APPLICATION**

- 4.1 Planning permission is sought for the sub-division of the plot currently associated with no. 4 Barrowfield Close and the construction of a new two storey detached, 4 bedroom, dwellinghouse.

**5 PUBLICITY & CONSULTATIONS**

**External**

5.1 **Neighbours: Five (5) letters of representation have been received from 1, 5 and 6 Barrowfield Close (x2), 45 Tongdean Avenue and 11 Woodlands** objecting the application for the following reasons:

- Increase traffic/parking pressure in the small Close,
- The applications for the two adjoining sites should be considered together. A house with four bedrooms in such an area is likely to attract a family with two or three cars, plus visitors,
- Loss of grass verge. The loss of part of the green verge has already been approved in the granting of an application for 4 Barrowfield Close, deeming the loss of approximately 50% of that property's verge as being "not harmful" to the green environment in the Close,
- Urge Council to consider imposing strict conditions on the width of the driveway access to the property to ensure that the development allows for additional car parking on the land belonging to the property and not to allow publicly-owned grass verges to be lost and taken over for such purposes,
- If the kerb was allowed to be lowered across the face of the house (and considering the kerb is already to be lowered in front of number 4) visitor parking for other houses will be limited, apart from the extra throughput of traffic in general. There could also be access issues for emergency services and service vehicle access to the houses at the top of the Close,
- Whilst it is recognised that the length of the house has been reduced, the number of bedrooms and therefore the potential parking issues remains the same,
- The size and width of the proposed house, in conjunction with the plans for number 4 that have already been approved, make the mass, depth and in particular frontage of the two buildings on the one plot too bulky, especially from the road and is an over-development. Developments on both sites will result in two properties close together and visually produce a development which would not be in scale or keeping with the Close, and look bulky and cramped,
- The depth and layout of the proposed house on number 2 seems to lend itself to be able to be linked to the main house at number 4. If this is intended would invite applicants to reach an agreement with the neighbours at this stage, believe it would be favoured for one contemporary and substantial house that fills the plot from the front on a more modest way rather than two separate dwellings,
- Previous application was for a 3 bedroom house, this is for a 4 bedroom house. Object to increase in scale and size,
- The fact that there has been a previous permission granted for a house at no. 2 is not relevant at present as over time car use has changed considerably and should have a totally different bearing on a new proposal,
- Since the applicants have purchased the site they have removed trees and hedges to make the site appear as large as possible, and
- Have no confidence in proposed landscaping scheme as previously replaced hedging on the southern boundary is inadequate.

**Internal:**

- 5.2 **Access Officer:** The approach to the entrance needs to be level or gently sloping, the elevations seem to show a step.

There needs to be 1100mm clear space in front of the entrance level WC.

- 5.3 **Arboriculturist:** No objections subject to suitable conditions being attached regarding the retention and protection of the existing hedges.
- 5.4 **Sustainable Transport:** Recommends approval as the Highway Authority has no objections to the application subject to the inclusion of conditions regarding cycle parking and a new cross-over.

**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
- HE6 Development within or affecting the setting of conservation areas

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

### **Background:**

- 8.1 Under application BH2014/02487 planning permission was sought for the erection of a new 4 bedroom detached dwelling on land to the side of no. 4 Barrowfield Close. This earlier application was refused on grounds that;
- 8.2 *“The proposed development, by virtue of the excessive depth created by the proposed single storey rear section and positioning closer to the front boundary compared to neighbouring properties results in a development that would be out of keeping with the characteristic built form and positioning of the properties within Barrowfield Close. This contrast, in addition to the design and style of windows, would result in a development that is of detriment to the character and appearance of Barrowfield Close and wider surrounding area, contrary to policies QD1 and QD2 of the Brighton & Hove Local Plan”.*
- 8.3 The main differences between the previously refused application and that now proposed are;

- An increase in height of the proposed ridge,
- The omission of a single storey rear section,
- Alterations to fenestration, and
- An increase in depth of the two storey section of the dwelling from 10.4m to 12.5m.

8.4 The main considerations in the determination of this application relate to the principle of the subdivision of the plot currently related to no. 4 Barrowfield Close and the provision of an additional dwelling within the site and the impacts of the proposed development upon the visual amenities of the existing plot, the Barrowfield Close streetscene and the wider area, including the setting of the nearby Tongdean Conservation Area. The living conditions for future occupiers, the impact upon the amenities of the neighbouring properties and issues including sustainability and transport must also be assessed.

**Principle of Development:**

- 8.5 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.
- 8.6 The specific impacts of the development are considered fully below.

**Visual Amenities:**

- 8.7 Policies QD1, QD2 and QD3 set out the design criteria for applications of this nature. These policies require proposals to make an efficient and effective use of the site, contributing positively to the visual quality of the environment, addressing key principles for the 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.
- 8.8 As set out above the site is located within the vicinity of the Tongdean Conservation Area. Policy HE6 states that proposals within or affecting the setting of a conservation area should preserve or enhance the character or appearance of the area and should show:
- a) a consistently high standard of design and detailing reflecting the scale and character or appearance of the area, including the layout of the streets, development patterns, building lines and building forms;
  - b) the use of building materials and finishes which are sympathetic to the area;

- c) no harmful impact on the townscape and roofscape of the conservation area;
  - d) the retention and protection of trees, gardens, spaces between buildings, and other open areas which contribute to the character or appearance of the area;
  - e) where appropriate, the removal of unsightly and inappropriate features or details; and
  - f) the retention and, where appropriate, the reinstatement of original features such as chimneys, chimney pots, gates, railings and shopfronts and small scale architectural details such as mouldings which individually or cumulatively contribute to the character or appearance of the area.
- 8.9 Proposals that are likely to have an adverse impact on the character or appearance of a conservation area will not be permitted.
- 8.10 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 a modern designed dwelling on this site is not objected to, however the resulting property must respect its 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.
- 8.11 The proposal would result in the provision of an additional detached dwelling within the Close, providing 4 bedrooms (2 with an en-suite bathroom and 1 with a dressing room), a separate bathroom a large combined family room, kitchen and dining room, utility rooms, an office and a separate living room.
- 8.12 The proposed two storey dwelling would comprise a main hipped roof with a ridge located on a south-west to north-east orientation, located over the two storey section of the proposed dwelling. The proposed ridge would be located approximately 8.4m above related ground level. A porch, with a mono-pitched roof form, would project from the north-western elevation of the proposed dwelling. As set out above, since refusal of the previous application the depth of the proposed two storey section of the dwelling has been increased to compensate for the omission the previously proposed single storey section. Such amendments result in an overall reduced footprint to the dwelling but an increase in height of the proposed ridge and increased bulk to the roof form. However it is still considered that the proposed height and roof form bulk of the proposed dwelling respects the context in which it would be viewed. Ground levels do vary across the site and as a result a condition is recommended requiring Ordnance Survey Datum regarding the proposed height of the development in respect of neighbouring properties.
- 8.13 The design and style of the neighbouring properties within the area varies however one common feature is the presence of prominent hipped/pitched roof slopes fronting the Close. It is considered that the proposed main hipped roof

design and scale would be in keeping with other roof forms already present within the Close street scene.

- 8.14 It is considered that the design of the proposed front elevation would not be of detriment to the visual amenities of the Barrowfield Close streetscene.
- 8.15 The western elevation of the proposed extension would be visible from within parts of Barrowfield Close to the south-west of the site, especially when the trees within the Close are bare. It is noted that a hedge is to be retained along the south-western boundary of the site, which would obscure views of part of the western elevation, however the height of this hedge cannot be guaranteed.
- 8.16 The main front building line of the proposed dwelling would be located between approximately 7.8m (north-eastern side) and approximately 9.2m (on the south-western side) from the front boundary of the site. It is noted that there is no common building line with the Barrowfield Close due to the curved nature of the road the neighbouring properties are significantly set back from the related front boundaries. It is considered that the proposed dwelling would be located appropriately in respect of the front boundary of the site resulting in a development that is in keeping with the characteristics of the Close.
- 8.17 It is noted that a number of Outline consents have been granted at the site, the most recent in 2001. However, these consents were granted prior to the adoption (in 2005) of the current Local Plan and therefore are given limited weight as a material planning consideration in the determination of the current application.
- 8.18 A boundary of the Tongdean Conservation Area is located to the north-west of no. 47 Tongdean Avenue. The proposed dwelling would not be visible from public viewpoints (within the CA) and on this basis the prevailing character and appearance of the Conservation Area would be preserved.
- 8.19 It is noted that under application BH2014/01708 approval was granted for the demolition of the existing dwelling at no. 4 and the construction of a new 5 bedroom dwelling. This approved development respects the positioning and footprint of the other properties within the Close. It is not considered that this previously approved scheme in conjunction with that now proposed would have a detrimental impact upon the visual amenities of the site, the Barrowfield Close streetscene or the wider area.
- 8.20 Overall it is considered that the proposed dwelling would not be of harm to the visual amenities of the Barrowfield Close street scene and the wider area and is considered an appropriate scale and design which respects the context of its setting.

**Impact upon Amenity:**

- 8.21 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:**

- 8.22 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. The proposal would provide adequate external private amenity space for future occupiers at the rear of the proposed dwelling.
- 8.23 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). A Lifetime Homes Standards Checklist has been submitted as part of the application in which it is stated that the proposal would meet all the required standards. The Council's Access Officer states that the approach to the entrance needs to be level or gently sloping and that a 1100mm clear space is required in front of the proposed entrance level WC. It is considered that a condition could be attached to an approval to ensure full compliance with the policy if overall the scheme is considered acceptable.
- 8.24 All rooms would receive appropriate levels of daylight and outlook and it is considered that the standard of the living accommodation proposed is acceptable.

**Neighbouring Amenities:**

- 8.25 As previously stated the proposal would result in the sub-division of the plot currently associated with no. 4 Barrowfield Close. It is considered that sufficient external amenity space would be retained for the occupiers of no. 4 following the sub-division.
- 8.26 Whilst ground levels vary across the site, with the application site on higher ground than the properties to the west along Tongdean Avenue, given the separation distances it is not considered that the proposal would have a significant adverse impact upon the amenities of these neighbouring properties with regards to loss of sunlight/daylight or overshadowing.
- 8.27 Although the proposal would result in the loss of the existing open space between no. 4 Barrowfield Close and the neighbouring properties located on Tongdean Avenue, due to the distance that would be located between the south-western neighbouring properties and the new dwelling, it is not considered that the construction of the new dwelling would have an over bearing or harmful impact upon the amenities of these neighbouring properties, especially with regards to outlook.
- 8.28 Due to the topography of the area the site is set at a higher level than the neighbouring properties located on Tongdean Avenue but the overall height would be lower than that related to no. 4 as existing and as approved under application BH2014/01708.

- 8.29 The plans submitted show that the height of the retained hedge along the south-western boundary of the site would obscure views towards the neighbouring properties located on Tongdean Avenue, however it is noted that the height of this existing hedge cannot be secured. A distance of approximately 15m would be located between the south-western boundary of the site and the closest north-eastern facing elevation of the neighbouring properties located on Tongdean Avenue. Two windows are proposed within the south-west facing elevation, which would face onto the neighbouring properties located on Tongdean Avenue. These two windows would relate to a shower room/en-suite and therefore it is assumed that there would contain obscure glazing. Given the distance to the nearest neighbouring property it is considered that the proposed south-west facing windows, which appear to be high level, would not have a detrimental impact upon the amenities of the neighbouring properties located on Tongdean Avenue, even if the hedge is reduced in height or completely lost or the windows do not contain obscured glazing.
- 8.30 Due to the positioning of the proposed dwelling towards the north-western end of the site it is not considered that the proposal would have a significant adverse impact upon the amenities of the neighbouring properties located on Woodlands.
- 8.31 The front building line of the proposed dwelling would be sited further to the north-west than that relating to no. 4. The windows within the south-west facing elevation of no. 4 either relate to the staircase area of the dwelling or are secondary windows to habitable rooms. Although the forward positioning of the proposal, in comparison to no. 4, would result in the loss of some outlook, sunlight and daylight for this neighbouring property, it is not considered that refusal on this basis could be sustained given that the affected windows are not sole windows for the associated rooms.
- 8.32 The land upon which no. 4 is located is set at a slightly higher level than the land upon which the proposed dwelling would be constructed. The plans submitted show the planting of a new hedge between the proposed plot and the retained plot for no. 4 Barrowfield Close.
- 8.33 The east facing elevation of the proposed dwelling would comprise window openings and a door (possibly glazed). The two windows would relate to the staircase area and an en-suite bathroom. The proposed en-suite bathroom window would be at a high level. Subject to the installation of obscured glazing to the non-high level windows and the provision of adequate screening along the boundary between the new dwelling and no. 4 (as existing or as redevelopment) it is not considered that the proposal would have a significant adverse impact upon the amenities of no. 4 with regards to loss of privacy or overlooking.

**Sustainable Transport:**

- 8.34 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.

- 8.35 As part of the proposal an off-street parking space for one vehicle would be provided, such off-street parking provision is in accordance with car parking standards set out in SPG04.
- 8.36 Comments from objectors regarding parking problems within the Close are noted however the site is not located within a Controlled Parking Zone and no yellow lines are located within the Close and as a result parking within the Close cannot be restricted. In addition no objections are raised by the Highway Authority in respect of the creation of a new cross-over subject to a condition requiring further specifications. It is not considered that the loss of the existing grass verge would be detrimental enough to warrant refusal of the application on visual amenity terms and no objection is raised by the Highway Team regarding impact of parking in the Close. If the proposal was approved the applicant would need to gain a license from the Highways Operations Manager which would include issues regarding the relocation of the street lamp.
- 8.37 SPG04 states that a minimum of 1 cycle parking space is required for each new dwelling. A cycle parking store is to be placed at the front of the dwelling, which is deemed acceptable. It is recommended that a condition is attached to an approval to ensure the provision of such facilities.

**Sustainability:**

- 8.38 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.
- 8.39 As part of the application a sustainability checklist has been submitted in which it is stated that the proposed dwelling would be constructed to Code for Sustainable Homes Level 5. It is considered that this proposed level is acceptable given that the proposed dwelling would occupy existing undeveloped land (as defined by Annex 2 of the National Planning Policy Framework) located to the south-west of the existing dwelling known as no. 4 Barrowfield Close. CSH level 4 is recommended to be secured by condition.
- 8.40 The submitted plans show the provision of an area for the storage of refuse to the south-west of the dwelling. From the information submitted it would appear that sufficient space could be provided in this annotated area for both refuse and recycling facilities. If overall the proposal was considered acceptable a condition could be attached to ensure the provision of such facilities.

**Landscaping:**

- 8.41 The plans submitted show the retention of a hedge along the southern boundary of the site, shared with neighbouring properties located on Tongdean Avenue whilst a new hedge would be planted along the northern boundary to separate the site from no. 4 Barrowfield Close.

- 8.42 There are substantial hedges located along the south-western and south-eastern boundary of the site, which currently provide screening between the site and neighbouring properties. The Council's Arboriculturist has recommended that the retained hedges are clipped back tight prior to the commencement of the development and that the rootplate of the hedges are protected during the construction and should be replaced if they die within 5 years of completion. These matters can be secured via a condition if overall the proposal is deemed acceptable.
- 8.43 Details regarding the protection of the retained hedging in addition to further details of the proposed new hedging and other landscaping within the site could be obtained via conditions if overall the proposal is considered acceptable.

## 9 CONCLUSION

- 9.1 In conclusion, given the footprints, size and design of existing properties with Barrowfield Close and the wider area and the developments recently approved at nos. 4 and 6, it is considered that the proposal would not result in undue bulk and massing within the site and that the proposal would not be of significant harm to the visual amenities of the site, the Barrowfield Close streetscene or the wider area. Furthermore subject to the compliance with the attached conditions it is not considered that the proposal would have a significant adverse impact upon the amenities of neighbouring properties or future occupiers and would comply with sustainability and transport standards. The proposal accords with policies of the Brighton and Hove Local Plan, approval is therefore recommended.

## 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 PLANNING CONDITIONS / INFORMATIVES

### 11.1 Regulatory Conditions:

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

Plan Type	Reference	Version	Date Received
Block & Location Plan	001	-	24th September 2014
Proposed Floor Plans	002	-	24th September

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Proposed Elevations	003	-	24th September 2014
Proposed Site Plan	004	-	24th September 2014
Proposed Street Scene	005	-	24th September 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 eastern elevation, facing no. 4 Barrowfield Close, 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.
- 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.
- 6) 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.
- 7) No hedgerow, tree or shrub shall be removed from the site between 1st March and 31st August inclusive without the prior submission of a report to the Local Planning Authority which sets out the results of a survey to assess

the nesting bird activity on the site and describes a method of working to protect any nesting bird interest. The report must first be agreed in writing by the Local Planning Authority and shall then be carried out in strict accordance with the approved details.

**Reason:** To ensure that wild birds building or using their nests are protected, in accordance with QD18 of the Brighton & Hove Local Plan.

- 8) Unless otherwise agreed in writing with the Local Planning Authority the measures set out in the Site Waste Management Statement submitted on the 23rd May 2014 shall be implemented in strict accordance with the approved details.

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

#### 11.2 Pre-Commencement Conditions:

- 9) No development shall take place until samples of the materials (including colour of render, paintwork and colourwash) to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.  
**Reason:** To ensure a satisfactory appearance to the development and to comply with policy QD1 of the Brighton & Hove Local Plan.
- 10) 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 and 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 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.  
**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 or other operations shall commence on site until a scheme which provides for the retention and protection of the 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. No hedges within the site which are shown as being retained within the approved information in respect of condition 6 shall be wilfully damaged or destroyed or removed without the prior written consent of the Local Planning

Authority. Any hedges removed without such consent, or which die or become severely damaged or seriously diseased within 5 years from the completion of the development hereby permitted shall be replaced with hedge plants of similar size and species unless the Local Planning Authority gives written consent to any variation.

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

- 13) 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:

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

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

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

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

- 16) 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.

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

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

11.4 Informatives:

1. 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 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.
3. The applicant is advised that under Part 1 of the Wildlife and Countryside Act 1981 disturbance to nesting birds, their nests and eggs is a criminal offence. The nesting season is normally taken as being from 1st March – 30th September. The developer should take appropriate steps to ensure nesting birds, their nests and eggs are not disturbed and are protected until such time as they have left the nest.
4. 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.
5. 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:-  
Given the footprints, size and design of existing properties with Barrowfield Close and the wider area and the developments recently approved at nos. 4 and 6, it is considered that the proposal would not result in undue bulk and massing within the site and that the proposal would not be of



## PLANNING COMMITTEE LIST- 19 NOVEMBER 2014

significant harm to the visual amenities of the site, the Barrowfield Close streetscene or the wider area. Furthermore subject to the compliance with the attached conditions it is not considered that the proposal would have a significant adverse impact upon the amenities of neighbouring properties or future occupiers and would comply with sustainability and transport standards.



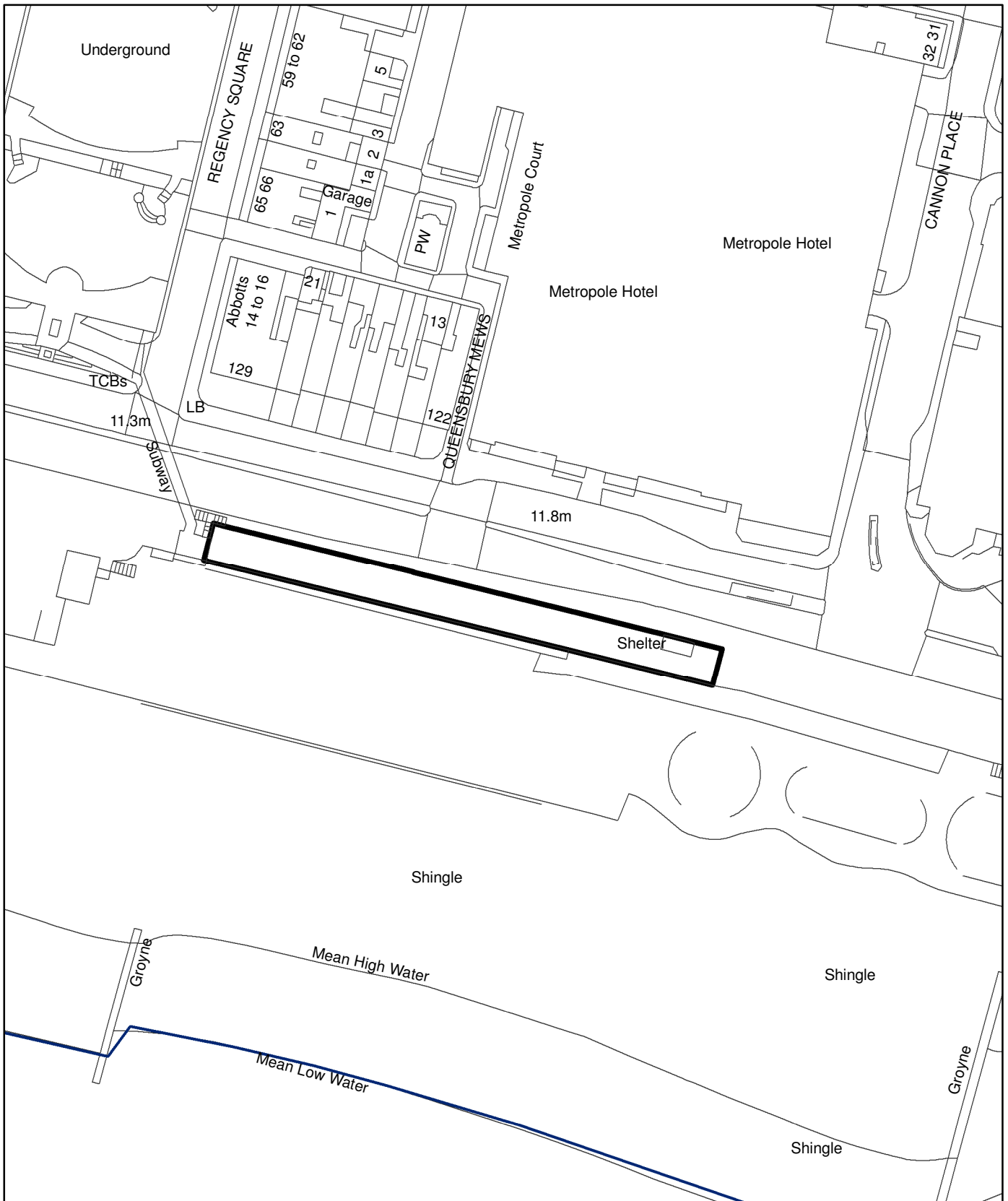
# **ITEM D**

**75-105 Kings Road Arches, Brighton**

**BH2014/02503**  
**Full planning**

**19 NOVEMBER 2014**

# BH2014/02503 75 - 105 Kings Road Arches, Brighton



Scale : 1:1,250

<b><u>No:</u></b>	<b>BH2014/02503</b>	<b><u>Ward:</u></b>	<b>REGENCY</b>
<b><u>App Type:</u></b>	<b>Full Planning and Demolition in a Conservation Area</b>		
<b><u>Address:</u></b>	<b>75-105 Kings Road Arches Brighton</b>		
<b><u>Proposal:</u></b>	<b>Demolition of arches and erection of new arches with new brick façade with timber doors. Replacement railings to upper esplanade level. Change of use from storage to mixed uses comprising retail (A1), café (A3), storage (B8) and beach huts. (Part retrospective).</b>		
<b><u>Officer:</u></b>	<b>Kathryn Boggiano Tel 292138</b>	<b><u>Valid Date:</u></b>	<b>18 September 2014</b>
<b><u>Con Area:</u></b>	<b>Regency Square</b>	<b><u>Expiry Date:</u></b>	<b>13 November 2014</b>
<b><u>Listed Building Grade:</u></b>	<b>Railings are Grade II</b>		
<b><u>Agent:</u></b>	<b>Solar Architecture Ltd, 2 Hobs Acre, Upper Beeding, Steyning, West Sussex, BN44 3TZ</b>		
<b><u>Applicant:</u></b>	<b>Brighton &amp; Hove City Council, Mr Leon Bellis, Hove Town Hall, Norton Road, Hove, BN3 3BQ</b>		

## 1 RECOMMENDATION

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

## 2 SITE LOCATION & DESCRIPTION

- 2.1 The application site is to the east of the i360 site within the Regency Square Conservation Area. To the west of the i360 development site, arches at 36 to 61 Kings Road have already been rebuilt and brought into retail use.
- 2.2 The arches within the application site are not listed however the railings at the Upper Esplanade Level above are Grade II listed. The arches front onto the Lower Esplanade Level, and they are accessed at this level. In recent years the arches had fallen into a state of disrepair and had been boarded up. The arches provide the structural support for part of the highway above (Kings Road southern pavement). However, they had become structurally unsound and urgent work needed to be carried out in order to replace the structure and to provide support for the highway above.
- 2.3 The southern pavement of the Kings Road highway has been shut in order to facilitate the demolition and rebuilding.
- 2.4 The substructure has now been built and part of the brick façade has been installed. The railings to the Upper Esplanade Level have been installed.

**3 RELEVANT HISTORY**

**BH2014/02505:** Listed Building Consent: Replacement railings to Upper Esplanade Level (part retrospective). Currently under consideration. To be determined by the Secretary of State.

36-61 Kings Road Arches

**BH2013/01953:** Demolition of arches and erection of new arches with new brick façade with timber doors and windows. Replacement railings to upper esplanade level. Change of use from storage to 11no individual A1 units and public toilets. (Part retrospective). Approved 5 February 2014.

**BH2013/01952:** Replacement railings to upper esplanade level. (Part retrospective). The Council recommended that the Secretary of State grant the application. Approved 17 March 2014.

West Pier

**BH2006/02372:** Listed Building Consent for the demolition of part of the 'root end' of the Brighton West Pier and removal and demolition of the 'sea wreckage' and all associated structures. Works of alteration to arches 62-73 Kings Road, removal and relocation of two listed lamp standards and alteration and partial removal of listed seafront railings adjacent to site. To accompany full planning application BH2006/02369. Approved 24 October 2006.

**BH2006/02369:** Full planning application for the partial demolition of the existing pier structure and construction of an observation spire (approximately 183 metres in height above ordnance datum) and heritage centre (use class D2) with ancillary retail uses at lower promenade level and all works incidental to the development of the site including relocation of two lamp standards and works of alteration to arches 62-73 Kings Road. Approved 25 October 2006.

**4 THE APPLICATION**

4.1 Planning permission is sought for the demolition and rebuilding of the arches (33 in total) and replacement railings at the Upper Esplanade Level. Historically the arches were used as beach huts (Sui Generis) although this use ceased some time ago. It is proposed to change the use of some of the arches to office (B1 Use Class), storage (B8 Use Class), retail (A1 Use Class) or café use (A3 Use Class). The following uses are proposed:

- 19 x beach huts (Sui Generis):
- 1 x office unit (B1) (one arch):

Flexible uses for the following:

- 2 x retail (A1) or café (A3) units. Both units comprise of 3 arches:
- 2 x storage (B8) units (3 arches each) or 6 beach huts:
- 1 x storage (B8) unit (1 arch) or 1 beach hut.

4.2 A three metre landscaped strip would be provided to the front of the arches.

## 5 PUBLICITY & CONSULTATIONS

### External

5.1 **Neighbours:** 17 letters of representation have been received from 14 Agnes Street, 15 Brighton Place, Flat 1 11 Cromwell Road, 20 Crown Street, 62 Ewart Street, 106 – 107, 112, 121 – 122 Kings Road Arches, 36 Luther Street, 3 Norfolk Square, Flat 7 31, 41, 42, Flat 1/2 65/66 Regency Square, 8c, 9a Sussex Heights, 1 Queensbury Mews objecting to the application for the following reasons:

- Proposed commercial uses are un-suitable for the seafront
- Proposed commercial units would increase servicing traffic along the seafront
- There should be no further cafes or catering units along the seafront. The existing cafes are struggling financially and the competition created by this development would make this worse. A café is also included within the i360 scheme.
- Cafés tend to be closed for 8 months of the year, beach huts and storage are acceptable uses for these arches but retail and café uses are not.
- The newly created 'Creative Quarter' to the west of the i360 was originally designated for artists and galleries, has already turned into just retail units. These retail uses are struggling and there is not a need for further retail uses as part of this development.
- The development is not in keeping with the conservation area or regency style and is primarily about generating income from middle class Brightonians rather than conserving a historic site.
- All of the arches should be re-instated as beach huts. The seafront needs to provide places for local residents and tourists to relax and sit rather than for commercial units.
- Applications for change of use should not be made retrospectively. Local residents and businesses should have been consulted before the planning application was made.

5.2 **CAG:** The Group welcome the application as the proposed arches are so closely based on the existing and recommend approval of the scheme. The group regret that the application is retrospective.

5.3 **English Heritage:** The arches are a series of distinctive red brick vaults, built as part of a series of civic and recreational improvements to the seafront in the Victorian period which also included the erection of the grade II listed decorative cast iron railings along the Upper Esplanade.

5.4 The arches were in a poor structural condition due to lack of maintenance and use and the hostile seafront environment. As a result of this they are causing the road above to be unsafe seen in the recent collapse of part of the Upper Esplanade.

5.5 English Heritage is wholly supportive of the restoration and active use of the arches but has concerns regarding the cumulative impact of replacement of sections of the listed railings. In this case, as with the previous applications (BH2013/01952 and BH2013/01953), English Heritage are willing to accept that

the replacement relates to only a relatively small amount out of the total length of railings on the seafront and that the harm is outweighed by the public benefits of securing the reconstruction of the arches and creating an active and lively seafront, in line with the NPPF, paragraph 134. However, English Heritage would not wish to see large scale replacement of the original Victorian railings elsewhere along the seafront with a facsimile as this would erode their historic significance and authenticity. Wherever possible, these should be repaired rather than replaced. In terms of the details of this application, note that where small sections of new railings have been replaced in the past that there is an uncomfortable visual relationship between the new and existing due to the differences in height, which interrupts the consistency of the railings along the seafront. We would urge your authority to ensure that the visual impact of these untidy junctions might be minimised, perhaps by running a complete length of replaced rails into the square piers, from where a subsequent run of original railings at a lower level would not appear incoherent. We also recommend that appropriate conditions are imposed to record the railings to be replaced.

- 5.6 **Sussex Police:** No objection. Suggest locks conform to BS3621 and consideration should be given to the fitting of a monitored intruder alarm.

**Internal:**

- 5.7 **Environmental Health:** No objection. It is recognised that the scope for full ventilation systems are limited in this location. However, recommend conditions for the café/restaurant uses (A3) to require details of odour control equipment and soundproofing of such equipment.
- 5.8 **Heritage Team:** Support. This site is in the Regency Square Conservation Area, comprises the voids below a portion of the Upper Esplanade on Brighton Seafront, and is an important element of the busy lower prom leading on to the beach. The carefully detailed moulded brickwork is consistent along the full length of the arches and is an important element of historic fabric and visual interest.
- 5.9 Prior to the works the structures were in a poor condition and the arched openings were boarded up resulting in a significant loss of character and reduced contribution to the public realm. The repair of the historic structures and restoration of the decorative brickwork is most welcome. The choice of bricks is good and the care in getting the special profiles correct has meant that the result will be most successful. The design of the inserted frontages works well and the outcome is an impressive array of units that will make a positive contribution to the historic seafront.
- 5.10 The replacement of the original railings is regrettable, however the existing fabric is severely deteriorated and whilst re-use of the historic ironwork would be preferred it is accepted that this is not possible. The approach taken in this proposal is in line with the previous schemes along the seafront whereby the safety of the feature is improved by sensitive re-design to increase the overall height. For these reasons there is no objection to this part of the proposal.
- 5.11 **Sustainable Transport:** No objection.



Trip Generation & Section 106 Requirements

The proposals are for 25 beach huts, retail and storage units; with a total floor space of below 500 sqm. The proposals are not forecast to significantly increase trips to a level that would warrant a refusal of planning permission. Also given the location and nature of the development the majority of trips are forecast to be by sustainable modes. Due to this and the fact the scale of the development is below the Temporary Recession Measures threshold the Highway Authority would not recommend securing a S106 contribution in this instance.

5.12 Pedestrian Access

The pedestrian access to the units is retained.

5.13 Car Parking

The applicant is not proposing any on-site car parking and due to site constraints it is not possible to provide any on-site car parking. Given the central sustainable location of the development the proposed level of car parking is deemed acceptable and in accordance with SPG04.

5.14 Cycle Parking

Ideally the applicant should have provided cycle parking in line with the minimum cycle parking standards in SPG04. 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.

5.15 The applicant does not intend to provide cycle parking. Due to site constraints it is not possible for the applicant to provide policy compliant cycle parking. As the development is below the Temporary Recession Measures the Highway Authority cannot ask for a contribution for on-street cycle parking provision. Therefore it is acknowledged that unfortunately in this instance cycle parking provision cannot be secured as part of this development.

**6 MATERIAL CONSIDERATIONS**

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

6.2 The development plan is:

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

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

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

## **7 RELEVANT POLICIES & GUIDANCE**

### The National Planning Policy Framework (NPPF)

#### Brighton & Hove Local Plan:

TR1	Development and the demand for travel
TR7	Safe development
TR14	Cycle access and parking
TR19	Parking standards
SU2	Efficiency of development in the use of energy, water and materials
SU13	Minimisation and re-use of construction industry waste
QD1	Design – quality of development and design statements
QD2	Design – key principles for neighbourhoods
QD3	Design – efficient and effective use of sites
QD4	Design – strategic impact
QD14	Extensions and alterations
QD27	Protection of Amenity
SR1	New retail development within or on the edge of existing defined shopping centres
SR2	New retail development beyond the edge of existing established shopping centres.
HE1	Listed Buildings
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
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#### Supplementary Planning Documents:

SPD03	Construction & Demolition Waste
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#### Brighton & Hove City Plan Part One (submission document)

SS1	Presumption in Favour of Sustainable Development
CP4	Retail Provision
SA1	The Seafront

## **8 CONSIDERATIONS & ASSESSMENT**

- 8.1 The main considerations in the determination of this application relate to the principle of the uses, the impact on the character and appearance of the conservation area, the impact on the listed buildings and their setting and transport and sustainability impacts.

**Principle of the Use:**

- 8.2 Historically the arches were used as beach huts, although this ceased some time ago. It is proposed to continue the beach hut use (Sui Generis) for the majority of the units. It is proposed to change the use of some of the arches to office (B1 Use Class), storage (B8 Use Class), retail (A1 Use Class) or café use (A3 Use Class). The following uses are proposed:

- 19 x beach huts (Sui Generis):
- 1 x office unit (B1) (one arch):

Flexible uses for the following:

- 2 x retail (A1) or café (A3) units. Both units comprise of 3 arches:
- 2 x storage (B8) units (3 arches each) or 6 beach huts:
- 1 x storage (B8) unit (1 arch) or 1 beach hut.

- 8.3 The retail/café (A1/A3) and storage (B8) units which comprise three arches each would measure approximately 45 sqm each. The individual arches measure approximately 14 square metres. Therefore the maximum possible commercial A1/A3 area would equate to 90 sqm, office (B1) would equate to 14 sqm and storage would equate to 104 sqm. The total floor area of all the arches combined is approximately 470 sqm.
- 8.4 Flexible uses are proposed which would allow certain units to be either storage or beach huts for the first 10 years and also to allow two of the units to either be retail or café use within the first 10 years.
- 8.5 The NPPF requires local planning authorities to apply a sequential test to planning applications for main town centre uses (in this case retail) that are not in an existing centre and are not in accordance with an up to date local plan. Main town centre uses should be located in town centres, then in edge of centre locations and only if suitable sites are not available should out of centre sites be considered. When considering edge of centre and out of centre proposals, preference should be given to accessible sites that are well connected to the town centre. The NPPF requires a retail impact assessment to be submitted for development over 2,500 sqm.
- 8.6 Policy CP4 of the Submission City Plan states that applications for all new edge and out of centre retail development will be required to address the tests set out in national policy. Applications will be required to complete an impact assessment at a locally set threshold of 1,000 sqm (gross) floorspace or more.
- 8.7 If both of the flexible A1/A3 units were to be brought into A1 use the total floor area would be 90 square metres. This is significantly below the local threshold of 1,000 square metres and the national threshold of 2,500 square metres for when a retail impact assessment should be carried out.

- 8.8 Policy SR2 of the Brighton & Hove Local Plan states that applications for new retail development on sites away from the edge of existing defined shopping centres will only be permitted where:
- a) they meet the requirements of Policy SR1 (with the exception of clause (b)); and where:
  - b) the site has been identified in the local plan for retail development and a more suitable site cannot be found firstly, within an existing defined shopping centre; or secondly, on the edge of an existing defined shopping centre; or
  - c) the development is intended to provide an outlying neighbourhood or a new housing development with a local retail outlet for which a new need can be identified.
- 8.9 Policy SR1 of the Local Plan states that new retail development within the built up area and within or on the edge of an existing defined shopping centre will be permitted where the proposal:
- a) itself, or cumulatively with other or proposed retail developments, will not cause detriment to the vitality and viability of existing established shopping centres and parades in Brighton & Hove;
  - b) is well located with convenient, attractive and safe pedestrian linkages to existing shopping frontages;
  - c) is genuinely accessible by a choice of means of transport that enables convenient access for a maximum number of customers and staff by means other than the car;
  - d) will not result in highway danger, unacceptable traffic congestion or environmental disturbance;
  - e) provides adequate attendant space and facilities for servicing and deliveries;
  - f) provides facilities for parent and child, the elderly and people with disabilities; and
  - g) provides facilities for the recycling of waste packaging generated by the proposal and complies with relevant policies in the Waste Local Plan.
- 8.10 Established shopping centres are defined within the Local Plan. The seafront area is not an established shopping centre. The nearest established shopping centre to the application site is the Regional Shopping Centre at Churchill Square and Western Road.
- 8.11 Given the small nature of the proposed retail units (90 square metres), it is not considered that the proposal would cause harm to the vitality and viability of the Regional Shopping Centre. It is considered that the proposal complies with policy SR1 of the Local Plan.
- 8.12 With regard to policy SR2, the application site has not been identified within the Local Plan for retail development, and the development is not intended to provide for an outlying development or new housing development. Therefore the proposal cannot comply with criteria b and c of policy SR2. The aim of the policy is to control large out of centre retail developments, however the policy

does not specify a floor area threshold for new development which should be subject to a sequential test or retail impact assessment. The proposal is for a small amount of retail floorspace (up to 90 square metres) which falls well below the thresholds identified in the City Plan and the NPPF. Given this and as the introduction of some commercial units could provide interest for people passing along the seafront as well as generating more footfall to this area of the seafront, it is considered that the principle of two A1 units is acceptable and would not harm the vitality and viability of any designated shopping centres.

- 8.13 A number of objections have been received which are related to the impact of the commercial units on other existing retail (A1) and cafe (A3) uses along the seafront. As the seafront is not a designated shopping centre, there is no policy requirement to consider the impact on the vitality and viability of other retail seafront uses. In addition, competition between cafes/restaurants is not a material planning consideration.
- 8.14 Some storage units are proposed which may be utilised by the i360 development, the West Pier Trust and the Council's Transport Team. However, these may not be needed permanently and therefore a flexible use has been applied for these units which enable them to be converted into beach huts within the first 10 years if the storage use ceases. One arch is proposed as an office unit which would be utilised by the West Pier Trust. 19 units would operate purely as beach huts/chalets, and this use is considered appropriate for the seafront.
- 8.15 It is considered that the proposed uses are acceptable and would help regenerate and enliven this part of the seafront. The uses are consistent with the aims of policy SA1 of the Submission City Plan which requires that proposals for the seafront support the year round sport, leisure and cultural role of the seafront for residents and visitors. As a number of flexible uses are proposed, it is recommended that conditions are imposed to restrict the following:
- Number of the total of retail A1 units and café units A3 shall not be more than 2 units (3 arches per unit):
  - Number of storage units (B8) shall not be more than 3 units (2 x 3 arches per unit and 1 x 1 arch per unit):
  - Number of B1 units to no more than 1 unit (1 arch per unit).

**Design, Impact on the Regency Square Conservation Area and the Grade II Listed railings and their setting:**

- 8.16 Policy HE6 requires development to enhance the character and appearance of conservation areas. Policy HE1 will not permit development which would have an adverse effect of the architectural and historic character or appearance of listed buildings. Policy HE3 will not permit development which would have an adverse impact on the setting of a listed building. Policy SA1 of the Submission City Plan requires development to enhance the public realm and the setting of the seafront as well as to promote high quality architecture which complements the natural heritage of the seafront.

- 8.17 The arches were in a poor state of repair and have been boarded up for a number of years. There was a significant amount of water damage and the arches themselves were no longer structurally sound and able to support the highway structure above. Urgent works needed to be carried out by the Highway Authority. Therefore the arch structures have been demolished and are in the process of being rebuilt.
- 8.18 The original arches were one of the last sets to be built on this part of the seafront and are considered to be a lower design quality than the earlier arches. Large areas of concrete were present above the arch profile and not all arches within this block had the same façade. There is also significantly less detailing around the arch itself and the arch profile column did not project all the way to the ground. Some of the arches were a slightly different size (width and depth).
- 8.19 The arches would be rebuilt so that the shape and size of the arch profile of the majority of the arches is replicated. However the doors would be wider (in order to meet Building Regulations) and the arch profile columns would extend to the ground. A stone circular capital has been incorporated into each column and above the arch profile is proposed instead of concrete. The brick was selected in consultation with the Council's Heritage Team and is a Wienerberger imperial 'Smooth Crimson' brick, which is being constructed with lime mortar joints. A uniform size in terms of arch profile, width and depth of the arches, would be maintained for the whole of the site which results in the arches extending slightly further to the east than existing. The brick façade adjacent to the ramped access to the Upper Esplanade Level would also be rebuilt in the same brick.
- 8.20 Bespoke painted white timber doors are proposed to the units. The beach hut/chalets and storage units would have solid timber doors but the retail/café units would have glazing present to the top half of the doors. Individual shutters (painted mdf) are proposed for each section of a door which is glazed. These are similar to the bespoke shutters installed to the arches to the east (BH2013/01952 and BH2013/01953). The shutters would be locked in place when the units are shut. Circular features have been incorporated into the design of each door which replicate the shape of the circular stone capital feature present to the top of each column.
- 8.21 Guttering would be present which is aluminium and would be powdercoated black. One downpipe would be needed per two arches, however these would be placed symmetrically so that there would be a gap of four arches between each set of two downpipes. The downpipes would run either side of a column to the side of the stone capital. The downpipes would not conceal the stone capital features. Whilst the guttering would add clutter to the façade it is essential in order to prevent water damage. A key problem of the previous façade was water damage as a result of water flowing down the façade from the Upper Esplanade Level. It is considered that the proposed material and colour of the guttering is acceptable.
- 8.22 The previous arches were in a poor state of repair had been boarded up for many years. The shape of the arch profile has been replicated but changes

have been made to the width of the doors and the design of the columns. The façade would be rebuilt in entirely brick which is considered to be an improvement over the part brick part concrete original façade. The stone circular capitals at the top of the columns and the new timber doors are considered to add complementary design features without over-complicating the overall appearance. The proposed design and materials are of high quality and the proposal is considered to enhance the character and appearance of the conservation area and the wider seafront.

- 8.23 The principle of the impact of the replacement railings on the historic character and appearance of this stretch of listed railings needs to be fully considered as part of this application and listed building application BH2014/02505. When the previous listed building consent for the replacement railings to the west of the site (BH2013/01952) was assessed, it was considered that the design of the replacement railings was an effective compromise between the requirements of the Building Regulations and the need to retain the historic fabric and design of the original railings. The railings proposed as part of this current application also reflect this design approach.
- 8.24 A cast of the existing railings was made in order to ensure that the proposed railings are the exact replica of the original. However, there is one key difference and that is with regard to the height of the railings. In order to meet current Building Regulations the railings need to be raised by 15 centimetres. It is also necessary for safety reasons to prevent a large gap below the railings. Therefore the design approach is to lengthen the post below the curved stanchions at either side of each main section of railings by 15 centimetres. The centre pole below the mould of the dolphins would remain as existing and would not reach as far down as the pavement. Instead pre-cast concrete blocks with a height of 15 centimetres are proposed below each section which terminate before the post at either side of each main section. The top section of the concrete kerbs are curved in slightly at the ends and the sides. At the Upper Esplanade Level the pavement surface has yet to be finished. When the surfacing has been completed there will be less height of the concrete kerbs visible. The southern side of the concrete kerbs will be obscured partly by stone coping and guttering infrastructure which would reduce their prominence. The materials of the replacement railings is cast iron (as original).
- 8.25 Each beach hut would have access to a three metre section to the front. Landscaping details have not been submitted so it is proposed to secure these details, plus a sample of the paving material, by condition.

**Impact on Amenity:**

- 8.26 The arches front the Lower Esplanade Level and the nearest residential properties are some distance away on the other side of Kings Road and Regency Square and are in an elevated position. The proposal is not considered to cause any adverse impacts on neighbouring amenity.
- 8.27 Conditions are proposed to require details of the extractor systems to be installed as part of any future café A3 use. These would have to exit from the front façade so would need to be handled sensitively as to not harm the

appearance and uniformity of the façade. It is considered that vents would be more appropriate than extractor flues. A condition requiring further details to be agreed is proposed.

**Transport:**

- 8.28 It is not considered that the proposal would warrant a financial contribution towards sustainable transport as the floor area falls below the threshold within the Council's adopted Recession Measures.
- 8.29 There is no cycle parking proposed. There would be substantial cycle parking provided at the Upper Esplanade Level once the i360 is complete which could also be utilised by this development. If the Council's Transport Team consider that more cycle parking is needed in the future, then the Council could install some additional cycle parking at the Upper Esplanade Level. This would form part of the wider Council strategy for developing on street cycle parking.
- 8.30 The Seafront Team control hours of servicing along the Lower Esplanade Level and these hours would apply to this development. The access from Kings Road is to the north of the Peace Statue.
- 8.31 Therefore it is considered that the proposal would have an acceptable impact with regard to transport.

**9 CONCLUSION**

- 9.1 Beach huts, storage, office, retail and café uses are proposed. The site is not within a designated shopping centre. The proposal is for a small amount of retail/cafe floorspace (up to 90 square metres) which falls well below the thresholds identified in the City Plan and the NPPF for when a Retail Impact Assessment should be carried out. The introduction of some commercial units would provide interest for people passing along the seafront as well as generating more footfall to this area of the seafront. Therefore, it is considered that the provision of two retail/cafe units is acceptable and would not harm the vitality and viability of any designated shopping centres. Flexible uses are proposed which will enable the units used as storage to change to beach huts/chalets within the first 10 years and which enables the commercial units to be used as either retail or café use.
- 9.2 The proposed design and materials are of high quality. The proposal would result in significant public and heritage benefits as it would regenerate and restore this area of the seafront and would enhance the character and appearance of the conservation area and the wider seafront. The replacement railings are acceptable and provide an effective compromise between the requirements of the Building Regulations and the need to preserve the historic character and appearance of the railings. The transport impacts are considered to be acceptable. Therefore approval is recommended.

**10 EQUALITIES**



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- 10.1 Level access would be provided to the units and the width of the doors would confirm to Building Regulations. However, steps would be present to the south of the landscaped three metre strip.

**11 PLANNING 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
Site & Location Plans	21304/P/01/A	A	18 September 2014
Plans and Elevations as Existing 1 of 3	21304/P/03		18 September 2014
Plans and Elevations as Existing 2 of 3	21304/P/04		18 September 2014
Plans and Elevations as Existing 3 of 3	21304/P/05		18 September 2014
Elevations as Proposed 1 of 7	21304/P/11/B	B	31 October 2014
Elevations as Proposed 2 of 7	21304/P/12/B	B	31 October 2014
Elevations as Proposed 3 of 7	21304/P/13/B	B	31 October 2014
Elevations as Proposed 4 of 7	21304/P/14/B	B	31 October 2014
Elevations as Proposed 5 of 7	21304/P/15/B	B	31 October 2014
Elevations as Proposed 6 of 7	21304/P/16/A	A	16 September 2014
Elevations as Proposed 7 of 7	21304/P/17/A	A	16 September 2014
Typical Elevation Details	21304/P/22		16 October 2014
Brickwork Setting Out Details	21304/P/21		16 October 2014

- 2) The arch window and door frames and shutters hereby approved shall be painted cream and retained as such thereafter.

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

- 3) The external façade shall be constructed in a Wienerberger imperial 'Smooth Crimson' brick with lime mortar joints.

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

## PLANNING COMMITTEE LIST- 19 NOVEMBER 2014

- 4) The number of the total units which comprise either retail or café uses (Use Class A1 or A3) shall not exceed 2 units (where each unit consists of 3 arches); the number of the total units which comprise storage (Use Class B8) shall not exceed 3 units (where 2 x units comprise 3 arches and 1 x unit comprises 1 arch); and the total number of office (Use Class B1a) shall not exceed 1 unit (1 arch per unit).

**Reason:** In order to provide an appropriate mix of uses within the development and to comply with policies SR1 and SR2 of the Brighton & Hove Local Plan and policy SA1 of the Submission City Plan.

- 5) Prior to any individual unit being first brought into A3 use, a scheme for the fitting of odour control equipment to that individual unit along with a scheme for the sound insulation of such equipment shall be 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 any individual unit for A3 use and shall thereafter be retained as such.

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

- 6) Notwithstanding the submitted plans, within two months of the date of this permission, details of a two metre wide section of the replacement brick façade immediately to the west of the arch number 75 Kings Road Arches and immediately to the east of arch number 105 Kings Road Arches shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details prior to the development being first occupied.

**Reason:** In order to ensure a satisfactory appearance to the brick façade to either side of the arches and to comply with policies QD1, QD2 and HE6 of the Brighton & Hove Local Plan.

- 7) Prior to the arches being first brought into use, a scheme for the landscaping details for the area to the south of the front of the arches at the Lower Esplanade Level which shall include details of the 3 metre strip to the south of arches and the steps to the south, east and west of the 3 metre strip shall be submitted to and approved in writing by the Local Planning Authority. Samples of the paving material shall also be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented fully in accordance with the approved details prior to any arch being first brought into use and shall be retained as such thereafter.

**Reason:** To ensure a satisfactory appearance to the landscaping and to comply with policies QD1, QD2 and HE6 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.

## PLANNING COMMITTEE LIST- 19 NOVEMBER 2014

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 uses are considered to be appropriate for the seafront and would not harm the vitality and viability of any established shopping centres. The proposed design and materials are of high quality and the proposal would result in significant public and heritage benefits as it would regenerate and restore this area of the seafront and would enhance the character and appearance of the conservation area and the wider seafront. The transport impacts are considered to be acceptable.



# **ITEM E**

**88 Waldegrave Road, Brighton**

**BH2014/03013**

**Householder planning consent**

**19 NOVEMBER 2014**

# BH2014/03013 88 Waldegrave Road, Brighton



**Brighton & Hove  
City Council**



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Scale : 1:1,250

<b><u>No:</u></b>	<b>BH2014/03013</b>	<b><u>Ward:</u></b>	<b>PRESTON PARK</b>
<b><u>App Type:</u></b>	<b>Householder Planning Consent</b>		
<b><u>Address:</u></b>	<b>88 Waldegrave Road Brighton</b>		
<b><u>Proposal:</u></b>	<b>Replacement of existing timber sash windows with UPVC sash windows to front elevation.</b>		
<b><u>Officer:</u></b>	Robert Hermitage Tel 290480	<b><u>Valid Date:</u></b>	08 September 2014
<b><u>Con Area:</u></b>	Preston Park	<b><u>Expiry Date:</u></b>	03 November 2014
<b><u>Listed Building Grade:</u></b>	N/A		
<b><u>Agent:</u></b>	Martin Szczerbicki Associates, 128 Hollingbury Road, Brighton BN1 7JD		
<b><u>Applicant:</u></b>	Mr Tim Packwood, 88 Waldegrave Road, Brighton BN1 6GG		

## 1 RECOMMENDATION

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

## 2 SITE LOCATION & DESCRIPTION

- 2.1 The application relates to a two-storey dwelling that lies on the eastern side of Waldegrave Road and within the Preston Park Conservation Area. Waldegrave Road is also within the Article 4 area for Preston Park, which restricts development to the front of properties. Much of Waldegrave Road has retained the original double-hung timber sash sliding windows, with few exceptions which have replaced them with either aluminium or UPVC window without permission.

## 3 RELEVANT HISTORY

- BH2012/02693** – Erection of a single storey rear extension and loft conversion incorporating front and rear rooflights – Approved 25/10/2012  
**BH2012/02339** – Non material amendment to BH2012/00156 to raise the flat roof by 200mm to the rear extension – Withdrawn 10/09/2012  
**BH2012/00156** – Erection of a single storey rear extension and loft conversion incorporating front and rear rooflights – Approved 07/06/2012

## 4 THE APPLICATION

- 4.1 Planning permission is sought for the replacement of existing timber sash windows with UPVC sash windows to the front elevation.

## 5 PUBLICITY & CONSULTATIONS

- External**  
**Neighbours:**

- 5.1 **One (1)** letter of representation has been received from the occupiers of **90 Waldegrave Road** objecting to the application on the following grounds:
- Timber sliding sash windows should be a standard on all front elevations in the Conservation Area
- 5.2 **Nine (9)** standard letters of representation have been received from **7 Lucerne Road (x2), 86, 92, 94, 95, 99, 103 and 107 Waldegrave Road** supporting the application on the following grounds:
- The proposed UPVC windows would be in keeping with the character of the area
  - The detailing of the UPVC would be indistinguishable
  - The proposal would help conserve energy
  - Modern UPVC demonstrate a sustainable alternative to timber
  - The appearance of the proposed would not deteriorate over time
  - The modern windows would create a more comfortable living experience for the occupants
- 5.3 **The Preston and Patcham Society** sent a letter of representation objecting to the application on the following grounds:
- UPVC windows would have an adverse effect on the appearance and character of the Conservation Area, despite the proposed window's attention to detail
  - The society does not condone plastic fenestration visible from a public highway
  - The loss of timber windows and original features should not be encouraged,
  - Alternative material should be explored
  - Alternative methods of glazing should be explored

## **6 MATERIAL CONSIDERATIONS**

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



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

## **7 RELEVANT POLICIES & GUIDANCE**

### The National Planning Policy Framework (NPPF)

#### Brighton & Hove Local Plan:

QD14	Extensions and alterations
QD27	Protection of Amenity
HE6	Development within or affecting the setting of conservation areas

#### Supplementary Planning Documents:

SPD09	Architectural Features
SPD12	Design Guide for Extensions and Alterations

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

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

- 8.1 The main considerations in the determination of this application relate to the appearance of the proposed UPVC windows and its impact upon the host building and wider Conservation Area and whether the alterations would have a detrimental impact on neighbouring amenity.

### **8.2 Planning Policy:**

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

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

- 8.3 In considering whether to grant planning permission for extensions to residential and commercial properties, account will be taken of sunlight and daylight factors, together with orientation, slope, overall height relationships, existing boundary treatment and how overbearing the proposal will be.
- 8.4 Policy QD27 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.
- 8.5 Policy HE6 of the Brighton and Hove Local Plan states that proposals within or affecting the setting of a conservation area should preserve or enhance the character or appearance of the area and should show:
- a) a consistently high standard of design and detailing reflecting the scale and character or appearance of the area, including the layout of the streets, development patterns, building lines and building forms
  - b) the use of building materials and finishes which are sympathetic to the area;
  - c) no harmful impact on the townscape and roofscape of the conservation area
  - d) the retention and protection of trees, gardens, spaces between buildings, and other open areas which contribute to the character or appearance of the area;
  - e) where appropriate, the removal of unsightly and inappropriate features or details; and
  - f) the retention and, where appropriate, the reinstatement of original features such as chimneys, chimney pots, gates, railings and shopfronts and small scale architectural details such as mouldings which individually or cumulatively contribute to the character or appearance of the area
- 8.6 Proposals that are likely to have an adverse impact on the character or appearance of a conservation area will not be permitted.
- 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.

**Visual Impact:**

- 8.8 The building forms part of an historic terrace and contributes positively to the character and appearance of the Preston Park Conservation Area. It is recognised that, although there is no planning history, UPVC windows are present within the terrace. However, these are exceptions and their presence highlights the harm caused by the introduction of such a material in this setting. A predominance of timber windows remains and this forms a key historical feature and characteristic of the area as a whole.

- 8.9 Policy HE6 of the Brighton & Hove Local Plan states that timber windows that contribute positively to the area's character and appearance should be protected. SPD09 provides additional detail, stating:

*“original or historic windows should be retained unless beyond economic repair”*

- 8.10 No information has been submitted to suggest that the existing windows could not be repaired. SPD09 addresses replica historic windows within Conservation Areas, but is clear in stating that their acceptability is limited to rear elevations and new extensions. SPD12 also states in its section on development within Conservation Areas and Buildings of Local Interest that:

*“Plastic or aluminium windows will not be acceptable on elevations visible from the street where the original windows were designed to be timber.”*

- 8.11 The windows fail to preserve or enhance the character or appearance of the building or wider Conservation Area. The proposal is therefore contrary to policies QD14 and HE6 of the Brighton and Hove Local Plan, Supplementary Planning Documents 9 Architectural Features, and SPD12 Design Guide for Extensions and Alterations. Whilst it is understood that few properties on Waldegrave Road have already replaced the existing timber windows with aluminium or UPVC windows without permission, the presence of inappropriate materials and alterations are not accepted as evidence of an established precedent.

**Impact on Amenity:**

- 8.12 The proposal is not considered to have any effect on neighbouring amenity, as no new window openings are to be created. The proposal can therefore be considered to be in accordance with Policy QD27 of the Brighton and Hove Local Plan.

**9 CONCLUSION**

- 9.1 The UPVC windows to the bay on the front elevation would represent a harmful alteration that fails to preserve the character or appearance of the building or wider Conservation Area. As such, the proposal fails to accord with policies QD14 and HE6 of the Brighton & Hove Local Plan and SPD09 and SPD12.

**10 EQUALITIES**

- 10.1 No issues identified

**11 REASON FOR REFUSAL / INFORMATIVES**

**11.1 Reasons for Refusal:**

1. The replacement windows to the front elevation, by virtue of their material and detailing, represents a harmful alteration that fails to preserve the character or appearance of the building or wider

PLANNING COMMITTEE LIST- 19 NOVEMBER 2014

Preston Park Conservation Area. The proposal is thereby contrary to policies QD14 and HE6 of the Brighton & Hove Local Plan, and Supplementary Planning Document 9 Architectural Features, and Supplementary Planning Document 12 Design Guide for Extensions and Alterations.

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>
Site Plan	-	-	8 <sup>th</sup> September 2014
Front Elevation	14.01.05/4	-	8 <sup>th</sup> September 2014
Floor Plans	14.01.05/3	-	8 <sup>th</sup> September 2014
Proposed Window Sections	14.01.05/2	-	8 <sup>th</sup> September 2014
Proposed Window Details	14-80-866-W	-	29 <sup>th</sup> September 2014
Proposed Window Jointing	ROW/92	-	29 <sup>th</sup> September 2014

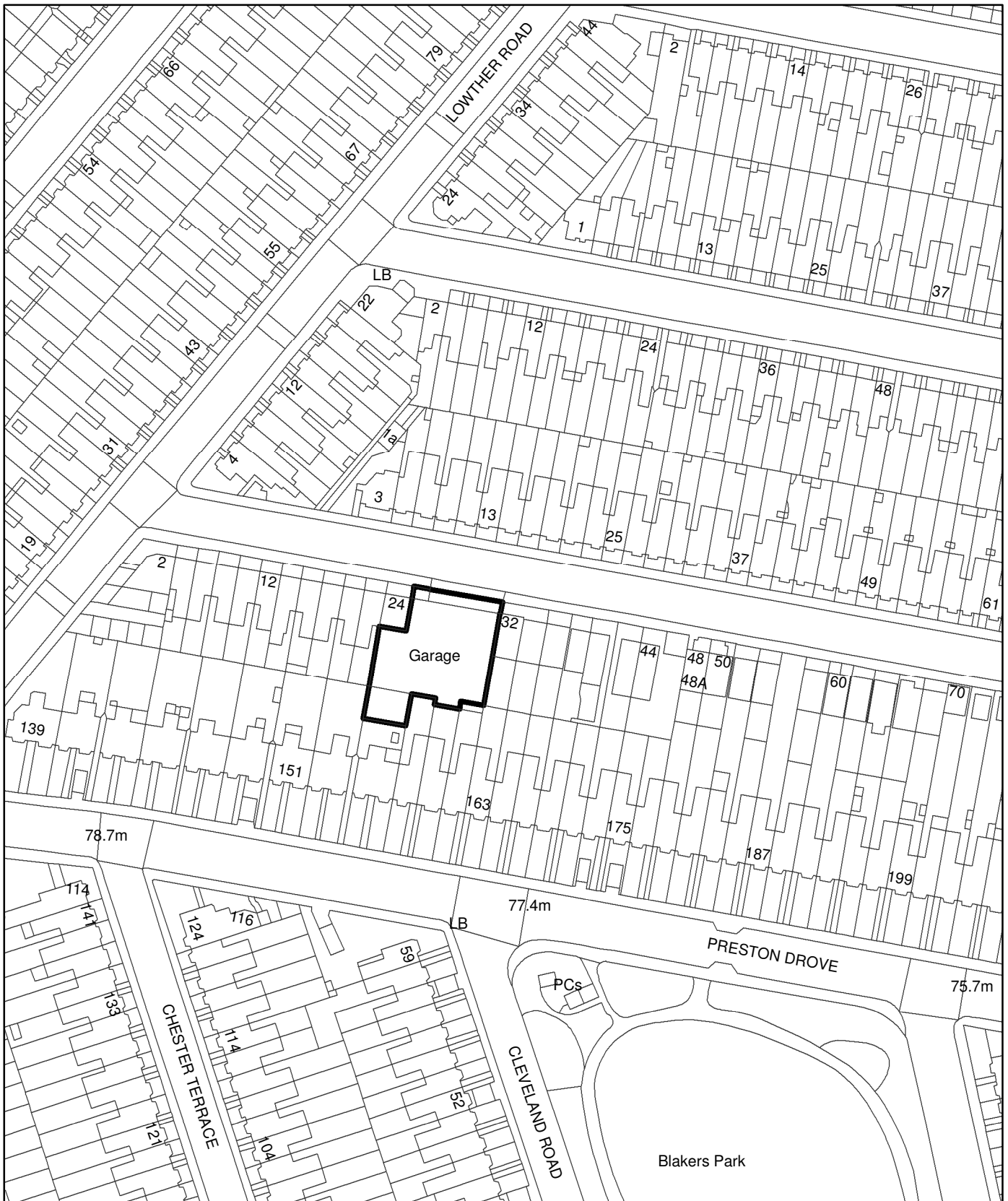
# **ITEM F**

**24 Hythe Road, Brighton**

**BH2014/02826**  
**Full planning**

**19 NOVEMBER 2014**

# BH2014/02826 24 Hythe Road, Brighton



**Brighton & Hove  
City Council**



Scale : 1:1,250

<b><u>No:</u></b>	<b>BH2014/02826</b>	<b><u>Ward:</u></b>	<b>PRESTON PARK</b>
<b><u>App Type:</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>24 Hythe Road Brighton</b>		
<b><u>Proposal:</u></b>	<b>Erection of 3no four bedroom dwellings, conversion of stable block to four bedroom dwelling and enlargement of garden to existing dwelling.</b>		
<b><u>Officer:</u></b>	<b>Adrian Smith Tel 290478</b>	<b><u>Valid Date:</u></b>	<b>05 September 2014</b>
<b><u>Con Area:</u></b>	<b>adjoining Preston Park</b>	<b><u>Expiry Date:</u></b>	<b>31 October 2014</b>
<b><u>Listed Building Grade:</u></b>	<b>N/A</b>		
<b><u>Agent:</u></b>	<b>Bold Architecture Design Ltd, 104 Hallyburton Road, Hove BN3 7GN</b>		
<b><u>Applicant:</u></b>	<b>Mr H Newman-Starley, C/O Bold Architecture Design Ltd., 104 Hallyburton Road, Hove BN3 7GN</b>		

## 1 RECOMMENDATION

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

## 2 SITE LOCATION & DESCRIPTION

- 2.1 The application site comprises a former garage and workshop attached to a residential dwelling at 24 Hythe Road, Brighton. Hythe Road is formed of residential terraces with those on the southern side, including the application site, abutting the Preston Park Conservation Area. The site forms a series of linked single storey structures encompassing a converted two storey stable block and covers the entire site.

## 3 RELEVANT HISTORY

**BH2014/00505-** Erection of 8 no. one, two and four bedroom houses and enlargement of garden to existing dwelling. Refused 17/04/2014 for the following reasons:

1. *Whilst the principle of the loss of the garage/workshop use and associated structures has been adequately demonstrated, insufficient information has been submitted to demonstrate that the site is unsuitable for redevelopment including suitable alternative employment uses, contrary to policy EM3 of the Brighton & Hove Local Plan.*
2. *The proposed development, by virtue of its design and footprint consuming the majority of the site, and its relationship with the existing buildings adjacent in scale, form and design, represents an incongruous addition to the street scene and an overdevelopment of the site that fails to respect or take the opportunity to improve the general townscape quality of the area*

*and the setting of the Preston Park Conservation Area, contrary to policies QD1, QD2, QD3, QD15 & HE6 of the Brighton & Hove Local Plan.*

3. *The proposed development, by virtue of its design and footprint consuming the majority of the site, fails to provide suitable outlook and amenity space for future occupants of the development, contrary to policies QD27 and HO5 of the Brighton & Hove Local Plan.*
4. *The proposed development, by virtue of its scale, massing and design, would intensify the use of the site to the detriment of adjacent occupiers introducing significant additional noise from domestic activity in an otherwise quiet garden environment, oppressing outlook to adjacent properties, and resulting in increased overlooking, contrary to policy QD27 of the Brighton & Hove Local Plan.*
5. *The proposed development, by virtue of the significant levels of street parking already experienced in the area and the likely introduction of nearby parking controls in the near future, will increase parking levels in the area further to an unacceptable degree, contrary to policies TR1 and TR7 of the Brighton & Hove Local Plan.*

**BH2014/00297-** Erection of first floor rear extension and extension to roof over, with rooflights to front and rear and alterations to window layout of existing rear dormer. Approved 19/05/2014

#### **4 THE APPLICATION**

- 4.1 Planning permission is sought for the demolition of all garage structures and the erection of a terrace of three four-bedroom houses fronting Hythe Road. The stable building to the rear is to be retained and extended and converted into a further four-bedroom house.
- 4.2 Amendments have been received during the course of the application, which involved amending the design of the roof on the rear elevation. As amended, the scheme now incorporates a dormer window to each of the properties, centrally positioned in the roof slope.

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

##### **External:**

- 5.1 **Neighbours: Twenty (20)** letters of representation have been received from **9 Hythe Road; 107, 121 (x2), 153 (x2), F3 155, F4 155, 157, 167, 169, 177, 179, 191, 203, 213, 217 (x2), 227 & 251 Preston Drove**, objecting to the application for the following reasons:
  - The conversion of the stable building represents an overpopulation of the site
  - The stable building used to be a business and has never been used as a residential dwelling. The dwelling would therefore sit in an area originally designed to be gardens.
  - Loss of garden space and harm to conservation area
  - The extended stable building is part in the garden to 155 Preston Drove and represents garden grabbing



- The development of the stable building would create a precedent for further such buildings in the gardens to Hythe Road
  - It is unacceptable to build in the middle of back gardens
  - Residential use of the stable building is unsuitable for the area
  - The extensions and alterations to the stable building are not in character
  - Construction hours should be regulated to minimise noise disturbance
  - The development is too big for the plot and entirely inappropriate in scale and appearance for the area
  - The proposal is an overdevelopment of the site and not in keeping with the surrounding neighbourhood
  - Overshadowing and loss of light
  - Loss of privacy and overlooking from both the terrace of houses and the stable building
  - Increased noise disturbance from occupiers of the stable building
  - Increased parking pressure from potentially an extra 8 cars.
  - Noise, disturbance and pollution from the new access road into the site and garden areas
  - Loss of wildlife
  - Increased pressure on roads, schools, parking, refuse collection
- 5.2 **Twelve (12)** letters of representation have been received from **304 & 306 Ditchling Road; 67 Hollingbury Park Avenue; 13, 24 (x2), 32, 38, 41, 50a, 62 Hythe Road; 161 Preston Drove**, supporting the application for the following reasons:
- The community as a whole would benefit from the development
  - The garage is in need of rejuvenation and the city needs more accommodation
  - Family homes are welcome
  - The existing garages are an eyesore and an ugly blot on the area. The plans are sympathetic to the street and would improve the character of the area
- 5.3 **Councillor Kennedy** has objected to the application. A copy of her email is attached to the report.
- 5.4 **CAG:** No objection.
- Internal:**
- 5.5 **Environmental Health:** No objection.  
No objection subject to a condition to address potential land contamination.
- 5.6 **Heritage:** No objection.  
The application site is located to the north of the Preston Park Conservation Area and the rear boundary borders that of the conservation area. No. 24 Hythe Road is a brick building with pitch roof and a coach door opening which was likely to have been the access to the former stable building which remains to the rear of the site. The mews-style building and the former stables behind have a utilitarian and quaint character and positively contribute to the character and appearance of the area. No 24 Hythe Road and its relationship with the stable

building also inform ones understanding of the historic development of the locality and for those reasons, the buildings are considered to be non-designated heritage assets.

- 5.7 The large garage development which fronts Hythe Road abuts the back edge of pavement and there are extensive views of the garage along street. The garage which is timber clad with corrugated roofs is not of any historic or architectural merit and the structure detracts from the character and appearance of the immediate context.
- 5.8 The buildings and terraces along the south side of Hythe Road and to the west of the application site are of similar scale (including size, height, form and mass) and work together to create a composition. They achieve a tight urban grain and rhythm along the frontage. The single storey garage development currently occupying the application site provides a visual break between the historic terrace development to the west and the much later terraces and semi-detached houses to the east of the application site.
- 5.9 Following the refusal of the previous application for residential development at the application site, the current application has addressed the concerns previously set out by the conservation team and the proposal is considered to be acceptable in principle. The current submission now includes a reduction in the number of proposed units and would retain and convert the historic stable block to the rear of the site. Furthermore, the three terraced houses to Hythe Road would continue the strong front building line together with the tight and well established urban grain with matching/similar plot widths.
- 5.10 **Sustainable Transport:** No objection.  
No objection subject to conditions securing cycle parking. Based on the 2011 car ownership census data this development is forecast to have on average 4 vehicles associated with the residential element. This area is outside a CPZ and can experience high levels of on-street car parking stress. However, given the likely car ownership and that 1 on-site car parking space is provided the likely overspill car parking is not considered to warrant a reason for refusal.
- 5.11 **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  
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  
HO13 Accessible housing and lifetime homes  
EM3 Retaining the best sites for industry  
HE6 Development within or affecting the setting of conservation areas

#### Supplementary Planning Guidance:

- SPGBH4 Parking Standards

#### Supplementary Planning Documents:

- SPD03 Construction & Demolition Waste  
SPD08 Sustainable Building Design

SPD11 Nature Conservation & Development

Brighton & Hove City Plan Part One (submission document)

SS1 Presumption in Favour of Sustainable Development

CP15 Heritage

## **8 CONSIDERATIONS & ASSESSMENT**

- 8.1 The main considerations in the determination of this application relate to the principle of change of use of the site to residential, the impact of the proposed development on the character and appearance of the street scene and the setting of the adjacent Preston Park Conservation Area, the impact on the amenities of adjacent and future occupiers, the standard of accommodation to be provided, sustainability and transport issues.
- 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 (24,000 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.

### **Principle of Change of Use:**

- 8.3 The site as existing forms a former B1 garage/workshop set on land adjacent to and rear of 24 Hythe Road. The site has been incrementally developed with single storey structures that now cover the entire site, including surrounding an original stable building rear of 24 Hythe Road, and encroaching into former garden land to 155 Preston Drove. The scale and appearance of the structures is of substantial visual harm to the appearance of the site, the general development pattern of the area, and the setting of the Preston Park Conservation Area, which sits directly adjacent to the rear/south. It is understood the site has not been used as a garage/workshop since 2001, and is current used as domestic storage.
- 8.4 The application proposes the demolition of all structures on the site and their replacement with a terrace of three dwellings fronting Hythe Road and the extension and conversion of the stable building to the rear to a four-bedroom house. Policy EM3 of the Brighton & Hove Local Plan resists the loss of land in B1, B2 and B8 industrial use unless the site has been assessed and found to be unsuitable for modern employment needs.
- 8.5 Although no marketing of the site has been undertaken, in this instance there are considered to be material considerations that support the case for the demolition of all structures and the change of use of the land. The applicants

have submitted a structural survey of the buildings which identifies that they are in 'extremely poor structural condition' and in places dangerous. The report concludes that the premises are beyond financially viable repair or refurbishment and will need demolition. From the site visit it was clear that the various linked structures are in a severely deteriorating state and do not readily provide open accommodation suitable for commercial use. It was clear that significant works would be required for the buildings to be suitable for re-occupation as a commercial premises, most likely involving total demolition and re-construction.

- 8.6 These constraints are such that it is unlikely that potential occupiers would be prepared to finance the necessary significant repair works to the existing buildings. Further, the re-use of the site for noise-generating industrial uses would likely be significantly harmful to neighbouring residents given the peaceful residential area in which the site sits. On this basis it is considered that the demolition of the structures and the change of use of the site from a garage/workshop can be supported in this instance.
- 8.7 Where a change of use is considered acceptable, policy EM3 requires a preference for alternative industrial or business uses. Whilst noise generating industrial uses would be harmful in this location, office-led uses would likely be considered acceptable as an alternative, and would help in meeting the identified need for office floorspace as set out in the Employment Land Study Review 2012. The application proposes no such use within the development.
- 8.8 An analysis of available B1 accommodation in the local area has been provided by Graves Jenkins. Graves Jenkins identify six available B1 units within a 1km radius of the site, ranging from 84sqm in size to 550sqm in size. The applicants argue that it is not therefore necessary to provide compensatory employment floorspace given the availability of B1 units in the local area.
- 8.9 On balance, it is considered that the availability of other B1 units in the local area provides sufficient justification not to include employment floorspace within this development. The site is within a residential area away from the main thoroughfares and there is no evidence that an appropriate degree of employment floorspace would be necessarily attractive to businesses. The provision of four family homes is considered of greater public benefit that outweighs the absence of providing speculative employment floorspace within the proposal. For this reason an exception to policy EM3 is considered appropriate and justified.

**Design and Appearance:**

- 8.10 Policy QD1 of the Brighton & Hove Local Plan states that "all proposals for new buildings must demonstrate a high standard of design and make a positive contribution to the visual quality of the environment." Furthermore, the policy advises that "unless a development proposal is within an area featuring a distinctive historic style of architecture, replication of existing styles and pastiche designs will be discouraged". Policy QD2 states that all new developments shall emphasise and enhance the positive qualities of the local neighbourhood, by taking into account the local characteristics, including a) the

height, scale, bulk and design of existing buildings. Policy QD3 states that new development will be required to make efficient and effective use of a site, incorporating an intensity of development appropriate to the locality and/or prevailing townscape; the needs of the community; the nature of the development; and proposed uses. Policy HE6 requires new development that effect the setting of a conservation area to preserve or enhance the character or appearance of the area. Paragraph 64 of the NPPF states that '*permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions*'.

- 8.11 Developments of higher densities are promoted by both policies QD3 and HO4, with policy QD3 suggesting higher development densities will be appropriate where the site has good public transport accessibility, pedestrian and cycle networks and is close to a range of services and facilities.
- 8.12 The appearance and coverage of the various single storey structures on the site is considered to be both harmful to its appearance and the setting of the adjacent Preston Park Conservation Area. Hythe Road and Preston Drove to the rear are formed of linear terraces and semi-detached pairs set in a tight urban grain with consistent back-to-back separations and modestly sized rear gardens. Those on Preston Drove are set on lower ground level within the Preston Park Conservation Area. Hythe Road comprises Victorian terraces opposite and to the west of the site, with more modern post-war terraces to the east. The application site forms a gap in the street between nos 24 and 32 occupied by the single storey former garage/workshop. No 24 adjacent forms the oldest property in the street, and retains its original two storey stable block to the rear, accessed via an undercroft. The stable block is now amalgamated into the wider garage complex.
- 8.13 It is understood that the stable block dates from circa 1899 and pre-dates much of the surrounding development. It is also understood that the site and modern housing adjacent to the east originally formed garden land with garaging to the properties along Preston Drove. The various structures on the application site pre-date the more modern housing adjacent to the east.
- 8.14 The application proposes to remove all existing buildings adjacent and rear of 24 Hythe Road, excluding the stable block which is to be refurbished and extended. A new terrace of three dwellings is proposed to the front of the site, with the stable block to the rear being converted to a further dwelling accessed via the undercroft to 24 Hythe Road.
- 8.15 The re-development of the front part of the site with a terrace of three dwellings directly abutting 24 & 32 Hythe Road is considered acceptable in principle and represents an opportunity to improve the appearance of the existing poor quality single storey garage buildings. The proposed terrace has been designed to reflect the dominant characteristics of the street, with pitched slate roofs, bay windows, rendered elevations, and timber sash windows. The overall scale of the terrace would relate positively in scale, massing and appearance to the older housing stock to the west and more modern housing to the east. To the

rear, the central lead-clad dormer windows are considered appropriately scaled additions to the roof that relate positively to the appearance and fenestration to the elevations below.

- 8.16 The stable building to the rear of 24 Hythe Road is an established part of the site and wider development pattern, pre-dating the majority of surrounding buildings. The Heritage officer is of the view that both 24 Hythe Road and the stable building positively contribute to the character and appearance of the area and considers them non-designated heritage assets. Given the age and established position of the stable building within the locality, its retention, re-use and separation from surrounding structures is considered a positive element of the proposal. The application proposes to re-construct the upper floors and roof of the building, with extensions to the front and rear in place of the existing structures. These works are considered appropriate, with the upper floor and roof retaining the same scale and general appearance as the original stable building. Three rooflights are proposed to the rear elevation to service the first floor bedrooms, with new windows to the front and rear. These alterations are considered suitable.
- 8.17 For these reasons the proposed development is considered to represent a significant improvement on the appearance of the site, returning much of the land back to garden use whilst infilling an incongruous gap in the street scene. The retention of the historic stable building is considered a positive element of the proposal. Overall the development serves to improve the general townscape quality of the area and the setting of the Preston Park Conservation Area, in accordance with policies QD1, QD2, QD3 & HE6 of the Brighton & Hove Local Plan.

Landscaping:

- 8.18 In terms of landscaping, the small front yards to the terrace are to be largely hard landscaped, with the rear gardens appropriately lawned. Indicative planting to the front and rear is shown on the floor plans, and a final scheme is secured by condition. The size and degree of landscaping proposed is considered appropriate to the character of the area and in accordance with policy QD15 of the Brighton & Hove Local Plan.

**Standard of Accommodation:**

- 8.19 The internal floor area of the four-bedroom houses fronting Hythe Road would be approximately 160sqm, with the four-bedroom stable building providing approximately 137sqm of floor area. The three dwellings within the terrace provide a good standard of accommodation suitable for family occupation, with two of the units having large rear gardens proportionate to those elsewhere in the street. The third garden would be truncated by the side garden to the stable building, however in this instance this is considered appropriate to provide a suitable balance of amenity space for both dwellings.
- 8.20 The stable building would also provide a generally good standard of accommodation, with the side garden complemented by a 2.5m deep garden to the rear/south side. Owing to the proximity of the building to adjacent gardens and windows, the upper floor bedrooms would be serviced by rooflights set a

minimum 1.7m above internal floor area to avoid overlooking. Although not ideal the rooflights, which part extend into the vertical wall below, would provide some degree of outlook across the roofs to the properties on Preston Drive and good natural light such that the bedrooms would not feel unduly enclosed or claustrophobic.

- 8.21 The plans detail that the rear garden to 24 Hythe Road is to be enlarged as part of the proposals. This would not have a detrimental impact on the merits of the overall scheme, and would serve to improve the standard of accommodation at this dwelling.
- 8.22 For these reasons the proposed dwellings are considered to provide for a suitable standard of accommodation in accordance with policies QD27 and HO5 of the Brighton & Hove Local Plan.
- 8.23 Policy HO13 requires all new residential dwellings to be built to Lifetime Homes standards whereby they can be adapted to meet people with disabilities without major structural alterations. The accompanying Design and Access statement and Lifetime Homes checklist states that Lifetime Homes standards have been incorporated into the design. Full compliance is secured by condition.

**Impact on Amenity:**

- 8.24 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.
- 8.25 The existing structures generally constitute a mix of single storey, one-an-a-half storey and two storey linked buildings set on the southern, eastern and western boundaries of the site. The structures generally project significantly above all boundary walls and fences, in places rising to 5m above adjacent garden level. This arrangement is compounded by the lower position of the properties to Preston Drive, which sit considerably below their rear garden level. The massing of the structures is clearly evident from the upper floors to adjacent properties and has an oppressive and enclosing impact on the rear gardens and outlook to all adjacent properties.
- 8.26 The removal of all the structures rear of 157-161 Preston Drive and their replacement with gardens to the proposed terrace would serve to significantly improve the rear outlook to these properties. A similar positive impact would be had on the rear outlook to 32 Hythe Road adjacent. This represents a significant benefit of the proposal. Although windows within the rear of the terrace would now face towards 157-161 Preston Drive, the separation between rear elevations of between 22m and 29m is consistent with the established development pattern of the area. Potential overlooking from the proposed terrace towards the properties on Preston Drive would therefore be no greater or more harmful than elsewhere in the street.



- 8.27 At 24 Hythe Road, the removal of the rear structures and the enlargement of their rear garden would improve their outlook and overall amenity. It is noted that the terrace would recess a rear first floor window to 24 Hythe Road. This window serves a bedroom which also has a main front aspect. Further, planning permission has been granted under BH2014/00297 to infill this recess. Consequently no significant amenity harm is identified.
- 8.28 Residents have raised concern over the impact of the residential use of the stable building on the amenities of adjacent buildings given its backland location. Neighbouring residents have benefitted from the existing buildings having been largely unused for a number of years. The use of the stable building would potentially introduce additional domestic activity closer to residents on Preston Drove than is currently the case, however it is not considered that this would be so harmful to withhold permission.
- 8.29 It is noted that the stable dwelling would have two amenity areas, a small 2.5m deep garden at the rear, and a larger garden to the side. The side garden would provide the main amenity space for the dwelling, being set off the living room and in line with the rear gardens to the terrace. The rear garden would be set immediately adjacent to three amenity spaces to flats within 155 Preston Drove. Given this established arrangement it is not considered that the addition of a fourth amenity space adjacent, which would be a secondary space to the stable dwelling, would result in significant amenity harm. The existing tall boundary fence which separates the three amenity spaces from the stable building would be reduced from approximately 3.2m in height to 2m in height, thereby improving outlook to the spaces and windows adjacent. The scale and massing of the rear extensions to the stable building would be reduced from existing such that outlook from 153 and 155 Preston Drove would remain broadly as existing.
- 8.30 In terms of overlooking, three rooflights would be inserted into the rear/south roofslope of the stable building. No other first floor windows are proposed to the side or rear elevations. The rooflights would part extend into the vertical wall below, but would be set a minimum 1.7m above internal floor area. This is confirmed on the plans and would ensure that all potential views into the rear gardens and rear windows to adjacent properties would be either not possible or highly restricted. Section drawings further show that the separation between the rooflights and the adjacent flats at 155 Preston Drove would be 18m, a sufficient separation to minimise potential harm, including that from light spillage. To the front, the two first floor windows serving a bathroom and stairwell would be obscurely glazed to avoid overlooking towards 24 Hythe Road.
- 8.31 Residents have identified that this part of the site encroaches into the original rear garden to 155 Preston Drove, however this is an established arrangement and no further encroachment is proposed as part of this submission. Further concern has been raised that the residential use of the stable building would set a precedent for further development of adjacent rear gardens. The stable building is an established part of the area and not a new structure. As such it already has an impact on the amenities of adjacent residents. There are no

other such structures elsewhere in the area, therefore any new building would immediately have a significantly greater impact that would have to be assessed on its own merits. For this reason it is not considered that the residential use of this existing building sets a precedent for new buildings elsewhere in the area.

8.32 For these reasons the proposal would have an acceptable impact on the amenities of adjacent occupiers, in accordance with policy QD27 of the Brighton & Hove Local Plan.

8.33 For the avoidance of doubt, and to ensure the amenities of adjacent properties are suitably protected, conditions are attached to restrict all permitted development rights for the stable dwelling, and to restrict roof additions to the terrace.

**Sustainable Transport:**

8.34 Policies TR1 and TR7 aim to ensure that proposals cater for the demand in traffic they create, and do not increase the danger to users of adjacent pavements, cycle routes and roads. Residents have raised concern at the additional parking requirements the development would create given high levels of street parking already experienced in the area.

8.35 The proposal provides no onsite parking for the terrace of three houses. This is consistent with the general character of the street. There are no parking controls on Hythe Road however there are high levels of street parking owing to both the general absence of off-street spaces and the proximity of a Controlled Parking Zone on Preston Drove to the south. In this instance it is not considered that three houses would result in significant additional parking pressure such that permission should be withheld. The stable building to the rear would be accessed via the existing undercroft beneath 24 Hythe Road, providing off-street parking for one vehicle. This is an acceptable arrangement. Storage for bicycles is provided in the front gardens to the terrace, and front courtyard to the stable building, and final details are secured by condition. For these reasons the proposal accords with policies TR1, TR7 & TR14 of the Brighton & Hove Local Plan.

**Sustainability:**

8.36 The site forms previously developed brownfield land. Policy SU2 and SPD08 requires efficiency of development in the use of energy, water and materials and recommends that residential developments of this size on previously developed land should achieve Level 3 of the Code for Sustainable Homes (CSH).

8.37 The application is supported with a Sustainability Checklist and Code for Sustainable Homes Pre-Assessment which details that all four dwellings will meet level 3 of the Code for Sustainable Homes. This is secured by condition. Suitable refuse and recycling facilities are detailed to the front of each dwelling and are secured by condition. Subject to the recommended conditions the proposed development would meet the sustainability criteria set out in policy SU2 and SPD08.

**Other Matters:**

- 8.38 The land has been identified as being potentially contaminated given its historic uses and other uses nearby. A condition is attached requiring a phased contaminated land assessment and remedial strategy to be implemented prior to works commencing.
- 8.39 It is noted that planning permission has recently been submitted for extensions to square the rear elevation and roofline to 24 Hythe Road (BH2014/00297). This development, if implemented, would not have a prejudicial impact on the merits or otherwise of this application.

**9 CONCLUSION**

- 9.1 The loss of employment floorspace is considered acceptable in this instance having regard the location of the site, the limited use of the land, and the poor quality of the building, and the availability of alternative employment sites locally. The proposed development is of a suitable design standard that would significantly improve the appearance of the site and the setting of the Preston Park Conservation Area, without resulting in significant harm to the amenities of adjacent occupiers, in accordance with development plan policies.

**10 EQUALITIES**

- 10.1 The development is required to meet Lifetime Homes standards

**11 PLANNING OBLIGATION / CONDITIONS / INFORMATIVES**

11.1 Regulatory Conditions:

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

Plan Type	Reference	Version	Date Received
Existing ground floor	GA01	-	20/08/2014
Existing lower ground floor	GA02	-	20/08/2014
Existing elevations	GA03	-	20/08/2014
	GA08	-	20/08/2014
Proposed floor plans	GA04	A	03/11/2014
	GA05	A	03/11/2014
	GA06	A	03/11/2014
	GA07	A	03/11/2014

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Proposed west elevations	GA09	A	03/11/2014
Proposed rear elevation and section A-A	GA10	A	03/11/2014
Proposed east elevation	GA11	A	03/11/2014
Proposed elevations in context	GA12	A	03/11/2014
Proposed front elevation	GA13	A	03/11/2014
Proposed block plan	GA14	A	03/11/2014
Proposed rear elevation	GA15	A	03/11/2014
Proposed rear elevation and site plan	GA16	A	03/11/2014
Proposed rear elevation from Preston Drove	GA17	-	03/11/2014

- 3) No extension, enlargement, alteration or provision within the curtilage of the of the stable building 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) No extension, enlargement or alteration of the terrace of dwellinghouses fronting Hythe Road as provided for within Schedule 2, Part 1, Class B of the Town and Country Planning (General Permitted Development) Order 1995, as amended (or any order revoking and re-enacting that Order with or without modification) other than that expressly authorised by this permission shall be carried out without planning permission obtained from the Local Planning Authority.  
**Reason:** The Local Planning Authority considers that further development could cause detriment to the amenities of the occupiers of nearby properties and to the character of the area and for this reason would wish to control any future development to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.
- 5) The first floor windows in the north elevation of the stable building hereby permitted shall not be glazed otherwise than with obscured glass and thereafter permanently retained as such.  
**Reason:** To safeguard the privacy of the occupiers of the adjoining property and to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.

- 6) 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.

#### 11.2 Pre-Commencement Conditions

- 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) Notwithstanding submitted drawings, no works to the Stable building shall take place until the detailed design of the Stable building, including materials and finishes of the following items, has been submitted to and approved in writing by the Local Planning Authority:

- a. Sections and elevations of all new external doors and windows (including details of reveals, cill and head treatments)
- b. Eaves, parapet and ridge details, and rainwater goods
- c. Rooflights, which should be conservation style

The design and details shall be accompanied by elevations and section drawings to a minimum scale of 1:5 with full size moulding cross sections, where mouldings are used. The works shall thereafter be implemented strictly in accordance with the agreed details. No bargeboards or eaves fascias shall be used in the approved development.

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

- 9) 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.

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

level 3 as a minimum for all residential units has been submitted to, and approved in writing by, the Local Planning Authority.

A completed pre-assessment estimator will not be acceptable.

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

- 11) No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme for landscaping. The scheme shall include the following:
- a. details of all hard surfacing;
  - b. details of all boundary treatments;
  - c. details of all proposed planting, including numbers and species of plant, and details of size and planting method of any 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.

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

- 13) (i) The development hereby permitted shall not be commenced until there has been submitted to and approved in writing by the Local Planning Authority:
- (a) a desk top study documenting all the previous and existing land uses of the site and adjacent land in accordance with national guidance as set out in Contaminated Land Research Report Nos. 2 and 3 and BS10175:2001 - Investigation of Potentially Contaminated Sites - Code of Practice;  
and, unless otherwise agreed in writing by the Local Planning Authority,
  - (b) a site investigation report documenting the ground conditions of the site and incorporating chemical and gas analysis identified as appropriate by the desk top study in accordance with BS10175:2001;  
and, unless otherwise agreed in writing by the Local Planning Authority,
  - (c) a detailed scheme for remedial works and measures to be undertaken to avoid risk from contaminants and/or gases when the

site is developed and proposals for future maintenance and monitoring. Such scheme shall include the nomination of a competent person to oversee the implementation of the works.

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

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

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

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

### 11.3 Pre-Occupation Conditions

14) 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.

15) 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.

16) Prior to the first occupation of the development hereby permitted the redundant vehicle crossover on Hythe Road shall be reinstated back to a footway by raising the existing kerb and footway in accordance with a specification that has been approved in writing by the Local Planning Authority.

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

### 11.4 Informatives:

## PLANNING COMMITTEE LIST- 19 NOVEMBER 2014

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

The loss of employment floorspace is considered acceptable in this instance having regard the location of the site, the limited use of the land, and the poor quality of the building, and the availability of alternative employment sites locally. The proposed development is of a suitable design standard that would significantly improve the appearance of the site and the setting of the Preston Park Conservation Area, without resulting in significant harm to the amenities of adjacent occupiers, in accordance with development plan policies.
3. 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).



To: Adrian Smith  
From: Amy Kennedy  
Sent: 27 October 2014 11:32  
Subject: BH2014/02826 24 Hythe Road

Dear Adrian,

Many thanks for taking the time to speak with me just now regarding this application. As discussed, I would be very grateful if you could make a note on the case file that as ward councillor I wish to speak to this application as and when it is put before the Planning Committee for consideration.

I will be speaking on behalf of residents to outline their objections to the application (predominantly loss of amenity and over-development).

Many thanks & best wishes,

Amy

Amy Kennedy  
Green Councillor for Preston Park Ward



# **ITEM G**

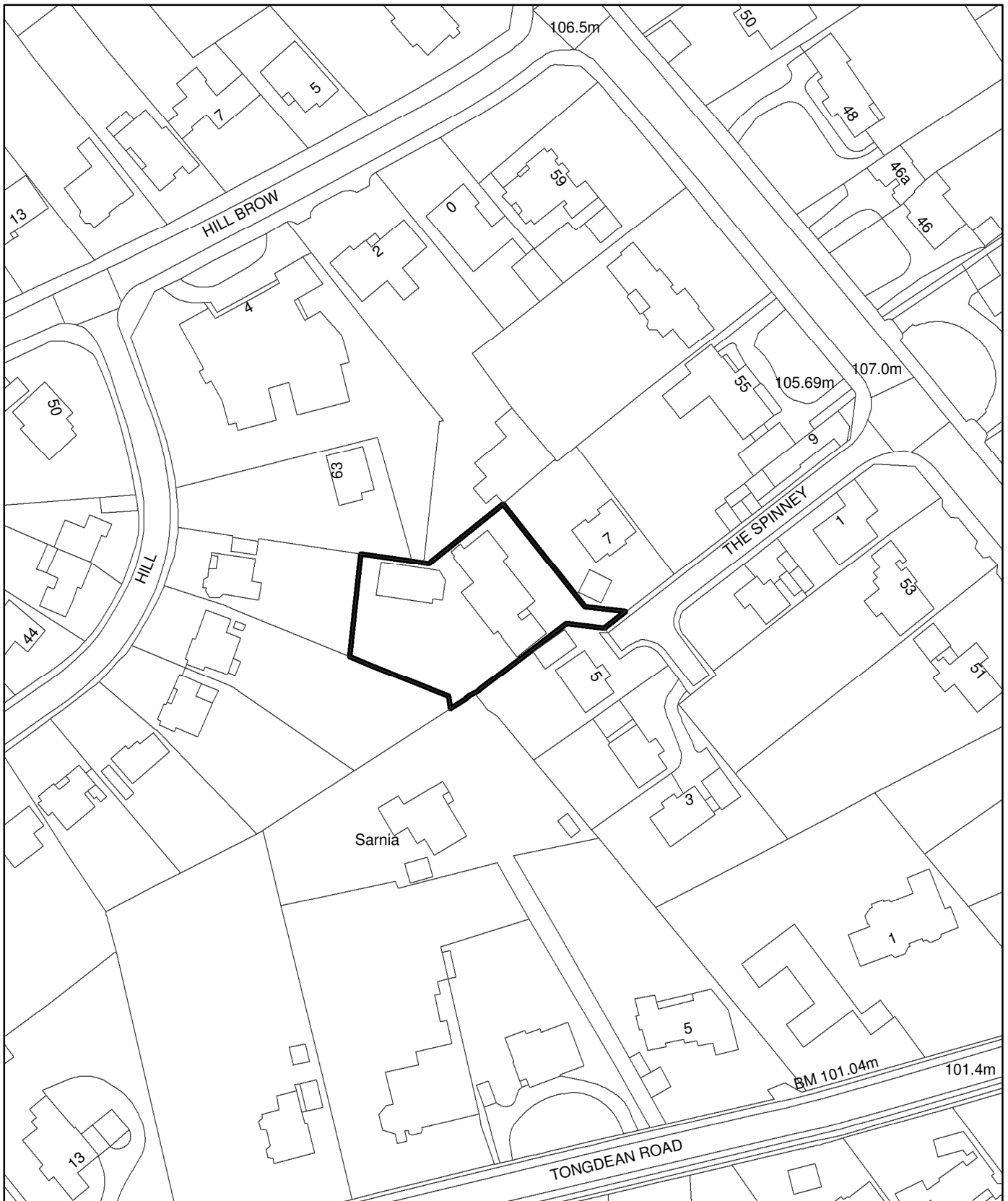
## **6 The Spinney, Hove**

**BH2014/03008**

**Householder planning consent**

**19 NOVEMBER 2014**

# BH2014/03008 6 The Spinney, Hove



**Brighton & Hove  
City Council**



Scale : 1:1,250

<b><u>No:</u></b>	<b>BH2014/03008</b>	<b><u>Ward:</u></b>	<b>HOVE PARK</b>
<b><u>App Type:</u></b>	<b>Householder Planning Consent</b>		
<b><u>Address:</u></b>	<b>6 The Spinney Hove</b>		
<b><u>Proposal:</u></b>	<b>Remodelling of existing chalet bungalow to create a two storey 5no bedroom house with associated alterations including erection of first floor extensions to sides and rear and creation of rear terrace.</b>		
<b><u>Officer:</u></b>	Liz Arnold Tel 291709	<b><u>Valid Date:</u></b>	16 September 2014
<b><u>Con Area:</u></b>	Adj. Tongdean	<b><u>Expiry Date:</u></b>	11 November 2014
<b><u>Listed Building Grade:</u></b>	N/A		
<b><u>Agent:</u></b>	Mr Alan Wood, 75 Westbourne Street, Hove BN3 5PF		
<b><u>Applicant:</u></b>	Miss Margaret Rignell, 6 The Spinney, Hove BN3 6QT		

## 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 detached dwelling on a large plot located on the west side of a cul-de-sac located toward the northern end of Dyke Road in Brighton.
- 2.2 The dwelling is a chalet style house, with rear and front facing dormers in the roof and benefits from a double garage close to the boundary with 5 The Spinney, a large detached swimming pool building and a large side single storey extension (Billiards Room) close to the rear boundary of no. 2 Hill Brow.
- 2.3 The north-western boundary of the site adjoins the Tongdean Conservation Area.

## 3 RELEVANT HISTORY

### 6 The Spinney

**BH2014/01463** - 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. Refused 27/06/2014. Reasons for refusal: 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.

**BH2014/00220** - Remodelling of existing chalet bungalow to create a two storey 5no bedroom house with associated alterations including erection of first floor side extensions and creation of rear terrace. Refused 19/03/2014.

**BH2010/03560** - Application to extend time limit for implementation of previous approval BH2005/02404/FP for a first floor extension over existing garage including rear balcony, and extension of garage to the front. Approved 10/01/2011

**BH2005/02404/FP** - First floor extension over existing garage including rear balcony, and extension of garage to the front. Approved 16/11/2005

#### 5 The Spinney

**BH1999/01403** - Proposed addition to form two additional bedrooms, rear extensions and refurbishment. – **Approved** 09/08/1999

### **4 THE APPLICATION**

- 4.1 Planning permission is sought for the remodelling of the existing chalet bungalow to create a two storey, 5 no. bedroom house with associated alterations including the erection of first floor extensions to sides and rear and the creation of a roof terrace.

### **5 PUBLICITY & CONSULTATIONS**

#### **External**

- 5.1 **Neighbours: Three (3)** letters of representation have been received from **4 and 7 The Spinney** and **63 Hill Drive** objecting the application for the following reasons:

- the proposed development is far too large for The Spinney. All houses are discreet and fit their plot. It would leave a very small garden for the house size,
- the application is yet another 'domineering' application that is out of proportion for The Spinney and the existing residences,
- the building would result in loss of light, overlooking, loss of privacy and obscure distant sea views,
- The Spinney is part of a Conservation Area that should be protected. It represents an overdevelopment and the building footprint is not in proportion to the plot size and location,
- Change from last plan appears to be that there would be one less new upper-storey window. There is no change from before to the positioning of the remaining new window at the rear or to the proposed new balcony and its door,
- Loss of privacy and over-looking. The large separating Leylandi on the boundary with no. 63 Hill Drive will be removed following completion of the purchase of land currently related to no. 4 Hill Brow on the 28<sup>th</sup> November 2014.

- 5.2 **CAG:** The group noted there is an existing consent for a large extension and do not feel the proposal will affect the Conservation Area as a whole. The Group have no objection on conservation grounds to the application, however, regret the inappropriate design of the building in the context of other buildings within the close.
- 5.3 **Councillors Brown and Bennett:** Object to the application. Correspondence attached.

## 6 MATERIAL CONSIDERATIONS

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

## 7 RELEVANT POLICIES & GUIDANCE

### The National Planning Policy Framework (NPPF)

#### Brighton & Hove Local Plan:

QD14	Extensions and alterations
QD27	Protection of Amenity
HE6	Development within or affecting the setting of conservation areas

Supplementary Planning Documents:

SPD12 Design Guide for Extensions and Alterations

Brighton & Hove City Plan Part One (submission document)

SS1 Presumption in Favour of Sustainable Development

## 8 CONSIDERATIONS & ASSESSMENT

### **Planning history:**

- 8.1 It is noted that a two storey side extension was granted permission under reference BH2005/02404/FP in November 2005 (within the current local plan period). This permission was subsequently extended under reference BH2010/03560 on 10/01/2011. While this previous permission is not extant (expiry was on the 10<sup>th</sup> January 2014) given it was approved in the same plan period and same policies, with the exception of SPD12, some weight can be given to this previous consent. The previously approved extensions were thought considerably different to the current proposals and as such there are different visual and residential amenity considerations.
- 8.2 Under application BH2014/01463 permission was sought for the remodelling of the existing chalet bungalow to create a two storey 5 no. bedroom house with associated alterations including the erection of a first floor side extension and the creation of a roof terrace. This application was refused on grounds of the proposed width, siting, massing and detailing appearing unduly dominant and failing to emphasise or enhance the positive characteristics of the area in addition to the use of slate covering and part render elevations resulting in a development out of keeping and incongruous with The Spinney.
- 8.3 The main differences between the previously refused scheme and that now proposed include;
- The reduction in width of the proposed north-western side extension,
  - The creation of a first floor side extension on the south-eastern side of the dwelling, and
  - Changes to the proposed finish materials.
- 8.4 The main considerations in the determination of this application relate to the impacts of the proposal on the visual amenities of the parent property, The Spinney streetscene and the wider area. The impacts upon the amenities of the neighbouring properties also need to be assessed.

### **Visual Amenity:**

- 8.5 Policy QD14 of the Brighton & Hove Local Plan states that planning permission for extensions or alterations to existing buildings, including the formation of rooms in the roof, will only be granted if the proposed development:
- a) is well designed, sited and detailed in relation to the property to be extended, adjoining properties and to the surrounding area;
  - b) would not result in significant noise disturbance or loss of privacy, outlook, daylight/sunlight or amenity to neighbouring properties;



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- c) takes account of the existing space around buildings and the character of the area and an appropriate gap is retained between the extension and the joint boundary to prevent a terracing effect where this would be detrimental to the character of the area; and
  - d) uses materials sympathetic to the parent building.
- 8.6 In considering whether to grant planning permission for extensions to residential and commercial properties, account will be taken of sunlight and daylight factors, together with orientation, slope, overall height relationships, existing boundary treatment and how overbearing the proposal will be.
- 8.7 The application seeks permission for the creation of an additional storey to replace an existing chalet style roof form. The proposed first floor extension would increase the overall width of the first floor level of the property from approximately 12.7m to approximately 18.6m, this width includes that of the proposed two side extensions. The ridge of the proposed main hipped roof form would measure approximately 6.6m and would be located approximately 8.2m above ground level, which is the same height as the ridge of the existing gable end roof form.
- 8.8 On the north-western side of the proposed first floor extension a barn end hipped roof side extension would project beyond the main front building line of the dwelling by approximately 1.7m to align with the existing 'billiards room' extension below. The width of this proposed side extension would be integrated with the main proposed first floor extension. The ridge of this proposed extension would be subordinate to that of the main ridge of the dwelling by approximately 1.5m.
- 8.9 The proposed south-eastern side first floor extension would be set back from the main front first floor building line by approximately 2.2m. The ridge of this proposed extension would be located approximately 1.5m.
- 8.10 The eaves of the proposed side extensions would be level with those proposed for the main section of the first floor extension.
- 8.11 Hipped roofs would be constructed over the existing ground floor side extensions located on the north-western side of the dwelling.
- 8.12 The rear of the remodelled dwelling would comprise a new hipped roof section which would project beyond the main rear first floor building line of the property, by approximately 2.4m. A balcony area would be created to the north of the proposed extension, above the existing ground floor living and dining rooms.
- 8.13 Following amendments to the previously refused scheme it is considered that the proposed extensions would maintain space to the northern side of the dwelling and therefore the proposal would not dominate the plot or be incongruous with the surroundings which is marked by buildings set within relatively large spacious plots.
- 8.14 The overall roof height would not be increased, but the existing roof would be replaced with a main hipped roof and front and rear projecting hipped roofs and a side hipped roof, which would increase the bulk and presence of the dwellings

roof. The area is low density and has some very large properties, particularly those facing Dyke Road. However, The Spinney is a more intimate cul-de-sac, with open front boundaries and does not have the setback, spacing and means of enclosure commonplace along Dyke Road. Despite the proposed increase in bulk at roof level, due to the siting of the property within the western corner of the cul-de-sac and the siting of a double hipped roof garage related to no. 7 The Spinney the property is not highly visible from within The Spinney or the adjacent Conservation Area, the boundary of which is located to the north-east and south-east of the site.

- 8.15 The dwelling as altered would comprise clay tiles, painted woodwork windows, face brickwork at ground floor level (front and side elevations) and cream coloured rendering. It is noted that the previous application was refused on grounds including the use of slate roof covering and part rendered elevations. Whilst it is noted that the current proposal still proposes the use of render to some parts of the front and side elevations and the whole of the rear elevation, it is not considered that refusal on this basis could be warranted this time given that the rear and north-west facing elevations would not be highly visible from within The Spinney or the adjacent Conservation Area and the amendments to the proposal, since the previous refusal, results in a reduction in area of proposed render to the front elevation. Samples of the proposed finish material could be obtained via a condition.
- 8.16 Overall it is considered that the current proposal would be of a scale and massing that respects the spacing around the existing dwelling and the neighbouring properties and would result in a development that would not have a detrimental impact upon the positive characteristics of The Spinney and the surrounding area, including the surrounding Conservation Area.

**Neighbouring Amenity:**

- 8.17 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.
- 8.18 A single storey flat roofed outbuilding, possibly containing a swimming pool, is located to the north of the site, relating to 2 Hill Brow. Despite the proposed additional massing and bulk that the proposal would add to the northern side of 6 The Spinney, at first floor level, it is not considered that the proposal would have a significant adverse impact upon the occupiers of no. 2 Hill Brow.
- 8.19 No. 5 The Spinney benefits from two large side facing dormer roof style extensions which directly overlook the driveway and front curtilage of the site. These neighbouring extensions are unneighbourly and having examined the planning history it is assumed could have been built under permitted development pre-2008. The dormers face north-west almost upon the boundary edge. It is not considered that the proposal would have a significant adverse impact upon the amenities of the south-eastern neighbouring property with regards to loss of light, sunlight or outlook as the two storey element would be located approximately 6m away from the shared boundary with his neighbour. In respect of overlooking and

loss of privacy it could be ensured that the proposed first floor south facing window contains obscure glazing and is fixed shut to ensure no loss of privacy would result from that aspect.

- 8.20 The impact upon 7 The Spinney and others in the cul-de-sac is considered acceptable. The additional storey, extensions and proposed balcony are sited as such that they are sufficiently spaced and orientated that would they not cause additional harm.
- 8.21 Hill Drive has a curved building line and as a result the extensions would have a differing relationship with the adjoining plots in Hill Drive to the rear and side.
- 8.22 The rear elevation of the site has a south west aspect which faces across the rear of plots at 57, 59 & 61 Hill Drive. The rear elevation would be sited approximately 20m from the bottom of 59 Hill Drive and 40m from the rear garden of 57 Hill Drive. Given such distances, and given that the overlook would be to the foot of the garden, it is not considered that the proposal would have a significant adverse impact upon the amenities of these neighbours.
- 8.23 The property in Hill Drive mostly likely to be affected by the extensions is number 63. This neighbouring property has a set back building line from others on the south and eastern side of Hill Drive and given the curvature of the street, it brings it into greater proximity than the other adjacent plots. 63 Hill Drive has a balcony which faces out over the current screening between the properties, a large hedge; towards the rear garden of 6 The Spinney.
- 8.24 The proposed northern elevation would have a significantly increased presence by reason of its increase in height, massing, and the topography of the area. However, given the spacing, at over 20m from the main building at 63 Hill Drive it is not considered that the proposal would result in any loss of light or cause overshadowing. Furthermore, the spacing between properties would ensure that the outlook would not be unduly harmed and would be within an acceptable tolerance for a suburban area such as this.
- 8.25 The main concern in this case is with regards to loss of privacy. The north elevation would only have one side facing openings at the upper level. If overall considered acceptable it could be ensured that this window contains obscure glazing and is fixed shut to ensure no loss of privacy would result from that aspect. The rear facing aspect would face towards the south west and only allow oblique views towards 63 Hill Drive.
- 8.26 In addition, the proposal seeks a balcony at first floor which would have a depth of approximately 2.8m and would be sited 8.6m from the northern most sided side elevation. In addition to the 20+ metres between the side elevation of 63 Hill Drive it is not considered that the loss of privacy from this balcony would be demonstrably harmful and a sustainable position at appeal.
- 8.27 It is noted that the objection received from no. 63 Hill Drive refers to loss of privacy and overlooking to land currently related to no. 4 Hill Brow. It is stated that on the 28<sup>th</sup> November 2014 part of the garden area (the southern most section)

currently related to no. 4 Hill Brow will belong to no. 63 Hill Drive and as a result the large Leylandii located along the eastern boundary of no. 63 will be removed. Despite this proposed neighbouring land ownership change it is not considered that the proposal would have a significant adverse impact upon the amenities of no. 63 given that there is vegetation screening along the southern and eastern boundaries of the southern most section of the garden currently related to no. 4 Hill Brow and given that any oblique views north-west would overlook the foot of the garden of no. 4 Hill Brow/63 Hill Drive once land acquisition has been completed.

## 9 CONCLUSION

- 9.1 In conclusion, subject to the compliance with the attached conditions, it is considered that the proposal would not be of detriment to the visual amenities of the parent property, The Spinney streetscene or the wider area including the adjacent Conservation Area. Furthermore, subject to the compliance with the recommended conditions it is not considered that the proposal would have a significant adverse impact upon the amenities of neighbouring properties.

## 10 EQUALITIES

- 10.1 None identified.

## 11 PLANNING CONDITIONS / INFORMATIVES

### 11.1 Regulatory Conditions:

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

Plan Type	Reference	Version	Date Received
Site Plan	-	-	16 <sup>th</sup> September 2014
Block Plan (As Existing)	-	-	5 <sup>th</sup> September 2014
Block Plan (As Proposed)	-	-	5 <sup>th</sup> September 2014
Existing – Ground Floor Plan	1	-	5 <sup>th</sup> September 2014
Existing – 1st Floor Plan	2	-	5 <sup>th</sup> September 2014
Existing – Front & Rear Elevations	3	-	5 <sup>th</sup> September 2014
Existing – Side Elevations	4	-	5 <sup>th</sup> September

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			2014
Proposed Alterations– Ground Floor Plan	5	-	5 <sup>th</sup> September 2014
Proposed Alterations – 1 <sup>st</sup> Floor Plan	6	B	5 <sup>th</sup> September 2014
Proposed Alterations – Front and Rear Elevations	7	B	5 <sup>th</sup> September 2014
Proposed Alterations – Side Elevations	8	C	2 <sup>nd</sup> October 2014
Rear Elevation (with outline of BH2010/03560)	9	-	5 <sup>th</sup> September 2014
Front Elevation (with outline of BH2010/03560)	10	-	5 <sup>th</sup> September 2014

- 3) 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 south-east and north-west elevation/roofslope 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.

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

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

- 5) 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.

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:

PLANNING COMMITTEE LIST- 19 NOVEMBER 2014

- (i) having regard to the policies and proposals in the National Planning Policy Framework and the Development Plan, including Supplementary Planning Guidance and Supplementary Planning Documents:  
(Please see section 7 of the report for the full list); and
  
- (ii) for the following reasons:-  
Subject to the compliance with the attached conditions, it is considered that the proposal would not be of detriment to the visual amenities of the parent property, The Spinney streetscene or the wider area including the adjacent Conservation Area. Furthermore, subject to the compliance with the recommended conditions it is not considered that the proposal would have a significant adverse impact upon the amenities of neighbouring properties.

Dear Ms Arnold

Re BH2014\ 03008. 6 The Spinney. Hove

As Ward Councillors we objected to the last two applications and feel we have to object yet again.

The only differences appear to be a slightly reduced roof line and one less window.

The design and scale of the proposed house is still out of keeping with the rest of the houses in The Spinney and would be an overdevelopment of the site.

It would have a detrimental effect on the residents behind them at 63 Hill Drive. Their only area of private garden is a small area to the South neighbouring The Spinney. This proposal brings additional upper storey windows and a large balcony at the back that will seriously overlook the garden and main bedroom of 63 Hill Drive. This will cause a loss of privacy.

This balcony and the windows will also overlook the 3 houses that are to be constructed on the Flamingo site in Hill Brow.

If this application is recommended to be passed we would request that it goes before the planning committee.

Yours sincerely

Vanessa Brown.            Jayne Bennett





<b>PLANNING COMMITTEE</b>	<b>Agenda Item 105</b> Brighton & Hove City Council
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**Information on Pre-application Presentations and Requests**

**Upcoming presentations – Dates TBC**

Anston House, Preston Road, Brighton – site redevelopment

<b>Date</b>	<b>Address</b>	<b>Ward</b>	<b>Proposal</b>
7 <sup>th</sup> October 2014	<b>Brighton College, Eastern Road, Brighton</b>	Queens Park	Demolition of existing swimming pool and old music school buildings and erection of a 5no storey new academic building with connections to the Great Hall and Skidelsky building, including removal of existing elm tree and other associated works.
1 <sup>st</sup> April 2014	<b>Land at Meadow Vale, Ovingdean</b>	Rottingdean Coastal	Construction of 112 new dwellings with vehicular access provided from a new junction on Ovingdean Road, on-site open space and a landscaping buffer along the Falmer Road boundary.
11 <sup>th</sup> March 14	<b>Hove Park Depot, The Droveaway, Hove</b>	Hove Park	Demolition of existing buildings and construction of a new two storey primary school building with brise soleil solar shading, solar panels and windcatchers with associated external hard and soft landscaping
18 <sup>th</sup> February 14	<b>City College, Wilson Avenue, Brighton</b>	East Brighton	Additional accommodation
29 <sup>th</sup> October 13	<b>Hippodrome, Middle Street, Brighton</b>	Regency	Refurbishment and Extension
17 <sup>th</sup> Sept 13	<b>One Digital, Hollingdean Road, Brighton</b>	Hollingdean and Stanmer	Student accommodation development
27 <sup>th</sup> Aug 13	<b>The BOAT, Dyke Road Park, Brighton</b>	Hove Park	Outdoor theatre
16 <sup>th</sup> July 13	<b>Circus Street, Brighton</b>	Queen's Park	Pre-application proposed re-development

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



<b>PLANNING COMMITTEE</b>	<b>Agenda Item 106(a)</b> Brighton & Hove City Council
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**PLANS LIST 19 November 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**

**BH2014/02069**

**2 Overhill Way Brighton**

Raising of roof height to form first floor with dormers and rooflights to front and rear, removal of existing conservatory and other associated works.

**Applicant:** Mike Walker

**Officer:** Joanne Doyle 292198

**Refused on 23/10/14 DELEGATED**

**1) UNI**

The rear dormer windows, by reason of their excessive size, number and failure to align with the fenestration below would result in overly dominant features and a cluttered appearance to the rear roof slope. The proposed front rooflights in close proximity to the front dormer window, by reason of number, would create a cluttered appearance to the front roof slope. The proposal would therefore be of detriment to the character and appearance of the existing property and the wider Overhill Way 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.

**2) UNI2**

The proposed first floor rear dormers by reason of their elevated height together with the siting of the property in close proximity with no. 44 Highview Avenue South to the east would result in increased overlooking and loss of privacy towards the side windows and garden space of no. 44 Highview Avenue South to the detriment of the residential amenity. As such, the proposal is thereby contrary to policies QD14 and QD27 of the Brighton & Hove Local Plan.

**BH2014/02821**

**28 Highfield Crescent Brighton**

Formation of rear access steps and decking. (Retrospective)

**Applicant:** Mr Jasbir Johal

**Officer:** Robin Hodgetts 292366

**Approved on 27/10/14 DELEGATED**

**1) UNI**

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

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

Plan Type	Reference	Version	Date Received
Site location plan			20/08/14

Block plan			20/08/14
Existing and proposed plans	01		01/09/14
Existing and proposed elevations	02		01/09/14

**BH2014/02897****7 Denton 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 5.11m, for which the maximum height would be 3.2m, and for which the height of the eaves would be 2.98m.

**Applicant:** Mr Iain Palmer

**Officer:** Mark Thomas 292336

**Prior approval not required on 09/10/14 DELEGATED**

**BH2014/02941****148 Mackie Avenue Brighton**

Roof alterations including hip to gable roof extension, rear dormer and front rooflights.

**Applicant:** Mr Robert Ankers

**Officer:** Tom Mannings 292322

**Refused on 16/10/14 DELEGATED**

**1) UNI**

The proposed rear dormer, by virtue of its excessive size and design, would be detrimental to the character and appearance of the property. This is contrary to policies QD1 and QD14 of the Brighton & Hove Local Plan and Supplementary Planning Document Design Guide for Extension and Alterations (SPD12).

**2) UNI2**

The proposed hip to gable extension would unbalance the pair of semi detached properties and would be out of keeping within the street scene. The proposal is therefore contrary to policies QD1, QD2, and QD14 of the Brighton & Hove Local Plan and Supplementary Planning Document Design Guide for Extension and Alterations (SPD12).

**3) UNI3**

The proposed 2no velux rooflights would not align with the existing windows below and relate poorly to the host building. The proposal is therefore contrary to policy QD14 of the Brighton & Hove Local Plan and Supplementary Planning Document Design Guide for Extension and Alterations (SPD12).

**BH2014/03023****Maycroft & Parkside London Road & 2-8 Carden Avenue Brighton**

Application for Approval of Details Reserved by Condition 21 of application BH2011/03358.

**Applicant:** Hallmark Care Homes

**Officer:** Liz Arnold 291709

**Approved on 09/10/14 DELEGATED**

**BH2014/03188****2 Highview Avenue South Brighton**

Prior approval for the erection of a single storey rear extension, which would extend beyond the rear wall of the original house by 4m, for which the maximum

height would be 3.626m, and for which the height of the eaves would be 2.567m.

**Applicant:** Mr & Mrs Smith

**Officer:** Joanne Doyle 292198

**Prior approval not required on 29/10/14 DELEGATED**

**BH2014/03189**

**4 Highview Avenue South Brighton**

Prior approval for the erection of a single storey rear extension, which would extend beyond the rear wall of the original house by 4m, for which the maximum height would be 3.626m, and for which the height of the eaves would be 2.581m.

**Applicant:** Mr & Mrs James

**Officer:** Tom Mannings 292322

**Prior approval not required on 29/10/14 DELEGATED**

**PRESTON PARK**

**BH2014/02413**

**Flat 2 122 Beaconsfield Villas Brighton**

Installation of rear dormer and rooflights to front and rear elevations.

**Applicant:** Mr & Mrs Carr

**Officer:** Jessica Hartley 292175

**Approved on 13/10/14 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 rooflights hereby approved shall have steel or cast metal frames fitted flush with the adjoining roof surface and shall not project above the plane of the roof.

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

**3) UNI**

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

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

**4) UNI**

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

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

Plan Type	Reference	Version	Date Received
Block Plan	ADC686/BP		18/07/2014
Location Plan	ADC686/LP		18/07/2014
Existing Plans	ADC686/01		18/07/2014
Existing Elevations	ADC686/02	A	18/07/2014
Proposed Plans	ADC686/03		18/07/2014
Proposed Elevations	ADC686/04		18/07/2014

**BH2014/02625**

**Flats 1, 2 & 3 Westcombe 136 Dyke Road Brighton**

Installation of ramped access to communal entrance from Dyke Road.

**Applicant:** Mrs Kelly Ridley

**Officer:** Joanne Doyle 292198

**Approved on 10/10/14 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			05 Aug 2014
Block Plan			05 Aug 2014
Existing & Proposed Front Access	mb/03/westco mbe 1		05 Aug 2014
Existing & Proposed Elevations	Mb/04/westco mbe 1		05 Aug 2014

**BH2014/02632****9 Stanford Avenue Brighton**

Conversion of care home (C2) to form 2no one bedroom and 2no two bedroom flats (C3) with associated works including alterations to fenestration and rear Juliet balcony.

**Applicant:** Mr Lindsay Shookye

**Officer:** Wayne Nee 292132

**Approved on 09/10/14 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 side and rear elevations, following demolition and alteration works, 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**

Notwithstanding the submitted plans 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. The details shall make provision for a cycle ramp to improve access for future residents. The 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 residential units hereby approved shall not 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 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: To ensure the provision of satisfactory facilities for the storage of refuse and to comply with policy SU2 of the Brighton & Hove Local Plan.*

**6) UNI**

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

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

Plan Type	Reference	Version	Date Received
Location plan	13/149/skLoc		05 August 2014
Existing block plan	13/149/skBP1		05 August 2014
Proposed block plan	13/149/skBP		05 August 2014
Existing floor plans and elevations	13/149/01		05 August 2014
Proposed floor plans and elevations	13/149/02	A	05 August 2014

**7) UNI**

No development shall commence until a BRE issued Interim/Design Stage Certificate demonstrating that the development has achieved a BREEAM Domestic Refurbishment rating of 'pass' as a minimum for 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.*

**BH2014/02683****29 Grantham Road Brighton**

Certificate of lawfulness for proposed conversion of 2no flats to a single dwelling.

**Applicant:** Mr S Crunden  
**Officer:** Benazir Kachchhi 294495  
**Approved on 10/10/14 DELEGATED**

**BH2014/02684****Land to rear 7-9 Springfield Road Brighton**

Erection of a single storey three bed dwelling house with associated landscaping and pedestrian and cycle access.

**Applicant:** Geneva Investment Group Ltd  
**Officer:** Liz Arnold 291709

**Approved on 23/10/14 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 development hereby approved shall not be occupied until the refuse and recycling storage facilities indicated on the approved plans have been fully implemented and made available for use. These facilities shall thereafter be retained for use at all times.

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

**4) UNI**

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.*

**5) UNI**

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

*Reason: To ensure a satisfactory appearance to the development and to comply*



*with policies QD1 and QD14 of the Brighton & Hove Local Plan.*

**6) UNI**

(i) No works pursuant to this permission shall commence until there has been submitted to and approved in writing by the local planning authority: (A desktop study shall be the very minimum standard accepted. Pending the results of the desk top study, the applicant may have to satisfy the requirements of b and c below, however, this will all be confirmed in writing).

(a) A desk top study documenting all the previous and existing land uses of the 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) as built drawings of the implemented scheme;*

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

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

*Thereafter the scheme shall be monitored and maintained in accordance with the scheme approved under condition (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.*

**7) UNI**

No development or other operations shall commence on site in connection with the development hereby approved (including any tree felling, tree pruning, demolition works, soil moving, temporary access construction and or widening, or any operations involving the use of motorised vehicles or construction machinery) until a detailed Arboricultural Method Statement regarding tree protection of trees within site and within the vicinity of 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 Method Statement.

*Reason: To protect the trees which are to be retained on the site and adjacent to 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.*

**8) UNI**

No development shall take place until there has been submitted to and approved

in writing by the Local Planning Authority a scheme for landscaping, which shall include hard surfacing, boundary treatments, planting of the development.

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

**9) UNI**

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

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

**10) UNI**

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

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

**11) UNI**

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

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

**12) UNI**

No development shall take place until a Constructional Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include:

- (i) The phases of the Proposed Development including the forecasted completion date(s)
- (ii) A commitment to apply to the Council for prior consent under the Control of Pollution Act 1974 and not to Commence Development until such consent has been obtained
- (iii) A scheme of how the contractors will liaise with local residents to ensure that residents are kept aware of site progress and how complaints will be dealt with reviewed and recorded (including details of any considerate constructor or similar scheme)
- (iv) A scheme of how the contractors will minimise complaints from neighbours regarding issues such as noise and dust management vibration site traffic and deliveries to and from the site
- (v) A plan showing construction traffic routes

On receipt of written confirmation from the Council stating approval of the CEMP the Developer shall use its reasonable endeavours to implement the

commitments set out in the CEMP during the construction period.

*Reason: In the interests of amenity and highway safety, to comply with policies QD27, SU9, SU10 and TR7 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**

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.*

**15) UNI**

Unless otherwise agreed in writing with the Local Planning Authority the measures set out in the Site Minimisation Statement submitted on the 11th August 2014 shall be implemented in strict accordance with the approved details.

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

**16) UNI**

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

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

Plan Type	Reference	Version	Date Received
Existing Site Survey	0153-S001	-	11th August 2014
Site Location & Block Plan, Survey Elevations	0153-S002	-	11th August 2014
Proposed Plan in Context & Roof Plan	0153-A001	Rev. A	8th September 2014
Proposed Elevations/Section	0153-A002	Rev. A	8th September 2014

**25 Waldegrave Road Brighton**

Erection of a single storey side/rear extension.

**Applicant:** Mr & Mrs Scott**Officer:** Lorenzo Pandolfi 292337**Approved on 15/10/14 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 Details			08/08/2014
Proposed Details			08/08/2014

**BH2014/02748****31 Waldegrave Road Brighton**

Replacement of existing windows with UPVC sash windows to front elevation. (Retrospective)

**Applicant:** Mr Paul Whelpton**Officer:** Robin Hodgetts 292366**Refused on 16/10/14 DELEGATED****1) UNI**

The replacement windows to the bay on the front elevation, by virtue of their material and detailing would represent a harmful alteration that fails to preserve the character or appearance of the building or wider Preston Park Conservation Area. The proposal is thereby contrary to policies QD14 and HE6 of the Brighton &amp; Hove Local Plan, and SPD09, Architectural Features, and SPD12, Design Guide for Extensions and Alterations.

**BH2014/02753****36 New England Road Brighton**

Conversion, extension and reconfiguration of existing shop and four bedroom maisonette to form ground floor shop with office, first and second floor maisonette and three bedroom dwelling to rear with associated alterations.

**Applicant:** Mr Simon Farncombe**Officer:** Adrian Smith 290478**Approved on 16/10/14 DELEGATED****1) BH01.01**

The development hereby permitted shall be commenced before the expiration of

three years from the date of this permission.

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

**2) UNI**

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

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

**3) UNI**

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

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

**4) UNI**

The first floor window in the north elevation to bedroom 1 as shown on drawing no.TA741/11 rev. L received on 14 August 2014, shall not be glazed otherwise than with obscured glass up to a height of 1.7m above internal floor level 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 not be occupied until the cycle parking facilities shown on the approved plans have been fully implemented and made available for use. The cycle parking facilities shall thereafter be retained for use by the occupants of, and visitors to, the development at all times.

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

**6) UNI**

The development hereby permitted shall 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**

Prior to the first occupation of the development hereby permitted the applicant shall reinstate the redundant vehicle crossover fronting Argyle Street 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.*

**8) 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.*

**9) UNI**

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

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

**10) UNI**

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

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

Plan Type	Reference	Version	Date Received
Site plan and block plan	TA741/01	A	14/08/2014
Existing floor plans	TA741/02	C	14/08/2014
	TA741/03	B	14/08/2014
Existing elevations	TA741/04	A	14/08/2014
	TA741/08		14/08/2014
	TA741/09		14/08/2014
Existing sections	TA741/06	B	14/08/2014
	TA741/07		14/08/2014
Proposed floor plans	TA741/10	M	12/09/2014
	TA741/11	L	14/08/2014
Proposed elevations	TA741/12	L B	14/08/2014
	TA741/17		14/08/2014
	TA741/18		14/08/2014
Proposed sections	TA741/14	J G	14/08/2014
	TA741/15		14/08/2014
	TA741/16		14/08/2014

**11) 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.*

**BH2014/02773****2 Preston Road Brighton**

Creation of rear roof terrace with associated roof alterations, railings and fencing. Relocation of kitchen intake and extract and new flat roof to replace existing pitched roof to rear elevation.

**Applicant:** W H Brakspear & Sons

**Officer:** Liz Arnold 291709

**Refused on 29/10/14 DELEGATED****1) UNI**

The proposed roof terrace and associated access doors, in the absence of information to indicate otherwise, would result in a significant harm to amenity for occupants of adjoining properties by way of increased noise and disturbance. The proposal is therefore contrary to policies SU10 and QD27 of the Brighton & Hove Local Plan.

**2) UNI2**

The proposed roof terrace, as a result of its elevated siting and the inclusion of timber fencing and metal balustrading, would result in a development that adds visual clutter to the rear of the property and appears as an incongruous development that would be of detriment to the visual amenities of the parent property, the Beaconsfield Road street scene and the wider area. The proposal is therefore contrary to policy QD14 of the Brighton & Hove Local Plan, and Supplementary Planning Document 12, Design Guide for Extensions and Alterations.

**3) UNI3**

The repositioned extract units, in the absence of information to indicate otherwise, would detrimental impact on the amenity of occupiers of neighbouring properties by way of noise and odour disturbance. The proposal is therefore contrary to policies SU9, SU10 and QD27 of the Brighton & Hove Local Plan.

**BH2014/02777****43 Springfield Road Brighton**

Erection of single storey lower ground and second floor rear extensions, front rooflight and detached bicycle shed to side of house.

**Applicant:** Peter Aston

**Officer:** Chris Swain 292178

**Refused on 22/10/14 DELEGATED****1) UNI**

The proposed second storey rear extension by reason of design, form, siting and inappropriate detailing would relate poorly to the original built form of the property resulting in an overly dominant and harmful addition that would detract significantly from the character and appearance of the building and the wider Preston Park Conservation Area, contrary to policies QD14 and HE6 of the Brighton & Hove Local Plan and the Supplementary Planning Document: Design Guide for Extensions and Alterations (SPD12).

**2) UNI2**

The proposed single storey rear extension by reason of design, detailing and materials would relate poorly to the original built form of the property detracting from architectural integrity of the rear façade and harming the character and appearance of the building and the wider Preston Park Conservation Area, contrary to policies QD14 and HE6 of the Brighton & Hove Local Plan and the

Supplementary Planning Document: Design Guide for Extensions and Alterations (SPD12).

**BH2014/02779****110 Preston Drove Brighton**

Demolition of existing rear extension and erection of replacement single storey rear extension. Alterations to garage to reduce size and associated landscaping.

**Applicant:** Mr Andy Field

**Officer:** Robert Hermitage 290480

**Approved on 29/10/14 DELEGATED**

**1) BH01.01**

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

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

**2) UNI**

The vehicle parking area shown 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.*

**3) UNI**

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

*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 and Site Plan	594/13/01/B	-	26th August 2014
Proposed Side Extension	594/13/04/A	-	26th August 2014
Existing Plans and Elevations	594/13/02/A	-	26th August 2014
Proposed Side Extension	594/13/02/A	-	26th August 2014

**5) UNI**

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

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

**BH2014/02849****Top Floor Flat 48 Old Shoreham Road Brighton**

Installation of rooflights to front and rear elevations.

**Applicant:** Mr Martin Simpson

**Officer:** Robert Hermitage 290480

**Approved on 17/10/14 DELEGATED**

**1) BH01.01**



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

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

**2) UNI**

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

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

Plan Type	Reference	Version	Date Received
Existing and Proposed Elevations and Plans	SI/01	A	9th October 2014

**REGENCY****BH2014/02216****Former Royal Alexandra Hospital 57 Dyke Road Brighton**

Application for approval of details reserved by condition 21 of application BH2010/03379.

**Applicant:** Taylor Wimpey South West Thames

**Officer:** Helen Hobbs 293335

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

**BH2014/02338****51 Ship Street Brighton**

Application for approval of details reserved by condition 3 of application BH2014/01390.

**Applicant:** Veerose Ltd

**Officer:** Christopher Wright 292097

**Approved on 27/10/14 DELEGATED**

**BH2014/02340****51 Ship Street Brighton**

Application for approval of details reserved by condition 2 of application BH2014/01391.

**Applicant:** Veerose Ltd

**Officer:** Christopher Wright 292097

**Approved on 27/10/14 DELEGATED**

**BH2014/02485****7, 7A & 7B Ship Street Gardens Brighton**

Demolition of existing buildings (comprising A1, A3 and D1) and erection of part one and part two storey office building (B1).

**Applicant:** Taylor Patterson Sipp

**Officer:** Liz Arnold 291709

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

**1) UNI**

The proposed development, by virtue of the proposed height of the two storey element and its close proximity to eastern neighbouring residential properties, would result in an unneighbourly form of development which would have an

overbearing impact and lead to an increased sense of enclosure for the occupiers of nos. 5 and 6 Ship Street Gardens, contrary to policy QD27 of the Brighton & Hove Local Plan.

**BH2014/02583****Cavendish House 138 Kings Road Brighton**

Creation of gutter between Cavendish House and Kings Hotel.

**Applicant:** Cavendish House Investment Co Ltd

**Officer:** Chris Swain 292178

**Approved on 24/10/14 DELEGATED**

**1) BH01.05**

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

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

**2) UNI**

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

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

**BH2014/02690****Second Floor Flat 31 Montpelier Crescent Brighton**

Installation of stair lift to stairs between ground floor and second floor.

**Applicant:** Mr Ian Jones

**Officer:** Helen Hobbs 293335

**Approved on 29/10/14 DELEGATED**

**1) UNI**

The stair lift shall be wholly removed and the background surfaces shall be made good to the original profiles in matching materials within 3 months of the cessation of occupation of 31 Montpelier Crescent by Mr I Jones.

*Reason: This permission is granted exceptionally in view of the personal circumstances of the applicant and to protect the historic character and appearance of the listed building in accordance with policy HE1 of the Brighton & Hove Local Plan.*

**BH2014/02749****Flat 4 Powis Lodge 1 Powis Square Brighton**

Replacement of sash window in existing frame to front elevation.

**Applicant:** Mr & Mrs Edward Merdler

**Officer:** Joanne Doyle 292198

**Approved on 24/10/14 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.*

**BH2014/02774****58 Ship Street Brighton**

Display of internally illuminated fascia lettering, 1no internally illuminated hanging sign, 2no internally illuminated menu boxes, 1no non illuminated panel sign and 2no window vinyl signs.

**Applicant:** Gondola Group Ltd

**Officer:** Helen Hobbs 293335

**Refused on 16/10/14 DELEGATED**

**1) UNI**

The proposed menu box signs by virtue of their excessive number and size, form inappropriate and unsympathetic additions, detracting from the character and appearance of the listed building and surrounding conservation area and is contrary to policies QD12, HE1, HE6 and HE9 of the Brighton & Hove Local Plan and Supplementary Planning Document 07 on Advertisements.

**2) UNI2**

The timber panel sign, due to its size, design and siting would form an inappropriate and unsympathetic addition, detracting from the appearance of the listed building as well as obscuring the decorative railings. Furthermore in conjunction with the other proposed signage, the proposal would have a cluttered appearance causing further harm to the listed building. The proposal would therefore detract from the character and appearance of the listed building and surrounding conservation area and is contrary to policies QD12, HE1, HE6 and HE9 of the Brighton & Hove Local Plan and Supplementary Planning Document 07 on Advertisements.

**BH2014/02786**

**Crown House 21 Upper North Street Brighton**

Temporary use for ten years for office and medical assessment centre at ground floor level.

**Applicant:** Atos IT Services UK Limited

**Officer:** Paul Earp 292454

**Approved on 20/10/14 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 first occupation of the development hereby approved a Visitor Access Management Plan, which includes details of how visitors access the site (including via the undercroft parking area and lift), shall be submitted to and approved in writing by the Local Planning Authority. All access arrangements shall thereafter be carried out in accordance with the approved plan.

*Reason: In order to ensure safe and convenient access for all visitors, in accordance with polices TR1, TR7 & TR8 of the Brighton & Hove Local Plan.*

**3) UNI**

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

*Reason: To ensure that satisfactory facilities for the parking of cycles are*

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

**4) UNI**

No development shall commence until details of disabled car parking provision for the occupants of, and visitors to, the development hereby approved have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented and made available for use prior to the first occupation of the development hereby permitted and shall thereafter be retained for use at all times.

*Reason: To ensure the development provides for the needs of disabled staff and visitors to the site and to comply with Local Plan policy TR1, TR18, TR19 and Parking Standards SPG4.*

**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	1418-AC056-B righton-100		19 August 2014
Existing layout plan	1418-AC056-B righton-02		19 August 2014
Proposed layout plan	1418-AC056-B righton-01b		19 August 2014

**6) UNI**

The use hereby permitted shall cease on, or before, 20th October 2025 and the site shall thereafter return to its former B1.

*Reason: To safeguard the City's stock of office accommodation and to comply with policy EM5 of the Brighton & Hove Local Plan.*

**BH2014/02827****169-174 Western Road Brighton**

Display of non-illuminated vinyl graphics.

**Applicant:** Primark Stores Ltd

**Officer:** Lorenzo Pandolfi 292337

**Approved on 23/10/14 DELEGATED**

**1) BH10.01**

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

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

**2) BH10.02**

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

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

*(Control of Advertisements) (England) Regulations 2007 and for the purposes of visual amenity.*

**3) BH10.03**

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

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

**4) BH10.04**

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

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

**5) BH10.05**

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

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

**6) BH10.06**

No advertisement shall be sited or displayed so as to-

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

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

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

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

**BH2014/02832****86 Western Road Brighton**

Internal alterations to facilitate creation of ice cream parlour (A3).

**Applicant:** Creams London Ltd

**Officer:** Helen Hobbs 293335

**Approved on 16/10/14 DELEGATED**

**BH2014/02850****Koba 135 Western Road Brighton**

Application for approval of details reserved by conditions 5, 6, 7 and 8 of application BH2013/02437.

**Applicant:** Mr Jake Kempston

**Officer:** Mark Thomas 292336

**Split Decision on 24/10/14 DELEGATED**

**1) UNI**

The details pursuant to conditions 6, 7 and 8 and subject to full compliance with the submitted details.

**1) UNI**

The details pursuant to condition 5 are NOT APPROVED for the reason(s) set out

below:

1. The submitted information does not include details of the registered addresses for the new units. The informative associated with condition 5 on the decision notice specifically states that the applicant should include the registered addresses recorded with Street Name and Numbering. Without these registered address the Highway Authority cannot amend the Traffic Regulation Order (TRO). For these reasons insufficient information has been submitted in order to approve the details pursuant of condition 5.

**BH2014/02926****6 Stone Street Brighton**

Prior Approval for change of use of ground, first and second floors from offices (B1) to residential (C3) to form 3no self contained flats.

**Applicant:** FCHI Ltd

**Officer:** Christopher Wright 292097

**Prior Approval is required and is approved on 13/10/14 DELEGATED**

**ST. PETER'S & NORTH LAINE****BH2014/01502****47 Buckingham Place Brighton**

Installation of support and beams to support first floor balcony.

**Applicant:** 47 Buckingham Place Ltd

**Officer:** Chris Swain 292178

**Approved on 24/10/14 DELEGATED**

**1) BH01.01**

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

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

**2) UNI**

The hereby permitted structural supports shall be painted to match the colour of the front rendered façade of the building and shall be retained as such thereafter.

*Reason: To ensure the satisfactory preservation of this listed building and to comply with policies QD14, HE1 and HE6 of the Brighton & Hove Local Plan.*

**3) UNI**

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

*Reason: To ensure the satisfactory preservation of this listed building and to comply with policies QD14, HE1 and 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
Existing and proposed balcony elevations and site	03345/01	A	3 September 2014

and block plan			
Existing and proposed sections	03345/02	A	3 September 2014
Proposed balcony support arrangement	03345/03		3 September 2014

**BH2014/01503****47 Buckingham Place Brighton**

Installation of support and beams to support first floor balcony.

**Applicant:** 47 Buckingham Place Ltd

**Officer:** Chris Swain 292178

**Approved on 24/10/14 DELEGATED**

**1) BH01.05**

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

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

**2) UNI**

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

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

**3) UNI**

The hereby permitted structural supports shall be painted to match the colour of the front rendered façade of the building 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.*

**BH2014/01948****Brighton Station Queens Road Brighton**

Reconfiguration of taxi area to accommodate pedestrian access including ramp with handrails. Resurfacing of West station entrance.

**Applicant:** Southern Railway

**Officer:** Chris Swain 292178

**Approved on 24/10/14 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 permitted railings shall be painted black and retained as such thereafter.

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

**BH2014/02320****Ground & First Floor 15 Bath Street Brighton**

Conversion of 4 no existing bedsitting rooms to form 2no self - contained flats.

**Applicant:** Mr Tony Camps-Linney

**Officer:** Sonia Gillam 292265**Approved on 14/10/14 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 [Upgraded wall, floor, roof and piping insulation, improved glazing and boiler upgrade] detailed within the Sustainability Checklist received on the 11th July 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**

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

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

**4) UNI**

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

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

Plan Type	Reference	Version	Date Received
Site location plan and block plan	8LP		11/07/2014
Proposed floor plans	04A		06/10/2014
Existing floor plans	05		11/07/2014
Existing floor plans - second floor	06		11/07/2014

**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 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.*

**BH2014/02675**



**14 Buckingham Road Brighton**

Installation of railings to front and side of property.

**Applicant:** DK Majo (Estates) Ltd

**Officer:** Tom Mannings 292322

**Approved on 16/10/14 DELEGATED**

**1) BH01.01**

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

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

**2) UNI**

The railings shown on the approved plans shall be painted black within 1 month of their installation and shall be retained as such thereafter.

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

**3) UNI**

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

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

**4) UNI**

The development hereby permitted shall be carried out in accordance with 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			08/08/14
Site Block Plan			08/08/14
Existing & Proposed Plans	Mb/01		08/08/14
Elevations	Mb/05		06/10/14

**BH2014/02694****Unit 7 Brighton Railway Station Queens Road Brighton**

Internal alterations to layout to facilitate parcel shop with associated illuminated and non-illuminated signage.

**Applicant:** Network Rail Infrastructure Ltd

**Officer:** Wayne Nee 292132

**Approved on 23/10/14 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 adhesive or vinyl advertising or artwork shall be applied to the glazing facing the Station forecourt or the Station concourse unless 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.*

**3) UNI**

All existing skirting boards, window panelling and ceiling mouldings shall be retained in situ 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.*

**BH2014/02731****70 London Road Brighton**

Change of use from retail (A1) to laundrette (Sui Generis)

**Applicant:** Mr Zozef Rizkalla

**Officer:** Christopher Wright 292097

**Approved on 09/10/14 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 Aug 2014
Ground Floor and Basement Plans and Site Plans - Existing and Proposed	L227PC/LP/01		12 Aug 2014

**BH2014/02792****10 Wykeham Terrace Brighton**

Replacement of existing window with french doors and boiler flue to rear at basement level. Alterations to waste pipe and extract flue to rear at first floor level. Internal alterations to facilitate creation of bathroom at second floor.

**Applicant:** Professor Frans Berkhout & Diane Moody

**Officer:** Chris Swain 292178

**Approved on 17/10/14 DELEGATED**

**1) BH01.05**

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

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

**2) UNI**

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

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

**3) UNI**

No works shall take place until full details of the proposed works including

elevations and sectional drawings to a minimum scale of 1:5 with full size moulding cross sections, where mouldings are used 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 the satisfactory preservation of this listed building and to comply with policy HE1 of the Brighton & Hove Local Plan.*

**BH2014/02880****86A Centurion Road Brighton**

Replacement of existing timber windows with double glazed UPVC windows to rear elevation.

**Applicant:** Mrs Lynda McAngus

**Officer:** Joanne Doyle 292198

**Refused on 22/10/14 DELEGATED**

**1) UNI**

The replacement PVC windows to the rear elevation, which is visible from New Dorset Street, would harm the continuity of the rear façade of the application site and of the terrace as a whole. As such, the replacement windows would cause significant harm to the character and appearance of the recipient property, the New Dorset Road street scene and the wider West Hill Conservation Area. The proposal is therefore contrary to policy QD14 of the Brighton & Hove Local Plan and Supplementary Planning Documents 09, Architectural Features, and 12, Design Guide for Extensions and Alterations.

**BH2014/02905****20 Vine Street Brighton**

Installation of front door to existing porch opening.

**Applicant:** Mr James Cairns

**Officer:** Robert Hermitage 290480

**Approved on 15/10/14 DELEGATED**

**1) BH01.01**

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

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

**2) UNI**

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

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

Plan Type	Reference	Version	Date Received
Site Plan	-	-	1st September 2014
Block Plan	-	-	1st September 2014
Existing Plans and Elevations	126(SRV) 001	-	1st September 2014
Proposed Plan and Elevations	126(EXT) 001	-	1st September 2014

**BH2014/02976****16 Tichborne Street Brighton**

Application for approval of details reserved by conditions 11 and 12 of application BH2012/00780.

**Applicant:** Hanover Place Properties Ltd

**Officer:** Liz Arnold 291709

**Approved on 29/10/14 DELEGATED**

**BH2014/02987****Brighton Railway Station Queens Road Brighton**

Non Material Amendment to BH2012/03872 for revised use of first floor from café (A3) to Indoor Sports Facilities (D2) and retail (A1) to offices (B1) and lower ground floor to be used as café (A3).

**Applicant:** Southern Railway Ltd

**Officer:** Maria Seale 292175

**Approved on 20/10/14 DELEGATED**

**1) UNI**

The first floor outside terrace shall not be used for any sports classes associated with the first floor sports studios hereby permitted and any windows and doors serving the sports studios shall remain closed during use of the studios. Reason: To prevent undue noise and disturbance to neighbouring properties and to comply with policies QD27 and SU10 of the Brighton & Hove Local Plan.

**2) UNI**

The temporary timber panels in the openings on the northern elevation of the lower ground floor which will serve the future café shall be painted externally to match the external appearance of the building and the windows and doors originally approved under BH2012/03872 shall be installed before the lower ground floor café is first brought into use. Reason: To ensure a satisfactory appearance to the building and to comply with policy QD1 of the Brighton & Hove Local Plan.

**3) UNI**

The first floor D2 sports studios hereby permitted shall not be first brought into use until a scheme demonstrating an alternative means of ventilation (to the windows and doors) to the sports studios has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented before the sports studios are first brought into use and shall be thereafter retained as such. Reason: To ensure a satisfactory environment for users of the studios as it is necessary for the doors and windows to be closed during classes to protect amenity and to comply with policies QD27 and SU10 of the Brighton & Hove Local Plan.

**WITHDEAN****BH2014/02172****Varndean College Surrenden Road Brighton**

Retention of existing temporary classroom for a further temporary period of five years. (Retrospective).

**Applicant:** Varndean College

**Officer:** Helen Hobbs 293335

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**Approved on 29/10/14 DELEGATED**

**1) UNI**

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

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

Plan Type	Reference	Version	Date Received
Existing site location	ARWSXXPL10 0010	B	1st July 2014
Proposed site plan	ARWSXXEL10 0010	C	1st July 2014
Elevations	ARWSXXPL10 0025	D	1st July 2014

**2) UNI**

The temporary classroom building hereby permitted shall be removed and the land reinstated to its former condition immediately prior to the development authorised by this permission by 31st October 2019, or when it is no longer required (whichever is the earlier) in accordance with a scheme of work to be submitted to and approved in writing by the local planning authority.

*Reason: The structure is not considered suitable as a permanent form of development and permission is therefore granted for a temporary period only to comply with policies QD1, QD2 and SR20 of the Brighton & Hove Local Plan.*

**BH2014/02337**

**20 Gableson Avenue Brighton**

Formation of first floor over existing property with associated roof alterations.

**Applicant:** Mrs A Child

**Officer:** Joanne Doyle 292198

**Approved on 20/10/14 DELEGATED**

**1) BH01.01**

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

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

**2) UNI**

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

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

**3) UNI**

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

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

Plan Type	Reference	Version	Date Received
Site Location Plan	204		14 Aug 2014

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Block Plan	206		14 Aug 2014
Existing Floor Plans North & South Elevations & Roof Plan	200		14 Aug 2014
Existing East & West Elevations	201		14 Aug 2014
Proposed Floor Plans North & South Elevations & Roof Plan	202		14 Aug 2014
Proposed East & West Elevations	203		14 Aug 2014

**BH2014/02762****Top Floor Flat 75 Preston Drove Brighton**

Installation of rooflights to front and rear roof slopes.

**Applicant:** Mr S Shelly**Officer:** Robert Hermitage 290480**Approved on 20/10/14 DELEGATED****1) BH01.01**

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

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

**2) UNI**

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

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

**3) UNI**

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

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

Plan Type	Reference	Version	Date Received
Site Location Plan	-	-	14th August 2014
Existing and Proposed Elevations	SS/001	-	14th August 2014

**BH2014/02809****17 Gableson Avenue Brighton**

Certificate of lawfulness for proposed loft conversion incorporating hip to gable roof extension, insertion of 4no rooflights and creation of rear dormer.

**Applicant:** Mr & Mrs Mercer**Officer:** Joanne Doyle 292198**Approved on 13/10/14 DELEGATED****BH2014/02870****56 Windmill Drive Brighton**

Erection of a single storey rear extension to replace existing and associated raised decking with balustrade and steps to garden level.

**Applicant:** Mr & Mrs Jenner  
**Officer:** Lorenzo Pandolfi 292337

**Approved on 22/10/14 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 hereby approved decking shall not be brought into use until screening to the east and western (side) boundaries of the decking has been erected in accordance with drawing no. 1213 02A. The screening 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
Existing Plans, Section and Elevations	1213 01		27/08/2014
Proposed Plans, Section and Elevations	1213 02	A	

**BH2014/02915**

**10 Withdean Court Avenue Brighton**

Erection of single storey side and rear extensions, rear dormer and revised front porch.

**Applicant:** Mr Peter Searles  
**Officer:** Lorenzo Pandolfi 292337

**Approved on 27/10/14 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 single-storey extension to the north-eastern corner of the building, 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**

No development shall take place until samples of the materials to be used in the construction of the external surfaces of the single-storey extension to the north-eastern corner of the building have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

*Reason: To ensure a satisfactory appearance to the development in the interests of the visual amenities 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	L-100		01/09/2014
Block Plan	L-101		01/09/2014
Existing Drawings	L-102		01/09/2014
Proposed Drawings	L-103		01/09/2014

**BH2014/02972****22 Barn Rise Brighton**

Prior approval for the erection of a single storey rear extension, which would extend beyond the rear wall of the original house by 4m, for which the maximum height would be 3.2m and for which the height of the eaves would be 2.6m.

**Applicant:** Mr Nick Boniface

**Officer:** Mark Thomas 292336

**Prior Approval is required and is approved on 16/10/14 DELEGATED**

**EAST BRIGHTON****BH2014/02706****Flat 5 7 Chichester Terrace Brighton**

Internal alterations to flat and formation of front dormer.

**Applicant:** Sir Anthony Seldon

**Officer:** Tom Mannings 292322

**Refused on 15/10/14 DELEGATED**

**1) UNI**

The application does not provide sufficient detail to enable a full understanding of the impact that the proposal would have on the special interest of the listed building and thus it is not possible to fully determine the application in accordance with policy HE1 of the Brighton & Hove Local Plan.

**BH2014/02707****Flat 5 7 Chichester Terrace Brighton**

Formation of front dormer.

**Applicant:** Sir Anthony Seldon

**Officer:** Tom Mannings 292322

**Refused on 15/10/14 DELEGATED**



**1) UNI**

The application does not provide sufficient detail to enable a full understanding of the impact that the proposal would have on the special interest of the listed building and thus it is not possible to fully determine the application in accordance with policies QD14 and HE6 of the Brighton & Hove Local Plan.

**HANOVER & ELM GROVE****BH2014/00683****171 Elm Grove Brighton**

Change of use from a 4 bedroom small House in Multiple Occupation (C4) to a 7 bedroom large House in Multiple Occupation (Sui Generis) with associated alterations including erection of a single storey rear extension and loft conversion incorporating rooflights to front and rear elevations.

**Applicant:** Oliver Dorman

**Officer:** Andrew Huntley 292321

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

**1) UNI**

The proposed change of use to provide 7 bedrooms as a Sui Generis House in Multiple Occupation would, as a result of over-subdivision of rooms at first floor level, a lack of head height, and therefore useable space, at second floor level, and the quality of the shared communal space, create a cramped form of accommodation which would fail to provide an acceptable standard of accommodation. Therefore the proposal would be detrimental to the residential amenity of future occupiers and is contrary to policy QD27 of the Brighton & Hove Local Plan.

**BH2014/01932****4 Howard Road Brighton**

Erection of single storey rear extension.

**Applicant:** Mark Walker

**Officer:** Joanne Doyle 292198

**Approved on 21/10/14 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.

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

Plan Type	Reference	Version	Date Received
Site Location Plan			11 Jun 2014
Block Plan			11 Jun 2014
Existing & Proposed Floor Plans & Elevations			11 Jun 2014

**BH2014/02820**

**32 Bear Road Brighton**

Conversion of public house (A4) to 1no one bedroom flat, 1no two bedroom flats and 1no three bedroom house (C3) including first floor side extension and extension to roof with alterations.

**Applicant:** DIM 365 Ltd

**Officer:** Wayne Nee 292132

**Approved on 21/10/14 DELEGATED**

**1) BH01.01**

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

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

**2) UNI**

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

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

**3) UNI**

No development shall take place until details of the entranceways of the dwellings (including elevational drawings of the railings, doors, and steps) hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

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

**4) UNI**

No development shall take place until details of a ventilation strategy for the building has been submitted to and approved in writing by the Local Planning Authority. The measures shall be implemented in strict accordance with the approved details prior to the occupation of the development and shall thereafter be retained as such.

*Reason: To safeguard the amenities of the occupiers of future occupants of the development, ensure the efficient use of resources and to comply with policies SU2, SU10 and QD27 of the Brighton & Hove Local Plan.*

**5) UNI**

All glazed windows hereby approved shall meet the minimum performance levels set out in Anderson Acoustics report dated the 10th October 2014, (Ref:

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2392\_001r), and shall thereafter be retained as such.

*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.*

**6) UNI**

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

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

Plan Type	Reference	Version	Date Received
Existing floor plans	1512/1766	B	20 August 2014
Existing plans and elevations	1512/1767	A	20 August 2014
Proposed plans and elevations	1512/1769	B	20 August 2014
Proposed floor plans	1512/1768	C	13 October 2014

**7) 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.*

**HOLLINGDEAN & STANMER**

**BH2013/01516**

**Cedar Centre Lynchet Close Brighton**

Installation of ducting to flat roof and exhaust louvre vents on western elevation (retrospective).

**Applicant:** Stephen Licence

**Officer:** Andrew Huntley 292321

**Approved on 16/10/14 DELEGATED**

**1) UNI**

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

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

Plan Type	Reference	Version	Date Received
Location & Block Plan	001		14.05.2013
Existing and Proposed Plans	300		14.05.2013
Existing & Proposed East & West Elevations	301	A	07.10.2014
Existing & Proposed North Elevation	302	A	07.10.2014
Existing & Proposed Roof Plans	310	A	07.10.2014

**BH2014/02362****Hollingdean Childrens Centre Brentwood Road Brighton**

Installation of replacement fence to external play area and new gates.

**Applicant:** Brighton & Hove City Council**Officer:** Sue Dubberley 293817**Approved on 13/10/14 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 should only be carried out during the reptiles' active period (April to October inclusive). No equipment should be stored outside the development areas. If protected species are encountered during works, work should cease and advice should be sought from a suitably qualified and experienced ecologist.

*Reason: To ensure reptiles are adequately protected in the interests of biodiversity and to comply with policies QD17 and QD18 of the Brighton & Hove Local Plan.*

**3) UNI**

The development should only be carried out during the reptiles' active period (April to October inclusive). No equipment should be stored outside the development areas. If protected species are encountered during works, work should cease and advice should be sought from a suitably qualified and experienced ecologist.

*Reason: To ensure reptiles are adequately protected in the interests of biodiversity and to comply with policies QD17 and QD18 of the Brighton & Hove Local Plan.*

**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	001		15/07/14
Existing block plan	002		15/07/14
Proposed block plan	003		15/07/14
Existing floor layouts	300		15/07/14
Existing and proposed West and South elevations	300		15/07/14
Existing and proposed North elevation	300		15/07/14

**BH2014/02955****1 Pevensey Building North South Road University of Sussex**

Application for approval of details reserved by condition 1 of application BH2014/00318.

**Applicant:** University of Sussex

**Officer:** Andrew Huntley 292321

**Approved on 09/10/14 DELEGATED**

**MOULSECOOMB & BEVENDEAN****BH2014/02890****35 Ladysmith Road Brighton**

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

**Applicant:** Mr Selwyn Forman

**Officer:** Joanne Doyle 292198

**Approved on 17/10/14 DELEGATED**

**BH2014/02990****102 Milner Road Brighton**

Certificate of Lawfulness for proposed loft conversion incorporating front rooflight and rear dormer with Juliet balcony.

**Applicant:** Ms Emer Gillespie

**Officer:** Robert Hermitage 290480

**Refused on 17/10/14 DELEGATED**

**BH2014/03021****53 Barcombe Road Brighton**

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

**Applicant:** Dr Ryan Scott

**Officer:** Robert Hermitage 290480

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

**QUEEN'S PARK****BH2014/01928****20 & 21 Egremont Place Brighton**

Alterations to front elevation of adjoining properties including installation of lead cladding below first floor bay windows.

**Applicant:** Chris Jenkins & Cath Farr

**Officer:** Joanne Doyle 292198

**Approved on 29/10/14 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 commence until documentary evidence (in the form of a timescale and signed contracts by all interested parties) to demonstrate that the development will be completed concurrently to both 20 and 21 Egremont Place has been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out to within the approved timescale unless otherwise agreed in writing by the Local Planning Authority.

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

**3) UNI**

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

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

Plan Type	Reference	Version	Date Received
Site Location Plan Block Plan Existing & proposed Elevations & Floor Plans	100/006 101		11 Jun 2014

**BH2014/02214****12 Richmond Place Brighton**

External alterations including new timber sash windows to front elevation to replace existing and associated alterations following prior approval application BH2013/03088 for change of use from offices (B1) to residential (C3).

**Applicant:** Mr Laurence Harris

**Officer:** Christopher Wright 292097

**Approved on 24/10/14 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 all new sash windows and their reveals and cills, including 1:20 scale elevational drawings and sections and 1:1 scale joinery sections, have been submitted to and approved in writing by the Local Planning Authority.

The windows shall be painted timber vertical sliding sashes with concealed trickle vents. The works shall be carried out and completed fully in accordance with the approved details and shall be retained as such thereafter.

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

**3) UNI**

No works shall take place until full details of both the existing and proposed decorative mouldings and cornice to be repaired and replicated to the front elevation of the building, including 1:20 scale sample elevations and 1:1 scale profile drawings, 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 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.*

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Plan Type	Reference	Version	Date Received
Site Plan	454(PL)2		3 Jul 2014
Photograph			28 Jul 2014
Ventrola Period Window Specialists Data and Brochure Sheets (5 pages)			28 Jul 2014
Existing and Proposed Floor Plans and Elevations	454(PL)21		3 Jul 2014

**BH2014/02388**

**Flat 2 120 Eastern Road Brighton**

Replacement of 2no existing timber windows and door with 2no UPVC windows and door.

**Applicant:** Brian Thomas

**Officer:** Joanne Doyle 292198

**Approved on 22/10/14 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 Aug 2014
Window Specification			31 Jul 2014
Sectional Drawing			31 Jul 2014

**BH2014/02537**

**Brighton College Eastern Road Brighton**

Application for Approval of Details Reserved by Condition 10 of application BH2012/02378.

**Applicant:** Brighton College

**Officer:** Andrew Huntley 292321

**Approved on 09/10/14 DELEGATED**

**BH2014/02844**

**Flat 3 16 Grand Parade Brighton**

Removal of external staircase, installation of cast iron balustrading, timber screening and alterations to fenestration.

**Applicant:** Mrs Emma Clayton

**Officer:** Robin Hodgetts 292366

**Approved on 16/10/14 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 bathroom window in the east elevation of the development hereby permitted shall not be glazed otherwise than with obscured glass and thereafter permanently retained as such.

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

**3) UNI**

No development shall take place until samples of the materials to be used in the construction of the timber screening hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

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

**4) UNI**

The development hereby permitted shall be carried out in accordance with 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	TG122/01		22/08/14
Block plan	TG122/02		22/08/14
Existing floor plans and elevations	TG122/03		22/08/14
Proposed floor plans and elevations	TG122/04		22/08/14

**BH2014/02902****Brighton College Eastern Road Brighton**

Application for Approval of Details Reserved by Condition 6 of application BH2012/02379

**Applicant:** Brighton College

**Officer:** Andrew Huntley 292321

**Approved on 09/10/14 DELEGATED**

**BH2014/03165****49 Grand Parade Brighton**

Application for approval of details reserved by condition 1 of application BH2014/01337.

**Applicant:** Sussex Heritage Properties

**Officer:** Christopher Wright 292097

**Approved on 24/10/14 DELEGATED**

**BH2014/03165****49 Grand Parade Brighton**

Application for approval of details reserved by condition 1 of application



BH2014/01337.

**Applicant:** Sussex Heritage Properties**Officer:** Christopher Wright 292097**Approved on 16/10/14 DELEGATED****ROTTINGDEAN COASTAL****BH2014/01517****Between Pontoons 6 & 7 Western Concourse Brighton Marina Brighton**

Erection of floating marketing suite for temporary period of two years.

**Applicant:** The West Quay Development Company Partnership LLP**Officer:** Sarah Collins 292232**Approved on 27/10/14 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
Proposed Elevations	34019/02	G	2nd June 2014
Proposed Roof Layout/Location Plan	34019/03	-	9th May 2014
Proposed Floor Layout	34019/04	D	2nd June 2014

**3) UNI**

The use hereby permitted shall be discontinued and the premises vacated before the expiration of a period of two years from the date the building hereby permitted is first occupied for marketing suite purposes.

*Reason: The use hereby approved is not considered suitable as a permanent form of development to safeguard the character and viability of the Marina in view of SPGBH20 and PAN04 and emerging policy DA2 of the Brighton & Hove City Plan.*

**4) UNI**

The use hereby permitted shall not be open to customers except between the hours of 9am and 6pm on 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.*

**5) UNI**

No vehicular movements nor any loading or unloading of vehicles associated with the use of the building shall take place except between the hours of 7am and 7pm on Monday to Saturday and not at any time on Sundays, Bank or Public Holidays.

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

**6) UNI**

No development shall take place until a written scheme for the monitoring of changes to marine life in relation to the development has been submitted to and approved in writing by the Local Planning Authority in accordance with details of the scope and methodology of the scheme which shall also have been submitted to and approved in writing by the Local Planning Authority. The monitoring scheme shall be implemented in accordance with the agreed details.

*Reason: To determine the effects of the installation of permanent floating structures on the ecology of Brighton Marina and to comply with policy NC4 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**

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.*

**9) UNI**

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

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

**10) UNI**

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

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

**11) UNI**

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

*Reason: To ensure a satisfactory appearance to the development and to comply*

*with policy QD1 of the Brighton & Hove Local Plan.*

**BH2014/01848****Ovingdean Hall College Greenways Ovingdean Brighton**

Application for approval of details reserved by condition 16 of application BH2011/03421.

**Applicant:** Ovingdean Property Ltd

**Officer:** Sue Dubberley 293817

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

**BH2014/02236****Flat 3 Bristol Mansions19 - 20 Sussex Square Brighton**

Internal alteration to layout of flat.

**Applicant:** Mr Anthony & Mrs Grace Kozlowski

**Officer:** Sue Dubberley 293817

**Approved on 15/10/14 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**

There shall be no notching / cutting of joists or boxing in of pipes or mechanical ventilation equipment without the prior consent in writing of the Local Planning Authority.

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

**3) UNI**

The wall and new door to the proposed bedroom shall be constructed to match existing walls and doors in the flat.

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

**4) UNI**

Prior to the installation of the kitchenette, the window and shutters to the existing kitchen shall be exposed and refurbished as a concurrent part of the hereby approved works.

*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**

The new kitchen units shall scribe round existing features skirting boards and shall not cut through any existing features.

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

**6) 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.*

**7) UNI**

The existing door and architrave to the living room shall be reused in the new opening and skirting shall be fitted to match the existing.

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

**BH2014/02238****86B High Street Brighton**

Partial change of use at first floor level from bank (A2) to one bedroom self contained flat (C3).

**Applicant:** Penstead Ltd

**Officer:** Sue Dubberley 293817

**Approved on 27/10/14 DELEGATED**

**1) BH01.01**

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

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

**2) UNI**

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

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

Plan Type	Reference	Version	Date Received
Site plan	414		7 July 2014
Block plan	414		7 July 2014
Existing and proposed plan	414/01	b	7 July 2014

**BH2014/02248****25 Eastern Place Brighton**

Installation of side UPVC windows to side elevation. (Retrospective)

**Applicant:** Mrs Nomi Rowe

**Officer:** Robin Hodgetts 292366

**Approved on 24/10/14 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			07/07/14
Block plan			07/07/14
Pre-existing and existing plans and elevations	10328-1		07/07/14
Window details			01/09/14

**BH2014/02336****Between Pontoons 6&7 Western Concourse Brighton Marina**

Erection of single storey yacht club (D2).

**Applicant:** The West Quay Development Company Partnership LLP

**Officer:** Sarah Collins 292232

**Approved on 27/10/14 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
Proposed Floor Layout	34019/01	K	14th July 2014
Proposed Elevations	34019/02	K	16th July 2014
Proposed Roof Layout/Location Plan	34019/03	C	14th July 2014

**3) UNI**

The premises shall only be used for a yacht club/club house and for no other purpose (including any other purpose in Class D2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

*Reason: The Local Planning Authority would wish to retain control over any subsequent change of use of these premises in the interests of safeguarding the amenities of the area and to comply with policy QD27 of the Brighton & Hove Local Plan, policy DA2 of the Brighton & Hove Submission City Plan Part One and PAN04 and SPGBH20.*

**4) UNI**

The use hereby permitted shall not be open to customers except between the hours of 8am and 11.30pm on Monday to Friday, 8am and 12.00am on Saturday and 8am and 10.30pm on Sunday, Bank and Public Holidays.

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

**5) UNI**

No vehicular movements nor any loading or unloading of vehicles associated with the use of the building shall take place except between the hours of 7am and 7pm on Monday to Saturday and not at any time on Sundays, Bank or Public Holidays.

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

**6) UNI**

No development shall take place until a written scheme for the monitoring of changes to marine life in relation to the development has been submitted to and approved in writing by the Local Planning Authority in accordance with details of the scope and methodology of the scheme which shall also have been submitted to and approved in writing by the Local Planning Authority. The monitoring scheme shall be implemented in accordance with the agreed details.

*Reason: To determine the effects of the installation of permanent floating structures on the ecology of Brighton Marina and to comply with policy NC4 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**

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.*

**9) UNI**

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

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

**10) UNI**

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

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

**11) UNI**

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

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

**12) UNI**

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

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

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

**BH2014/02551****White Horse Hotel High Street Rottingdean Brighton**

Display of externally illuminated lettering signs to 5no locations, 1no non illuminated lettering sign and 1no externally illuminated logo sign. Display of 3no double sided non illuminated board signs and advertising post with 1no double sided externally illuminated sign and 1no double sided non illuminated sign.

**Applicant:** Greene King PLC

**Officer:** Wayne Nee 292132

**Approved on 16/10/14 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.*

**BH2014/02557****11 Ainsworth Avenue Brighton**

Erection of two storey side extension with integral garage and solar panels to flat roof, erection of rear conservatory and associated alterations.

**Applicant:** Mr & Mrs David & Paula Plant

**Officer:** Chris Swain 292178

**Approved on 20/10/14 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			30 July 2014
Block plan			30 July 2014
Existing and proposed plans and elevations			30 July 2014

**BH2014/02668****Cineworld Cinemas Park Square Brighton Marina Brighton**

Installation of replacement entrance doors incorporating 5no manual double doors and 1no automatic swing double door.

**Applicant:** Cineworld Cinemas Ltd

**Officer:** Sonia Gillam 292265

**Approved on 15/10/14 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			27/08/2014
Block plan			27/08/2014
Floor plan	C320-102		23/09/2014
Existing elevation	101	A2	27/08/2014
Proposed elevation, plan and section	100	A4	27/08/2014

**BH2014/02758****Southcliffe Lodge Marine Drive Saltdean Brighton**

Remodelling of existing dwelling to include roof alterations with new slate roof and rooflights, two storey infill extensions to North elevation, single storey extension to South elevation with balustraded roof terrace above, revised fenestration and associated alterations.

**Applicant:** John Roadnight

**Officer:** Wayne Nee 292132

**Approved on 09/10/14 DELEGATED**

**1) BH01.01**

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

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

**2) UNI**

No development shall take place until details and 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.*

**3) UNI**

The upper floor side (east) elevation windows hereby permitted shall be obscure glazed and non-opening, unless the parts of the window/s which can be opened are more than 1.7 metres above the floor of the room in which the window is installed, and thereafter permanently retained as such.

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

**4) UNI**

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

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

Plan Type	Reference	Version	Date Received
Existing plans	0147-EXG-20		14 August 2014
Proposed plans	0147-PROP-2 1	A	06 October 2014

**BH2014/02872****Land Rear of Sussex Mansions 39-40 Sussex Square Brighton**

Erection of three bedroom house to rear, utilising existing basement space located under garden.

**Applicant:** Ian Barr & Susan Jacobs

**Officer:** Andrew Huntley 292321

**Refused on 17/10/14 DELEGATED**

**1) UNI**

Insufficient information has been submitted regarding the historic and architectural significance and structural integrity of 39 and 40 Sussex Square, the basement and surrounding walls to demonstrate the structural stability would not be undermined by the proposed development. Notwithstanding the lack of information, the proposal is considered unacceptable in heritage terms as it would lead to the complete loss of the basement structure which would have a substantial harmful impact on the significance of this Grade I Listed Building. The proposal is therefore contrary to policies HE1 and HE3 of the Brighton & Hove Local Plan.

**2) UNI2**

The proposed subdivision of the existing and original townhouse plots would result in further and in all probably permanent loss of the original proportions of the plots, and their original relationship with the heritage asset. The resultant plot sizes would also be of an insufficient size in relation to the character and status of the main listed buildings. As such the proposals would have a detrimental impact upon the setting and historic character of the Listed Building and adjoining listed assets contrary to policy HE3 of the Brighton & Hove Local Plan.

**3) UNI3**

The proposed alterations to the rendered masonry boundary wall would result in the loss of the original form of the historic wall which rises to the rear of the plot and is characteristic in the area. The proposal would therefore have a harmful impact on the significance of the heritage asset contrary to policies HE1 and HE3 of the Brighton & Hove Local Plan.

**BH2014/02962****31 Westfield Avenue North Saltdean Brighton**

Erection of single storey front and rear extensions and associated roof alterations and landscaping to front garden.

**Applicant:** Mr & Mrs Gant

**Officer:** Andrew Huntley 292321

**Refused on 20/10/14 DELEGATED**

**1) UNI**

The proposed front extension and resultant increase in roof height would be harmful to the uniform character and appearance of the established street scene. Therefore, the proposals are contrary to policy QD14 of the Brighton & Hove Local Plan and Supplementary Planning Document 12.

**BH2014/02981****Flat 7 15 Sussex Square Brighton**

Internal alterations to layout of flat. (Part Retrospective)

**Applicant:** Mr & Mrs Sattin**Officer:** Allison Palmer 290493**Refused on 09/10/14 DELEGATED****1) UNI**

The proposed en-suite is considered unacceptable due to causing an inappropriately shaped room with unacceptable proportions for this Grade I Listed Building. In addition the use of plasterboard is also considered to harm the historic fabric of the Listed Building, as such the proposal and it is contrary to policy HE1 of the Brighton & Hove Local Plan and Supplementary Planning Guidance Note 11 - Listed Building Interiors.

**BH2014/03000****3 Wanderdown Road Brighton**

Erection of single storey rear extension, replacement of existing utility room roof and associated works.

**Applicant:** Mr Geoff Stanley**Officer:** Tom Mannings 292322**Approved on 20/10/14 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
Building as Existing	14680/05		08/09/14
Building as Proposed	14680/06	A	18/09/14
Building as Existing	14680/07		08/09/14
Building as Proposed	14680/08	A	18/09/14
Site Location & Block Plan	14680/09		08/09/14

**BH2014/03030****71 Lustrells Crescent Saltdean Brighton BN2 8FL**

Application for Approval of Details Reserved by Condition 17 of application BH2012/02168

**Applicant:** Mr Paul Sheehan**Officer:** Andrew Huntley 292321

**Approved on 09/10/14 DELEGATED****BH2014/03059****26 Meadow Close Rottingdean Brighton**

Formation of front dormer.

**Applicant:** Mrs Pamela Whyte

**Officer:** Tom Mannings 292322

**Refused on 20/10/14 DELEGATED****1) UNI**

The proposed front dormer would be an unduly addition which would unbalance the semi-detached pair of dwellings, causing significant harm to the character and appearance of the property and the wider street scene. As such, the proposal would be contrary to policy QD14 of the Brighton & Hove Local Plan, and SPD12: Design guide for extensions and alterations.

**WOODINGDEAN****BH2014/02107****84 Bexhill Road Brighton**

Erection of a two storey front extension and a part one part two storey rear extension including rear dormer.

**Applicant:** Jamie Spencer

**Officer:** Jonathan Puplett 292525

**Refused on 20/10/14 DELEGATED****1) UNI**

The proposed front extension would disrupt the consistent character of the terrace and would harm the appearance of the dwelling and the street scene. The proposed rear extension would result in the loss of the character and appearance of the original dwelling, and the rear dormer proposed is excessively bulk and contrary to the design guidance set out in SPD12. The development as a whole would result in an inappropriate appearance and is considered contrary to policy QD14 of the Brighton & Hove Local Plan.

**2) UNI2**

The proposed extensions would result in a harmful overbearing, enclosing and overshadowing impact upon the neighbouring properties to either side of the application site. The proposed development is therefore contrary to policies QD14 and QD27 of the Brighton & Hove Local Plan.

**BH2014/02967****38 Stanstead Crescent Brighton**

Certificate of lawfulness for proposed erection of a single storey rear extension.

**Applicant:** Mr & Mrs Ajaid

**Officer:** Robert Hermitage 290480

**Approved on 14/10/14 DELEGATED****BRUNSWICK AND ADELAIDE****BH2014/02267****Land to Rear of 31 & 33 Brunswick Place Hove**

Demolition of existing garages and erection of 2no two storey houses.

**Applicant:** Mr Joe Knoblauch

**Officer:** Liz Arnold 291709

**Approved on 17/10/14 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 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) UNI**

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

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

**4) UNI**

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

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

**5) UNI**

No development shall take place until samples of the materials (including colour of render, paintwork and colourwash) to be used in the construction of the external surfaces of the development, including boundary walls, 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.*

**6) UNI**

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

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

**7) UNI**

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

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

**8) UNI**

If during construction, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing by the Local Planning Authority), shall be carried out until a method statement identifying, assessing the risk and proposing remediation measures, together with a programme, shall be submitted to and approved in writing by the Local Planning Authority. The remediation measures shall be carried out as approved and in accordance with the approved programme.

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

**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**

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.*

**11) UNI**

No development shall take place until a scheme setting out highway works to implement a continuous footway on Farm Road in front of the development site, which links into the existing footway has been submitted to and approved in writing by the local planning authority. No dwelling shall be occupied until the approved highway works have been carried out in accordance with the approved scheme.

*Reason: To ensure that there suitable footway provision is provided to and from the development and to comply with policies TR7 and TR8 of the Brighton & Hove Local Plan.*

**12) 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.*

**13) 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.*

**14) 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.*

**15) UNI**

Unless otherwise agreed in writing by the Local Planning Authority, the residential unit 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.*

**16) 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.*

**17) 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.*

**18) UNI**

Unless otherwise agreed in writing with the Local Planning Authority the measures set out in the Waste Minimisation Statement submitted on the 8th July

2014 shall be implemented in strict accordance with the approved details.

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

**19) UNI**

The development hereby permitted shall be carried out in accordance with 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 GAs	100	-	8th July 2014
Location Plan	001	-	9th October 2014
Existing Site Plan	002	-	9th October 2014
Proposed Site/Roof Plan	003	E	10th October 2014
Proposed Site Plan Showing Line of Street Frontage	008	-	3rd September 2014
Proposed Floor Plans	110	E	10th October 2014
Proposed Elevations	111	F	10th October 2014
Proposed Section A-A	112	E	10th October 2014

**BH2014/02313****Flat 1 22 Palmeira Square Hove**

Replacement of existing door with window and single door with double doors to rear and internal alterations to layout.

**Applicant:** Mr L Fisher

**Officer:** Christopher Wright 292097

**Approved on 29/10/14 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 repair works and blocking up of the external wall around the new sash window hereby permitted, and the blocking up of the existing reveal adjacent, shall be carried out using brick with a lime based mortar and a lime based render.

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

**BH2014/02314****Flat 1 22 Palmeira Square Hove**

Replacement of existing door with window and single door with double doors to rear.

**Applicant:** Mr L Fisher

**Officer:** Christopher Wright 292097



**Approved on 29/10/14 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 & Existing Photo	KS9093_01		11 Jul 2014
Existing & Proposed Plans	KS9093_02	A	28 Sep 2014
Existing Elevation A	KS9093_03		11 Jul 2014
Proposed Elevation A	KS9093_04	A	28 Sep 2014
New door details	KS9093_05		11 Jul 2014
New window details	KS9093_06	B	13 Oct 2014
Existing & Proposed Elevation B	KS9093_07		28 Sep 2014
Existing & Proposed Elevation C	KS9093_08		28 Sep 2014

**3) UNI**

The repair works and blocking up of the external wall around the new sash window hereby permitted, and the blocking up of the existing reveal adjacent, shall be carried out using brick with a lime based mortar and a lime based render.

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

**BH2014/02732****Flat 2 27 Brunswick Road Hove**

Replacement of existing 2no timber box sash windows to the rear of the property. (Retrospective)

**Applicant:** David Rose

**Officer:** Wayne Nee 292132

**Approved on 15/10/14 DELEGATED**

**BH2014/02812****Hove Promenade Hove**

Erection of 10no free standing galvanised steel structures to display photographs.

**Applicant:** FotoDocument

**Officer:** Christopher Wright 292097

**Approved on 20/10/14 DELEGATED**

**1) UNI**

The display structures 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 20 August 2015 in accordance with a scheme of work submitted to and approved in writing by the Local Planning Authority. The beach shingle used as ballast for the display structures shall be returned to the beach.

*Reason: The development hereby approved is not considered suitable as a permanent form of development and to safeguard the historic character and appearance of the historic seafront and to comply with policies SU7, QD4, SR18 and HE6 of the Brighton & Hove Local Plan and policy SA1 of the City Plan Part One Submission Version.*

**2) UNI**

The display photographs shall be fixed to the display structures by way of weatherproof large bolt screws and retained as such thereafter.

*Reason: In order to ensure a satisfactory appearance of the development and to comply with policies SU7, QD4 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 Plan (1:1250 scale)			19 Aug 2014
Block Plan (1:500 scale)			19 Aug 2014
Simple Elevation (proposed)	S8-1122-01		26 Aug 2014
Sample Photographs (29 examples)			15 Sep 2014
FotoDocument One Planet City Statement			15 Sep 2014
Large bolt screw photograph			2 Oct 2014

**BH2014/02886****31 & 33 Selborne Road Hove**

Conversion of roof space to form 2no one bedroom self contained flats (C3) incorporating front and rear rooflights.

**Applicant:** Hardwick Hartley Partnership

**Officer:** Liz Arnold 291709

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

**1) UNI**

The proposed residential units, with no vertical outlook and a small area of useable floorspace (head height above 2m) would provide an inadequate and poor standard of accommodation, with a cramped and confined internal environment that would fail to provide adequate living conditions for future occupiers contrary to policy QD27 of the Brighton & Hove Local Plan.

**2) UNI2**

The insertion of 2 rooflights to the front roofslope of nos. 31 and 33 Selborne Road would be of detriment to the visual amenities of the parent properties, the pair of semi-detached properties, the Selborne Road street scene and the wider area, especially the surrounding The Willett Estate Conservation Area, contrary to policy QD14 of the Brighton & Hove Local Plan and SPD12 Design Guide for Extensions and Alterations.

**BH2014/02896****Flat 5 8 Brunswick Square Hove**

Internal alterations to layout of flat.

**Applicant:** Baycross Development Limited

**Officer:** Christopher Wright 292097

**Approved on 27/10/14 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 ventilation duct for the new kitchen hereby permitted shall be routed through the roof void and shall not be visible within the rear bedroom. The ducting shall be retained as such thereafter.

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

**3) UNI**

No works shall take place until 1:20 scale elevations and 1:2 scale joinery details of the new timber internal doors hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved details and thereafter retained as such. Any fireproofing to the doors should be an integral part of the door construction, and self closing mechanisms, if required, shall be of the concealed mortice type.

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

**BH2014/02906****29 Brunswick Street East Hove**

Application for Approval of Details Reserved by Condition 4 of application BH2014/00602

**Applicant:** Mr I Woodhouse

**Officer:** Helen Hobbs 293335

**Refused on 27/10/14 DELEGATED**

**1) UNI**

Insufficient information has been submitted regarding the mews entrance doors in order to comply with the requirements of condition 4. The scheme is therefore contrary to policy HE1 of the Brighton & Hove Local Plan.

**BH2014/02920****Lower Ground Floor Flat 33 Selborne Road Hove**

Erection of rear extension at lower ground floor level and installation of French doors to replace existing window to rear elevation.

**Applicant:** Hardwick Hartley Partnership

**Officer:** Liz Arnold 291709

**Approved on 15/10/14 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*

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*unimplemented permissions.*

**2) UNI**

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

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

**3) UNI**

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

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

Plan Type	Reference	Version	Date Received
Proposed Extension	456/01	-	28th August 2014
Existing Layout - Lowe Ground Floor	456/02	-	28th August 2014
Block Plan	599/03	Rev. A	28th August 2014
Existing Ground Floor Plans	205	-	8th October 2014

**CENTRAL HOVE**

**BH2014/02043**

**Land Rear of 47-49 St Aubyns Hove**

Demolition of garages and erection of 2no two storey houses (C3).

**Applicant:** Ms Cheryl Duke

**Officer:** Sue Dubberley 293817

**Refused on 16/10/14 DELEGATED**

**1) UNI**

It is considered that the proposed houses would create an alien element in this part of the street and would add uncharacteristic scale within a setting of low buildings to the north and south of the site and the re-alignment of the building frontage would also cause an unwelcome interruption to the street form. The development would result in the loss of the open setting between the rear elevations of properties in St Aubyns and the front elevation of properties Seafield Road, which would in turn harm the character and appearance of the Old Hove and Cliftonville Conservation Areas. The development would also set an undesirable precedent for development in the remainder of this section of the street. The proposal would result in a harmful erosion of the character of the area is therefore contrary to Policy QD1, QD3, HO4, and HE6 of the Brighton & Hove Local Plan.

**2) UNI2**

The proposed development, by reason of its design, detailing, and form would fail to provide a suitable standard of design and appearance, would relate poorly to neighbouring development and would result in a prominent and incongruous appearance within the street scene, which would be detrimental to the character of the local area. The proposal is therefore contrary to policies QD1, QD2, QD3, and QD5 of the Brighton & Hove Local Plan and The National Planning Policy Framework.

**3) UNI3**

The proposal would represent an overdevelopment of the site resulting in 'town cramming' and a density of development in excess of what might reasonably be

expected to be achieved on this site and would consequently be out of character with the area. The proposed amenity space is consequently also inadequate to serve the development and would also significantly reduce the amenity space available to no.47 St Aubyns to its detriment. The proposal is therefore contrary to Policies QD1, QD2, QD3, QD4, QD27, HO5 and HE6 of the Brighton & Hove Local Plan.

**4) UNI4**

The proposed development, by virtue of the increased height and close proximity to the rear elevation of residential properties in St Aubyns would result in an unneighbourly form of development which would have an overbearing impact and lead to an increased sense of enclosure and loss of outlook to the rear of residential properties in St Aubyns. The application also fails to demonstrate that that there would not be a loss of light to rear windows in St Aubyns resulting from the development. The proposal is therefore contrary to policy QD27 of the Brighton & Hove Local Plan.

**BH2014/02333****Basement Flat 62 Tisbury Road Hove**

Replacement of existing windows and door to the rear and door to the front with UPVC.

**Applicant:** Ms Philippa Ballard

**Officer:** Benazir Kachchi 294495

**Approved on 22/10/14 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	-	-	18 July 2014
Door window detail	-	-	14 July 2014
Doors and windows brochure	-	-	18 July 2014

**BH2014/02473****31 George Street Hove**

Installation of new shopfront including repositioned entrance door.

**Applicant:** Sandon Homes Ltd

**Officer:** Joanne Doyle 292198

**Approved on 09/10/14 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*

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*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	AC/31GS/01		14 Aug 2014
Existing Elevation & Section	AC/31GS/02		14 Aug 2014
Proposed Elevation & Section	AC/31GS/03		14 Aug 2014

**BH2014/02638**

**40 Albany Villas Hove**

Erection of rear extension at lower ground floor level with associated excavation and creation of a roof terrace.

**Applicant:** Mr & Mrs Houlbrook

**Officer:** Helen Hobbs 293335

**Refused on 23/10/14 DELEGATED**

**1) UNI**

The proposed terrace and railings, due to its siting, design and size, would form an overly dominant and incongruous addition, detracting from the character and appearance of the existing property street scene and surrounding conservation area. The proposal is therefore contrary to policies QD14 and HE6 of the Brighton & Hove Local Plan and Supplementary Planning Document 12, Design Guide for Extensions and Alterations.

**BH2014/02639**

**40 Albany Villas Hove**

Erection of rear extension at second floor level. Demolition of existing front steps and alterations to fenestration.

**Applicant:** Mr & Mrs Houlbrook

**Officer:** Helen Hobbs 293335

**Approved on 23/10/14 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 all new external doors and sash windows and their reveals and cills including 1:20 scale elevational drawings and sections and 1:1 scale joinery sections have been submitted to and approved in writing by the Local Planning Authority. The windows shall be single glazed painted timber vertical sliding sashes with concealed trickle vents. The works shall be carried out and completed fully in accordance with the approved details and shall be retained as such thereafter.

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

**3) UNI**

All new windows shall be painted softwood, double hung vertical sliding sashes

with concealed trickle vents to match the existing windows on the building and shall be retained as such thereafter.

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

**4) UNI**

All new doors shall be painted softwood and shall be retained as such thereafter.

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

**5) UNI**

The development hereby permitted shall be carried out in accordance with 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		6th August 2014
Location plan	E01		28th August 2014
Lower and ground floor plans	E02	A	13th October 2014
First and second floor plan	E03	A	13th October 2014
Third and tower roof plan	E04		28th August 2014
Existing front and rear elevation	E05	A	13th October 2014
Existing side elevation	E06		28th August 2014
Rear garden	E08		28th August 2014
Site/block plan	P01		28th August 2014
Lower and ground floor plans	P02		28th August 2014
First, second, third and tower floor plans	P03		28th August 2014
Elevations	P04		28th August 2014
Elevation	P05		28th August 2014
Rear garden plan	P06		28th August 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 and to comply with policy HE6 of the Brighton & Hove Local Plan.*

**BH2014/02682****Lancaster Court Kingsway Hove**

Replacement of existing curtain wall and entrance doors with aluminium curtain wall and entrance doors.

**Applicant:** Coastal Estate Management Ltd

**Officer:** Helen Hobbs 293335

**Approved on 09/10/14 DELEGATED**

**1) BH01.01**

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

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

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## 2) UNI

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

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

Plan Type	Reference	Version	Date Received
Site Location Plan			11th August 2014
Photographs as existing	P1410-01		11th August 2014
Photomontage - west wing	P1410-02	a	18th August 2014
photomontage - east wing	P1410-03		18th August 2014
Curtain wall screen 1			11th August 2014
Curtain wall screen 2			11th August 2014
Curtain wall screen 3			11th August 2014

### **BH2014/02745**

#### **19 Hova Villas Hove**

Removal of existing conservatory and erection of new conservatory and installation of timber balustrade to the rear at ground floor level.

**Applicant:** Linda Carter

**Officer:** Lorenzo Pandolfi 292337

**Approved on 13/10/14 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	TG121/01		13/08/2014`
Block Plan	TG121/02		13/08/2014
Floor Plans as Existing	TG121/03		13/08/2014
Elevations as Existing	TG121/04		13/08/2014
Floor Plans as Proposed	TG121/05		13/08/2014`
Elevations as Proposed	TG121/06		13/08/2014

### **BH2014/02769**

#### **40 Osborne Villas Hove**

Certificate of lawfulness for existing use of a property as a single residential dwelling.

**Applicant:** Jacqueline Holt

**Officer:** Benazir Kachchi 294495

**Approved on 17/10/14 DELEGATED**

### **BH2014/02855**

#### **Ground Floor Flat 14 Vallance Road Hove**



Erection of single storey side extension to replace existing lean to structure.  
(Retrospective)

**Applicant:** Ms K Wolff

**Officer:** Allison Palmer 290493

**Approved on 10/10/14 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 & block plan	100		26/08/2014
Existing elevations	101		01/09/2014
Existing ground floor plan	200		01/09/2014
Proposed ground floor plan	200		01/09/2014
Proposed elevations	201		01/09/2014

**BH2014/02864**

**32 Third Avenue Hove**

Conversion of roof space to form 2no one bedroom self contained flats incorporating rooflights to north elevation, dormers to south elevation and metal railings to boundary wall.

**Applicant:** Mr G Jasper

**Officer:** Christopher Wright 292097

**Refused on 20/10/14 DELEGATED**

**1) UNI**

The proposal would constitute an over-development of the roof space and would create a cramped layout to each flat with unsatisfactory outlook to bedrooms. The proposal would not provide the standard of accommodation reasonably expected by the Local Planning Authority and future residents' amenity and living conditions would be compromised. This harm is considered to outweigh the benefit provided by the additional residential units. As such the proposal is contrary to policy QD27 of the Brighton & Hove Local Plan.

**BH2014/02954**

**128 Church Road Hove**

Prior approval for change of use of first floor from offices (B1) to residential (C3) to form 1 no. flat. (Retrospective)

**Applicant:** Mr Foad Abdolkhani

**Officer:** Christopher Wright 292097

**Prior Approval is required and is refused on 28/10/14 DELEGATED**

**BH2014/03064**

**West Hove Infant School Connaught Annexe Connaught Road Hove**

Installation of commemorative plaque to front elevation.

**Applicant:** BHCC Commemorative Plaque Panel

**Officer:** Andrew Huntley 292321

**Approved on 21/10/14 DELEGATED**

**1) BH01.05**

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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.*

**GOLDSMID**

**BH2014/02071**

**99 Sackville Road Hove**

Application for variation and removal of conditions of application BH2013/00407 (Change of use from A1 retail to A1 retail and 2no residential units incorporating erection of single storey extension). Variation of condition 2 to allow amendments to the approved drawings to allow alterations to the basement and variation of condition 5 and 6 to allow alterations to fenestration. Removal of condition 9 as a result of alterations to the proposed scheme and removal of condition 10 which states that prior to the commencement of the development, details of a scheme of works to raise the existing kerb and footway in front of the proposed dwelling are to be submitted to and approved in writing by the Local Planning Authority.

**Applicant:** Magnificent Management Ltd

**Officer:** Adrian Smith 290478

**Approved on 20/10/14 DELEGATED**

**1) UNI**

The development hereby permitted shall be commenced before 13/05/2016.

*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 plans and block plan	(08)004	A	30/06/2014
Existing plans, elevations and section	SVR5	A	18/03/2013
	SVR6	A	20/03/2013
	SVR7		11/02/2013
	SVR8	A	11/02/2013
	SVR9		18/03/2013
	SVR10		11/02/2013
	SVR17		18/03/2013
Proposed plans, elevations and section	(08)001	C	30/06/2014
	(08)002		30/06/2014
	SVR13	A	12/04/2013
	SVR14	A	11/02/2013
	SVR15		22/02/2013
	SVR16		22/02/2013
	(08)003		30/06/2014

**3) UNI**

Notwithstanding the provisions of the Town and Country Planning (General

Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no extension, enlargement or other alteration of the dwellinghouses 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**

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

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

**5) UNI**

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

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

**6) UNI**

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**

The development hereby permitted shall not be commenced until details of sustainability measures have been submitted to and approved in writing by the Local Planning Authority. These details shall demonstrate how the development would be efficient in the use of energy, water and materials in accordance with Supplementary Planning Document SPD08 Sustainable Building Design. The development shall be carried out in strict accordance with the approved details.

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

**8) 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.*

**9) UNI**

(i) The development hereby permitted shall not be commenced until there has

been submitted to and approved in writing by the Local Planning Authority:

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

(b) a site investigation report documenting the ground conditions of the site and incorporating chemical and gas analysis identified as appropriate by the desk top study in accordance with BS10175:2001; and, unless otherwise agreed in writing by the Local Planning Authority,

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

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

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

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

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

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

**10) UNI**

Not used.

**11) UNI**

All new and replacement windows to the building shall be set back in their reveals to match exactly the existing reveals to the timber windows to the building, and shall be retained as such thereafter.

*Reason: In the interests of the character and appearance of the building and the visual amenities of the area and to comply with policies QD1 and QD14 of the Brighton & Hove Local Plan.*

**BH2014/02183****84-86 Denmark Villas Hove**

Change of use from vehicle repair garage (B2) to restaurant (A3) with associated alterations to shopfront and front, side and rear fenestration and installation of flue.

**Applicant:** The Baron Homes Corporation

**Officer:** Christopher Wright 292097

**Refused on 15/10/14 DELEGATED**

**1) UNI**

The proposed development is not acceptable in principle because the premises

are currently in use and the applicant has not submitted evidence to persuade the local planning authority the premises are genuinely redundant or no longer suitable for industrial and employment uses. As such the proposals conflict with policy EM3 of the Brighton & Hove Local Plan.

**2) UNI2**

Notwithstanding the drawings submitted, it is not possible to fully assess the visual impact of the proposed extraction flue because the three storey development to the rear of the existing building has not been implemented. As such the proposal is contrary to policies QD2, QD14 and HE6 of the Brighton & Hove Local Plan.

**3) UNI3**

The existing plans show a previously approved extension which has not yet been built (ref. BH2012/03968). The proposed flue could not be constructed as shown on the proposed plans unless application BH2012/03968 is implemented, and there is no guarantee or certainty that this will be done. The flue details as submitted cannot therefore be determined as shown on the plans and in respect of these inaccuracies the overall visual impact of the proposal cannot be determined. As such the application is contrary to policies QD1, QD2, QD14 and HE6 of the Brighton & Hove Local Plan.

**BH2014/02620****33 Livingstone Road Hove**

Erection of ground floor rear extension above existing outrigger.

**Applicant:** Mr Shaun Rutland

**Officer:** Tom Mannings 292322

**Approved on 20/10/14 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**

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

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

**4) UNI**

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

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

Plan Type	Reference	Version	Date
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			Received
Location & Block Plans	CH608/001		04/08/14
Existing Plans	CH608/002		04/08/14
Existing Plans, Elevations & Sections	CH608/003		04/08/14
Planning Application Proposed Plans	CH608/004		04/08/14
Planning Application Proposed Elevations & Sections	CH608/005		04/08/14

**BH2014/02692****68 Davigdor Road Hove**

Conversion of first floor flat and loft to create 3no flats including rear dormers and balcony, front and side rooflights, removal of chimney stacks and additional rear window and doors at first floor level.

**Applicant:** Copsemill Properties Ltd

**Officer:** Helen Hobbs 293335

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

**1) UNI**

The existing first floor unit is unsuitable for conversion into smaller units of accommodation by virtue of an original floor area of less than 115 sq metres and having only three bedrooms as originally built. The resulting development would create accommodation below the standard that the Council would reasonably expect and, by reason of habitable rooms of an inadequate size and a failure to incorporate Lifetime Home standards in the design, unsuitable for family occupation. This harm is considered to outweigh the benefit provided by the additional residential units. The proposal is therefore contrary to policies QD27, HO9 and HO13 of the Brighton & Hove Local Plan.

**2) UNI2**

The proposed front rooflights, by reason of their number and siting in relation to features at lower levels of the building, would detract from the appearance of the existing building and the wider street scene. This harm is considered to outweigh the benefit provided by the additional residential units. The proposal is therefore contrary to policy QD14 of the Brighton & Hove Local Plan.

**BH2014/02775****102 Shirley Drive Hove**

Demolition of existing garage and erection of 1no three bedroom detached dwelling.

**Applicant:** Mr & Mrs Alan Moon

**Officer:** Jason Hawkes 292153

**Approved on 14/10/14 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 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 hard surface hereby approved shall be made of porous materials and retained thereafter or provision shall be made and retained thereafter to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the property.

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

**4) UNI**

The 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) UNI**

The first floor windows in the rear and side elevations 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**

No extension, enlargement, alteration or provision within the curtilage of the of the dwellinghouse as provided for within Schedule 2, Part 1, Classes A, B, C, D & 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: To protect the amenity of adjacent properties and in accordance with policy QD27 of the Brighton & Hove Local Plan.*

**7) UNI**

(i) The development hereby permitted shall not be commenced until there has been submitted to and approved in writing by the Local Planning Authority:

(a) a site investigation report documenting the ground conditions of the site and incorporating chemical and gas analysis identified as appropriate by the desk top study in accordance with BS10175:2001; and, unless otherwise agreed in writing by the Local Planning Authority,

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

(ii) The development hereby permitted shall not be occupied or brought into use until there has been submitted to the Local Planning Authority verification by the competent person approved under the provisions of (i) (b) above that any remediation scheme required and approved under the provisions of (i) (b) above

has been implemented fully in accordance with the approved details (unless varied with the written agreement of the Local Planning Authority in advance of implementation). Unless otherwise agreed in writing by the Local Planning Authority such verification shall comprise:

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

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

*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) 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.*

**9) UNI**

No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme for landscaping, which shall include hard surfacing, boundary treatments, planting of the development, indications of all existing trees and 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**

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

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

**11) UNI**

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.*



**12) UNI**

No development shall take place until details of the proposed patio terrace at 102 Shirley Drive, including elevation drawings, have been submitted to and approved by the Local Planning Authority in writing. The development shall be constructed in accordance with the agreed details prior to occupation of the hereby approved dwellinghouse and shall thereafter be retained as such.

*Reason: To enhance the appearance of the development and to preserve the amenity of adjacent properties and to comply with policies QD14 and QD27 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 4 as a minimum for the residential unit has been submitted to, and approved in writing by, the Local Planning Authority.

A completed pre-assessment estimator will not be acceptable.

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

**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**

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 the 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.*

**16) UNI**

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

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

Plan Type	Reference	Version	Date Received
Block & Site Plan	TA735/01		15th August 2014
Existing Site Survey	TA735/02		15th August 2014
Existing Site Plan	TA735/03		15th August 2014

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Existing Street Elevations	TA735/04		15th August 2014
Proposed Block Plan	TA735/10		15th August 2014
Proposed Site Plan	TA735/11		15th August 2014
Proposed Floor Plans	TA735/12		15th August 2014
Proposed Elevations	TA735/13		15th August 2014
Proposed Elevations 2	TA735/14		15th August 2014
Proposed Section AA	TA735/15		15th August 2014
Proposed Street Scene	TA735/16		15th August 2014

**BH2014/02810**

**Flat 1 Lincoln Court 78 The Drive Hove**

Replacement of existing windows and door with UPVC windows and door.

**Applicant:** Mrs Christine Jackson

**Officer:** Lorenzo Pandolfi 292337

**Approved on 29/10/14 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			04/09/2014
Photos			02/09/2014
Floor Plan			02/09/2014
Technical Specification			02/09/2014
Quotation			02/09/2014

**BH2014/02830**

**Flat 4 61 Goldstone Villas Hove**

Insertion of rooflights to front and rear roof slopes.

**Applicant:** Mrs U Pascoe

**Officer:** Nicola Hurley 292114

**Refused on 23/10/14 DELEGATED**

**1) UNI**

The proposed rooflights on the rear roof slope by reason of positioning and excessive number would create a cluttered appearance to the roofscape. The rooflights would be contrary to policies QD14 and HE6 of the Brighton & Hove Local Plan and the guidance contained in SPD12 Design Guide for Extensions and Alterations.

**BH2014/02921**

**29 Hove Park Villas Hove**

Installation of rooflights.

**Applicant:** Mr John Lingwood

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**Officer:** Benazir Kachchhi 294495

**Approved on 27/10/14 DELEGATED**

**1) BH01.01**

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

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

**2) UNI**

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

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

Plan Type	Reference	Version	Date Received
Site Location and Block plan	AL-100		01 September 2014
Existing floor plans	AL-101		01 September 2014
Existing Elevations	AL-102		01 September 2014
Proposed floor plans	AL-103		01 September 2014
Proposed Elevations	AL-104		01 September 2014

**BH2014/02970**

**44 Hove Park Villas Hove**

Certificate of lawfulness for proposed windows and enlargement of existing window to side elevation.

**Applicant:** Mr Ben Hatch

**Officer:** Lorenzo Pandolfi 292337

**Split Decision on 29/10/14 DELEGATED**

**1) UNI**

GRANT a lawful development certificate for the proposed side windows for the following reason:-

The proposed side windows are permitted under Schedule 2, Part 1 Class A of the Town and Country Planning (General Permitted Development) Order 1995, as amended.

**1) UNI**

REFUSE a lawful development certificate for the proposed side lightwells for the following reason:-

The proposed lightwells are an engineering operation, constituting development, and are not permitted under Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) Order 1995, as amended.

**BH2014/02982**

**27 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 4.7m, for which the maximum height would be 3.1m, and for which the height of the eaves would be 2.5m.

**Applicant:** Helen Patrick  
**Officer:** Mark Thomas 292336  
**Prior approval not required on 16/10/14 DELEGATED**

**BH2014/02996****Flat 5 33 Cromwell Road Hove**

Application for Approval of Details Reserved by Condition 2 of application BH2014/01957.

**Applicant:** Ms Charlotte Clarke  
**Officer:** Lorenzo Pandolfi 292337

**Approved on 29/10/14 DELEGATED**

**BH2014/03006****P&H House 106-112 Davigdor Road Hove**

Prior Approval for change of use from offices (B1) to residential (C3) to form 57no flats.

**Applicant:** Aegon UK Property Fund Ltd C/O Kames Capital  
**Officer:** Christopher Wright 292097

**Prior Approval is required and is approved on 20/10/14 DELEGATED**

**BH2014/03040****56 Livingstone Road Hove**

Application for Approval of Details Reserved by Conditions 6, 7, 8, 9, 11 and 12 of application BH2014/00921

**Applicant:** Mr Tim Hawkins  
**Officer:** Liz Arnold 291709

**Approved on 27/10/14 DELEGATED**

**BH2014/03056****1 Avondale Road Hove**

Certificate of lawfulness for proposed loft conversion incorporating dormer to the rear. (Part Retrospective)

**Applicant:** Mr Christian Tremlett  
**Officer:** Robert Hermitage 290480

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

**HANGLETON & KNOLL****BH2014/02594****131A Stapley Road Hove**

Replacement of two windows and one door. Formation of one new doorway and installation of door.

**Applicant:** Brighton Hove City Council Building Surveying  
**Officer:** Jonathan Puplett 292525

**Approved on 13/10/14 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	007		12 August 2014
Existing floor plan	001		12 August 2014
Proposed Floor Plan	002	A	12 August 2014
Existing and proposed elevations.	005		12 August 2014

**BH2014/02669****The Bungalow 11 Hangleton Lane Hove**

Application for variation of condition 2 of application BH2013/04222 (Erection of single storey front, side and rear extensions incorporating associated roof alterations) to allow for the insertion of 1no rooflight to front elevation.

**Applicant:** Mr Jerjes Philips

**Officer:** Adrian Smith 290478

**Approved on 15/10/14 DELEGATED**

**1) UNI**

The development hereby permitted shall be commenced before 03/04/2017.

*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	11HL.01	-	07/08/2014
Block Plan - Existing	11HL.02	-	07/08/2014
Block Plan - Proposal	11HL.03	-	12/12/2013
Block Plan - Proposal	11HL.04	-	07/08/2014
Arial Views	11HL.05	-	12/12/2013
Ground floor and roof plans - Existing	11HL.06	-	07/08/2014
Elevations - Existing	11HL.07	-	07/08/2014
Ground floor and roof plans - As approved	11HL.08	-	12/12/2013
Elevations as approved	11HL.09	-	12/12/2013
Ground floor plans- as approved	11HL.10	-	07/08/2014
Ground floor plan- proposed	11HL.10B	-	07/08/2014
Roof Plan- as approved	11HL.11	-	07/08/2014
Roof plan- proposed	11HL.11B	-	07/08/2014
Elevations- as approved	11HL.12	-	07/08/2014
Elevations- proposed	11HL.12	B	07/08/2014

**3) UNI**

No development shall take place within the application site until the applicant has secured the maintenance of an on-site watching brief by a suitably qualified and experienced archaeologist during construction work in accordance with written details which have been submitted to and approved in writing by the Local Planning Authority. In the event of important archaeological features or remains being discovered which are beyond the scope of the watching brief to excavate and record and which require a fuller rescue excavation, then construction work shall cease until the developer has secured the implementation of a further programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved scheme.

*Reason: In order to provide a reasonable opportunity to record the history of the site and to comply with policy HE12 of the Brighton & Hove Local Plan.*

**4) UNI**

No development shall take place until a method statement setting out how the existing listed boundary wall is to be protected, maintained and stabilised during and after demolition and construction works, has been submitted to and approved in writing by the local planning authority. Works shall be carried out in strict accordance with the approved method statement.

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

**5) UNI**

The external finishes of the development hereby permitted shall match those of the existing building.

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

**BH2014/02842****117 Hangleton Way Hove**

Erection of single storey side extension to replace existing detached garage.

**Applicant:** Ms Louise Alexander

**Officer:** Benazir Kachchi 294495

**Approved on 15/10/14 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.*

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Plan Type	Reference	Version	Date Received
Site Location plan			20 August 2014
Existing and proposed floor plans and elevations	One		20 August 2014

**BH2014/03061**

**20 High Park 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 5.8m, for which the maximum height would be 2.6m, for which the height of the eaves would be 2.6m.

**Applicant:** Mr Mohammad Hossein

**Officer:** Mark Thomas 292336

**Prior approval not required on 17/10/14 DELEGATED**

**NORTH PORTSLADE**

**BH2014/02802**

**44 Wickhurst Road Portslade**

Certificate of lawfulness for proposed erection of single storey rear extension to replace existing conservatory and replacement of existing side door with window.

**Applicant:** Mr Bob Leach

**Officer:** Benazir Kachchhi 294495

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

**BH2014/02804**

**158 Valley Road Portslade**

Erection of single storey rear extension.

**Applicant:** Mr Bob Leach

**Officer:** Benazir Kachchhi 294495

**Approved on 29/10/14 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 finishes of the external elevations 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 floor plans	LR43CRB 01	/	19 August 2014

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Block plan and existing front, side and rear elevations	LR43CRB 02	/	19 August 2014
Block plan and proposed front, side and rear elevations	LR43CRB 02	/	19 August 2014
Proposed ground floor, roof and location plans	LR43CRB 03	/	19 August 2014

**BH2014/02953****85 North Lane Portslade**

Certificate of lawfulness for proposed loft conversion incorporating roof extensions, rear dormer and front rooflights.

**Applicant:** Mrs Julia Holder**Officer:** Lorenzo Pandolfi 292337**Approved on 28/10/14 DELEGATED****BH2014/03003****1 Foredown Road Portslade**

Prior approval for the erection of a single storey rear extension, which would extend beyond the rear wall of the original house by 6m, for which the maximum height would be 3.2m, and for which the height of the eaves would be 2.6m.

**Applicant:** Mr & Mrs Ogle**Officer:** Helen Hobbs 293335**Prior Approval is required and is refused on 17/10/14 DELEGATED****1) UNI**

The proposed rear extension, by reason of its height, mass and depth would result in a significantly overbearing impact, an unacceptable sense of enclosure and a loss of light to the adjoining property, no. 2 Foredown Road.

**SOUTH PORTSLADE****BH2014/01613****221 Old Shoreham Road Portslade**

Application for approval of details reserved by conditions 5, 8 and 9 (i) of application BH2013/01350.

**Applicant:** Footsteps Day Nursery**Officer:** Christopher Wright 292097**Approved on 15/10/14 DELEGATED****BH2014/02119****87 Abinger Road Portslade**

Application for approval of details reserved by conditions 6, 7 and 8 of application BH2013/04185.

**Applicant:** Pearl Developments (Brighton) LLP**Officer:** Christopher Wright 292097**Approved on 10/10/14 DELEGATED****HOVE PARK****BH2014/01783****26 Cobton Drive Hove**

Erection of single storey side extension and conversion of existing garage to rear



into habitable living space.

**Applicant:** Jackie Ames

**Officer:** Mark Thomas 292336

**Approved on 22/10/14 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	06	4a	29.09.2014
Existing ground floor plan	01	4a	29.09.2014
Proposed ground floor plan	02	4a	29.09.2014
Proposed roof plan	03	4a	29.09.2014
Existing elevations	04	4a	29.09.2014
Proposed elevations	05	4a	29.09.2014

**BH2014/01889**

**33 Bishops Road Hove**

Erection of two storey and first storey floor extensions and roof extensions and rear dormers.

**Applicant:** Mr Murdo Munro

**Officer:** Helen Hobbs 293335

**Approved on 23/10/14 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 block and location plan	1.01		9th June 2014
Plans, elevations & section as existing	1.02		9th June 2014
Plans and elevations as proposed	2.02	E	2nd October 2014

**BH2014/01941****55 Woodland Drive Hove**

Remodelling of existing dwelling including alterations and raising of roof height to facilitate creation of additional storey. Erection of porch and creation of garage at lower ground floor level to front. Alterations and enlargement of existing patio to rear, creation of access steps to either side of dwelling, revised fenestration and associated works.

**Applicant:** Mr & Mrs Chambers

**Officer:** Helen Hobbs 293335

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

**1) UNI**

The proposed development, by reason of its scale, detailing and resulting bulk, would create an unduly dominant and incongruous appearance which would appear at odds with the prevailing character of the Woodland Drive street scene. The proposal would therefore fail to emphasise or enhance the positive qualities of the local neighbourhood and is contrary to policies QD2 and QD14 of the Brighton & Hove Local Plan.

**BH2014/02190****313 Dyke Road Hove**

Erection of new front boundary wall and widening of vehicle crossover.

**Applicant:** Craig Ritchie

**Officer:** Lorenzo Pandolfi 292337

**Approved on 13/10/14 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 front boundary wall hereby permitted shall match in material, colour, style, bonding and texture those of the main building at 313 Dyke Road.

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

**3) UNI**

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

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

Plan Type	Reference	Version	Date
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			Received
Site Plan			07/07/2014
Block Plan			07/07/2014
Entrance Crossover Plan and Elevation as Existing	01		02/07/2014
Entrance Crossover Plan and Elevation as Proposed	02		02/07/2014

**BH2014/02274****59 Tongdean Avenue Hove**

Erection of first floor side extension and associated alterations.

**Applicant:** Mr & Mrs Humbly**Officer:** Joanne Doyle 292198**Approved on 09/10/14 DELEGATED****1) BH01.01**

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

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

**2) UNI**

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

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

**3) UNI**

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

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

Plan Type	Reference	Version	Date Received
Site Location Plan	ADC687/LP		09 Jul 2014
Block Plan	ADC687/BP		09 Jul 2014
Existing Ground Floor Plan	ADC687/01		09 Jul 2014
Existing First Floor Plan	ADC687/02		09 Jul 2014
Proposed Ground Floor Plan	ADC687/03		09 Jul 2014
Proposed First Floor Plan	ADC687/04		09 Jul 2014
Existing Elevations	ADC687/05		09 Jul 2014
Proposed Elevations	ADC687/06		09 Jul 2014

**BH2014/02402****4 Dyke Close Hove**

Demolition of existing conservatory and erection of single storey rear extension.

**Applicant:** Mr S Spink**Officer:** Christopher Wright 292097**Approved on 10/10/14 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*

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*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
First Floor Roof Layout As Proposed	820/01		17 Jul 2014
Sketch View of Proposals	820/02		17 Jul 2014
Elevations As Existing	820/03	A	10 Sep 2014
Ground Floor & Layout As Existing	820/04		17 Jul 2014
Ground Floor & Site Layout As Proposed	820/05		17 Jul 2014
Section Proposed and Section Existing	820/06	A	10 Sep 2014
Site Location Plan and Block Plan	820/07		17 Jul 2014
Elevations As Proposed	820/08	A	10 Sep 2014

**BH2014/02700**

**3 The Green Hove**

Erection of new front porch.

**Applicant:** Mr Clive Crutchfield

**Officer:** Lorenzo Pandolfi 292337

**Approved on 21/10/14 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.*

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Plan Type	Reference	Version	Date Received
Site Plan / Block Plan	P01		22/08/2014
Ground Floor Plan as Existing	02		22/08/2014
Ground Floor Plan as Proposed	03		22/08/2014
Front Elevation as Existing	04		22/08/2014
Front Elevation as Proposed	05		22/08/2014
Front Elevation Proposed	07		22/08/2014
Proposed Side Elevation	08		22/08/2014
Views of House Front	09		22/08/2014
East Elevation Existing	10		26/08/2014
West Elevation Existing	11		27/08/2014
Side Elevation as Proposed	12		27/08/2014

**BH2014/02735**

**27 Shirley Drive Hove**

Erection of single story side extension.

**Applicant:** Mr & Mrs Rod Thomas

**Officer:** Joanne Doyle 292198

**Approved on 13/10/14 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	131003	SO	13 Aug 2014
Block Plan	131003	PO	13 Aug 2014
Front (West) Elevation Survey	131003	S4	13 Aug 2014
Side (South) Elevation Survey	131003	S5	13 Aug 2014
Rear (East) Elevation Survey	131003	S6	13 Aug 2014
Side (North) Elevation Survey	131003	S7	13 Aug 2014
Section A-A Survey	131003	S8	13 Aug 2014
Section B-B Survey	131003	S9	

Ground Floor Plan Survey	131003	S1	13 Aug 2014
First Floor Plan Survey	131003	S2	13 Aug 2014
Roof Plan Survey	131003	S2	13 Aug 2014
Front (West) Elevation as proposed	131003	P104	13 Aug 2014
Side (South) Elevation as Proposed	131003	P105	13 Aug 2014
Rear (East) Elevation as Proposed	131003	P106	13 Aug 2014
Side (North) Elevation as proposed	131003	P107	13 Aug 2014
Section A-A as proposed	131003	P108	13 Aug 2014
Section B-B as proposed	131003	P109	13 Aug 2014
Ground Floor Plan as Proposed	131003	P101	13 Aug 2014
First Floor Plan as Proposed	131003	P102	13 Aug 2014
Roof Plan as proposed	131003	P103	13 Aug 2014

**BH2014/02756****26 The Droveaway Hove**

Application for variation of condition 2 of application BH2004/1590/FP (Alterations to west elevation consisting of installation of new air-conditioning unit, repositioning of air-conditioning unit from rear elevation, new attenuated refrigeration unit (frogbox) (retrospective) to extend hours of operation for air conditioning units by one hour in the morning to 06:00-23:00.

**Applicant:** Tesco Stores Ltd

**Officer:** Allison Palmer 290493

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

**1) UNI**

A self-closing mechanism to the external door to the bulk store leading to the service yard shall be retained to the satisfaction of the Local Planning Authority and thereafter be maintained. The door shall remain shut except during deliveries.

*Reason: To safeguard the amenities of the occupiers of adjoining properties and to comply with policy 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			14/08/14
Background from G L Hearn			14/08/14
Noise Impact assessment			14/08/14

**3) UNI**

The air-conditioning units hereby permitted shall not operate between the hours of 23.00 and 06.00.

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

*to comply with policy QD27 of the Brighton & Hove Local Plan Second Deposit Draft.*

**BH2014/02819****17 Bishops Road Hove**

Certificate of lawfulness for proposed erection of single storey rear extension to replace existing conservatory and installation of new side window.

**Applicant:** Mrs Marion Anderson

**Officer:** Benazir Kachchhi 294495

**Approved on 20/10/14 DELEGATED**

**BH2014/02854****1 Barrowfield Close Hove**

Erection of front extension.

**Applicant:** Bruce Whattam

**Officer:** Lorenzo Pandolfi 292337

**Refused on 16/10/14 DELEGATED**

**1) UNI**

The proposed front extension would create a poor relationship with main building by reason of its design, which incorporates a discordant eaves height in relation to that existing, and, in the absence of information to indicate otherwise, material which would fail to integrate with the existing building. The proposal is thereby contrary to policy QD14 of the Brighton & Hove Local Plan and Supplementary Planning Document 12 Design Guide on Extensions and Alterations.

**BH2014/02873****1 Barrowfield Drive Hove**

Erection of painted, rendered block wall, to replace existing boundary wall. (Retrospective)

**Applicant:** Mr Amir Solehi

**Officer:** Robin Hodgetts 292366

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

**1) UNI**

The boundary wall by reason of its scale, design and materials adversely impacts upon the appearance and character of the existing property and the surrounding street scene and is thereby contrary to policy QD14 of the Brighton & Hove Local Plan.

**BH2014/03063****47 The Drove Hove**

Prior approval for the erection of a single storey rear extension, which would extend beyond the rear wall of the original house by 7.1m, for which the maximum height would be 3.87m, and for which the height of the eaves would be 3.87m.

**Applicant:** Mr & Mrs Cunningham

**Officer:** Mark Thomas 292336

**Prior Approval is required and is approved on 22/10/14 DELEGATED**

**WESTBOURNE****BH2014/02228**

**26 Pembroke Crescent Hove**

Erection of single storey extension and creation of dormer to the rear.

**Applicant:** Tracy Tarrant

**Officer:** Joanne Doyle 292198

**Approved on 29/10/14 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 folding doors, shall match in material, colour, style, bonding and texture those of the existing building.

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

**3) UNI**

The hereby approved window to the front elevation shall be painted softwood, double hung vertical sliding sashes with concealed trickle vents and shall be retained as such thereafter.

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

**4) UNI**

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

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

Plan Type	Reference	Version	Date Received
Site Location Plan	159/PA/100		04 Jul 2014
Block Plan	159/PA/200		04 Jul 2014
Existing Floor Plans	159/PA/101		04 Jul 2014
Existing South Elevation & Section AA	159/PA/102		04 Jul 2014
Existing East & West Elevations	159/PA/103		09 Jul 2014
Proposed Floor Plans	159/PA/201		04 Jul 2014
Proposed South Elevation & Section AA	159/PA/202		04 Jul 2014
Proposed East & West Elevations	159/PA/203		04 Jul 2014

**BH2014/02693****Flat 34 Fairlawns 159 Kingsway Hove**

Replacement of existing aluminium windows and doors with UPVC units.

**Applicant:** Mr Jon Gregory

**Officer:** Benazir Kachchhi 294495

**Approved on 14/10/14 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	1107		26 August 2014
Glazing pattern			11 August 2014
Locking system			26 August 2014

**BH2014/02808****12 Aymer Road Hove**

Installation of railings above front and side boundary wall, new side gate, extension and capping of brick pier and associated landscaping.

**Applicant:** Mr & Mrs Malcolm Wolf

**Officer:** Helen Hobbs 293335

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

**1) UNI**

The proposed railings to the front boundary wall, by reason of their design, would not be in keeping with the character or appearance of the property and would appear as a visually incongruous and harmful alteration to the property. The proposal would therefore fail to preserve or enhance the character and appearance of the Pembroke and Princes Conservation Area and is contrary to policies QD14 and HE6 of the Brighton & Hove Local Plan, and Supplementary Planning Documents 09, Architectural Features, and 12, Design Guide for Extensions and Alterations.

**BH2014/02934****50 Westbourne Villas Hove**

Application for Approval of Details Reserved by Conditions 3 and 4 of application BH2014/01250.

**Applicant:** Janice Tyler

**Officer:** Mark Thomas 292336

**Approved on 29/10/14 DELEGATED**

**BH2014/02956****32 Cowper Street Hove**

Demolition of existing single storey rear extension and erection of single storey rear extension with associated alterations.

**Applicant:** Mr & Mrs J Hopkins

**Officer:** Christopher Wright 292097

**Approved on 16/10/14 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 other openings, other than those expressly authorised by this permission, shall be constructed in either of the eastern or western facing flank walls 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
Floor Plans & Elevations As Existing. Block & Location Plan.	3566-01		2 Sep 2014
Floor Plans & Elevations As Proposed	3566-02	D	2 Sep 2014

**WISH****BH2014/00430****Site Rear of 331 Kingsway Hove**

Erection of three storey building comprising of office space (B1) on ground floor and 4no one bedroom and 4no two bedroom flats of first and second floors with associated parking, cycle and bin storage.

**Applicant:** Southern Housing Group

**Officer:** Sarah Collins 292232

**Approved on 28/10/14 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**

No development shall take place until details of the ventilation strategy for the building has been submitted to and approved in writing by the Local Planning Authority. The measures shall be implemented in strict accordance with the approved details prior to the occupation of the development and shall thereafter be retained as such.

*Reason: To safeguard the amenities of the occupiers of future occupants of the*

*development, ensure the efficient use of resources and to comply with policies SU2, SU10 and QD27 of the Brighton & Hove Local Plan.*

**3) UNI**

The ground floor B1 unit shown on drawing numbers D01/C and D02/C shall only be used for the purposes of providing business uses under the B1 use class 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 To ensure satisfactory levels of employment remain on site and to comply with policy EM9 of the Brighton & Hove Local Plan.*

**4) 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.*

**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**

Access to the flat roofs other than the balconies to the rear of the building hereby approved shall be for maintenance or emergency purposes only and the flat roofs other than the balconies to the rear of the building 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.*

**7) UNI**

The first and second floor bathroom windows in the north elevation shown as obscured glass on drawing numbers D03 and D04/C shall not be glazed otherwise than with obscured glass with top level opening only and thereafter permanently retained as such.

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

**8) UNI**

The B1 use hereby permitted shall not be in use except between the hours of 0730 and 1930 on Mondays to Fridays and 0900 and 1230 on Saturdays and not at anytime on Sundays, Bank or Public Holidays.

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

**9) UNI**

No deliveries to or from the site, or other activity, associated with the B1 use shall take place except between the hours of 0730 and 1930 on Mondays to Fridays and 0900 and 1230 on Saturdays and not at any time on Sundays, Bank or Public Holidays.

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

**10) 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.*

**11) UNI**

The development hereby permitted shall be undertaken in accordance with the Site Waste Management Plan received 10th February 2014.

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

**12) UNI**

No development shall take place until details and samples of the materials to be used in the construction of the external surfaces of the development hereby permitted, including details of the walls to the rear balconies, 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 safeguard the character and appearance of the area and to comply with policies QD2 and QD14 of the Brighton & Hove Local Plan.*

**13) 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 with street frontages and adjoining properties, and planting of the development.

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

**14) UNI**

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

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

**15) UNI**

No development shall commence until details of two disabled car parking spaces for the occupants of and visitors to the (B1) development hereby approved have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented and made available for use prior to the first occupation of the development hereby permitted and shall thereafter be retained for use at all times.

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

**16) UNI**

The development hereby permitted shall not be commenced until there has been submitted to and approved in writing by the Local Planning Authority:

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

(b) a site investigation report documenting the ground conditions of the site and incorporating chemical and gas analysis identified as appropriate by the desk top study in accordance with BS10175:2001; and, unless otherwise agreed in writing by the Local Planning Authority,

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

*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.*

**17) UNI**

No development shall take place until a scheme for the soundproofing of the building has been submitted to and approved in writing by the Local Planning Authority. The measures shall be implemented in strict accordance with the approved details prior to the occupation of the development and shall thereafter be retained as such.

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

**18) UNI**

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

**20) UNI**

Unless otherwise agreed in writing by the Local Planning Authority, no non-residential development shall commence until a BRE issued Interim/Design Stage Certificate demonstrating that the development has achieved a minimum

BREEAM rating of 50% in energy and water sections of relevant BREEAM assessment within overall 'Very Good' 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.*

**21) UNI**

No development shall take place until a scheme, including plans and elevation drawings, for the photovoltaic panels as detailed in the Domestic and Commercial Outline Energy and Sustainability Reports (received 10th February 2014) has been submitted to and agreed in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the agreed details prior to the occupation of the development and shall be maintained and retained as such thereafter.

*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.*

**22) 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.*

**23) UNI**

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

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

**24) UNI**

Prior to the first occupation of the development hereby permitted the redundant vehicle crossovers on Roman Road shall be reinstated back to footway by raising the existing kerb and footway in accordance with a specification that has been approved in writing by the Local Planning Authority.

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

**25) UNI**

The development hereby approved shall not be occupied until the refuse and recycling 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.*

**26) UNI**

The development hereby approved shall not be occupied until the cycle parking 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 that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than private motor vehicles and to comply with policy TR14 of the Brighton & Hove Local Plan.*

**27) UNI**

The development hereby permitted shall not be occupied or brought into use until there has been submitted to the Local Planning Authority verification by the competent person approved under the provisions of condition 16 (c) that any remediation scheme required and approved under the provisions of condition 16 (c) has been implemented fully in accordance with the approved details (unless varied with the written agreement of the Local Planning Authority in advance of implementation). Unless otherwise agreed in writing by the Local Planning Authority such verification shall comprise:

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

Thereafter the scheme shall be monitored and maintained in accordance with the scheme approved under condition 16 (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.*

**28) UNI**

Within 3 months of the occupation of the ground floor office a scheme of Travel Plan measures to promote sustainable transport to and from the office development shall be submitted to and approved in writing by the Local Planning Authority. The Scheme should include but not be limited to the following measures:

- i) The provision of up to date public transport information within the building and to users of the building;
- ii) Promotion of sustainable travel for staff trips including personal travel planning;
- iii) Sustainable transport promotional material being readily available to staff and visitors including cycle and bus routes and timetable brochures and car club information.

The agreed measures shall be implemented in accordance with the agreed details and be maintained as such thereafter.

*Reason: To ensure the development maintains a sustainable transport strategy and to comply with policies TR1, TR4 and TR14 of the Brighton & Hove Local Plan.*

**29) UNI**

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

<b>PLANNING COMMITTEE</b>	<b>Agenda Item 106(a)</b> Brighton & Hove City Council
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*Reason: For the avoidance of doubt and in the interests of proper planning.*

Plan Type	Reference	Version	Date Received
Block Plan	Y050-A01		10 Feb 2014
Location Plan	Y050-A02		10 Feb 2014
Site Survey	Y050-A03	A	21 May 2014
Existing Site Plan	Y050-A04	A	21 May 2014
Existing Front Elevation	Y050-A05		10 Feb 2014
Existing Rear Elevation	Y050-A06		10 Feb 2014
Existing Side Elevation	Y050-A07		10 Feb 2014
Existing Side Elevation	Y050-A08		10 Feb 2014
Proposed Site Plan	Y050-D01	C	24 June 2014
Proposed Ground Floor Plan	Y050-D02	C	24 June 2014
Proposed First Floor	Y050-D03		10 Feb 2014
Proposed Second Floor	Y050-D04	C	24 June 2014
Proposed Roof	Y050-D05	A	21 May 2014
Proposed Front Elevation	Y050-D06		10 Feb 2014
Proposed Rear Elevation	Y050-D07	C	24 June 2014
Proposed Side Elevation	Y050-D08	C	24 June 2014
Proposed Side Elevation	Y050-D09	C	24 June 2014

**BH2014/02592**

**40 Stoneham Road Hove**

Formation of roof terrace with balustrading over existing rear flat roof.

**Applicant:** Mr & Mrs Maddox

**Officer:** Lorenzo Pandolfi 292337

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

**1) UNI**

The proposed roof terrace would, by virtue of its siting and elevated position, appear an unduly prominent addition to the building which would be out of keeping with the established character and appearance of neighbouring properties. 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 roof terrace would facilitate the placing of outdoor paraphernalia in a visually prominent position, to the detriment of the character and appearance of the building and wider surrounding area. The proposal would therefore be contrary to policy QD14 of the Brighton & Hove Local Plan.

**3) UNI3**

The proposed roof terrace, by virtue of its elevated position and size, would lead to downward overlooking causing a significant loss of privacy for occupants of adjoining properties. The proposal would therefore be contrary to policies QD14 and QD27 of the Brighton & Hove Local Plan.

**BH2014/02796**

**86A Boundary Road Hove**

Application for approval of details reserved by condition 4 of application BH2011/01848.



**Applicant:** Mr Emmanuel Abadi  
**Officer:** Mark Thomas 292336  
**Refused on 10/10/14 DELEGATED**

**BH2014/03073****52 St Leonards Gardens Hove**

Prior approval for the erection of a single storey rear extension, which would extend beyond the rear wall of the original house by 3.6m, for which the maximum height would be 2.96m, and for which the height of the eaves would be 2.9m.

**Applicant:** Mr Kevin Viney  
**Officer:** Benazir Kachchhi 294495  
**Prior approval not required on 16/10/14 DELEGATED**

**Withdrawn Applications**



**PLANS LIST 19 November 2014****PRESTON PARK**

**Application No:    BH2014/03459**  
**37 Springfield Road, Brighton**

T1 & T2 Plums - reduce crown by 30% to appropriate growth points; T3, T4 & T5 Elms - prune back low overhanging branches, leaving high growth.

Applicant:            Mr G Place  
**Approved on 29 Oct 2014**

**REGENCY**

**Application No:    BH2014/03460**  
**12 Powis Grove, Brighton**

T1 Lime, T2 Cherry, T3 Holly - reduce crown by 1.5m; T5 Bay - reduce crown by 2m.

Applicant:            Mr G Place  
**Approved on 29 Oct 2014**

**WITHDEAN**

**Application No:    BH2014/03533**  
**257 Preston Road, Brighton**

1no Ash in front garden - reduce branches overhanging garden of No. 259 back by up to 3 metres; remove lower laterals back to source; reduce remaining crown to re-balance and shape; crown lift 6 metres removing over-mature epicormic growth on main stem. Some branches will need to be pollarded leaving no foliage due to limited internal growth points.

Applicant:            Mr G O'Flanagan  
**Approved on 21 Oct 2014**

**HANOVER & ELM GROVE**

**Application No:    BH2014/03240**  
**37 Hanover Terrace, Brighton**

Bay Tree - reduce all over by 1-2m for maintenance.

Applicant: Miss Tayla Sturmeay

**Approved on 29 Oct 2014**

**WOODINGDEAN**

**Application No: BH2014/03095**

**74 Crescent Drive North, Woodingdean, Brighton**

Fell 2no Sycamores.

Applicant: Mr K Sinar

**Refused on 29 Oct 2014**

**NEW APPEALS RECEIVED****WARD**APPEAL APP NUMBERADDRESSDEVELOPMENT DESCRIPTIONAPPEAL STATUSAPPEAL RECEIVED DATEAPPLICATION DECISION LEVEL**HOVE PARK**

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.

APPEAL LODGED

09/10/2014

Delegated

**WARD**APPEAL APP NUMBERADDRESSDEVELOPMENT DESCRIPTIONAPPEAL STATUSAPPEAL RECEIVED DATEAPPLICATION DECISION LEVEL**WITHDEAN**

BH2014/01601

7 Hollingbury Copse Brighton

Erection of single storey rear extension with roof terrace above.

APPEAL LODGED

14/10/2014

Delegated

**WARD**APPEAL APP NUMBERADDRESSDEVELOPMENT DESCRIPTIONAPPEAL STATUSAPPEAL RECEIVED DATEAPPLICATION DECISION LEVEL**HOVE PARK**

BH2014/01256

155 Woodland Avenue Hove

Erection of single storey rear extension and raised decking (amended description).

APPEAL LODGED

14/10/2014

Delegated

**WARD**APPEAL APP NUMBERADDRESSDEVELOPMENT DESCRIPTIONAPPEAL STATUSAPPEAL RECEIVED DATEAPPLICATION DECISION LEVEL**GOLDSMID**

BH2014/01506

17 Wilbury Villas Hove

Erection of single storey rear extension.

APPEAL LODGED

15/10/2014

Delegated

**WARD****APPEAL APP NUMBER****ADDRESS****DEVELOPMENT DESCRIPTION****APPEAL STATUS****APPEAL RECEIVED DATE****APPLICATION DECISION LEVEL****SOUTH PORTSLADE**

BH2014/00387

Electricity Sub Station Rear of 59 Lincoln Road Portslade

Change of use from electricity substation (Sui Generis) to storage unit (B8).

APPEAL LODGED

20/10/2014

Delegated

**WARD****APPEAL APP NUMBER****ADDRESS****DEVELOPMENT DESCRIPTION****APPEAL STATUS****APPEAL RECEIVED DATE****APPLICATION DECISION LEVEL****PATCHAM**

BH2014/02339

16 Old Farm Road Brighton

Erection of single storey side extension.

APPEAL LODGED

22/10/2014

Delegated

**WARD****APPEAL APP NUMBER****ADDRESS****DEVELOPMENT DESCRIPTION****APPEAL STATUS****APPEAL RECEIVED DATE****APPLICATION DECISION LEVEL****HOVE PARK**

BH2014/01924

46 Elizabeth Avenue Hove

Erection of single storey rear and side extension.

APPEAL LODGED

22/10/2014

Delegated

**WARD****APPEAL APP NUMBER****ADDRESS****DEVELOPMENT DESCRIPTION****APPEAL STATUS****APPEAL RECEIVED DATE****APPLICATION DECISION LEVEL****PATCHAM**

BH2014/01006

435 Ditchling Road Brighton

Demolition of existing garage and boundary wall and erection of 3no two bedroom residential dwellings (C3).

APPEAL LODGED

23/10/2014

Delegated

**WARD****APPEAL APP NUMBER****ADDRESS****DEVELOPMENT DESCRIPTION****APPEAL STATUS****APPEAL RECEIVED DATE****APPLICATION DECISION LEVEL****WITHDEAN**

BH2014/01950

48 Redhill Drive Brighton

Erection of three storey rear extension, alterations to fenestration, creation of raised terrace with balustrade and roof alterations with 4 no rooflights.

APPEAL LODGED

23/10/2014

Delegated

**WARD****APPEAL APP NUMBER****ADDRESS****DEVELOPMENT DESCRIPTION****APPEAL STATUS****APPEAL RECEIVED DATE****APPLICATION DECISION LEVEL****SOUTH PORTSLADE**

BH2014/02459

St Marys C P School Church Road

Portslade

Erection of canopy to West elevation

APPEAL LODGED

27/10/2014

Delegated

**WARD****APPEAL APP NUMBER****ADDRESS****DEVELOPMENT DESCRIPTION****APPEAL STATUS****APPEAL RECEIVED DATE****APPLICATION DECISION LEVEL****HANGLETON & KNOLL**

BH2014/01583

253 Old Shoreham Road Hove

Erection of single storey rear extension.

APPEAL LODGED

29/10/2014

Delegated





**INFORMATION ON HEARINGS / PUBLIC INQUIRIES  
19<sup>th</sup> November 2014**

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**This is a note of the current position regarding Planning Inquiries and Hearings**

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**20-22 Market Street and 9 East Arcade, Brighton**

Planning application no: BH2013/01279

Description: Change of use from retail (A1) to restaurant (A3) incorporating installation of ventilation system.

Decision: Delegated

Type of appeal: Informal Hearing

Date: TBC

Location: TBC



**APPEAL DECISIONS**

	<b>Page</b>
<b>A – FLAT 3, 61 WILBURY CRESCENT, HOVE – GOLDSMID</b>	<b>245</b>
Application BH2014/00003 – Appeal against refusal to grant permission for replacement of existing timber windows to uPVC windows to front and rear elevations. <b>APPEAL ALLOWED</b> (delegated decision)	
<b>B – 60 CORNWALL GARDENS, BRIGHTON – WITHDEAN</b>	<b>249</b>
Application BH2014/01718 – Appeal against refusal to grant permission for retrospective householder planning application for replacement boundary fence. <b>APPEAL ALLOWED</b> (delegated decision)	
<b>C – 2 HIGHDOWN ROAD HOVE – GOLDSMID</b>	<b>251</b>
Application BH2013/03133 – Appeal against refusal for roof extension with mansard roof and associated alterations. <b>APPEAL ALLOWED -</b> (delegated decision)	
<b>D – 31 BEACON HILL, BRIGHTON – ROTTINGDEAN COASTAL</b>	<b>257</b>
Application BH2014/02095 - Appeal against refusal to grant planning permission for a new dormer, a new roof terrace with access through the roof and two replacement windows. <b>APPEAL ALLOWED -</b> (delegated decision)	
<b>E – 65 SURRENDEN ROAD, BRIGHTON – WITHDEAN</b>	<b>261</b>
Application BH2014/01875 - Appeal against refusal to grant planning permission for ground and lower ground floor flat roofed extension to rear of property. <b>APPEAL ALLOWED -</b> (delegated decision)	
<b>F – 77 WIDDICOMBE WAY, BRIGHTON – MOULSECOOMB &amp; BEVANDEAN</b>	<b>265</b>
Application BH2013/02400 - Appeal against refusal to grant retrospective planning permission for single storey rear extension, roof conversion including dormer windows and rooflight. <b>APPEAL ALLOWED -</b> (delegated decision)	
<b>G – 68A ST GEORGES ROAD, BRIGHTON – EAST BRIGHTON</b>	<b>271</b>
Application BH2013/04061 - Appeal against planning permission subject to conditions; the conditions states: '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. **APPEAL DISMISSED** - (delegated decision)

**H – 20 MARGARET STREET, BRIGHTON – QUEEN'S PARK 275**

Application BH2014/01507 - Appeal against refusal to grant retrospective planning permission for the construction of two new rear dormers. **APPEAL ALLOWED** - (delegated decision)

**I – TOP FLOOR FLAT, 18 CLIFTON STREET, BRIGHTON – ST PETER'S & NORTH LAINE 277**

Application BH2013/03492 - Appeal against refusal to grant retrospective planning permission for replacement of windows. **APPEAL DISMISSED** - (delegated decision)

**J – 53 DENE VALE, BRIGHTON – WITHDEAN 281**

Application BH2014/01879 - Appeal against refusal to grant retrospective planning permission for proposed driveway and retaining walls with planters to front garden. **APPEAL DISMISSED** - (delegated decision)



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## Appeal Decision

Site visit made on 30 September 2014

**by Megan Thomas BA(Hons) in Law, Barrister**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 13 October 2014**

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### **Appeal Ref: APP/Q1445/A/14/2220600**

### **Flat 3, 61 Wilbury Crescent, Hove, Sussex BN3 6FJ**

- 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 Gillian Elstob against the decision of Brighton & Hove City Council.
  - The application Ref BH2014/00003, dated 30 December 2013, was refused by notice dated 25 March 2014.
  - The development proposed is the replacement of existing timber windows to uPVC windows to front and rear elevations.
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### **Decision**

1. The appeal is allowed and planning permission is granted for the replacement of existing timber windows to uPVC windows to front and rear elevations at Flat 3, 61 Wilbury Crescent, Hove, Sussex BN3 6FJ in accordance with the terms of the application, Ref BH2014/00003, dated 30 December 2013, subject to the following conditions;
  - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
  - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Map 1:1250, Quotation from Ace Glass Southern Ltd dated 9 December 2013.

### **Procedural Matter**

2. In the box heading and in the formal decision above I have used the description of development substituted by the Council in the Notice of Decision, namely "replacement of existing timber windows to UPVC windows to front and rear elevations." This is a more accurate and complete description of the development sought than appeared on the application form which was "replacement of existing rotten sash windows within keeping of next door". No-one is prejudiced by this alteration.

### **Main Issue**

3. The main issue is the effect of the replacement front elevation window on the character and appearance of the building and area.
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## Reasons

4. The appeal site is the top floor flat of a three storey property located on the southern side of Wilbury Crescent, a residential road in Hove. No.61 is on the north-eastern end of a short terrace of 4 properties. Its immediate neighbour is no.59 and from the front the two properties have a similar pattern of fenestration. There is a public right of way to the side of no.61, Burton Walk, which leads to a housing unit and a pedestrian bridge over railway lines.
5. From the public realm, it is difficult to see the rear window of flat 3 and the Council have not raised any objection to the replacement of that window with one using uPVC material and as proposed. I also consider that the window proposed would be unobjectionable.
6. The front elevation window to flat 3 is a dormer bedroom window and is a timber-framed 4 panel window with 4 vertical sash openings. The other front elevation windows of no.61 are also timber-framed. The ground floor window is large and does not align directly underneath the two upper floor windows. It appears to have been a shop front in the past.
7. The proposed front window would be uPVC-framed with top hung opening lower sections to the two outer frames. The windows on the front elevation of no.59 have been replaced by uPVC windows.
8. Policy QD14 of the Brighton & Hove Local Plan 2005 indicates that, amongst other things, alterations to existing buildings will only be granted if the proposed development uses materials sympathetic to the parent building. Supplementary Planning Document SPD 12 *Design Guide for Extensions & Alterations* (June 2013) sets out a number of design principles including ensuring the materials and detailing of replacement windows on street elevations are consistent with the original or predominant windows to the host building/terrace. I note that this recent SPD has been out to public consultation and I have given it substantial weight.
9. I walked and travelled widely in the area and saw that a high proportion of properties have installed uPVC fenestration. Nos 61 and 59 tend to be viewed together as they have similar fenestration and are prominent as a pair particularly when emerging from Burton Villas, the road opposite the appeal site. I acknowledge that the Council aims to prevent loss of character and appearance of streetscenes and has policies which seek to protect those attributes and to reinforce uniformity. Nevertheless, in this instance, there are a variety of house types in Wilbury Crescent and changes have already taken place within many other buildings in the Crescent and nearby roads to the extent that uPVC windows have become commonplace and part of the character of the surrounding area. To my mind, there would be no unacceptable harm to the appearance of the area or the building if the front window of flat 3 was replaced as sought as nos 61 and 59 stand out as a pair and the predominant windows are uPVC not timber-framed. In this instance, the appearance of the streetscene would best be served by taking the lead from the windows at no.59, notwithstanding that the proposed uPVC window would have thicker frames and different methods of opening than the existing window. I acknowledge that the first and second floor windows of no.61 are physically close. However, flat 3's window is a dormer which steps back from the front facade and from the first

floor window, which itself is a box window stepping forward from the front facade. It has sufficient individuality to warrant a different treatment to the window below. Overall I consider that the proposed window would be sympathetic to the parent building.

10. I have given weight to the variety and mix of property types in the area, to the changes in fenestration that have taken place and to the fact that no.61 is not a listed building and the area has not been designated as a conservation area.

11. For the reasons given above I conclude that the proposed development would not unacceptably harm the character or appearance of the building or area. It would not be contrary to policy QD14 of the LP or to guidance in SPD 12.

### **Conditions**

12. In the interests of good planning and for the avoidance of doubt, I have attached a condition tying the development to the windows shown in the quotation dated 9 December 2013 from Ace Glass Southern Ltd and to the Location Map 1:1250.

### **Conclusion**

13. Having taken into account all representations made, I allow the appeal.

*Megan Thomas*

INSPECTOR







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## Appeal Decision

Site visit made on 30 September 2014

**by D Fleming BA (Hons) MRTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 14 October 2014**

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**Appeal Ref: APP/Q1445/D/14/2224398**

**60 Cornwall Gardens, Brighton, BN1 6RJ**

- 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 & Ms Adams-Kirkham against the decision of Brighton & Hove City Council.
  - The application, Ref BH2014/01718, was refused by notice dated 1 August 2014.
  - The development proposed is described as "retrospective householder planning application for replacement boundary fence".
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### Decision

1. The appeal is allowed and planning permission is granted for a replacement boundary fence in accordance with the terms of application, Ref BH204/01718, dated 23 May 2014.

### Procedural Matter

2. I saw at my site visit that the replacement boundary fence had been installed. Whilst I have therefore dealt with the appeal on the basis of the submitted plans, which provide details of the fence, I have considered it as a retrospective application. However the reference in the description of the development to the proposal being a retrospective householder planning application is superfluous and I have left it out of my formal decision.

### Main issue

3. The main issue is the effect of the development on the character and appearance of the area.

### Reasons

4. The appeal site comprises an end terraced house situated on the corner of Cornwall Gardens and Varndean Drive. It has a modest side garden which is situated below the height of the neighbouring roads. Houses in the immediate area are bounded by low brick walls and mature shrubs though corner properties in the area have a variety of boundary treatments including high brick walls and various combinations of walls and fences. These differ in height depending on where they are situated along the steeply rising Varndean Road.
5. The fence replaces a previous, older fence which was slightly lower in height. From the photographs on file it would appear that the original fence had been in position for some time and had become part of the established character and

appearance of the area. A third party seems to support this view as they commented that the difference in height was not noticeable.

6. The design of the new fence is featheredge which matches the existing fencing along the rear of the terrace that is visible from a footpath leading to a garage court at the back of No 7e Varndean Road. It has been positioned just behind a low, brick wall which marks the north and east boundaries of the site. Its current, stark appearance is as a result of it being new and unstained with any colour. This is exacerbated, to a certain extent, by its length along the Varndean Road frontage. However the length of fencing along Cornwall Gardens is shorter and the appearance of the Varndean Road frontage is softened and screened by the presence of four mature street trees in a wide grass verge. Varndean Road is flanked all along by wide grass verges and an avenue of mature trees which means in longer distance views I consider the appearance of the fence is unobtrusive.
7. In terms of the Cornwall Gardens frontage, the appearance of the previous fence was softened by two mature conifer trees within the garden. These have now been removed and the replacement fence is neater and overall a much improved boundary treatment than its worn counterpart. I consider it does not change the character and appearance of the area as it is only marginally higher than the previous fence. Furthermore I consider the appearance of the newer fence will very quickly weather and fade to a light grey as a result the appellants' offer to stain the fence will not be necessary.
8. The Council is concerned that the position of the fence, which encloses part of the front garden, dominates views from neighbouring roads. However as the position of the replacement fence does not differ from its worn counterpart I give this submission limited weight. I therefore conclude that the replacement fencing does not have an adverse effect on the character and appearance of the area. As such the development does not conflict with Policy QD14 of the Brighton & Hove Local Plan 2005 (saved policies post 2007). This seeks to ensure that alterations to existing buildings will only be granted if the proposal is well designed, sited and detailed in relation to the host property and the surrounding area. As the appeal is allowed I have not imposed the usual time limit condition as the fence has been installed.

### **Other Matter**

9. A third party is concerned that the height of the fence breaches a limit set by a covenant relating to the estate. However I can see no reason why granting planning permission would negate or supersede any private legal matters relating to the appearance of the estate. Accordingly issues relating to the covenant have not had a material bearing on my assessment of the planning issues in this appeal.

### **Conclusion**

10. For the reasons given above, and having considered all other matters raised, I conclude that the appeal should succeed.

*D Fleming*

INSPECTOR

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## Appeal Decision

Site visit made on 17 September 2014

**by S J Papworth DipArch(Glos) RIBA**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 14 October 2014**

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**Appeal Ref: APP/Q1445/X/13/2211056**  
**2 Highdown Road, Hove, East Sussex BN3 6EE**

- The appeal is made under section 195 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991 against a refusal to grant a certificate of lawful use or development (LDC).
- The appeal is made by Ms Shirley Waldron against the decision of Brighton & Hove City Council.
- The application Ref BH2013/03133, dated 10 September 2013, was refused by notice dated 15 November 2013.
- The application was made under 192(1)(b) of the Town and Country Planning Act 1990 as amended.
- The development for which a certificate of lawful use or development is sought is a proposed roof extension with mansard roof and associated alterations.

**Summary of Decision: The appeal is allowed and a certificate of lawful use or development is issued in the terms set out below in the formal decision.**

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### Main Issue

1. This is whether the Council's decision to refuse to grant a certificate of lawful use or development is well-founded.

### Preliminary Matter

2. This appeal is concerned with whether what is applied for would be lawful at the date when the particular application was made. In these kind of appeals such matters as planning policy, the appearance of the proposals or the impact on its surroundings and neighbouring properties as referred to by local residents, are not relevant matters. My decision has to be concerned, solely, with an interpretation of planning law.

### Reasons

3. There is nothing in the submissions to suggest that the appeal property does not benefit from permitted development rights generally and the Council's Reasons for Refusal goes into detail as to why the proposal is considered not to accord with Schedule 2, Part 1, Class A of the Order. However, the description of the proposal on the application form is with regard to Class B. Class A is described in the Order as being '*the enlargement, improvement or other alteration of a dwellinghouse*' whereas Class B is described as '*The enlargement of a dwellinghouse consisting of an addition or alteration to its roof*'. The Council's argument appears to be founded on the fact that the rear addition has a flat roof.

4. The proposal is for a mansard-style addition to the dwelling which, albeit based on the plan form of the rear addition, would be an addition also to the rear slope of the existing main roof in order to accommodate the stair access to the proposed second floor room. Whilst as a result the new roof level of the mansard over the rear addition would be above that of the existing flat roof, it would remain below the highest part of the existing main house roof.
5. Therefore no part of the house once enlarged exceeds the height of the highest part of the roof of the existing house, the wording in the Department of Communities and Local Government's publication '*Permitted Development for Householders, Technical Guidance, April 2014*' in the section providing guidance on Class B, paragraph B.1a. The addition is a single item that extends from the main roof and the wording of Class B of Part 1 does not refer to different roof sections of a dwellinghouse; it refers only to the '*highest part of the existing roof*' which in this case is the flat top of the roof of the terrace running parallel to Highdown Road. The proposed mansard would not exceed the height of that roof.
6. Confirmation of the correctness of this approach is found in the judgment given in *Hammersmith and Fulham LBC v Secretary of State for the Environment and Mrs D Davison [1994] JPL 957*. In that case it was determined, amongst other things, that the words given in paragraph B.1(a) of Class B refer to the highest part of the roof of the dwellinghouse as a whole and not to some more limited part thereof. That is precisely the situation in this appeal. Therefore as a preliminary conclusion, the proposal falls to be considered under Class B, rather than Class A, and it complies with paragraph B.1(a).
7. Looking then at the further requirements of Class B, the proposal accords with paragraph B.1(b) as no part of the dwellinghouse would, as a result of the works, extend beyond the plane of the roof slope that fronts Highdown Road, and that is the principal roof slope. It would accord with paragraph B.1(c) with regard to the original volume compared with the new one, and with paragraph B.1(d)(i) as there is not proposed to be any veranda, balcony or raised platform.
8. The plans show a new *en suite* shower room within the proposed new works on the second floor. No further details are shown as to how this new installation would be drained but paragraph B.1(d)(ii) states that development is not permitted by Class B if the works would consist of or include the installation, alteration or replacement of a chimney, flue or soil and vent pipe. This lack of information cannot however be taken to mean that a soil and vent pipe is proposed as there are other methods available for draining this type of installation, and the Council has not raised this issue. Were such a drainage arrangement to be required it would need to accord with the details set out in Class G.
9. With regard to the conditions in paragraph B.2, and the need to maintain a distance of 20cm from the eaves of the original roof, such set-backs are shown with regard to the flat roof end and side. The enlargement as a whole would breach the eaves of the main rear-facing pitched roof, where the enlargement extends over the existing rear flat roof, but that does not appear different to examples cited by the appellant, such as at Belfast Street and Stirling Place. In addition, no part of the proposed enlargement extends beyond the outside face

of the external wall of the original dwelling house, and there is no side facing window shown, either to the *en suite* shower room or otherwise.

### **Conclusions**

10. For the reasons given above I conclude, on the evidence now available, that the Council's refusal to grant a Certificate of Lawful Use or Development in respect of proposed roof extension with mansard roof and associated alterations at 2 Highdown Road, Hove, East Sussex BN3 6EE is not well-founded and that the appeal should succeed. I shall exercise the powers transferred to me under Section 195(2) of the 1990 Act as amended.

### **Formal Decision**

11. The appeal is allowed and attached to this Decision is a certificate of lawful use or development describing the proposed roof extension with mansard roof and associated alterations which is considered to be lawful.

*S J Papworth*

INSPECTOR

## Lawful Development Certificate

TOWN AND COUNTRY PLANNING ACT 1990: SECTION 192  
(as amended by Section 10 of the Planning and Compensation Act 1991)

TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (ENGLAND)  
ORDER 2010: ARTICLE 35

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**IT IS HEREBY CERTIFIED** that on 10 September 2013 the operations described in the First Schedule hereto in respect of the land specified in the Second Schedule hereto and edged in black on the plan attached to this certificate, would have been lawful within the meaning of section 192 of the Town and Country Planning Act 1990 (as amended), for the following reason:

The development proposed is permitted under the provisions of Class B of Part 1 of Schedule 2 to The Town and Country Planning (General Permitted Development) Order 1995 as amended.

Signed

*S J Papworth*

INSPECTOR

Date 14.10.2014

Reference: APP/Q1445/X/13/2211056

### **First Schedule**

Proposed roof extension with mansard roof and associated alterations.

### **Second Schedule**

Land at 2 Highdown Road, Hove, East Sussex BN3 6EE.

## NOTES

This certificate is issued solely for the purpose of Section 192 of the Town and Country Planning Act 1990 (as amended).

It certifies that the operations described in the First Schedule taking place on the land specified in the Second Schedule would have been lawful, on the certified date and, thus, would not have been liable to enforcement action, under section 172 of the 1990 Act, on that date.

This certificate applies only to the extent of the operations described in the First Schedule and to the land specified in the Second Schedule and identified on the attached plan. Any operation which is materially different from that described, or which relates to any other land, may result in a breach of planning control which is liable to enforcement action by Local Planning Authority.

The effect of the certificate is subject to the provisions in section 192(4) of the 1990 Act, as amended, which state that the lawfulness of a specified use or operation is only conclusively presumed where there has been no material change, before the use is instituted or the operations begun, in any of the matters which were relevant to the decision about lawfulness.

## Plan

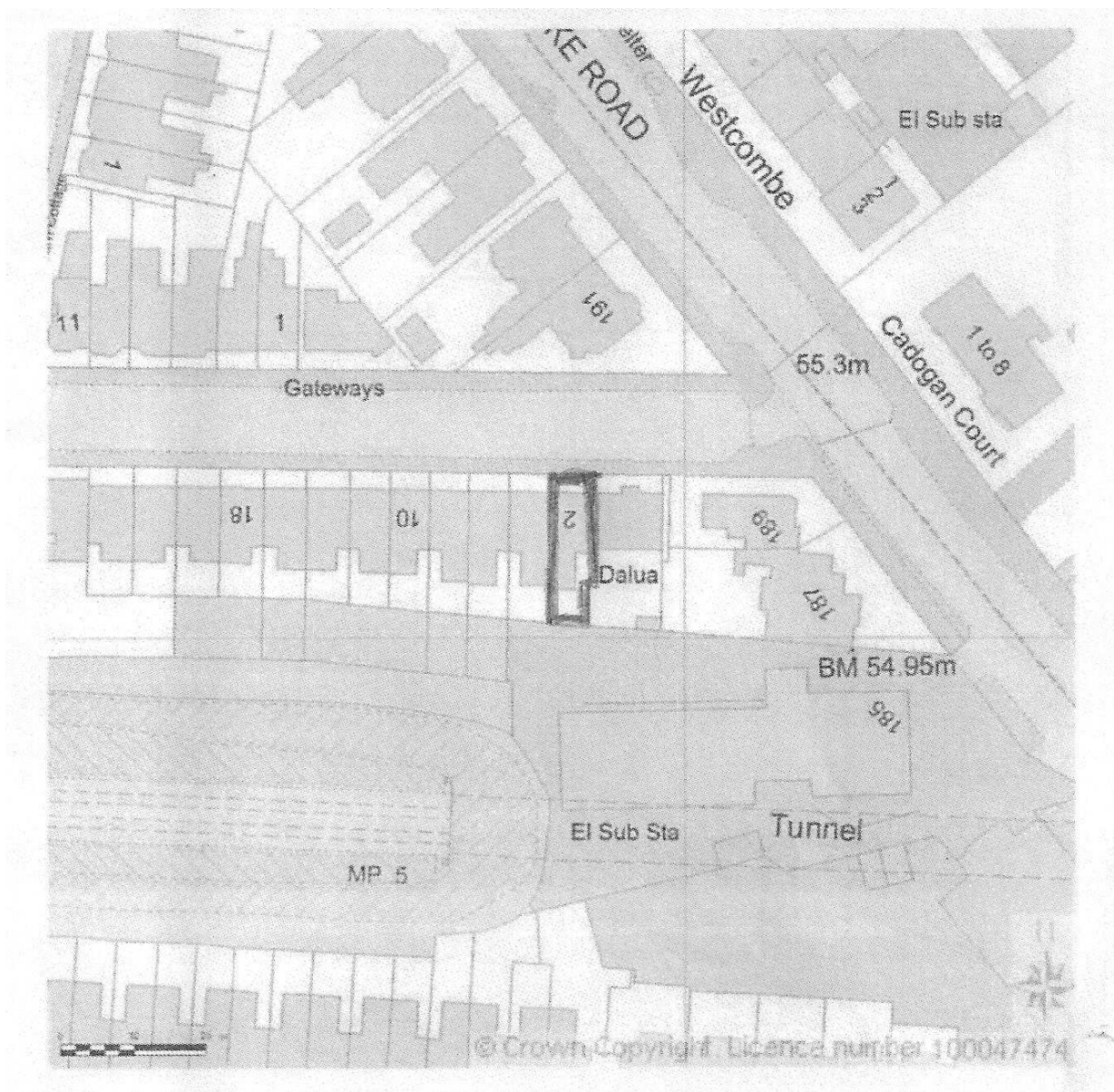
This is the plan referred to in the Lawful Development Certificate dated: 14.10.2014

by **S J Papworth DipArch(Glos) RIBA**

**Land at: 2 Highdown Road, Hove, East Sussex BN3 6EE**

**Reference: APP/Q1445/X/13/2211056**

Scale; not to scale





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## Appeal Decision

Site visit made on 6 October 2014

**by Michael Evans BA MA MPhil DipTP MRTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 16 October 2014**

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**Appeal Ref: APP/Q1445/D/14/2225148**

**31 Beacon Hill, Brighton, BN2 7BN**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr & Mrs Jason and Natasha Hughes against the decision of Brighton & Hove City Council.
  - The application Ref BH2014/02095 was refused by notice dated 19 August 2014.
  - The development proposed is indicated on the application form to be a new dormer, a new roof terrace with access through the roof and two replacement windows.
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### Decision

1. The appeal is allowed and planning permission is granted for a new dormer, a new roof terrace with access through the roof and two replacement windows, at 31 Beacon Hill, Brighton, BN2 7BN, in accordance with the terms of the application, Ref BH2014/02095, subject to the following conditions:
  - 1) The development hereby permitted shall begin no 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: 678/PP/03.
  - 3) The materials to be used in the construction of the external surfaces of the dormer extension shall match those used in the existing building.

### Main issue

2. The main issue in the consideration of this appeal is the effect of the proposal on the character and appearance of the locality.

### Reasons

3. The appeal concerns a detached dwelling of a chalet style design. The new dormer addition would be set back from the side and there would be reasonably generous gaps to the eaves and ridge, so that it would appear subordinate to the roofslope. The new terrace would result in not much more than about a third of the length of the fairly gently sloping roof above the single storey front addition being removed to provide a flat surface. A fairly modest part of the main roof would also be lost to construct a recessed door. As a result the extent of the alteration of the existing roofs would be reasonably limited,

especially with regard to the main roof, while the original form would not be changed.

4. In relation to the terrace only the balustrade would project forward and because of the use of glass this would have a transparent and lightweight appearance. The top would also be significantly lower than the ridge of the main roof. These aspects would prevent the balustrade appearing unduly dominant and unsympathetic. In consequence of these factors, the terrace would not form an awkward protrusion to the front elevation and the existing roof form would remain readily apparent. In my view the development would also add visual interest to what is a relatively bland building.
5. The terrace would be located broadly in the centre of the dwelling and the gaps to the dormer additions to either side would be fairly similar. Although the new dormer addition would be closer to the side than the existing feature at the opposite end, this would be visually balanced by its smaller size. Despite not being symmetrical the resultant dwelling would have a relatively balanced appearance, especially by comparison with the existing somewhat lopsided character resulting from the presence of a single dormer addition towards one end. Rather than resulting in visual clutter in conjunction with the terrace, the new dormer addition would enhance the appearance of the property.
6. The Council points out that the two examples of roof terraces in the vicinity of the appeal site do not have the benefit of planning permission. However, there is no evidence of any intent to secure their removal. There are balustrades with vertical railings at both these properties. These would be noticeably more prominent in the streetscene than the glazed feature at the appeal site, even with the associated terraces being smaller in area.
7. In any event, even disregarding these features the surrounding context is significantly varied in terms of matters such as materials, scale, roof form and the presence or otherwise of dormer additions, as well as their precise number and design. In this context the development would not disrupt any appreciable sense of regularity or consistency.
8. Moreover, for all the above reasons the proposal would complement, reinforce and enhance the diversity of design found in the locality, while improving the streetscene and the appearance of the existing dwelling. In consequence, there would be no harm to the character and appearance of the locality.
9. The development would be consistent with the intention of Brighton and Hove Local Plan 2005, Policies QD1 and QD14 to seek a high standard of design, as well as that of Policy QD2 to emphasise and enhance the positive qualities of the neighbourhood.
10. The Council's Supplementary Planning Document (SPD) spd12, design guide for extensions and alterations, June 2013, indicates that unless the particular character of the area dictates otherwise, in most cases terraces to the front of buildings will be unacceptable because of their negative impact on the appearance of the building and streetscape. Having regard to the character of the area in this case and the absence of any negative impact, there would be no conflict with the SPD.
11. The proposal would accord with the core planning principles of the National Planning Policy Framework that planning should always seek to secure high quality design and take account of the character of different areas.

12. Taking account of all other matters raised, there are no considerations sufficient to justify rejecting the proposal and the appeal succeeds.

13. A condition requiring the development to be carried out in accordance with the approved plans is necessary for the avoidance of doubt and in the interests of proper planning. The facing materials of the dormer addition should match those of the host dwelling in order to protect the appearance of the locality.

*M Evans*

INSPECTOR



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## Appeal Decision

Site visit made on 13 October 2014

**by S J Papworth DipArch(Glos) RIBA**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 21 October 2014**

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**Appeal Ref: APP/Q1445/D/14/2225163**  
**65 Surrenden Road, Brighton BN1 6PQ**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr & Mrs P Fassam against the decision of Brighton & Hove City Council.
  - The application Ref BH2014/01875, dated 6 June 2014, was refused by notice dated 13 August 2014.
  - The development proposed is ground and lower ground floor flat roofed extension to rear of property.
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### Decision

1. I allow the appeal and grant planning permission for ground and lower ground floor flat roofed extension to rear of property at 65 Surrenden Road, Brighton BN1 6PQ in accordance with the terms of the application, Ref BH2014/01875, dated 6 June 2014, subject to conditions 1) to 4) on the attached schedule.

### Main Issues

2. These are;
  - The effect of the proposal on the character and appearance of the Surrenden Road area of Brighton.
  - The effect of the proposal on the living conditions of neighbouring residential occupiers with particular regard to visual impact and outlook.

### Reasons

#### *Character and Appearance*

3. Policy QD14 of the Local Plan states that planning permission for extensions or alterations to existing buildings will only be granted if the proposed development is well designed, sited and detailed in relation to the property to be extended, adjoining properties and to the surrounding area; takes account of the existing space around buildings and the character of the area and an appropriate gap is retained between the extension and the joint boundary to prevent a terracing effect where this would be detrimental to the character of the area; and uses materials sympathetic to the parent building. Supplementary Planning Document 12 '*Design Guide for Extensions and Alterations*' shows a substantially glazed rear extension as an acceptable solution, albeit in reference to depth, and states as a general principle that modern designs using contemporary and sustainable materials will be generally

welcomed and the Council would not wish to restrict creative designs where they can be integrated successfully into their context.

4. The proposed extension would be entirely to the rear of the dwelling and due to the fall in the land and the spacing of the buildings in this part of the road, there would be no adverse impact on the street scene such that the terracing concern of Policy QD14 is not relevant in this case. There would be long distance views from the back, but subject to consideration of the materials and glazing, the addition would not upset the character and appearance of those areas to the rear, and the existence of the extensions at number 63 add to the view that in principle, the size of extension is acceptable in its effect with regard to this main issue.
5. The Council are mainly concerned over the effect of the glazing and what is described on the drawings and in the Council Report as being a lead parapet fascia. There is no internal cross section, but the depth of the ground floor (as opposed to the lower ground floor) glazing scales approximately 2.7m and may be taken as being floor-to-ceiling, and the lead fascia scales a further 1.0m. Within that depth has to be accommodated the ceiling; the structural support such as joists; insulation, which in a flat roof is best placed above rather than between the joists, as a warm roof construction, avoiding the need for ventilation and reducing the risk of condensation; the waterproof roof membrane; and an up-stand to control the run of water and avoid seepage under the lead, typically 150mm at the highest point. 1.0m does not appear to be over-deep for all of this, and visually this provides a strong perimeter to the top of the building. With the host building having so many and such varied roof pitches, the simple detailing of the lead provides a suitable unifying element that does not confuse the roofscape further.
6. Turning to the glazing, the additions next door at number 63 have substantial areas of glazing, although there is also masonry and framing. The appeal proposal would be almost all glazing of some sort on its rear facing elevation, but this would not appear out of place in the limited views available and whilst the long distance views from across the valley may be changed by the addition of this amount of glazing and possibly lighting and reflections, that cannot be described as being harmful in the wider context of those views. In conclusion, the design of the extension is markedly different to that of the host building, but this is acceptable in the context of the varied, already extended, property such that the aims of Policy QD14 and the Supplementary Planning Document are accorded with.

### *Living Conditions*

7. The concern is with regard to the proximity, height and design of the extension as perceived from the neighbouring dwelling at number 67. Policy QD27 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. The roof leadwork that has been found acceptable in the first main issue would feature in the outlook from the neighbouring property and would not appear obtrusive even in the closer views possible. The bulk of the revised layout shown on drawing 1170/13/P/02B would not be as deep at the higher level, and the deeper lower level would be mainly below the height of the boundary treatment. Within the wide ranging

views of the adjoining property, being set similar to the appeal dwelling, high above the garden and the surrounding land, the proposed addition would not have the effect that Policy QD27 seeks to avoid, and would be acceptable for that reason.

### **Conditions**

8. The Council had completed the Appeal Questionnaire to the effect that the standard time condition was required, and this is agreed with now, and that materials should match the existing house, with no other conditions mentioned. The Application Form however has been completed to indicate that some aspects of the materials would not match the existing house, and given the different architectural treatment that has been found appropriate in this Decision, such an approach is acceptable also. For certainty and control, a condition should be attached that requires details to be submitted and approved. There is mention of changes to the design to remove a high level terrace and substitute a Juliet balcony, but it is not clear what it look like. Also, a condition to remove the right to use the new flat roof as a terrace would be reasonable to protect the living conditions of the neighbours on both sides. Lastly a condition is required naming the drawing for the avoidance of doubt and the proper planning of the area.

### **Conclusions**

9. The extension is acceptable in principle and the adoption of a modern design that does not follow that of the extensively modified dwelling would be appropriate in this location. The use of lead as a fascia and the relationship with the neighbouring properties would not cause harm. With the conditions as referred to, and for the reasons given above it is concluded that the appeal should be allowed.

*S J Papworth*

INSPECTOR

### Schedule of Conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) No development shall take place until details of the materials to be used in the construction of the external surfaces of the building hereby permitted, including details of the Juliet balcony, have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
- 3) The development hereby permitted shall be carried out in accordance with the following approved plans: 1170/13/P/01A and 02B.
- 4) The roof area of the extension hereby permitted shall not be used as a balcony, roof garden or similar amenity area without the grant of further specific permission from Local Planning Authority.





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## Appeal Decision

Site visit made on 13 October 2014

**by S J Papworth DipArch(Glos) RIBA**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 21 October 2014**

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**Appeal Ref: APP/Q1445/X/14/2213371  
77 Widdicombe Way, Brighton BN2 4TH**

- The appeal is made under section 195 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991 against a refusal to grant a certificate of lawful use or development (LDC).
- The appeal is made by Mr M Shah against the decision of Brighton & Hove City Council.
- The application Ref BH2013/02400, dated 18 July 2013, was refused by notice dated 10 September 2013.
- The application was made under section 192(1)(b) of the Town and Country Planning Act 1990 as amended.
- The development for which a certificate of lawful use or development is sought is single storey rear extension, roof conversion including dormer windows and rooflights.

**Summary of Decision: The appeal is allowed and a certificate of lawful use or development is issued in the terms set out below in the formal decision.**

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### Main Issue

1. This is whether the Council's decision to refuse to grant a certificate of lawful use or development is well-founded.

### Preliminary Matter

2. This appeal is concerned with whether what is applied for would be lawful at the date when the particular application was made. In these kind of appeals such matters as planning policy, the appearance of the proposals or the impact on its surroundings and neighbouring properties are not relevant matters. My decision has to be concerned, solely, with an interpretation of planning law.

### Reasons

3. The development referred to and shown on the drawings had not been carried out at the time of the site inspection. Although it is agreed between the parties that the premises are presently in a C4 use, as a small house in multiple occupation, the inspection confirmed this to be the case. There are common kitchen, bathroom and lounge facilities and four bedrooms. It was explained as a matter of fact that the wall between the bedroom over the front hall and first floor front bedroom had been changed from what was shown on drawing 1114-03 to provide the correct size for the smaller room.
4. The Town and Country Planning (General Permitted Development) Order 1995 (as amended) Schedule 2 Part 1 grants certain permitted development rights to dwellinghouses. Houses in multiple occupation including those which fall within

Class C4 can benefit from the permitted development rights granted to dwellinghouses by the Order.

5. As established in the case of *Gravesham Borough Council v The Secretary of State for the Environment and Michael W O'Brien* (1982), the distinctive characteristic of a dwellinghouse is its ability to afford to those who use it the facilities required for day-to-day private domestic existence. It is concluded that this is the case at the appeal property and that the property should be considered as a dwellinghouse as a matter of fact. As a result, the property benefits from the permitted development rights under Part 1 of Schedule 2 to The Town and Country Planning (General Permitted Development) Order 1995 as amended, and the proposed additions accord with those provisions.
6. The additions would provide sufficient sleeping accommodation to bring about a change in use from Class C4 to the *sui generis* use of a large house in multiple occupation. This change of use is not a matter for this Decision and the attached Certificate of Lawful Use or Development does not cover any such change of use.

### **Conclusions**

7. For the reasons given above I conclude, on the evidence now available, that the Council's refusal to grant a Certificate of Lawful Use or Development in respect of single storey rear extension, roof conversion including dormer windows and rooflights at 77 Widdicombe Way, Brighton BN2 4TH is not well-founded and that the appeal should succeed. I shall exercise the powers transferred to me under Section 195(2) of the 1990 Act as amended.

### **Formal Decision**

8. The appeal is allowed and attached to this Decision is a certificate of lawful use or development describing the proposed single storey rear extension, roof conversion including dormer windows and rooflights which is considered to be lawful.

*S J Papworth*

INSPECTOR

## Lawful Development Certificate

TOWN AND COUNTRY PLANNING ACT 1990: SECTION 192  
(as amended by Section 10 of the Planning and Compensation Act 1991)

TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (ENGLAND)  
ORDER 2010: ARTICLE 35

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**IT IS HEREBY CERTIFIED** that on 18 July 2013 the operations described in the First Schedule hereto in respect of the land specified in the Second Schedule hereto and edged in black on the plan attached to this certificate, would have been lawful within the meaning of section 191 of the Town and Country Planning Act 1990 (as amended), for the following reason:

The development proposed is permitted under the provisions of Part 1 of Schedule 2 to The Town and Country Planning (General Permitted Development) Order 1995 as amended.

Signed

*S J Papworth*

INSPECTOR

Date: 21 October 2014

Reference: APP/Q1445/X/14/2213371

### **First Schedule**

Proposed single storey rear extension, roof conversion including dormer windows and rooflights.

### **Second Schedule**

Land at 77 Widdicombe Way, Brighton BN2 4TH

## NOTES

This certificate is issued solely for the purpose of Section 192 of the Town and Country Planning Act 1990 (as amended).

It certifies that the operations described in the First Schedule taking place on the land specified in the Second Schedule would have been lawful, on the certified date and, thus, would not have been liable to enforcement action, under section 172 of the 1990 Act, on that date.

This certificate applies only to the extent of the operations described in the First Schedule and to the land specified in the Second Schedule and identified on the attached plan. Any operation which is materially different from that described, or which relates to any other land, may result in a breach of planning control which is liable to enforcement action by the local planning authority.

The effect of the certificate is subject to the provisions in section 192(4) of the 1990 Act, as amended, which state that the lawfulness of a specified operation is only conclusively presumed where there has been no material change, before the operations begun, in any of the matters which were relevant to the decision about lawfulness.



## Plan

This is the plan referred to in the Lawful Development Certificate dated: 21 October 2014

by **S J Papworth DipArch(Glos) RIBA**

**Land at: 77 Widdicombe Way, Brighton BN2 4TH**

**Reference: APP/Q1445/X/14/2213371**

Scale: as shown on scale bar





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## Appeal Decision

Site visit made on 13 October 2014

**by S J Papworth DipArch(Glos) RIBA**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 23 October 2014**

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**Appeal Ref: APP/Q1445/A/14/2222561**  
**68a St Georges Road, Brighton BN2 1EF**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a grant of planning permission subject to conditions.
  - The appeal is made by Sussex Property Investments Ltd against the decision of Brighton & Hove City Council.
  - The application Ref BH2013/04061, dated 27 November 2013, was approved on 26 February 2014 and planning permission was granted subject to conditions.
  - The development permitted is demolition of existing building and roof covering over site and erection of 2 No three bedroom houses with associated alterations.
  - The condition in dispute is No 12 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.
  - The reason given for the condition is: To ensure that the development is car-free and to comply with Policy HO7 of the Brighton & Hove Local Plan.
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### Decision

1. I dismiss the appeal.

### Main Issue

2. This is whether the disputed condition is necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects, and the effect of removing the condition on the aims of policies which seek sustainable forms of development.

### Reasons

3. In addition to the condition and reason set out above, there was an informative specific to the disputed condition which read; *'The applicant is advised that the scheme required to be submitted by Condition 12 should include the registered address of the completed development; an invitation to the Council as Highway Authority (copied to the Council's Parking Team) to amend the Traffic Regulation Order; and details of arrangements to notify potential purchasers, purchasers and occupiers that the development is car-free'*.
4. The extent of the site marked by the red line on drawing 2090.D.01B and other floor plans is a frontage onto Eastern Street but not onto St George's Road. At the time of the unaccompanied site inspection work was being carried out to clear the site, with hoardings along Eastern Street. Eastern Street is in fact a pedestrian only path between St George's Road and Marine Parade, emerging

- as a gap between properties at each end. There are no parking spaces shown and the development is clearly proposed, and has been permitted, as not providing for cars.
5. Local Plan Policy HO7 entitled 'Car Free Housing' provides for planning permission to be granted for car-free housing in locations with good access to public transport and local services where there are complementary on-street parking controls; and where it can be demonstrated that the proposed development will remain genuinely car-free over the long term. Supporting text 4.49 refers to Government guidance and policy aimed at reducing reliance on the car in the pursuit of sustainable development.
  6. The appellant is of the view that as this policy was adopted in 2005 it should be accorded limited weight as it pre-dates and does not accord with the National Planning Policy Framework. Paragraph 29 of the Framework contains statements on reducing the need to travel, contributing to wider sustainability and health objectives and that the transport system needs to be balanced in favour of sustainable transport modes. The paragraph concludes that the Government recognises that different policies and measures will be required in different communities. It does not follow that the policy is out of date just because of its date of adoption or even the age of the data that informed it, and the need to reduce reliance on cars in an urban area such as Brighton and Hove is in line with Government Policy, as is the continued use of the policy to reflect local needs.
  7. The development has been designed and permitted as car-free in that there is no on-site parking provision, and it appears that this has allowed the density of development due to there being no space taken up with parking and turning, even if access was available. This is a design and layout where the advantages of not providing for the car have been realised. Part b. of the policy refers to the need to demonstrate that development will remain *genuinely* car free, which is more than just that it does not have cars on the site.
  8. Part a. of the policy has been queried, but that is the basis of the development being permitted in this location. A visit to the site and surroundings found that there is ready access to public transport nearby. Whilst the routes along St Georges Road are limited, there are regular and frequent routes at the Hospital, a short walk to the north, and along Marine Parade, a short walk to the south. The former provides frequent links to the main line railway station and to the city centre and the Marina for shops. A bus links the hospital to the universities by way of Queen's Park, avoiding the city centre. There are shops close-by and the appellant mentions a doctor's surgery. It does appear to be the case that the walking distance to some destinations is somewhat extended and the terrain is hilly in places.
  9. Not mentioned in representation but seen at the site inspection is a 'City Car Club' site on St George's Road occupied at the time by a car with that logo. Car clubs generally provide casual access to cars without the need to own and park one, and there is no reason to consider that this one is different. It is concluded that the site is in an accessible location with good links other than by private car and that part a. of the policy has been applied reasonably in permitting this development without on-site parking.
  10. Lastly the appellant draws attention to the fact that there is no waiting list for permits in the appropriate controlled zone. This is not disputed by the Council.



The appellant takes this to indicate that there would be no harm were the condition to be removed. However, the aims of the policy are not just to prevent harm through over-subscription of scarce parking bays, resulting in wasteful and damaging touring round to find a space, but to address on a city-wide basis the harm that can be caused through increased use of cars. As an example, the sort of trip mentioned, to a primary school, can cause congestion at the school and add to the risks of crossing roads.

11. In conclusion, the development has been permitted without parking and this is in line with Policy HO7 and makes best use of land in an accessible location. To ensure that the development stays genuinely car-free, in line with the policy aims and those of national policies on reducing the need to travel, it is necessary and reasonable to prevent occupiers being able to obtain a parking permit, notwithstanding that there appears to be no waiting list. Harm would occur to the aims of sustainable development, and particularly the environmental dimension, in removing the condition, which is also relevant to planning and to the development to be permitted, enforceable and precise. For the reasons given above it is concluded that the appeal should be dismissed.

*S J Papworth*

INSPECTOR





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## Appeal Decision

Site visit made on 22 October 2014

**by Cullum J A Parker BA(Hons) MA MRTPI AIEMA**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 27 October 2014**

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**Appeal Ref: APP/Q1445/D/14/2225358**

**20 Margaret Street, Brighton, BN2 1TS**

- 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 Chris and Mrs Suki Stephens against the decision of Brighton & Hove City Council.
  - The application Ref BH2014/01507, dated 8 May 2014, was refused by notice dated 3 July 2014.
  - The development proposed is described on the application form as '*the construction of two new rear dormers*'.
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### Decision

1. The appeal is allowed and planning permission is granted for the construction of two new rear dormers at 20 Margaret Street, Brighton, BN2 1TS in accordance with the terms of the application, Ref BH2014/01507, dated 8 May 2014, subject to the following conditions:
  - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
  - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: E01, E02, E03, P07, P08 & P09.

### Main Issue

2. The main issue is the effect of the proposed development on the character and appearance of the East Cliff Conservation Area.

### Reasons

3. The proposed dwelling is a mid-terrace dwelling split over three floors, with living accommodation in the roof. To the front there is a lead dormer with window, with a lead dormer in the rear roof slope providing access to a boarded terrace area. The appeal site lies within the East Cliff Conservation Area, which covers a large part of the eastern part of the City of Brighton. It was clear from my site visit that the part of the conservation in which the appeal site is characterised by terraced properties, mainly dating from the Victorian/Edwardian epochs. The significance of the Conservation Area appears to derive from the fact that it represents a tight-knit built form, which is mainly typified by terraced buildings. In particular, in the rear roof slopes of buildings facing both Margaret and Wentworth Streets, there are a number of examples of dormers and other roof alterations.

4. The proposed development seeks the insertion of two dormers in the rear roof slope. These would be of a similar design to a rear dormer housing a set of double doors, providing access to a terraced area at roof level. The dormers would be located either side of the existing dormer and use matching materials. They would not be readily visible from the front elevation or from ground floor level to the rear. I acknowledge the Council's concerns that the proposed dormers would have differing sizes and contrasting alignments. However, in terms of overall design and materials, they would match the existing dormer. Moreover, the asymmetrical positioning and size of the dormers are more typical on historic buildings, being generally reflective of both the evolutionary development of the building and the practicalities of internal restrictions of room layouts and roof construction.
5. Policy QD14 of the Brighton and Hove Local Plan 2005 (BHLP) indicates that extensions and alterations to existing buildings will only be granted if it is well designed, sited and detailed. This is supported by Supplementary Planning Document SPD 12 – Design Guide for Extensions and Alterations 2013 (SPD). The SPD explains that dormer windows should be kept as small as possible and clearly be a subordinate addition to the roof. In this case, the proposed dormers would be set down from the ridge and up from the eaves by some distance and set in from the flanks of the property's roof. As such, the dormers would appear as subordinate additions to the roof.
6. The culmination of their limited visibility in the public realm, the use of matching materials and similar design, and their subordinate relationship with both the host property and its roof, leads me to conclude that the proposed development would not detract from the significance of the Conservation Area and that it would enhance the character and appearance of the East Cliff Conservation Area.
7. Accordingly, I find that the proposed development would not have a materially harmful effect on the character and appearance of the East Cliff Conservation Area. I therefore conclude that the proposed development would accord with Policy QD14 of the BHLP, as supported by SPD12, which seek the aforesaid aims.

### **Conditions**

8. I have had regard to paragraph 206 of the National Planning Policy Framework and the Practice Planning Guidance in terms of the use of planning conditions. A condition requiring the proposed development to be constructed in accordance with the submitted drawings, which also show the proposed materials, is necessary for the avoidance of doubt and to preserve the character and appearance of the East Cliff Conservation Area.

### **Conclusion**

9. For the reasons given above I conclude that the appeal should be allowed.

*Cullum J A Parker*

INSPECTOR



## Appeal Decision

Site visit made on 30 September 2014

**by Megan Thomas BA(Hons) in Law, Barrister**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 27 October 2014**

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### **Appeal Ref: APP/Q1445/A/14/2222204**

### **Top Floor Flat, 18 Clifton Street, Brighton BN1 3PH**

- 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 Randolph Morse against the decision of Brighton and Hove City Council.
  - The application Ref BH2013/03492, dated 11 October 2013, was refused by notice dated 30 January 2014.
  - The development proposed is replacement of windows.
- 

### **Decision**

1. The appeal is dismissed.

### **Main Issue**

2. The development has already taken place. The main issue is the effect of the proposal on the character and appearance of the building and the wider West Hill Conservation Area.

### **Reasons**

3. The appeal site is situated within the West Hill Conservation Area and in coming to my decision I have borne in mind the statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area. This particular Conservation Area is situated on an east-facing slope of the Downs in a mainly residential area between Brighton Station and Seven Dials. It consists of mainly late 19<sup>th</sup> century housing. 18 Clifton Street is not a listed building.
  4. Clifton Street houses on the west side are generally three storeys high with small front gardens elevated above street level and rendered and painted a pale colour. No.18 is split into flats. The two windows involved in the appeal are in the front elevation of the top floor flat and are visible in the streetscene.
  5. The proposal is to replace timber single-glazed windows with white uPVC double-glazed windows. The Council's main point of contention is the use of uPVC rather than timber. One of the main character-forming qualities of Clifton Street is the general uniformity of the terraced properties which in turn contribute to the significance of the Conservation Area. Several windows and doors along the Street have been replaced with or contain uPVC versions.
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There are some or all in the front elevations of buildings at nos 7, 13, 14, 15, 19, 41 & 47. There are also some variations in window style and their methods of opening along the Street. However, Clifton Street consists of at least 50 terraced buildings (some split into flats) and the overwhelming majority of windows remain made of timber. The use of timber reinforces the uniformity and attractiveness of the Conservation Area. UPVC has different light-reflecting qualities and has a clear and distinguishably different appearance than timber-framed windows and as a result diminishes the historic and traditional significance of this Conservation Area.

6. The ground floor bay window and door of no.18 are made of uPVC as are window frames in no.19, the adjoining property to the north. However, front windows at no. 17 and the first floor window of no.18 remain constructed using timber and it is important in my view that the character and appearance of the Conservation Area is not further harmed by the use of more uPVC. Whilst the proposal involves windows which are located at a height well elevated from street level, the plastic material and non-traditional appearance are noticeable and appear out of keeping with the protected area.
7. Policy HE6 of the Brighton & Hove Local Plan 2005 'LP' indicates that original features such as timber windows that contribute positively to the areas character and appearance should be protected. Supplementary Planning Document 09 *Architectural Features* (2009) relates to heritage development and indicates that original and historic windows should be retained unless beyond economic repair, and new and replacement windows must closely match the original in their style, method of opening, proportions and external details. On street elevations the original material must also be matched. It also states that uPVC replacement windows are unlikely to be permitted on an elevation of a historic building visible from the street or public open space. In a similar vein, Supplementary Planning Document 12 *Design Guide for Extensions and Alterations* (2013) states that in Conservation Areas "Plastic or aluminium windows will not be acceptable on elevations visible from the street where the original windows were designed to be timber."
8. Having undertaken a thorough site visit in the vicinity of the site, I find that timber windows do contribute positively to the character and appearance of the building and the wider area and those aspects of the Conservation Area should be protected in line with policy HE6. The SPDs have been subject to a period of formal consultation with the public and approval under the Local Development Framework and as such I attach substantial weight to the guidance. Advice in those SPDs is consistent in respect of rejecting plastic windows where they would be visible from the street in a Conservation Area.
9. I have borne in mind that the timber window frames which were removed were rotting and that the uPVC replacements bring double-glazed, thermally efficient benefits in comparison to the previous windows. The appellant also draws attention to the low maintenance required with uPVC and, linked to that, the reduction in health and safety risks involved in redecorating timber-framed windows at such height. I am also mindful of the costs likely to be incurred by the appellant. However, those factors are clearly outweighed by harm in this case. I have no reason to doubt the appellant's evidence that he made an innocent mistake due to ignorance in installing the uPVC windows. However, I

also bear in mind that guidance on the replacement of windows in conservation areas in the Council's Supplementary Planning Documents is widely available.

10.I conclude that the development would not preserve or enhance the character or appearance of no.18 Clifton Street or the West Hill Conservation Area and would be contrary to policies QD14 and HE6 of the LP and to guidance in SPD 09 and SPD12.

11.Having taken into account all representations made, I dismiss the appeal.

*Megan Thomas*

INSPECTOR







## Appeal Decision

Site visit made on 24 October

by **S Holden BSc MSc CEng MICE TPP MRTPI FCIHT**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 29 October 2014

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**Appeal Ref: APP/Q1445/D/14/2225423**

**53 Dene Vale, Brighton, BN1 5ED**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr Peter Bjerre Nielsen against the decision of Brighton & Hove City Council.
  - The application Ref BH2014/01879 was refused by notice dated 13 August 2014.
  - The development proposed is driveway and retaining walls with planters to front garden.
- 

### Decision

1. The appeal is dismissed.

### Main issue

2. The main issue is the effect of the proposed driveway and retaining walls on the character and appearance of the area.

### Reasons

3. Dene Vale is an established residential area characterised by semi-detached houses that vary in design. No 53 is paired with No 51. The pair is sited above the road with a significant difference in ground levels between the front elevation and the footway. Both properties are approached by flights of steps. No 53 has a detached, single garage with a steeply pitched roof approached by a short driveway. It is located to the side of the dwelling, but occupies a significant proportion of the area in front of the house. No 51 does not have a garage, but a section of its front garden has been excavated in order to provide parking space for two vehicles. This has required the construction of several retaining walls.
4. The proposal seeks to excavate part of the front garden of No 53 in order to provide two parking spaces for this property. This would necessitate the introduction of retaining walls. The proposed driveway would be constructed on sloping ground to reduce the height of the new wall. However, the distance between the retaining wall and the front elevation of the house would be less than 2m. This would significantly restrict the space available for landscaping resulting in the area in front of the house being dominated by hard-surfacing.
5. The front garden of No 53 is in a prominent position in the street scene. It is directly visible from Barn Rise due to the proximity of its junction with Dene Vale to the site. The additional area of hard-surfacing and retaining wall would

be seen in combination with the existing driveway and the bulk and mass of the garage. This would significantly increase the presence of hard features within the front garden and would be out of keeping with most of the other properties in the street. Many of the houses have areas of hard-standing but have, nevertheless, retained front gardens enclosed by low boundary walls. These features provide a soft edge to the properties and contribute to the character of the street.

6. I note that the existing boundary hedge between Nos 51 and 53 would be retained and it is the appellant's intention to include a series of stepped planters as landscaping. However, I consider this would be insufficient to mitigate the loss of the front garden and its replacement with retaining walls and an area of hard surfacing.
7. I note that the appellant states that the existing garage is too small to accommodate a car and the depth of the existing drive is insufficient to enable a car to be parked on the site. Consequently, parking currently takes place on street. This can lead to congestion in the road, particularly at school drop-off times. The proposal could provide some benefit from a reduction in on-street parking. However, I consider this would be insufficient to justify setting aside permanent harm to the area's character and appearance.
8. I therefore conclude that the proposed driveway and retaining walls would be harmful to the character and appearance of the area, contrary to saved Policies QD2 and QD14 of the Brighton & Hove Local Plan. These policies require alterations to be high quality and respect their setting.

### **Conclusion**

9. For the reason set out above, and having regard to all other relevant matters raised, I conclude that the appeal should be dismissed.

*Sheila Holden*

INSPECTOR