





**Brighton & Hove
City Council**

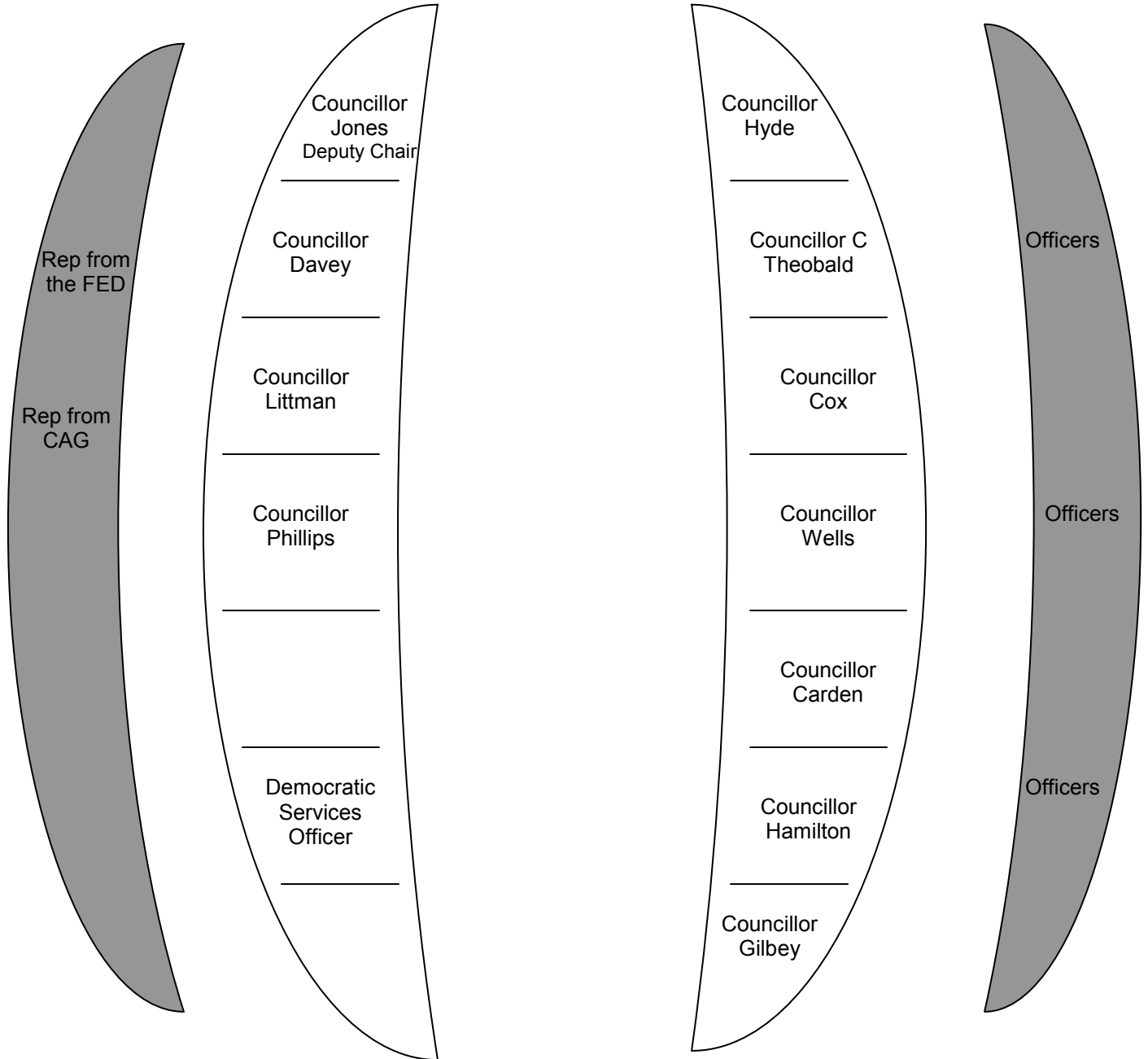
Planning Committee

Title:	Planning Committee
Date:	11 March 2015
Time:	2.00pm
Venue	Council Chamber, Hove Town Hall
Members:	<p>Councillors: Mac Cafferty (Chair), Jones (Deputy Chair), Hyde (Opposition Spokesperson), Carden (Opposition Spokesperson), Cox, Davey, Gilbey, Hamilton, Littman, Phillips, C Theobald and Wells</p> <p>Co-opted Members: Jim Gowans (Conservation Advisory Group)</p>
Contact:	<p>Ross Keatley Democratic Services Manager 01273 29-1064/5 planning.committee@brighton-hove.gov.uk</p>

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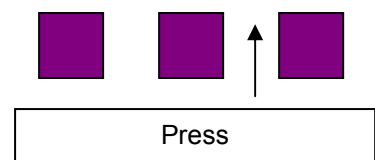
Democratic Services: Planning Committee

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

146 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;
- (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 'aeroplane mode'.

PLANNING COMMITTEE

147 MINUTES OF THE PREVIOUS MEETING

Minutes of the meeting held on 18 February 2015 (to follow).

148 CHAIR'S COMMUNICATIONS

149 PUBLIC QUESTIONS

Written Questions: to receive any questions submitted by the due date of 12 noon on 4 March 2015.

150 TO AGREE THOSE APPLICATIONS TO BE THE SUBJECT OF SITE VISITS

151 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 BH2014/02883 - Land at Brighton Marina comprising Outer Harbour West Quay and adjoining land, Brighton Marina Village, Brighton - Removal or Variation of Conditions 1 - 46

Application for variation of condition 1 of application BH2012/04048, as amended by applications BH2013/00799, BH2013/03432 and BH2014/01970 (Original Permission - Major mixed use development comprising new engineered basement structure to create platform on Spending Beach and West Quay, 853 residential units in 11 buildings ranging from 6-40 storeys, Class A, D1, D2 and B1 uses, Lifeboat Station, 496 parking spaces, alterations to pontoons and moorings, new bridges, informal and formal recreation space and alterations to access arrangements) to allow for revisions to the approved scheme including reconfiguring the type and quantum of uses within blocks F1 and F2 incorporating alterations to shopfronts, revised landscaping, relocation of the bus waiting room and changes to the RNLI station. Total number of residential units and car parking spaces to remain unchanged. (Amended description)

RECOMMENDATION – MINDED TO GRANT

Ward Affected: Rottingdean Coastal

PLANNING COMMITTEE

- B BH2014/03933 - Saltdean Primary School, Chiltington Way, Saltdean, Brighton - Council Development 47 - 80**

Demolition of two existing single storey classroom blocks and erection of a new two storey teaching block with link corridor, new two storey classroom extension, hall extension, infill staff room extension and other associated works.

RECOMMENDATION – GRANT

Ward Affected: Rottingdean Coastal

MINOR APPLICATIONS

- C BH2014/04147 - St Andrews C of E School, Belfast Street, Hove - Full Planning 81 - 112**

Erection of two storey teaching extension and extensions to hall, kitchen and reception class with main entrance alterations and associated external works including alterations to parking and landscaping.

RECOMMENDATION – GRANT

Ward Affected: Central Hove

- D BH2013/03955 - 32 - 34 Arundel Road, Brighton - Full Planning 113 - 128**

Demolition of existing shop and flat above and erection of three storey building with basement creating 4no two bedroom maisonettes.

RECOMMENDATION – REFUSE

Ward Affected: Rottingdean Coastal

- E BH2014/04088 - Block B The Priory, London Road, Brighton - Full Planning 129 - 142**

Erection of additional storey to form 2no three bedroom flats each with roof garden and associated cycle store.

RECOMMENDATION – GRANT

Ward Affected: Patcham

- F BH2014/01429 - 19 Hollingbury Park Avenue, Brighton - Full Planning 143 - 154**

Change of use from residential dwelling (C3) to six bedroom small house in multiple occupation (C4). (Part retrospective).

RECOMMENDATION – GRANT

Ward Affected: Hollingdean & Stanmer

PLANNING COMMITTEE

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

INFORMATION ITEMS

153 INFORMATION ON PRE APPLICATION PRESENTATIONS AND REQUESTS 155 - 156

(copy attached).

154 LIST OF APPLICATIONS DETERMINED UNDER DELEGATED POWERS OR IN IMPLEMENTATION OF A PREVIOUS COMMITTEE DECISION (INC. TREES MATTERS) 157 - 250

(copy attached)

155 LIST OF NEW APPEALS LODGED WITH THE PLANNING INSPECTORATE 251 - 252

(copy attached).

156 INFORMATION ON INFORMAL HEARINGS/PUBLIC INQUIRIES 253 - 254

(copy attached).

157 APPEAL DECISIONS 255 - 314

(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.

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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) or email democratic.services@brighton-hove.gov.uk.

Date of Publication - Tuesday, 3 March 2015

ITEM A

Land at Brighton Marina comprising Outer Harbour West Quay and adjoining land, Brighton Marina Village, Brighton

**BH2014/02883
Removal or variation of condition**

11 MARCH 2015

BH2014/02883 Land at Brighton Marina comprising Outer Harbour West Quay and adjoining land, Brighton Marina Village, Brighton



**Brighton & Hove
City Council**

N



Scale: 1:4,000

<u>No:</u>	BH2014/02883	<u>Ward:</u>	ROTTINGDEAN COASTAL
<u>App Type:</u>	Removal or Variation of Condition		
<u>Address:</u>	Land at Brighton Marina comprising Outer Harbour West Quay and adjoining land Brighton Marina Village Brighton		
<u>Proposal:</u>	Application for variation of condition 1 of application BH2012/04048, as amended by applications BH2013/00799, BH2013/03432 and BH2014/01970 (Original Permission - Major mixed use development comprising new engineered basement structure to create platform on Spending Beach and West Quay, 853 residential units in 11 buildings ranging from 6-40 storeys, Class A, D1, D2 and B1 uses, Lifeboat Station, 496 parking spaces, alterations to pontoons and moorings, new bridges, informal and formal recreation space and alterations to access arrangements) to allow for revisions to the approved scheme including reconfiguring the type and quantum of uses within blocks F1 and F2 incorporating alterations to shopfronts, revised landscaping, relocation of the bus waiting room and changes to the RNLI station. Total number of residential units and car parking spaces to remain unchanged.		
<u>Officer:</u>	Sarah Collins, tel: 292232	<u>Valid Date:</u>	12 September 2014
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	12 December 2014
<u>Listed Building Grade:</u>	N/A		
<u>Agent:</u>	DP9, 100 Pall Mall London SW1Y 5NQ		
<u>Applicant:</u>	Brunswick Developments Group plc, c/o DP9 100 Pall Mall London SW1Y 5NQ		

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 of this report and resolves to be **MINDED TO GRANT** planning permission subject to a Deed of Variation to the original section 106 Planning Obligation dated 4 July 2006 and the Conditions and Informatives as set out in section 11.

2 SITE LOCATION & DESCRIPTION

- 2.1 The site is located within Brighton Marina and relates to the Outer Harbour Development site where planning permission was approved in July 2006 for a mixed use development including 853 residential units.
- 2.2 The area which relates to the proposed minor amendments is at the eastern end of the Outer Harbour Development, and is known as 'Phase 1' comprising buildings 'F1' and 'F2'.
- 2.3 To the north of the site is the West Quay Wetherspoon pub set over two storeys with terraces which look onto the Marina and the site. To the northwest are McDonald's restaurant, Rendezvous Casino, Bowlplex bowling alley, David Lloyd leisure centre and further north Cineworld cinema and a multi-storey car park. Northwest of the marina approximately 500m from the site lies the Kemp Town Conservation Area. To the northeast are the Boardwalk shops and restaurants and to the east and south is the outer harbour of the marina. To the west is the Spending beach and the temporary Yacht Club building which are to be redeveloped for residential-led mixed use under the subsequent phases of the Outer Harbour Development.

3 RELEVANT HISTORY

BH2014/01970: Non Material Amendment to BH2012/04048 to increase the balcony floor depths by 145mm, reduce the size of the ceramic cladding panels, replace the timber balconies with coloured glass and the timber rainscreen cladding with grey ceramic. Approved 17/7/14.

BH2013/03432: Non Material Amendment to BH2012/04048 to relocate the entrance of the West Quay basement car park to the base of the existing ramp, provide 8 additional parking spaces and a revised internal layout for traffic flow within the car park. Approved 8/11/13.

BH2013/00799: Non Material Amendment to BH2006/01124 to the proposals consented in respect to the RNLI station. Approved 4/6/13.

BH2012/04048: Approval of Variation of Condition 70 of BH2006/01124 which was a Minor Material Amendment, involving the replacement of the wave wall and two lower levels of basement parking on Spending Beach with an open piled structure leaving one level of basement parking, and relocating the parking to 3 new basement levels below buildings F1 and F2 on the West Quay. The total number of parking spaces remained the same. This scheme is similar to the expired permission BH2006/04307 and was approved 23/5/13.

BH2012/00042: Approval of Non Material Amendment to BH2006/01124 to add condition listing the approved drawings of the existing 2006 permission (resulting in new condition no.70). Approved 10/2/12.

BH2006/04307: Planning application for an amendment to BH2006/01124 to reconfigure basement car parking. This sought to move the lower 2 storeys of basement car parking from on Spending Beach (behind David Lloyd, casino and bowlplex) to under the West Quay. The total number of car parking spaces in whole scheme remained same. The development essentially remained the same above basement level. Approved 23/3/07 This permission has since expired.

BH2006/01124: Planning application for major mixed use scheme including new structure over Spending Beach and West Quay and 853 residential units in 11 buildings ranging from 6-40 storeys. Retail, office and community uses were proposed. Three storeys of car parking (total of 491 car spaces plus 5 visitor spaces at deck level, 32 motorcycle spaces and 876 bicycle spaces) were proposed in an enclosed basement structure over the Spending Beach with a series of wave chambers beneath. Approved 4/7/06. This permission was deemed to have lawfully commenced in August 2008.

Conditions: Some conditions applications relating to the BH2012/04048 permission have been discharged and a number of conditions applications are currently under consideration.

Section 106 Deed of Variations: Since the original Section 106 legal agreement dated 4th July 2006, there have been a number of variations in order to assist the applicant with the delivery of this scheme.

Yacht Club relocation:

BH2014/02336: Planning application for the erection of a single storey floating yacht club (D2) between pontoons 6 & 7, Western Concourse. Approved 27/10/14.

4 THE APPLICATION

4.1 Planning permission is sought for the variation of condition 1 of application BH2012/04048, as amended by applications BH2013/00799, BH2013/03432 and BH2014/01970 (Original Permission - Major mixed use development comprising new engineered basement structure to create platform on Spending Beach and West Quay, 853 residential units in 11 buildings ranging from 6-40 storeys, Class A, D1, D2 and B1 uses, Lifeboat Station, 496 parking spaces, alterations to pontoons and moorings, new bridges, informal and formal recreation space and alterations to access arrangements) to allow for revisions to the approved scheme including reconfiguring the type and quantum of uses within blocks F1 and F2 incorporating alterations to shopfronts, revised landscaping, relocation of the bus waiting room and changes to the RNLI station. Total number of residential units and car parking spaces to remain unchanged.

4.2 Details of the minor alterations to the consented scheme are as follows:

1. Building alterations within blocks F1 and F2 (also known as Phase 1):
 - Ground floor (podium level) of F1 and F2 extended eastwards and F1 also extended northwards to come in line with floors above. Total floorspace increase amounts to 265sqm gross internal area. (NB the total gross internal area of the podium level of F1 and F2 is 3,098sqm).
 - Solid panels added to retail entrances for signage purposes.
 - Residential entrances to F1 and F2 relocated to east façade and residential cores rationalised to accord with current Building Regulations. Solid walls added to residential entrances to provide privacy for residents.
 - Two balconies added at first floor level of F2;
 - Additional staircase added between basement car park and podium at southern end of F1 to provide residents with more direct access from the car park to the podium level.
 - Flues added to the roof of F1 to comply with current Building Regulations.
 - Floor to floor heights increased at podium level and decreased at floors above – overall building heights of F1 and F2 to remain unchanged.
 - Basement car park internal layout reconfigured and flat slab introduced on each of the 3 basement levels in order to simplify the layout. Number of parking spaces increased from 342 to 350. Total number of parking spaces remains at 496.
 - Entrance into car park remains in same position as per the BH2012/04048 consent but entrance is 'straightened up' – the entrance consented in BH2012/04048 is 12m wide at the start of the entrance narrowing to 7m as you enter the car park, whereas the current proposal is 10m wide all the way through the entrance.

2. Relocation of uses:
 - Relocation of services/plant/cycle parking from ground level to basement level. Class A retail units increased in floorspace from 1,221sqm to 2,491sqm (an increase of 1,270sqm) and reconfigured to provide 7 no. Class A units.
 - Yacht club relocated elsewhere in the Marina.
 - Harbour Control Office to remain on the West Jetty and Brighton Marina Company to remain in Inner Harbour and therefore the office space (436sqm) is removed from F2.
 - 3 residential units to be relocated from future phases (buildings H1, H2 and H3) into the first floor office space in F2. Total number of residential units to remain unchanged.
 - Bus/taxi waiting room relocated from F1 into free-standing purpose-built waiting room on the podium to the west of the West Quay pub, to provide better visibility of buses and taxis on the road below, and to be closer to the bus stop located outside McDonalds restaurant.
 - Two new kiosks proposed to replace existing kiosks to the west of the West Quay pub.

3. RNLI building changes:

- Steel structure below podium level removed.
- First floor window on western façade relocated to south elevation at the request of the RNLI to improve visibility of seacraft.
- Eaves overhang to façade removed.
- Stairs from the RNLI to the boathouse amended.
- Elevations amended to show external cladding and resulting minor changes to windows.
- Souvenir shop removed from RNLI building at the request of the RNLI as they seek relocation of shop into city centre.
- Gate to RNLI walkway to the east of the building to be lockable and walkway balustrade to be stainless steel uprights and infill panels.
- Storage cupboard added under staircase to be accessed externally at the request of the RNLI.

4. Landscaping changes:

- Performing arts area to the north of F1 redesigned to remove raised stage and provide stepped seating and ramp to the east of this area relocated further north.
- Air intake and ventilation grilles on the podium to the east of F1 and F2 reduced in size.
- Cycle parking to the north of F1 repositioned closer to F1 to improve circulation on the podium – number of cycle spaces remains unchanged.
- Ramps and steps to the west of F1 redesigned to improve access to the building.
- Steps and ramp from the roadway onto the podium repositioned to improve access and allow 1 metre curtilage around the West Quay pub.
- New ramp added and steps amended to the west of F1 and F2 adjacent to boules pitch to allow for changes in levels on the podium.

- 4.3 The applicant has submitted a Review Note on the Environmental Statement to support the application.

5 PUBLICITY & CONSULTATIONS

External:

5.1 Neighbours:

Letters of representation have been received from **nine (9)** residents/groups **H10 G17 and F12 of Marine Gate, Marine Drive, the Brighton Marina Action Group at R5 Marine Gate, Roedean Residents Association, 14 Roedean Way, 'Bellaria', Founthill Road, Rottingdean, 18 The Cliff, Flat 6, 22 Lewes Crescent, Concorde House, 18 Margaret Street, and NLP on behalf of X-Leisure, 14 Regents Wharf, All Saints St, London), objecting to the application for the following reasons:**

- Object to registration of application as a section 73 application – consider that there are major changes which require a full application with updated

traffic analysis and EIA and objectors will only have 3 minutes to speak at committee;

- Consider that the changes will reduce the quality of the development;
- The access to the car park and traffic arrangements have not been properly resolved and there is considerable congestion at the entrance
- The landscape proposals are naive with trees proposed on the boardwalk;
- An appeal has been lodged with the High Court against the Judicial Review judgement on 27th June 2014 and still consider the consented scheme to be illegal under the provisions of the 1968 Brighton Marina Act;
- The three storey basement car park will require min. 6,325 cubic metres of concrete therefore min. 1,054 deliveries by ready mix lorries for the basement alone which will cause traffic congestion;
- There is only one vehicle entrance/exit to car park and none of the three staircases exit directly to open air, so questions how Fire and Rescue Authority will access the basement in the event of a fire in the lowest level of the car park;
- The proposed entrance to the basement car park will cut through the West Quay and cause a flood risk to the entire Marina if the basement car park floods;
- Vehicular access onto the ramp is awkward, only works with two-way traffic (the traffic is one-way), limited visibility for vehicles exiting the ramp and will cause congestion, and the entrance to the car park is too steep and inadequate for 496 cars;
- Object to the 40 storey tower – nothing should be built above the cliff height according to the Brighton Marina Act of 1968;
- The entrance to the underground car park could de-stabilise the West Quay;
- The retail assessment is insufficient and potential sites within Whitehawk and St Georges Road Local Centres and the defined Brighton Marina District Centre and Brighton Town Centre should be assessed for their suitability.
- Concern raised over where the yacht club will be relocated to;
- The extension to the ground floor retail units adversely affects the architectural modelling of the eastern façade and removes sheltered space for pedestrians;

5.2 Following receipt of amended plans (4/12/14) further comments were provided:

- Reversion of vehicular access to that approved under application BH2012/04048 still not acceptable – will cause congestion in one-way ring road and access onto existing ramp is awkward; requires barriers/signal system; visibility from ramp to road when exiting ramp is poor;
- Entrance to car park below F1 and F2 is too steep, may cause conflict with access to Spending Beach car park, cuts through tidal flood barrier

reducing its height by 1.45m, and conflict between vehicles entering and exiting the car park is likely to arise;

- Proposed number of lifts is inadequate – 1 lift in F2 is inadequate and cause problems if the lift breaks down;
- The means of escape for F2 appears to be inadequate;
- Access for firefighters is inadequate in terms of accessing upper floors and southern end of basement car park;
- It is not clear how residential refuse bins will be transported from basement to podium bin storage area;
- The proposed bus and taxi waiting room is too far from the bus stop which is on the opposite side of the road, there is insufficient space between the waiting room and West Quay pub for public access, and the pre-fabricated design is unattractive;
- Insufficient information on sewage disposal from F1, F2 and the RNLI building – will it be taken through the 6m thick wave wall – the sewage system is already overloaded in the Marina;
- Pedestrian access to the site is difficult, particularly for walking disabled, those with mobility vehicles, and parents with pushchairs, and not clear how pedestrians will access the promenade above the Spending Beach;
- Inadequate protection from wind that will pass between F1 and F2;
- An updated EIA is essential.

5.3 **Councillor Mary Mears:** Objection. (See letters attached at the end of this report).

Other Consultees:

5.4 **County Archaeologist** – Comment. Recommend that the heritage conditions attached to the previous consent are reapplied and only discharged once the applicant has submitted the report on the archaeological findings.

5.5 **County Ecologist:** Support - unlikely to have any significant impacts on biodiversity and can be supported.

5.6 **East Sussex Fire and Rescue Service** – No comment.

5.7 **English Heritage** – No comment.

5.8 **Environment Agency** – Comment. No comment to make with regard to the low risk of the development type and location of the proposal. Advised that they do not assess the structural integrity of third party flood defences and that this will need sign-off from a qualified engineer with appropriate liability insurance. Advised to get a view from Building Control.

5.9 **Environmental Health** – No comment.

5.10 **Marine Management Organisation (MMO)** - Comment. The proposal is being considered for a Marine Licence under Part 4 of the Marine and Coastal Access

Act 2009. The amendments to the scheme would have nominal impact on the current licence application and as such they have no further comments to make.

5.11 **Natural England** – No comment.

5.12 **Southern Water** – No comment – recommends a number of informatives.

5.13 **Sussex Police** – Comment. Inward opening automatic gates with fast opening speed and operated by the driver while sitting in the vehicle, must be located at the building line or at the top of ramps to avoid the creation of a recess and to avoid tailgating. Automatic roller shutters must be certified to a minimum of LPS 1175 SR1 or STS 202 BR1 and barriers should not be used to control access into the car park. The cycle store is recommended to be subdivided into smaller areas in the car park to reduce exposure from 2 entry points. Doors and easily accessible windows to the RNLI station should conform to PAS 024 2012 or LPS 1775 SR2 with laminated glazing conforming to BS EN 356 P1A. If the station is not manned 24 hours a day a monitored intruder alarm should be considered. The retail units should have doors and windows conforming to LPS 1175 SR 2 with laminated glazing conforming to BS EN 356 P1A. Wiring harness should be considered to allow retro fitting of an alarm system by the occupant. Welcomes the introduction of solid walls to residential cores. Intrusion resistance measures recommended between each retail unit. The bus waiting room should incorporate measures to avoid anti-social behaviour. Would like to advise future occupants of doctors/dentist surgery of crime prevention. Advises that planters and benches should be fixed to the podium and deterrents to skateboarders/BMX users should be considered.

5.14 Following consultation on amended plans (received 4/12/14) provided further comments: no concerns over relocation of bus/taxi waiting room as there is good overlooked surveillance from the bus stop and there is 24 hour security at the marina. Measures to avoid anti-social behaviour or rough sleeping in the waiting room are advised: full glazing, seating with armrests, internal lighting, outward opening doors to provide more space in the room during bad weather and at busy times.

Internal:

5.15 **Access Officer** – Comment. The stair and lift cores within F1 and F2 appear to be okay subject to the width of the lifts being at least 1100mm wide internally; any wheelchair accessible units should be within F1 as F2 has only one lift; the wheelchair accessible flats should have space for storage and charging a wheelchair or scooter.

5.16 **City Clean** – Comment. Bin loading and storage areas previously proposed between F1 and F2 is no longer on the plans; they require one month's notice prior to occupation or two month's notice if 1100l bins are being sourced from City Clean, and need clarification that adequate refuse storage is provided for the commercial uses.

5.17 **Coastal Protection Engineer:** No comment.

5.18 **Environmental Health:** No Comment.

5.19 **Flood Engineer:** Comment. Advised that the Environment Agency are the statutory consultee for the issue of flood risk in a tidal flood zone and that the structural integrity of the defence will be considered by Building Control.

5.20 **Building Control:** Comment. Advised that the Private Sector Building Control Service should be checking the proposals to ensure that the structural engineer's details on retaining the ground for the basement and carrying the superstructure load above, are provided and appear reasonable. Any building control service assessing the application should look at the basement structure's ability to withstand lateral forces to retain their integrity and support the building above. The substructure should also be assessed for water-tightness and suitable drainage measures should be provided in case of water ingress.

5.21 **Planning Policy:** Support. Initially requested evidence to support the sequential test. Following receipt of amended plans and further evidence on the sequential test, planning policy advise that the information submitted is satisfactory and the increase in retail floorspace and the loss of office space are considered to be acceptable.

5.22 **Sustainability:** Comment. Concern over BREEAM standards with the changes of use – different information will need to be submitted for the current scheme and need to ensure plant room and energy plant can be satisfactorily accommodated.

5.23 **Sustainable Transport:** Comment. Requested further information regarding the vehicular access, the location of the RNLI parking spaces and the staircase to the RNLI building, traffic circulation within the car park, and refuse collection arrangements. Following receipt of revised plans, considered that the proposal is acceptable.

6 MATERIAL CONSIDERATIONS

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

6.2 The development plan is:

- Brighton & Hove Local Plan 2005 (saved policies post 2007);
- East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (Adopted February 2013);

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

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

7 RELEVANT POLICIES & GUIDANCE

The National Planning Policy Framework (NPPF)

Brighton & Hove Local Plan:

TR1	Development and the demand for travel
TR2	Public Transport accessibility and parking
TR4	Travel Plans
TR5	Sustainable transport corridors and bus priority routes
TR7	Safe development
TR8	Pedestrian routes
TR13	Pedestrian network
TR14	Cycle access and parking
TR15	Cycle network
TR18	Parking for people with a mobility related difficulty
TR19	Parking standards
SU2	Efficiency of development in the use of energy, water and materials
SU3	Water resources and their quality
SU4	Surface water run-off and flood risk
SU5	Surface water and foul sewage disposal infrastructure
SU6	Coastal defences
SU7	Development within the coastal zone
SU8	Unstable land
SU9	Pollution and nuisance control
SU10	Noise nuisance
SU13	Minimisation and re-use of construction industry waste
SU14	Waste management
SU15	Infrastructure

SU16	Production of renewable energy
QD1	Design – quality of development and design statements
QD2	Design – key principles for neighbourhoods
QD3	Design – efficient and effective use of sites
QD4	Design – strategic impact
QD5	Design – street frontages
QD6	Public art
QD7	Crime prevention through environmental design
QD10	Shopfronts
QD12	Advertisements and signs
QD15	Landscape design
QD17	Protection and integration of nature conservation features
QD18	Species protection
QD25	External lighting
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
HO19	New community facilities
HO20	Retention of community facilities
HO21	Provision of community facilities in residential and mixed use schemes
EM4	New business uses on unidentified sites
EM5	Release of redundant office floorspace and conversions to other uses
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
SR5	Town and district shopping centres
SR12	Large Use Class A3 (food and drink) venues and Use Class A4 (pubs and clubs)
SR17	Smaller scale sporting and recreation facilities
SR18	Seafront recreation
SR20	Protection of public and private recreation space
SR21	Loss of indoor recreation facilities
NC4	Sites of Nature Conservation Importance (SNCIs) and Regionally Important Geological Sites (RIGS)
NC8	Setting of the South Downs Area of Outstanding Natural Beauty
HE3	Development affecting the setting of a listed building
HE6	Development within or affecting the setting of conservation areas
HE11	Historic parks and gardens

HE12 Scheduled ancient monuments and other important archaeological sites

Supplementary Planning Guidance:

SPGBH4 Parking Standards
SPGBH5 Black Rock Development Brief
SPGBH15 Tall Buildings
SPGBH20 Brighton Marina Vols 1&2

Supplementary Planning Documents:

SPD02 Shop Front Design
SPD03 Construction & Demolition Waste
SPD08 Sustainable Building Design
SPD11 Nature Conservation & Development

Planning Advice Notes:

PAN04 Brighton Marina Masterplan
PAN05 Design Guidance for the Storage and Collection of Recyclable Materials and Waste

Brighton & Hove City Plan Part One (submission document)

SS1 Presumption in Favour of Sustainable Development
DA2 Brighton Marina, Gas Works and Black Rock Area
SA1 The Seafront
SA6 Sustainable Neighbourhoods
CP1 Housing Delivery
CP3 Employment Land
CP4 Retail Provision
CP7 Infrastructure and Developer Contributions
CP8 Sustainable Buildings
CP9 Sustainable Transport
CP10 Biodiversity
CP11 Managing Flood Risk
CP12 Urban Design
CP13 Public Streets and Spaces
CP14 Housing Density
CP15 Heritage
CP16 Open Space
CP17 Sport Provision
CP18 Healthy City
CP19 Housing Mix
CP20 Affordable Housing

8 CONSIDERATIONS & ASSESSMENT

The application process:

- 8.1 Matters relating to elements of the scheme which have previously been granted planning consent (see applications in the planning history section) and are not proposed to be changed, do not form part of the proposals of this application and therefore are not being assessed under this application. The principle of the major mixed use development cannot be revisited. In addition, it is of significant weight that the original permission is extant and has commenced.
- 8.2 Many of the letters of objection to the application relate to the additional vehicular access to the basement car park, which was granted consent in application BH2013/03432. The objections are on the basis that the entrance would penetrate the West Quay Wall at the level of the adjacent road which at high tide is below sea level, and the concern is that should the walls of the underwater car park fail, large parts of the Marina could be flooded. The Environment Agency raised no objection to the application. However, this entrance to the car park has been removed from the proposals through amended drawings which now propose to revert to the vehicular access as approved in application BH2012/04048. The access ramp from the road up to the entrance is existing. The vehicular access to the site is therefore no longer a consideration in this application.
- 8.3 Concerns have been expressed by some objectors as to why the application has been described as 'minor' and not a major development in its own right. This application has been submitted under Section 73 of the Town and Country Planning Act 1990 as a 'minor material amendment' to the planning permission granted on 23 May 2013 (BH2012/04048), incorporating the non-material amendments approved on 4 June 2013 (BH2013/00799), 8 November 2013 (BH2013/03432) and 17 July 2014 (BH2014/01970). The applicant wishes to substitute the plans originally approved in the above applications, for the plans submitted in this application.
- 8.4 Planning Practice Guidance (revised 6 March 2014) provides guidance on amending planning permissions in order to make it easier for developers and local planning authorities to facilitate development which has the benefit of planning permission. The Guidance implements the recommendations of the Killian Pretty Review which advised the government that they should take steps to allow a more proportionate approach to minor material changes in development proposals after permission is granted.
- 8.5 Para 001 of the Guidance states that *"There is no statutory definition of a 'minor material amendment' but it is likely to include any amendment where its scale and/or nature results in a development which is not substantially different from the one which has been approved."* The applicant has submitted the current application in the context of the major mixed-use development as a whole, which involves internal changes to the basement car park; the relocation of some of the uses; a relatively small increase in floorspace in comparison with the overall floorspace of the wider development and which does not extend beyond the consented footprint; the addition of a small waiting room on the podium, some landscaping changes and minor changes to the elevations of the

buildings in Phase 1. There would be no change to the number of residential units or parking spaces and no change to the height or scale of the consented scheme, and therefore the proposed changes constitute 'minor' material amendments and it is considered that a submission under S73 is appropriate in this case.

- 8.6 The Guidance confirms that S73 applications for minor material amendments should be determined in accordance with S38 (6) of the Planning and Compulsory Purchase Act 2004, and conditions attached to the existing permission. Local planning authorities should, in making their decisions, focus their attention on national and development plan policies and other material considerations which may have changed significantly since the original grant of permission.
- 8.7 The Council advised the applicant that an updated Environmental Statement (ES) would not be required under the EIA Regulations, in a Screening Opinion. However, a Review Note on the ES submitted with application BH2012/04048 was submitted in support of this application. The review note confirms that there would be no significant effects on the environment as a result of the changes hereby proposed.

Planning Policy

- 8.8 Since the approval of application BH2012/04048 policies in the emerging City Plan Part One have gathered greater weight, since the Inspector's letter to the council dated 13 December 2013, followed by the Proposed Modifications consultation in November – December 2014 and the submission of the representations received to the Inspector 27 February 2015.

Design

- 8.9 The relocation of the residential entrances to the east elevation of the buildings is considered to be an improvement in terms of providing safer entrances with good natural surveillance. Sussex Police commented that the introduction of solid walls to residential cores is welcomed for security reasons.
- 8.10 The residential cores (the lifts and stairwells) are in the same position as in the consented scheme (BH2012/04048) but they have been reconfigured. They comply with current Building Regulations and the applicant has confirmed that due to building F2 now proposed with only one lift, all the wheelchair accessible units will be located in building F1 which will have two lifts so that if one breaks down, wheelchair users will have an alternative access. This arrangement is considered to be acceptable and a condition requiring details of the location and layout of the wheelchair accessible units is recommended.
- 8.11 The alterations to the retail units involves their extension eastwards to come in line with the floors above, creating 265sqm gross internal area (GIA) additional floorspace at podium (ground floor) level. This would remove the set-back of the shop fronts which would alter the external appearance of buildings F1 and F2. However, due to the relocation of the residential entrances which have curved

walls into a recess, and the retention of the curved walls on the corners of the buildings, the design would not be compromised and the changes proposed at podium level would complement the buildings (F1 and F2) as a whole.

- 8.12 The alterations to the floor to floor heights in buildings F1 and F2 are in order to comply with Building Regulations, to tie in with the size of the windows and external cladding and account for floor insulation and ceiling height requirements would not materially alter the appearance of the buildings. As such, this change is considered to be acceptable.
- 8.13 The alterations to the RNLI building would not materially alter the size or appearance of the consented building and are at the request of the RNLI. The RNLI are seeking to relocate the existing souvenir shop from the kiosk adjacent to the West Quay pub into Brighton City Centre. The relocation of the window on the first floor is to improve visibility of the marina from within the building. The changes to the staircase to the boathouse to the south is in order to simplify and improve access to the boathouse. The steel framework below the RNLI building was found to be unnecessary in providing structural support and its removal is not considered to undermine the architectural merit of the consented building.

Changes of Use within Buildings F1 and F2

- 8.14 The increase in the Class A retail floorspace from the consented scheme of 1,221sqm to 2,491sqm represents an increase of 1,270 sqm.
- 8.15 Brighton Marina is currently covered in policy terms by policy SR5 of the Adopted Local Plan 2005 which sets policy for District Centres. The application site does not fall within the current designation of the District Centre and would therefore be considered as 'edge of centre' under adopted planning policy. The current District Centre is defined on the Proposals Map and the designation consists of Primary and Secondary frontage.
- 8.16 Paragraph 24 of the NPPF states that local planning authorities should apply a sequential test to planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up-to-date Local Plan, such as the Class A use in this proposed development. It is considered appropriate for this Sequential Test to be carried out as the site does not currently fall within the existing Marina District Centre designation. An Impact Assessment is considered not to be necessary in this instance as the proposal is below the threshold of 2,500sqm as stipulated in paragraph 26 of the NPPF.
- 8.17 The applicant carried out a sequential test, covering the Marina itself and the Local Centres of Whitehawk Road and St Georges Road. Copies of the sites assessed were submitted, verifying that there are no opportunities in nearby centres which could be regarded as suitable, viable or available to accommodate the scale of Class A uses proposed. The policy officer confirmed that the sequential test was satisfactory.

- 8.18 Of relevance is the Submission City Plan Part One which is currently under examination by an appointed planning inspector, with public hearing sessions held in October 2013. The Submission City Plan proposed to carry forward the existing Retail Hierarchy within policy CP4. However, the Planning Inspector, in her initial conclusion's letter to the city council in December 2013, stated that policy CP4 should be modified to remove the Marina's designation as a District Centre. The council have addressed the concerns of the Inspector by proposing a modification to policy CP4 to remove the designation of Brighton Marina as a shopping centre. The Proposed Modifications were consulted on in November-December 2014 and the representations received have been sent to the Inspector 27 February 2015. There was one representation related to this modification which supported the removal of the designation. As such, the potential impact on the existing 'shopping frontage' of Brighton Marina has a reduced importance. But in any case, the sequential assessment carried out confirms that the additional Class A floorspace would not have a detrimental impact on the vitality and viability of the Brighton Marina.
- 8.19 Policy DA2 of the Submission City Plan and the associated Proposed Modifications is also of relevance to this planning application. The draft policy for DA2 allocates 5,000m² retail development (A1 – A5) to the Inner Harbour Area. A priority for the policy is to secure a more balanced mix of retail, including support for independent retailers, and non retail uses such as leisure, tourism, and commercial uses. A priority is also to enhance the retail offer through encouraging the provision of mixed retail activity and services to support any additional expansion in population. The proposed policy is considered to carry some weight in the determination of planning applications. As such, the additional Class A floorspace hereby proposed would contribute towards the 5,000m² allocation and is welcomed in this location and to support the expansion in population.
- 8.20 Policy SR12 of the Local Plan states that new large (defined as being in excess of 150sqm public floorspace) A3 and A4 units (restaurants, cafes, pubs and bars) will be permitted provided four criteria are met. The proposed units in this case are all larger than the threshold but do not meet the criteria. In line with the policy, exceptions can be made as long as planning conditions are attached to ensure that no alcohol can be sold or supplied except to persons who are taking meals at the premises and are seated at tables.
- 8.21 The proposed scheme would result in the loss of 436sqm of office floorspace from that previously consented on the site. The reason for this is set out in detail in the supporting statements submitted with the application. In summary it is due to the decision of the Harbour Control office and Brighton Marina Company, who were intended to occupy the ground and first floor offices respectively, to remain in their existing locations elsewhere in the Marina rather than relocating to the application site. The existing locations are described as being more suitable due to operational reasons. Policy EM5 of the Local Plan states that planning permission will not be granted for the release of office floorspace to

other uses unless it can be demonstrated that it is genuinely redundant. Policy CP3 of the Submission City Plan makes a similar requirement.

- 8.22 The loss of the permitted office space is unfortunate given the overall shortage of office floorspace to meet forecast demand over the plan period (Employment Land Study Review 2012) and the aspirations of Submission City Plan DA2 (Brighton Marina, Gas Works and Black Rock Area) for a more balanced mix of uses and enhanced marine related employment opportunities.
- 8.23 However given that the offices are not yet developed, and were intended to serve a specific need which is to be retained elsewhere within the Marina, an exception to Policies EM5 and CP3 can be considered acceptable in these circumstances.
- 8.24 Similarly, the Brighton Marina Yacht Club (BMYC), who are currently housed in a two storey temporary building on the North Sea Wall, were allocated space within the ground floor of building F2 to enable them to relocate into permanent premises. However, planning consent has since been granted for the BMYC to relocate to a floating building on the West Jetty, specifically between pontoons 6 and 7, and this development is currently under construction. The planning permission is for the floating building to be occupied for a yacht club and for no other use. The section 106 agreement currently requires the applicant to provide temporary premises for the yacht club (this was not required as the BMYC continue to occupy the temporary premises on the North Sea Wall during the construction of Phase 1); no break in provision between the demolition of the existing and provision of temporary or permanent premises, and that the Yacht Club shall be ready for occupation prior to occupation of building F2. The section 106 agreement would be attached to a consent of this application by way of a Deed of Variation, and it is recommended that these requirements remain in place. As such, the BMYC are able to continue to operate in the Marina through the creation of a new premises, and the facility would not be 'lost', but instead 'relocated'.
- 8.25 The three additional residential units on the first floor of F2 are to be relocated from future phases (buildings H1, H2 and H3) into the office space in F2. The total number of residential units is to remain unchanged. Therefore the potential environmental impact of the additional flats does not need to be considered. The additional overlooking potential generated by the replacement of the office with 3 flats, is considered to be minimal. This is due to the distance of the flats from existing or proposed residential buildings, the presence of numerous consented flats in the same elevations, and also the potential for the consented office uses to generate some degree of overlooking.

Basement Car Park Amendments

- 8.26 The entrance into the car park is in the same position as consented in BH2012/04048 but the shape of the entrance has been altered, as described in section 4 above. Sustainable Transport officer is comfortable with the configuration of the entrance and the circulation of the traffic in the three levels

of the basement car park below buildings F1 and F2. The internal layout of the car park was amended during this application to address the concerns raised over a potential conflict so that vehicles that are preparing to exit the car park have to give way to vehicles entering the car park, thus removing the conflict.

- 8.27 The relocation of the resident cycle spaces from the ground floor to the basement would require residents to enter the basement via the vehicular ramp in the same manner as entering the basement driving a car. There is insufficient space for a separate cycle lane but a condition can be attached to a consent requiring submission of signage at the entrance instructing that priority be given to cyclists. Details of cycle channels alongside the entrance ramps can also be submitted by condition. Details of the secure entry system to the car parks and how cyclists will use the entrances to the car parks should also be submitted through a condition on a consent.
- 8.28 The relocation of the domestic refuse and recycling to the basement car park would require the residents to transport their refuse from their apartments to the basement refuse stores via the lifts. The bin stores will be lockable and accessible by fob access by the residents and the Management Company. The applicant has submitted a Refuse Strategy which confirms that the refuse and recycling would be transported to the bin storage area on the podium between F1 and F2 by the Management Company using a refuse buggy and this service would be included in the Service Charge. This is considered to be a satisfactory arrangement.
- 8.29 The relocation of the RNLI parking from the ground floor of F2 to the basement car park is considered to be acceptable in principle. However, a condition should be attached to a consent requiring the applicant to liaise with the RNLI to agree the most practical location within basement level -01(B1).
- 8.30 The additional staircase at the southern end of building F1 is to provide easier access between the podium and basement car park and would not materially alter the appearance of the building. This is considered to be acceptable.

Landscaping Changes:

- 8.31 The alterations to the performance area to the north of building F1 include removing the raised stage and creating stepped seating to the south and east of the performance area, which improves pedestrian access through this area when there are no performances and provides more seating that is integrated into the steps and ramp up to the podium level of the retail units. This creates a more informal and useable space whilst providing access between the different levels for pedestrians of all ability. The ramp to the east of the performance area has been relocated further north to allow for the seating around the performance area and to provide a larger area to the front of retail unit 1.
- 8.32 The cycle racks have been relocated closer to building F1 while providing the same number of cycle spaces which improves the circulation space allowing a wider area for pedestrian access.

- 8.33 The additional ramp and steps near the boules pitch to the west of F1 is to account for the change in levels which was previously not accounted for in the consented scheme.
- 8.34 The alteration to the steps and ramps immediately to the west of building F1 provides a more simple arrangement for the cycle storage and access to the bin stores and the lift and steps up to the first floor terrace of the doctors/dentist surgery and the podium level of the subsequent phases.
- 8.35 The extension to the existing ramp from the road up to the podium to the west of the West Quay pub and the adjacent staircase have been repositioned to account for the 1m strip required for maintenance around the West Quay pub and so that a larger circulation space for pedestrians is created at podium level.

Relocation of bus/taxi waiting room

- 8.36 The bus/taxi waiting room was previously proposed within building F1 and is now proposed in a free-standing building on the podium to the west of the West Quay pub. This is a result of pre-application discussions with Sustainable Transport and Public Transportation officers and it was considered that whilst the ideal location for the waiting room would be at the bus stop outside McDonalds, the applicant could not guarantee this could be implemented due to requiring consent from other landowners. The new location proposed was considered to be preferred to the consented location within building F1 due to a shorter distance to walk to the bus stop and due to better visibility of the road and the bus stop from the new location. As such, the Sustainable Transport officer supports the new location of the waiting room. The revised plans reduce the width of the waiting room to provide a larger space for pedestrian movement between the waiting room and the West Quay pub and demonstrate how the waiting room can accommodate the 12 seats, 2 wheelchair/pushchair spaces, real time information board above the entrance, and journey planner terminal as requested by the Sustainable Transport officer. The design of the building is appropriate to the proposed use and would be 'fit for purpose'.

9 CONCLUSION

- 9.1 It is considered appropriate to deal with the application on the basis of a 'minor material amendment' to the previous permission as it does not alter the overall scale or nature of the major redevelopment proposals.
- 9.2 The assessment of the application relates only to the changes being sought (set out in section 4), and not the whole principle of development again. The changes to the scheme are considered to be minor in the context of the entire development and would have no significant impacts.
- 9.3 The Environmental Statement has been reviewed and it is considered that a revised Environmental Statement is not required for this application, as set out in the Screening Opinion. This is on the basis that the changes proposed are

unlikely to result in additional environmental impacts beyond those already considered and mitigated against by the previous applications and the related conditions and planning obligations.

- 9.4 The changes proposed would not materially alter the external appearance of the consented scheme and would complement the overall design and layout.
- 9.5 The additional Class A floorspace would be welcomed in terms of supporting the aspirations of the Submission City Plan to enhance the District Centre through mixed retail activity and services to support any additional expansion in population.
- 9.6 The loss of the office floorspace is regrettable given the identified shortage of office floorspace in Brighton, however, given that the offices are not yet developed, and were intended to serve a specific need which is to be retained elsewhere within the Marina, an exception to policy is considered acceptable in these circumstances.

10 EQUALITIES

- 10.1 The changes to the pedestrian access to and around the site take account of people of impaired mobility and people with wheelchairs and pushchairs, through the provision of ramps, lifts and disabled parking spaces in appropriate locations.

11 PLANNING OBLIGATION / CONDITIONS / INFORMATIVES

Section 106 Agreement

Deed of Variation to s106 agreement dated 4 July 2006 to ensure:

- Reference to application BH2014/02883;
- Amendment to section 18 (Car Club) so that the provision of car club cars and spaces is carried out pro rata on a phased basis;
- Amendment to section 19.1b to account for the alternative bus/taxi waiting room location.

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

(list of drawing numbers to be provided on the additional representations list)

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

2. The development shall be carried out in accordance with the Phasing Plan approved under application BH2013/02328 unless any variation or amendment is agreed in writing with the Local Planning Authority.

Reason: To ensure that key objectives in the Brighton & Hove Local Plan are delivered and to meet the demands of occupiers of the development and regeneration of the wider area, including the delivery of high quality landmark buildings and bridges, associated infrastructure and affordable housing, in accordance with policies QD1, QD2, QD3, QD4, QD6, HO2, HO3, HO4, TR1, TR8, TR13, TR15, HE3 and HE6 of the Brighton & Hove Local Plan.

3. Within 6 months of the date of this permission, details of the roads and footways within Phase 1 and Phase A of the development (as set out in the Phasing Plan approved under condition 2), including construction drawings that accord with the principles of the Estate Roads Manual, shall be submitted to the Local Planning Authority for approval. Prior to the commencement of the other Phases of the development (as set out in the Phasing Plan approved under condition 2), details of the roads and footways, including construction drawings that accord with the principles of the Estate Roads Manual, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed details and the roads and footways shall be completed prior to first occupation of the respective Phase of the development (as set out in the Phasing Plan approved under condition 2).

Reason: To ensure a satisfactory highway provision within the development, to comply with policies TR1, TR7 and TR8 of the Brighton & Hove Local Plan.

4. The development shall be carried out in accordance with the details (number, location and size) of the affordable housing units approved under application BH2013/02264 and the approved Phasing Plan unless any variation or amendment is agreed in writing with the Local Planning Authority.

Reason: To ensure a satisfactory mix and location of affordable units to ensure sufficient housing opportunity and choice, and to ensure sufficient numbers of affordable units are proposed within each phase of development, in accordance with policies HO2 and HO3 of the Brighton & Hove Local Plan.

5. The vehicle parking areas within the basement car parks hereby approved shall not be used otherwise than for the parking of RNLI emergency vehicles, private vehicles, motorcycles and bicycles belonging to the occupants of and visitors to the residential development hereby approved. The car parking area shall be clearly laid out and signed for RNLI emergency vehicles, residents, disabled users, and the car club, and shall be retained as such thereafter.

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

6. The RNLI building hereby approved shall not be first brought into use until the emergency RNLI parking area located within the basement car park on level B-01 has been implemented and is ready for use, unless it is agreed in writing with the Local Planning Authority that temporary parking has been provided elsewhere to the satisfaction of the RNLI.

Reason: To ensure satisfactory parking provision to serve the RNLI to comply with policies TR1 and TR19 of the Brighton & Hove Local Plan.

7. Each respective phase of the development (in accordance with the Phasing Plan agreed by condition 2) shall not be first occupied until the cycle parking facilities associated with that particular phase have been implemented and made available for use. The cycle parking facilities shall thereafter be retained for use at all times.

Reason: To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than the private car, in accordance with policies TR1 and TR14 of the Brighton & Hove Local Plan.

8. Notwithstanding the cycle parking facilities for visitors indicated on the submitted plans, a scheme for monitoring the need for additional cycle parking for visitors within the site shall be submitted to and approved in writing by the Local Planning Authority within 6 months of the first occupation of each respective phase of the development (as set out in the Phasing Plan agreed by condition 2). If required, the scheme shall include details of the number, location and design of any additional cycle parking facilities and shall be implemented to the satisfaction of the Local Planning Authority within an agreed timeframe.

Reason: The scheme is considered to potentially have the capacity to accommodate a number of additional visitor cycle spaces, in the interests of encouraging sustainability through the use of non-car modes of travel, in accordance with policies TR1 and TR14 of the Brighton & Hove Local Plan.

9. No respective phase of the development (as set out in the Phasing Plan agreed by condition 2) above the level of the basement car parking structures shall be first occupied until a Parking Strategy has been submitted to and approved in writing by the Local Planning Authority, and implemented to the satisfaction of the Local Planning Authority. The Parking Strategy shall include details of proposed designated loading/unloading areas to ensure that parking restrictions and vehicular movements are clearly conveyed to residents and visitors of the site. The Strategy should explore measures to avoid conflict with pedestrians, including the provision of yellow lines, signage and bollards and identify them on a plan. Loading/unloading shall thereafter not occur outside the designated areas.

Reason: To ensure parking does not occur haphazardly across the site and to ensure the sustainability of the scheme is not undermined, and in the interests of highway safety, to comply with policies TR1, TR4, TR7, TR8 and TR19 of the Brighton & Hove Local Plan.

10. No car parking (other than loading/unloading and dropping off/setting down) shall occur within the application site except within the designated parking spaces hereby approved as indicated on the submitted plans.

Reason: To prevent pedestrian and vehicular conflict, to comply with policies TR1, TR7 and TR8 of the Brighton & Hove Local Plan.

11. The underground car parks hereby permitted shall not be first brought into use until details of road markings, signalling systems, signage, secure access, cycle channels and other mechanisms to control vehicular and cyclist

movements at the base of the entrance ramp, along the ramp and into the respective entrances to the car parks have been submitted to and approved in writing by the Local Planning Authority and implemented and thereafter retained.

Reason: In the interests of highway safety, to comply with policy TR7 of the Brighton & Hove Local Plan.

12. Within 6 months of the date of this permission, details of a Waste Storage and Collection Strategy for the residential and retail/commercial units of Phase 1 (as set out in the Phasing Plan agreed by condition 2) shall be submitted to the Local Planning Authority for approval. The Strategy shall include details of the following: access arrangements, including measures to ensure communal refuse is placed at agreed collection points that can be accessed by council vehicles; types and sizes of containers and frequency of collection. Prior to the commencement of the other Phases of the development (as set out in the Phasing Plan agreed by condition 2) details of a Waste Storage and Collection Strategy for the residential and retail/commercial units shall be submitted to and agreed in writing by the Local Planning Authority. The agreed Waste Storage and Collection Strategy for each respective phase of the development (as set out in the Phasing Plan agreed by condition 2) shall thereafter be implemented unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that satisfactory measures for refuse and recycling storage and collection are in place that are compatible with the council's waste service, to comply with policy SU2 of the Brighton & Hove Local Plan.

13. All the communal refuse areas serving residents shall provide recycling provision and separated storage for a minimum of two separated waste streams. Sufficient space should also be provided within the development to enable the incorporation of communal composting facilities for use by residents and others, such as landscape contractors.

Reason: To ensure provision of satisfactory facilities for the storage of refuse and recycling to comply with policy SU2 of the Brighton & Hove Local Plan.

14. No buildings of each respective phase of the development (and as set out in the Phasing Plan agreed by condition 2) shall be first occupied until the refuse and recycling storage facilities indicated on the approved plans serving each building have been fully implemented and made available for use. These facilities shall thereafter be retained for use at all times.

Reason: To ensure provision of satisfactory facilities for the storage of refuse and recycling to comply with policy SU2 of the Brighton & Hove Local Plan.

15. The premises for Use Class A (A1, A2, A3, A4 and A5) hereby permitted shall not be open or in use except between the hours of 07.00 and 23.30 hours Mondays to Fridays, and between 07.30 and 23.30 hours on Saturdays and between 08.00 hours and 23.00 hours on Sundays or Bank Holidays.

Reason: To safeguard the amenities of the locality and the amenities of occupiers of nearby residential properties and to prevent crime, to comply with policy QD27 of the Brighton & Hove Local Plan.

16. Not used.

17. The community uses in block J, Block F1, crèche in Block A (excluding outside play), visitor centre, educational premises and public viewing gallery in block K and 'Class D1' facility on the first floor in Block F1 shall not be open to the public except between the hours of 07.00 and 21.00 hours Mondays to Fridays, and between 07.30 and 21.00 hours on Saturdays and between 08.00 hours and 19.00 hours on Sundays or Bank Holidays, unless otherwise agreed in writing with the Local Planning Authority.

Reason: To safeguard the amenities of occupiers of adjacent residential properties, to comply with policy QD27 of the Brighton & Hove Local Plan.

18. The outside children's play area directly associated with the crèche in Block A and multi-use court located between Blocks A and B as both indicated on drawing no. 353/P/201 Rev P4 shall be used only between the hours of 08.00 and 19.00 hours Monday to Saturdays and 09.00 and 18.00 hours on Sundays and Bank Holidays unless otherwise agreed in writing by the Local Planning Authority.

Reason: To safeguard the amenities of occupiers of adjacent residential properties, to comply with policy QD27 of the Brighton & Hove Local Plan.

19. Block A shall not be first occupied until details of the proposed multi-use court/play area located between blocks A and B, including details of surfacing, layout and boundary treatment, have been submitted to and approved in writing by the Local Planning Authority. The court shall be implemented in accordance with the agreed details and made available for use before first occupation of Block A unless otherwise agreed in writing by the Local Planning Authority. The facility shall thereafter be retained for such use at all times.

Reason: To ensure the demand created by the development for outdoor recreation space is satisfactorily met, to comply with policy HO6 of the Brighton & Hove Local Plan.

20. Blocks A, J and K shall not be first occupied until details of the boules pitch and bowling green located between Block F1 and Block A, including their proposed surfacing and layout, have been submitted to and approved in writing by the Local Planning Authority and the facilities implemented in accordance with the agreed details. The facilities shall thereafter be retained for such use at all times.

Reason: To ensure the demand created by the development for outdoor recreation space is satisfactorily met, to comply with policy HO6 of the Brighton & Hove Local Plan.

21. The residential properties within Block J shall not be first occupied until the community room and youth space located within the block have been completed and ready for occupation.

Reason: To ensure the demand created by the development for community spaces is satisfactorily met, to comply with policy HO21 of the Brighton & Hove Local Plan.

22. The residential properties within Block F1 shall not be first occupied until the Class D1 (doctor/dentist surgery) use located within the block has been completed and is ready for occupation.

Reason: To ensure the demand created by the development for community/health facilities is satisfactorily met, to comply with policies HO21 and QD28 of the Brighton & Hove Local Plan.

23. Not used.

24. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 or amendments thereto, the Community Hall and Youth Space in Block J and educational facility and visitor gallery in Block K and crèche in Block A, and as shown on plan ref. no. 353/P/201 Rev P4 and 353/P/559 Rev P3, shall not respectively be used for any other uses within Use Class D1.

Reason: The Local Planning Authority would wish to control future changes of use in the interests of safeguarding the amenities of occupiers of nearby residential properties and the amenities of the locality and to ensure the demand created by the development for community uses is met, to comply with policies QD27 and HO21 of the Brighton & Hove Local Plan.

25. Not used.

26. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 or amendments thereto, the 'Class D1' use in Block F1 shall be used as a D1(a) use Medical or Health facility (excluding animal treatment) only and for no other use within Use Class D1.

Reason: The Local Planning Authority would wish to control future changes of use in the interests of safeguarding the amenities of occupiers of nearby residential properties and the amenities of the locality and to ensure the demand created by the development for health facilities is met, to comply with policies QD27, HO21 and QD28 of the Brighton & Hove Local Plan.

27. Not used.

28. Not used.

29. Loading or unloading of vehicles in connection with the non-residential uses hereby approved (excluding the RNLI use) shall only take place between the hours of 07.00 and 19.00 hours Monday to Fridays, 07.30 and 19.00 hours on Saturdays and not at anytime on Sundays or Bank Holidays unless otherwise agreed in writing by the Local Planning Authority.

Reason: To safeguard the amenities of occupiers of nearby residential properties, to comply with policy QD27 of the Brighton & Hove Local Plan.

30. Occupation of the Class A floorspace within the development hereby permitted for uses within use Class A4 shall not exceed a net internal public floorspace of more than 150 square metres per individual unit.

Reason: To safeguard the amenities of occupiers of nearby residential properties and in the interests of crime prevention, to comply with policies SR12 and QD27 of the Brighton & Hove Local Plan.

31. Occupation of the Class A floorspace within the development hereby permitted for uses within use Class A4 shall not in total comprise more than 50% of the shopping frontage or floor area of the total Class A floorspace hereby permitted. Buildings F1 and F2 are taken as one combined stretch of frontage.

Reason: To safeguard the amenities of occupiers of nearby residential properties and to avoid concentrations of A4 uses in the interests of crime prevention, to comply with the aims of policies SR12 and QD27 of the Brighton & Hove Local Plan.

32. Within any units used for purposes within Use Class A3 and exceeding 150 square metres in net internal public floor area, alcohol shall only be sold or supplied to persons who are taking meals on the premises and who are seated at tables.

Reason: To safeguard the amenities of the locality and the amenities of occupiers of nearby residential properties and in the interests of crime prevention, to comply with policies SR12 and QD27 of the Brighton & Hove Local Plan.

33. The development hereby permitted shall incorporate measures to ensure the development meets 'Secured by Design' standards and includes crime prevention measures indicated in the letter dated 11th February 2013 from Sussex Police and measures to control the access to the car park from both vehicles and pedestrians. Evidence shall be submitted to demonstrate the development meets Secured By Design standards such as a Developers Award Certificate. The agreed measures shall be implemented within each respective phase of the development (as agreed as part of the Phasing Plan by condition 2) before that phase is first brought into use/occupied. Details of any CCTV cameras that are not mounted on buildings shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of crime prevention and visual amenity, to comply with policies QD7 and QD1 of the Brighton & Hove Local Plan.

34. A scheme indicating measures taken to insulate the units from the transmission of noise (such measures shall include the sound insulation of all units within the development, whether residential or non-residential, from noise transmitted between them) shall be submitted to and approved in writing by the Local Planning Authority and implemented to the satisfaction of the Local Planning Authority before first occupation of any buildings constructed above

the level of the basement car parking structures within each respective phase of the Phasing Plan (as agreed by condition 2).

Reason: To safeguard the amenity of occupiers of the development from noise arising within and/or from the scheme, to comply with policies QD27 and SU10 of the Brighton & Hove Local Plan.

35. No plant or machinery associated with the development (not including during construction) shall be first brought into use until a scheme to insulate the plant/machinery against the transmission of sound/or vibration has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented to the satisfaction of the Local Planning Authority before any buildings within which the plant/machinery are proposed are first occupied. The mechanical plant associated with the development shall not give rise to an increase in noise levels above -5dB LAeq in respect of the background levels expressed as LA90 measured 1m from the facade of the nearest residential premises. Measurement periods and conditions are to be agreed with the Local Planning Authority.

Reason: To safeguard the amenity of occupiers of the development from noise arising within or from the scheme, to comply with policy QD27 and SU10 of the Brighton & Hove Local Plan.

36. A scheme for the fitting of odour control equipment to the non-residential buildings shall be submitted to and approved in writing by the Local Planning Authority where commercial kitchen facilities, or similar, are proposed. The agreed odour control works shall be implemented to the satisfaction of the Local Planning Authority before the premises it relates to is brought into use.

Reason: To safeguard the amenity of occupiers of the development from odours arising within or from the scheme, to comply with policy QD27 and SU9 of the Brighton & Hove Local Plan.

37. A scheme for the sound insulation of the odour control equipment referred to in the condition above (no.33) shall be submitted to and approved in writing by the Local Planning Authority and shall be implemented to the satisfaction of the Local Planning Authority before the premises it relates to are brought into use.

Reason: To safeguard the amenity of occupiers of the development from noise arising within or from the scheme, to comply with policies QD27 and SU10 of the Brighton & Hove Local Plan.

38. Details of any changes to the proposed gas CHP with regard to future fuel use shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented.

Reason: To ensure the continuing protection of the environment and human health, to comply with policies SU9 and QD27 of the Brighton & Hove Local Plan.

39. Amplified music or other entertainment noise within any of the non-residential units shall have its volume controlled by the installation of a tamper-

proof noise limiting device of a type to be agreed with the Local Planning Authority and its level shall be set at a volume to be agreed with the Local Planning Authority before it is first brought into use.

Reason: To safeguard the amenities of the locality and the amenities of occupiers of nearby residential properties, to comply with policy QD27 of the Brighton & Hove Local Plan.

40. The materials, construction methodology and maintenance of the basement parking structures in Phase 1 and Phase A (as set out in the Phasing Plan agreed in condition 2) shall be implemented in accordance with the details submitted under application BH2013/04111, unless otherwise agreed in writing by the Local Planning Authority. No development of the other Phases (as set out in the Phasing Plan agreed in condition 2) shall take place until details of the materials, construction methodology and maintenance of the basement parking structures hereby permitted have been submitted to and agreed in writing by the Local Planning Authority. The agreed details and measures shall be implemented.

Reason: To ensure that the development is of high quality and adequately maintained, in the interests of coastal management, safety, ecology and visual amenity, to comply with policies SU7, QD27, QD17 and QD1 of the Brighton & Hove Local Plan.

41. Within 6 months of the date of this permission, details of the proposed materials to be used within the exterior of all buildings and structures within Phase 1 and Phase A (as set out in the Phasing Plan agreed by condition 2) shall be submitted to the Local Planning Authority for approval. No other Phases of the development (as set out in the Phasing Plan agreed by condition 2) above the level of the basement car parking structures including the proposed bridges, shall commence until details of the proposed materials to be used within the exterior of all buildings and structures within each respective phase, have been submitted to and approved in writing by the Local Planning Authority. These details for all Phases shall include large scale drawings and/or constructional details and samples if required, of the balustrading, roof parapet and eaves design, balcony design, surface cladding systems, windows, entrances, roof plant, wind screens, shop fronts and bridges. The development shall be carried out in accordance with the approved details.

Reason: To ensure a very high quality development, to comply with policies QD1, QD4, HE3 and HE6 of the Brighton & Hove Local Plan.

42. Within 6 months of the date of this decision, details of external lighting, external signage, details and samples of the proposed materials to be used for the hard landscaping, highways, street furniture and amenity and outdoor recreation areas for Phase 1 and Phase A (as set out in the Phasing Plan agreed by condition 2) shall be submitted to the Local Planning Authority for approval. No other Phases of the development (as set out in the Phasing Plan agreed by condition 2) above the level of the basement car parking structures, shall commence until details of external lighting, external signage, details and samples of the proposed materials to be used for the hard landscaping,

highways, street furniture and amenity and outdoor recreation areas within each respective phase, have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and completed prior to the first occupation of each respective Phase. The details for all Phases will include the following:

- (i) paving and building materials, including details of colour and texture;
- (ii) boundary walls, gates, seating, fencing, refuse stores, steps, hand rails, raised planters, seating, pergolas and screens;
- (iii) street paving plans, to include size, direction and pattern of paving;
- (iv) siting and design of all external dishes, antennae, flues and utilities cabinets;
- (v) external lighting - this shall include the proposed number, type, siting, spacing and levels of luminance and details of street lighting;
- (vi) external signage details;
- (vii) details showing how the materials are sustainable; and
- (viii) Details of ventilation structures and car park intake grilles.

Reason: To ensure the Local Planning Authority has sufficient detail to ensure that

the resulting appearance of the development is of a high quality, is sustainable and to mitigate against the potential for light pollution within the development to safeguard the amenities of the locality and residents, and for ecological reasons, and to comply with policies QD1, QD4, QD15, QD17, QD25, QD27, SU2, HE3 and HE6 of the Brighton & Hove Local Plan.

43. The Management Plan for the long term maintenance and replacement of materials within Phase 1 and Phase A of the development (as set out in the Phasing Plan agreed by condition 2) shall be implemented in accordance with the details submitted and approved in application BH2013/04269, unless otherwise agreed in writing by the Local Planning Authority. No other Phases of the development (as set out in the Phasing Plan agreed by condition 2) shall commence until details have been submitted to and agreed in writing by the Local Planning Authority relating to a Management Plan for the long term maintenance and replacement of materials within the development, including basement car parking areas, platform decks, hard landscaping and both bridges hereby approved. The maintenance of the development shall thereafter be implemented in accordance with the details of the respective approved Management Plans.

Reason: To ensure the development retains the quality of its appearance in this exposed location, to comply with policies QD1, QD4, QD15, HE3 and HE6 of the

Brighton & Hove Local Plan.

44. Not used.

45. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 or any amendments thereto, no satellite

dishes or aerals other than those shown on the submitted plans shall be installed unless otherwise agreed in writing with the Local Planning Authority.

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

46. No buildings above the level of the basement car parking structures shall be first occupied until details of a Design Strategy for pedestrian, cycling and general

informative signage throughout the site have been submitted to and approved in

writing by the Local Planning Authority, and have been implemented in accordance with each respective phase of the development (as set out in the Phasing Plan agreed by condition 2). Any signage proposed within the site shall be in accordance with the broad principles contained in the agreed Strategy.

Reason: To ensure that the resulting appearance of the development will be acceptable and to ensure a cohesive appearance to the development, to comply with policy QD1 of the Brighton & Hove Local Plan.

47. Not used.

48. Within 6 months of the date of this permission, a scheme for soft landscaping and planting in Phase 1 and Phase A of the development (as set out in the Phasing Plan agreed by condition 2) shall be submitted to the Local Planning Authority for approval. No other Phases of the development (as set out in the Phasing Plan agreed by condition 2) above the level of the basement car parking structures shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme for soft landscaping and planting in the development. All planting, seeding or turfing agreed as part of the approved landscaping schemes for all the Phases shall be carried out in the first planting and seeding seasons following occupation of the buildings in each respective Phase. Any plants or trees that die or become seriously damaged between planting and up to 5 years after completion of the development, shall be replaced with others of a similar size and species unless otherwise agreed in writing with the Local Planning Authority. The landscaping schemes for all Phases shall include plants to enhance biodiversity.

Reason: To enhance the appearance of the development, to comply with policies

QD15, QD16 and QD17 of the Brighton & Hove Local Plan.

49. The development shall incorporate the measures within the Nature Conservation Plan (titled Mitigation/Enhancement Scheme and Ecology Management Plan July 2008 by EPAL) received on 9th July 2008 and agreed on 15th July 2008, including measures to enhance the bio-diversity of the site and prevent damage to existing habitats during construction and include provision of

shingle roofs (see condition 44 below), introduction of appropriate planting in the amenity areas with interpretation boards, installation of interpretation boards on the Black Rock bridge and the installation of 35 nesting boxes within

the site and 1 peregrine nesting box. The agreed measures shall be implemented on a pro-rata basis where relevant, based on each respective phase of the development (as agreed by condition 2), and shall be maintained in perpetuity.

Reason: To enhance and integrate nature conservation features within the site, in accordance with policy QD17 of the Brighton & Hove Local Plan.

50. Within 6 months of the date of this permission, construction and maintenance details of the proposed shingle roofs and vegetated planters proposed within Phase 1 of the development (as set out in the Phasing Plan agreed by condition 2) shall be submitted to the Local Planning Authority for approval. No other Phases of the development (as set out in the Phasing Plan agreed by condition 2) above the level of the basement car parking structures shall take place until construction and maintenance details of the proposed shingle roofs and vegetated planters in each respective Phase have been submitted to and approved in writing by the Local Planning Authority. The aim of the shingle roofs for all Phases shall be to recreate coastal vegetated shingle habitat and shall incorporate appropriate native vegetated shingle communities. At least 75% (by area) of the planters for all Phases shall be planted with native vegetated shingle communities, and the species to be used and cultivation details for the roofs and planters shall be agreed prior to commencement of buildings in the respective Phases of the development. The agreed schemes shall be implemented to the satisfaction of the Local Planning Authority by the first planting season following first occupation of the building upon which they are located (shingle roofs) and prior to completion of the Phase within which they are located (planters).

Reason: To enhance and integrate nature conservation features within the site, in accordance with policy QD17 of the Brighton & Hove Local Plan.

51. The secure fencing around all vegetated areas within the Black Rock Beach SNCI as detailed in the DP9 letter and enclosures received on 9th July 2008 shall be implemented during construction. No storage of plant or equipment shall be permitted at any time within any area within the SNCI during construction, and no other use shall take place within the SNCI area other than carrying out the construction of the Black Rock Bridge and the Black Rock enhancement works.

Reason: To ensure damage to the vegetated shingle is prevented, in accordance with policies NC4 and QD17 of the Brighton & Hove Local Plan.

52. The Black Rock Bridge shall not be constructed during the period 1st March - 31st July.

Reason: To avoid disturbing nesting birds in the SNCI to comply with policies NC4, QD17 and QD18 of the Brighton & Hove Local Plan.

53. All the new dwellings hereby approved shall be constructed to Lifetime Homes standards as referred to in Policy HO13 of the Brighton & Hove Local Plan 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.

54. A minimum of 50 of the residential units within the overall scheme shall be built to a wheelchair accessible standard. Included within the 50, 10% of the affordable housing units (equating to 35 units) shall be built to wheelchair accessible standard. Details, including plans, of how the units have been built to a wheelchair accessible standard on a pro-rata basis within each phase of the development (as set out in the Phasing Plan agreed by condition 2) shall be submitted to and approved in writing by the Local Planning Authority before 50% of the total units within a particular phase have been first occupied.

Reason: To ensure satisfactory provision of homes for people with disabilities to comply with policy HO13 of the Brighton & Hove Local Plan which seeks a 5% provision of wheelchair accessible units in schemes overall, including a 10% provision within the affordable element.

55. All the non-residential uses and car park lift lobbies hereby permitted shall incorporate measures to ensure they are fully accessible to the disabled, including the provision of flush entrance thresholds and sufficient clear space at the leading edge of lobby doors, details of which shall be submitted to and approved in writing by the Local Planning Authority. The agreed measures shall be implemented before first occupation/use of the respective phase of the development (as set out in the Phasing Plan agreed by condition 2).

Reason: To satisfactory access for people with disabilities, to comply with policies HO19 and QD10 of the Brighton & Hove Local Plan.

56. Prior to the first occupation of buildings A, B, C, and D (as shown on drawing no. 353/P/238 Rev P3) a scheme for the provision of screening landscaping and/or a trellis structure to be installed over (and/or adjacent to) the access road into the residents' car park over the Spending Beach that runs along the northern boundary of the site and details of the proposed planting area between the residents access road and the northern boundary of the site shall be submitted to and agreed in writing by the Local Planning Authority. The agreed scheme shall be implemented to the satisfaction of the Local Planning Authority by the first planting season following completion of the last of the aforementioned buildings (as set out in the Phasing Plan agreed by condition 2). Any plants or trees that die or become seriously damaged between planting and up to 5 years after completion of the development, shall be replaced with others of a similar size and species unless otherwise agreed in writing with the Local Planning Authority.

Reason: To improve the outlook and living conditions enjoyed by residential properties immediately adjacent to the access road, to comply with policies QD15 and QD27 of the Brighton & Hove Local Plan.

57. No buildings above the level of the basement car parking structures shall be first occupied until details of the wind mitigation measures referred to in Section 10 of the Environmental Statement and identified on the plans contained in this Section, have been submitted to and approved in writing by the Local Planning Authority. The wind mitigation measures shall be provided in accordance with the approved details prior to the first occupation of, or public access is first provided to, the relevant phase of the development (as set out in the Phasing Plan agreed by condition 2).

Reason: To ensure a satisfactory micro-climate for users of the development, to comply with policy QD27 of the Brighton & Hove Local Plan and SPGBH15: Tall Buildings.

58. The programme of archaeological work within Phase 1 and Phase A of the development (as set out in the Phasing Plan agreed by condition 2) approved under application BH2013/03568 shall be implemented accordingly. No other Phases of the development (as set out in the Phasing Plan agreed by condition 2) shall commence until the developer has secured the implementation of a programme of archaeological work, in accordance with a Written Scheme of Archaeological Investigation which has been submitted to and approved in writing by the Local Planning Authority.

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

59. The respective Phases of the development (as set out in the Phasing Plan agreed by condition 2) shall not be brought into use until the archaeological site investigation and post investigation assessment (including provision for analysis, publication and dissemination of results and archive deposition) has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition 58 to the satisfaction of the Local Planning Authority.

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

60. No development of each relevant phase of the development (as set out in the Phasing Plan agreed by condition 2) shall take place until details of a scheme of: (a) steel submarine netting or other suitable material to be installed between the protective piles of the development; and (b) linked mesh or other suitable material to be installed around the outer piles of the development has been submitted to and approved in writing by the Local Planning Authority for that relevant phase and the approved scheme shall be implemented in full before the completion of each respective basement car park structure. The scheme shall identify temporary openings within the nets.

Reason: In order to enhance the protection provided against vessels that could potentially collide with the proposed development, in the interests of safety, to comply with policy QD27 of the Brighton & Hove Local Plan.

61. Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water from parking areas and hardstandings susceptible to oil contamination shall be passed through an oil separator designed and constructed to have a capacity compatible with the site being drained. Roof water shall not pass through the interceptor. Ongoing maintenance of the interceptor shall be provided in accordance with the manufacturer's instructions.

Reason: To prevent pollution of the water environment and in accordance with the policy SU3 of the Brighton & Hove Local Plan.

62. Details of the proposed means of foul sewerage and surface water disposal relating to Phase 1 and Phase A of the development (as set out in the Phasing Plan agreed by condition 2) as approved in application BH2013/03669 shall be implemented accordingly. No other Phase of the development (as set out in the Phasing Plan agreed by condition 2) shall commence until details of the proposed means of foul sewerage and surface water disposal have been submitted to, and approved in writing by, the Local Planning Authority in consultation with Southern Water. The approved details shall be implemented.

Reason: To prevent pollution of the water environment and in accordance with the policy SU3 of the Brighton & Hove Local Plan.

63. The scheme of drainage controls and protective systems to prevent contamination (including saline pollution) and extensive vertical migration of groundwater relating to Phase 1 and Phase A of the development (as set out in the Phasing Plan agreed by condition 2) as approved in application BH2013/03669 shall be implemented accordingly. No other Phase of the development (as set out in the Phasing Plan agreed by condition 2) shall commence until a scheme of drainage controls and protective systems to prevent contamination (include saline pollution) and extensive vertical migration of groundwater has been submitted to and agreed in writing with the Local Planning Authority. The development shall be carried out in accordance with the approved measures.

Reason: To mitigate against the potential impact on groundwater in accordance with the policy SU3 of the Brighton & Hove Local Plan.

64. Within 6 months of the date of this permission a feasibility study which identifies the most appropriate form of renewable energy generation for Phase 1 and Phase A of the development (as set out in the Phasing Plan agreed by condition 2) shall be submitted to the Local Planning Authority for approval. No other Phases (as set out in the Phasing Plan agreed by condition 2) above the level of the basement car parking structures, shall commence until a feasibility study which identifies the most appropriate form of renewable energy generation for the development has been submitted to and approved in writing by the Local Planning Authority. For all Phases, Photovoltaic panels shall be used to power the street and car park lighting as a minimum. Should renewable energy additional to the photovoltaics prove to be feasible and reasonable in all other respects, it shall be implemented within the development in accordance

with the agreed details. The use of water source heat pump technology should be explored and included within the feasibility studies.

Reason: To ensure a sustainable development, to comply with policy SU2 of the Brighton & Hove Local Plan.

65. The sustainability measures contained in chapter 13 of the Environmental Statement shall be implemented within the development. The development shall achieve a Code for Sustainable Homes Level 3 rating as a minimum, with a minimum overall percentage rating of 60% score for residential buildings; and the wheelchair accessible units within each respective phase of the scheme shall achieve a Code for Sustainable Homes Level 4 as a minimum (equating to approximately 10% of units). The non-residential units shall achieve a 'very good' BREEAM rating with a minimum 50% rating in energy and water sections of relevant BREEAM assessment. Insulation used for all units shall be 15% better than Part L of current Building Regulations.

(a) Within 6 months of the date of this permission, evidence of how these standards will be met and sustainability measures incorporated within Phase 1 and Phase A of the development (as set out in the Phasing Plan agreed by condition 2) shall be submitted to the Local Planning Authority for approval. No other Phase of the development (as set out in the Phasing Plan agreed by condition 2) above the level of the basement car parking structures, shall commence until evidence of how these standards will be met and sustainability measures incorporated within each respective Phase has been submitted to and approved in writing by the Local Planning Authority. The measures for all Phases shall be implemented in strict accordance with the approved details.

(b) Within 6 months of the date of this permission, evidence shall be submitted to the Local Planning Authority for approval that the residential units within Phase 1 of the development (as set out in the Phasing Plan agreed by condition 2) are registered with an accreditation body or Building Research Establishment (BRE) under the Code for Sustainable Homes and a Design Stage/Interim Certificate for each unit shall be submitted demonstrating that a minimum of Level 3 and an overall score of at least 60% has been achieved in all units; a Design Stage/Interim Certificate for each wheelchair accessible unit within Phase 1 shall achieve a Code for Sustainable Homes Level 4 as a minimum. No other Phase of the development (as set out in the Phasing Plan agreed by condition 2) above the level of the basement car

parking structures, shall commence until evidence is submitted to and approved in writing by the Local Planning Authority that: the residential units are registered with an accreditation body or Building Research Establishment (BRE) under the Code for Sustainable Homes and a Design Stage/Interim Certificate for each unit is submitted demonstrating that a minimum of Level 3 and an overall score of at least 60% has been achieved in all units; a Design Stage/Interim Certificate for each wheelchair accessible unit within each respective phase of the scheme shall achieve a Code for Sustainable Homes Level 4 as a minimum.

(c) Within 6 months of the date of this permission, evidence shall be submitted to the Local Planning Authority for approval for Phase 1 and Phase A (as set out in the Phasing Plan agreed by condition 2) that: the non residential units

and/or development are registered with the BRE under a relevant BREEAM scheme and a Design Stage/Interim Certificate for each unit has been submitted demonstrating that a minimum of 'very good' standard', and evidence that a minimum score of 50% in the energy and water sections of BREEAM has been achieved. No other Phase of the development (as set out in the Phasing Plan agreed by condition 2) above the level of the basement car parking structures, shall commence until evidence is submitted to and approved in writing by the Local Planning Authority that: the non residential units and/or development are registered with the BRE under a relevant BREEAM scheme and a Design Stage/Interim Certificate for each unit has been submitted demonstrating that a minimum of 'very good' standard', and evidence that a minimum score of 50% in the energy and water sections of BREEAM has been achieved.

(d) None of the residential units within each respective phase (as set out in the Phasing Plan agreed by condition 2) shall be occupied until a Final/Post Construction Code for Sustainable Homes Certificate issued by a Code accreditation body confirming that each unit built has achieved a minimum of Level 3 and an overall score of at least 60% and each wheelchair accessible unit within each respective phase of the scheme has achieved a minimum of Code for Sustainable Homes Level 4 has been submitted to, and approved in writing by, the Local Planning Authority.

(e) None of the non-residential units within each respective phase (as set out in the Phasing Plan agreed by condition 2) shall be occupied until a Final/Post Construction BREEAM Review Certificate issued by the BRE confirming that each unit built has achieved a minimum standard of 'very good', and evidence that a minimum score of 50% in the energy and water sections of BREEAM 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.

66. Within 6 months of the date of this permission, a Sustainable Energy Scheme which demonstrates that Phase 1 and Phase A of the development (as set out in the Phasing Plan agreed by condition 2) will achieve a minimum of 20% carbon reduction in annual energy use from low and zero carbon technologies, shall be submitted to the Local Planning Authority for approval. No other Phase (as set out in the Phasing Plan agreed by condition 2) shall commence above the level of the basement car parking structures until a Sustainable Energy Scheme which demonstrates that the respective Phase will achieve a minimum of 20% carbon reduction in annual energy use from low and zero carbon technologies has been submitted to and agreed in writing by the Local Planning Authority. No building which would incorporate any of the measures set out in the Sustainable Energy Schemes of any phase shall be constructed until the relevant Scheme has been approved in writing by the Local Planning Authority. The approved Scheme for each phase shall thereafter be implemented in accordance with its provisions, unless otherwise agreed in writing with 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.

67. Within 6 months of the date of this permission, in relation to Phase 1 and Phase A of the development (as set out in the Phasing Plan agreed by condition 2):

a) Evidence of energy efficient design resulting in energy and carbon emission savings delivering a minimum of 5% carbon reduction improvement over compliance with current Building Regulations will be achieved, and

b) A management plan for monitoring energy performance

shall be submitted to the Local Planning Authority for approval. Following the Local Planning Authority's written approval of the management plan, evidence should be submitted once Phase 1 and Phase A is operating, within a timescale to be agreed with the Local Planning Authority, to demonstrate that the agreed energy performance targets are being achieved. The assessment of initial targets, and subsequent details submitted if targets are not met, shall be carried out by a third party such as an independent consultant, employed at the applicant's expense. Should the respective phase fall below the agreed targets, details of further measures that will be introduced to meet the target shall be submitted to and approved in writing by the Local Planning Authority and the approved details shall be implemented.

No other Phase of the development (as set out in the Phasing Plan agreed by condition 2) shall commence above the level of the basement car parking structures until

(a) Evidence of energy efficient design resulting in energy and carbon emission savings delivering a minimum of 5% carbon reduction improvement over compliance with current Building Regulations will be achieved has been submitted

to and approved in writing by the Local Planning Authority. The respective phases shall incorporate the measures required to achieve the savings agreed.

(b) A management plan for monitoring energy performance shall be submitted to the Local Planning Authority for written approval following which evidence should be submitted once the respective phase is operating within a timescale to be agreed with the Local Planning Authority to demonstrate that the agreed energy performance targets are being achieved. The assessment of initial targets, and subsequent details submitted if targets are not met, shall be carried out by a third party such as an independent consultant, employed at the applicant's expense.

Should the respective phase fall below the agreed targets, details of further measures that will be introduced to meet the target shall be submitted to and approved in writing by the Local Planning Authority and the approved details shall be implemented.

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.

68. No development of the basement car park ventilation system shall take place until details of the appearance (including structures on the West Quay promenade), noise and odour controls of the system have been submitted to and agreed in writing by the Local Planning Authority. The agreed ventilation system shall be implemented before the basement car parks are first brought into use.

Reason: In the interests of visual and general amenity, to comply with policies QD1, QD27, SU9, SU10 and SU11 of the Brighton & Hove Local Plan.

69. No development of the CHP and plant hereby approved shall take place until details of associated noise, odour and emission control and have been submitted to and approved in writing by the Local Planning Authority. The approved measures shall be implemented before the plant is first brought into use.

Reason: In the interests of amenity, to comply with policies QD27, SU9, SU10 and SU11 of the Brighton & Hove Local Plan.

70. Within 6 months of the date of this permission, details including allocated space for the proposed energy centre and district heating network (DHN) which shall serve the site-wide development in phases, and should also include electrical vehicle charging points, shall be submitted to the Local Planning Authority for approval. Submitted information should include:

a) Technical Specification of the energy centre and DHN: boilers and CHP plant specification; heat loads and energy demands; operating temperatures, distribution losses; pipe sizes; pipe-work routes; heat storage; energy centre size and location with facility for expansion to serve later phases of OHD.

b) Future proofing plans: phasing plans for extending plant and network to the Outer Harbour scheme; facility to incorporate renewable fuels in future; facility for future connection to a wider scheme; and

c) Electrical charging points.

The agreed energy centre, electrical points, connections and measures shall be implemented prior to the first occupation of the development.

Reason: To enable the future use of alternative fuels, in the interests of air quality and sustainability, to comply with policy SU2 and SU9 of the Brighton & Hove Local Plan.

71. Occupation of the Class A floorspace within the development hereby permitted for uses within use Class A5 shall not in total comprise more than 25% of the shopping frontage or floor area of the total Class A floorspace hereby permitted. Buildings F1 and F2 are taken as one combined stretch of frontage.

Reason: To safeguard the amenities of occupiers of nearby residential properties and to avoid concentrations of A5 uses, to comply with the aims of policies SR5 and QD27 of the Brighton & Hove Local Plan.

Informatives:

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

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

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

(ii) for the following reasons:-

The principle of a mixed use development with 853 residential units has been established by the previous consent BH2012/04048. The proposed amendments would not have any significant additional environmental impacts compared to the consented scheme. The proposal would represent an improvement in terms of accessibility. The proposal would help the viability of the overall scheme.

3. The applicant is advised to contact East Sussex Fire and Rescue Service (01323462130 or brightonandhove.firesafety@esfrs.org) for advice regarding the vertical shafts and bridgeheads required within the car park(s) for firefighting operations. The size, number, need for a lift and ventilation measures for smoke clearance will be based on the depth of the basement or the floor area they cover and will be based on the BS 9999 standard. ESFRS recommend the installation of sprinkler systems and can provide further information regarding this.

4. With regard to conditions 52 and 53 the applicant is advised to contact the County Archaeologist (03456080190 or gregory.chuter@eastsussex.gov.uk) who will be able to advise how the conditions can best be fulfilled and can provide a brief setting out the scope of the programme of works. It is expected that the written scheme of investigation will confirm the action to be taken and accord with the relevant portions of the East Sussex County Council document 'Recommended Standard Conditions for Archaeological Fieldwork, Recording and Post-excavation in East Sussex (Development Control) (2008) including Annex B.

5. The applicant is advised that the grant of planning permission does not override the need or otherwise to obtain a marine licence for the development under the Marine and Coastal Access Act (2009). The applicant is advised to contact the Marine Management Organisation for further details.

6. With regard to conditions 55, 56 and 57 above the applicant is advised to contact Southern Water for advice (Atkins Ltd, Anglo St James House, 39A Southgate Street, Winchester, SO23 9EH or Tel 01962 858688). SW confirm that no new soakaways should be located within 5 metres of a water mains, foul sewer and surface water sewer respectively; no development or new tree planting should be located within 3 metres either side of the centreline of the water mains; no development or new tree planting should be located within 3 metres either side of the centreline of the foul sewer and surface water sewer respectively; all existing infrastructure, including protective coatings and cathodic protection, should be protected during the course of construction works. Should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its condition, the number of properties served, and potential means of access before any further works commence on site.

7. The applicant is advised to consider consulting a structural engineer to assess progressive collapse in the event of a Vehicle Borne Improvised Explosive Device (VBIED) in the basement car parks.

8. A time limit condition is not imposed to commence the development hereby approved, as it forms an amendment to an already commenced scheme (BH2012/04048).

9. For the avoidance of doubt nothing in this grant of planning permission constitutes consent or approval under the Brighton Marina Act 1968, for which a separate application may need to be made to Brighton & Hove City Council in accordance with that Act.

10. The applicant is advised that details of the Code for Sustainable Homes can be found on the Planning Portal (www.planningportal.gov.uk), on the Department for Communities and Local Government website (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). Accreditation bodies at March 2010 include BRE and STROMA; other bodies may become licensed in future.

11. The applicant is advised that details of the BREEAM assessment tools and a list of approved assessors can be obtained from the BREEAM websites (www.breeam.org). Details about BREEAM can also be found in Supplementary Planning Document SPD08 Sustainable Building Design, which can be accessed on the Brighton & Hove City Council website (www.brighton-hove.gov.uk).

12. The applicant is advised that there is a requirement for all structures over 300 feet high to be charted on aviation maps and the applicant is advised to contact the Defence Geographic Centre on 0208 8182708 for further

information.

13. The applicant is reminded of their obligation (under the Wildlife and Countryside Act 1981) to ensure nesting birds are not disturbed by construction works.

14. The applicant is advised that this decision relates solely to planning permission. A separate licence, or variation to an existing licence may be required under the Licensing Act 2003 in respect of the non-residential units. Please contact the Council's Licensing Team for further information. The team's address is:- Environmental Health and Licensing, Brighton & Hove City Council, Bartholomew House, Bartholomew Square, Brighton BN1 1JP (Telephone: 01273 294429, Email: ehl.safety@brighton-hove.gov.uk, Website: www.brighton-hove.gov.uk/licensing).

Sarah Collins
Planning Officer.
Brighton and Hove City Council.

11th October 2014

Re Application BH2014/02883 Brighton Marina

As a ward Councillor for Rottingdean Coastal Ward I wish to object to the above planning application for the following reasons:

The legal advice and briefing given to Members on the 7th July 2006 regarding the then planning application by Brunswick for the Brighton Marina. States:

7.1 The proposed consent will not operate by way of a general waiver. It will be specific to this development any future proposals with need Council's consent.

7.2 The proposed consent is formulated by reference to the plan that received planning permission. Any departure from the plan would not be covered by the consent..

We have seen a number of variations to the planning consent already agreed, and the above application is yet another.. What we are not seeing is a new full planning application with all the changes together, which the legal advice given in 2006 makes reference to, and clearly states should happen.

There is a great deal of conflicting advise being given around the safely of the proposed changes to the entrance to the car park in the new application BH2014/02883.

. Should the decision be minded to grant this application under delegated powers?
Because of the seriousness of the concerns raised around the impact of cutting into the Tidal Flood Barrier at the West Quay and possible flooding in the Marina

.
I wish this planning application to go before the planning committee and reserve my right to speak.

Yours sincerely.

Mary Mears



Sarah Collins
Senior Planning Officer.
Brighton and Hove City Council.

19th January 2015

Re Amended Application BH2014/02883

As a ward Councillor for Rottingdean Coastal Ward I wish to object to the above amended application for the following reasons:

Access to the underwater Car Park is inadequate in my opinion. Ramps of 1 in 10 are steeper than accepted standards. There are a number of serious safety issues within these amendments, not least the proposal to cut 1.45 metres through the upper part of the tidal barrier.

The total of lifts have been halved in block F2 one lift is proposed to service 72 flats including access to the basement car park.

There is no provision for an alternative in case of a lift failure.

A secondary means of escape on Block F2 has been removed, I have serious concerns regarding health and safety should there be a fire.

There is already a serious issue in the Marina with sewage, with the Strand having to be emptied by Tankers; the amended plans do not address the problem.

An updated Environmental impact Assessment is essential, and should also address the inadequate Pedestrian Access: Provision for refuse collection: Protection from wind between Blocks F1 and F2.

And most importantly to define whether the West Quay is or is Not a Tidal Flood Barrier.

I wish to reserve my right to speak at committee on this amended planning application.

Yours sincerely,



) 294370



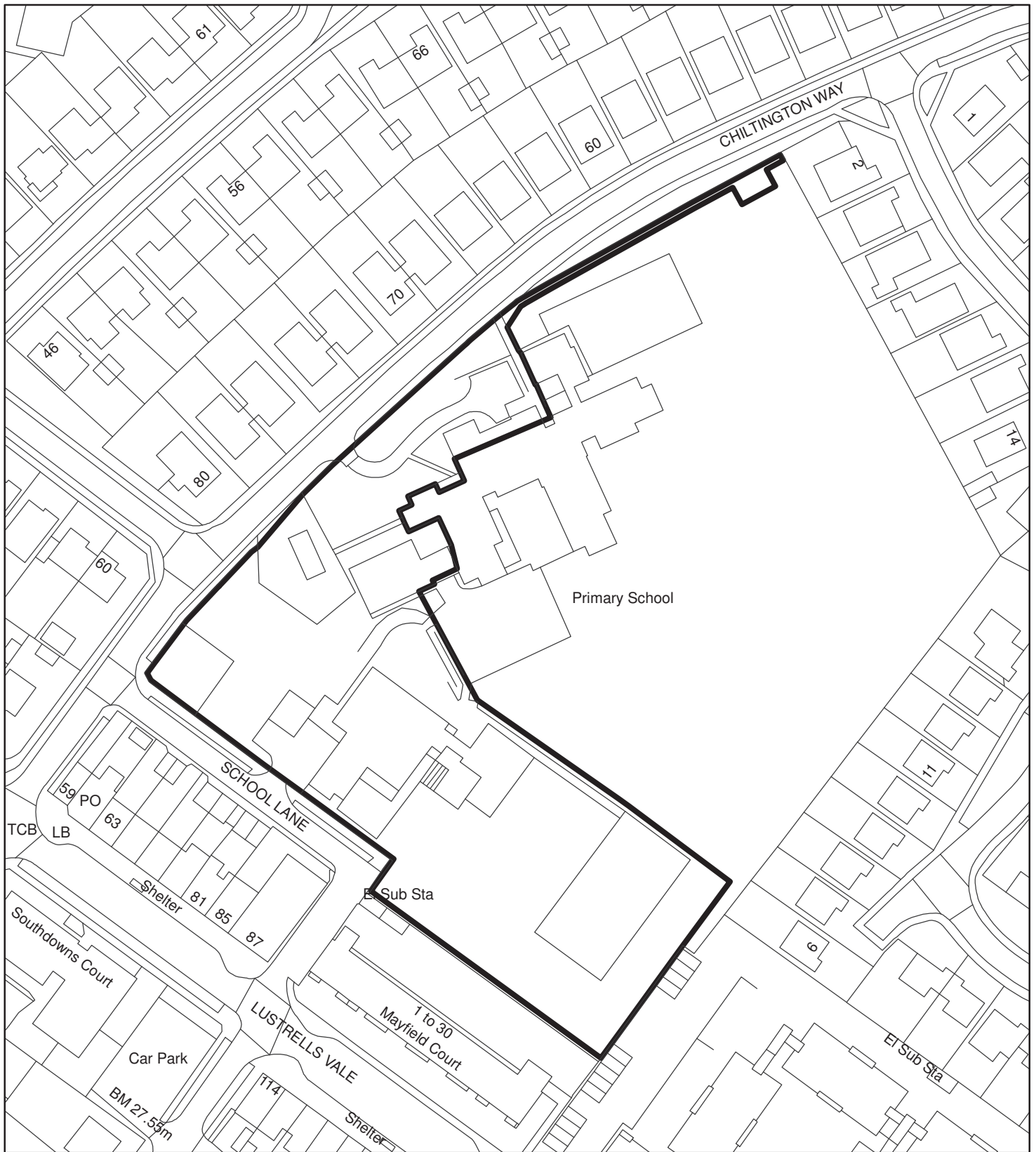
ITEM B

**Saltdean Primary School, Chiltington Way,
Saltdean, Brighton**

**BH2014/03933
Council development**

11 MARCH 2015

BH2014/03933 Saltdean Primary School, Chilington Way, Saltdean, Brighton



**Brighton & Hove
City Council**



Scale: 1:1,250

<u>No:</u>	BH2014/03933	<u>Ward:</u>	ROTTINGDEAN COASTAL
<u>App Type:</u>	Council Development (Full Planning)		
<u>Address:</u>	Saltdean Primary School Chiltington Way Saltdean Brighton		
<u>Proposal:</u>	Demolition of two existing single storey classroom blocks and erection of a new two storey teaching block with link corridor, new two storey classroom extension, hall extension, infill staff room extension and other associated works.		
<u>Officer:</u>	Kathryn Boggiano Tel 292138	<u>Valid Date:</u>	11/12/2014
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	12 March 2015
<u>Listed Building Grade:</u>	N/A		
<u>Agent:</u>	Brighton & Hove City Council, Property & Design, Kings House, Grand Avenue, Hove, BN3 2LS		
<u>Applicant:</u>	Brighton & Hove Council, Ms Gillian Churchill, Head of Capital Strategy and Development Planning, 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 **GRANT** planning permission subject to the Conditions and Informatives set out in section 11.

2 SITE LOCATION & DESCRIPTION

- 2.1 There are two main buildings on campus within close proximity of each other which were built in 1968 and 1972. The Upper School (Block 1) is located to the north and is accessed off Chiltington Way and the Lower School (Blocks 3, 4, 5 and 6) is located to the south at a lower land level and is accessed off School Lane. Due to the difference in levels the upper ground floor level of the Lower School is the similar height to the lower ground floor level of the Upper School. The majority of the buildings are single storey apart from Block 4 of the Lower School which is two storeys in height.
- 2.2 An extension to the north building was completed in 2004. There are a number of temporary buildings and a permanent caretakers building. There are three playgrounds, and adventure playground and a large field.
- 2.3 The school currently has two access points for vehicles located on Chiltington Way on the western side of the site and also on School Lane to the south. Both vehicle accesses serve small car parks. The car park accessed off Chiltington Way accommodates five vehicles. The car park accessed off School Lane is laid out to accommodate seven vehicles, however in reality the layout makes it difficult to manoeuvre and informal echelon parking is occurring resulting in a reduction to six spaces. Therefore the total existing car parking spaces is 11 spaces.

- 2.4 The surrounding area is predominantly residential in character. The majority of surrounding streets contain detached dwellings, however there are blocks of flats to the south east at Mayfield Court and Westbrook. A terraced parade of shops are present on Lustrells Vale.
- 2.5 There is a free car park located at the corner of Lustrells Vale and Saltdean Drive which is accessed via Saltdean Drive.
- 2.6 Work has commenced on removing some of the temporary buildings on site and to facilitate this a construction site entrance has been installed where the car park access is proposed on School Lane.

3 RELEVANT HISTORY

BH2014/01162: Erection of two temporary classrooms with associated landscaping. Approved 03/07/2014.

BH2013/01841: Erection of single storey modular building containing classroom, group room, toilets and store with covered link to existing building and landscaping (Retrospective). Approved 14/08/2013.

BH2003/01341/FP: Demolition of two hatted classrooms. Erection of a single storey extension on the south/west elevation to provide staff room, library and classroom. Approved 16/06/2003.

BH2001/00425:FP: Installation of white PVCU frames windows and doors to replace defective windows and doors. Approved 12/04/2001.

95/0648/CC/FP: Erection of mobile classroom unit. Approved 23/06/1995.

4 THE APPLICATION

- 4.1 The Primary School currently has two forms of entry from years one to six, plus a reception year which equates to 420 pupils. It is proposed to increase the number of pupils to 630 which would permit three forms of entry per year.
- 4.2 Four extensions are proposed which would facilitate nine classrooms, plus an extension to the existing staff room at the Upper School building and the existing hall at the Lower School building. The extensions are described in detail below.
- 4.3 Single storey staff room extension located on north west facing elevation of Upper School building (facing Chiltonington Way).
 - Upper ground floor: staff room extension and new external entrance for corridor to link directly with existing staff room.
 - Extension would measure approximately 2.5 by 8 metres.
 - Proposed materials: brick to match existing and aluminium windows (grey).
- 4.4 Main two storey link extension, located near to western corner of site and would link the Upper School building (Block 1) with the Lower School building (Block 3). Temporary building to be removed.

- Lower ground floor: Link corridor and lift, three classrooms and ICT suite, external link via steps to Nature Area to west.
 - Upper ground floor: four classrooms, link corridor and lift, disabled WC and shower room, corridor link through to Upper School building at the northern end and two level access external link bridges to Nature Area to the west.
 - Roof: photovoltaics.
 - Extension would measure approximately 34.5 metres in length by between 7.5 metres and 12 metres in width plus the link corridor section at upper ground floor.
 - Proposed materials: Two tone cladding materials for walls (colour dark clay red to match existing brick) for south west and north west facing elevations. Brickwork to match existing on south east facing elevation. North east facing elevation to contain both brick and cladding materials. Windows and doors to be aluminium. Windows coloured grey, colour of door units undecided. Roof to be single ply membrane grey. Link bridges to be metal with timber handrail.
- 4.5 Single storey hall extension, located to south western side of the Lower School (Block 3).
- Lower ground floor: Hall extension measuring 64 m².
 - Extension would measure approximately 7.5 by 9 metres.
 - Proposed materials: Two tone cladding (dark clay red) on south west facing elevation and mixture of this and brick on south east facing elevation. Aluminium windows and doors (grey).
- 4.6 Two storey classroom extension, located to south east of Lower School (Block 4), temporary cabin Block 6 to be removed.
- Lower and Upper Ground floors: Link corridor and lift, two W.Cs, one classroom all at both floors.
 - Extension would measure approximately 8 by 8 metres for the main part of extension and 4.3 by 3 metres for the link corridor.
 - Proposed materials: Two tone cladding materials (dark clay red colour) to south east elevation and brick to match existing to south west and north east elevations. Aluminium windows and doors, grey colour for windows, colour of doors undecided. Metal fire escape to south east elevation, metal to match other existing fire escapes.
- 4.7 A new car park is proposed which would be accessed from School Lane and would be sited to the south of the Lower School building. This would accommodate five car parking spaces. Entrances to the School for pupils would be rationalised with two separate accesses for Reception and Key Stage 2 (years 3 to 6) from School Lane. The existing entrance from Chiltington Way would be utilised for Key Stage 1 (years 1 to 2).

5 PUBLICITY & CONSULTATIONS

External

- 5.1 Neighbours:** 28 letters of representation have been received from the addresses listed in the appendix to this report which are objecting to the

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application. Whilst some of the representations support and understand the need for the school extensions, all of the objections are concerned with transport issues (staff parking and drop off/pick up issues). These reasons are summarised in more detail below.

- Parents' inconsiderate and illegal parking has nearly caused accidents to local residents including frail pedestrians and school children. A child was recently hit by a car near the school. Constant risk of accidents due to parking on yellow lines, straddle parking on pavements and road, parking blocking residents' driveways, restriction of pedestrian and mobility vehicle movements.
- No traffic wardens enforce the yellow lines.
- Most of the nearby residents are elderly and there have already been several 'road rage' incidents with parents over bad parking and there are allegations of both verbal and physical abuse.
- Local residents cannot make any appointments to leave their houses or invite guests between the hours of 8am and 9.30am and between the hours of 2pm and 3.30pm.
- Parking problems currently exist around the school and shops on Lustrells Vale where people park illegally on grass verges and yellow lines. Emergency vehicles would not be able to get through the streets. Coach parking adds to the problem.
- At present there are between 35 and 45 vehicles being parked throughout the day in Chiltington Way and neighbouring roads including Effingham Close. With at least a 30% increase in pupils and staffing this will become up to 60 vehicles. Staff park their cars along the whole length of Chiltington Way from 7.45 to 17.30 which reduces it to single width. There are normally 15 vehicles parked on Chiltington Way. This makes it very difficult for residents to reverse out of their driveways opposite.
- It is difficult to get past the parked cars without mounting the pavement and the development will increase the number of accidents. Additionally on Effingham Close there can be parking on both sides of the road, part on the pavement, which would prevent emergency vehicles from passing.
- The trips as a result of the expansion will increase by 450 additional two way trips per day. There will only be 12 parking spaces for 95 staff which is approximately 8 staff to 1 parking space which is unacceptable. The increase in pupils from 420 to 630 is going to make the drop off/pick up situation much worse.
- Expansion of the school is an ideal opportunity to build a much bigger car park off School Lane where the proposed plan is for just 5 spaces which

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would not involve the loss of any school playing fields. The new larger car park is essential so that staff can park off the streets which will take some of the pressure off the parking problems for local residents. To build a car park with 5 spaces is a complete waste of money.

- There is a very large green playing field at the school so this should be made into a car park for the teachers.
- Council policy is to discourage employees driving to work and thus does not encourage car park development. Also Sport England wants to maximise green space and the head teacher wishes to minimise the loss of trees. However, it is unrealistic of the Council to expect staff to use public transport as the staff need to bring numerous boxes etc to school. Staff numbers will be increasing by 64 to 95 but the car parking will only be increasing by 1 space. According to SPG4 Parking Standards there should be 1 parking space per member of staff.
- There is no confidence in the submitted Transport Statement which states the wrong start and finishing times for the school and which states that the extension proposals will not have an adverse impact on upon the highway or public transport and as such there is not considered to be reason to recommend the refusal of the proposal on transport grounds. This is incorrect.
- The capacity of the surrounding streets should have been modelled as part of the Transport Assessment and a parking survey needs to be undertaken.
- The Transport Statement states that observations of on street parking within the vicinity of the school site has indicated that there is sufficient capacity to absorb the small amount of parking overspill that may result, though the school's efforts to encourage sustainable transport will assist in limiting the need for parking to occur off-site on a regular basis. This is incorrect.
- The Transport Statement acknowledges that the school expansion will generate additional drop off/pick up activity on School Lane and Chilton Way and that the situation will be monitored and managed though the Travel Plan. However, the issues of parents driving very short distances with their children is a losing battle.
- Further pedestrian and vehicle accidents are inevitable. There will be a fatal accident.
- Car park is required with between 30 and 50 car parking spaces. Failing this double yellow lines should be installed all the way round the school. However, double yellow lines are a poor option compared to the car park and are useless if not enforced. The green playing field issue is minor as the number of times this area is used is limited. The loss of a few trees

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to increase car parking is minor and is outweighed by the avoidance of injuries/fatalities on the road.

- The Addendum to the Transport Statement states that there will only be an additional 16 staff rather than 32 and that there will only be an increase of 11 staff cars as a result of the extension. The new total of car parking spaces will only be 12 spaces per 52 staff. There will be a 50% increase in staff and only 1 additional parking space which is totally unacceptable.
- The additional car parking survey states that there is ample capacity across the survey area (within 400 metres of school). However whilst there is sufficient capacity around surrounding streets, there is not sufficient capacity on streets where teachers currently park, Chilington Way, Effingham Close, Falmer Avenue and School Lane. Teachers have books, files, boxes and associated papers. Of the 17 roads listed only 4 are within easy walking distance.

5.2 One letter of representation has been received from the address detailed within the appendix to this report which provides the following comments on the application;

- The planning department should ensure that there is provision for dedicated parking to accommodate the cars which follow the increased pupil provision as parking is already difficult around the end of the school day.

5.3 **East Sussex Fire & Rescue:** No comments to make.

5.4 **County Archaeologist:** The proposed development is of archaeological interest due to its location within an area of medieval and post-medieval activity, as well as a potential for earlier remains relating to prehistoric and Roman usage of this area of the South Downs. The site is in close proximity to a Saxon burial ground, the contemporary settlement to which has not yet been located. The settlements are typically in close proximity to the burial grounds, and the site's location in the flatter, more sheltered, valley bottom is a suitable location for such occupation. From the photographs submitted with the application it appears that this area of the school has been subject to terracing or hard landscaping, raising the potential for below ground archaeological remains surviving.

5.5 Therefore recommend that a Programme of Archaeological Works is secured by condition which will enable any archaeological deposits and features disturbed during the proposed works to be adequately recorded.

5.6 **County Ecologist:** Provided the recommended mitigation measures are implemented, the proposed development should not have an adverse impact on biodiversity and can be supported from an ecological perspective. The site offers opportunities for biodiversity enhancements.

- 5.7 The majority of the site currently comprises improved/amenity grassland, buildings, hard standing, species poor hedgerows, mature broadleaf trees, ephemeral/short perennial vegetation, and introduced shrubs, and is of relatively low ecological value. Of greatest ecological interest is the “nature area” in the south west corner of the site which includes a drained pond.
- 5.8 Trees and hedgerows should be retained where possible and protected in accordance with BS5837:2012 *Trees in relation to design, demolition and construction*. Any impacts to mature trees and hedgerows should be assessed and mitigated as recommended in paragraph 4.6 of the Ecological Appraisal Report, i.e. surveyed and protected, replanted where possible, or replaced with appropriate native species.
- 5.9 No evidence of bat roosts was found in buildings or trees on site. However, given that there are numerous records of bats from the surrounding area, and that there is suitable habitat on site, the site has the potential to be used for commuting and/or foraging. All species of bats are protected under Schedule 5 of the Wildlife and Countryside Act 1981, as amended, and Schedule 2 of the Conservation of Habitats and Species Regulations 2010 making all species of bats European Protected Species.
- 5.10 The nature area in the south west corner of the site has the potential to support reptiles. Slow worms, grass snakes, common lizards and adders are protected against intentional killing or injuring under Schedule 5 of the Wildlife and Countryside Act 1981, as amended.
- 5.11 From the information provided, the nature area lies outside the area of the proposed works, and is currently separated from the works area by a strip of mown grassland. Provided that there is no encroachment into the nature area, and that it is kept separated from the works area through maintenance of the mown strip, and protected throughout construction, no further surveys are required. The nature area should be brought into active management to enhance it for reptiles and other wildlife.
- 5.12 The site has the potential to support breeding birds. Under Section 1 of the Wildlife and Countryside Act 1981 (as amended), wild birds are protected from being killed, injured or captured, while their nests and eggs are protected from being damaged, destroyed or taken. To avoid disturbance to nesting birds, any removal of scrub/trees that could provide nesting habitat should be carried out outside the breeding season (generally March to August). If this is not reasonably practicable within the timescales, a nesting bird check should be carried out prior to any clearance works by an appropriately trained, qualified and experienced ecologist, and if any nesting birds are found, clearance must stop until the fledglings have left. To mitigate for the loss of nesting habitat, bird boxes should be provided.
- 5.13 In addition to the recommended mitigation for protected species, the site offers opportunities for enhancement which will help the Council address its duties and responsibilities under the Natural Environment Rural Communities Act and the NPPF. Opportunities include the provision of bat boxes and bat bricks along with

sensitive lighting, the provision of bird boxes and bricks, and the use of species of known value to wildlife within the landscaping scheme. Recommended boxes are listed in paragraphs 4.18 and 4.21 of the Ecological Appraisal Report. Advice on plant species of value to wildlife can be found in the Council's SPD 11, Annex 7 *Notes on Habitat Creation and Enhancement*. Where possible, native species of local provenance should be used.

5.14 **Environment Agency:** The site is located in Flood Zone 1 as defined by the NPPF as having a low probability of flooding. In this instance, the Environment Agency do not consider that it is necessary to provide comments. Recommend that consultation is carried out with the Lead Local Flood Authority (LLFA) and with Council officers responsible for the surface water aspects of this site.

5.15 **Saltdean Residents Association:** Object to the development. Recognise that the expansion of the school is badly needed and supported by the Resident's Association. The main plans for the classrooms, halls and kitchen are excellent, however object to the transport arrangements, particularly:

- Lack of on site parking for teachers. Up to 50 cars could be parking on the surrounding street as a result of staff once the development is complete.
- Sustainable transport (buses, cycling and walking): The Transport Statement states that 'the schools efforts to encourage sustainable journeys will assist in limiting the need for parking to occur off site on a regular basis'. However the submitted Transport Statement shows how few pupils or teachers use buses or cycle. The terrain is very hilly in Saltdean, the weather can be very dramatic and particularly windy and short bus journeys are not economically viable. Cars are the normal mode of transport in Saltdean.
- Traffic management in surrounding streets during drop off/pick up: There are current difficulties experienced by residents in Falmer Avenue, Chilton Way and Effingham Close and without a more robust Transport Plan these difficulties will worsen and spread to other neighbouring roads. The Transport Statement suggests that the Saltdean Park public car park should be used by people accessing the school. This is a shoppers car park to support the parade at Lustrells Vale. This car park is currently full on many occasions because of the school and people using it as a park and ride for Brighton. There are double yellow lines around the shopping area but they do not stop people from illegally parking there. There is no proper enforcement and this will worsen and cause more accidents and anti-social behaviour.

5.16 Recommend the following measures:

- The area where the 5 parking spaces are proposed should be extended as a 30 space car park. The costs of this would be outweighed by the benefits in terms of neighbourhood harmony and safety.
- Develop a dropping off, picking up strategy now and possibly one way streets.
- More yellow lines and limited parking in Saltdean Drive car park with enforcement.

- Negotiate a concessionary fare within Saltdean for pupils and guardians with B & H buses.
- 5.17 **Saltdean, Rottingdean & Ovingdean Neighbourhood Watch:** Have no concerns regarding the actual extension as this is needed due to the increase in children living in and moving to Saltdean. However extremely concerned about the lack of car parking. Staff park on Chilmington Way which increases the conflict at drop off/pick up times. The new parking area should be extended to provide more parking spaces so that more staff can park on site. The area the new car park could be extended into is seldom used by the children.
- 5.18 **Sport England:** No objection. The proposed development affects only land incapable of forming, or forming part of a playing pitch, and does not result in the loss of or inability to make use of any playing pitch (including the maintenance of adequate safety margins), a reduction in the size of the playing areas of any playing pitch or the loss of any other sporting/ancillary facilities on the site.
- 5.19 **Southern Gas Networks:** No objection. A low/medium/intermediate pressure gas main is located in the proximity of the site. There should be no mechanical excavations taking place above or within 0.5 metres of the lower pressure system, 0.5 metres of the medium pressure system and 3 metres of the intermediate pressure system.
- 5.20 **Southern Water:** No objection. A formal application to connect to the sewer should be made for this development. Sustainable Urban Drainage Systems are proposed. These are not adoptable by sewerage undertakers and do not discharge to the public sewer.
- 5.21 **Sussex Police:** Due to the development being an infill project, the proposals will knit into the existing framework of the school and the only security advice to be given for the new development would be to ensure that any new external ground floor doors along with any easily accessible doors and windows are to conform to PAS 024-2012 or LPS1175 SR2. Doors and window are to be fitted with laminated glazing that conforms to BS EN356 P1A.
- 5.22 **UK Power Networks:** No objection.
- Internal**
- 5.23 **Arboriculturist:** No objection. Several trees are proposed for removal, however, they are all of small stature and would not warrant protection by a Tree Preservation Order. These comprise one Rowan, one Swedish Whitebeam, one Myrobalan plum. A section of hedge will be relocated and some greenery removed. All major trees on the site to be retained e.g. Ash, Kanzan Cherry, Sycamore.
- 5.24 Recommend conditions for the following:
- Tree protection for all remaining trees in the vicinity of the proposed development to be protected to BS5837 (2012) Trees in Relation to Design Demolition and Construction;

- Grasscrete within Root Protection Areas of trees to be laid in accordance with BS 5837 (2012);
- Landscaping – replacement tree planting for those that will be lost.

5.25 **Environmental Health:** No comments to make regarding the proposal.

5.26 **Flood Risk Manager:** No objection.

5.27 **Planning Policy:** The proposal is considered welcome in planning policy terms. The extension to Saltdean Primary School will provide an additional form of entry to the school (increasing from 2 to 3 forms of entry). The school currently has a bulge class to address the shortfall in school places in the area. The proposal will make an important and permanent contribution towards meeting the shortfall in primary school places and will provide essential infrastructure locally therefore reducing the need for primary age pupils to travel to school. The proposal addresses strategic objective SO21 in the City Plan by providing school places in an area with growing demand.

5.28 Brighton & Hove Schools Organisation Plan 2013 – 17 sets out the priorities for meeting demand for new school places in the city. The Plan states on page 10 ‘Closer analysis also shows that numbers of children in Saltdean are likely to exceed the places available at Saltdean Primary School (where a bulge class was provided for 2013/14) and that these higher numbers may continue for the foreseeable future. Discussions with colleagues in East Sussex suggest that they are forecasting a shortfall in places in the neighbouring areas of Telscombe Cliffs and Peacehaven and that it would not therefore be possible to consider placing East Saltdean children (living in East Sussex) in the East Sussex schools.’ The SOP goes on to indicate there will be discussions with Saltdean Primary School to discuss the school moving to three forms of entry.

5.29 **Sustainability:** Approval is recommended using a condition to secure BREEAM ‘Simple Buildings’ ‘very good’ standard with a minimum of 50% in energy and water sections. The application involves a simple checklist called the One Planet Checklist which indicates briefly measures being installed. This indicates that an efficient boiler, solar hot water and ground source heat pump technology may be considered at detailed design stage.

5.30 Use of ‘grasscrete’ or porous surfaces are welcomed for parking areas as this provides opportunities for rain water attenuation to be minimised.

5.31 A BREEAM ‘simple buildings’ assessment has also been submitted. This is a fairly new BREEAM tool designed to be used for simple buildings such as extensions to schools and other buildings. BREEAM Simple Buildings assessment is an acceptable approach, as it means the applicant can undertake BREEAM assessment in a cost effective way with a reduced number of criteria relevant to a simpler building. A description of BREEAM SIMPLE is provided below.

5.32 In correspondence the following has been confirmed:

- Overall BREEAM score – 70.25%

- Percentage of Energy credits achieved – 41.67% (this is conservative and will be informed when Part L calculations are undertaken and the applicant has agreed to targeting 50% to meet local policy)
- Contribution of energy section to overall score – 7.92%
- Proposing 35 photovoltaic panels, delivering 8.75 – 11.2 kWp depending on efficiency panels and how much schools can spend. A conservative average would be 9.7kWp
- The consultant noted these may be conservative estimates given the amount of PV.

5.33 One Planet Checklist

- Link corridor acts as a draft lobby into new teaching block. This will aim to control heat loss and assist in maintaining internal environment.
- Ventilation; Mechanical Ventilation limited to minimal essential areas include IT Suite Natural Ventilation Strategy incorporated into the design through cross ventilation design.
- Current design principles includes a natural ventilation strategy and option to use the activity space as a stack effect ventilation lobby. Agreed design incorporates dual height openable windows allowing cross ventilation through the teaching spaces drawn through using a natural stack effect.
- The rooms with low heating and lighting demand are placed on the north side of the building:
- Minimal openings to direct south elevation means that avoids overheating from this aspect which receives direct solar radiance all day.
- New teaching spaces designed to provide cross ventilation.
- Proposal submitted for comment. Option of using activity spaces for stack ventilation including vertical risers linking to high level ventilators through the wall. Sizes to be confirmed during detailed design stage. These are welcomed from a point of view of providing comfortable internal ambient temperatures and avoiding overheating.
- Indication that a food growing area or fruit trees will be discussed with the school.
- Low VOC (volatile organics compound) paints to be used where 'feasible' (it is not clear what 'feasible' means).

5.34 It is disappointing that no green roofs or rainwater harvesting are proposed, but the scheme has otherwise addressed sustainability policy.

5.35 **Sustainable Transport:** No objection. Recommend approval subject to conditions to require the funding of the highways works package; continuing Travel Plan process including non-standard enhancements; a construction vehicle management plan and an informative regarding the proposed new crossover onto School Lane.

5.36 The initial application was accompanied by a Transport Statement and this was later supplemented by an addendum.

5.37 Parking provision

It is proposed to rearrange parking resulting in a net increase of 2 disabled parking spaces. Based on revised and more accurate staff numbers (Full Time Equivalent FTE) provided by the school, SPG4 indicates that for the extension alone at most 12 general spaces and at least three disabled bays are required. The applicant is willing to compensate for the shortfall in disabled parking by committing to prioritising the needs of members of staff with disabilities and this can most effectively be done through the travel plan process. Four cycle parking spaces are proposed compared to an SPG4 minimum requirement of three and the details of the proposed provision are satisfactory. If the school expanded as now proposed was built as a single development the SPG4 figures for the whole school would be maximum 41 general bays, minimum 4 disabled bays and minimum 16 cycle places.

5.38 Scope for displaced parking

Estimates for new staff parking demand result from the number of staff and the proportion of them using cars. Discussion of the initial Transport Statement led to the applicants noting that (1) Estimated staff numbers in the application were on a general/ pro-rata basis rather than specific to the school (2) The surveys of modal share were out of date. Part of the point of the addendum was to provide new evidence on these aspects. Specific consideration of the school's circumstances led the applicant to conclude that the likely increased number of staff would be at most 16 FTE by 2020 rather than the initial estimate of 31. An up to date survey of staff modal share was also undertaken. This confirmed that there has been no substantial change to the degree of car use since the figures used in the initial Transport Statement. The best estimate for the amount of displaced parking arising from the extension is seven vehicles.

5.39 Capacity for displaced parking

This is not formally considered in the initial Transport Statement however parking surveys were carried out at the request of officers for consideration in the addendum. These surveys were carried out on Thursday 5 February on roads within approximately 400 metres of the school. The numbers of cars parked were counted during the hours 7.30- 8.30, 12.00-1.00 and 3.30-4.30 and the number of cars parked was compared to the capacity. The lowest amount of spare capacity was for 366 cars during the hour 12.00- 1.00. Clearly this is substantially higher than the maximum estimate of displaced parking so capacity is available for this parking without causing substantial nuisance.

5.40 Highways impact

The revised estimate in the addendum is that in total the expansion will generate an additional 435 trips in and 435 out by all modes combined over a full day. The peak hour increase in car movements would be an additional 111 in and 111 out i.e. approximately 2 per minute in each direction. It would not be appropriate to provide extra road capacity for these movements given the low number and short duration of significant impact and the residential nature of the surrounding area. The new crossover onto School Lane will need to be constructed under a Highway Authority licence and an informative to this effect should be attached. A Construction Management Plan should be required by condition for approval to ensure that measures such as controls of delivery times and routes are implemented to minimise the impact of the construction on the school and local

residents. The applicants have analysed the local 3 year accident record. Of the 5 personal injury accidents recorded within 800 metres of the school none involved school age children or happened at school opening and closing times.

5.41 Highways works

Notwithstanding the accident data the conflicts at the start and end of the school day will increase by a substantial proportion and it is considered appropriate to require the funding of appropriate minor highways works to reduce the potential hazard arising and enhance the quality of existing and proposed walking buses. The Road Safety Team has monitored movements to and from the school and designed a package of works to improve the safety and accessibility of the routes used while bearing in mind the impending introduction of a local 20 mph zone. This package with estimated costs comprises (1) Additional waiting restrictions subject to a Traffic Regulation Order (TRO) in Lustrells Vale – (£2,000) (2) Improved signage at the Lustrell's Vale/School Lane junction (£1,300) (3) New/improved dropped kerbs and tactile paving at Chichester Drive West/Saltdean Vale, Glyndebourne Avenue/Chichester Drive West, Glyndebourne Avenue/Lustrells Vale, Saltdean Vale/Lustrells Vale (£4,000) (4) A new pedestrian refuge at Saltdean Vale/Arundel Drive East (£12,000) (5) Entry treatments at either end of Chiltonington Way (this would ensure that this section of the 20mph speed limit in the area becomes a 20mph school safety "zone") (£23,000) (6) Pedestrian Refuge on Saltdean Park Road and junction narrowing at junction of Saltdean Park Road and Arundel Park West - creating a safer walking route towards and from the school area and also providing a safe walking from between the school and local facilities such as the Library and Lido (e.g. for in school class trips) and the car parking areas located off Saltdean Park Road (£21,000). Total work costs including a 15% contingency (£9,495) is £72,795. Application of the standard contributions formula indicates that a contribution of £174,000 would be appropriate here. These formula calculations are for guidance only and given the good local accident record, the small number of measures considered necessary, and the applicant's continuing commitment to the travel plan process as described below, it is recommended that the funding of the works described should be accepted as meeting policy. This can and should be achieved by condition as with other recent school expansions.

5.42 Travel Plan

The applicant has confirmed their commitment to the established school travel plan process in the Transport Statement and continuing work on this should be required by condition. Non-standard content which is appropriate in this case should also be specifically required by this condition. This consists of (1) Prioritising and allocating staff off street car parking, in particular that required by disabled staff members. The nature of allocation used should be reported in each travel plan review and officers should be able to require amendments if reasonably required. (2) Establishment of an internal car sharing database within the school.

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
TR10	Traffic calming
TR11	Safe routes to school and school safety zones
TR12	Helping the independent movement of children
TR13	Pedestrian network
TR14	Cycle access and parking
TR19	Parking standards
SU2	Efficiency of development in the use of energy, water and materials
SU5	Surface water and foul sewage disposal infrastructure
SU10	Noise nuisance

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SU13	Minimisation and re-use of construction industry waste
SU15	Infrastructure
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
QD17	Protection and integration of nature conservation features
QD20	Urban Open Space
QD27	Protection of Amenity
HO19	New community facilities
SR20	Protection of public and private outdoor recreation space

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
SPD12	Design Guide for Extensions and Alterations

East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan

WMP 3d Minimising and managing waste during construction, demolition and excavation.

Brighton & Hove City Plan Part One (submission document)

SS1	Presumption in Favour of Sustainable Development
CP8	Sustainable Buildings
SO21	Strategic Objective 21 – Additional school places

Interim Guidance on Developer Contributions

8 CONSIDERATIONS & ASSESSMENT

- 8.1 The main considerations material to this application are the principle of the school extension, the impact of the intensification of use of the site on transport and highway safety in the area, impact of the proposed extensions and alterations on the appearance of the school and surrounding area, impact on residential amenity and archaeological, sustainability and ecology issues.

Principle of the school extension

- 8.2 One of the 12 core land use planning principles in the NPPF (paragraph 12) requires the delivery of sufficient community and cultural facilities and services to meet local needs. The 2013 Brighton & Hove Schools Organisation Plan (SOP) sets out the priorities for meeting demand for new school places in the City. The SOP states 'Closer analysis also shows that numbers of children in Saltdean are likely to exceed the places available at Saltdean Primary School (where a bulge class was provided for 2013/14) and that these higher numbers

may continue for the foreseeable future. Discussions with colleagues in East Sussex suggest that they are forecasting a shortfall in places in the neighbouring areas of Telscombe Cliffs and Peacehaven and that it would therefore not be possible to consider placing East Saltdean children (living in East Sussex) in the East Sussex schools'. The SOP goes on to indicate there will be discussions with Saltdean Primary School to discuss the school moving to three forms of entry.

- 8.3 Strategic objective 21 of the submission City Plan requires the provision of additional primary and secondary school places in response to growing demand and future increases in population by working with partners, including not for profit organisations, to build new schools and by expanding successful schools.
- 8.4 It is considered that the extensions and the additional form of entry to the school (increasing from 2 forms to 3) would make an important and permanent contribution towards meeting the shortfall in primary school places in the Saltdean area and would provide essential infrastructure locally therefore reducing the need for primary age pupils to travel greater distances to school. This satisfies the aims of strategic objective 21 in the City Plan that aims to address the shortfall in school places by expanding successful schools. Therefore it is considered that the extension is acceptable in principal and also complies with the paragraph 12 of the NPPF.

Transport:

- 8.5 Policy TR1 of the Local Plan requires development proposals to provide for the demand for travel which they create and maximise the use of public transport, walking and cycling. Policy TR7 will permit developments that would not increase the danger to users of adjacent pavement, cycle routes and roads.
- 8.6 Policy TR11 states that development proposals that affect proposed or existing 'Safe Routes to Schools' or 'School Safety Zones' should contribute towards the implementation, improvement and maintenance of routes to school or to the safety of movement within the 'School Safety Zones'. Safe Routes to School is a concept developed by the sustainable transport charity 'Sustrans'. It involves a partnership between schools, pupils and the local authority whereby children are encouraged to walk or cycle to school as a result of the local authority making improvements to road and pavement design near schools to improve safety. School Safety Zones are areas where specific engineering measures will be taken to improve safety around schools where there have been traffic accidents.
- 8.7 The main transport impacts as a result of the increase in pupil and staff numbers are related to drop off/pick up and staff parking.
- 8.8 Neighbour concerns are related to the conflict which exists at drop off/pick up times, staff parking on surrounding streets and potential accident and highway safety issues. Local residents consider that a larger staff car park should be provided as part of the development proposal. These concerns have been summarised within section 5 of this report.

- 8.9 The school currently has two access points for vehicles located on Chiltington Way on the western side of the site and also on School Lane to the south. Both vehicle accesses serve small car parks. The car park accessed off Chiltington Way accommodates five vehicles. The car park accessed off School Lane is laid out to accommodate seven vehicles, however in reality the layout makes it difficult to manoeuvre and informal echelon parking is occurring resulting in a reduction to six spaces. Therefore the total existing car parking spaces is 11 spaces.
- 8.10 The main two storey extension which would link the Upper School building with the Lower School building would result in the loss of parking from the School Lane car park which would be reduced from six spaces to three (including two new disabled spaces). The Chiltington Way car park would remain as existing. A new car park is proposed to the south east of the site which would accommodate five spaces. The car parking would be increased from the 11 usable spaces to 13 spaces which would be a net increase of two spaces (including two additional disabled parking spaces).
- 8.11 The school does not have a formal drop off area and it is not proposed to create one. School Lane is one way running in a north east and then north west direction from Lustrells Vale to Chiltington Way. There are school no waiting yellow lines on both School Lane and Chiltington Way.
- 8.12 A Transport Statement has been submitted with the application and subsequently a parking survey was carried out and an addendum to the Transport Statement was submitted.

Staff car parking

- 8.13 Currently the school has 420 pupils and this would increase to 630. As existing there are 64 members of staff which include both full and part time. The existing FTE equivalents are 21 teaching staff and 23.5 FTE support staff. As a result of the proposal the teaching staff would increase by 7 FTE over five years and there would be 9 FTE additional support staff (including teaching assistants).
- 8.14 The Transport Statement originally predicted the increase in staff numbers on a pro-rata basis in relation to the increase in floor area. However, after consultation with the Head Teacher this has now been more accurately predicted. Administration and catering staff would not increase on a pro-rata basis. The increase in staff has now been projected to be 16. This would take the total number of staff to 80 (including both full and part time).
- 8.15 By applying the formulae in SPG4 and using the FTE staff numbers the proposed extension would require a maximum of 12 general spaces and a minimum of three disabled spaces. When the SPG formula is applied to the school as a whole this would equate to a maximum of 41 standard spaces and a minimum of 4 disabled spaces.
- 8.16 The original staff transport survey results did not report the numbers of staff who currently car share. Therefore, the survey was repeated so this data could

be extracted. The survey found that 58.8% of staff drive to work and 5.9% of staff car share. 29.4% of staff walk to work and 2.9% of staff cycle and 2.9% of staff use public transport. As part of the survey staff working patterns were also examined which found that out of the respondents who answered the survey the maximum number of staff present on site at any one time was 92%.

- 8.17 As there are high numbers of part time staff, it is difficult to predict with certainty the amount of staff who have driven to the school at any one time. Based on the results of the existing staff survey it is thought that in the region of 24 to 36 cars are being driven to the school by staff, dependant on how many part time staff are in work at that particular time. The 36 car prediction is at the higher end and is reliant on 92% of the 64 part and full time staff being present at any one time, which is considered to be unlikely. As there are 11 car parking spaces on site this would result in between 13 and 25 cars being parked on surrounding streets or in the free car park on the opposite side of Lustrells Vale (accessed off Saltdean Drive).
- 8.18 The addendum to the Transport Statement predicted that if all of the additional staff who drove parked on street and no allowance was made for car sharing, additional on street parking demand would equate to 11 vehicles. However if a reduction factor is applied based on the maximum number of staff being present at any one time as being 92% and as 10.5% of staff who drive car share, then this would equate to nine additional vehicles parking on street. As there are two additional parking spaces created then this would equate to seven additional vehicles parked on street.
- 8.19 A parking survey was undertaken for streets within 400 metres walking distance of the school. The survey was undertaken outside of peak drop off and pick up times so that only parent parking did not distort the results of the survey which was carried out primarily to record staff and other more long term parking within the streets. The survey showed that the lowest amount of spare capacity on street in the surrounding area was for 366 cars during the hour 12noon to 1pm. At this peak time, the survey recorded the following results for the streets nearest to the school:
- School Lane: Parking stress at 90% with capacity for one additional parked vehicle only;
 - Chiltington Way: Parking stress at 60% with capacity for an additional 24 vehicles;
 - Effingham Close: Parking stress at 27% with capacity for an additional eight vehicles;
 - Falmer Avenue: parking stress at 39% with capacity for an additional 19 vehicles.
- 8.20 The Council's Transport Officers have commented that as the lowest amount of spare capacity was 366 cars, which is significantly higher than the maximum estimate of displaced parking, substantial capacity is available for future displaced parking without causing substantial nuisance.
- 8.21 Local residents concerns regarding staff parking on surrounding streets which results in difficulties for them when reversing out of their driveways is noted and

reported within section 5 of this report. However the extension of yellow lines onto surrounding streets is not something which the Council's Road Safety Team have recommended (apart from on Lustrells Vale).

- 8.22 It is also noted that the local residents have requested that the proposed car park is extended into the embankment which would result in the loss of a row of mature trees. Whilst the loss of trees is not something the Arboricultural Officer would object to if replacement planting was secured, Transport Officers do not consider that an expansion to the car park would be necessary as there is sufficient capacity on the local road network to cater for displaced parking.
- 8.23 The expansion of the parking area would significantly alter the topography and land levels in this area and would remove a natural screen of trees. The cycle shelter would also need relocating. The extension of the proposed car park is not a mitigation measure which has been identified as being necessary by transport officers. The general car parking standards are a maximum and the parking survey has shown there is capacity for displaced parking in the surrounding area. The applicant is unwilling to extend the car park as the additional excavation, additional porous paving area, new retaining walls and cycle and shed relocation would render the scheme difficult to fund. The applicant also considers that the Secretary of State would be unlikely to grant permission for a larger car park under the Schools Standards and Framework Act 1998, as a larger car park cannot be justified in planning policy terms and may not be considered essential for the education of children on this site. The applicant also considers that the topography and line of trees is a natural barrier separating the proposed car parking from the play areas, and they do not wish to move the car parking to directly adjacent the play areas.
- 8.24 Therefore it is considered that the level of staff parking is adequate and would not warrant a reason for refusal on highway grounds.

Additional transport movements:

- 8.25 As well as the additional staff vehicle movements, the Transport Statement predicts that the increase in pupil numbers and staff numbers would result in an additional 435 trips in and 435 out by all modes over a full day. The peak hour increase in car movements would be an additional 116 in and 106 out during the morning peak with total amount of car trips being 367 in and 318 out. Transport Officers have commented that it would not be appropriate to provide extra road capacity for these movements given the low number and short duration of significant impact and the residential nature of the surrounding area.
- 8.26 Whilst local residents have raised concerns about school children being involved in accidents, the local three year accidents record has been analysed. Of the five personal injury accidents recorded within 800 metres of the school, none involved school age children or happened at school opening and closing times.
- 8.27 Notwithstanding the accident data, the number of pupils will increase by 210, and it is considered necessary to secure highway works in the vicinity of the site. These include the following measures:

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- Additional waiting restrictions subject to a Traffic Regulation Order (TRO) in Lustrells Vale – (£2,000);
- Improved signage at the Lustrell's Vale/School Lane junction (£1,300);
- New/improved dropped kerbs and tactile paving at Chichester Drive West/Saltdean Vale, Glyndebourne Avenue/Chichester Drive West, Glyndebourne Avenue/Lustrells Vale, Saltdean Vale/Lustrells Vale (£4,000);
- A new pedestrian refuge at Saltdean Vale/Arundel Drive East (£12,000);
- Entry treatments at either end of Chiltington Way (this would ensure that this section of the 20mph speed limit in the area becomes a 20mph school safety "zone") (£23,000);
- Pedestrian Refuge on Saltdean Park Road and junction narrowing at junction of Saltdean Park Road and Arundel Park West - creating a safer walking route towards and from the school area and also providing a safe walking from between the school and local facilities such as the Library and Lido (e.g. for in school class trips) and the car parking areas located off Saltdean Park Road (£21,000);
- Total work costs including a 15% contingency (£9,495) is £72,795.

8.28 It is considered that the above works would improve the pedestrian environment near to the school benefiting pupils and parents who travel on foot. The entry treatments should also improve road safety for the pedestrians within the Local School Safety Zone.

8.29 Neighbours concerns regarding illegal and inconsiderate parking by parents is noted and it is recognised that it can be difficult to alter people's behaviour. The school will need to complete an updated School Travel Plan which will include publicity measures to encourage parents to use alternatives to the private car and if they do drive to encourage them to park responsibly. The School Travel Plan should also implement other measures such as signage outside the school and walking buses. Currently the school does not operate any walking buses however a nearby after school club does. The school has committed to providing a walking bus scheme as part of the new Travel Plan.

8.30 Disabled parking

There are currently no dedicated disabled parking spaces on site. Two disabled parking spaces would be provided. SPG4 'Parking Standards' requires that a minimum of three spaces are provided for the extension (minimum of two spaces plus 1 space per 2,500 m² or part thereof). For the school as a whole a minimum of four spaces would need to be provided. Two disabled spaces are proposed which is an improvement over the existing situation. Whilst this falls below the minimum of three which should be provided for the extension, it is considered that the level of provision can be monitored through the School Travel Plan process and parking spaces on site can be prioritised for disabled members of staff.

8.31 Cycle parking

Four additional cycle parking standards are proposed within a covered cycle shelter and this complies with SPG4 Parking Standards.

Design:

- 8.32 Policy QD14 of the Local Plan requires extensions to be well designed, sited and detailed in relation to the buildings to be extended, adjoining properties and to the surrounding area.
- 8.33 It is considered that the scale of the extensions are appropriate with regard to the scale of the existing school. The extensions are either single or two storeys in height. The extensions would incorporate a more modern design though the use of cladding materials and design of openings. The materials proposed for walls are dark clay red cladding materials and brick. The colour of the brick would match that of the existing school. Aluminium windows and doors are proposed. It is considered that the extensions would be read as modern and high quality design additions to the school which would integrate well with and not detract from the character and appearance of the existing school buildings.
- 8.34 The scale of the extensions are appropriate and they would fit well with the topography of the site and surroundings. The extensions would not be harmful to the character and appearance of the wider surrounding area.

Amenity:

- 8.35 Policy QD27 will not grant planning permission for development which would cause nuisance and loss of amenity to adjacent residents and occupiers. The transport impacts have been discussed in full earlier in this report. Due to the scale and siting of the extensions, it is not considered that they would cause harm to the residential amenity of surrounding residents.
- 8.36 The additional pupils within the school grounds could cause additional noise and disturbance to nearby residents. However, given the large size of the school grounds it is not considered that this would be significant enough to be harmful to surrounding residential amenity.

Ecology:

- 8.37 Policy QD17 of the Local Plan requires development to minimise the impact on existing nature conservation features on site and also that new nature conservation features be provided as part of the design of the scheme. SPD 06, Nature Conservation & Development provides further guidance regarding this.
- 8.38 The majority of the site currently comprises improved/amenity grassland, buildings, hard standing, species poor hedgerows, mature broadleaf trees, ephemeral/short perennial vegetation, and introduced shrubs, and is of relatively low ecological value. Of greatest ecological interest is the "nature area" in the south west corner of the site which includes a drained pond.
- 8.39 The nature area has the potential to support reptiles. However this area lies outside the area of the proposed works, and is currently separated from the works area by a strip of mown grassland. The County Ecologist recommends that the nature area should be brought into active management to enhance it for reptiles and other wildlife. The Ecology Appraisal Report also recommends the planting of native plant species. Conditions for the protection of the nature area and for a

future landscaping scheme for the whole site and management plan for the nature area are proposed to be secured by condition.

- 8.40 A number of trees are proposed to be removed to facilitate the new access to the car park and to facilitate the main two storey extension. These are all of small stature and there is no objection to their loss. A small amount of hedgerow would be relocated and some greenery lost. Replacement tree planting will be secured through the landscaping condition.
- 8.41 No evidence of bat roosts was found in buildings or trees on site. However, given that there are numerous records of bats from the surrounding area, and that there is suitable habitat on site, the site has the potential to be used for commuting and/or foraging. Bat boxes have been proposed in the Ecology Appraisal Report and it is proposed to secure these through a condition.
- 8.42 The site has the potential to support breeding birds. To avoid disturbance to nesting birds, any removal of scrub/trees that could provide nesting habitat should be carried out outside the breeding season (generally March to August). However as this may not be reasonably practicable within the timescales, the Ecology Appraisal Report recommends that a nesting bird check should be carried out prior to any clearance works by an appropriately trained, qualified and experienced ecologist. It is proposed to secure this by condition. The following bird boxes are also proposed and again will be secured by condition:
- 4 x Schwegler Sparrow Terraces;
 - 4 x Schwegler Brick Nest Boxes;
 - 2 x Schwegler Swift Boxes;
 - 2 x Ibstock Swift Bricks.
- 8.43 It is therefore considered that the scheme would deliver ecology enhancements in the form of native planting, bird and bat boxes and active management of the nature area.

Archaeology:

- 8.44 The proposed development is of archaeological interest due to its location within an area of medieval and post-medieval activity, as well as a potential for earlier remains relating to prehistoric and Roman usage of this area of the South Downs. The site is in close proximity to a Saxon burial ground, the contemporary settlement to which has not yet been located. The settlements are typically in close proximity to the burial grounds, and the site's location in the flatter, more sheltered, valley bottom is a suitable location for such occupation. From the photographs submitted with the application it appears that this area of the school has been subject to terracing or hard landscaping, raising the potential for below ground archaeological remains surviving.
- 8.45 Therefore it is proposed to secure a Programme of Archaeological Works by condition which will enable any archaeological deposits and features disturbed during the proposed works to be adequately recorded. The applicant has carried out a site meeting with the County Archaeologist and it has been agreed that the site of the main two storey extension does lie mainly on excavated

areas for the temporary classroom foundations, car park build up and also the storage building hard standing. However, it was agreed that the initial removal of the top soil down to the chalk line will be monitored as part of the Programme of Archaeological Works. The County Archaeologist has agreed that the two storey classroom extension and the single storey staff room extension do not need to be monitored as part of the Programme of Archaeological Works as there is already a high level of disturbance here below ground.

- 8.46 Any excavations (other than the removal of the top soil) should be also be monitored within the proposed car park area.

Sustainability:

- 8.47 Local Plan Policy SU2 states that planning permission will be granted for proposals which demonstrate a high standard of efficiency in the use of energy, water and materials. City Plan Policy CP8 seeks that development incorporates sustainable design features to avoid expansion of the city's ecological footprint, help deliver the principles of the One Planet approach, radical reductions in greenhouse gas emissions, particularly CO² emissions, and mitigates against and adapt to climate change.

- 8.48 Under SPD08 Sustainable Buildings and Policy CP8 of the Submission City Plan major medium scale new built development is expected to achieve BREEAM 'very good' and 50% in energy and water sections. However, as part of the main modifications to the City Plan, all development which is classed as a major planning application is required to meet an 'excellent' rating. Whilst it is possible that the scheme may meet 'excellent' rating, this is not guaranteed, and it has been designed to meet a 'very good' rating which was the policy requirement at scheme design stage. Whilst none of the extensions would be classed as a major development in their own right, it is the combined floorspace of all of the extensions which just take the development over the minimum threshold for a major planning application. Given that none of the extensions are a major development in their own right, it is considered that in this instance, a 'very good' BREEAM rating is acceptable.

- 8.49 35 photovoltaics are proposed on the main two storey extension and it is also proposed to secure this by condition. Porous paving or grasscrete is also proposed within the new car park area.

Flood Risk:

- 8.50 The development is within a Flood Zone 1. The surface water would drain via soakaways and would not discharge via the public sewer. There would be limited areas of new hardstanding and the new car park would be surfaced in grass-crete or other porous material.

9 CONCLUSION

- 9.1 The school extension is acceptable in principle and is needed to cater for an increase in primary age children in Saltdean. Subject to conditions requiring a School Travel Plan and scheme of highway infrastructure improvements to primarily aid pedestrian movement to and from the school, it is not considered

that the extension would result in significant additional transport movements which would be harmful to the local highway network. It is recognised that staff parking would occur on surrounding residential streets, however the parking survey showed that there is capacity within nearby streets for this to be accommodated.

- 9.2 The extensions are considered to be an appropriate design which would integrate well with the character and appearance of the existing school buildings and wider area. The extensions would be sustainable buildings and ecology on site would be enhanced. Subject to conditions there would not be a harmful impact on archaeology or flood risk. The development is considered to comply with development plan policies.

10 EQUALITIES

The development will provide two disabled parking spaces on site and would improve the connectivity and level access between the original Upper School and Lower School Buildings.

11 PLANNING OBLIGATION / CONDITIONS / INFORMATIVES

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
Ash Partnership Ecological Appraisal Report		Nov 2014	24 November 2014
Existing site layout 1 of 2	024		2 December 2014
Existing site layout 2 of 2	024		2 December 2014
Existing building plans	005		21 November 2014
Existing elevations	006	A	2 December 2014
Existing floor plans	070		21 November 2014
Existing classroom block elevations	054		2 December 2014
Existing hall and staff room extensions	049		2 December 2014
Proposed site plan	008	A	15 December 2015
Proposed block plan	009	A	15 December 2014
Proposed floor plans	071		21 November 2014
External works	025		21 November 2014

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Access and phasing plan	030	A	15 December 2014
Lower ground floor model 1 of 2	010		21 November 2014
Lower ground floor model 2 of 2	011		21 November 2014
Upper ground floor plans 1 of 4	015		21 November 2014
Upper ground floor plans 2 of 4	016		21 November 2014
Upper ground floor plans 3 of 4	017		21 November 2014
Upper ground floor plans 1 of 4	018		21 November 2014
Roof plan 1 of 2	020		21 November 2014
Roof plan 2 of 2	021		21 November 2014
Main extension elevations	045		21 November 2014
Main extension proposed sections (1 of 3)	040		21 November 2014
Main extension proposed sections (2 of 3)	041		21 November 2014
Main extension proposed sections (3 of 3)	042		21 November 2014
Classroom block elevations	055		21 November 2014
Hall and staff room extension	050		21 November 2014
3D views	060		21 November 2014
3D views	061		21 November 2014
External works	190		23 February 2014
External works demolition plan	190		23 February 2015
External works staff parking setting out	029		23 February 2014
Tree protection plan	733		24 February 2015
Site plan	001	A	2 December 2014

- 3) Unless otherwise agreed in writing with the Local Planning Authority, the development shall take place in accordance with the Breeding Bird Mitigation Measures detailed within paragraphs 4.12 to 4.14 of the Ash Partnership Ecological Appraisal Report received on the 24 November 2014.
Reason: To ensure that nesting birds are protected during the development and to comply with policy QD18 of the Brighton & Hove Local Plan.
- 4) The Nature Area in the western corner of the school site shall be protected in accordance with the measures contained within paragraph 4.11 of the Ash Partnership Ecological Appraisal Report received on the 24 November 2014.
Reason: To ensure that ecology is protected on site and to comply with policy QD17 of the Brighton & Hove Local Plan.
- 5) The surface of the new 5 space vehicular car park hereby approved shall be made of porous materials and retained as such thereafter.

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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.

- 6) The development hereby permitted shall be undertaken in accordance with the Waste Minimisation Statement received on 21 November 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.

- 7) The development hereby permitted shall be constructed in full accordance with the Construction Environmental Management Plan (CEMP) submitted on the 20 February 2015 unless otherwise approved in writing by the Local Planning Authority.

Reason: To ensure highway safety and that appropriate environmental protection is in place to safeguard neighbouring amenity in compliance with policies TR7, SU9, SU10 and QD27 of the Brighton & Hove Local Plan.

Pre-Commencement Conditions:

- 8) No development shall take place on the two storey main extension hereby approved and shown on plans 040, 041, 042 and 045 received 21 November 2014, and no excavations other than the removal of the top soil shall take place with regard to the proposed 5 vehicular space car park, until the developer has secured the implementation of a programme of below ground archaeological work, in accordance with a Written Scheme of Archaeological Investigation which has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out entirely in accordance with the approved written scheme.

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

- 9) No development shall commence until the fences for the protection of the trees to be retained have been erected in accordance with the submitted tree protection plan referenced 733 received on 24 February 2014. The fences shall be erected in accordance with BS5837 (2012) and shall be retained until the completion of the development and no vehicles, plant or materials shall be driven or placed within the areas enclosed by such fences.

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

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

- Reason:** To ensure a satisfactory appearance to the development and to comply with policy HE6 of the Brighton & Hove Local Plan.
- 11) Unless otherwise agreed in writing with the Local Planning Authority, within 6 months of commencement of development on the main two storey extension hereby approved and shown on plans 040, 041, 042 and 045 received 21 November 2014, BRE issued Interim/Design Stage Certificate demonstrating that the development has achieved a minimum Simple Building BREEAM rating of 50% in energy and water sections of Simple Building 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.
- 12) Within 6 months of commencement of development on the main two storey extension hereby approved and shown on plans 040, 041, 042 and 045 received 21 November 2014, a scheme for landscaping, which shall include hard surfacing, grass-crete/porous materials for the new car park, boundary treatments, planting of the development including replacement tree and hedge planting, and a management plan for the Nature Area in the western corner of the site, shall be submitted to and agreed in writing by the Local Planning Authority. The scheme shall be implemented and managed fully in accordance with the approved details.
- 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) Within 4 months of the date of this permission, a scheme for nature conservation enhancement, which details the location and specification of the bird and bat boxes detailed within paragraphs 4.18 and 4.21 of the Ash Partnership Ecological Appraisal Report received on the 24 November 2014 shall be submitted to and agreed in writing by the Local Planning Authority. The scheme shall be implemented fully in accordance with the approved details and retained as such thereafter.
- Reason:** To ensure that the scheme makes appropriate provision for ecological enhancements in the form of bat and bird boxes and to comply with policy QD18 of the Brighton & Hove Local Plan.

Pre-Occupation Conditions:

- 14) The two storey main extension shown on plans 040, 041, 042 and 045 received 21 November 2014, shall not be occupied until the Archaeological Site Investigation and Post Investigation Assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition 8, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include the provision for analysis, publication and dissemination of results and archive deposition has been secured.
- Reason:** To ensure that the archaeological interest of the site is safeguarded and recorded and to comply with policy HE12 of the Brighton & Hove Local Plan.

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- 15) Unless otherwise agreed in writing by the Local Planning Authority, the two storey main extension shown on plans 040, 041, 042 and 045 received 21 November 2014, shall not be occupied until the photovoltaics shown on plan referenced 020 received 21 November 2014 have been fully installed.
Reason: To ensure that the development incorporates renewable energy infrastructure and to comply with policy SU2 of the Brighton & Hove Local Plan.
- 16) The two storey main extension shown on plans 040, 041, 042 and 045 received 21 November 2014, shall not be occupied until the new car parking areas as shown on plan 030 A received on 15 December 2014 and plan referenced 029 24 February 2014, have been laid out and made available for the parking of vehicular cars. The new car parking areas 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.
- 17) The two storey main extension shown on plans 040, 041, 042 and 045 received 21 November 2014, shall not be occupied until a highway infrastructure scheme detailing improvements to footways and pedestrian crossing facilities in the vicinity of the site, waiting restrictions on Lustrells Vale and signage at the junction of School Lane with Lustrells Vale has been implemented in accordance with details which have been submitted to and approved in writing by the Local Planning Authority.
Reason: To ensure the promotion of sustainable forms of travel and comply with policies TR1, TR8, TR11 and QD28 of the Brighton & Hove Local Plan.
- 18) The development hereby permitted shall not be occupied until details of secure cycle parking and motor 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.
- 19) The two storey main extension shown on plans 040, 041, 042 and 045 received 21 November 2014, hereby approved shall not be occupied until a School Travel Plan for the development has been submitted and approved by the Local Planning Authority. The School Travel Plan shall be approved in writing by the Local Planning Authority prior to occupation of the development hereby permitted and shall thereafter be retained for use at all times.
Reason: To seek to reduce traffic generation by encouraging alternative means of transport to private motor vehicles and to comply with policy TR4 of the Brighton & Hove Local Plan.
- 20) The two storey main extension shown on plans 040, 041, 042 and 045 received 21 November 2014, hereby approved 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

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carried out in full as approved prior to first occupation of the development and the refuse and recycling storage facilities shall thereafter be retained for use at all times.

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

- 21) Unless otherwise agreed in writing by the Local Planning Authority, within 6 months of the date of the first occupation of the two storey main extension shown on plans 040, 041, 042 and 045 received 21 November 2014, a BREEAM Building Research Establishment issued Post Construction Review Certificate confirming that the development built has achieved a minimum Simple Building BREEAM rating of 50% in energy and water sections of Simple Buildings 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

- 22) The landscaping scheme required by condition 12 shall be carried out in the first planting and seeding season following the first occupation of the two storey main extension shown on plans 040, 041, 042 and 045 received 21 November 2014. Any new trees or plants which within a period of 5 years from the completion of the development die, are removed or become, in the opinion of the Local Planning Authority, seriously damaged or diseased, shall be replaced with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

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

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 school extension is acceptable in principle and is needed to cater for an increase in primary age children in Saltdean. Subject to conditions

requiring a School Travel Plan and scheme of highway infrastructure improvements to primarily aid pedestrian movement to and from the school, it is not considered that the extension would result in significant additional transport movements which would be harmful to the local highway network. It is recognised that staff parking would occur on surrounding residential streets, however the parking survey showed that there is capacity within nearby streets for this to be accommodated.

The extensions are considered to be an appropriate design which would integrate well with the character and appearance of the existing school buildings and wider area. The extensions would be sustainable buildings and ecology on site would be enhanced. Subject to conditions there would not be a harmful impact on archaeology or flood risk.

3. The Travel Plan required by condition 19 shall include such commitments as are considered appropriate, and should include as a minimum the following initiatives and commitments:
 - (i) Promote and enable increased use of walking, cycling, public transport use, car sharing, and car clubs as alternatives to sole car use:
 - (ii) Increase awareness of and improve road safety and personal security:
 - (iii) Undertake dialogue and consultation with adjacent/neighbouring tenants/businesses:
 - (iv) Identify a nominated member of staff or post to act as Travel Plan Co-ordinator, and to become the individual contact for the Local Planning Authority relating to the Travel Plan.
 - (v) Identify a monitoring framework, which shall include a commitment to undertake an annual staff and pupil travel survey, for at least five years, or until such time as the identified targets are met, to enable the Travel Plan to be reviewed and updated as appropriate. Annual surveys should be submitted to the Council's School Travel Plan Officers:
 - (vi) A commitment to reduce carbon emissions associated with school travel:
 - (vii) Identify targets focussed on reductions in the level of staff and parent car use:
 - (viii) Monitor disabled parking provision for staff and if necessary allocate additional parking spaces to disabled staff.
 - (viii) Car sharing database for staff.
4. 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.

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5. The applicant is advised that advice regarding permeable and porous hardsurfaces can be found in the Department of Communities and Local Government document 'Guidance on the permeable surfacing of front gardens' which can be accessed on the DCLG website (www.communities.gov.uk).

6. The applicant is advised that details of the BREEAM assessment tools and a list of approved assessors can be obtained from the BREEAM websites (www.breeam.org). Details about BREEAM can also be found in Supplementary Planning Document SPD08 Sustainable Building Design, which can be accessed on the Brighton & Hove City Council website (www.brighton-hove.gov.uk).

Saltdean Primary School BH2014/03933
Letters of Objection

Property Name / Number	Street	Town	Postcode
7	Ardingly Road	Saltdean, Brighton	BN2 8EG
42	Bishopstone Drive	Saltdean, Brighton	BN2 8FF
11, 28, 44, 46, 62, 64, 66, 68, 70, 72, 78,	Chiltington Way	Saltdean, Brighton	BN2 8HB
1, 3, 4, 6, 7, 8, 9, 10, 16, 18, 23	Effingham Close	Saltdean, Brighton	BN2 8FX
21	Falmer Avenue	Saltdean, Brighton	
43	Greenbank Avenue	Saltdean, Brighton	BN2 8QS
10	Hawthorne Close	Saltdean, Brighton	BN2 8HX
23	Westmeston Avenue	Saltdean, Brighton	BN2 8AL

Letters of Comment

Property Name / Number	Street	Town	Postcode
33	Tumulus Road	Saltdean, Brighton	BN2 8FR

Letters of Comment

Property Name / Number	Street	Town	Postcode
29 Pavilion Court	Grand Parade Mews	Brighton	BN2 9RU
27	Hamilton Rd.	Brighton	BN1 5DL
5	Greenway Court	Brighton	BN2 7GS
17a	Denmark Terrace	Brighton	BN1 3AN

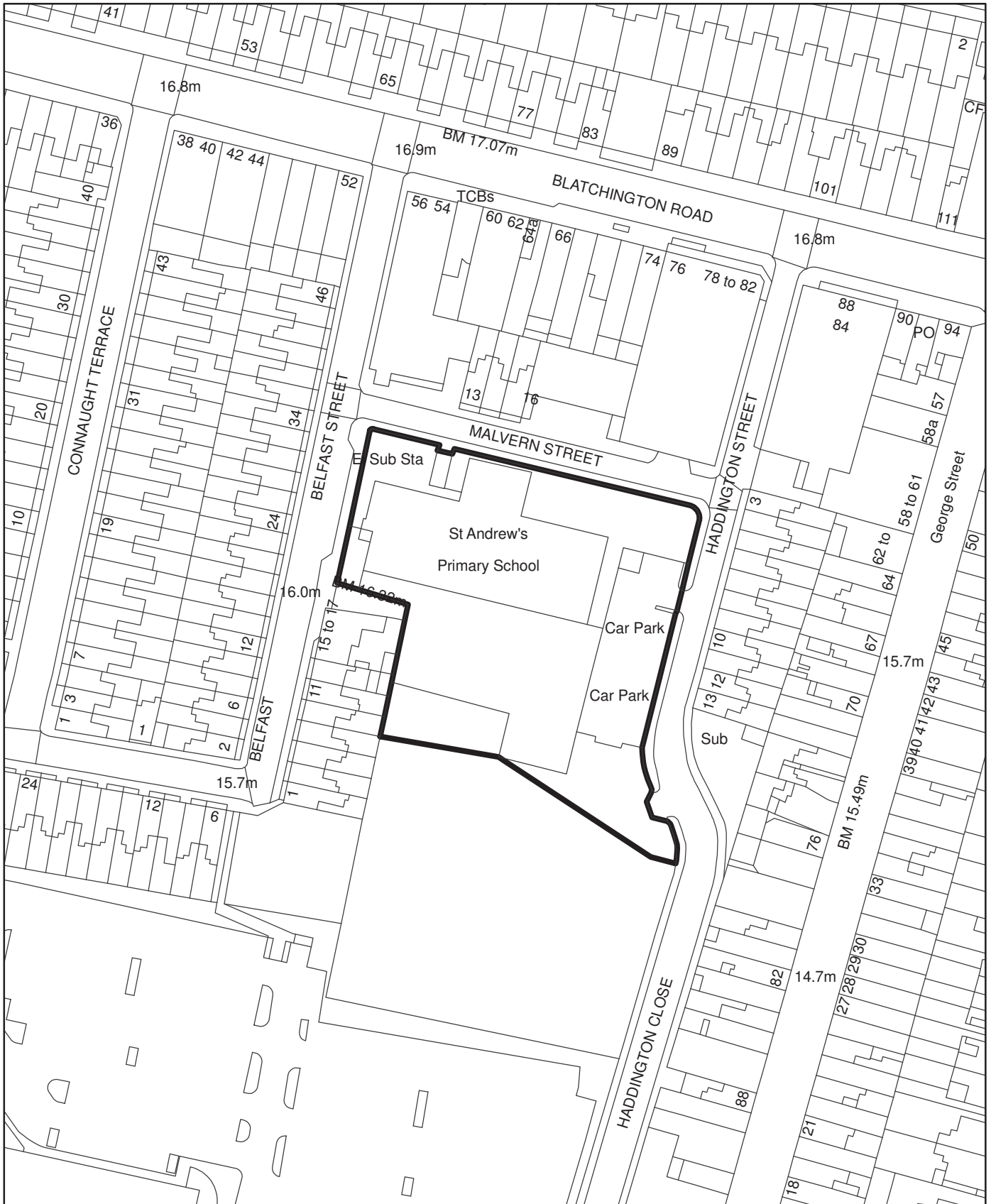
ITEM C

**St Andrews C of E School, Belfast Street,
Hove**

**BH2014/04147
Full planning**

11 MARCH 2015

BH2014/04147 St Andrews C of E School, Belfast Street, Hove.



**Brighton & Hove
City Council**

N



Scale: 1:1,250

<u>No:</u>	BH2014/04147	<u>Ward:</u>	CENTRAL HOVE
<u>App Type:</u>	Full Planning		
<u>Address:</u>	St Andrews C of E School Belfast Street Hove		
<u>Proposal:</u>	Erection of two storey teaching extension and extensions to hall, kitchen and reception class with main entrance alterations and associated external works including alterations to parking and landscaping.		
<u>Officer:</u>	Andrew Huntley Tel 292321	<u>Valid Date:</u>	19 December 2014
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	13 February 2015
<u>Listed Building Grade:</u>	N/A		
<u>Agent:</u>	Brighton & Hove City Council, Property Design Kings House Grand Avenue Hove BN3 2LS		
<u>Applicant:</u>	Brighton & Hove Council, Ms Gillian Churchill Head of Capital Strategy and Development Planning 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 **GRANT** planning permission subject to the Conditions and Informatives set out in section 11.

2 SITE LOCATION & DESCRIPTION

- 2.1 The application site relates to a detached school located along the southern edge of Malvern Street, the western edge of Belfast Street and the eastern side of Haddington Street. The school is accessed via Belfast Street just north of The Bell Public House. The school is modern in design and is low rise with pitched roofs. Its external finishes are render and brick. The school has a large playing field to the south of the school and an enclosed playing area to its north east corner. The site also includes the public car park on Haddington Street, which has 33 car parking spaces.
- 2.2 The surrounding area is a mix of residential and commercial. The majority of surrounding streets contain Victorian terraced properties, with commercial units along Blatchington Road to the north and the Tesco supermarket and car park to the south.

3 RELEVANT HISTORY

BH2012/01715 - Erection of single storey portable classroom and creation of new playground area. Approved 02/08/2012.

BH2011/00917 - Erection of first floor extension to South West elevation with solar panels and alterations to widen entrance gates (amended description). Approved 18/05/2011.

BH2006/03405 - Waste water control kiosk and raise level of road area adjacent pavement as part of sewer upgrade works. Approved 06/12/2006.

BH2006/02392 - Wastewater control kiosk and raise level of road area adjacent pavement as part of sewer upgrade works. Refused 15/09/2006.

BH2001/03058/CA - Vary condition 2 of conservation area consent BH1999/00059/CA from six months between demolition and the commencement of building works to 18 months. Approved 05/03/2002.

BH1999/00059/CA - Demolition of all existing buildings in association with redevelopment to provide a relocated school and retail development. Approved 21/04/1999.

BH1998/02072/OA - Re-location of St Andrews School and retail development with associated public car parking and link to George Street. Approved 11/12/2000.

4 THE APPLICATION

- 4.1 Planning permission is sought for the erection of two storey teaching extension and extensions to hall, kitchen and reception class with main entrance alterations and associated external works including alterations to parking and landscaping.
- 4.2 The proposal is to extend the school to enable the increase in the forms of entry from 2 to 3. This equates to an increase in school places at St Andrews from 466 pupils to 654 – an increase (when all years are full) of 188 places.
- 4.3 In total, five extensions are proposed which would facilitate the additional 8 classrooms, plus an extension to the existing kitchen, classroom, entrance lobby and a new PE store. The extensions are described in detail below.
- 4.4 Main two storey extension, located at the north east corner of the application site and would link into the existing school building. The temporary classroom to be removed from its present position and placed on the car park at the western side of the site temporarily while construction takes place.
- Ground floor: Four classrooms, toilet block, two infant libraries, office and plant room
 - First floor: Four classrooms, toilet block, junior library, group room and PPA room.
 - Roof: Flat roof with a single ply membrane with photovoltaics.

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- Extension would measure approximately 31.9 metres in length by between 13.2 metres and 19.1 metres in width. The extension would have a maximum height of 7.1 metres.
 - Proposed materials: Two tone cladding materials for walls for south and north facing elevations and the first floor on the eastern elevation with some brickwork. Brickwork to match existing on east facing elevation at ground floor level. North east facing elevation to contain both brick and cladding materials. Windows and doors to be aluminium. Windows coloured grey, with brise soiel on the southern elevation.
- 4.5 Single storey classroom extension, located to southern elevation of the existing school building.
- Classroom extension measuring 28m².
 - Extension would measure approximately 3 by 10 metres.
 - Proposed materials: Matching brickwork and aluminium windows (grey).
- 4.6 Single storey entrance lobby extension on the western elevation of the existing school building.
- Entrance lobby measures 6m².
 - Proposed materials: Brickwork to match existing.
- 4.7 Single storey extension to create PE store on the northern elevation (western side of school hall) of the existing school building.
- PE store measures 12m².
 - Proposed materials: Rendered walls (blue) with automatic doors.
- 4.8 Single storey kitchen extension and office on the northern elevation (eastern side of school hall) of the existing school building.
- Kitchen extension measures 51m².
 - Proposed materials: Brickwork to match existing.
- 4.9 A reduced size and revised car park is proposed on Haddington Street, which would accommodate eighteen car parking spaces.

5 PUBLICITY & CONSULTATIONS

External

- 5.1 **Neighbours: *Twenty One (21)*** letters of representation have been received from **Flat 1, 24 Albert Road, 20 and 26 Belfast Street, 60/62, 93 and 99 Blatchington Road, 41 Brooker Street, 62 Carlisle Road, 55 Corbyn Crescent, 9 Eaton Villas, 37 Graham Crescent, 7, 8 (x2) and 10 Haddington Street, Flat 2, 38 Sackville Gardens (x3), 15 Welbeck Avenue, 58 Westbourne Gardens and an unknown address objecting** to the application for the following reasons:

- Restriction and impact on delivery times.
- Loss of parking.
- Should expand vertically.

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- Safe entry and exit of additional pupils has not been adequately addressed.
- Pedestrian and traffic safety concerns.
- Area cannot take more traffic.
- Revised infant playground is too small.
- Additional traffic has not been adequately assessed.
- Does not address the issue of where the extra pupils will play in the winter months.
- Many local residents have not been advised of the planning application.
- Poor design which is out of keeping and looks cheap.
- The cladding will date quickly and look ugly.
- Design overbearing and oppressive.
- Lack of a pitched roof is a fundamental flaw.
- Should build on their own land and not on the car park.
- Not enough space in the school for an extra form entry.
- Already below the DofE guidelines for a two form school.
- Should build a new school on Holy Trinity Church.
- Why is there no traffic order despite closing the car park and how long will it be closed for?
- Increase in noise and disturbance.
- Feedback to the schools consultation process has gone unheard.
- Outlook from properties on Haddington Street will be diminished.
- The application site does not cover the whole school and is therefore invalid.
- By treating the application as a minor one it denies a proper opportunity to debate the application.
- Loss of privacy and light.
- Loss of trade.

5.2 **One (1)** petition has been received with **39 signatures** objecting to the application for the following reasons:

- Loss of car parking
- Loss of trade

5.3 **Six (6)** letters of representation have been received from **7 Belfast Street (x2), 73 George Street, 27 Millcroft (x2) and 20 Pembroke Crescent** supporting the application for the following reasons:

- The expansion will bring much needed extra places and will better serve children in years to come.
- Impact to the local area can only be a good one.
- Parking is not an issue now and cannot see how it would be after.
- Opportunity to increase footfall in the local area.

5.4 **Councillor Wealls** has supported the scheme. Copy attached.

5.5 **Three (3)** letters of representation have been received from **36 Belfast Street, 11 and 13 Haddington Street** commenting on the application. The comments relate to:

- The design is uninspiring.
- The quality of the materials should be conditioned.
- Concerns over the impact on highway and parking which needs to be understood and addressed.
- How long are the works planned for?
- Will Haddington Street residents get preferential parking treatment?
- Will the roads be kept clean during construction works?

5.6 **Brighton & Hove Archaeological Society: No objections**

Do not believe that any archaeological deposits are likely to be affected by this development.

However, it is possible that the County Archaeologist has information not available to this Society. The society would suggest that you contact the County Archaeologist.

5.7 **County Archaeologist: No Objections**

Further Comments

The map overlay clearly shows the proposed extension is outside the extent of the former cemetery. Assuming there is to be no proposed ground impact (including temporary construction compounds or car parking extension in the area south of the former Monmouth Street then I do not believe the proposal will have an impact on any significant archaeological remains. In light of this I have no further recommendations to make on this application.

Initial Comments

5.8 Having checked the documents on the planning portal and there does not appear to be a heritage statement. This is not necessarily an issue, as this is not a major development or within an archaeological notification area. However, I have checked Victorian maps and part of the area of the proposed new building is within a former graveyard (as is the whole of the schools playing field). Obviously there is a high risk of human remains still being buried on this site...unless there is a record on your files that the graveyard was cleared as part of the construction of this school in 2002? Modern graveyard clearance is not normally an archaeological mitigation, although we could in this instance cover it under that methodology.

5.9 **Sport England: No objections**

Phase 2 of the development involves the creation of a new cycle/scooter shelter measuring 5m x 2m in the north east corner of the existing playing field. Due to the size and location of the shelter, it is not likely to impact the capability of the playing field or result in the loss of any part of a pitch. Consequently this is considered to be an exception to Sport England's policy, specifically Exception E3 which states:

E3 The proposed development affects only land incapable of forming, or forming part of, a playing pitch, and does not result in the loss of or inability to make use of any playing pitch (including the maintenance of adequate safety margins), a reduction in the size of the playing areas of any playing pitch or the loss of any other sporting/ancillary facilities on the site.

5.10 This being the case, Sport England does not wish to raise an objection to this application, subject to the following condition being attached to the decision notice (if the Council are minded to approve the application):

5.11 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) (or any order amending, revoking or re-enacting that order), no buildings, moveable structures, works, plant, machinery, access, storage of vehicles, equipment or materials or other use in connection with the carrying out of the development hereby permitted shall be permitted on the playing field shown edged on Drawing No. 001 Rev A.

Reason: To protect playing field from damage, loss or availability of use and to accord with Development Plan Policy.

Internal:

5.12 **Environmental Health: No objections**

Given the proximity of the school and playing field to the former cemetery site and the old gas works site which is now remediated and Tesco's, it is considered to be appropriate to apply a discovery strategy to deal with any unexpected findings.

5.13 **Planning Policy: Support**

The proposal is welcomed. The extension to St Andrews School will provide an additional form of entry to the school (increasing from 2 to 3 forms of entry). This will make an important contribution towards meeting the shortfall in primary school places in south and central Hove. This will meet existing needs and help to provide essential infrastructure for future housing development in the area.

Context

5.14 The Schools Organisation Plan indicates that there are sufficient primary school places in the city overall even for the highest forecast numbers in 2015. However, the tables show that the broad distribution of children across the city does not wholly match the location of schools and this creates pressures in some parts of the city which will be difficult to meet in local schools. Evidence indicates that south and central Hove is the area with the greatest shortfall in primary school places over the 5 years period covered by the Schools Organisation Plan peaking at a 179 place shortfall in 2016/17.

Proposed School Extension

5.15 St Andrews School is located in south and central Hove where there is the greatest shortfall in school places. The proposal is to extend the school to increase the forms of entry from 2 to 3. This equates to an increase in school

places at St Andrews from 466 pupils to 654 – an increase (when all years are full) of 188 places.

- 5.16 The proposal will meet the need for school places in the area with the greatest needs. This satisfies the aims of strategic objective 21 in the City Plan that aims to address the shortfall in school places by expanding successful schools. It will make an important contribution to school places in an area with existing and potential for new residential development. This will help to ensure there are sufficient school places available for existing and future residents.
- 5.17 The application needs to be assessed against the criteria in policy HO19 in the Local Plan.

Reduction in Public Parking

- 5.18 The proposal will result in the net loss of 15 pay and display public car park spaces. It is considered that the loss of these spaces is outweighed by the significant benefits arising from the school extension.

5.19 **Sustainable Transport:** Support

Recommended approval subject to the inclusion of the necessary conditions on any permission granted and that the applicant contributes £73,000 towards the necessary highway works to ensure safe walking and cycling routes are provided to the development and make the development acceptable in planning terms.

- 5.20 The applicant should note the requested money does not cover the costs of the necessary works to Haddington Street car park. These works can be secured via the suggested Grampian condition and details of who designs and delivers these works will be agreed at a later date. The Local Education Authority must obviously fund these necessary works.

Pedestrian & Vehicular Access

- 5.21 The vehicular access to the site is to remain as existing. There is currently a vehicle access on Malvern Street to a small car park. The staff car park is accessed from a dropped vehicle crossover at the corner of Belfast Street and Stirling Place. While an emergency vehicle access is located to the east of the site on Haddington Street. The Highway Authority has no objections to retention of these access arrangements.

- 5.22 In terms of pedestrian access, the main access is located on Belfast Street. While a secondary access is located on Malvern Street; which is not as well used. The applicant intends to retain these access arrangements which are deemed acceptable by the Highway Authority. The applicant has also previously trialled the opening of the emergency access on Haddington Street for pedestrian access only at the start and end of the school day. The Highway Authority would not look for this to be open as they have concerns that this will encourage parents who drive to park illegally on the relatively quiet Haddington Street. The Highway Authority would only look for the new gates on the eastern elevation to be used (these are marked as 3 on the

proposed external works plan). The emergency access on Haddington Street should ideally only be used for emergencies.

Car Parking

- 5.23 Currently the school has two car parking areas. A small car park for 6 vehicles (2 of which are disabled bays) is accessed via Malvern Street. While a larger car park with 27 spaces is accessed from Belfast Street just to the south of the main school entrance. This car park is primarily used by staff while the smaller car park is for visitors.
- 5.24 The applicant is intending to retain the overall car parking provision of 33 spaces (2 of which are disabled bays). The Highway Authority has no objections to the retention of the existing car parking levels.
- 5.25 In order to facilitate the development an agreement in principle has been reached between the school and the Highway Authority for the removal of the 33 space pay & display car park on Haddington Street. 18 spaces will be re-provided and it is the Highway Authority's intention for this to remain as a public off-street car parking. These works will need to be delivered; further detail is provided in the S106 section. The Highway Authority would look for minor amendments to the car parking layout this would result in the loss of 1 or 2 spaces (spaces 18 and 17). This is to provide a wider footway and more logical pedestrian route. Further details could be secured via condition.
- 5.26 Given the existing level of on-site car parking (33 spaces), that the development is in a CPZ and that some of the existing off-street car parking spaces in the Haddington Street car park are to be retained the Highway Authority does not require an on-street parking survey to be submitted in this instance.

Disabled Car Parking

- 5.27 SPG04 states that the minimum standard for disabled parking for a D1 (educational establishment) land use is 2 disabled spaces plus 1 additional space for each 2500m² of floorspace. Therefore for this development the minimum standard is 3 disabled spaces.
- 5.28 The applicant is proposing to retain the existing 2 disabled car parking spaces in the car park closest to the school. It is also not apparent from the submission as to whether the disabled bays are correctly designed in accordance with the Department for Transport guidance in Traffic Advisory Leaflet 5/95. This requires a 1.2m clear zone to both sides of the bay.
- 5.29 The Highway Authority would look for the applicant to consider 1 additional disabled space, provide justification for the level of disabled parking and ensure the bays are designed in accordance with TAL 5/95. Further details should be secured via condition.

Cycle Parking

- 5.30 SPG04 states that a minimum of 1 cycle parking space is required per 200m² or part thereof for D1 land uses. Therefore for this total development of 2392m² the minimum cycle parking standard is 12 spaces.
- 5.31 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.
- 5.32 The school currently has covered scooter and cycle parking on the playground (8 spaces). While the site benefits from staff showers and lockers it doesn't have any dedicated staff cycle parking spaces.
- 5.33 The applicant intends to provide 8 new pupil cycle/scooter spaces by the new Haddington Street entrance. While 8 cycle spaces for staff and visitors will be provided in the small car park to the north of the site.
- 5.34 The Highway Authority welcomes this level of cycle parking provision. From the submission it is not apparent as to the nature of the stands. Therefore the Highway Authority would recommend that further details are secured via condition.

Construction

- 5.35 Given the nature of the development and its obvious proximity to a school the Highway Authority would recommend that a condition is included on any permission granted that requires the applicant to produce a Construction Environmental Management Plan (CEMP) that looks at ways of mitigating the impact of the construction project. Transport measures within this document should include but not be limited to the following:
- Provide sub-contractors with suitable routes to and from the site:
 - Provide details of where sub-contractors should load/un-load from:
 - Measures to prevent vehicle movements during term time and school start and end times and how this will be enforced:
 - Measures to minimise the number of deliveries and consolidate deliveries:
 - Details of staff parking provision during construction:
 - Measures to prevent road safety issues outside of the school.

Travel Plan

- 5.36 The applicant has not submitted a Travel Plan at application stage but has stated that they intend to provide an updated copy. In order to address some of the concerns in relation to trip generation and road safety concerns around pick up and drop off of children, the Highway Authority would look for the school to produce a robust travel plan that is regularly monitored and promoted through whole school activities to both children and parents.
- 5.37 The Highway Authority would recommend that the standard school travel plan condition is included on any permission granted and that the school

contacts the Councils Road Safety Manager for any help with producing the updated travel plan.

Trip Generation

- 5.38 The proposed extension is to facilitate the expansion of the school from a two form entry to a three form entry. This means the number of pupils would increase from 466 to 654 over a 7 year period. The number of staff is forecast to increase from 61 to 81. It is forecast that the proposed extension will cause an increase in trip generation associated with the site.
- 5.39 In order to calculate the forecast trip generation the applicant's consultants have used the following methodology and assumptions.
- 5.40 The trip generation is based upon the number of children increasing by 188 and the number of staff increasing by 20. From this the applicant's consultant has forecast the potential increase in trips as a result of this development. For example in the morning and afternoon peaks there are forecast to be an additional 393 person trips above existing levels (786 daily trips).
- 5.41 In order to forecast the modal split for the forecast increase in trip generation the applicant's consultants have used modal splits from staff surveys in November 2014 and a pupil survey in March 2014. Taking these modal splits the applicant has forecast that there would be an additional 87 car trips to the site in the am peak and 106 walking trips.
- 5.42 The Highway Authority has no objections to the forecast increase in trips subject to the agreement to provide the necessary mitigation measures suggested below and produce a revised and updated travel plan.

Developer Contribution

- 5.43 As elsewhere, the development will generate additional trips and funding of means by the applicant to mitigate these impacts is appropriate. The Highway Authority would look for the applicant to provide a scheme of works detailing the proposed improvements in the local area prior to occupation of the development. The works shall include footway improvements in the local area, these shall specifically be:
- Church Road outside library build out and widen central refuge
 - Sackville Road install central refuge outside 29/31 Sackville Road
 - Hannington Street raised table near the junction with Malvern Street
 - Belfast Street pavement widened where current loading bay is
 - Eaton Road near junction with Hova Villas new refuge
 - Pembroke Gardens near Hove museum central refuge and build out on western side of junction
 - School keep clear and warning signs on Haddington Street.
- 5.44 The total cost of these works is £73,000. These works are considered to be fair and reasonable and necessary to facilitate the safe movement of children to and from the school. The applicant should note that these works do not form part any part of the works to the car park and works to Haddington

Street. A decision must be taken to how these are delivered. If the Highway Authority is to deliver these additional money must be paid above the £73,000.

5.45 Sustainability: Support

Local Plan Policy SU2 states that planning permission will be granted for proposals which demonstrate a high standard of efficiency in the use of energy, water and materials. City Plan Policy CP8 seeks that development incorporates sustainable design features to avoid expansion of the city's ecological footprint, help deliver the principles of the One Planet approach, radical reductions in greenhouse gas emissions, particularly CO2 emissions, and mitigates against and adapt to climate change.

5.46 Under supplementary planning document SPD08 and CP8 of the Submission City Plan, major medium scale new built development is expected to achieve BREEAM 'very good' and 50% in energy and water sections.

5.47 The applicant has submitted a BREEAM Pre-assessment report which indicates that 'very good' standard is targeted. The proposed assessment tool is 'simple buildings' a simplified BREEAM assessment tool designed specially for simpler buildings such as school extensions. This approach meets local policy standards and should be conditioned in the normal way.

5.48 Sustainability policy has been addressed, measures include: achievement of BREEAM 'very good' and 50% in energy and water sections; incorporation of a large photovoltaic array of 72 panels 20 kWp. The design incorporates passive design measures such as: brise soleil (solar shading); minimal openings to direct south elevation, and the majority of rooms are on an East West orientation; and use of internal blinds (reducing risk of overheating); manually opening windows with high and low level ventilation option. Sustainable drainage measures include use of porous surfaces in car parking area to reduce rainwater run off.

5.49 Within the BREEAM assessment scores indicate a good performance of 75-100% in transport, health and wellbeing, water, management and materials. The water section also targets a high score of 62%. The overall BREEAM score is high at 68.89%, close to achieving the overall score for an 'excellent' standard.

5.50 It is disappointing that no green roofs or rainwater harvesting are proposed, but other than this sustainability policy has been addressed.

5.51 Approval is recommended using a condition to secure BREEAM 'Simple Buildings' 'very good' standard with a minimum of 50% in energy and water sections.

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
TR10	Traffic calming
TR11	Safe routes to school and school safety zones
TR14	Cycle access and parking
TR19	Parking standards
SU2	Efficiency of development in the use of energy, water and materials
SU5	Surface water and foul sewage disposal infrastructure
SU10	Noise nuisance
SU13	Minimisation and re-use of construction industry waste
SU15	Infrastructure
QD1	Design – quality of development and design statements
QD2	Design – key principles for neighbourhoods

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QD3	Design – efficient and effective use of sites
QD14	Extensions and alterations
QD15	Landscape design
QD17	Protection and integration of nature conservation features
QD20	Urban Open Space
QD27	Protection of Amenity
HO19	New community facilities
SR20	Protection of public and private outdoor recreation space

East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan

WMP 3d Minimising and managing waste during construction, demolition and excavation.

Supplementary Planning Guidance:

SPGBH4 Parking Standards

Supplementary Planning Documents:

SPD03 Construction & Demolition Waste

SPD08 Sustainable Building Design

SPD12 Design Guide for Extensions and Alterations

Brighton & Hove City Plan Part One (submission document)

SS1 Presumption in Favour of Sustainable Development

CP8 Sustainable Buildings

SO21 Strategic Objective 21 – Additional school places

8 CONSIDERATIONS & ASSESSMENT

8.1 The main considerations material to this application are the principle of the proposal, the impacts of the proposed extensions and alterations on the appearance of the school and the amenities of adjacent residences, sustainability issues, and the impact of the intensification of use of the site on transport and highway safety in the area.

Principle:

8.2 One of the 12 core land use planning principles in the NPPF (paragraph 12) requires the delivery of sufficient community and cultural facilities and services to meet local needs. The Planning Policy Team has stated that the proposed extension would make an important contribution towards meeting the shortfall in primary school places in south and central Hove. This will meet existing needs and help to provide essential infrastructure for future housing development in the area.

8.3 The Schools Organisation Plan indicates that there are sufficient primary school places in the city overall even for the highest forecast numbers in 2015. However, the tables show that the broad distribution of children across the city does not wholly match the location of schools and this creates pressures in some parts of the city which will be difficult to meet in local schools. Evidence indicates that south and central Hove is the area with the greatest shortfall in

primary school places over the 5 years period covered by the Schools Organisation Plan peaking at a 179 place shortfall in 2016/17.

- 8.4 St Andrews School is located in south and central Hove where there is the greatest shortfall in school places. The proposal is to extend the school to increase the forms of entry from 2 to 3. This equates to an increase in school places at St Andrews from 466 pupils to 654 – an increase (when all years are full) of 188 places.
- 8.5 The proposal will meet the need for school places in the area with the greatest needs. This satisfies the aims of strategic objective 21 in the City Plan that aims to address the shortfall in school places by expanding successful schools. It will make an important contribution to school places in an area with existing and potential for new residential development. This will help to ensure there are sufficient school places available for existing and future residents.
- 8.6 Therefore, the principle of extending the school is considered to be acceptable but must be carefully assessed and considered. Proposals for such a large extension and significant increase in pupil numbers will always need to be rigorously examined in respect of the impact of the surrounding area, its impact on amenities and the highway network. The specific impacts of the development are considered fully below.

Design and Appearance:

- 8.7 Policy QD14 of the Local Plan requires extensions to be well designed, sited and detailed in relation to the buildings to be extended, adjoining properties and to the surrounding area. The main bulk of the proposal involves the addition of a modern two storey extension to the east side of the main school building, extending into the existing Haddington Street car park.
- 8.8 The main extension would have a footprint of approximately 185m² and would have a flat roof with parapet. The elevations would be finished in a combination of brick and coloured resin cladding panels. The cladding panels to the northern and southern elevations would be in shades of blue while the cladding at first floor level on the eastern elevation would be in grey/white colours. Details of these materials have been provided and are considered acceptable. The roof would be completed in a single-ply membrane but would not be visible from public viewpoint as it would be hidden by the parapet.
- 8.9 The design of the existing school is not of a high standard, and its attempt to reflect the terraced properties surrounding the site fails due to its mass, scale and poor detailing. The design of the main extension is a modern one, which is considered acceptable in principle as the surrounding area is mixed in terms of character. Overall, the appearance of the main extension is considered satisfactory in this location.
- 8.10 In terms of scale and impact, the maximum height of the extension will be 7.1m from ground level (23.41m Above Ordnance Datum (AOD)), although the majority of the building would have a height of 6.8m (23.11m AOD). This compares to the existing school building, which has an eaves height of 6.1m

and a ridge height of 8.7m. The requirement for the additional classrooms does result in the proposed extension being large. The proposed extension, although having an overall lower height than the existing school would appear rather bulky in comparison due to the differing design of old and new. However, it is considered that these differences are not so significant that the scale and massing of the extension would be harmful to the host building or visually overly dominant. In addition, as the extension will be built on a corner plot position, it would not be out of keeping having a stronger design element in this location.

8.11 The other smaller extensions to the school would be single storey in nature with mainly matching finishes to match the host building. It is considered that while these single storey extensions would not improve the appearance of the existing school, nor would they have any significant detrimental impact that would warrant refusal of the application. A condition is recommended to secure the removal of the temporary classroom when works have been completed.

8.12 The temporary relocation of the temporary classroom to the western car park would have a greater impact than in its present position at the north eastern corner of the site. This is because in its current position, the classroom is well screened by the boundary wall. The boundary treatment at the western car park is a dwarf wall with brick piers with railing in between. This would result in the visually poor temporary classroom having a much greater impact on the character and appearance of the area. This impact would be detrimental, however, due to the temporary nature of the siting in this position during the construction works only, this temporary harm does not outweigh the benefits of the extensions to this community facility.

8.13 In regard to the proposed materials to be used in the construction of the extensions, the applicant has submitted the following details:

- External face Brickwork: Wienwerberger Dockland Yellow Multi.
- Blue Cladding to North & South Elevations: Steni Colour SN 7534 Half Matt & Contrasting SN 9400 Half Matt.
- Light Cladding to Haddington Street: Steni Colour 40227 Colour SN8002 Matt & Contrasting 40504 Colour SN 8001 Matt.
- Windows flashings and RWP's Colour: RAL 7037 Mid Grey
- Roof Membrane: Single ply membrane in a Dark Grey Colour
- Brise Soilel: RAL 7037 framing with Light Grey Blades.

These details are considered acceptable in relation to the existing school and the surrounding area. A condition is proposed to ensure that these materials are used unless agreed in writing by the Local Planning Authority.

8.14 On this basis it is considered that the proposals are of an acceptable scale and design, and would not be harmful to the character and appearance of the area. Therefore the proposal is considered to be in accordance with policies QD1, QD2 and QD14 of the Brighton & Hove Local Plan.

Impacts on Residential Amenity:

- 8.15 Policy QD27 will not grant planning permission for development which would cause nuisance and loss of amenity to adjacent residents and occupiers. The nearest residential properties are located to the east of the site, on the opposite side of Haddington Street. These properties comprise of two storey terraced houses fronting onto the pavement. The main extension would be sited just over 15 metres from these properties. While the extension would have an impact on these properties, the separation distance is considered sufficient to ensure that the outlook to these properties would not be unduly disturbed. This separation distance would not result in a detrimental loss of daylight/sunlight to these properties.
- 8.16 The plans shows a number of windows on the eastern elevation of the main extension and these could have an impact on privacy and the perception of overlooking, especially into the first floor windows of the terraced properties. However, this could be overcome by a suitably worded condition ensuring that the first floor windows on this elevation would be obscurely glazed. The windows on the northern elevation overlook Malvern Street and the rear of the Co-Op store and would not result in any detrimental impact on amenity. The windows on the southern elevation overlook the playground and playing fields beyond, so would not result in any harm to amenity. The single storey additions to the school are modest and would not impact on the amenity of neighbouring properties.
- 8.17 Residents have raised concerns over greater noise levels emanating from the site as a result of the uplift in pupil numbers, principally from outside play. However, in this instance any noise impact is not considered sufficiently harmful within the context of this site. Likewise further concerns over noise and disturbance during construction works are not considered sufficiently material or reasonable to warrant the refusal of permission, especially given their temporary nature.
- 8.18 Therefore, it is considered that the proposed extensions would not be harmful to neighbouring amenity and are in accordance with policies QD14 and QD27 of the Brighton and Hove Local Plan.

Sustainable Transport:

- 8.19 Policy TR1 of the Local Plan requires development proposals to provide for the demand for travel which they create and maximise the use of public transport, walking and cycling. Policy TR7 will permit developments that would not increase the danger to users of adjacent pavement, cycle routes and roads. Policy TR14 requires that new development must provide covered and secured cycle parking facilities for residents.
- 8.20 The main concern is with regard to the impact of the uplift in pupil and staff numbers on traffic levels, parking, access and pedestrian and highway safety in the immediate area. This is reflected in the letters of objection received.
- 8.21 The Council's transport planners have examined the proposal and have stated that the vehicular access to the site is to remain as existing. There is currently

a vehicle access on Malvern Street to a small car park. The staff car park is accessed from a dropped vehicle crossover at the corner of Belfast Street and Stirling Place. While an emergency vehicle access is located to the east of the site on Haddington Street. The Highway Authority has raised no objections to retention of these access arrangements.

- 8.22 In terms of pedestrian access, the main access is located on Belfast Street. While a secondary access is located on Malvern Street; which is not as well used. The applicant intends to retain these access arrangements which are deemed acceptable by the Highway Authority. The applicant has also previously trialled the opening of the emergency access on Haddington Street for pedestrian access only at the start and end of the school day. The Highway Authority would not look for this to be open as they have concerns that this will encourage parents who drive to park illegally on the relatively quiet Haddington Street. The Highway Authority would only look for the new gates on the eastern elevation to be used (these are marked as 3 on the proposed external works plan). The emergency access on Haddington Street should ideally only be used for emergencies, which can be secured through an appropriately worded condition.
- 8.23 Currently the school has two car parking areas. A small car park for 6 vehicles (2 of which are disabled bays) is accessed via Malvern Street. While a larger car park with 27 spaces is accessed from Belfast Street just to the south of the main school entrance. This car park is primarily used by staff while the smaller car park is for visitors. The applicant is intending to retain the overall car parking provision of 33 spaces (2 of which are disabled bays) which is considered acceptable in this location.
- 8.24 In order to facilitate the development an agreement in principle has been reached between the school and the Highway Authority for the removal of the 33 space pay & display car park on Haddington Street. Eighteen (18) spaces will be re-provided and it is the Highway Authority's intention for this to remain as a public off-street car parking. While this loss of public car parking is unfortunate, it is considered that this loss is outweighed by the benefit of the increased capacity of the community facility.
- 8.25 The Highway Authority has stated that they would look for minor amendments to the car parking layout this would result in the loss of 1 or 2 spaces (spaces 18 and 17) in order to provide a wider footway and more logical pedestrian route. This alteration could be secured through an appropriately worded condition.
- 8.26 SPG04 states that the minimum standard for disabled parking for a D1 (educational establishment) land use is 2 disabled spaces plus 1 additional space for each 2500m² of floorspace. Therefore for this development the minimum standard is 3 disabled spaces. The applicant is proposing to retain the existing 2 disabled car parking spaces in the car park closest to the school. The Highway Authority has commented that it is not apparent from the submission as to whether the existing disabled bays are correctly designed in accordance with the Department for Transport guidance in Traffic Advisory

Leaflet 5/95. This requires a 1.2m clear zone to both sides of the bay. As such, the Highway Authority has requested that the applicants should consider 1 additional disabled space, provide justification for the level of disabled parking and ensure the bays are designed in accordance with TAL 5/95. It is considered that this issue can be addressed by a suitably worded condition.

- 8.27 Construction of the proposal would result in the closure of the Haddington Street car park until the re-designed parking was available for use. The closure of this car park would have an impact on neighbouring properties and local businesses. However, having no car parking in this location would only be temporary in nature and it is considered that this temporary complete loss is outweighed by the benefit of the increased capacity of the community facility.
- 8.28 SPG04 states that a minimum of 1 cycle parking space is required per 200m² or part thereof for D1 land uses. Therefore for this total development of 2392m² the minimum cycle parking standard is 12 spaces. The school currently has covered scooter and cycle parking on the playground (8 spaces). While the site benefits from staff showers and lockers it doesn't have any dedicated staff cycle parking spaces. The applicant intends to provide 8 new pupil cycle/scooter spaces by the new Haddington Street entrance. In addition, 8 cycle spaces for staff and visitors will be provided in the small car park to the north of the site. The Highway Authority has no objections in regard to cycle parking provision but requests that further details are secured via condition.
- 8.29 Given the nature of the development and its obvious proximity to a school the Highway Authority has recommended that a condition is included on any permission granted that requires the applicant to produce a Construction Environmental Management Plan (CEMP) that looks at ways of mitigating the impact of the construction project. Transport measures within this document should include but not be limited to the following:
- Provide sub-contractors with suitable routes to and from the site:
 - Provide details of where sub-contractors should load/un-load from:
 - Measures to prevent vehicle movements during term time and school start and end times and how this will be enforced:
 - Measures to minimise the number of deliveries and consolidate deliveries:
 - Details of staff parking provision during construction:
 - Measures to prevent road safety issues outside of the school.
- 8.30 It is considered that an appropriately worded condition could be attached to secure these details and ensure that the construction of the extensions has as little impact as is reasonably possible.
- 8.31 The applicant has not submitted a Travel Plan at application stage but has stated that they intend to provide an updated copy. In order to address some of the concerns in relation to trip generation and road safety concerns around pick up and drop off of children, the Highway Authority has stated that the school should produce a robust travel plan that is regularly monitored and promoted through whole school activities to both children and parents. The

Highway Authority has recommended that the standard school travel plan condition is included on any permission granted.

- 8.32 The proposed extension is to facilitate the expansion of the school from a two form entry to a three form entry. This means the number of pupils would increase from 466 to 654 over a 7 year period. The number of staff is forecast to increase from 61 to 81. It is forecast that the proposed extension will cause an increase in trip generation associated with the site. The trip generation is based upon the number of children increasing by 188 and the number of staff increasing by 20. From this, the applicant's consultant has forecast the potential increase in trips as a result of this development. For example in the morning and afternoon peaks there are forecast to be an additional 393 person trips above existing levels (786 daily trips).
- 8.33 In order to forecast the modal split for the forecast increase in trip generation the applicant's consultants have used modal splits from staff surveys in November 2014 and a pupil survey in March 2014. Taking these modal splits the applicant has forecast that there would be an additional 87 car trips to the site in the am peak and 106 walking trips. While this increase in vehicular and pedestrian movements will have an impact on the locality, especially at drop-off and pick up times, it is considered that this impact is outweighed by the benefit of the increased capacity of the community facility.
- 8.34 To comply with the Brighton and Hove Local Plan 2005 policies TR1 and QD28 and the Council Interim Guidance on Developer Contributions approved by Cabinet on the 2nd February 2012 the applicant is expected to make a financial contribution of £67,000. In terms of contributions, based on the information submitted by the applicant the additional total daily person trips generated by the development are 786 trips. When this is input into the standard S106 formula this calculates an overall contribution of £157,500.
- 8.35 The Highway Authority would look for the applicant to provide a scheme of works detailing the proposed improvements in the local area prior to occupation of the development. The works shall include footway improvements in the local area, these shall specifically be:
- Church Road outside library build out and widen central refuge.
 - Sackville Road install central refuge outside 29/31 Sackvilla Road.
 - Hannington Street raised table near the junction with Malvern Street.
 - Belfast Street pavement widened where current loading bay is.
 - Eaton Road near junction with Hova Villas new refuge.
 - Pembroke Gardens near Hove museum central refuge and build out on western side of junction.
- 8.36 Overall, subject to the above mentioned conditions, it is considered that the proposal is in accordance with policies TR1, TR2, TR4, TR7, TR11 and TR14 of the Brighton & Hove Local Plan.

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. City Plan Policy CP8 seeks that development incorporates sustainable design features to avoid expansion of the city's ecological footprint, help deliver the principles of the One Planet approach, radical reductions in greenhouse gas emissions, particularly CO² emissions, and mitigates against and adapt to climate change.
- 8.38 The applicant has submitted a BREEAM Pre-assessment report which indicates that 'very good' standard is targeted. The proposed assessment tool is 'simple buildings' a simplified BREEAM assessment tool designed specially for simpler buildings such as school extensions.
- 8.39 Sustainability measures include: achievement of BREEAM 'very good' and 50% in energy and water sections; incorporation of a large photovoltaic array of 72 panels 20 kWp. The design incorporates passive design measures such as: brise soleil (solar shading); minimal openings to direct south elevation, and the majority of rooms are on an East West orientation; and use of internal blinds (reducing risk of overheating); manually opening windows with high and low level ventilation option. Sustainable drainage measures include use of porous surfaces in car parking area to reduce rainwater run off.
- 8.40 Within the BREEAM assessment scores indicate a good performance of 75-100% in transport, health and wellbeing, water, management and materials. The water section also targets a high score of 62%. The overall BREEAM score is high at 68.89%, close to achieving the overall score for an 'excellent' standard.
- 8.41 The submitted plans do not detail any additional refuse and recycling facilities commensurate to the uplift in pupil and staff numbers at the site. For this reason an appropriate refuse and recycling scheme is requested by condition in order that the development complies with policy SU2.
- 8.42 Overall, the proposal is in accordance with Local Plan Policy SU2, emerging City Plan Policy CP8 and SPD 8.

Waste Minimisation:

- 8.43 Policy SU13 and Supplementary Planning Document 03 on Construction and Demolition Waste seek to reduce construction waste and require the submission of a Site Waste Management Plan for non-residential schemes over 200sqm demonstrating how waste from the development will be suitably managed in order to reduce the amount of waste being sent to landfill. It is considered that the submitted waste management plan is acceptable in this instance.
- 8.44 The submitted plans do not detail how additional refuse and recycling facilities will be provided on site commensurate to the uplift in pupil and staff numbers following this development. For this reason an appropriate refuse and recycling scheme is requested by condition in order that the development fully complies with policy SU2.

Archaeology:

8.45 The County Archaeologist initially raised concerns that having checked Victorian maps, the proposed main extension would be built on the former graveyard of St Andrews Church.

8.46 The applicant subsequently submitted additional information in the form of historical maps, which shows that the extensions are outside the extent of the former cemetery. The County Archaeologist subsequently stated that assuming there is to be no proposed ground impact (including temporary construction compounds or car parking extension in the area south of the former Monmouth Street), then the proposal would not have an impact on any significant archaeological remains. Therefore, it is considered that the proposals impact on archaeological remains is acceptable in this instance.

Environmental Health:

8.47 The Council's Environmental Health officer has stated that given the proximity of the school and playing field to the former cemetery site and the old gas works site which is now remediated and Tesco's, it is considered appropriate to apply a discovery strategy to deal with any unexpected findings.

Other Considerations:

8.48 The representations received objecting to the proposal also raised the following addition points.

- Restriction and impact on delivery times.
- Loss of trade.
- Revised infant playground is too small.
- Does not address the issue of where the extra pupils will play in the winter months.
- Not enough space in the school for an extra form entry.
- Already below the DofE guidelines for a two form school.
- Feedback to the schools consultation process has gone unheard.
- The application site does not cover the whole school and is therefore invalid.
- By treating the application as a minor one it denies a proper opportunity to debate the application.
- Many local residents have not been advised of the planning application.

8.49 The proposal does not restrict or impact on delivery times for nearby businesses and there is no evidence that there would be a loss of trade. In regard to the amount of space, play space, where pupils will play during the winter months, DofE guidelines and the schools consultation process, these are mainly matters for the School and Education Authority and are not reasons to refuse this planning application.

8.50 The final three points above relate to procedural issues. The legal requirement is that the application must be accompanied, inter alia, by a "plan which identifies the land to which the application relates" (Article 6 Town and

Country Planning (Development Management Procedure) (England) Order 2010). This is the land which must be delineated by a red line. There is no legal requirement that the red line must correspond to the planning unit.

8.51 The definition of a 'major' application is set out in Article 2 of the above Order:

"major development" means development involving any one or more of the following—

- (a) the winning and working of minerals or the use of land for mineral-working deposits;
- (b) waste development;
- (c) the provision of dwellinghouses where —
 - (i) the number of dwellinghouses to be provided is 10 or more; or
 - (ii) the development is to be carried out on a site having an area of 0.5 hectares or more and it is not known whether the development falls within sub-paragraph (c)(i);
- (d) the provision of a building or buildings where the floor space to be created by the development is 1,000 square metres or more; or
- (e) development carried out on a site having an area of 1 hectare or more"

8.52 The proposal within application BH2014/04147 does not create 1,000sqm or more of floor space. The increase is 922sqm. The site area for this application is approximately 0.51 hectares so is under the 1 hectare threshold to be classed as a 'major' application. In addition, having calculated the application site and the adjoining playing field, the area would come to 0.92 hectares. Publicity requirements are set out in Article 13 of the 2010 Order. So far as "minor" applications are concerned the legislation requires that these applications must be advertised by publication on the Council's website and also either by the display of at least one site notice or by serving notice of the application "on any adjoining owner or occupier". In this instance, the Local Planning Authority has exceeded these requirements.

8.53 Overall, these additional issues do not outweigh the above considerations and do not warrant the refusal of this application.

9 CONCLUSION

9.1 The school extension is acceptable in principle and is needed to cater for an increase in primary school children in south and central Hove. The development will make efficient and effective use of land within the built up area without causing detriment to the character and appearance of the site or surrounding area. The development will not have a significant impact on amenity for occupiers of adjoining properties, or harm the highway network.

10 EQUALITIES

10.1 The disabled car parking condition could improve access on the site.

11 PLANNING OBLIGATION / CONDITIONS / INFORMATIVES

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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	001	B	21.01.2015
Block Plan	002	B	21.01.2015
Ownership Plan	003		09.12.2014
Existing Ground Floor Plan	005		09.12.2014
Existing First Floor Plan	006		09.12.2014
Existing Roof Plan	007		09.12.2014
Proposed Phasing Plan	008		09.12.2014
Existing External Works Plan	009		18.12.2014
Existing Elevations	010		18.12.2014
Proposed Site Sections	012		09.12.2014
Proposed Ground Floor Plan 1 of 3	020		09.12.2014
Proposed Ground Floor Plan 2 of 3	021		09.12.2014
Proposed Ground Floor Plan 3 of 3	022		09.12.2014
Proposed First Floor Plan 1 of 3	022		09.12.2014
Proposed First Floor Plan 2 of 3	024		09.12.2014
Proposed First Floor Plan 3 of 3	025		09.12.2014
Proposed Roof Plan	026		09.12.2014
Proposed External Works	030		05.02.2015
Proposed Main Block Elevations	040		09.12.2014
Additional Extension Elevations	041		09.12.2014
Contextual Sections	045		09.12.2014
Proposed 3D Views	050	A	22.01.2015
Proposed 3D Views	051		09.12.2014
Existing Floor Plans	070		09.12.2014
Proposed Floor Plans	071		09.12.2014
Preliminary Drainage Strategy	SK-DR01		09.12.2014
Historic Mapping			21.01.2015
External Material Details			13.02.2015

11.2 Pre-Commencement Conditions:

- 3) No development shall commence until a Construction Environmental Management Plan (CEMP) has been submitted to and approved by the Local Planning Authority. The CEMP shall include details of measures to mitigate disturbance during demolition and construction works from noise

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and dust, plant and equipment and transport movements in addition to details of any temporary external lighting to be installed at the site and measures to prevent light spillage. The development shall be carried out in compliance with the approved CEMP unless otherwise approved in writing by the Local Planning Authority.

Reason: To ensure highway safety and that appropriate environmental protection is in place to safeguard neighbouring amenity in compliance with policies TR7, SU9, SU10 and QD27 of the Brighton & Hove Local Plan.

- 4) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) (or any order amending, revoking or re-enacting that order), no buildings, moveable structures, works, plant, machinery, access, storage of vehicles, equipment or materials or other use in connection with the carrying out of the development hereby permitted shall be permitted on the playing field shown edged on Drawing No. 001 Rev A.

Reason: To protect playing field from damage, loss or availability of use and to accord with Development Plan Policy SR20 of the Brighton & Hove Local Plan.

- 5) Unless otherwise agreed in writing by the Local Planning Authority, the development shall be constructed using the external materials submitted to the Local Planning Authority on the 13.02.2015.

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

- 6) The first floor windows on the eastern elevation of the development hereby permitted shall not be glazed otherwise than with obscured glass up to 1.7m above the 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.

- 7) All new hard surfaces hereby approved shall be made of porous materials and retained thereafter or provision shall be made and retained thereafter to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the site.

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

- 8) Prior to the installation of the brise soleil on the southern elevation of the development hereby permitted full details brise soleil including 1:20 scale elevational drawings and sections have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out and completed fully in accordance with the approved details and shall be retained as such thereafter.

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

- 9) If during construction, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing by the Local Planning Authority), shall be carried out until a method statement identifying, assessing the risk and proposing remediation measures, together with a programme, shall be submitted to and approved in writing by the Local Planning Authority. The remediation measures shall be carried out as approved and in accordance with the approved programme.

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

11.3 Pre-Occupation Conditions:

- 10) 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.

- 11) The development hereby permitted shall not be occupied until a School Travel Plan for the development has been submitted and approved by the Local Planning Authority. The School Travel Plan shall be approved in writing by the Local Planning Authority prior to occupation of the development hereby permitted and shall thereafter be retained for use at all times.

Reason: To seek to reduce traffic generation by encouraging alternative means of transport to private motor vehicles and to comply with policy TR4 of the Brighton & Hove Local Plan.

- 12) The development hereby permitted shall not be occupied until improvements to footways and pedestrian crossing facilities in the vicinity of the site have been implemented in accordance with details which have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the promotion of sustainable forms of travel and comply with policies TR1, TR8, TR11 and QD28 of the Brighton & Hove Local Plan.

- 13) 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

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and the refuse and recycling storage facilities shall thereafter be retained for use at all times.

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

- 14) The development hereby permitted shall not be occupied until a scheme to enhance the nature conservation interest of the site has been submitted to and agreed in writing by the Local Planning Authority. The scheme shall accord with the standards described in Annex 6 of SPD 11 and shall be implemented in full prior to the occupation of the development hereby approved.

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

- 15) 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 built has achieved a minimum BREEAM rating of 50% in energy and water sections of relevant BREEAM assessment within overall 'Very Good' has been submitted to, and approved in writing by, the Local Planning Authority.

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

- 16) The development hereby permitted shall be undertaken in accordance with the Waste Minimisation Statement received on 09.12.2014.

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.

- 17) The development hereby permitted shall not be occupied 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.

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- 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) Within 3 months of the first occupation of the development hereby permitted, the temporary classroom within the north western car park shall be removed unless otherwise agreed in writing by the Local Planning Authority.

Reason: The siting of the temporary classroom in the north western has a detrimental impact on the character and appearance of the area and is only acceptable due to the temporary nature of its siting in this location. The removal of the temporary classroom is required to comply with policies QD1 and QD14 of the Brighton & Hove Local Plan.

Informatives:

1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One (submission document) the approach to making a decision on this planning application has been to apply the presumption in favour of sustainable development. The Local Planning Authority seeks to approve planning applications which are for sustainable development where possible.
2. This decision to grant Planning Permission has been taken:
 - (i) having regard to the policies and proposals in the National Planning Policy Framework and the Development Plan, including Supplementary Planning Guidance and Supplementary Planning Documents:
(Please see section 7 of the report for the full list); and
 - (ii) for the following reasons:- The school extension is acceptable in principle and is needed to cater for an increase in primary school children in south and central Hove. The proposed extensions and alterations would compliment the appearance of the existing school without harm to the street scene, would not harm the amenities of adjoining occupiers, would, with implementation of a travel plan and proposed highway improvements, improve traffic and pedestrian safety in the vicinity of the site. The proposal is considered to be in accordance with development plan policies.

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3. The Travel Plan required by condition 11 shall include such commitments as are considered appropriate, and should include as a minimum the following initiatives and commitments:
 - (i) Promote and enable increased use of walking, cycling, public transport use, car sharing, and car clubs as alternatives to sole car use:
 - (ii) Increase awareness of and improve road safety and personal security:
 - (iii) Undertake dialogue and consultation with adjacent/neighbouring tenants/businesses:
 - (iv) Identify a nominated member of staff or post to act as Travel Plan Co-ordinator, and to become the individual contact for the Local Planning Authority relating to the Travel Plan.
 - (v) Identify a monitoring framework, which shall include a commitment to undertake an annual staff and pupil travel survey, for at least five years, or until such time as the identified targets are met, to enable the Travel Plan to be reviewed and updated as appropriate. Annual surveys should be submitted to the Council's School Travel Plan Officers:
 - (vi) A commitment to reduce carbon emissions associated with school travel:
 - (vii) Identify targets focussed on reductions in the level of staff and parent car use:
4. The applicant is advised that advice regarding permeable and porous hardsurfaces can be found in the Department of Communities and Local Government document 'Guidance on the permeable surfacing of front gardens' which can be accessed on the DCLG website (www.communities.gov.uk).
5. The applicant is advised that details of the BREEAM assessment tools and a list of approved assessors can be obtained from the BREEAM websites (www.breeam.org). Details about BREEAM can also be found in Supplementary Planning Document SPD08 Sustainable Building Design, which can be accessed on the Brighton & Hove City Council website (www.brighton-hove.gov.uk).

Planning Application - BH2014/04147

I support the planning application

Sender's details

Councillor Andrew Wealls
King's House, Grand Avenue, Hove
BN3 2LS
01273 291119
andrew.wealls@brighton-hove.gov.uk

Comment

I fully support the application of St Andrew's School to expand. The school is a successful, popular one with an 'outstanding' rating from Ofsted. The school is an inclusive CofE school and the extra form of entry enabled by this development will benefit the local community as 50% of places are open to community applications. The school is situated in an area of severe undercapacity of primary school places. The planned additional works allow significant improvements to the school environment, not just for existing students but also for the new form of entry. The buildings are of an attractive design and make minimal impact on the opportunity for outdoor activity for the students. I declare an interest as both ward councillor and a governor of the school.

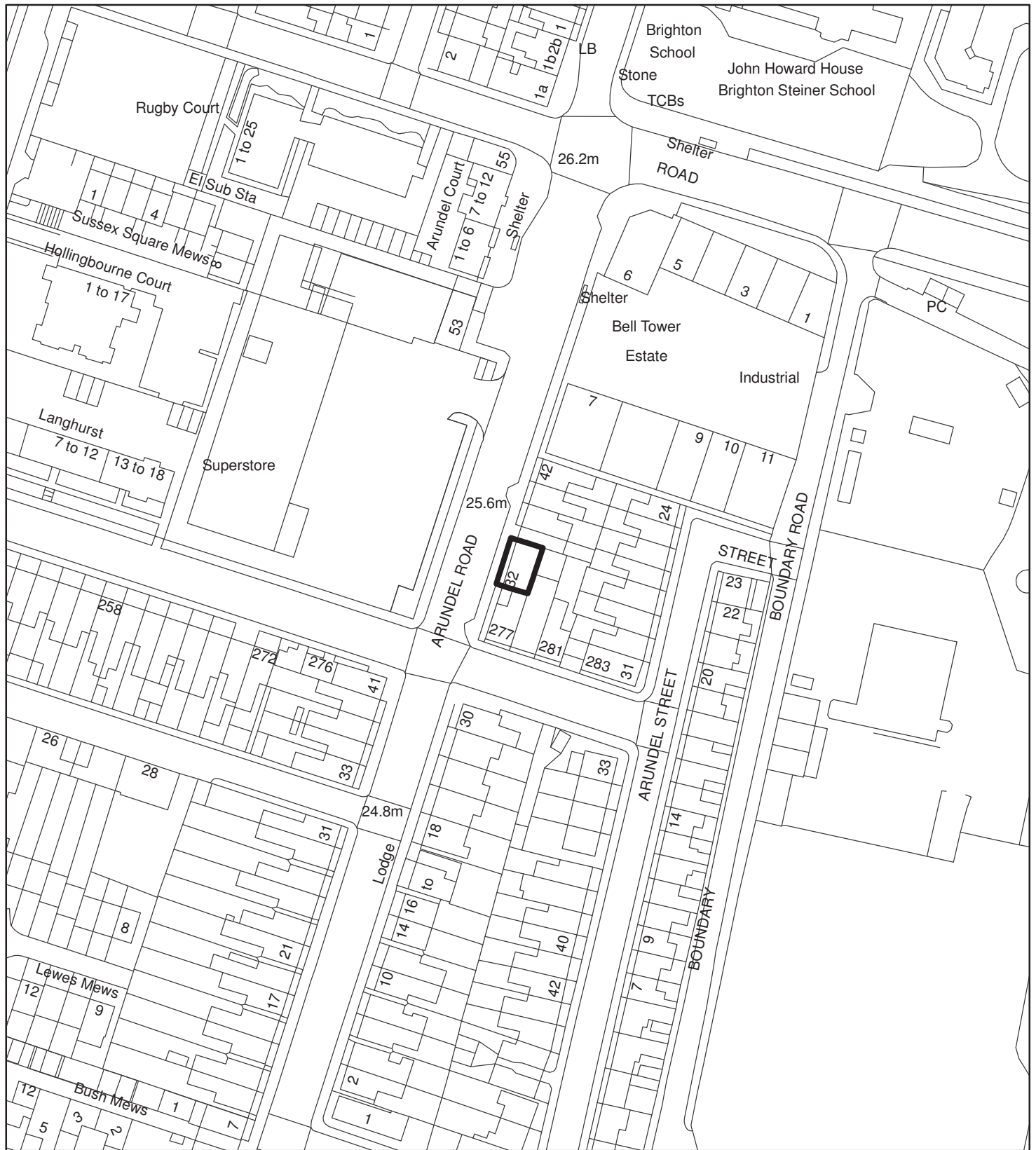
ITEM D

32-34 Arundel Road, Brighton

BH2013/03955
Full planning

11 MARCH 2015

BH2013-03955 32-34 Arundel Road, Brighton



**Brighton & Hove
City Council**



Scale: 1:1,250

<u>No:</u>	BH2013/03955	<u>Ward:</u>	ROTTINGDEAN COASTAL
<u>App Type:</u>	Full Planning		
<u>Address:</u>	32 - 34 Arundel Road Brighton		
<u>Proposal:</u>	Demolition of existing shop and flat above and erection of three storey building with basement creating 4no two bedroom maisonettes.		
<u>Officer:</u>	Sue Dubberley Tel 293817	<u>Valid Date:</u>	04 December 2013
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	29 January 2014
<u>Listed Building Grade:</u>	N/A		
<u>Agent:</u>	Trevor N Scoble, 2 Madeira Place, Brighton BN2 1TN		
<u>Applicant:</u>	Richards Properties, Martin Richards, Burton House, Burtonhole Lane Mill Hill, London NW7 1AL		

1 RECOMMENDATION

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

2 SITE LOCATION & DESCRIPTION

- 2.1 The site is located on the east side of Arundel Road opposite Lidl's car park and one property north of the junction with Eastern Road. It forms part of a terrace and comprises a ground floor betting office which is currently vacant and flat over with separate entrance. The building is rendered and has a flat roof. The neighbouring properties to the north and south are divided into flats and are taller with pitched roofs, although lower flat-roofed extensions have been added to both adjacent to the application building. The rear boundary adjoins the building and rear garden area of no. 279 Eastern Road.

3 RELEVANT HISTORY

BH2013/00454 Demolition of existing shop and flat above and erection of three storey building with basement creating 4no two bedroom maisonettes. Refused 29/05/2013 for the following reasons:

1. *The Heath and Safety Executive have advised against the proposed development due to the density and scale of the development proposed and the proximity of the site to a Major Hazardous Installation in the form of the Black Rock gas holder site. The proposal is therefore contrary to policy SU12 of the Brighton and Hove Local Plan.*
2. *The proposed building would have an incongruous and excessively prominent appearance when viewed in conjunction with the buildings to either side and the wider street scene. The proposal fails to demonstrate a high standard of*

design and architecture and fails to pay respect to the context of the site. The development is therefore contrary to policies QD1 and QD2 of the Brighton and Hove Local Plan.

3. *The proposed residential units would provide an unacceptably poor standard of accommodation due to their cramped layouts and small room sizes. The proposed kitchen areas are particularly small in relation to the two-bedroom units proposed. The proposed development is therefore contrary to policy QD27 of the Brighton and Hove Local Plan which seeks to ensure an acceptable standard of amenity for future residents.*
4. *The submitted details fail to demonstrate that the proposed development would, or could contain appropriate provision for cycle storage without significant alterations to the internal ground floor layouts proposed. The development is therefore contrary to policies TR1 and TR19 of the Brighton and Hove Local Plan.*

BH2012/02214: Demolition of existing betting shop and flat above and erection of three storey building with basement creating 4no two bed maisonettes. Refused 03/10/12.

BH2012/00186: 'Demolition of existing betting shop and flat above and erection of part two and part three storey building with basement creating 4no flats and 2no maisonettes.' Withdrawn 16/04/2012.

BH2007/02995: 'Refurbishing and reworking of existing first floor flat and the addition of a second floor to accommodate an additional flat.' Approved 08/01/2009.

4 THE APPLICATION

- 4.1 Planning permission is sought for the demolition of the existing building and erection of a four storey building (lower ground floor, ground floor, first floor and second floor). The building would contain four self-contained maisonettes.

5 PUBLICITY & CONSULTATIONS

External

- 5.1 **Neighbours:** Five (5) letters have been received from **110A St James Street, 47A Upper Rock Gardens, 55 Arundel Road, 59 Greenways, Crescent, Shoreham by Sea (x2)**, supporting the application for the following reasons:
 - Similar elevation to the Stag Inn flats development, layout and roof similar to Brighton College.
 - Time that the area was regenerated.
 - The development would enhance the surrounding area and should be approved.
 - Example of uplifting modern architecture similar to the Stag Inn.
- 5.2 An email has been received from **Councillors David Smith** and **Cllr Mary Mears** in support of the application. Copy of letter attached.

- 5.3 A letter has been received from the occupier of **281 Eastern Road**, objecting for following reasons:-
- Four flats are too many for the small plot of land.
 - Should be no balcony at rear or access to keep neighbour privacy.
 - Worried about the basement as the Gas Works are nearby and works could touch a pipeline.

- 5.4 **Health and Safety Executive (HSE):** HSE's advice is that there are sufficient reasons, on safety grounds, for advising against the granting of planning permission in this case.

Internal:

- 5.5 **Environmental Health:** Comment. It is recommended that a land contamination discovery condition be applied to any approval granted and that a Construction Environmental Management Plan be secured by s106 planning legal agreement.
- 5.6 **Arboriculture:** Comment. There is a street tree sited in front of the application site, and trees and vegetation located to the rear of the site. It is therefore recommended that a condition to secure an Arboricultural Method Statement detailing protection measures to ensure the preservation of these trees during demolition and construction works be applied to any approval granted.
- 5.7 **Sustainable Transport:** Comment. The Highway Authority does not have any objections, subject to the indecision of the necessary conditions on any permission granted. The previous transport reason for refusal has been addressed as alternative cycle provision has been provided.
- 5.8 **Access Consultant:** Object. The bathroom layouts proposed fail to provide the required minimum spaces around toilets. The proposed upper floor units fail to provide their main living space at entrance level. The proposed stairways do not appear to provide the minimum 900mm clearance width required.

6 MATERIAL CONSIDERATIONS

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

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

7 RELEVANT POLICIES & GUIDANCE

The National Planning Policy Framework (NPPF)

Brighton & Hove Local Plan:

- TR1 Development and the demand for travel
- TR7 Safe development
- TR14 Cycle access and parking
- TR19 Parking standards
- SU2 Efficiency of development in the use of energy, water and materials
- SU12 Hazardous substances
- 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
- HO7 Car free housing
- HO13 Accessible housing and lifetime homes

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

8 CONSIDERATIONS & ASSESSMENT

8.1 The main considerations in the determination of this application relate to the principle of the demolition of the existing building and the erection of a building comprising four residential units, the hazardous site located to the east of the site which contains two gas holders, the appearance of the proposed development, the standard of accommodation which the development would provide, neighbouring amenity, transport, sustainability, and impact upon existing trees in the immediate vicinity of the application site.

Principle of development / hazardous site:

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 provision target, appeal Inspectors are likely to use the city's full objectively assessed need (OAN) for housing to 2030 (estimated to fall within the range 18,000 – 24,000 units) as the basis for the five year supply position.

8.3 The Local Planning Authority is unable to demonstrate a five year supply against such a high requirement. As such, applications for new housing development need to be considered against paragraphs 14 and 49 of the NPPF. These paragraphs set out a general presumption in favour of sustainable development unless any adverse impacts of development would significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework taken as a whole. The merits of the proposal are considered below.

8.4 The established use of the ground floor and basement of the property is as a betting shop (Use Class A2). As an A2 Class unit which does not form part of a designated shopping centre or local parade the existing use is not protected by local plan policies and as such there is no policy objection to the change of use.

8.5 The proposal for residential use is not objected to in principle; the site is adjoined by residential uses immediately to the north and south of the site and the change of use would therefore be in keeping with existing uses in the locality. However, for reasons outlined below there are concerns with regard to introducing residential to this site.

Hazardous sites

8.6 The site is located within the vicinity of the Black Rock Gas Holder Site and para 2.68 of Policy SU12 is relevant which states that:

Certain sites and pipelines (e.g. British Gas High Pressure Pipelines) are designated as notifiable installations by virtue of the quantities of hazardous substances that are stored or used in them. Whilst they are subject to

stringent controls under existing health and safety legislation, it is considered prudent to control the kinds of development permitted in the vicinity of these installations. The planning authority will consult with the relevant bodies concerned with controlling hazardous substances where applications are received within the vicinity of any notifiable installation (the distances vary according to the substances involved).

- 8.7 The site has an area of approximately 89sqm, therefore the proposed development of four dwellings would have a density of approximately 449 dwellings per hectare (DPH). The site is located in proximity to the Black Rock Gasholder site, a 'Major Hazard Installation'. The site lies within the consultation distance of this site for the purposes of the Health and Safety Executive, lying within the 'Middle Zone'. As a residential development of more than 2 dwelling units and a density of more than 40 DPH (high density) the development is classed as 'Level 3'. As a Level 3 development in 'Middle Zone' proximity to a Major Hazard Installation, the Health and Safety Executive has advised against development.
- 8.8 One of the reasons for the refusal of the previous application (BH2013/00454) was due to the proximity of the site to a Major Hazardous Installation in the form of the Black Rock gas holder site. It is noted that since the last refusal a prior approval application to demolish the gas holders was approved under application BH2013/02188. However while the owners Scotia Gas Networks have confirmed that the site has been decommissioned they have stated that other gas apparatus including live mains will remain operational on the site for the foreseeable future. The site therefore remains a Major Hazardous Installation and the recommendation and advice of the of the Health & Safety Executive is relevant.
- 8.9 The agent for the application considers that the Gas Holder site is unlikely to come back into full use and has submitted a letter from the HSE and considers that on that basis requests that the Local Planning Authority consider recommending approval against the advice of the HSE. The agent for the application has also been communicating with the HSE directly with the objective of securing the reclassification of the hazardous site. More recently the HSE executive has written to the applicant in a letter dated 18th December 2014 confirming that the advice remains that the HSE would advise against the granting of planning permission on safety grounds, Furthermore, unless the Council were to formally revoke the Major hazardous installation status, or alternatively the HSE would be prepared to withdraw its 'advise against' response if a condition were attached to any approval which would prevent the development being occupied until the hazardous substances consent for the Gas Holder Station has been revoked. A condition restricting occupation would not meet the relevant tests for imposing conditions. The applicant would be incurring costs and ultimately may not be able to use the site. Also of relevance is the comment from Scotia Gas Networks that retained works on site in addition to the gas holders would still mean the site is a major hazardous installation. As a consequence even if the gas holders were removed the site would retain its major hazardous status and a condition

restricting occupation is considered unreasonable and impracticable as it would rely on the actions of a third party before the units could be occupied.

- 8.10 At the present time, in this case, it is considered there are no grounds to ignore the advice of the Health and Safety Executive; the application is therefore contrary to policy SU12 of the Brighton and Hove Local Plan and warrants refusal on these grounds.

Visual Impact:

- 8.11 The proposed design is almost identical to the previous application BH2013/00454 and one of the reasons for refusal related to the design. In the previous scheme, it was considered that the proposed building would have an incongruous and excessively prominent appearance when viewed in conjunction with the buildings to either side and the wider street scene and that it failed to pay respect to the context of the site. The main differences between the refused scheme and the current proposal are minor and include, changes to the front elevation at ground floor level where a window has been narrowed and at basement level where a window and door into the light well have been narrowed and a window has been removed on the rear elevation at lower ground floor level. At street level there is no significant change in the scale and design of the proposal.
- 8.12 The design is contemporary with four storeys proposed including a lower ground floor level. Lightwells with safety railings are proposed to the front curtilage of the property to serve the lower ground floor level. At ground floor level two entrance doors are proposed along with two projecting 'bay' windows. A further projection is proposed at first and second floor level leading up to usual mono-pitch roof forms with a flat roof section in between, and a second flat roof section to the northern section of the building. Projecting bays are proposed at first and second floor level which appear to be of a metal framework with slatted fronts and side (possibly timber). At second floor level a third balcony is proposed between the two mono-pitch projections.
- 8.13 The rear elevation proposed is largely blank with rectangular windows at ground floor, first floor, and second floor level. A large window with an angled top is proposed at first / second floor level.
- 8.14 It is considered that the roof form and detailing of the building do not relate to the surrounding residential buildings, which are in general low key and traditional in appearance. While it is acknowledged that there is some variation of building style and design in the vicinity of the site such as the supermarket located opposite the site, it is considered that the new building should sit comfortably in relation to the immediate adjoining properties. For the reasons outlined this would not be the case and the scheme would fail to respect the context of its setting.
- 8.15 It is considered that the proposed building fails to present an appearance which would be in keeping with this context. The building is of an excessive scale and bulk and the roof forms and detailing would sit in stark contrast to

the more reserved and traditional buildings to either side. A contemporary design is not objected to in principle; such a design would however have to be formulated with the primary objective of sitting comfortably in the immediate setting of the site, rather than seeking to make a bold visual statement which contrasts dramatically with the development to either side of the application site.

- 8.16 The proposed development would be contrary to policies QD1 and QD2 of the Brighton and Hove Local Plan, and the guidance set out in the NPPF which identifies securing high standard of design as a key priority, and warrants refusal on these grounds.

Neighbouring amenity:

- 8.17 The proposed development would have greatest impact upon the occupiers of the properties to either side of the site; nos. 36-38 Arundel Road to the north and no. 277 Eastern Road to the south of the site, and the property behind the site no. 279 Arundel Road.
- 8.18 It is noted that the proposed development sits up against the party wall with 277 Eastern Road (which is split into flats). This property also includes a rear (north) facing dormer window, with associated roof terrace, which face onto the application site. Due to the proposal being sited to the north of this, it is not considered to cause any loss of light or overshadowing issues. Due to the separation distance between the proposed flank elevation and the existing dormer window to no. 277 being 4.5m, it is considered there would be no overbearing impact or a significant impact on outlook on the occupiers of this property. The proposed development would enclose the northern side of the roof terrace in front of this dormer; this is not however considered to represent significant harm which would warrant the refusal of planning permission.
- 8.19 There is a front balcony present at 277 Eastern Road which is adjacent to the boundary with the application site, however as the proposed extension is to the north of this balcony it is considered that the impact on the enjoyment and use of this balcony will be acceptable.
- 8.20 It is considered that the proposal would not cause significant additional loss of light, outlook or overshadowing to the rear elevations of the properties to the east of the site, (nos. 279 & 281 Eastern Road), having regard to the existing situation.
- 8.21 To the north is no. 38 Arundel Road which has an existing 2 storey side extension, which abuts the boundary of the application site. This elevation includes two windows facing south, towards the application site. The proposed alteration has been set back 2.2m from the northern boundary, and as such provides adequate separation distance to ensure that significant loss of light and harm to the outlook from these windows would not result.
- 8.22 Five rear facing windows are proposed which have the potential to cause significant harm to neighbouring amenity as they would face on to the neighbouring garden to the east. The ground floor, first floor, and large

first/second floor windows serve stairways. The proposed second floor window would be to the kitchen area, but has a cill level set at 1.6 metres from internal floor level to reduce overlooking of the neighbouring garden area to the east.

- 8.23 It is considered that were approval to be recommended, the three windows proposed which serve stairways could be conditioned as obscure glazed and fixed shut (to avoid any potential for overlooking and noise disturbance). The proposed second floor window could be conditioned as fixed shut (to avoid any potential for noise disturbance).

Standard of accommodation and accessibility:

- 8.24 The Council does not have any specific adopted standards regarding minimum unit / room sizes, notwithstanding this fact policy QD27 seeks to secure an acceptable standard of amenity for future occupants and therefore an assessment must be made as to whether the development would meet this objective.

- 8.25 Reason 3 of the previously refused application (BH2013/00454) stated that:

‘The proposed residential units would provide an unacceptably poor standard of accommodation due to their cramped layouts and small room sizes. The proposed kitchen areas are particularly small in relation to the two-bedroom units proposed. ‘

- 8.26 The concern was that the layouts of the proposed residential units were in general rather cramped. In particular the open plan lounge / kitchen rooms for each unit were considered to be small for two-bedroom units, which could be occupied by a small family. The kitchen areas were very small; more akin to a kitchenette which might be proposed in relation to a bedsitting room than a substantial kitchen which could accommodate the needs of a small family. Overall it was considered that the layouts would have provided a poor standard of accommodation to the detriment of the amenity of future occupants.

- 8.27 It is noted that the kitchens on the second floors have been repositioned however, the size of the main living areas which are still open plan and contain the lounge / kitchen and dining area, remains the same. At ground floor the applicant has stated that the main front wall of the proposed building has been moved forward to be in line with the adjacent house at no.36 Arundel Road to increase the size of the upper maisonette units. The wall has only been brought forward by approximately 0.20m. It is therefore considered that the changes made are not sufficient enough to overcome the previous reason for refusal and the application would still provide a poor standard of accommodation.

- 8.28 Policy HO5 requires that all new development includes the provision of private useable outdoor amenity space where appropriate to the scale and character of the development. The proposed development includes a small balcony for each of the proposed flats at the front of the building and small outdoor areas

to the front lightwells proposed. It is however acknowledged that in this case rear balconies and any roof terrace areas would raise concern regarding impact upon neighbouring amenity, and larger spaces to the front of the building would not be ideal as they would front onto a relatively busy pavement and road. In this case therefore given the site constraints and the sites proximity to the seafront the amenity space is considered acceptable.

- 8.29 As a new build development, policy HO13 requires that full compliance with Lifetime Homes Standards is required. To deliver such compliance the access consultant has stated that minor alterations would be required to the design proposed, e.g. to bathrooms sizes and layouts, doorways etc. It is considered that such changes could be secured by condition were approval to be recommended.
- 8.30 The Access Consultant has also raised a more fundamental concern, that the upper floor maisonettes do not have a living space at entrance level; the lounge/ kitchens proposed are at second floor level with the bedrooms and bathrooms at first floor level. It is however the case that the larger bedrooms proposed in each unit at first floor level could be used as living spaces if required, it is therefore considered that the refusal of planning permission is not warranted on such grounds.

Transport:

- 8.31 Policies TR1 and TR19 of the Local Plan require development to cater for the travel demand generated and meeting the maximum parking standards and minimum cycle parking standards set out in SPGBH4: Parking standards. Policy HO7 is a permissive policy which seeks to permit 'car-free' development in accessible locations where the development can be secured as genuinely car-free over the long term. Policy TR14 states requires cycle secure parking in all proposals for new development and changes of use in accordance with the parking guidance
- 8.32 The Traffic Engineer has commented that the proposed development would result in an increase in trip generation and create an increased burden on sustainable transport infrastructure within the vicinity of the site and has therefore advised that a contribution towards such infrastructure would be normally be required to ensure compliance with policy TR1 of the Brighton and Hove Local Plan.
- 8.33 The application property is located within a Controlled Parking Zone (CPZ); Zone U. No off street parking is proposed in association with the development, the proposal is therefore deemed to be 'car-free' housing for the purposes of policy HO7. The application property is considered to be in an accessible location, in close proximity to bus routes and the amenities of the city centre. It would therefore be appropriate and necessary to ensure compliance with policy HO7, were approval recommended, for a condition to be applied which would ensure that future residents would not be eligible for residents' parking permits.

- 8.34 In regard to cycle parking 6 spaces are proposed. However the Traffic Engineer has commented that the space shown next to the entrance of each flat is inadequate for the number of cycles proposed. Nevertheless there is room for 4 cycle spaces providing one per unit which in this case is considered acceptable given the site constraints.
- 8.35 It is proposed that lightwells be excavated alongside the public highway and such works would require technical approval through the Approval in Principle (AIP) process.

Environmental sustainability:

- 8.36 Policy SU2 requires that all development demonstrate a high standard of efficiency in the use of water, energy and materials. Further guidance is set out in SPD08. A sustainability checklist has been submitted which states that the proposed development would meet a Code for Sustainable Homes rating of Level 3. The Proposed modifications to the City Plan require schemes to achieve code 4. Whilst the supporting documentation does not address this, a condition in the event planning permission was granted could address this.

Arboriculture:

- 8.37 There is a street tree sited in front of the application site on Arundel Road. There are also trees and vegetation in situ to the rear of the site. The construction works which would be required to carry out the proposed development could result in damage to these trees. The Arboriculturist has therefore stated that if the application is recommended for approval, it would therefore be necessary to apply a condition securing the submission and implementation of an Arboricultural Method Statement detailing appropriate tree protection measures and construction methods.

9 CONCLUSION

- 9.1 The proposed development is not significantly different from that previous submitted and refused under application BH2013/00454. Many of the concerns raised in relation to this previous application apply to the current proposal.
- 9.2 The proposed development is considered to be fundamentally unacceptable as due to the density and scale of the development proposed and the proximity of the site to a Major Hazardous Installation the Health and Safety Executive have advised against development. The design of proposed building would have an incongruous and excessively prominent appearance when viewed in conjunction with the buildings to either side and the wider street scene. The proposal fails to demonstrate a high standard of design and architecture and fails to pay respect to the context of the site. The standard of accommodation proposed is considered unacceptable.

10 EQUALITIES

- 10.1 The proposed development does not provide full compliance with lifetime Homes Standards; it is however considered that this issue could be resolved by planning condition were approval to be recommended.

11 REASON FOR REFUSAL / INFORMATIVES

11.1 Reasons for Refusal:

1. The Health and Safety Executive have advised against the proposed development due to the density and scale of the development proposed and the proximity of the site to a Major Hazardous Installation in the form of the Black Rock gas holder site. The proposal is therefore contrary to policy SU12 of the Brighton and Hove Local Plan.

2. The proposed building by reason of its scale, height and design would have an incongruous and excessively prominent appearance when viewed in conjunction with the buildings to either side and the wider street scene. The proposal fails to demonstrate a high standard of design and architecture and fails to pay respect to the context of the site. The development is therefore contrary to policies QD1 and QD2 of the Brighton and Hove Local Plan.

3. The proposed residential units would provide an unacceptably poor standard of accommodation due to their cramped layouts and small room sizes. The proposed kitchen areas are particularly small in relation to the two-bedroom units proposed. The proposed development is therefore contrary to policy QD27 of the Brighton and Hove Local Plan which seeks to ensure an acceptable standard of amenity for future residents.

11.2 Informatives:

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

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

Plan Type	Reference	Version	Date Received
location plan			19/11/2013
block plan			19/11/2013
existing plans and elevations	32-34AR/E01		27/11/2013
proposed lower ground floor plan	32-34AR/PL/400	A	12/12/2014
proposed ground floor plan	32-34AR/PL/401	A	19/11/2013
proposed first floor plan	32-34AR/PL/402	A	19/11/2013
proposed second floor plan	32-	A	19/11/2013

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	34AR/PL/403		
proposed roof plan	32- 34AR/PL/404	B	19/11/2013
proposed streetscene elevation	32- 34AR/PL/500	B	19/11/2013
proposed front elevation	32- 34AR/PL/501	B	19/11/2013
proposed rear elevation	32- 34AR/PL/502	A	19/11/2013
proposed south elevation	32- 34AR/PL/503	B	19/11/2013
proposed north elevation	32- 34AR/PL/504	B	19/11/2013
proposed section a-a	32- 34AR/PL/505	B	19/11/2013
proposed section b-b	32- 34AR/PL/506	B	19/11/2013
proposed section c-c	32- 34AR/PL/507	B	19/11/2013
proposed streetscene	32- 34AR/PL/520		19/11/2013
proposed streetscene	32- 34AR/PL/600	A	19/11/2013

From: David Smith
Sent: 20 December 2013 13:59
To: Jeanette Walsh
Cc: Mary Mears
Subject: Planning Application N0 2013/03955 32-34 Arundel Road: protect

Dear Jeanette

Could you please forward this email letter giving my support and that of Cllr Mary Mears to Planning Application No 2013/03955 32-34 Arundel Road to the relevant Planning Officer.

As Rottingdean Coastal Ward Councillors we fully support Planning Application No 2013/03955 – 32/34 Arundel Road as outlined in the covering letter/drawings provided by the applicant accompanying his planning application. I believe the Government is encouraging this type of residential development especially as these premises have been empty for a number of years (at present they are an eyesore).

As a City we are short of this much needed type of accommodation and by encouraging this type of small development we could help to stop or minimise encroachment on Greenfield Sites.

If the planning Officer is mindful to refuse this planning application, I request that it be placed before the full planning committee for determination.

I also reserve my right as a Ward Councillor to attend the committee meeting and speak in support of this application.

Please acknowledge receipt of this email.

Regards
David
Cllr David Smith
Rottingdean Coastal Ward Councillor

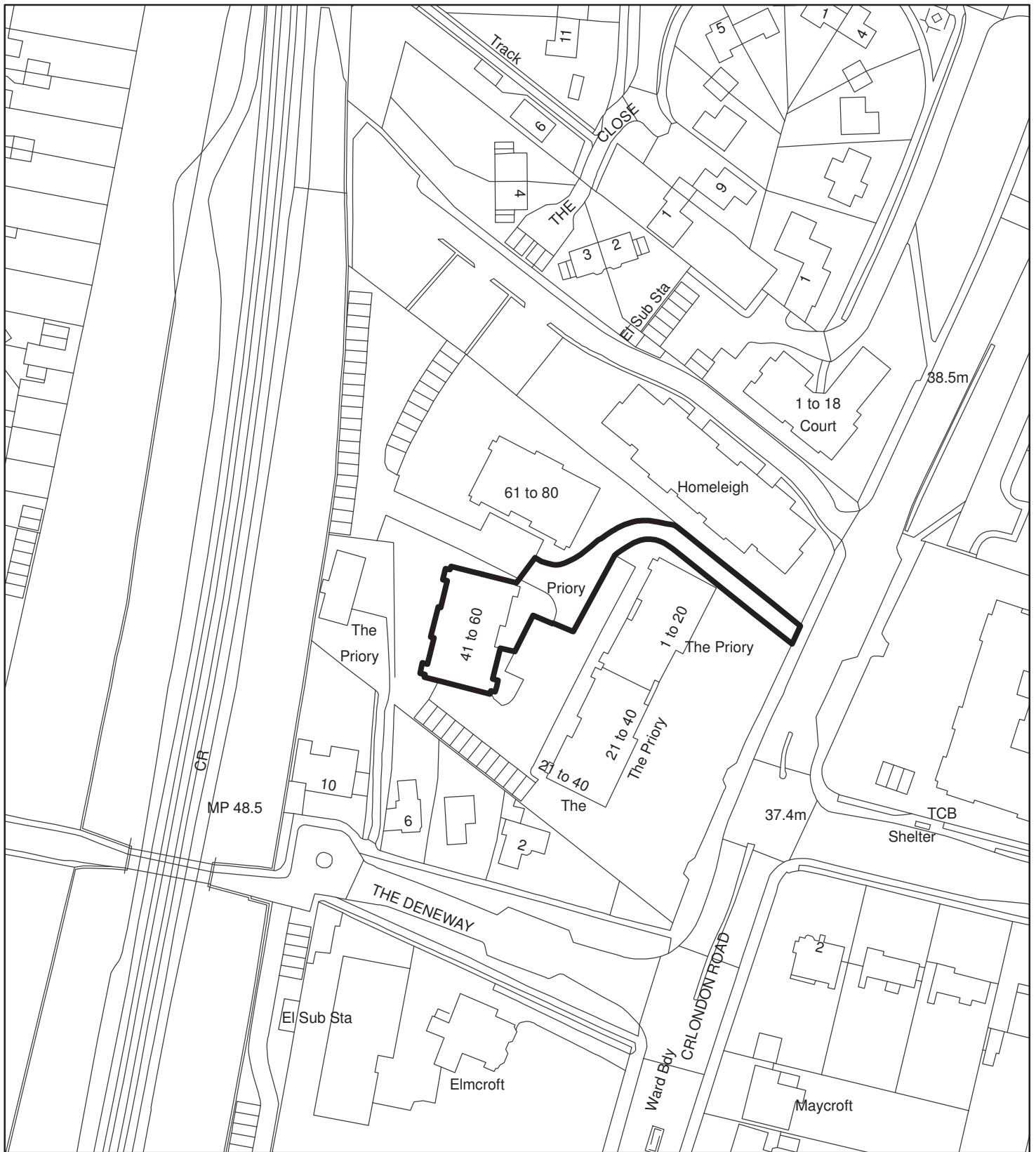
ITEM E

Block B, The Priory, London Road, Brighton

BH2014/04088
Full planning

11 MARCH 2015

BH2014/04088 Block B, The Priory, London Road, Brighton



**Brighton & Hove
City Council**

N



Scale: 1:1,250

<u>No:</u>	BH2014/04088	<u>Ward:</u>	PATCHAM
<u>App Type:</u>	Full Planning		
<u>Address:</u>	Block B The Priory London Road Brighton		
<u>Proposal:</u>	Erection of additional storey to form 2no three bedroom flats each with roof garden and associated cycle store.		
<u>Officer:</u>	Sue Dubberley Tel 293817	<u>Valid Date:</u>	11 December 2014
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	05 February 2015
<u>Listed Building Grade:</u>	N/A		
<u>Agent:</u>	Strutt and Parker, 201 High Street, Lewes BN7 2NR		
<u>Applicant:</u>	Anstone Properties Ltd, 29 Palmeira Mansions, Hove BN3 2GN		

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 western side of London Road just to the north of its junction with The Deanway. It comprises 4 circa 1970's four storey flat roofed blocks of flats of brick construction with projecting bays clad in white fascia boarding. Blocks A & B are located to the rear of the site and Blocks C & D are situated at the front, presenting a continuous façade to London Road. There are garages and parking spaces located within the site with vehicular access from London Road. There is a 20m to 25m deep area of soft landscaping on the London Road frontage which is laid to lawn and contains a number of substantial mature trees which span the length of the eastern site boundary.
- 2.2 The surrounding area is predominantly residential in character. To the north of the site, Homeleigh is a four storey purpose built block of flats. To the south, are the rear gardens of detached two storey houses and bungalows fronting The Deanway. Adjoining the site to the rear is a two storey house and beyond the London to Brighton rail line whilst to the east on the opposite side of London Road is a three storey block of flats and two storey detached houses.
- 2.3 London Road (A23) is a heavily trafficked classified road with parking restrictions in the vicinity of the application site.

3 RELEVANT HISTORY

Block B

BH2011/01611 Erection of additional storey to form 2no three bedroom flats each with roof garden and associated cycle store. Approved on 7 December 2011.

BH2010/01898: Construction of 4 no. additional garages. Refused on 22 October 2010 for reason of loss of landscaped amenity space.

Blocks C and D

BH2013/03946 Creation of additional floor above existing to provide 8no flats with additional car parking at ground floor level. Approved 27/06/2014.

BH2013/00287 Application to extend time limit for implementation of previous approval BH2009/00058 for roof extension to blocks C and D to provide 4x3 bedroom flats, each with own roof garden, and a cycle store. Approved 11/04/2013.

BH2009/00058 Construction of additional storey to existing block of flats, to form 2 two-bedroom and 2 three bedroom flats with a roof garden to each unit. New cycle store. Allowed on appeal 9 April 2010.

Blocks A, B, C, and D

BH2005/06744: Construction of an additional storey to each of the existing blocks of flats to form 6 four bedroom and 2 five bedroom flats, with a roof garden to each unit together with the provision of 22 car parking spaces and a new cycle store. Refused on 18 January 2008.

93/0503/OA: Construction of an additional floor to each of the four blocks of flats to form ten new flats together with the provision of 15 new parking spaces. Refused 13 August 1993.

4 THE APPLICATION

- 4.1 Planning permission is sought for the erection of an additional storey to form 2no three bedroom flats each with roof garden and associated cycle store. The height of the extension would be approximately 2.3m (3m including the height of the lift housing), 12.6m wide and 24m long and it would be set in between 2m and 1.5m from the edge of the existing building to create a roof terrace for the flats.

5 PUBLICITY & CONSULTATIONS

External

- 5.1 **Neighbours: Thirty one (31)** letters of representation have been received from **Flats 5 (x2), 7, 9, 10, 11, 14, 17, 18, 21, 27, 40, 41, 46, 47, 50, 51, 58, 62, 65, 70, 79, 80, The Priory, flat 22, 45 Homeleigh, London Road, 23 Withdean Crescent, 16 Welesmere Road (x2) (owner of flat 80 The Priory), 1 Tangmere Place (owner of flat 60 The Priory), 20 Midhurst Road, Eastbourne (owner of flat 3 The Priory), 1 Margery Terrace, Margery Park Road, London (owner of flat 14 The Priory) objecting** to the application for the following reasons:

- The external alterations will not be in character with block B.
- Addition of a further storey will be inappropriate visually to the streetscene.
- Adjoining residents will suffer overlooking and loss of privacy.
- Noise and disturbance from comings and goings of extra residents and motor traffic especially at night.
- Increased traffic congestion on the site.
- No separate pedestrian access from vehicles other than the Deneway.

- No satisfactory access for disabled wheel chair users.
- The lift could also be out of action for long periods during the construction work.
- The internal size of the existing lift in Block B does not allow sufficient space for a wheelchair user.
- There is a stepped entrance into the block.
- Car parking bays are in full use overnight and there is no room for any extra residents cars.
- Loss of property value.

5.2 **Priory (Patcham) Limited** (represents the 58 Freeholders of The Priory):

- The external alterations will not be in character with block B.
- Adjoining residents will suffer overlooking and loss of privacy.
- May be noise and disturbance from comings and goings of extra residents and motor traffic especially at night.
- No satisfactory access for disabled wheel chair users.
- The internal size of the existing lift in Block B does not allow sufficient space for a wheelchair user.
- Car parking bays are in full use overnight and there is no room for any extra residents cars.

Internal:

- 5.3 **Access Consultant:** Each flat must have at least one accessible bathroom with 1100mm clear space in front of the WC, side transfer space amounting to at least 1m from the centre line of the WC pan to the adjacent wall and space for a 1.5m diameter turning circle clear of the door swing.
- 5.4 **Environmental Health:** Comment: More information is requested about the barrier around the terraces and its noise attenuation abilities. Noise levels on the terrace areas should be below 55dB $L_{Aeq, 16hr}$.
- 5.5 **Sustainable Transport:** Support: No objections to this application subject to the inclusion of the necessary conditions.

6 MATERIAL CONSIDERATIONS

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

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

7 RELEVANT POLICIES & GUIDANCE

The National Planning Policy Framework (NPPF)

Brighton & Hove Local Plan:

- TR1 Development and the demand for travel
- TR7 Safe Development
- TR14 Cycle access and parking
- TR18 Parking for people with a mobility related disability
- TR19 Parking standards
- SU2 Efficiency of development in the use of energy, water and materials
- SU10 Noise nuisance
- SU13 Minimisation and re-use of construction industry waste
- QD1 Design - quality of development and design statements
- QD2 Design - key principles for neighbourhoods
- QD3 Design - efficient and effective use of sites
- QD14 Extensions and alterations
- QD18 Species protection
- QD27 Protection of amenity
- HO3 Dwelling type and size
- HO4 Dwelling densities
- HO5 Provision of private amenity space in residential development
- HO7 Car free housing
- HO13 Accessible housing and lifetime homes

Supplementary Planning Guidance:

- SPGBH4 Parking Standards

Supplementary Planning Documents:

- SPD03 Construction & Demolition Waste
- SPD08 Sustainable Building Design

Brighton & Hove City Plan Part One (submission document)

SS1	Presumption in Favour of Sustainable Development
CP8	Sustainable Buildings

8 CONSIDERATIONS & ASSESSMENT

8.1 Matters relating to property values are not material planning considerations. The main considerations in the determination of this application relate to the design of the proposal, the impact upon the character and appearance of the area, the planning history of the site, amenity issues, transport and highways issues, sustainability, living accommodation standards and ecology and nature conservation issues

Planning history and principle of development:

8.2 The principle of an additional storey has been established by a planning permission (BH2012/01611) granted in 2011 for an identical application for an additional storey to form 2no three bedroom flats each with roof garden and associated cycle store. This permission expired on 7 December 2014.

8.3 This application is also similar to a scheme which was refused in September 2009 and subsequently allowed on appeal in April 2010. (BH2009/00058) which sought an additional storey of accommodation to provide 4 x 3 bedroom flats on blocks C and D which lie at the front of the site. This current application is of a comparable design to the approved scheme, although only two flats are proposed as the application only relates to one block rather than two. The increase in height of both schemes is the same at approximately 2.3m or 3m including the height of the lift housing.

Design:

8.4 Policy QD1 relates to design and the quality of new development. It confirms that all proposals for new buildings must demonstrate a high standard of design and make a positive contribution to the visual quality of the environment.

8.5 Policy QD2 relates to design and key principles for neighbourhoods. It confirms that new development should be designed to emphasise and enhance the positive qualities of the local neighbourhood, by taking into account the local characteristics of the area.

8.6 Policy QD3 relates to efficient and effective use of sites and confirms that new development will be required to make efficient and effective use of a site, including sites comprising derelict or vacant land and buildings.

8.7 The proposed additional storey has a contemporary design with the front and rear elevations having extensive glazing. The design, scale and materials closely match the approved scheme on the neighbouring Blocks C and D. Both schemes propose UPVC double glazed windows, and timber/asphalt roof and brick walls. The additional storey would be set back from the existing roof parapet by a minimum of 1.5m on all sides. It is considered that the design compliments the existing building and is in keeping with the development already approved on the site.

8.8 In terms of the impact on the street scene Block B is set well into the site and lies behind Blocks C and D and there is also a dense tree screen on the boundary, when viewed from directly opposite the site on London Road and Carden Avenue. The block is currently not visible from the front of the site and given the existing screening even with the increase in height its visibility would not be increased. Part of the south side elevation and the front of the Block B are currently visible from The Deanway with long views available from London Road and the roof extension would be seen from these views. However it is considered that the large exposure of glazing and simple pattern would provide a clean modern contrast to the existing building and provides a visual relief to the main building and would preserve the visual amenity of the area.

Impact on Amenity:

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

8.10 The Priory is characterised by modest sized blocks of flats set within spacious communal formal grounds. The proposed extension would be entirely within the current footprint of an existing block of flats and as such the new extension will maintain an acceptable relationship with its surroundings. The blocks within The Priory are sufficiently spaced from one another as to avoid a harmful loss of privacy, loss of outlook, loss of light or cause overshadowing and overlooking or any adverse increase as a result of the additional height.

8.11 It is noted that the Inspector when allowing the additional storey to Blocks C and D stated did not consider that there would be any overlooking of Homeleigh approximately 11m to the north of the site. In this case Block B is set much further away from Block A and Blocks C and D, approximately 14m and 21m respectively. To the south the site is some 25m away from detached residential properties located in the Deanway. It is therefore considered that there would be no detrimental impact on amenity in terms of overlooking or loss of privacy.

8.12 It is not considered that the addition of two flats would result in an unacceptable increase in noise and disturbance to the existing occupiers of the building. The provision of roof terraces is a recognised method of providing an appropriate level of private amenity space in both new build residential developments and in extensions to existing buildings, and in this case, it is considered that their use would be unlikely to result in levels of noise and disturbance so significant as to warrant refusal. It is noted that in regard to the planning appeal for four flats on blocks C and D the inspector commented:

8.13 'I am not persuaded that the occupants of blocks B and C would be unduly disturbed by noise emanating from the occupants of the new flats whether inside or using the roof terraces...'

- 8.14 While the concerns of residents regarding noise are noted it is not considered that this could be justified as a reason for refusal given the appeal decision and the separating distances between blocks.

The amenities of future occupiers

- 8.15 The proposed development would provide a satisfactory standard of living accommodation for the future occupiers in terms of room sizes, light, outlook and privacy in accordance with policy QD27 of the Local Plan.
- 8.16 Policy HO13 of the Local Plan requires all new residential development to comply with Lifetime Homes standards. The Design & Access Statement indicates that the development would comply with Lifetime Homes standards providing appropriate door widths, circulation space and lift access. Notwithstanding this, a condition is recommended to secure compliance with Lifetime Homes standards, particularly as the Access Consultant has raised some minor issues regarding compliance.
- 8.17 In terms of amenity space provision, each unit would be provided with a sizable private roof terrace in accordance with policy HO5 of the Local Plan.
- 8.18 In assessing the earlier 2011 approval the Environmental Health Officer was initially concerned that as the site is situated approximately 60m away from a railway line and 80m from London Road, that noise could be an issues for future residents. The Environmental Health Officer therefore requested that an acoustic report should be provided before any judgements could be made as to the suitability of this development for residential use. A noise report by Andersons Acoustics, dated 11th September 2011 was submitted. The Environmental Health Officer assessed the acoustic report and agreed the findings. The acoustic assessment concluded that to achieve internal noise criteria recommended in BS8233 the glazing specification and alternative means of ventilation should achieve a sound level reduction of at least 35dB. The report mentioned three possible types of ventilation, the choice of which would depend on the airflow requirements for each room. Therefore appropriate conditions were recommended to ensure that adequate glazing was provided to mitigate against possible rail and traffic noise in line with the recommendations of the report.
- 8.19 The same acoustic report has been submitted in connection with the current application, however it is noted that Environmental Health have now commented that the report is insufficient and lacks details of noise levels on the proposed roof terraces in particular. Environmental Health have stated that whilst it is acknowledged that reducing ambient noise levels for outside amenity spaces is difficult, because the outside spaces in this planning application are significant and will be used for recreation and relaxation, more information is required to show that external noise levels will be reduced as much as reasonably practicable. However while it is also acknowledged that there will be a strong element of 'buyer beware' for future purchasers, who will clearly see that the flats are near to a railway line and a busy road, Environmental Health has requested further acoustic information regarding the open terraces.

- 8.20 It is considered that it would be difficult to reduce noise from traffic or the railway on an open terrace and this is also recognised by Environmental Health, it is also acknowledged that any prospective purchaser will clearly see that the flats are near to a railway line and a busy road. It is considered that for these reasons and the fact that the acoustic report had been found satisfactory previously and there has been no change to the application or site circumstances, it would be unreasonable to request additional information regarding the use of the terraces. This aspect of the scheme remains acceptable subject to a condition to ensure that the mitigation measures against rail and traffic noise set out in the acoustic report are implemented prior to occupation.

Sustainable Transport:

- 8.21 Policy TR1 confirms that development proposals should provide for the demand for travel they create and maximise the use of public transport, walking and cycling.
- 8.22 Policy TR14 confirms that all proposals for new development and change of use should provide facilities for cyclists in accordance with the parking guidance.
- 8.23 The traffic engineer has commented that the cycle storage shed appears to be adequate in size, however further details of the facilities within are required to ensure cycles can be conveniently and securely stored. Signage directing residents to the store is also recommended due to the size of the site. A condition forms part of the recommendation requiring further details of the proposed cycle storage and signage.
- 8.24 The application does not propose any additional car parking on the site for the two proposed dwellings. The Traffic Engineer has no objections on the grounds that two additional dwellings are unlikely to have a significant impact and that the lack of any parking provision complies with the City Council's parking standards.

Sustainability:

- 8.25 Policy S02 requires that all development demonstrates a high standard of efficiency in the use of water, energy and materials. Further guidance is set out in SPD08.
- The application has been accompanied by a sustainability checklist which details the sustainability features of the scheme and indicates that code level 3 would be sought. The sustainability features include the use of photovoltaic cells to power the lighting of the communal areas. The proposed modifications to Policy LP8 of the City Plan require schemes to achieve code level 4 and conditions are recommended to ensure that the required code level 4 of the Code for Sustainable Homes is achieved.
- 8.26 No details of refuse or recycling have been submitted as the applicant has argued that the site already has an existing bin store for the 80 flats currently on the site and additional space would not be required to accommodate refuse from two additional flats. Their argument is considered acceptable in this case and was previously accepted when assessing the application on the site approved in 2011.

Ecology/Nature Conservation:

- 8.27 Policy QD18 of the Local Plan requires that where it is evident that a proposal could directly affect a species of animal protected under national legislation the applicant will be required to undertake an appropriate site investigation and if deemed necessary adopt measures to avoid any harmful impacts and where practicable enhance the habitat of the respect species.
- 8.28 A large maternity roost and possibly a hibernation roost of Common Pipistrelle Bats exists under the shiplap cladding above Flat 16 in Block D. All species of bat benefit from the highest level of species protection available under UK legislation, being protected by both the Wildlife and Countryside Act 1981 and the Habitats Regulations (which implement the EC Habitats Directive into UK legislation). Essentially, it is unlawful to disturb damage or destroy a bat roost outside a dwelling house. Accordingly the consent for an additional storey on Blocks C and D BH2009/00058, included conditions to ensure mitigation measures were carried out to avoid harm to the bat population.
- 8.29 In regard to the impact on the bats from the current application, the Bat Assessment Report submitted in support of the earlier application for Blocks C and D (BH2009/00058) stated that the bats normal flight pattern is to turn north, along the main access road before dispersing into mature trees along the northern boundary of the site. Therefore the previous application was considered to be satisfactory in regard to its impact on bats providing conditions were attached to any approval to ensure there was no removal or other works to the trees along the northern boundary of the access road; no additional lighting to be installed along the access road, whether permanent or temporarily, during the construction period; and no obstructions erected above the access road to the north of Block D during the construction phase. These measures would ensure no disturbance to the colony took place during any construction work on Block B. Therefore the condition attached to the earlier approval for protection of bats during construction of the additional flats on Block B also forms part of the recommendation.

9 CONCLUSION

- 9.1 The proposed development would have a satisfactory appearance and would have no adverse impact on the character and visual amenity of the area. There would be no material detriment to the amenities of nearby residential occupiers and subject to planning conditions would provide an acceptable level of sustainability, transport measures, lifetime homes and refuse and recycling facilities. The development would be in accordance with the policies of the adopted local plan.

10 EQUALITIES

- 10.1 The Access Consultant has commented that each flat must have at least one accessible bathroom with 1100mm clear space in front of the WC, side transfer space amounting to at least 1m from the centre line of the WC pan to the adjacent wall and space for a 1.5m diameter turning circle clear of the door swing. It is considered that these issues can be resolved by an appropriate planning condition requiring compliance with 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
Location plan			4/12/2014
Site and location plan	A1510/01		11/12/2014
Block plan	A1414/02	A	4/12/2014
Existing floor plan	A1414/03	A	4/12/2014
Existing east elevation	A1414/04	B	4/12/2014
Existing west elevation	A1414/05	B	4/12/2014
Existing north and south elevations	A1414/06	B	4/12/2014
Existing roof plan	A1414/11	A	4/12/2014
Proposed floor plan	A1510/04		4/12/2014
Proposed Elevations	A1510/05		4/12/2014
Site sections	A1510/06		4/12/2014
Proposed roof plans	A1510/07		4/12/2014
Proposed floor plans	A1510/12		4/12/2014

3. 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.
4. During the construction period of the development hereby approved the flight corridor of the Pipistrelle Bats to nearby trees along the northern boundary of the access road shall be kept clear of all obstructions (cranes, scaffolding etc) from sunset to sunrise, no removal or other works to the trees along the northern boundary of the access road shall be undertaken,

no additional lighting shall be installed along the access road, whether permanent or temporarily, and no obstructions shall be erected above the access road to the north of Block D.

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

11.2 Pre-Commencement Conditions:

5. The development hereby permitted shall not be commenced until details of secure cycle parking facilities, including directional signage, 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.

6. 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 Policy CP8 of the Brighton & Hove submission City Plan Part One.

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

8. No development shall commence until a scheme for the suitable treatment of all plant and machinery against the transmission of sound and/or vibration 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.

11.3 Pre-Occupation Conditions:

9. Unless otherwise agreed in writing by the Local Planning Authority, none of the residential units hereby approved shall be occupied until the mitigation measures against rail and traffic noise set out in the report by Anderson Acoustics dated 11th September 2011 have been implemented. The

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

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

10. 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 policy CP8 of the Brighton & Hove submission City Plan Part One.

11.4 Informatives:

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

The proposed development would have a satisfactory appearance and would have no adverse impact on the character and visual amenity of the area. There would be no material detriment to the amenities of nearby residential occupiers and subject to planning conditions would provide an acceptable level of sustainability, transport measures, lifetime homes and refuse and recycling facilities. The development would be in accordance with the policies of the adopted local plan.
3. The development includes a new hydraulic lift which will share a party wall with a bedroom. Insulation that exceeds Part E Building Regulations should be considered to ensure the future occupants are not disturbed by noise and vibration.

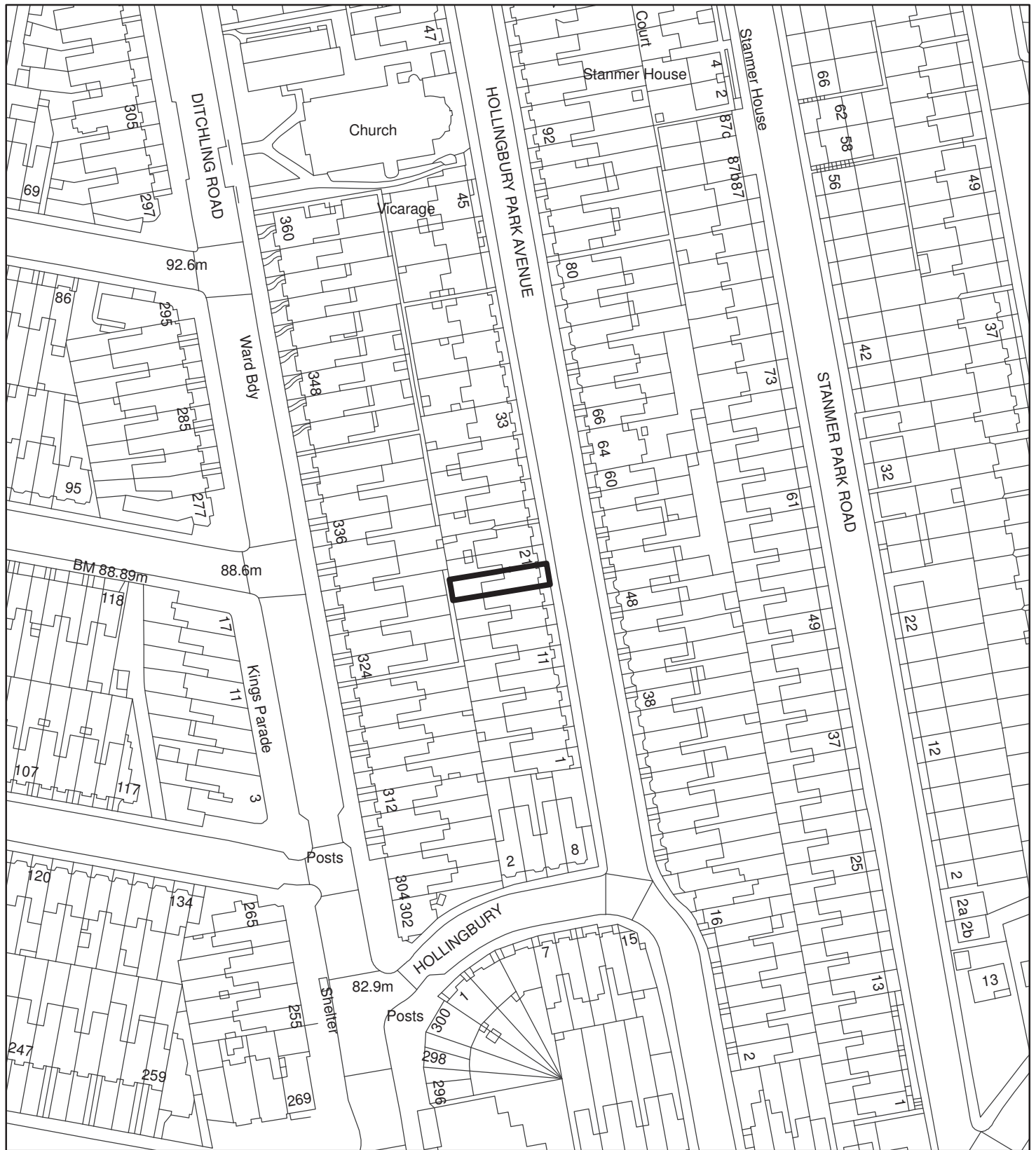
ITEM F

19 Hollingbury Park Avenue, Brighton

**BH2014/01429
Full planning**

11 MARCH 2015

BH2014/01429 19 Hollingbury Park Avenue, Brighton



**Brighton & Hove
City Council**



Scale: 1:1,250

<u>No:</u>	BH2014/01429	<u>Ward:</u>	HOLLINGDEAN & STANMER
<u>App Type:</u>	Full Planning		
<u>Address:</u>	19 Hollingbury Park Avenue Brighton		
<u>Proposal:</u>	Change of use from residential dwelling (C3) to six bedroom small house in multiple occupation (C4). (Part retrospective)		
<u>Officer:</u>	Wayne Nee Tel 292132	<u>Valid Date:</u>	16 May 2014
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	11 July 2014
<u>Listed Building Grade:</u>	N/A		
<u>Agent:</u>	Lewis and Co Planning SE Ltd, 2 Port Hall Road, Brighton BN1 5PD		
<u>Applicant:</u>	J Barrett, C/O Lewis & Co Planning, 2 Port Hall Road, Brighton BN1 5PD		

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 site relates to a mid-terraced two storey property located on the western side of Hollingbury Park Avenue.
- 2.2 The pre-existing property was in use as a single dwelling house (Class Use C3). It is currently in use as a seven bedroom house in multiple occupation (Class Use Sui Generis) which does not have planning permission and is therefore an unauthorised use.
- 2.3 The site is located within the recently introduced Article 4 Direction which removes permitted development rights to change from a C3 (dwellinghouse) Use to a C4 (houses in multiple occupation) Use, which came into effect from 5 April 2013.

3 RELEVANT HISTORY

- 3.1 None.

4 THE APPLICATION

- 4.1 Planning permission is sought for the Change of use from residential dwelling (C3) to six bedroom small house in multiple occupation (C4).
- 4.2 The applicant states in the application that the change of use from C3 dwelling to C4 6 bed House in Multiple Occupation is fully complete. At the time of the site visit, the front ground floor room was in use as an additional bedroom rather than a living room. Therefore the application is part retrospective.

5 PUBLICITY & CONSULTATIONS

External

- 5.1 **Councillor Jeanne Lepper** has objected to the application. Correspondence attached.
- 5.2 **Neighbours: *Eleven (11)*** letters of representation have been received from **15, GFF 17, Flats 1 & 2 (x2) of 21, 23, 46, 50, 52, 60 Hollingbury Park Avenue, 328, 330 Ditchling Road** objecting to the application for the following reasons:
- Increased noise and disturbance, less community involvement;
 - Reduces available housing for families;
 - Being used as a 7 bedroom HMO which has not been applied for;
 - Existing floor plan does not show existing layout;
 - Use of flat roof of extension as a roof terrace;
 - Extension was built when property was an HMO and so are not permitted development;
 - Loss of light from extension;
 - Bright wall lights cause disturbance;
 - Increased pressure on parking.

Internal

- 5.3 **Planning Policy:**
No comment.
- 5.4 **Sustainable Transport:**
Recommended approval as the Highway Authority has no objections to this application, subject to the inclusion of the necessary condition.
- 5.5 Trip Generation & S106
The proposals are for the change of use from a residential dwelling (C3) to a House in Multiple Occupation (C4). The proposals may increase trips slightly above existing levels as more people could live in this larger property. The number of bedrooms is to increase from 3 to 6. However, the development is not considered to cause a negative highway impact or warrant a refusal of planning permission.
- 5.6 Car Parking
The applicant is not proposing any on-site car parking spaces and due to site constraints could not provide any.
- 5.7 Cycle parking
Parking Standards SPG04 requires a minimum of 1 cycle parking space per 3 bed sits for a house of multiple occupation. The applicant has not indicated whether they intend to provide cycle parking or not.
While not ideal, as users would have to carry their bike through the property, there is scope to provide a cycle store in the rear garden of the property. 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. 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
SU13	Minimisation and re-use of construction industry waste
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
HO8	Retaining housing
HO14	Houses in multiple occupation (HMOs)

Supplementary Planning Guidance:

SPGBH4 Parking Standards

Supplementary Planning Documents:

SPD03 Construction & Demolition Waste

SPD08 Sustainable Building Design

Brighton & Hove City Plan Part One (submission document)

SS1 - Presumption in Favour of Sustainable Development

CP21 – Student Housing and Housing in Multiple Occupation

8 CONSIDERATIONS & ASSESSMENT

8.1 The main considerations in the determination of this application relate to the principle of the proposed change of use, neighbouring amenity, the standard of accommodation which the proposed use would provide, transport and environmental sustainability.

Principle of development:

8.2 The proposed development is a change of use from a C3 (dwellinghouse) to a use which would allow occupation of the property as a C4 HMO providing 6 bed spaces for up to six unrelated individuals, who share basic amenities including a kitchen, a living room, and bathroom facilities.

8.3 The Brighton and Hove Local Plan pre-dates the formulation of the C4 use class, but does make specific reference to houses in multiple occupation. The sub-text of policy HO14 details that:

8.4 'It is recognised that in some areas of the city, a concentration of HMOs can cause various problems arising from heavy concentrations of people living within a small geographical area. Appropriate policies elsewhere in the Plan aimed at protecting amenities will also be important factors in assessing new proposals in respect of new HMOs and the loss of existing HMOs. Particularly important in this respect are policies QD27 and HO4.'

8.5 Policy CP21 of the Brighton and Hove Draft City Plan Part One specifically addresses the issue of changes of use between use classes C3 and C4 and states that:

8.6 'In order to support mixed and balanced communities and to ensure that a range of housing needs continue to be accommodated throughout the city, applications for the change of use to a Class C4 (Houses in multiple occupation) use, a mixed C3/C4 use or to a sui generis House in Multiple Occupation use (more than six people sharing) will not be permitted where:

- 8.7 *More than 10 per cent of dwellings within a radius of 50 metres of the application site are already in use as Class C4, mixed C3/C4 or other types of HMO in a sui generis use.*
- 8.8 This policy at present has significant weight as the adopted Local Plan is silent on the issue. The site is located within the recently introduced Article 4 Direction which removes permitted development rights under Class I (b) of Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995, to change from a C3 (dwellinghouses) Use to a C4 (houses in multiple occupation) Use, which came into effect from 5 April 2013.
- 8.9 A mapping exercise has taken place which indicates that there are currently 4 registered C4 dwellings or HMOs within a 50m radius of the site. A total of 79 properties have been assessed. The existing concentration of C4 House in Multiple Occupation within that radius is 5.1%. Whilst in principle the change of use would therefore be acceptable, the proposal is likely to result in a more intensive occupation of the property; consideration on the potential impact on neighbouring amenity also needs to be considered. These matters are discussed further below.

Standard of accommodation:

- 8.10 In its pre-existing form (shown on the existing floor plans submitted) the dwelling had three bedrooms as part of its original layout and two additional bedrooms within the loft conversion, and therefore could comfortably be occupied by 5-6 people. The application proposes one additional bedroom on the ground floor to replace the pre-existing dining room.
- 8.11 The accommodation proposed is not ideal; the roof level bedrooms are relatively small in terms of floor space (the second floor rear bedroom is 6.6sqm). There are however two communal rooms proposed (front living room and rear kitchen) and overall it is considered that the standard of accommodation proposed does not warrant the refusal of planning permission.
- 8.12 It is considered that the intensified use may require greater provision for refuse and recycling and cycle storage; this existing storage provision is currently located at the front of the property and would be an acceptable arrangement for the proposed use. The proposed plans do not indicate any cycle storage; although not ideal in terms of accessibility, there would be opportunity for cycle storage within the rear yard and could be conditioned.

Neighbouring Amenity:

- 8.13 Objections have been raised from neighbouring residents in relation to concerns of noise and disturbance from the previous unauthorised use and that this could occur with the proposed use.
- 8.14 It is established that a change to a C4 House in Multiple Occupation would not in this instance result in a local over-concentration of properties in such use. The proposed use may result in a more intensive use of the property and a greater impact upon the immediate and surrounding area, and upon neighbouring amenity. Given the concentrations assessed above, it is considered that the

increased impact likely to be caused in this case would not be of a magnitude which would cause demonstrable harm to neighbouring amenity and would not warrant the refusal of planning permission.

8.15 Objections have been received on the basis that the existing use of the property is seven bedrooms rather than the six bedrooms that are proposed in the current scheme, and this has been confirmed on site. Following the determination of this application, the matter shall be referred back to the Enforcement Team in order to assess the current unauthorised use of the application site.

8.16 Objections have been received relating to the ground floor rear extension with outdoor lights and a flat roof that is used for an amenity space. It is presumed that the existing rear extension was constructed under permitted development. At the time of the site visit there was no indication that the flat roof of the extension was being used as an amenity space that would require Planning Permission.

Transport:

8.17 The proposed C4 use would be likely to create greater trip generation than a C3 use. However, in this case it is not considered that such an increase would cause a negative highway impact.

8.18 Policy TR14 requires that all developments provide cycle storage for occupiers of the development and visitors to the development. This has been considered above.

9 CONCLUSION

9.1 The proposed change of use is considered to be acceptable in this location. No significant harm to neighbouring amenity would be caused and adequate cycle storage would be secured by planning condition.

10 EQUALITIES

10.1 None identified

11 PLANNING OBLIGATION / CONDITIONS / INFORMATIVES

11.1 Regulatory Conditions:

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

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

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

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

Plan Type	Reference	Version	Date Received
Site plan	n/a		01 May 2014
Existing and proposed	1182/01		16 May 2014

- 3) Within three months of the date of this permission, details of secure cycle parking facilities for the occupants of, and visitors to, the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority. These facilities shall be fully implemented and made available for use within three months of the details being agreed 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.

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 is considered to be acceptable in this location. No significant harm to neighbouring amenity would be caused and adequate cycle storage would be secured by planning condition.

Planning and Public Protection
Brighton and Hove City Council
Hove Town Hall
Norton Road
Hove
BN3 3BQ

7th June 2014

For the Attn: Wayne Nee

Dear Sir,

Application BH2014/01429 – 19 Hollingbury Park Avenue

I am writing to oppose this retrospective planning application both as a ward councillor who has received a number of complaints and objections from constituents and as a resident affected by the current use of the property and who, like my constituents, would continue to be affected if the application were granted. I would like to attend the meeting when the application is considered in order to speak against it.

Throughout the summer of 2013 substantial work was carried out to convert what had been a residential house into what was advertised by G4 Lets agency on its website in September 2013 as a “newly refurbished 7 bedroom student house.” The advert specified that 5 of the bedrooms had double beds.

The house was occupied from the start of the 2013/2014 academic year and the electoral register shows 7 people currently listed at the address.

From the time that people moved in I began receiving complaints from residents living on either side of the house and from people nearby in Hollingbury Park Avenue about excessive noise nuisance of loud conversations, shouting and music often late at night and into the early hours of the morning. Constituents told me that they had complained to the residents to no avail and I made representations to the letting agents. This noise nuisance has continued over the last 9 months particularly affecting neighbours on either side and opposite who have young children.

I live in the house directly behind this property and while I have not been affected by noise nuisance in the same extreme way as those living on either side of the house I have been affected by noise from the frequent use by residents of the flat roof of the ground floor extension as an area for sitting outside and other activities including boxing and weightlifting in the late evening. That flat roofed extension was added as part of the work done in the summer of 2013 and not, as the applicant suggests in the application, as a permitted development in 2012 while the house was still in residential use. Because of the height of the extension and its closeness to the back wall of the property anyone on it overlooks my back garden and activities on it can be clearly seen and heard from my house.

COUNCILLOR REPRESENTATION

An application for a similar ground floor extension to 21 Hollingbury Park Avenue , the house next to this property, was turned down by the council last year suggesting that an application for such a ground floor extension to number 19 should also be unacceptable, particularly as it was not carried out as a permitted development as claimed.

Neighbours in Hollingbury Park Avenue have also complained to me about lack of provision at number 19 for household refuse and recycling which leads to an unsightly mess outside the front of the property which could be a danger to health. I have taken this matter up with CityClean.

Other complaints I have received have been about the intrusiveness of two very bright wall lights on 2 walls of the ground floor extension which cause a problem to next door neighbours and which also shine directly into the back of my house. These lights have often been left on all night.

From my own point of view as a resident, as well as the noise nuisance and overlooking and loss of privacy and overlooking already referred to as a result of the building of the ground floor extension last year, my house is also affected by a large rear dormer window added last summer to number 19 which looks directly into a rear bedroom of my house. This effect is exacerbated when the rear external lights are left on. Like the ground floor extension this dormer was added not, as the applicant claims, as a permitted right in 2012 when the house was a residential dwelling but as part of the work done in 2013 to convert the property into a 7 bedroom student house.

As I have already said there are inaccuracies in the application about when these extensions were added which leads to a false impression about the legal basis in terms of planning law on which they were added.

The application floor plan is also inaccurate because it shows the house as having only 5 bedrooms rather than the seven which it has been advertised as having and which, as the electoral register entry suggests, it actually does have.

I cannot say whether these inaccuracies are due to carelessness on the part of the applicant or an attempt to mislead.

I believe that this property is unsuitable for use as a house in multiple occupation of **any size**, not only because of the effect its use as an HMO since September has had on the immediate area but also because of the number of other HMOs already existing nearby in Hollingbury Park Avenue, Ditchling Road, Hollingbury Road and Hollingbury Terrace. (This Ward is one of those covered by the Council's Article 4 Directive.) I believe the property should be restored to use as a residential dwelling and would ask that the application should not be granted.

Yours sincerely,

Councillor Jeane Lepper

Hollingdean and Stanmer.

PLANNING COMMITTEE	Agenda Item 153 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

Date	Address	Ward	Proposal
10 th March 2015	106 Lewes Road, Brighton	St Peter's and North Laine	Eight storey block of student accommodation.
18 th November 2014	15 North Street & Pugets Cottage, Brighton	Regency	Demolition of 15 North Street to be replaced with a new feature entrance building.
7 th October 2014	Brighton College, Eastern Road, Brighton	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 st April 2014	Land at Meadow Vale, Ovingdean	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 th March 2014	Hove Park Depot, The Droeway, Hove	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 th February 2014	City College, Wilson Avenue, Brighton	East Brighton	Additional accommodation
29 th October 2013	Hippodrome, Middle Street, Brighton	Regency	Refurbishment and Extension
17 th Sept 2013	One Digital, Hollingdean Road, Brighton	Hollingdean and Stanmer	Student accommodation development
27 th Aug 2013	The BOAT, Dyke Road Park, Brighton	Hove Park	Outdoor theatre
16 th July 13	Circus Street, Brighton	Queen's Park	Pre-application proposed re-development

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

PLANS LIST 11 March 2015

**BRIGHTON AND 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

BH2014/03399

7 Brangwyn Drive Brighton

Erection of two storey side extension incorporating pitched roof with rooflight and formation of front porch, including alterations to front access.

Applicant: Mr P Gower

Officer: Wayne Nee 292132

Approved on 16/02/15 DELEGATED

1) BH01.01

The development hereby permitted shall be commenced before the expiration of three 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	BD02		09 October 2014
Existing plans	BD/03		09 October 2014
Existing elevations	BD/04		09 October 2014
Proposed plans	BD/06		21 January 2015
Proposed elevations	BD/05		21 January 2015
Site plan	600/AR		09 October 2014

BH2014/03932

48 Carden Crescent Brighton

Erection of first floor rear extension.

Applicant: Mr & Mrs Mark & Fiona Turner

Officer: Joanne Doyle 292198

Approved on 13/02/15 DELEGATED

1) BH01.01

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

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

2) BH03.03

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

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

3) UNI

The first floor window in the south east elevation of the property 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.

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	0258-14-04		25 Nov 2014
Block Plan	0258-14-05		25 Nov 2014
Existing & Proposed Elevations	0258-14-01		21 Nov 2014
Existing Floor Plans & Roof Plan	0258-14-02		21 Nov 2014
Proposed Floor Plan & Roof Plan	0258-14-03		21 Nov 2014

BH2014/04038

38 Windmill View Brighton

Erection of two storey rear extension.

Applicant: Mr Dave Curtin

Officer: Joanne Doyle 292198

Approved on 30/01/15 DELEGATED

1) BH01.01

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

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

2) BH03.03

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

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

3) UNI

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

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

Plan Type	Reference	Version	Date Received
Proposed Floor Plans	38wv/01		01 Dec 2014
Site Location Plan Block Plan Existing Elevations	38wv/02		01 Dec 2014
Existing Floor Plans	38wv/03		01 Dec 2014
Proposed Elevations	38wv/04		01 Dec 2014

BH2014/04090

Land Rear of 18 Morecambe Road & 63 Midhurst Rise Brighton

Erection of 2no two bedroom detached houses (C3) accessed from Midhurst Rise.

Applicant: Mel Smith

Officer: Adrian Smith 290478

Refused on 06/02/15 DELEGATED

1) UNI

The proposed dwellings, by virtue of their excessive scale, form, site coverage and proximity to the site boundaries, would result in a prominent form of development that would excessively dominate site and result in the loss of the garden character of the area. The proposal therefore represents an overdevelopment of the site that fails to contribute positively to the character of the backland garden area, contrary to policies QD1 & QD2 of the Brighton & Hove Local Plan.

2) UNI2

The proposed development, by virtue of the restricted access point and the number and degree of parking spaces and hardstandings along the southern site boundary, would result in excessive traffic movements, noise and disturbance directly adjacent to properties, thereby resulting in amenity harm contrary to policy QD27 of the Brighton & Hove Local Plan.

3) UNI3

The proposed dwellings, by virtue of their excessive scale, form, site coverage and proximity to the site boundaries, would result in a prominent form of development that would have a looming and oppressive impact on the occupants of adjacent properties, contrary to policy QD27 of the Brighton & Hove Local Plan.

BH2014/04112

39 Craignair Avenue Brighton

Certificate of lawfulness for proposed loft conversion incorporating hip to gable roof extension, installation of 3no rooflights to front and creation of rear dormer with Juliet balcony.

Applicant: Mr Jermey Snelling

Officer: Luke Austin 294495

Approved on 12/02/15 DELEGATED

BH2014/04149

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: Mr Mike Walker

Officer: Joanne Doyle 292198

Approved on 09/02/15 DELEGATED

1) BH01.01

The development hereby permitted shall be commenced before the expiration of

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 windows within the dormers proposed to the Rear (East) elevation of the property hereby permitted shall be obscure glazed and non-opening, unless the parts of the windows which can be opened are more than 1.7 metres above the floor of the room in which the window is installed, and thereafter permanently retained as such.

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

4) UNI

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

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

Plan Type	Reference	Version	Date Received
Site Location & Block plan	CH610/001	B	09 Dec 2014
Existing Ground Floor Plan & Roof Plan	CH610/002		09 Dec 2014
Existing Elevations & Sections	CH610/003		09 Dec 2014
Proposed Ground Floor Plan	CH610/004	A	09 Dec 2014
Proposed First Floor Plan & Roof Plan	CH610/005	C	09 Dec 2014
Proposed Elevations & Sections	CH610/006	C	09 Dec 2014
Proposed Street Scene	CH610/007	D	15 Dec 2014

BH2014/04152

111 Carden Hill Brighton

Certificate of lawfulness for proposed loft conversion incorporating front rooflights, side window, rear dormer and associated roof alterations.

Applicant: Ms Amanda Stafford

Officer: Robert Hermitage 290480

Approved on 04/02/15 DELEGATED

BH2014/04227

15 Rotherfield Crescent Brighton

Erection of single storey side extension.

Applicant: Mr C. Beck

Officer: Luke Austin 294495

Refused on 10/02/15 DELEGATED

1) UNI

The proposed extension, by virtue of its rear projection and height, would result in an unduly dominant and unsympathetic addition which would relate poorly to the existing building and would detract from the character and appearance of the

surrounding area. The proposal is therefore contrary to policy QD14 of the Brighton and Hove Local Plan and guidance within Supplementary Planning Document 12: Design Guide for Extensions and Alterations.

PRESTON PARK

BH2014/02591

Ten and a Half Preston Park Avenue Brighton

Application for Approval of Details Reserved by Conditions 12, 13, 14, 15, 16, 17, 18 and 19 of application BH2013/03937.

Applicant: Mr & Mrs Franks

Officer: Liz Arnold 291709

Split Decision on 29/01/15 DELEGATED

1) UNI

APPROVE the details pursuant to conditions 13, 15, 16, 17 and 18 of approved application BH2013/03937, subject to full compliance with the submitted details.

1) UNI

The applicant has failed to provide acceptable roof and paving material samples, in accordance with condition 12 of approved application BH2013/03937.

2) UNI2

With respect to condition 14 the applicant needs to confirm that the bricks would match in type, material, size and brickbond and that the mortar joint profile would be square recessed with the pointing set back slightly from the face of the brick to avoid smearing.

3) UNI3

The applicant has failed to provide a Code for Sustainable Homes Certificate demonstrating that the new dwelling has been built to Code for Sustainable Homes Level 4 as a minimum, in accordance with condition 19 of approved application BH2013/03937.

BH2014/03443

Ground Floor Flat 2 Edburton Avenue Brighton

Demolition of existing extensions and erection of single storey extensions to south and east elevations with associated alterations.

Applicant: Mrs Barbara Pozzoni

Officer: Chris Swain 292178

Approved on 06/02/15 DELEGATED

1) BH01.01

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

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

2) UNI

Access to the flat roofs over the extensions 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.

3) UNI

All new windows shall be painted timber, 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 and block plan	077/100	A	31 October 2014
Existing elevations and plans	077/101	A	13 October 2014
Proposed elevations and plans	077/201	B	23 December 2014
Proposed roof plan	077/202	A	23 December 2014

5) UNI

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

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

BH2014/03571

67 Havelock Road Brighton

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

Applicant: Mr & Mrs Andrews

Officer: Joanne Doyle 292198

Approved on 05/02/15 DELEGATED

BH2014/03861

100 Beaconsfield Villas Brighton

Demolition of existing garden store and erection of new garden store.

Applicant: Dr Dermot Kelleher

Officer: Mark Thomas 292336

Refused on 13/02/15 DELEGATED

1) UNI

The proposed outbuilding, by virtue of its scale, height, bulk, massing, position and footprint, would represent an overdevelopment of the property's rear garden in isolation, and cumulatively with the recipient property's existing rear extension. The development would serve to further erode the open space within the rear garden. For the reasons outlined, the proposed development would result in significant harm to the character and appearance of the recipient property and the wider Conservation Area, contrary to policies QD14 and HE6 of the Brighton and Hove Local Plan.

BH2014/04099

94 Rugby Road Brighton

Certificate of lawfulness for proposed single storey rear extension.

Applicant: Mr & Mrs Mason

Officer: Tom Mannings 292322

Approved on 05/02/15 DELEGATED

BH2014/04114

71 Sandgate Road Brighton

Certificate of lawfulness for proposed loft conversion with front rooflights and rear

dormer.

Applicant: Mr Andrew Butler
Officer: Robert Hermitage 290480
Approved on 09/02/15 DELEGATED

BH2014/04136

27 Port Hall Street Brighton

Certificate of lawfulness for proposed installation of 3no. rooflights to front and creation of rear dormer with juliette balcony.

Applicant: Mr Andy Lord
Officer: Luke Austin 294495
Approved on 09/02/15 DELEGATED

BH2014/04144

73C Ditchling Rise Brighton

Installation of rooflights to front and rear roof slopes.

Applicant: Miss L Rudyk
Officer: Robert Hermitage 290480
Approved on 10/02/15 DELEGATED

1) BH01.01

The development hereby permitted shall be commenced before the expiration of 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 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.

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 Front and Rear Elevation	-	-	9th December 2014
Existing Ground Floor Plan	-	-	9th December 2014
Existing First Floor Plan	-	-	9th December 2014
Proposed Elevations and Floors Plans	JW/14/101	-	4th February 2015

BH2014/04215

Prestamex House 171-173 Preston Road Brighton

External alterations to facade of building including revised entrance, revised fenestration, installation of external balconies and glazing bars to windows and other associated works following prior approval application BH2014/01522 for change of use from offices (B1) to residential (C3) to create 34no one bed flats, 28no two flats and 4no three bed flats.

Applicant: Daejan (Brighton) Limited

Officer: Christopher Wright 292097

Approved on 10/02/15 DELEGATED

1) BH01.01

The development hereby permitted shall be commenced before the expiration of three 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 following 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:

- a) a sample of the light grey render to be used; and
- b) a sample of the grey metal cladding to be used, including details of its treatment to protect against weathering.

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 development hereby permitted shall be carried out in accordance with 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			15 Dec 2014
Existing East Elevation	130219-A-		16 Dec 2014
Location Plan	130219-A-DR-00-D301		15 Dec 2014
Existing - Floor Plans	130219-A-DR-XX-D202		16 Dec 2014
Existing North Elevation	130219-A-DR-XX-D204		15 Dec 2014
Existing South Elevation	130219-A-DR-XX-D205		16 Dec 2014
Existing West Elevation	130219-A-DR-XX-D206		15 Dec 2014
Proposed East Elevation	130219-A-DR-XX-D-207		16 Dec 2014
Proposed North Elevation	130219-A-DR-XX-D-208		15 Dec 2014
Proposed South Elevation	130219-A-DR-XX-D-209		16 Dec 2014
Proposed West Elevation	130219-A-DR-XX-D-210		15 Dec 2014
Proposed Elevation Detail	130219-A-DR-		15 Dec 2014`

	XX-D-211		
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BH2014/04284

121 Lowther Road Brighton

Erection of rear extension and steps to garden.

Applicant: Rebecca Greenwood

Officer: Liz Arnold 291709

Approved on 13/02/15 DELEGATED

1) BH01.01

The development hereby permitted shall be commenced before the expiration of 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, block plan and Proposed floor plans and elevations	599/01	-	19 December 2014
Existing floor plans and elevations	599/02	-	19 December 2014

BH2014/04292

16 Beaconsfield Villas Brighton

Demolition of existing conservatory and erection of single storey rear extension.

Applicant: Dr Claire Hooley

Officer: Helen Hobbs 293335

Approved on 12/02/15 DELEGATED

1) BH01.01

The development hereby permitted shall be commenced before the expiration of 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
Floor plans and elevations as existing	20.11.14		18th December 2014
Floor plans and elevations as proposed	21.11.14		18th December 2014
Existing and proposed plans, site plan and block plan	22.11.14		18th December 2014

BH2014/04310

76 Rugby Road Brighton

Installation of front and rear rooflights and rear dormer.

Applicant: Mrs Louise Shuttleworth

Officer: Robert Hermitage 290480

Approved on 16/02/15 DELEGATED

1) BH01.01

The development hereby permitted shall be commenced before the expiration of three 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 front rooflights hereby approved shall be 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 and Block Plans	CH652/001	-	22nd December 2014
Existing Plans and Elevations	CH652/002	-	22nd December 2014
Existing Elevations and Sections	CH652/003	-	22nd December 2014
Proposed Plans and Elevations	CH652/004	-	22nd December 2014
Proposed Elevations and Sections	CH652/005	-	22nd December 2014

BH2015/00049

58 Osborne Road Brighton

Prior approval for the erection of a single storey rear extension, which would extend beyond the rear wall of the original house by 4.9m, for which the maximum height would be 2.7m, and for which the height of the eaves would be 2.7m.

Applicant: Mr & Mrs Griffin

Officer: Astrid Fisher 292337

Prior approval not required on 09/02/15 DELEGATED

REGENCY

BH2014/03963

Brighton Thistle Hotel 21-30 Kings Road Brighton

Installation of 3no cabinets within existing steel cabinet support frame, replacement and installation of mast head amplifiers and replacement of 4no port antennas with 6no port antennas.

Applicant: Everything Everywhere Limited

Officer: Adrian Smith 290478

Approved on 11/02/15 DELEGATED

1) BH01.01

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

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

2) UNI

All antennas or fixings visible from ground level shall be painted to match the surrounding area of façade and shall be so maintained.

Reason: To ensure the proposal as discrete as possible and to comply with policies QD14, QD24 and HE6 of the Brighton & Hove Local Plan.

3) UNI

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

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

Plan Type	Reference	Version	Date Received
Site location plan	61670_001	E	17/12/2014
Existing site layout	61670_002	D	17/12/2014
Existing site elevation	61670_005	D	17/12/2014
Proposed site layout	61670_003	D	17/12/2014
Site layout	61670_004	E	17/12/2014
Proposed site elevation	61670_006	D	17/12/2014
Antenna details	61670_007	D	17/12/2014
Equipment schematic	61670_008	D	17/12/2014
ICNIRP details	61670_009	D	17/12/2014
ICNIRP Certificate	-	-	16/12/2014

BH2014/03965

211 Western Road Brighton

Replacement of existing first floor glazing panel with louvre to south elevation.

Applicant: IA S Watson

Officer: Helen Hobbs 293335

Refused on 04/02/15 DELEGATED

1) UNI

The proposed development, by virtue of its design with vertical divisions, would disrupt the horizontal emphasis to the building's fenestration and façade, significantly harming the character and appearance of the existing property, streetscene or the surrounding area, contrary to policy QD14 of the Brighton and Hove Local Plan and Supplementary Planning Document 12 Design Guide for Extensions and Alterations.

BH2014/03972**84 Osprey House Sillwood Place Brighton**

Replacement of existing single glazed windows and door with double glazed UPVC units.

Applicant: John Worrow

Officer: Helen Hobbs 293335

Approved on 16/02/15 DELEGATED

1) BH01.01

The development hereby permitted shall be commenced before the expiration of three 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			22nd December 2014
Window specification			22nd December 2014
Window sections			22nd December 2014
Photographs			22nd December 2014

BH2014/04042**6 Windlesham Court Windlesham Gardens Brighton**

Replacement of existing timber windows with UPVC windows.

Applicant: Mr Airlie

Officer: Christopher Wright 292097

Approved on 30/01/15 DELEGATED

1) BH01.01

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

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

2) UNI

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

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

Plan Type	Reference	Version	Date Received
Location Plan			28 Nov 2014
Block Plan			28 Nov 2014
Replacement windows	10405-1		28 Nov 2014
Window profile section			28 Nov 2014
Photographs of existing windows (3 pages)			28 Nov 2014

BH2014/04125

60 Middle Street Brighton

Internal alterations to layout of dwelling.

Applicant: Karis Developments

Officer: Joanne Doyle 292198

Approved on 02/02/15 DELEGATED

1) BH01.05

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

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

2) UNI

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

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

3) UNI

All new architraves and skirtings shall match the existing. All existing doors are to be retained, except where indicated on the drawings hereby approved. Any new doors shall be of timber construction with recessed panels to match the existing doors. Any fireproofing to doors should be an integral part of the door construction and self closing mechanisms, if required, shall be of the concealed mortice type.

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

4) 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.

BH2014/04196

175 - 178 Western Road Brighton

Display of internally illuminated fascia sign, internally illuminated projecting sign and internally illuminated banner sign.

Applicant: Deichmann Shoes UK Ltd

Officer: Adrian Smith 290478

Approved on 13/02/15 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.

BH2014/04197

175 - 178 Western Road Brighton

Alterations to existing shop front.

Applicant: Deichmann Shoes UK Ltd

Officer: Adrian Smith 290478

Approved on 13/02/15 DELEGATED

1) BH01.01

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

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

2) UNI

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

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

Plan Type	Reference	Version	Date Received
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Site plan and block plan	4390-09	-	12/12/2014
Existing ground floor layout	4390-01	A	19/12/2014
Existing basement layout	4390-02	B	19/12/2014
Proposed basement layout	4390-03	B	19/12/2014
Proposed ground floor layout	4390-04	D	19/12/2014
Existing and proposed elevations	4390-05	F	09/02/2015

BH2014/04234

Flat 1 27 Sillwood Street Brighton

Removal of UPVC window and timber door and installation of timber bi-fold doors to rear elevation.

Applicant: Mr Nathan Killeya

Officer: Mark Thomas 292336

Approved on 16/02/15 DELEGATED

1) BH01.01

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

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

2) UNI

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

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

Plan Type	Reference	Version	Date Received
Existing and proposed plans and elevations	01	-	16th December 2014

BH2014/04344

29 Western Road Brighton

Change of use from retail (A1) to restaurant/ hot food takeaway (A3/A5).

Applicant: Kokoro UK Ltd

Officer: Adrian Smith 290478

Approved on 18/02/15 DELEGATED

1) BH01.01

The development hereby permitted shall be commenced before the expiration of three 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 use hereby permitted shall not be open to customers except between the hours of 09.00 and 21.00 daily, and all activity at the site shall cease thirty minutes after the premises has closed to customers.

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

3) UNI

All deliveries and servicing of the A3/A5 unit hereby permitted shall be carried out in full accordance with the Delivery and Service Management plan received on 12 February 2015. No home deliveries shall occur from the premises at any time.

Reason: In the interests of highway safety and to comply with policies TR1 and TR7 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	-	-	23/12/2014
Existing floor plans	126/101	-	23/12/2014
Proposed floor plans	126/102		23/12/2014
	126/103		23/12/2014
	126/104		23/12/2014

ST. PETER'S & NORTH LAINE

BH2013/01824

Site J New England Quarter Brighton

Application for Approval of Details Reserved by Condition 17a(ii) of application BH2012/01627.

Applicant: The Hyde Group

Officer: Sarah Collins 292232

Approved on 16/02/15 DELEGATED

BH2013/02511

49 - 50 Providence Place & 3 & 4 Ann Street Brighton

Application for variation of condition 29 of application BH2010/02585 (Demolition of existing buildings and erection of four storey building with sub-divisible commercial use for retail (A1)/ restaurant (A3) /office (B1) at ground floor level and 9 no. one and two bedroom dwellings above) to permit partial retention of rear wall, omission of basement level and formation of internal cycle and refuse storage at ground floor level.

Applicant: Facilitas

Officer: Jason Hawkes 292153

Approved on 10/02/15 DELEGATED

1) UNI

Not used.

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	121003-B-001 B		23rd August 2013
Site Survey	3544-1		23rd July 2013
Elevations A-B	3544-2		23rd July 2013
Elevations C-E	3544-3		23rd July 2013
Plan: Ground & Foundations	121003-D-500 J		23rd August 2013
Plan: Levels 1 & 2	121003-D-501 F		23rd August 2013
Plan: Level 3	121003-D-502		23rd August 2013

	F		
Plan: Ground Indicative Layouts	121003-D-505 A		23rd August 2013
Sections	121003-D-510 E		23rd August 2013
Elevations Sheet 1	121003-D-520 D		23rd August 2013
Elevations Sheet 2	121003-D-521 E		23rd August 2013
Details: Wall Types Sheet 1	121003-21-01 0A		23rd July 2013
Details: Wall Types Sheet 2	121003-21-01 1B		23rd July 2013
Details: Wall Types Sheet 3	121003-21-01 2		23rd July 2013
Details: Floor Types Sheet 1	121003-21-01 5A		23rd July 2013
Details: Roof Types Sheet 1	121003-21-02 0B		23rd July 2013
Details: Balustrade Type 1	121003-21-03 0		23rd July 2013
Details: Balustrade Type 2	121003-21-03 1B		23rd July 2013
Details: Balustrade Type 3	121003-21-03 2		23rd July 2013
Details: Existing Rear Wall Sheet 1	121003-21-03 3B		23rd July 2013
Details: External Paving Sheet 1	121003-21-04 0B		23rd July 2013
Details: External Works Sheet 1	121003-21-04 1A		23rd July 2013
Details: Residential Cycles Refuse / Recycle	121003-21-05 0		23rd July 2013
Details: Retail & Residential Entry	121003-21-05 5		23rd July 2013
Details: Retail Shop Front Entry / Windows	121003-21-05 6		23rd July 2013
Details: Section Shop Front & Entries	121003-21-05 7		23rd July 2013

3) UNI

Within 3 months of the date of this permission, samples of the following 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:

- a) samples of brick, render and tiling (including details of the colour of render/paintwork to be used)
- b) samples of all cladding to be used, including details of their treatment to protect against weathering
- c) samples of all hard surfacing materials
- d) samples of the proposed window and door treatments

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

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

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

4) UNI

The development shall be implemented in strict accordance with the detailed drawings of the proposed balcony railings, windows, shopfronts and entrance doors approved under BH2013/01027 and shall thereafter be retained as such.

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

5) UNI

The development shall be implemented in strict accordance with the detailed drawings of the proposed balcony railings, windows, shopfronts and entrance doors approved under BH2013/01027 and shall thereafter be retained as such.

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

6) UNI

Within 3 months of the date of this permission, unless otherwise agreed with the Local Planning Authority in writing, a BRE issued Interim/Design Stage Certificate demonstrating that the development has achieved a minimum BREEAM rating of 50% in energy and water sections of relevant BREEAM assessment within overall 'Very Good' for all non-residential development has been submitted to, and approved in writing by, the Local Planning Authority.

A completed pre-assessment estimator will not be acceptable.

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

7) UNI

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

8) UNI

The hard surface hereby approved shall be made of porous materials and retained thereafter or provision shall be made and retained thereafter to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the property.

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

9) UNI

Within 3 months of the date of this permission, unless otherwise agreed with the Local Planning Authority in writing, 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.

10) UNI

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

11) UNI

Should part/all of the ground floor unit be occupied by a Class A3 user, and the publicly accessible floorspace exceed 150sqm, alcohol must only be served to customers who are seated and purchasing food also.

Reason: To ensure there is no detrimental impact on neighbouring occupiers in terms of noise and disturbance or public disorder and to comply with policies SR12, SU10 and QD27 of the Brighton & Hove Local Plan.

12) 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.

13) UNI

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

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

14) UNI

The scheme shall be implemented in accordance with detailed drawings of the levels, sections and construction details of the works to the footway approved under BH2013/01027. The works shall be completed in strict accordance with the approved details and thereafter retained as such.

Reason: In the interests of highway safety, for the benefit and convenience of the public at large and to comply with policies TR1, TR7 and TR8 of the Brighton & Hove Local Plan.

15) UNI

No industrial activity of any kind, except loading and unloading, shall take place outside the proposed building within the curtilage of the site without the prior written approval of the Local Planning Authority.

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.

16) UNI

The use of the commercial premises on the ground floor, be it Class A1, A3 or B1, shall not be in use except between the hours of 07:00 to 20:00 on Mondays to Sundays.

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

17) UNI

No deliveries nor any loading or unloading of vehicles shall take place to the ground floor commercial premises, be it Class A1, A3 or B1, except between the hours of 07.00 - 19.00 on Monday to Friday, 08.00 - 13.00 on Saturdays and not at any time on Sundays, Bank or Public Holidays.

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

18) UNI

No external lighting shall be installed other than that which accords with the details of external lighting approved on the 12th of August 2013 under application BH2013/01027. The external lighting shall be installed in strict accordance with the approved details and thereby retained as such unless a variation is subsequently submitted to and approved in writing by the Local Planning Authority.

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

19) UNI

The proposed development shall be implemented in accordance with the land contamination reports approved under application BH2013/00070. Within 3 months of the date of this permission, the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

i) Based upon the site investigation scheme and preliminary risk assessment approved on the 13th of May 2013 under application BH2013/00070, site investigation results and a detailed risk assessment and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

ii) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (i) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express consent of the local planning authority. The scheme shall be implemented as approved.

Reason: In the interests of the protection of groundwater and to comply with policy SU3 of the Brighton & Hove Local Plan.

20) UNI

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

Reason: In the interests of the protection of groundwater and to comply with policy SU3 of the Brighton & Hove Local Plan.

21) UNI

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

Reason: In the interests of the protection of groundwater and to comply with policy SU3 of the Brighton & Hove Local Plan.

22) UNI

The scheme shall be implemented in accordance with the scheme for hard landscaping approved under application BH2013/01027. The scheme shall be implemented in strict accordance with the approved details.

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

23) UNI

Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas, roads and hardstandings shall be passed through trapped gullies to BS 5911:1982 with an overall capacity compatible with the site being drained.

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

24) UNI

Within 1 month of the date of this permission, confirmation shall be submitted to and approved in writing by the Local Planning Authority that the scheme has been registered with the Considerate Constructors Scheme.

Reason: To protect the amenities of the neighbouring occupiers and to comply with Policies SU10 and QD27 of the Brighton & Hove Local Plan.

25) UNI

Within 3 months of the date of this permission, details of a scheme to improve the biodiversity of the site shall be submitted to and approved in writing by the Local Planning Authority. The works shall be implemented in strict accordance with the approved scheme prior to the occupation of the buildings and thereafter retained as such.

Reason: To ensure the scheme achieves an acceptable level of biodiversity and to comply with policy QD17 of the Brighton & Hove Local Plan.

26) 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.

27) 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.

28) UNI

Prior to the first occupation of the development hereby approved the sound insulation measures approved on the 12th of August 2013 under application BH2013/01027 shall be completed in strict accordance with the approved details and shall be retained as such thereafter.

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

29) UNI

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

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

BH2014/02335

Site J New England Quarter Fleet Street Brighton

Application for approval of details reserved by condition 27a of application BH2012/01627.

Applicant: The Hyde Group

Officer: Sarah Collins 292232

Approved on 13/02/15 DELEGATED

BH2014/03018

Good Companions Public House 132 Dyke Road Brighton

Alterations to front elevation to facilitate enlargement of external seating area.

Applicant: Indigo Pub Co Ltd

Officer: Robert Hermitage 290480

Refused on 11/02/15 DELEGATED

1) UNI

Due the lack of an acoustic/noise assessment, which predicts the noise levels at sensitive receptors as a result of the extension to the outdoor seating area, it is considered that the applicant has failed to demonstrate that the proposal would have an acceptable impact on the amenities of the adjacent residents. Therefore, it is considered that the close proximity of the outdoor seating area, by reason of noise disturbance, would be harmful to the residential amenity of occupiers of 130 Dyke Road and would be contrary to Brighton & Hove Local Plan policies SU9, SU10 and QD27

BH2014/03383

1A Upper Gardner Street & 76 - 81 North Road Brighton

Change of use of first floor from mixed use of retail and flat to retail (A1). (Retrospective)

Applicant: The Guitar Amp & Keyboard Centre

Officer: Sue Dubberley 293817

Approved on 05/02/15 DELEGATED

1) UNI

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

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

Plan Type	Reference	Version	Date Received
Site plan			8/10/1014
Existing and proposed floor plans			PL01

BH2014/03615

55 Gardner Street Brighton

Installation of new shopfront incorporating new entrance door.

Applicant: Gardner Retail Limited

Officer: Wayne Nee 292132

Refused on 02/02/15 DELEGATED

1) UNI

The proposed shopfront would be of a non-traditional appearance with aluminium

framework and doors, and an automated sliding main door. The proposal for two entrance doors in the façade would result in a cluttered appearance, smaller shop windows, and the overall proportions and appearance would result in a worse appearance than the existing. The proposed development would result in an unsympathetic appearance that would detract from the character and appearance of the existing building to the detriment of the street scene and the surrounding Conservation Area. As such the proposal is contrary to policies QD5, QD10 and HE6 of the Brighton & Hove Local Plan, and Supplementary Planning Document on Shop Front Design (SPD02).

BH2014/03675

89-90 London Road Brighton

Change of use of first and second floors from retail (A1) to residential (C3) with erection of first and second floor rear extension and mansard roof to create a total of 4no two bedroom flats with associated alterations. Installation of new shopfront including new access to upper floors.

Applicant: Ebury Estates

Officer: Andrew Huntley 292321

Refused on 29/01/15 DELEGATED

1) UNI

The proposed roof addition, by reason of its height and bulk, would appear unduly dominant and would cause harm to the established character of the street scene and surrounding area. The design, detailing and roof form would fail to relate to the fenestration below and would create a 'top heavy' bulky appearance to the building. Overall, the design would fail to provide a suitable standard of design and appearance for new development, contrary to policies QD1 and QD2 of the Brighton and Hove Local Plan. The proposal therefore fails to enhance the positive qualities of the neighbourhood and represents a poorly designed development, out of keeping with its surroundings, to the detriment of the character of the area and the visual appearance of the streetscene. This harm is therefore considered to outweigh the benefit provided by the additional residential units. As such, the proposal would be contrary to policies QD1 and QD2 of the Brighton and Hove Local Plan.

BH2014/04126

61 Centurion Road Brighton

Certificated of lawfulness for proposed installation of photovoltaic panels to front roof slope.

Applicant: Wendy Lam

Officer: Luke Austin 294495

Approved on 13/02/15 DELEGATED

BH2014/04171

Flat 3 90 Shaftesbury Road Brighton

Insertion of 2no front rooflights and creation of dormer and insertion of rooflight to rear.

Applicant: Mr Dominic Plucknett

Officer: Sue Dubberley 293817

Approved on 09/02/15 DELEGATED

1) BH01.01

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

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

2) UNI

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

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

3) UNI

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

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

Plan Type	Reference	Version	Date Received
Existing plans	0255-14-01		11/12/2014
Proposed plans	0255-14-02		11/12/2014
Site plan	0255-14-03		15/12/2014
Block plan	0255-14-03		15/12/2014

BH2014/04300

78 Church Street Brighton

Change of use from ancillary office (Sui Generis) to office (B1).

Applicant: South Eastern Power Networks Plc

Officer: Wayne Nee 292132

Approved on 17/02/15 DELEGATED

1) BH01.01

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

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

2) UNI

The development hereby permitted shall not be commenced until details of sustainability measures 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.

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	BN14100025/1 01		19 December 2014
Proposed	BN14100025/1 02		19 December 2014

BH2014/04331

94-103 London Road and 6-11 & 12 Baker Street Brighton

Application for Approval of Details Reserved by Conditions 44 and 46 of application BH2014/01127.

Applicant: The Gym Ltd

Officer: Kathryn Boggiano 292138

Approved on 16/02/15 DELEGATED

BH2014/04332

35 Providence Place Brighton

Conversion of first floor from storage (B8) to self contained flat.

Applicant: Mr Yasser Abbas

Officer: Sonia Gillam 292265

Refused on 18/02/15 DELEGATED

1) UNI

There is no evidence to demonstrate that the existing storage facilities (Class B8) have been assessed and are genuinely redundant and the application is therefore contrary to policy EM6 of the Brighton & Hove Local Plan.

2) UNI2

The proposed residential unit would result in an unsatisfactory standard of accommodation and poor level of amenity for the future occupants, by reason of rooms with limited outlook and natural light. The proposal would therefore fail to meet the likely needs of future occupiers and is contrary to policy QD27 of the Brighton & Hove Local Plan.

3) UNI3

Insufficient information has been submitted to demonstrate that the proposed change of use would not result in a detrimental noise impact on the future occupiers of the proposed residential unit, given its proximity to industrial uses. As such, the proposal is contrary to policies QD27 and SU10 of the Brighton and Hove Local Plan.

WITHDEAN

BH2014/02585

14 Bavant Road Brighton

Replacement of existing windows with double glazed UPVC windows to first floor level and new and replacement double glazed UPVC doors to ground floor with associated alterations.

Applicant: Hopscotch Nurseries

Officer: Joanne Doyle 292198

Approved on 09/02/15 DELEGATED

1) BH01.01

The development hereby permitted shall be commenced before the expiration of three 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 first floor windows shall not be glazed otherwise than with obscured glass and shall thereafter be permanently retained as such.

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

3) UNI

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

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

Plan Type	Reference	Version	Date Received
Site Location & Block Plan	TA823/01		31 Jul 2014
Existing Plans	TA823/02		31 Jul 2014
Existing Elevations	TA823/03		31 Jul 2014
Proposed Plans	TA823/10		31 Jul 2014
Proposed Elevations	TA823/11		31 Jul 2014
Proposed Window Specification			31 Jul 2014
Proposed Window Detail			31 Jul 2014

BH2014/03776

6 Westdene Drive Brighton

Erection of rear extension at lower ground floor level with replacement deck over with glass balustrade. Formation of new hardstanding to front with widened vehicular crossover.

Applicant: Mr Newmun Boyle

Officer: Christopher Wright 292097

Approved on 12/02/15 DELEGATED

1) BH01.01

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

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

2) BH03.03

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

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

3) UNI

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

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

Plan Type	Reference	Version	Date Received
Proposed Extension & Car Hardstanding	577/01		23 Jan 2015
Existing Layout	577/02		10 Nov 2014

BH2014/03906

Flat C Upperdene Court 2 Westdene Drive Brighton

Replacement of existing single glazed timber framed windows with UPVC double glazed windows to side and rear.

Applicant: Miss Claire Godley

Officer: Christopher Wright 292097

Approved on 03/02/15 DELEGATED

1) BH01.01

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

Reason: To ensure that the Local Planning Authority retains the right to review

unimplemented permissions.

2) UNI

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

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

Plan Type	Reference	Version	Date Received
Location Plan			10 Dec 2014
Proposed Window Drawing	106556		10 Dec 2014
Synerjy Synseal window brochure and extracts			20 Nov 2014 and 10 Dec 2014
Existing Photographs			4 Dec 2014 and 10 Dec 2014

BH2014/04010

23 Fernwood Rise Brighton

Erection of single storey rear extension. (Retrospective)

Applicant: Mr Lee Coughtrey

Officer: Christopher Wright 292097

Approved on 12/02/15 DELEGATED

1) 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 shall be constructed in the westerly facing tapered elevation of the extension hereby permitted, without planning permission obtained from the Local Planning Authority.

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

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
Single storey rear extension (Existing)	001		27 Nov 2014
Single storey rear extension (Proposed)	002		9 Feb 2015
Street & Block Plan	003		27 Nov 2014

BH2014/04121

39B Whittingehame Gardens Brighton

Certificate of lawfulness for the proposed installation of rooflights to side elevation.

Applicant: Mr Christopher Heath

Officer: Luke Austin 294495

Approved on 11/02/15 DELEGATED

BH2014/04246

Oakwood Lodge 259 Preston Road Brighton

Replacement of existing rear second floor window with Juliet balcony. (Part Retrospective)

Applicant: Mr Mark Flannery

Officer: Robert Hermitage 290480

Approved on 11/02/15 DELEGATED

1) BH01.01

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

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

2) UNI

Access to the flat roof over the 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.

Plan Type	Reference	Version	Date Received
Location and Block Plan	100	P	17th December 2014
Existing and Proposed Plans and Elevations	101	P	17th December 2014

3) UNI

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

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

BH2014/04358

182 Surrenden Road Brighton

Erection of single storey rear extension.

Applicant: Mrs S Savery

Officer: Liz Arnold 291709

Refused on 12/02/15 DELEGATED

1) UNI

The proposed extension, by reason of design, scale, size and excessive depth, individually and in conjunction with the existing single storey flat roofed extension, would create an overly dominant extension to the dwelling which would not appear subservient to the existing dwellinghouse. In addition the proposed extension would wrap around the south-western corner of the dwelling and as such would appear poorly designed in relation to the existing building. Overall the proposal represents an incongruous and harmful addition to the property and wider surrounding area, contrary to policies QD14 and QD27 of the Brighton and Hove Local Plan and the Supplementary Planning Document: Design Guide for Extensions and Alterations (SPD12).

2) UNI2

The proposed extension, by reason of its excessive depth and siting of 182 Surrenden Road at a slightly higher level than the western neighbouring property, would dominate and oppress the outlook to the adjacent property at no. 180 Surrenden Road to the overall detriment of their amenity, contrary to policies QD14 and QD27 of the Brighton and Hove Local Plan and the Supplementary

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

3) UNI3

The proposed terrace, as a result of its positioning along the boundary with no. 180 Surrenden Road and the siting of 182 Surrenden Road at a slightly higher level than the western neighbouring property would represent an un-neighbourly form development for the residents of this neighbouring property by reason of increased overlooking and loss of privacy. The proposal is therefore contrary to policies QD14 and QD27 of the Brighton & Hove Local Plan.

EAST BRIGHTON

BH2014/00863

Court Royal Mansions 1 Eastern Terrace Brighton

Conversion of lower ground floor storage area into 1no one bedroom flat, pitched roof extension to create 1no two bedroom flat, alterations to main entrance and window openings and associated works.

Applicant: Court Royal Mansions Ltd

Officer: Sue Dubberley 293817

Approved on 09/02/15 DELEGATED

1) BH01.05

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

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

2) UNI

No works shall take place until full details of the roof terrace railings have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out and completed fully in accordance with the approved details and retained as such thereafter.

Reason: To ensure a satisfactory appearance to the development and to preserve the character and appearance of the listed building to comply with policy HE1 of the Brighton and Hove Local Plan.

3) UNI

No works shall take place until full details of the hereby approved dormers and roof lights, including 1:20 scale elevational drawings and 1:1 scale joinery sections, have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out and completed fully in accordance with the approved details and retained as such thereafter.

Reason: To ensure a satisfactory appearance to the development and to preserve the character and appearance of the listed building to comply with policy HE1 of the Brighton and Hove Local Plan.

4) UNI

The reinstated entrance steps to the Paston Place entrance shall match the existing remnants of the original steps.

Reason: To ensure a satisfactory appearance to the development and to preserve the character and appearance of the listed building to comply with policy HE1 of the Brighton and Hove Local Plan.

5) UNI

No works shall take place until full details of all the hereby approved basement window and its reveals and cill 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. Unless otherwise agreed in writing by the Local Planning Authority shall be single glazed painted timber with concealed trickle vents. The works shall be carried out and completed fully in accordance

with the approved details and retained as such thereafter.

Reason: To ensure a satisfactory appearance to the development and to preserve the character and appearance of the listed building to comply with policy HE1 of the Brighton and Hove Local Plan.

6) UNI

No works shall take place until full details of the depth of reveals of the hereby approved ground and first floor windows have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out and completed fully in accordance with the approved details and retained as such thereafter.

Reason: To ensure a satisfactory appearance to the development and to preserve the character and appearance of the listed building to comply with policy HE1 of the Brighton and Hove Local Plan.

7) UNI

No works shall take place until full details of the ventilation and drainage outlets have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out and completed fully in accordance with the approved details and retained as such thereafter.

Reason: To ensure a satisfactory appearance to the development and to preserve the character and appearance of the listed building to comply with policy HE1 of the Brighton and Hove Local Plan.

8) UNI

No works shall take place until details of the door panel mouldings to the hereby approved entrance doors have been submitted to and approved in writing by the Local Planning Authority. The door panel mouldings shall match exactly those of the entrance door to no. 5 Eastern Terrace. The works shall be carried out and completed fully in accordance with the approved details and retained as such thereafter.

Reason: To ensure a satisfactory appearance to the development and to preserve the character and appearance of the listed building to comply with policy HE1 of the Brighton and Hove Local Plan.

9) UNI

No works shall take place until a sample of the slate to be used on the hereby approved roof has been submitted to and approved by the Local Planning Authority. The works shall be carried out in accordance with the approved material samples.

Reason: To ensure a satisfactory appearance to the development and to preserve the character and appearance of the listed building to comply with policy HE1 of the Brighton and Hove Local Plan.

10) UNI

No works shall take place until full elevations of the Paston Place frontage at basement level has been submitted to and approved in writing by the Local Planning Authority. The elevations shall show the hereby approved window opening in the context of existing opening at this level. The works shall be carried out and completed fully in accordance with the approved details and retained as such thereafter.

Reason: To ensure a satisfactory appearance to the development and to preserve the character and appearance of the listed building to comply with policy HE1 of the Brighton and Hove Local Plan.

BH2014/03951

19 Bennett Road Brighton

Erection of cycle storage shed to front garden. (Retrospective)

Applicant: Mr Tom Jackson

Officer: Sonia Gillam 292265

Approved on 17/02/15 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			24/11/2014
Block plan			23/12/2014
Existing and proposed floor plans	SGR/BEN/131 114		24/11/2014
Proposed floor plan and elevations	SGR/BEN/131 114		23/12/2014
Existing and proposed elevations	SGR/BEN/131 114		24/11/2014

BH2014/03973

32 Chesham Road Brighton

Conversion of ground floor retail unit (A1) to 1no one bedroom flat (C3) including removal of shopfront and installation of new bay window and door.

Applicant: Mr Ian Dunkerton

Officer: Wayne Nee 292132

Refused on 10/02/15 DELEGATED

1) UNI

The existing fascia, shop window and panelled doors contribute positively to character and appearance of the building and East Cliff Conservation Area. The proposed frontage would result in the loss this character and, by reason of its design and detailing, would incorporate a combination of commercial and domestic appearance, creating an unsympathetic hybrid of both. The proposal would fail to incorporate architectural features, such as a string course and entablature, incorporated on residential frontages elsewhere in the terrace row and would therefore fail to adequately replace the loss of architectural features within the existing shopfront. The proposal would therefore fail to preserve or enhance the character or appearance of the site or East Cliff Conservation Area, contrary to policies QD5, QD14 & HE6 of the Brighton & Hove Local Plan.

BH2014/04316

St Marys Hall Eastern Road Brighton

Refurbishment incorporating new internal door, sunpipe, ventilation penthouse and associated alterations.

Applicant: Brighton & Sussex University Hospitals NHS Trust

Officer: Mick Anson 292354

Approved on 16/02/15 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.

HANOVER & ELM GROVE

BH2014/03320

Old College House 8-10 Richmond Terrace Brighton

Internal and external weather proofing and damp proofing works and removal and capping of chimney.

Applicant: Bowden Property Consulting

Officer: Jonathan Puplett 292525

Approved on 09/02/15 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

A representative test sample panel of the masonry cream shall be applied to the external wall and no further application of the masonry cream shall take place until the sample panel has been inspected and approved in writing by the Local Planning Authority. The wall treatment shall subsequently be carried out and completed to match the approved test sample panel.

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 capping of the chimney stack shall incorporate ventilation in the form of terracotta airbricks, or any alternative method as may be submitted to and approved in writing by the Local Planning Authority prior to works commencing.

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

4) UNI

All internal joinery and plasterwork shall be reinstated to exactly match the existing where removed or disturbed.

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

5) UNI

All re-pointing shall be carried out in lime mortar.

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

BH2014/04109

16a Islingword Road Brighton

Erection of rear extension at second floor level.

Applicant: Mr Julius Windels

Officer: Haydon Richardson 292322

Refused on 10/02/15 DELEGATED

1) UNI

The proposed extension, by reason of its proposed scale, design and materials on the Milton Road elevation, would result in an incongruous extension which fails to respect the character and design of the existing building and streetscene. As such the proposal would be harmful to the character and appearance of the existing property and streetscene and would be contrary to policies QD14 of the Brighton & Hove Local Plan and Supplementary Planning Document 12 'Design Guide for Extensions and Alterations'.

2) UNI2

The proposed extension, by reason of its scale and siting, would represent an un-neighbourly addition which would result in a loss of sunlight and daylight to the

rear windows and roof terrace at to 15 Islingword Road and would also have an overbearing and enclosing impact. As such the proposal would be harmful to the residential amenity of 15 Islingword Road and would be contrary to policies QD14 and QD27 of the Brighton & Hove Local Plan and Supplementary Planning Document 12 'Design Guide for Extensions and Alterations'.

BH2014/04140

115 Whippingham Road Brighton

Replacement of single glazed timber framed windows and timber doors with UPVC double glazed units.

Applicant: Mark Wickenden

Officer: Luke Austin 294495

Approved on 02/02/15 DELEGATED

1) BH01.01

The development hereby permitted shall be commenced before the expiration of three 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		-	08/12/14
Product Survey		-	08/12/14
Technical Specification		-	08/12/14

BH2014/04317

Lower Ground Floor Flat 5A Franklin Road Brighton

Non Material Amendment to BH2014/02600 to replace fully glazed roof of extension with pitched roof with velux rooflights.

Applicant: Mrs Gurinderjeet Kaur De Brun

Officer: Wayne Nee 292132

Approved on 06/02/15 DELEGATED

HOLLINGDEAN & STANMER

BH2014/02979

53 Hollingbury Road Brighton

Application for approval of details reserved by conditions 1 and 2 of application BH2013/03203 approved on appeal.

Applicant: Millhouse Enterprises Limited

Officer: Andrew Huntley 292321

Approved on 04/02/15 DELEGATED

BH2014/03114

4 Upper Hollingdean Road Brighton

Change of Use from five bedroom single dwelling (C3) to six bedroom small house in multiple occupation (C4).

Applicant: Mr Mantazis

Officer: Wayne Nee 292132

Approved on 09/02/15 DELEGATED

1) BH01.01

The development hereby permitted shall be commenced before the expiration of three 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 development hereby permitted shall be carried out in accordance with 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	1536/1821	A	27 January 2015
Proposed plans	1536/1822		17 September 2014

BH2014/03594

University of Brighton Mithras House Lewes Road Brighton

Installation of external smoking shelter with seating.

Applicant: University of Brighton

Officer: Paul Earp 292454

Approved on 06/02/15 DELEGATED

1) BH01.01

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

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

2) UNI

(ii) for the following reasons:-

The shelter by virtue of its location and appearance would not be prominent, nor detract from the appearance of the area or adversely affect highway safety or amenity.

3) UNI

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 Brighton & Hove Local Plan, including Supplementary Planning Guidance and Supplementary Planning Documents: The National Planning Policy Framework (NPPF)

Brighton & Hove Local Plan:

TR7 Safe development

QD1 Design - quality of development and design statements

QD2 Design - key principles for neighbourhoods

QD27 Protection of Amenity

Brighton & Hove City Plan Part One (submission document)

SS1 Presumption in Favour of Sustainable Development

; and

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	MOXX-O-MP-SL-0001		31 October 2014
Block plan	MOXX-O-MP-SL-2002		22 October 2014
Location plan	MOXX-O-MP-SL-2003		22 October 2014
Elevations plan	SS-MIT-EL-001		6 November 2014
Shelter model plan	Euroshel 3500x1500		22 October 2014

5) UNI

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.

BH2014/03595

University of Brighton Falmer Campus Lewes Road Brighton

Installation of external smoking shelter with seating.

Applicant: University of Brighton

Officer: Paul Earp 292454

Approved on 05/02/15 DELEGATED

1) BH01.01

The development hereby permitted shall be commenced before the expiration of three 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	FAXX-O-MP-SL-0001		31 October 2014
Block plan	FAXX-O-MP-SL-0002		22 October 2014
Location plan	FAXX-O-MP-SL-0003		22 October 2014
Shelter elevations	SS-FAL-EL-00		6 November 2014

	1		
Shelter model plan	SOFCO		22 November 2014

BH2014/03596

University of Brighton Moulsecoomb Site Lewes Road Brighton

Installation of 4no external smoking shelters with seating.

Applicant: University of Brighton

Officer: Paul Earp 292454

Approved on 06/02/15 DELEGATED

1) BH01.01

The development hereby permitted shall be commenced before the expiration of three 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	MOXX-O-MP-SL-0001		31 October 2014
Block plan	MOXX-O-MP-SL-3002		22 October 2014
Shelter 1) Location plan	MOXX-O-MP-SL-3003		22 October 2014
Elevations plan	SS-WAT-EL-001		6 November 2014
Shelter model plan	Euroshel 2500x1200		22 October 2014
Shelter 2) Location plan	MOXX-O-MP-SL-3004		22 October 2014
Elevations plan	SS-PAV-EL-002		6 November 2014
Shelter model plan	Pavilion 3000x2000		22 October 2014
Shelter 3) Block plan	MOXX-O-MP-SL-1002		22 October 2014
Location plan	MOXX-O-MP-SL-1003		22 October 2014
Elevations plan	SS-HUX-EL-001		6 November 2014
Shelter model plan	Euroshel 2000x1200		22 October 2014
Shelter 4) Block plan	MOMC-O-MP-SL-0002		22 October 2014
Location plan	MOMC-O-MP-SL-0003		22 October 2014
Elevations plan	SS-COC-EL-001		6 November 2014
Shelter model plan	Harrowby 3075x1540		22 October 2014

BH2014/03895

7 Quarry Bank Road Brighton

Erection of single storey side extension.

Applicant: Mr Sean Barritt

Officer: Mark Thomas 292336

Refused on 30/01/15 DELEGATED

1) UNI

The proposed extension, by virtue of its height, bulk, scale, form, appearance, siting, materials and proximity to the western boundary, would relate poorly to the character and appearance of the property and would appear as an intrusive and incongruous element within the streetscene. As such, the proposed development would be contrary to policy QD14 of the Brighton & Hove Local Plan and SPD12- Design guide for extensions and alterations.

BH2014/04235

First Floor Flat 2 Hollingbury Park Avenue Brighton

Roof alterations including installation of rear dormer and front and rear rooflights.

Applicant: Mr & Mrs New

Officer: Robert Hermitage 290480

Refused on 13/02/15 DELEGATED

1) UNI

The proposed dormer, by virtue of its excessive width and height, would appear an excessively bulky, dominant and incongruous addition to the rear elevation contrary to Policy QD14 of the Brighton and Hove Local Plan and SPD12 guidance.

BH2014/04309

76 Roedale Road Brighton

Certificate of lawfulness for proposed replacement of existing garage to rear of property.

Applicant: Mrs J McGonigal

Officer: Robert Hermitage 290480

Approved on 18/02/15 DELEGATED

MOULSECOOMB & BEVENDEAN

BH2014/03630

12A Coombe Terrace Brighton

Part change of use of ground floor from barbers (A1) to mixed use comprising barbers (A1) and tattoo studio (Sui Generis).

Applicant: The Terrace Barbers

Officer: Sonia Gillam 292265

Approved on 04/02/15 DELEGATED

1) BH01.01

The development hereby permitted shall be commenced before the expiration of three 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 use hereby permitted shall not be open to customers except between the hours of 8am and 6pm on Mondays to Fridays and 8.30am and 6pm 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.

3) UNI

The premises shall operate in strict accordance with the division of the use classes A1 and Sui generis detailed on the approved proposed ground floor plan no.11,623 received on 10/12/2014.

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 retail provision within the local parade and the amenities of the area and to comply with policies SR7 & 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/ site location plan	11,623	-	10/12/2014
Proposed plans/ site location plan	11,623	-	10/12/2014

BH2014/03941

119 Heath Hill Avenue Brighton

Change of use from three bedroom dwelling house (C3) to three bedroom small house in multiple occupation (C4).

Applicant: Mr Paul Haslam

Officer: Adrian Smith 290478

Approved on 12/02/15 DELEGATED

1) BH01.01

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

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

2) UNI

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

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

3) UNI

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

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

4) UNI

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

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

Plan Type	Reference	Version	Date Received
Site plan	-	-	24/11/2014
Existing and proposed floor plans	-	-	18/12/2014

BH2014/04172

9 Barcombe Road Brighton

Certificate of lawfulness for proposed loft conversion incorporating rear dormer.

Applicant: Simeone Bowes

Officer: Robert Hermitage 290480

Approved on 10/02/15 DELEGATED

QUEEN'S PARK

BH2014/03543

Rear of 9 - 11 Dawson Terrace Brighton

Erection of 1no two bedroom house.

Applicant: Mr J & N Jenner

Officer: Adrian Smith 290478

Refused on 16/02/15 DELEGATED

1) UNI

Insufficient information has been submitted to make a reasonable judgement as to the ground level and overall height relationship between the proposed dwelling and adjacent structures and dwellings. In the absence of such information the development fails demonstrate that it would have an acceptable impact of surrounding development contrary to policies QD1, QD2 & QD27 of the Brighton & Hove Local Plan.

2) UNI2

The proposed dwelling, by virtue of its position within the site, its form and overall design approach, would not relate positively to the character of the surrounding development but would instead be an incongruous, isolated and highly visible addition out of context in this backland environment, contrary to policies QD1 and QD2 of the Brighton & Hove Local Plan.

3) UNI3

The proposed dwelling, by virtue of its position within the site, its form and overall design approach, would have an overbearing impact on the amenities of adjacent occupiers and would result in loss of privacy, contrary to policy QD27 of the Brighton & Hove Local Plan.

4) UNI4

The development falls within an area characterised by high parking stress and would provide for no onsite parking for future residents. The proposal therefore fails to make suitable provision for the transport demand it would generate contrary to policy TR1 of the Brighton & Hove Local Plan.

BH2014/04093

Brighton College Eastern Road Brighton

Application for approval of details reserved by condition 7 of application BH2012/02378.

Applicant: Brighton College

Officer: Andrew Huntley 292321
Approved on 02/02/15 DELEGATED

BH2014/04202

28 Upper Rock Gardens Brighton

Erection of a single storey rear extension.

Applicant: Mr John Lumley

Officer: Mark Thomas 292336

Approved on 06/02/15 DELEGATED

1) BH01.01

The development hereby permitted shall be commenced before the expiration of three 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	PL10	-	12th December 2014
Existing block plan	PL11	-	12th December 2014
Proposed block plan	PL12	-	12th December 2014
Existing floor plans	PL13	-	12th December 2014
Existing elevations and section	PL14	-	12th December 2014
Proposed floor plans	PL15	-	12th December 2014
Proposed elevations and section	PL16	-	12th December 2014

BH2014/04242

11 Manchester Street Brighton

Conversion of garage to habitable space with associated external alterations including removal of garage door and installation of a window.

Applicant: Sevenbuild Properties Ltd

Officer: Sonia Gillam 292265

Refused on 10/02/15 DELEGATED

1) UNI

The proposed window, by reason of its design and proportions, would be an unsympathetic alteration that would fail to reflect the character and appearance of the building and the wider streetscene, and would fail to preserve or enhance the character or appearance of the East Cliff Conservation Area. As such the proposal is contrary to policies QD14 and HE6 of the Brighton and Hove Local Plan and Supplementary Planning Document 09, Architectural Features, and 12, Design Guide for Extensions and Alterations.

ROTTINGDEAN COASTAL

BH2014/02589

Land South of Ovingdean Road Brighton

Outline planning application with appearance reserved for the construction of 85no one, two, three and four bedroom dwellings with associated garages, parking, estate roads, footways, pedestrian linkages, public open space and strategic landscaping. New vehicular access from Ovingdean Road and junction improvements. (Amended plans and description)

Applicant: Lightwood Strategic

Officer: Liz Arnold 291709

Refused on 29/01/15 COMMITTEE

1) UNI

The Local Planning Authority has not been able to assess the likely impacts of the proposed development with respect to Air Quality within the Rottingdean Air Quality Management Area, due to the omissions in the Environmental Statement. Consequently it has not been possible to identify whether and what mitigation measures may be appropriate and therefore the Local Planning Authority is unable to complete a full assessment of the proposal. The proposal is therefore considered to be contrary to the requirements of the Town and Country Planning (Environmental Impact Assessment) 2011 Regulations and policy SU9 of the Brighton and Hove Local Plan.

2) UNI2

The Local Planning Authority has not been able to assess the likely impacts of the proposed development with respect to Ecology due to the omissions in the Environmental Statement. Consequently it has not been possible to identify whether and what mitigation measures may be appropriate and therefore the Local Planning Authority is unable to complete a full assessment of the proposal. The proposal is therefore considered to be contrary to the requirements of the Town and Country Planning (Environmental Impact Assessment) 2011 Regulations, policies QD17 and QD18 of the Brighton and Hove Local Plan, policy CP10 of the Brighton & Hove Submission City Plan Part One and SPD11 on Nature Conservation and Development.

3) UNI3

By virtue of the scale of development proposed and the site coverage, it is considered that the harmful impacts of the proposal on local landscape character, visual amenity and the setting of the National Park, in this sensitive location, represents an overdevelopment of the site. The demonstrable and significant adverse impacts are considered to outweigh any benefits of the proposed scheme. As such the proposal is contrary to policy NC8 of the Brighton and Hove Local Plan and policies SA4 and SA5 of the Brighton & Hove Submission City Plan Part One.

BH2014/03147

John Howard Cottages Roedean Road Brighton

Extension of existing hardstanding areas to create additional parking facilities, with parking bays and erection of retaining wall with bench seating.

Applicant: PCC of St Georges Church with St Anne & St Mark

Officer: Sue Dubberley 293817

Approved on 09/02/15 DELEGATED

1) BH01.01

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

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

2) UNI

No development shall commence until details of appropriate signage and mirrors to the access have been submitted to and approved in writing by the Local Planning Authority. The approved facilities 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 improve visibility and awareness of vehicles and other users entering and exiting the site via the access, and to comply with policy TR7 or 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	B104.01.00		18/09/14
Existing plan	B104.01.01A		18/09/14
Proposed plan	B104.01.11C		19/01/15
Proposed traffic mirror location	B104.01.12		18/09/14

BH2014/03195

26 Lewes Crescent Brighton

Application for Approval of Details Reserved by Condition 11 of application BH2014/00594.

Applicant: 26 Lewes Crescent Ltd

Officer: Andrew Huntley 292321

Approved on 10/02/15 DELEGATED

BH2014/03226

26 Lewes Crescent Brighton

Application for Approval of Details Reserved by Conditions 4 and 9 of application BH2014/00594.

Applicant: 26 Lewes Crescent Ltd

Officer: Andrew Huntley 292321

Approved on 13/02/15 DELEGATED

BH2014/03243

26 Lewes Crescent Brighton

Application for Approval of Details of Reserved by Condition 10 of application BH2014/00594.

Applicant: Mr Doug Pearch

Officer: Andrew Huntley 292321

Approved on 16/02/15 DELEGATED

BH2014/03319

26 Lewes Crescent Brighton

Replacement of existing timber sliding sash single glazed windows and ceiling lights to second floor level. (Part retrospective)

Applicant: Mr Doug Pearch

Officer: Andrew Huntley 292321

Approved on 04/02/15 DELEGATED

BH2014/03475

1 Saltdean Drive Saltdean Brighton

Demolition of existing house and erection of four storey building containing 4no two bedroom flats, 1no three bedroom maisonette and 1no three bedroom penthouse apartment.

Applicant: Homemakers of Brighton Ltd

Officer: Mick Anson 292354

Refused on 30/01/15 DELEGATED

1) UNI

The proposed development, by virtue of its prominent footprint, scale, design and massing would be an overdevelopment of the site which would have a harmful impact on the appearance of adjoining properties, the character of the streetscene, the locality and strategic views along the coastline, contrary to policies QD1, QD2, QD3 & QD4 of the Brighton & Hove Local Plan.

BH2014/03506

Flat 2 9 Sussex Square Brighton

Internal alterations to layout of flat.

Applicant: Mrs Gayle McDermott

Officer: Andrew Huntley 292321

Approved on 05/02/15 DELEGATED

1) BH01.05

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

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

2) UNI

No works shall take place in relation to the air brick to the front elevation until full details or sample of the air brick has been submitted to and approved in writing by the Local Planning Authority. The works shall be implemented in strict accordance with the agreed details and maintained as such thereafter.

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

3) UNI

The existing cornice within the living room and kitchen shall be retained.

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

4) UNI

The design of the sliding door and architrave, and the new door to the bathroom and its architrave, shall exactly match other historic doors in the property.

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

5) UNI

The boxing for the mechanical ventilation shall be housed entirely within the cupboards and all pipework shall be located within the floor void and no joists will be notched.

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

6) UNI

Notwithstanding the approved plans, the existing fireplace within the living room shall be retained in accordance with an email dated 18.01.2015.

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

7) UNI

Unless otherwise agreed in writing by the Local Planning Authority the hereby

approved flat entrance door shall either be:

- (a) The reuse of the original door, if following investigation, it is found to be within the existing wall; or
- (b) If the original door is not present then the new door shall exactly match the existing door between the common stairway and hallway.

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

BH2014/03673

Spindriff Cottage 3 Roedean Way Brighton

Demolition of existing house and erection of a two storey five bedroom house (C3).

Applicant: Elisabeth Griffiths

Officer: Adrian Smith 290478

Refused on 29/01/15 DELEGATED

1) UNI

The proposed development, by virtue of its excessive scale and forward projection on an elevated plot, represents an incongruous addition to the streetscene that fails to suitably respect the prevailing character of the surrounding area, contrary to policies QD1 & QD2 of the Brighton & Hove Local Plan.

2) UNI2

The submitted plans fail to accurately reflect the relationship between the application site and 4 Roedean Way. Notwithstanding these inaccuracies, the siting, scale and elevated position of the proposed dwelling would have an enclosing and overbearing impact on the rear amenity space to 4 Roedean Way, whilst the scale and forward position of the front terrace would have an overbearing impact resulting in overlooking and loss of privacy. The proposal therefore would lead to a harmful loss of amenity contrary to policy QD27 of the Brighton & Hove Local Plan.

3) UNI3

The proposed development, by virtue of its siting, scale and elevated position, would result in a harmful loss of amenity to the first floor side window to 4 Roedean Way by way of loss of light and outlook, contrary to policy QD27 of the Brighton & Hove Local Plan.

BH2014/03729

43 Lenham Avenue Saltdean Brighton

Erection of two storey rear extension and front and rear extensions at first floor level with associated roof extension and external alterations. Erection of raised terrace to front of property with associated landscaping.

Applicant: Mr D Freeman

Officer: Wayne Nee 292132

Approved on 09/02/15 DELEGATED

1) BH01.01

The development hereby permitted shall be commenced before the expiration of three 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 development hereby permitted shall be carried out in accordance with 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	Salt/01		05 November 2014
Proposed block plan	Salt/02	B	05 November 2014
Existing floor plans	Salt/03		05 November 2014
Proposed floor plans	Salt/04	B	05 November 2014
Existing/proposed sections	Salt/05	C	05 November 2014
Existing elevations	Salt/06		05 November 2014
Existing elevations	Salt/07		05 November 2014
Proposed elevations	Salt/08	C	05 November 2014
Proposed elevations	Salt/09	C	05 November 2014

BH2014/03883

10 Chorley Avenue Saltdean Brighton

Erection of first floor front extension and roof alterations incorporating gable end extension, increased ridge height, front and rear rooflights and rear dormers.

Applicant: Gary Ashdown

Officer: Kathryn Boggiano 292138

Approved on 30/01/15 DELEGATED

1) BH01.01

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

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

2) BH03.03

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

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

3) UNI

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

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

Plan Type	Reference	Version	Date Received
Location Plan			17/11/14
First Floor Extension & Proposed Loft Conversion	MCA/CA/001	A	20/01/14

BH2014/04065

Badgers Walk Ovingdean Road Brighton

Erection of detached single storey building containing swimming pool.

Applicant: Mr Peter McDonnell

Officer: Liz Arnold 291709

Approved on 09/02/15 DELEGATED

1) BH01.01

The development hereby permitted shall be commenced before the expiration of three 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 detached single storey building hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as Badgers Walk.

Reason: To ensure that the building remains ancillary to the residential use of the existing dwelling to safeguard the residential amenities of the locality and to comply with policies QD3 and QD27 of the Brighton & Hove Local Plan.

3) UNI

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

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

4) UNI

No development shall take place until details of the green roof, including sections; design, construction details, species mix to be used and a maintenance plan have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to the first occupation of the development and shall be retained as such thereafter.

Reason: To ensure that the development is sustainable and makes efficient use of energy, water and materials and in accordance with policy SU2 of the Brighton & Hove Local Plan.

5) UNI

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

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

6) UNI

No development shall commence until a scheme for the planting of a replacement tree, in compensation for the Sycamore tree to be felled as a result of the development hereby approved, has been submitted to and approved in writing by the Local Planning Authority. The planting of the replacement tree shall be carried out in strict accordance with the approved scheme in the first planting and seeding seasons following the completion of the development, whichever is the sooner; and of the tree which within a period of 5 years from the completion of the development dies, is removed or becomes seriously damaged or diseased shall be replaced in the next planting season with another of a similar size and species, unless the Local Planning Authority gives written consent to any variation.

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

7) UNI

Prior to the commencement of the development hereby approved, an Arboricultural Method Statement shall be submitted to and approved in writing by the Local Planning Authority, showing how all the remaining trees and hedges in the vicinity of the proposed development will be protected during the course of the development in accordance with BS 5837 (2005) Trees in Relation to Construction. The works shall be implemented in strict accordance with the agreed Arboricultural Method Statement.

8) UNI

No development shall commence until a scheme for the ventilation of the plant included within the building hereby approved 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 policy QD27 of the Brighton & Hove Local Plan.

9) UNI

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

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

Plan Type	Reference	Version	Date Received
Site Plan	-	-	2nd December 2014
Proposed Swimming Pool	01	Rev. B	2nd December 2014

10) UNI

No development shall take place until a plan showing the size of the construction area has been submitted to and agreed in writing by the Local Planning Authority. The agreed construction area shall be securely fenced off and no vehicle access to the construction site/buildings hereby approved shall be permitted through the Site of Nature Conservation Importance at any time, nor should any storage of materials, machinery or equipment be permitted within the Site of Nature Conservation Importance. All construction vehicle access to and from the proposed building shall be via the garden area of Badgers Walk.

Reason: To ensure an adverse impact on the Site of Nature Conservation Importance is avoided in accordance with policy NC4 of the Brighton & Hove Local Plan.

BH2014/04139

30 Westmeston Avenue Saltdean Brighton

Erection of single storey front extension, roof extension with front rooflight and rear dormer and alterations including to fenestration and extension of rear terrace.

Applicant: Mr & Mrs Poole

Officer: Robert Hermitage 290480

Approved on 02/02/15 DELEGATED

1) BH01.01

The development hereby permitted shall be commenced before the expiration of

three years from the date of this permission.

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

2) BH03.03

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

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

3) UNI

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

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

4) UNI

No development shall take place until the applicant has secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Local Planning Authority. A written record of any archaeological works undertaken shall be submitted to the Local Planning Authority within 3 months of the completion of any archaeological investigation unless an alternative timescale for submission of the report is first agreed in writing with the Local Planning Authority.

Reason: To ensure that the archaeological and historical interest of the site is safeguarded and recorded to comply with the National Planning Policy Framework.

5) UNI

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

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

Plan Type	Reference	Version	Date Received
Existing Plans and Elevations, and Site Plan	1546/1839	-	8th December 2014
Proposed Plans and Elevations, Site and Block Plan	1546/1840	C	27th January 2015

BH2014/04156

Flat 6 Arundel House 12-13 Arundel Terrace Brighton

Internal alterations to layout of flat. (Retrospective)

Applicant: Mr Christopher Berry

Officer: Luke Austin 294495

Approved on 16/02/15 DELEGATED

1) UNI

The doors, architraves and other associated internal decorative features shall match those surviving to the remainder of the property.

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.

BH2014/04177

Southcliffe Lodge Marine Drive 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 and dormer with Juliet balcony, revised fenestration and associated alterations.

Applicant: Mr John Roadnight

Officer: Wayne Nee 292132

Refused on 10/02/15 DELEGATED

1) UNI

The proposed front dormer, by reason of its size and design, would dominate the front roofslope of the building and would harm the appearance of the property and the visual amenity of the street scene. 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.

BH2014/04213

30 Chichester Drive East Saltdean Brighton

Non Material Amendment to BH2014/02050 for amendments to flat roof design involving omission of parapet wall and addition of for 762mm overhang to flat roof.

Applicant: Mr Paul Goodwill

Officer: Astrid Fisher 292337

Approved on 17/02/15 DELEGATED

BH2014/04218

1-2 Sussex Square Brighton

Application for Approval of Details Reserved by Condition 3 of application BH2014/02135.

Applicant: EF Language School

Officer: Sonia Gillam 292265

Approved on 09/02/15 DELEGATED

BH2014/04282

27 Roedean Crescent Brighton

Erection of single storey rear extension at second floor level works to rear garden including creation of sunken terrace, erection of shed and screen walls. Replacement of roof covering with proprietary standing seam zinc roof.

Applicant: Mr & Mrs Blomfield

Officer: Adrian Smith 290478

Approved on 13/02/15 DELEGATED

1) BH01.01

The development hereby permitted shall be commenced before the expiration of three 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 sunken terrace hereby permitted shall not be brought into use until the archaeological site investigation and post investigation assessment has been

completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition [4] and that provision for analysis, publication and dissemination of results and archive deposition has been secured.

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

3) UNI

No development to form the sunken terrace shall take place until the developer has secured the implementation of a programme of archaeological work, in accordance with a Written Scheme of Archaeological Investigation which has been submitted to and approved in writing by the Local Planning Authority.

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

4) UNI

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

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

Plan Type	Reference	Version	Date Received
Site plan and block plan	1005-P-101-P 1	-	19/12/2014
Existing site plan and section	1005-P-102-P 1	-	19/12/2014
Existing floor plans	1005-P-103-P 1 1005-P-104-P 1		19/12/2014 19/12/2014
Existing elevations	1005-P-105-P 1 1005-P-106-P 1		19/12/2014 19/12/2014
Proposed site plan and section	1005-P-107-P 1	-	19/12/2014
Proposed floor plans	1005-P-108-P 1 1005-P-109-P 1		19/12/2014 19/12/2014
Proposed elevations	1005-P-110-P 1 1005-P-111-P 1		19/12/2014 19/12/2014

5) UNI

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

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

BH2014/04321

45 Arundel Drive West Saltdean Brighton

Prior approval for the erection of a single storey rear extension, which would extend beyond the rear wall of the original house by 5.3m, for which the maximum height would be 3.8m, and for which the height of the eaves would be 2.45m.

Applicant: Mrs Innes Curtis

Officer: Robert Hermitage 290480

Prior Approval is required and is refused on 29/01/15 DELEGATED

BH2014/04357

10 Chichester Drive West Saltdean Brighton

Certificate of lawfulness for proposed loft conversion incorporating rear dormer and rooflights to front elevation and flat roof.

Applicant: Georges Guerges

Officer: Luke Austin 294495

Split Decision on 13/02/15 DELEGATED

1) UNI

REFUSE a lawful development certificate for the proposed rooflights to the flat roof for the following reason:

1. The proposed rooflights to the flat roof of the dwelling would be higher than the highest part of the existing roof. This aspect of the proposal is therefore not permitted under Schedule 2, Part 1, Class C of the Town and Country Planning (General Permitted Development) Order 1995, as amended.

WOODINGDEAN

BH2014/03733

8 Maple Close Brighton

Erection of single storey rear extension.

Applicant: Mr & Mrs Nicki Taylor

Officer: Sonia Gillam 292265

Approved on 03/02/15 DELEGATED

1) BH01.01

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

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

2) BH03.03

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

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

3) UNI

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

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

4) UNI

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 other than those expressly authorised by this permission shall be constructed in the southern side elevation of the extension hereby approved without planning permission obtained from the

Local Planning Authority.

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

5) UNI

The development hereby permitted shall be carried out in accordance with 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	2014-8MC-006		05/11/2014
Existing elevations and floor plan	2014-8MC-001		05/11/2014
Proposed elevations and floor plan	2014-8MC-002	A	10/12/2014

BH2014/04091

Land Adjacent 54 & 54A Channel View Road Brighton

Application for Approval of Details Reserved by Conditions 5, 6, 7, 8, 9 and 10 of application BH2014/02851.

Applicant: Mr Lee Turner

Officer: Adrian Smith 290478

Approved on 04/02/15 DELEGATED

BH2015/00087

Woodingdean Business Park Sea View Way Brighton

Application for Approval of Details Reserved by Condition 19 of application BH2012/03050.

Applicant: St Modwen Developments

Officer: Liz Arnold 291709

Approved on 13/02/15 DELEGATED

BRUNSWICK AND ADELAIDE

BH2014/02776

Flat 24 Palmeira Avenue Mansions 21-23 Church Road Hove

Application for Approval of Details Reserved by Conditions 2 and 4 of application BH2014/01376.

Applicant: Mr Michael Harvey

Officer: Christopher Wright 292097

Approved on 09/02/15 DELEGATED

BH2014/04056

Flat 4 50 Brunswick Road Hove

Internal alterations to layout of flat.

Applicant: Mrs Sally Bickerdike

Officer: Mark Thomas 292336

Refused on 04/02/15 DELEGATED

1) UNI

The proposed alterations to the internal layout of the flat would involve an unacceptable loss of historic fabric and original plan form. Furthermore, insufficient detail has been submitted regarding the proposed flooring within the living room to demonstrate that these proposals would not result in significant

harm to the Listed Building's architectural character and its historic fabric. For these reasons it is considered that the proposed development would fail to preserve the special historic and architectural character and significance of this Grade II Listed Building, contrary to policy HE1 of the Brighton & Hove Local Plan.

CENTRAL HOVE

BH2014/01854

Hove Town Hall Norton Road Hove

Erection of extension at second floor level including installation of new louvred screen, high guard railing and installation of solar panels to roof above. Erection of three storey extension to west elevation to facilitate creation of ground floor café, alterations to access and additional office space to upper levels. Alterations to fenestration including new and replacement external glazing, installation of roller shutter to existing service yard at basement level and associated works. (Amended design)

Applicant: Brighton & Hove City Council

Officer: Jason Hawkes 292153

Approved on 30/01/15 DELEGATED

1) BH01.01

The development hereby permitted shall be commenced before the expiration of three 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 proposed glazing shall be implemented in accordance with the glazing samples submitted with the application. The frames of the approved windows, with the exception of the approved frameless glazing, shall have an anodised metal finish with bronze glazing to match the appearance and colour of the existing fenestration on the building.

Reason: To ensure a satisfactory appearance to the development and to comply with policies QD1, QD14 and HE6 of the Brighton & Hove Local Plan.

3) UNI

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

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

4) UNI

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

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

5) UNI

No development shall commence until an Arboricultural Method Statement for the protection of trees to be retained and adjoining the site has been erected in accordance with a scheme which has been submitted to and approved in writing by the Local Planning Authority. Any fences shall be erected in accordance with BS5837 (2012) and shall be retained until the completion of the development and no vehicles, plant or materials shall be driven or placed within the areas enclosed by such fences.

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

6) UNI

No development associated with the hereby approved second floor extension (to the north of the building) shall take place until details of the etched glazing to the northern elevation have been submitted to and approved in writing by the Local Planning Authority. The development shall be completed in accordance with the agreed details and shall be retained as such thereafter.

Reason: To ensure a satisfactory appearance to the development, safeguard the amenities of neighbouring occupiers and to comply with policies QD1, QD14, QD27 and HE6 of the Brighton & Hove Local Plan.

7) UNI

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

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

Plan Type	Reference	Version	Date Received
Location Plan	001	A	19th June 2014
Block Plan	002	A	19th June 2014
General Arrangement Plan Basement as Existing	003		5th June 2014
General Arrangement Plan Ground Floor as Existing	004		5th June 2014
General Arrangement Plan First Floor as Existing	005		5th June 2014
General Arrangement Plan Second Floor as Existing	006		5th June 2014
Roof Plan General Arrangement as Existing	008		5th June 2014
North Elevation GA as Existing	009	A	19th June 2014
East Elevation GA as Existing	010-1		5th June 2014
East Elevation GA as Existing	010-2		5th June 2014
South Elevation GA as Existing	011		5th June 2014
West Elevation GA as Existing	012-1		5th June 2014
West Elevation GA as Existing	012-2		5th June 2014
General Arrangement Section Gridline H as Existing	015		5th June 2014
General Arrangement Section Gridline 10 as Existing	016		5th June 2014
Basement Plan General	020		5th June 2014

Arrangement as Proposed			
Ground Floor Plan General Arrangement as Proposed	021	B	5th November 2014
First Floor Plan General Arrangement as Proposed	022		5th June 2014
Second Floor Plan General Arrangement as Proposed	023		5th June 2014
Roof Plan General Arrangement as Proposed	025		5th June 2014
North Elevation GA as Proposed	026	A	27th January 2014
North Elevation GA as Proposed	026		5th June 2014
East Elevation GA as Proposed	027-1	A	27th January 2015
East Elevation GA as Proposed	027-2	B	5th November 2014
South Elevation GA as Proposed	028		5th June 2014
West Elevation GA as Proposed	029-1	B	5th November 2014
West Elevation GA as Proposed	029-2		5th November 2014
West Elevation GA as Proposed	029-3		5th November 2014
Ground Floor Plan General Arrangement as Proposed	031		5th June 2014

8) UNI

No development associated with the relocated air handling equipment shall take place until a roof plan showing the position of all relocated air handling equipment to the roof of the hereby approved extension has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed details.

Reason: To ensure a satisfactory appearance to the development and to comply with policies QD1, QD14 and HE6 of the Brighton & Hove Local Plan.

BH2014/03306

Hove Town Hall Norton Road Hove

Erection of electrical substation enclosure in front of east elevation with screening to three sides.

Applicant: Brighton & Hove City Council

Officer: Jason Hawkes 292153

Approved on 02/02/15 DELEGATED

1) BH01.01

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

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

2) UNI

No development shall commence until an Arboricultural Method Statement for the protection of trees to be retained and adjoining the site has been undertaken in accordance with a scheme which has been submitted to and approved in writing

by the Local Planning Authority. Any fences shall be erected in accordance with BS5837 (2012) and shall be retained until the completion of the development and no vehicles, plant or materials shall be driven or placed within the areas enclosed by such fences.

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

3) UNI

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

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

4) UNI

The development hereby permitted shall be carried out in accordance with 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	001		2nd October 2014
Block Plan	002		2nd October 2014
East Elevation as Existing & as Proposed	003	A	10th November 2014
General Arrangement Side Substation Elevation North and South	004	A	10th November 2014
General Arrangement as Existing and as Proposed	005		2nd October 2014
Substation Location Images	006		2nd October 2014

5) 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. The scheme shall include details of all proposed planting, including numbers and species of plant, and details of size and planting methods. The proposal shall be implemented in strict accordance with the agreed details.

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.

BH2014/03844

109 Church Road Hove

Certificate of Lawfulness for proposed use as offices (B1).

Applicant: Svenska Handelsbanken

Officer: Mark Thomas 292336

Approved on 16/02/15 DELEGATED

BH2014/04101

40 Albany Villas Hove

Installation of railing on top of existing wall, replacement of existing gates to front and rear, widening of existing rear driveway access, installation of wall and gate to side elevation and removal of existing tree to rear garden.

Applicant: Mr & Mrs Houlbrook

Officer: Helen Hobbs 293335

Approved on 12/02/15 DELEGATED

1) BH01.01

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

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

2) UNI

Notwithstanding the submitted plans, no development shall take place until full details of all new railings including 1:20 scale elevational drawings and sections of the railings and finials have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out and completed fully in accordance with the approved details and shall be retained as such thereafter.

Reason: To ensure a satisfactory appearance to the development and to comply with policies QD14 and HE6 of the Brighton & Hove Local Plan and Supplementary Planning Document 12 Design Guide on Extensions and Alterations and Supplementary Planning Document 9 Architectural Features.

3) UNI

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

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 & HE6 of the Brighton & Hove Local Plan.

4) UNI

The reconfigured flint work, brickwork and pointing to the boundary walls shall match exactly that of the existing walls.

Reason: To ensure a satisfactory appearance to the development and to comply with policy HE6 of the Brighton & Hove Local Plan and Supplementary Planning Document 9 Architectural Features.

5) UNI

No development or other operations shall commence on site in connection with the development hereby approved (including any tree felling, tree pruning, demolition works, soil moving, temporary access construction and or widening, or any operations involving the use of motorised vehicles or construction machinery) until a detailed Arboricultural Method Statement has been submitted to and approved in writing by the Local Planning Authority regarding protection of trees on the Albany Villas frontage. No development or other operations shall take place except in complete accordance with the approved Method Statement.

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

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	E01		5th December 2014
Lower and ground floor plans	E02		5th December 2014
First and second floor plan	E03		5th December 2014
Third and tower roof plan	E04		5th December 2014
Existing front and rear elevation	E05		5th December 2014
Existing side elevation	E06		5th December 2014
Existing section A-A	E07		5th December 2014
Rear garden	E08		5th December 2014
Proposed site/block plan	P01		5th December 2014
Lower ground floor/garden plan	P02		5th December 2014
Elevations	P03		5th December 2014
Elevation	P04		5th December 2014
Existing and proposed boundary elevations	P05A		22nd December 2014
Existing and proposed boundary elevations	P06B		5th January 2015

7) UNI

The replacement piers and pier caps hereby approved shall match exactly those on the existing boundary.

Reason: To ensure a satisfactory appearance to the development and to comply with policy HE6 of the Brighton & Hove Local Plan and Supplementary Planning Document 9 Architectural Features.

BH2014/04239

Hove Town Hall Norton Road Hove

Installation of double glazed curtain walling and replacement glazing to area of each elevation and to roof around perimeter of the Great Hall. Alterations including erection of new entrance canopy to North elevation and new bicycle rack.

Applicant: Brighton & Hove City Council

Officer: Jason Hawkes 292153

Approved on 12/02/15 DELEGATED

1) BH01.01

The development hereby permitted shall be commenced before the expiration of

three years from the date of this permission.

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

2) UNI

Notwithstanding the submitted plans no development associated with the hereby approved cycle stand shall take place until further details of the cycle stand have been submitted to and approved in writing by the Local Planning Authority. The details shall comprise Sheffield stands covered by a metal shelter. The development shall be completed in accordance with the agreed details and shall be retained as such thereafter.

Reason: To ensure a satisfactory appearance to the development, safeguard the amenities of neighbouring occupiers and to comply with policies QD1, QD14, QD27 and HE6 of the Brighton & Hove Local Plan.

3) UNI

No development associated with the hereby approved rendered panels and curtain walling to the east elevation shall take place until a sample of the proposed rendered panel, as finished, has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed details.

Reason: To ensure a satisfactory appearance to the development and to comply with policies QD1, QD14 and HE6 of the Brighton & Hove Local Plan.

4) UNI

No development associated with the hereby approved canopy shall take place until a sample of the proposed canopy material has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed details.

Reason: To ensure a satisfactory appearance to the development, safeguard the amenities of neighbouring occupiers and to comply with policies QD1, QD14, QD27 and 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
Block Plan	002		16th December 2014
General Arrangement Plan Basement as Existing	003		16th December 2014
General Arrangement Plan Ground Floor as Existing	004		16th December 2014
General Arrangement Plan First Floor as Existing	005		16th December 2014
General Arrangement Plan Second Floor as Existing	006		16th December 2014
Roof Plan General Arrangement Plan Basement as Existing	007		16th December 2014
East Elevation GA as Existing	009-1		16th December 2014
North Elevation GA as Existing	009-2		16th December 2014

South Elevation Existing	GA as	010		16th December 2014
North Elevation Proposed	GA as	010-2		16th December 2014
West Elevation Existing	GA as	011-1		16th December 2014
West Elevation Existing	GA as	011-2		16th December 2014
East Elevation Proposed	GA as	012-1		16th December 2014
South Elevation Proposed	GA as	013		16th December 2014
West Elevation Proposed	GA as	014-1		16th December 2014
West Elevation Proposed	GA as	014-2		16th December 2014
General Arrangement Plan Basement as Proposed		016		16th December 2014
General Arrangement Plan Ground Floor as Proposed		017		16th December 2014
General Arrangement Plan First Floor as Proposed		018		16th December 2014
General Arrangement Plan Second Floor as Proposed		019		16th December 2014
Roof Plan General Arrangement as Proposed		020		16th December 2014
Frameless Glazing Sample: Comar System - 28mm double glazing unit, Comer 6 Eft 4 sided silicon glazed				18th August 2014
Glazing Sample with anodised finish: Comar System - Comer 6 Eft fully capped 105 mullion box, 28mm double glazed unit				27th November 2014

6) UNI

The proposed glazing shall be implemented in accordance with the glazing samples submitted with the approval ref: BH2014/01854. The frames of the approved windows and all replacement glazing, shall have an anodised metal finish with bronze glazing to match the appearance and colour of the existing fenestration on the building.

Reason: To ensure a satisfactory appearance to the development and to comply with policies QD1, QD14 and HE6 of the Brighton & Hove Local Plan.

BH2014/04273

Second Floor Flat 21 Medina Villas Hove

Infill roof extension between two existing pitched roofs, creation of internal courtyard with retractable roof over and insertion of 2no rooflights to rear.

Applicant: Ms Sophia Jones

Officer: Mark Thomas 292336

Approved on 12/02/15 DELEGATED

1) BH01.01

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

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

2) UNI

No works shall take place until full details of the opening mechanism for the retractable roof hereby permitted, including 1:1 scale sections of the mechanism and retractable roof, have been submitted to and approved in writing by the Local Planning Authority. The opening mechanism shall not protrude beyond the external plane of the retractable roof. The works shall be carried out and completed fully in accordance with the approved details and retained as such thereafter.

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

3) 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.

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	-	-	18th December 2014
Block Plan	-	-	18th December 2014
Existing plan and elevations	-	-	19th January 2015
Proposed plan and elevations	-	-	19th January 2015
Proposed section	-	-	19th January 2015

5) UNI

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

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

GOLDSMID

BH2014/02837

7 Fonthill Road Hove

Erection of conservatory to rear.

Applicant: Mr Shaw

Officer: Joanne Doyle 292198

Approved on 17/02/15 DELEGATED

1) BH01.01

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

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

2) UNI

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no windows shall be constructed in the north or south elevations of the extension hereby approved without planning permission obtained from the Local Planning Authority.

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

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	-	-	21 Aug 2014
Block Plan	-	-	12 Jan 2015
Existing Floor Plans & Elevations	099/82491	-	09 Feb 2014
Proposed Floor Plans & Elevations	099/82491	-	09 Feb 2014

BH2014/03193

Land Rear of 37-38 Cromwell Road Hove

Application for Approval of Details Reserved by Conditions 5, 7, 8, 11, 12 and 13 of application BH2013/03692.

Applicant: Mrs Maureen Wheeler

Officer: Helen Hobbs 293335

Split Decision on 18/02/15 DELEGATED

1) UNI

APPROVE the details pursuant to conditions 5, 7, 11, 12 and 13 and subject to full compliance with the submitted details.

1) UNI

The details pursuant to condition 8 are NOT APPROVED for the reason(s) set out in section 6.

2) UNI2

The submitted details in respect of the green roof required by condition 8 of application BH2014/01165 fail to demonstrate that the development would contribute towards on-site ecological enhancements, contrary to policy QD17 of the Brighton & Hove Local Plan.

BH2014/03281

99 Sackville Road Hove

Application for approval of details reserved by condition 9 of application BH2014/02071.

Applicant: Mr L Parker

Officer: Adrian Smith 290478

Approved on 13/02/15 DELEGATED

BH2014/03361

Second Floor Flat 86 Goldstone Villas Hove

Installation of rooflights to front and rear roof slope.

Applicant: Mr & Mrs Charity

Officer: Christopher Wright 292097

Approved on 13/02/15 DELEGATED

1) BH01.01

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

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

2) UNI

Notwithstanding the submitted plans the hereby approved rooflights shall be fitted flush with the adjoining roof surface and shall not project above the plane of the roof.

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

3) UNI

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

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

Plan Type	Reference	Version	Date Received
Existing Plans, Sections and Elevations	01		07/10/2014
Proposed Plans, Sections and Elevations	02	A	13/02/2015

BH2014/03432

36 Livingstone Road Hove

Erection of single storey rear extension at lower ground floor level and other associated works.

Applicant: Mr Spencer Orman

Officer: Tom Mannings 292322

Approved on 05/02/15 DELEGATED

1) BH01.01

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

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

2) UNI

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

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

3) UNI

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

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

4) UNI

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

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

Plan Type	Reference	Version	Date Received
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Block Plan	-	-	13/10/14
Existing Plans	LR - 01	B	13/10/14
Existing & Proposed Elevations	LR - 02	B	13/10/14
Proposed Floor Plans LGF & GF	LR - 03	C	31/10/14
Proposed Elevations	LR - 06	C	31/10/14
Existing Side Elevations	LR - 11	-	13/10/14
Proposed Side Elevations	LR - 12	B	13/10/14
Site Plans	LR - 13	B	13/10/14

BH2014/03510

Ground Floor Flat 55 Hove Park Villas Hove

Erection of a single storey side extension.

Applicant: Mr Ben Hatch

Officer: Joanne Doyle 292198

Refused on 16/02/15 DELEGATED

1) UNI

The proposed extension, by reason of its size and projection to the northern side boundary, would appear an unduly prominent and incongruous addition to the Old Shoreham Road streetscene and would fail to emphasise or enhance the positive qualities of the local neighbourhood. The proposal is therefore contrary to policy QD14 of the Brighton & Hove Local Plan and guidance within Supplementary Planning Document 12: Design Guide for Extensions and Alterations (SPD12).

BH2014/03547

11 Cromwell Road Hove

Removal of external fire escape to rear.

Applicant: 11 Cromwell Road (Hove) Ltd

Officer: Helen Hobbs 293335

Approved on 06/02/15 DELEGATED

1) BH01.01

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

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

2) UNI

Notwithstanding the approved drawings, all embedded metalwork associated with the stairs and landings shall be removed from the masonry.

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

3) UNI

No works shall take place until a method statement for the works of repair to the rear elevation has been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in strict accordance with the approved method statement.

Reason: To ensure a satisfactory appearance to the development and to comply with policies 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
Block plan			17th October 2014
Existing and proposed elevations and floor plans	AC/11Cromwel IRd/01		12th December 2014

BH2014/03589

11 Cambridge Grove Hove

Conversion of existing first floor flat to from 2no two bedroom maisonettes (C3) and associated works.

Applicant: Mr Woodhead

Officer: Helen Hobbs 293335

Refused on 02/02/15 DELEGATED

1) UNI

The existing first floor flat is unsuitable for conversion into smaller units of accommodation as the floor area is less than 115 square metres and, in the absence of information to indicate otherwise, the unit did not have more than 3 bedrooms as originally built. The proposal is therefore contrary to policy HO9 of the Brighton & Hove Local Plan.

2) UNI2

The proposed rear bedrooms, due to the siting of windows, and second floor lounge / kitchen, due to the height and size of the rooflights, would have severely restricted outlook and would receive limited light. Furthermore, the arrangement of bedroom windows would result in direct overlooking between the two maisonettes. The proposal would therefore provide a poor standard of residential accommodation which would fail to meet the likely needs of future occupants. The proposal is therefore contrary to policy QD27 of the Brighton & Hove Local Plan.

3) UNI3

The proposed rooflights, due to their excessive size and number, would result in a cluttered appearance to the roofslope of the property and terrace, and would fail to preserve or enhance the prevailing character or appearance of the Willett Estate Conservation Area. The proposal is therefore contrary to policies HE6 and QD14 of the Brighton & Hove Local Plan, and guidance within Supplementary Planning Document 12: Design Guide for Extensions and Alterations.

BH2014/03692

Flat 4 14 Addison Road Hove

Replacement of windows from timber sash to UPVC at first floor rear.

Applicant: Colin Young

Officer: Christopher Wright 292097

Approved on 02/02/15 DELEGATED

1) BH01.01

The development hereby permitted shall be commenced before the expiration of three 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			19 Nov 2014
Quotation Document			19 Nov 2014
Esteem Technical Specification (2 pages)			19 Nov 2014
Photographs (3 pages)			3 Nov 2014
Photographs x 4			19 / 28 Nov 2014

BH2014/03710

Units 1-4 Tecore House Conway Street Hove

Installation of 4no evaporative cooling units and 2no extract fans to roof.

Applicant: Custom Pharmaceuticals

Officer: Andrew Huntley 292321

Approved on 29/01/15 DELEGATED

1) BH01.01

The development hereby permitted shall be commenced before the expiration of three 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 proposal shall be implemented in full accordance with the acoustic report submitted on the 04.11.2014 to ensure that the Rating Level measured or calculated at 1-metre from the façade of the nearest existing noise sensitive premises, shall not exceed a level 5dB below the existing LA90 background noise level. The Rating Level and existing background noise levels are to be determined as per the guidance provided in BS 4142:1997.

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

3) UNI

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

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

Plan Type	Reference	Version	Date Received
Location Plan			04.11.2014
Location Plan			04.11.2014
Existing Plans & Elevations	Ap/01/CPLCon wayRd		02.12.2014
Proposed Elevations	Ap/01/CPLCon wayRd		02.12.2014
Proposed Plan, Section & Details	Ap/01/CPLCon wayRd		02.12.2014

BH2014/04019

Flat 12 72 The Drive Hove

Replacement of timber framed windows with UPVc double glazed units.

Applicant: Mr James Maclean

Officer: Mark Thomas 292336

Approved on 30/01/15 DELEGATED

1) BH01.01

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

Reason: To ensure that the Local Planning Authority retains the right to review

unimplemented permissions.

2) UNI

Notwithstanding the submitted product specification document, the replacement windows numbered 3 and 4 as permitted shall replicate the appearance and method of opening of the existing windows in these locations.

Reasons: To ensure a satisfactory appearance for the development and to comply with policy QD14 and HE6 of the Brighton & Hove Local Plan.

3) UNI

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

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

Plan Type	Reference	Version	Date Received
Site location plan	-	-	5th December 2014
Product specification	-	-	26th November 2014
Annotated photos	-	-	26th November 2014

BH2014/04168

Land Rear of 37 & 38 Cromwell Road Hove

Application for Approval of Details Reserved by Condition 6 and 9 of application BH2013/03692.

Applicant: Mrs Maureen Wheeler

Officer: Helen Hobbs 293335

Split Decision on 05/02/15 DELEGATED

HANGLETON & KNOLL

BH2014/03033

79 Lark Hill Hove

Erection of a single storey rear extension.

Applicant: Mr David Beaken

Officer: Benazir Kachchhi 294495

Approved on 10/02/15 DELEGATED

1) BH01.01

The development hereby permitted shall be commenced before the expiration of three 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

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 doors shall be constructed in the western elevation of the extension without planning permission obtained from the Local Planning Authority.

Reason: To safeguard the amenities of the occupiers of nearby properties and to

comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.

4) UNI

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

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

Plan Type	Reference	Version	Date Received
Site and Location plans	833/03		10 September 2014
Existing floor plans and elevations	833/01		10 September 2014
Proposed floor plans and elevations	833/02		10 September 2014

BH2014/03426

361-367 Old Shoreham Road Hove

Construction of a single storey front extension incorporating repositioned entrance lobby, demolition of the existing goods online building and replacement with an enlarged single storey side (west) extension, construction of a two storey (ground and mezzanine) rear/side (east) extension and installation of photovoltaic solar panels on the roof of the building. General alterations to the layout of customer car park including 16 extra new spaces and installation of new cycle stands. Demolition of the existing petrol station and construction of a new 18 pump facility with associated retail kiosk, car wash and improved access road layout.

Applicant: Sainsbury's Supermarkets Ltd

Officer: Jason Hawkes 292153

Approved after Section 106 signed on 18/02/15 COMMITTEE

1) UNI

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

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

2) UNI

No development shall commence until full details of all directional and access road signage has been submitted to and approved in writing by the Local Planning Authority. The approved facilities 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 improve access to the site and ensure safe access for all users entering and exiting the site and to comply with policy TR7 or the Brighton & Hove Local Plan.

3) UNI

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

Reason: To enhance the appearance of the development in the interest of the

visual amenities of the area and to comply with policies QD1 and QD15 of the Brighton & Hove Local Plan.

4) UNI

The development hereby permitted shall implemented in accordance with the sustainability measures detailed within the Design and Access statement and Renewable Energy & Energy Efficiency Assessment received on the 31st October 2014, and such measures shall thereafter be retained as such.

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

5) UNI

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.

6) UNI

No development shall commence until a scheme to manage the pollution risks associated with the operations of the proposed petrol filling station have been submitted to and approved, in writing, by the local planning authority. The scheme shall include and address the following components:

- a. Feasibility Assessment is to be submitted that addresses the design and risks related to the storage.
- b. Details of the tanks design and infrastructure.
- c. Details of fuel delivery pipework.
- d. Drainage details for the forecourt and drainage within the tanker off loading area.
- e. Information relating to the proposed third party leak detection system.
- f. A site specific staff training manual that explains to site staff specific environmental risks associated with the petrol filling station, and actions to be taken in the event of an incident.

Reason: To protect the underlying groundwater from potential pollution in accordance with policies SU5 and SU11 of the Brighton & Hove Local Plan.

7) UNI

No development shall commence until an Arboricultural Method Statement for the protection of trees to be retained and adjoining the site has been erected in accordance with a scheme which has been submitted to and approved in writing by the Local Planning Authority. Any fences shall be erected in accordance with BS5837 (2012) and shall be retained until the completion of the development and no vehicles, plant or materials shall be driven or placed within the areas enclosed by such fences.

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

8) UNI

No development shall commence until a feasibility study for rainwater harvesting has been submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in strict accordance with the agreed

details.

Reason: To ensure the development is sustainable in terms of rain water harvesting and in accordance with policy SU2 and SPD8: Sustainable Building Design of the Brighton & Hove Local Plan.

9) UNI

No development shall take place until a scheme setting out details of dropped kerbs and tactile paving at all crossing points within the site where a formal footpath is and details of level thresholds from all disabled bays has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure safe and convenient access if provided for all pedestrians to and through the site and to comply with Local Plan policies TR1, TR7 and TR8.

10) UNI

The development hereby permitted shall not be commenced until further details of cycle parking facilities for the workers 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.

11) UNI

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

Reason: To encourage travel by more sustainable means and to comply with policy TR1 and SU2 of the Brighton & Hove Local Plan.

12) UNI

No development shall take place until a scheme setting out improvements to the existing bus stop within the site located to the west of the main car parking area has been submitted to and approved in writing by the Local Planning Authority. These works shall include the provision of accessible bus stop kerbs, Real Time Passenger Information signs, enhanced waiting facilities and improved pedestrian access to the floating island bus stop. No part of the building hereby approved shall be occupied until the approved public transport works have been carried out in accordance with the approved scheme.

Reason: To ensure that suitable public transport provision and access to these services is provided for all and to comply with policies TR1 of the Brighton & Hove Local Plan.

13) UNI

The development hereby permitted shall not be commenced until details of secure motor 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 motorcycles are provided and to comply with policy TR1 of the Brighton & Hove Local Plan.

14) UNI

No development shall take place until samples of the following 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:

- a. samples of brick, render and tiling (including details of the colour of render/paintwork to be used)
- b. samples of all cladding to be used, including details of their treatment to protect against weathering
- c. samples of all hard surfacing materials
- d. samples of the proposed window and door treatments

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.

15) UNI

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

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

16) UNI

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

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

Plan Type	Reference	Version	Date Received
Site Location Plan	PL01		10th October 2014
Existing Site Plan	PL02		10th October 2014
Existing Store Plan	PL03		10th October 2014
Existing Roof Plan	PL04		10th October 2014
Existing Elevations	PL05	A	10th October 2014
Proposed Site Plan	PL06		10th October 2014
Proposed Store Plan	PL07		10th October 2014
Proposed Elevations	PL09	A	3rd November 2014
Existing Elevations Petrol Filling Station	PL10		3rd November 2014
Proposed Elevations Petrol Filling Station	PL11B		15th January 2015
Proposed Roof Plan with PV Panels	PL12		31st October 2014
Site Survey Plan (Car Park)	24439	A	10th October 2014
Site Survey Plan (Building)	24439	A	
Tree Survey Plan	1155-01		10th October 2014
Tree Removal, Retention & Protection Plan	1155-03		10th October 2014
Outline Landscape Proposals	1155-04		10th October 2014
Tree Pit Detail	1155-05		31st October 2014
Detailed Landscape Proposals	1155-06		10th October 2014

BH2014/03608

253 Old Shoreham Road Hove

Application for variation of condition 3 of application BH2014/00913 (Erection of single storey rear extension) to permit the installation of UPVC windows.

Applicant: Mr R Bascomb

Officer: Helen Hobbs 293335

Approved on 29/01/15 DELEGATED

1) UNI

Not used.

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	13.1951.125	P2	21.03.2014
Block Plan	13.1951.126	P3	02.04.2014
Existing Survey	3122/01		21.03.2014
Existing floor plans	3122/02		21.03.2014
Existing elevations	3122/03		21.03.2014
Proposed site layout	13.1951.120	P3	21.03.2014
Proposed ground floor layout	13.1951.121	P3	21.03.2014
Proposed first floor layout	13.1951.122	P3	21.03.2014
Proposed elevations	CFA FULL 03		28.01.2015

3) UNI

The external finishes of the development hereby permitted (excluding 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.

4) UNI

Prior to the installation of the hereby approved PVC windows large scale details, including sections, shall be submitted to and approved in writing by the Local Planning Authority. The development shall take place in accordance with the agreed details and be maintained as such thereafter.

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

5) UNI

The development hereby approved shall not be occupied until the cycle parking facilities approved under application BH2014/03321 on 31/12/2014 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.

6) UNI

No alcohol shall be sold or supplied to persons accommodated within the extension hereby permitted unless those persons are taking meals on the premises and are seated at tables.

Reason: To safeguard the amenities of the locality and to comply with policies

SU10, SR12 and QD27 of the Brighton & Hove Local Plan.

7) UNI

The development hereby permitted shall not be commenced until there has been submitted to and approved in writing by the Local Planning Authority:

(i) (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.

BH2014/04192

16 Steyning Avenue Hove

Erection of single storey rear extension.

Applicant: Mr I Salama

Officer: Chris Swain 292178

Refused on 09/02/15 DELEGATED

1) UNI

The proposed extension, by reason of its excessive depth and height, represents an inappropriately scaled addition to the property and an uncharacteristically large addition in relation to the surrounding area. The proposal therefore represents an incongruous and harmful addition to the property, contrary to policies QD14 and QD27 of the Brighton and Hove Local Plan and the Supplementary Planning Document: Design Guide for Extensions and Alterations (SPD12).

2) UNI2

The proposed extension, by reason of its excessive depth and height, would significantly dominate and oppress the outlook to the adjacent property at No.18 Steyning Avenue to the overall detriment of their amenity, contrary to policies QD14 and QD27 of the Brighton and Hove Local Plan and the Supplementary Planning Document: Design Guide for Extensions and Alterations (SPD12).

BH2014/04244

205 Nevill Avenue Hove

Erection of rear extensions to ground and first floor and associated works. (Amended Plans)

Applicant: Mr & Mrs Malcolm Sirisena

Officer: Liz Arnold 291709

Approved on 11/02/15 DELEGATED

1) BH01.01

The development hereby permitted shall be commenced before the expiration of 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 hard surface hereby approved shall be made of porous materials and retained thereafter or provision shall be made and retained thereafter to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the property.

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

4) UNI

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

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

Plan Type	Reference	Version	Date Received
Location Plan	S0	-	17th December 2014
Block Plan	P0	-	17th December 2014
Site Plan	S1	-	17th December 2014
Ground Floor Plan	S2	-	17th December 2014
First Floor Plan	S3	-	17th December 2014
Roof Plan	S4	-	17th December 2014
Front (South) Elevation	S5	-	17th December 2014
Side (East) Elevation	S6	-	17th December 2014
Rear (North) Elevation	S7	-	17th December 2014
Side (West) Elevation	S8	-	17th December 2014
Section A-A	S9	-	17th December 2014
Site Plan as Proposed	P1	Rev. B	21st January 2015
Ground Floor Plan as Proposed	P2	Rev. B	21st January 2015
First Floor Plan as Proposed	P3	Rev. B	21st January 2015
Front (South) Elevation as Proposed	P5	Rev. B	21st January 2015

Side (East) Elevation as Proposed	P6	Rev. B	21st January 2015
Rear (North) Elevation as Proposed	P7	Rev. B	21st January 2015
Side (west) Elevation as Proposed	P8	Rev. B	21st January 2015
Section A-A as Proposed	P9	Rev. B	22nd January 2015
Roof Plan as Proposed	P11	Rev. B	21st January 2015
45° Rule at 1st Floor Level as Proposed	P33	-	22nd January 2015

BH2015/00040

The Bungalow 11 Hangleton Lane Hove

Application for Approval of Details Reserved by Conditions 4 and 5 of application BH2014/02669.

Applicant: Mr Jerjes Philips

Officer: Adrian Smith 290478

Approved on 13/02/15 DELEGATED

NORTH PORTSLADE

BH2014/04134

15 Broomfield Drive Portslade

Certificate of lawfulness for proposed single storey rear extension and loft conversion incorporating installation of 2no front rooflights and rear dormer.

Applicant: Mr Philip Bacon

Officer: Astrid Fisher 292337

Split Decision on 02/02/15 DELEGATED

BH2014/04205

3 Southdown Road Portslade

Erection of single storey rear extension.

Applicant: Mr & Mrs Ashman

Officer: Liz Arnold 291709

Approved on 17/02/15 DELEGATED

1) BH01.01

The development hereby permitted shall be commenced before the expiration of three 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 hard surface hereby approved shall be made of porous materials and retained thereafter or provision shall be made and retained thereafter to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the property.

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

4) UNI

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

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

Plan Type	Reference	Version	Date Received
Proposed Single Storey Extension to Existing Dwelling	001	Rev. A	9th February 2015

SOUTH PORTSLADE

BH2014/03062

197 Old Shoreham Road Portslade

Application for Approval of Details Reserved by Conditions 3, 5, 8, and 9 of application BH2011/00834

Applicant: Mr M Deller

Officer: Christopher Wright 292097

Approved on 09/02/15 DELEGATED

BH2014/03339

Chandlers Garage Victoria Road Portslade

Display of internally illuminated fascia signs.

Applicant: Barons & Chandlers

Officer: Mark Thomas 292336

Approved on 16/02/15 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.

BH2014/03952

53 St Andrews Road Portslade

Erection of single storey rear extension.

Applicant: Mr David Connell

Officer: Joanne Doyle 292198

Refused on 13/02/15 DELEGATED

1) UNI

The proposed rear extension would extend beyond the rear wall of the outrigger and wrap around the corner of the outrigger relating poorly to the main dwelling and detracting from the original plan of the building. The footprint of the extension would result in the recipient property having an overextended appearance, detracting from the character and appearance of the recipient dwelling, contrary to policy QD14 of the Brighton & Hove Local Plan, and to guidance within Supplementary Planning Document (SPD12): Design Guide for Extensions and Alterations.

BH2014/04041

71 Trafalgar Road Portslade

Certificate of Lawfulness for proposed loft conversion incorporating hip to gable roof extension, dormer to rear, window to side elevation and front rooflight.

Applicant: Ms Paola Furno

Officer: Chris Swain 292178

Approved on 29/01/15 DELEGATED

BH2014/04130

30 St Nicholas Road Portslade

Certificate of lawfulness for proposed single storey rear extension.

Applicant: Miranda Curistides

Officer: Tom Mannings 292322

Refused on 30/01/15 DELEGATED

BH2014/04306

1 Sharpthorne Crescent Portslade

Removal of existing conservatory and erection of two storey extension to rear and creation of pitched roof over existing garage.

Applicant: Mr J Thorpe

Officer: Helen Hobbs 293335

Refused on 17/02/15 DELEGATED

1) UNI

The two storey rear extension, by reason of its siting and projection, height design and massing, would have an unduly dominant, discordant and unsympathetic relationship to the form and character of the host building, to the detriment of the character and appearance of the existing property and the surrounding area. As such the proposal is contrary to the requirements and objectives of policies QD1 and QD14 of the Brighton & Hove Local Plan and SPD12: Design guidance for extensions and alterations.

HOVE PARK

BH2014/03425

75a Dyke Road Avenue Hove

Erection of two storey extension to rear, insertion of dormers to front and rear, erection of detached garage to front with associated alterations to front boundary and alterations to porch including enclosing the existing porch roof with glass walls and door. (Amended Description)

Applicant: Investsave Ltd

Officer: Jason Hawkes 292153

Approved on 06/02/15 DELEGATED

1) BH01.01

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

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

2) UNI

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

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

3) UNI

Prior to the first occupation of the development hereby permitted the applicant shall reinstate the redundant vehicle crossover 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 and Hove Local Plan.

4) UNI

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

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

5) UNI

No development shall commence until an Arboricultural Method Statement for the protection of trees to be retained and adjoining the site has been undertaken in accordance with a scheme which has been submitted to and approved in writing by the Local Planning Authority. Any fences shall be erected in accordance with BS5837 (2012) and shall be retained until the completion of the development and no vehicles, plant or materials shall be driven or placed within the areas enclosed by such fences.

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

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 Location & Block Plan & Ground Floor & First Floor Plan	0725-PA-001		10th October 2014
Existing Second Floor & Roof Plan	0725-PA-002		10th October 2014
Existing Elevations	0725-PA-003		10th October 2014
Site Plan	0725-PA-010		10th October 2014
Ground and First Floor Plans	0725-PA-011	A	12th January 2014
Second Floor Plan and Roof Plan	0725-PA-012	A	12th January 2014
Proposed Front and Rear Elevations	0725-PA-013	B	12th January 2014
Proposed Side Elevations	0725-PA-014	A	12th January 2014
Proposed Front Street Scene Elevations	0725-PA-015	A	12th January 2014

7) UNI

4. 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 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.

BH2014/04040

Bowling Green Dyke Road Park Dyke Road Hove

Application for Approval of Details Reserved by Conditions 12, 13, 14, 15, 16, 18 and 19 of application BH2013/03930.

Applicant: Brighton Open Air Theatre CIO

Officer: Paul Earp 292454
Approved on 10/02/15 DELEGATED

BH2014/04059

50 Hill Drive Hove

Demolition of existing six bedroom two storey house and erection of 2no four bedroom houses and 1no three bedroom house, with a one-bedroom annexe, associated alterations and landscaping.

Applicant: Mr Tony Book

Officer: Liz Arnold 291709

Refused on 04/02/15 DELEGATED

1) UNI

The proposed development, by reason of the limited plot size, excessive footprints of the proposed dwellings and the scale and positioning closer of House 1 to the front boundary compared to neighbouring properties would result in the development being out of keeping with and failing to reflect the prevailing character of the area, which causes harm to the character and appearance of the Hill Drive and Hill Brow streetscenes and the wider area. As such the development would represent an incongruous and cramped form of development and an overdevelopment of the site. As such the proposal is contrary to policies QD1, QD2 and QD3 of the Brighton & Hove Local Plan.

2) UNI2

The design of House 3 which includes south facing glazing would represent an unneighbourly form of development which would result in actual and perceived overlooking and loss of privacy to southern neighbouring properties located on Hill Drive and the related garden areas. This unneighbourly form of development would be exacerbated by the elevated position of House 3 in respect of the southern neighbouring properties. The proposal would have a harmful impact on neighbouring amenity and is contrary to policy QD27 of the Brighton & Hove Local Plan.

BH2014/04138

85 Dyke Road Avenue Hove

Application for approval of details reserved by condition 4 of application BH2014/00521.

Applicant: Mr & Mrs Silva

Officer: Paul Earp 292454

Approved on 02/02/15 DELEGATED

BH2014/04214

136-140 Old Shoreham Road Hove

Prior approval for change of use from offices (B1) to residential (C3) to form 36 no residential units.

Applicant: Glenhazel Limited

Officer: Mick Anson 292354

Prior Approval is required and is refused on 09/02/15 DELEGATED

1) UNI

The proposals would result in an unacceptable arrangement of parking to the front of the property that would create a road safety concern contrary to policies TR1, TR7 and TR8 of the Brighton & Hove Local Plan.

2) UNI2

The proposals would be likely to result in overspill car parking as a result of the development and would be likely to add to existing car parking stress in the local area thus having a harmful impact on highway safety, traffic management and

parking amenity issues for existing residents thus contrary to policies TR1 and TR7 of the Brighton & Hove Local Plan.

This decision is based on the information listed below:

Plan Type	Reference	Version	Date Received
Location Plan	2483/L/01		15.12.14
Existing Ground Floor Plan	2483/P/01		15.12.14
Existing First Floor Plan	2483/P/02		15.12.14
Existing Second Floor Plan	2483/P/03		15.12.14
Proposed Ground Floor Plan	2483/P/31		15.12.14
Proposed First Floor Plan	2483/P/32		15.12.14
Proposed Second Floor Plan	2483/P/33		15.12.14

BH2014/04217

124 Nevill Road Hove

Certificate of lawfulness for proposed single storey rear extension.

Applicant: Mr & Mrs Maxwell

Officer: Astrid Fisher 292337

Approved on 05/02/15 DELEGATED

BH2014/04241

6 The Spinney Hove

Application for Approval of Details Reserved by Condition 5 of application BH2014/03008.

Applicant: Miss Margaret Rignell

Officer: Liz Arnold 291709

Approved on 10/02/15 DELEGATED

BH2014/04342

4 Barrowfield Close Hove

Application for Approval of Details Reserved by Conditions 9, 10, 11, 12 and 13 of application BH2014/03227

Applicant: Mr & Mrs J T Platt

Officer: Liz Arnold 291709

Approved on 13/02/15 DELEGATED

BH2015/00034

14 Sandringham Close Hove

Prior approval for the erection of a single storey rear extension, which would extend beyond the rear wall of the original house by 4m, for which the maximum height would be 3.5m, and for which the height of the eaves would be 2.5m.

Applicant: Mr John Cramer

Officer: Luke Austin 294495

Prior approval not required on 09/02/15 DELEGATED

BH2015/00110

8 Sandringham Close Hove

Prior approval for the erection of a single storey rear extension, which would extend beyond the rear wall of the original house by 6m, for which the maximum height would be 3.805m, and for which the height of the eaves would be 2.865m.

Applicant: Mr & Mrs Russell

Officer: Guy Everest 293334

Prior approval not required on 12/02/15 DELEGATED

BH2015/00329

Goldstone Retail Park Newtown Road Hove

Application for Approval of Details Reserved by condition 11 of application BH2014/03713.

Applicant: Scottish Widows Investment Partnership Unit Trust

Officer: Liz Arnold 291709

Approved on 13/02/15 DELEGATED

WESTBOURNE

BH2014/02544

38 Hove Street Hove

Application for Approval of Details Reserved by Conditions 10, 11, 12, 13, 14, 15, 16 and 17 of application BH2014/00823.

Applicant: Living Properties & Design Ltd

Officer: Christopher Wright 292097

Approved on 09/02/15 DELEGATED

BH2014/02661

17 Princes Square Hove

Demolition of existing single storey rear extension and erection of new single storey rear extension. Alterations to existing rear outbuilding to facilitate creation of garden room (retrospective).

Applicant: Ms Linzi Light

Officer: Christopher Wright 292097

Approved on 16/02/15 DELEGATED

1) BH01.01

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

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

2) UNI

Within 3 calendar months of the date of this decision the opening on the south facing flank wall of the rear extension hereby permitted shall be blocked up and finished to match the external appearance of the rest of the wall.

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 shall be carried out in accordance with the window and door types approved on drawing no. 02D1, received on 12 January 2015, including conservation rooflights, Crittall W20/W40 style windows and timber garage doors to the outbuilding; and painted timber doors to the rear extension and a solid timber gate to the boundary wall forming the front elevation of the side extension.

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
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Existing Plans, Elevations, Location & Block Plans	01	-	7 Aug 2014
Proposed Plans and Elevations	02	D1	12 Jan 2015
Lead Roof Details	03	F	30 Jan 2015

5) UNI

The external walls of the rear extension hereby permitted shall be finished in smooth, white painted render and the west facing wall of the extension beyond the north facing side elevation of the house hereby permitted shall be finished in Flemish Garden Wall bond brickwork with square recessed mortar joint profiles.
Reason: To ensure a satisfactory appearance to the development and to comply with policy HE6 of the Brighton & Hove Local Plan.

BH2014/03144

153 Kingsway Hove

Application for variation of condition 2 of application BH2013/02137 (Extension of top floor and conversion of existing conference suite to create 10no additional guest bedrooms) to allow alterations to the plant space on the north elevation.

Applicant: Best Western Hotel

Officer: Christopher Wright 292097

Approved on 02/02/15 DELEGATED

1) UNI

The development hereby permitted shall be commenced before the expiration of 29 August 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 location plan			24 June 2013
Block plan			24 June 2013
Existing floor plan			24 June 2013
Proposed Plan			5 Jan 2015
Proposed Roof Plan			24 Oct 2014
Existing north elevation			24 June 2013
Existing east elevation			24 June 2013
Existing south elevation			24 June 2013
Existing west elevation			24 June 2013
Proposed north elevation			5 Jan 2015
Proposed east elevation			24 June 2013
Proposed south elevation			24 June 2013
Proposed west elevation			24 June 2013

3) UNI

The development shall be carried out using the materials for which samples were approved under application BH2014/03858, to which the decision dated 28 January 2015, refers.

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

with policies QD1, QD14 and HE6 of the Brighton & Hove Local Plan.

4) 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.

5) UNI

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

(i) Promote and enable increased use of walking, cycling, public transport use, car sharing, and car clubs as alternatives to sole car use:

(ii) A commitment to reduce carbon emissions associated with business and commuter travel:

(iii) Increase awareness of and improve road safety and personal security:

(iv) Undertake dialogue and consultation with adjacent/neighbouring tenants/businesses:

(v) *Identify targets focussed on reductions in the level of business and commuter car use:*

(vi) *Identify a monitoring framework, which shall include a commitment to undertake an annual staff travel survey utilising iTrace Travel Plan monitoring software, for at least five years, or until such time as the targets identified in section (v) above are met, to enable the Travel Plan to be reviewed and updated as appropriate:*

(vii) *Following the annual staff survey, an annual review will be submitted to the Local Planning Authority to update on progress towards meeting targets:*

(viii) *Identify a nominated member of staff or post to act as Travel Plan Co-ordinator, and to become the individual contact for the Local Planning Authority relating to the Travel Plan.*

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

BH2014/04128

Flat 1 43 Walsingham Road Hove

Enlargement of existing single storey rear extension.

Applicant: Mrs Boyd

Officer: Adrian Smith 290478

Approved on 02/02/15 DELEGATED

1) BH01.01

The development hereby permitted shall be commenced before the expiration of three 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
Existing Plans, Sections and Elevations	1218 01	A	20/01/2015
Proposed Plans, Sections and Elevations	1218 02	A	20/01/2015

BH2014/04231

90 Sackville Road Hove

Display of externally illuminated fascia signs and non illuminated wall sign.

Applicant: Bungard & Sons Limited

Officer: Sonia Gillam 292265

Approved on 16/02/15 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.

WISH

BH2014/04075

29 Welbeck Avenue Hove

Erection of single storey rear extension.

Applicant: Mr Russell Donald

Officer: Robert Hermitage 290480

Approved on 29/01/15 DELEGATED

1) BH01.01

The development hereby permitted shall be commenced before the expiration of 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 and Block Plans	CH643/001	-	3rd December 2014
Existing Plans	CH643/002	-	3rd December 2014
Existing Elevations	CH643/003	-	3rd December 2014
Existing Sections	CH643/004	-	3rd December 2014
Proposed Plans	CH643/005	-	3rd December 2014
Proposed Elevations	CH643/006	-	3rd December 2014

Proposed Sections	CH643/007	-	3rd 2014	December
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BH2014/04079

15 Coleman Avenue Hove

Certificate of Lawfulness for proposed loft conversion incorporating hip to gable roof extension, installation of 3no rooflights to front and creation of rear dormer.

Applicant: Mr Torres

Officer: Christopher Wright 292097

Approved on 30/01/15 DELEGATED

BH2014/04182

13 Glebe Villas Hove

Erection of single storey rear extension.

Applicant: Mr Peter Orpen

Officer: Robert Hermitage 290480

Approved on 09/02/15 DELEGATED

1) BH01.01

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

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

2) UNI

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

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

3) UNI

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

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

Plan Type	Reference	Version	Date Received
Location Plan	814.01	-	11th December 2014
Block Plan	814.02	-	11th December 2014
Existing Plans	814.03	-	11th December 2014
Proposed Plans	814.04	-	11th December 2014
Existing Elevations	814.05	-	11th December 2014
Proposed Elevations	814.06	-	11th December 2014

BH2014/04208

372-374 Portland Road Hove

Prior approval for change of use of ground floor from retail (A1) to residential (C3)

to form 1no one bedroom flat and 1no two bedroom flat.

Applicant: Evenden Estates

Officer: Christopher Wright 292097

Prior Approval is required and is refused on 11/02/15 DELEGATED

BH2014/04313

13 Berriedale Avenue Hove

Loft conversion to create 1no studio flat (C3) including roof dormers to side elevations and rooflights.

Applicant: Mr Ashley Bennett

Officer: Liz Arnold 291709

Refused on 04/02/15 DELEGATED

1) UNI

The proposed dormer windows, by virtue of their excessive size and poor design, which includes large areas of cladding to the side and below the proposed windows, are considered to be overly bulky, oversized and poorly related to the existing building, resulting in visually intrusive and bulky additions to the side roofslopes of the existing property. Furthermore the proposed side dormer windows and rooflights in conjunction with the main hipped roof and gable end hipped roof forms of the existing property results in a complicated, visually cluttered and bulky roof configuration to the property. The resulting building would be of detriment to the character and appearance of the existing property, the Berriedale Avenue streetscene and the wider area. As such the proposal is contrary to policy QD14 of the Brighton and Hove Local Plan and SPD12 Design Guide for Extensions and Alterations.

BH2015/00017

31 Alpine Road Hove

Certificate of Lawfulness for proposed loft conversion incorporating rear dormer.

Applicant: Intersave Limited

Officer: Astrid Fisher 292337

Approved on 18/02/15 DELEGATED

BH2015/00059

13 Park Avenue Hove

Certificate of lawfulness for proposed loft conversion incorporating side and rear dormers and rooflights to front and rear elevations.

Applicant: Mr Stephen Amos

Officer: Luke Austin 294495

Approved on 12/02/15 DELEGATED

Withdrawn Applications

PLANS LIST 11 March 2015**PATCHAM**

Application No: BH2015/00223
75 Brangwyn Drive, Patcham, Brighton

2no Sycamore (T1 & T3) - reduce by 3m, 1no multi-stemmed Sycamore (T2) - reduce by 3m.

Applicant: Mr Jeremy Hatch
Approved on 10 Feb 2015

PRESTON PARK

Application No: BH2014/04365
79 Stanford Avenue, Brighton

5no Horse Chestnut, 1no Beech - pollard back to original pollard knuckle/reducing crowns approx. 2m and thinning crowns.

Applicant: Mr John McLean
Approved on 09 Feb 2015

ST. PETER'S & NORTH LAINE

Application No: BH2015/00175
Royal Pavilion Grounds

Lime T1 - reduce length of all branches by up to 2m ensuring natural shape & balance typical of species is maintained where possible, thin crown by 20% removing branches within the crown giving less density, selectively remove some of the epicormic growth; 2no Himalayan Elm G1 - selectively reduce in the longer over-extended laterals growing out of the crown; Elm T3 - selectively reduce in the longer over-extended laterals growing out of the crown; 5/6no Elms & 2no Limes G4 (Option A) - crown lift to 3m; 5/6no Elms & 2no Limes G4 (Option B) - lightly raise crowns, selectively thinning out epicormic growth, reduce growth back from the lamp column; Elm T5 - reduce in lateral growth growing over the Plane tree by up to 1.5m, shaping round accordingly; Elm T6 - reduce back the lateral growth above the seating area by up to 2m; Lobel Elm T7 - thin crown by 25% by removing branches within the crown giving less density; Elm T8 - selectively reduce in the longer over-extended lateral branches to improve shape and balance; Elm T9 - thin crown by 15-20% by removing branches within the crown giving less density, selectively reduce in

the longer over-extended lateral branches to improve shape and balance, crown lift 3m over footpath; 1no Elm & 1no Oak T12 - reduce in the eastern side of the Elm and the western side of the Oak by up to 1.5m to keep crowns separate and retain view through to the Pavilion, remove the low dead branches on the Oak.

Applicant: Royal Pavilion & Museums

Approved on 10 Feb 2015

WITHDEAN

Application No: BH2015/00269

Withdean Hall, The Approach, Brighton

1no Turkey Oak (T1) - crown lift to approx. 6m on roadside to clear telephone cables and prevent damage.

Applicant: Mr B McWalter

Approved on 10 Feb 2015

ROTTINGDEAN COASTAL

Application No: BH2015/00156

22 Rowan Way, Rottingdean

1no Quercus ilex - canopy to be lifted over garden to give clearance of minimum of 3.5m, remove long limb over Falmer Road, and limb damaged by fence reduce to remove weight clear up to 5.5m.

Applicant: Mr Duncan Lock

Approved on 04 Feb 2015

Application No: BH2015/00157

20 Rowan Way, Rottingdean

1no Quercus ilex - remove long over-extended limb on south side, raise crown over garden to give minimum clearance of 3.5m, crown clean, raise crown over road to 5.5m.

Applicant: Mr Duncan Lock

Approved on 04 Feb 2015

BRUNSWICK AND ADELAIDE

Application No: BH2015/00065

24 Wilbury Road, Hove

2no Lime (T1 & T2) crown reduction up to 3m, uplift to 6m and thin centre of canopy.
Ash (T3) crown reduction up to 3m and thin centre of canopy. Ash (T4) crown
reduction up to 2m, uplift to 5m and thin centre of canopy.

Applicant: Mr Sam Thompson
Approved on 04 Feb 2015

CENTRAL HOVE

Application No: BH2015/00196
Flat F, 1 Fourth Avenue, Hove

1no Elm (T1) - height reduction of approx. 3m and reduce the sides to match,
approx. 2-2.5m. All pruning back to good growth points and maintaining a natural
form.

Applicant: Mr Geoff Place
Approved on 04 Feb 2015

GOLDSMID

Application No: BH2014/04283
77 The Drive, Hove

1no Lime T12 - Pollard to old pollard points, 1no Chestnut T10 & 1no Sycamore T11
- reduce overhanging branches.

Applicant: J Hatch
Approved on 09 Feb 2015

Application No: BH2014/04285
77 The Drive, Hove

Fell 1no Sycamore T11 & 1no Holly T13 - Remove to ground level. (The Sycamore
and Holly have limited public visibility, thus do not warrant a TPO.)

Applicant: J Hatch
Approved on 09 Feb 2015

Application No: BH2015/00032
18 Denmark Villas, Hove

T1 Elm - reduce back to previous points; T2 Eucalyptus - reduce back to previous
points.

Applicant: Mr Richard O Brien

Approved on 04 Feb 2015

Application No: BH2015/00101
1 Eaton Lodge, Cromwell Road, Hove

Sycamore (T1) - reduce crown by 30% removing no more than 2m from the length of each branch to create an evenly balanced tree of smaller dimensions. Sycamore (T2) - reduce crown by 30% removing no more than 2m from the length of each branch to create an evenly balanced tree of smaller dimensions, crown lift to 5m over neighbouring garden by removing secondary branches. Sycamore (T3) - remove lowest 3 limbs over neighbouring property and reduce size of remaining crown by reducing each branch by no more than 2.5 metres (30% of overall crown).

Applicant: Mrs Eileen Mower
Approved on 04 Feb 2015

HANGLETON & KNOLL

Application No: BH2015/00267
14 Meads Avenue, Hove

T1 Cherry - thin crown by 10% by removing branches within the crown giving less density, reduce height and spread by up to 1.5m, shaping and balancing accordingly.

Applicant: Mr G O'Flanagan
Approved on 10 Feb 2015

WESTBOURNE

Application No: BH2015/00218
23 Pembroke Crescent, Hove

1no Laurus nobilis (T1) - reduce height to 6ft and girth by 30%.

Applicant: Mr Steve Kennedy
Approved on 09 Feb 2015

Application No: BH2015/00266
15 Sackville Gardens, Hove

T1 Bay - trim round to neaten and tidy; T3 Malus - reduce down to just above the second fork (approx. 3-3.5m from ground level); T4 Oak - remove three lowest limbs growing over the rear garden to reduce the overhang to the lawn area.

Applicant: Mr G O'Flanagan
Approved on 10 Feb 2015

Application No: BH2015/00268
28 Westbourne Villas, Hove

2no Willows (T1 & T2) - reduce back to previous cut points.

Applicant: Mr B McWalter
Approved on 09 Feb 2015

NEW APPEALS RECEIVED**WARD**APPEAL APP NUMBERADDRESSDEVELOPMENT DESCRIPTIONAPPEAL STATUSAPPEAL RECEIVED DATEAPPLICATION DECISION LEVEL**WOODINGDEAN**

BH2014/03011

17 Newells Close Brighton

Creation of rear dormer.

APPEAL LODGED

29/01/2015

Delegated

WARDAPPEAL APP NUMBERADDRESSDEVELOPMENT DESCRIPTIONAPPEAL STATUSAPPEAL RECEIVED DATEAPPLICATION DECISION LEVEL**SOUTH PORTSLADE**

BH2013/02772

6 Locks Hill Portslade

Demolition of existing building (D1) and erection of 5 houses fronting Locks Hill with car parking and vehicular access from rear.

APPEAL LODGED

30/01/2015

Delegated

WARDAPPEAL APP NUMBERADDRESSDEVELOPMENT DESCRIPTIONAPPEAL STATUSAPPEAL RECEIVED DATEAPPLICATION DECISION LEVEL**QUEEN'S PARK**

BH2014/02025

28 Upper Rock Gardens Brighton

Demolition of existing rear lean to and erection of single storey rear extension.

APPEAL LODGED

04/02/2015

Delegated

WARDAPPEAL APP NUMBERADDRESSDEVELOPMENT DESCRIPTIONAPPEAL STATUSAPPEAL RECEIVED DATEAPPLICATION DECISION LEVEL**HANOVER & ELM GROVE**

BH2014/01381

46 Lynton Street Brighton

Change of use from 3 bedroom dwelling house (C3) to 4 bedroom small house in multiple occupation (C4).

APPEAL LODGED

03/02/2015

Delegated

WARDAPPEAL APP NUMBERADDRESSDEVELOPMENT DESCRIPTION**ROTTINGDEAN COASTAL**

BH2014/02962

31 Westfield Avenue North Saltdean Brighton

Erection of single storey front and rear

APPEAL STATUS
APPEAL RECEIVED DATE
APPLICATION DECISION LEVEL

extensions and associated roof alterations
and landscaping to front garden.
APPEAL LODGED
05/02/2015
Delegated

WARD
APPEAL APP NUMBER
ADDRESS
DEVELOPMENT DESCRIPTION

PRESTON PARK
BH2014/01400
201 Preston Drove Brighton
Erection of 1no detached dwelling fronting
Hythe Road.
APPEAL LODGED
12/02/2015
Delegated

WARD
APPEAL APP NUMBER
ADDRESS
DEVELOPMENT DESCRIPTION

PRESTON PARK
BH2014/02748
31 Waldegrave Road Brighton
Replacement of existing windows with
UPVC sash windows to front elevation.
(Retrospective)
APPEAL LODGED
13/02/2015
Delegated

WARD
APPEAL APP NUMBER
ADDRESS
DEVELOPMENT DESCRIPTION

ROTTINGDEAN COASTAL
BH2014/02170
116 Lustrells Vale Saltdean Brighton
Erection of extension to rear to form two
storey maisonette and creation of dormer to
rear roof slope to existing self - contained
flat.
APPEAL LODGED
13/02/2015
Delegated

**INFORMATION ON HEARINGS / PUBLIC INQUIRIES
11th March 2015**

This is a note of the current position regarding Planning Inquiries and Hearings

University of Sussex, Refectory Road, Falmer, Brighton

Planning application no: BH2013/04337

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

Decision: Planning Committee

Type of appeal: Public Inquiry

Date: TBC

Location: TBC

APPEAL DECISIONS

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A – 13 COLEBROOK ROAD, BRIGHTON – WITHDEAN	259
Application BH2014/03053 – Appeal against refusal for detached double garage and two storey side extension. APPEAL DISMISSED (Delegated Decision)	
B – THE ATLAS, 253 OLD SHOREHAM ROAD, HOVE – HANGLETON & KNOLL	261
Application BH2014/01583 – Appeal against refusal for erection of a ground floor single storey extension to the rear garden area. APPEAL DISMISSED (Delegated Decision)	
C – 25 HOVE PARK VILLAS, HOVE – GOLDSMID	263
Application BH2014/01422 – Appeal against refusal for construction of a single dwelling to the rear of 25 Hove Park Villas, Hove (replacement Coach House). APPEAL DISMISSED (Delegated Decision)	
(B) Application BH2014/01422 – Appeal against refusal to grant planning permission without complying with conditions subject to which a previous planning permission was granted the condition in dispute is The development hereby approved shall be carried out in accordance with the approved drawings listed (see attached decision). APPEAL DISMISSED (Delegated Decision)	
D – 9 RIDGESIDE AVENUE, BRIGHTON – PATCHAM	269
Application BN2014/00985 - Appeal against refusal to grant planning permission for demolition of the existing garage and the erection of a new 2 bedroom dwelling. APPEAL DISMISSED (Delegated Decision)	
E – TOP FLOOR FLAT, 2 BUCKINGHAM STREET, BRIGHTON – ST. PETER'S & NORTH LAINE	273
Application BH2014/02355 - Appeal against refusal to grant planning permission for the creation of two dormers to the rear and the insertion of one rooflight to the front. APPEAL ALLOWED (Delegated Decision)	
F – 43 FRESHFIELD ROAD, BRIGHTON – QUEEN'S PARK	277
Application BH2014/00552 – Appeal against refusal to grant permission for change of use of basement store (B8) to lower ground floor studio flat (C3) (Part retrospective). APPEAL DISMISSED - (Delegated Decision)	

G – 14 DYKE ROAD, BRIGHTON – ST. PETER’S & NORTH LAINE 279

Application BH2013/04080 - Appeal against refusal to grant permission for conversion of existing D1 use into C3 2No bedroom flat with internal alterations (part retrospective). **APPEAL ALLOWED** (Delegated Decision)

H – 93 ST. LEONARDS GARDENS, HOVE – WISH 283

Application BH2013/03523 - Appeal against refusal to grant permission for conversion of two existing self-contained apartments and a chiropody surgery into three self-contained apartments. **APPEAL DISMISSED** (Delegated Decision)

I – 19 WELLINGTON ROAD, BRIGHTON – HANOVER & ELM GROVE 287

Application BH2013/01254 - Appeal against refusal to grant permission for construction of 30 flats. **APPEAL DISMISSED & COSTS REFUSED (COMMITTEE DECISION – 11 DECEMBER 2013)**

J – 13A – 14 STONE & 19A CASTLE STREET, BRIGHTON – REGENCY 299

(A) Application BH2013/02798 - Appeal against refusal to grant permission for refurbishment and conversion of the existing Grade II two storey Stone Street building into a single private dwelling and the demolition and redevelopment of the Castle Street part of the site into a three-storey student accommodation block comprising of 14No *en-suite* bedrooms together with two communal kitchens. **APPEAL ALLOWED (COMMITTEE DECISION – 2 APRIL 2014)**

(B) Application BH2013/02799 - Appeal against refusal to grant permission for refurbishment and conversion of the existing Grade II two storey Stone Street building into a single private dwelling and the demolition and redevelopment of the Castle Street part of the site into a three-storey student accommodation block comprising of 14No *en-suite* bedrooms together with two communal kitchens. **APPEAL ALLOWED (COMMITTEE DECISION – 2 APRIL 2014)**

K – 7 SHIP STREET GARDENS, BRIGHTON – REGENCY 309

Application BH2014/02485 - Appeal against refusal to grant permission for demolition of the existing buildings (comprising A1, A3 and D1) and erection of part one and two storey office building (B1). **APPEAL DISMISSED** (Delegated Decision)

**L – 31 UPPER ST. JAMES’S STREET, BRIGHTON – QUEEN’S
PARK**

313

Application BH2014/02060 - Appeal against refusal to grant permission
for installation of 3 swan neck lights above existing shop front fascia.

APPEAL DISMISSED (Delegated Decision)



Appeal Decision

Site visit made on 20 January 2015

by Louise Phillips MA (Cantab) MSc MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 29 January 2015

Appeal Ref: APP/Q1445/D/14/2229445

13 Colebrook Road, Brighton BN1 5JH

- 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 Gary Turner against the decision of Brighton & Hove City Council.
 - The application Ref BH2014/03053, dated 11 September 2014, was refused by notice dated 17 November 2014.
 - The development proposed is a detached double garage and two storey side extension.
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of both aspects of the proposal upon the character and appearance of the existing building and wider area.

Reasons

3. The appeal property is a detached, chalet style house at the corner of Colebrook Road and Hillbrow Road. It has a steep hipped roof with a shallower projecting canopy at the front; a single pitched roof dormer in the centre of the front roof slope; and two similar dormers to the rear. Whilst the chalet is set at an angle to the Colebrook Road frontage, the other properties on the western side follow an established building line parallel to, and set back from, the carriageway. The properties on the eastern side also follow a relatively straight building line, but they are set back further behind larger front gardens.
4. The proposed development would consist of an extension to the north-east side of the chalet near to the junction; and a single storey, flat roofed garage in the south east corner of the plot adjacent to the boundary with Colebrook Road. Starting with the extension, this would be flush with the front elevation of the existing house, the main part of the existing roof would continue across it and an additional dormer would be inserted between the old and new sections of roof. The development would add mass to one side of the building, but it would not be so wide as to fundamentally unbalance it, particularly as the roof would end in a hip to reflect the current pitch. Whilst the rearmost part of the extension would breach the building line in Hillbrow Road, the back of the main house already does so, and the latter would remain the prominent feature.

5. However, whereas the existing front roofslope is symmetrical, the extended roof would have a lower ridge than that of the main house, it would have no canopy below the eaves and the two dormers (existing and proposed) would be offset from the centre of the building to the south. Taken together, these design features would give rise to an awkward relationship between the old and new parts of the building, particularly at roof level. Whilst the lowered ridge seeks to make the extension subordinate to the existing dwelling in line with Council guidance, in this case it would contribute to a discordant development detrimental to the host property and wider street scene.
6. Turning to the garage, its proposed position at the edge of the footway would be entirely at odds with the established pattern of development on both sides of Colebrook Road. Whilst it would be screened to some extent in views from the south by a boundary fence, it would be clearly visible from the front of the site and from the north across the junction with Hillbrow Road. The flat roof would jar with the roof design of the host dwelling and with the pitched roofs of the other houses in the area, but the low height of the building would not compensate for its unfortunate siting. Overall the garage would be a prominent and incongruous feature in the street scene.
7. For the reasons above, I conclude that both aspects of the proposed development would be significantly harmful to the character and appearance of the existing building and wider area. Thus it would conflict with the provisions of Policies QD2 and QD14 of the Brighton and Hove Local Plan in respect of good design. In reaching my decision, I have taken account of the broadly supportive pre-application advice given to the appellant by the Council, but this does not change my view.

Conclusion

8. For the reasons given above, I conclude that the appeal should be dismissed.

Louise Phillips

INSPECTOR



Appeal Decision

Site visit made on 9 December 2014

by Mrs H M Higenbottam BA (Hons) MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 02 February 2015

Appeal Ref: APP/Q1445/A/14/2227911

The Atlas, 253 Old Shoreham Road, Hove BN3 7EB

- 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 Foundation UK Property Ltd against the decision of Brighton & Hove City Council.
 - The application Ref: BH2014/01583, dated 14 May 2014, was refused by notice dated 14 July 2014.
 - The development proposed is the erection of a ground floor single storey extension to the rear garden area.
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed development on the character and appearance of the host building and the wider area.

Reasons

3. The appeal site is located within the settlement of Hove, on the northern side of Old Shoreham Road (A270) and the eastern side of Holmes Avenue at a traffic controlled junction. Holmes Avenue is predominantly two storey semi-detached residential properties, whilst Old Shoreham Road is a mix of commercial and residential properties.
4. There are some evergreen trees on the frontage of the appeal site with Holmes Avenue with a close boarded fence on the boundary (approximately 1.8m high). However, Holmes Avenue is at a significantly higher level than the site and there are views and an appreciation of the appeal site from the gap on the boundary with 1 Holmes Avenue when approaching the junction with Old Shoreham Road. There are also other public views of the rear garden area of the appeal site, above the fencing or through the public site access/car park, from Holmes Road.
5. The proposal is for a single storey rear extension to provide a larger restaurant seating area with a floorspace of about 124 sqm. This is stated by the appellant to represent 32% of the resultant floorspace. The extension would project into the existing beer garden by approximately 9m and would have dummy pitched roofs to the rear and flank elevations. The proposals are stated to occupy less than half the depth of the existing beer garden.
6. At the time of my site visit development works were underway and the premises were not open to the public. I note that planning permission was

- granted (reference BH2014/00913) for a rear extension of approximately 89 sqm with a dummy pitched roof, inset from the northern elevation by about 1.7m.
7. A previous proposal was dismissed at appeal¹. In that case the single storey extension was proposed to have a flat roof and was similar in footprint, depth and eaves height to the current proposal.
 8. The Council have produced a Supplementary Planning Document entitled '*spd 12: design guide for extensions and alterations*' (SPD). It states that whilst it's primary purpose is to provide detailed design guidance for extensions and alterations to residential buildings it is also to be used for extensions and alterations to commercial buildings of a traditional domestic appearance. The Atlas is a two storey public house of traditional pitched roof appearance and in determining this appeal it is appropriate to consider the guidance in the SPD.
 9. The appeal proposal would comply in part with the SPD in that it would not consume more than half the rear garden area. However, it would be deeper than half the depth of the main body of the original building, which would be contrary to the SPD guidance.
 10. In views from Holmes Avenue the 9m depth of the extension would be visible along with large expanses of the flat roof behind the dummy pitched roofs. The proposed extension would dominate the rear elevation of the host building and appear as an incongruous addition that would fail to either complement or harmonise with the host building or the character and appearance of the wider area. Although fencing might hide views of the proposed extension, it would not result in a well designed or appropriate addition to the public house.
 11. Whilst I appreciate a single storey rear extension has been permitted at the appeal site with a dummy pitched roof, this would be about a third less floor area than the current appeal proposal. To my mind, it is the combination of the size of the proposal and the extent of the expanse of flat roof that I consider to be unacceptable.
 12. I therefore find that the proposal would be of poor design and would harm the character and appearance of the host building and wider area. This would be contrary to Policy QD14 of the Brighton and Hove Local Plan 2005 which states that extensions to existing buildings should be well designed, sited and detailed in relation to the property to be extended and to the surrounding area. Furthermore, it would be contrary to the National Planning Policy Framework (the Framework) which as a core planning principle states that planning should always seek to secure high quality design. The Framework states that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. It goes on to say 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.
 13. For the reasons given above I conclude that the appeal should be dismissed.

Hilda Higenbottam

Inspector

¹ APP/Q1445/A/14/2212395



Appeal Decisions

Site visit made on 9 December 2014

by Mrs H M Higenbottam BA (Hons) MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 03 February 2015

Appeal A: APP/Q1445/A/14/2227995

25 Hove Park Villas, Hove, East Sussex BN3 6HH

- 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 Kevin Keehan against the decision of Brighton & Hove City Council.
- The application Ref: BH2014/01422, dated 1 May 2014, was refused by notice dated 11 July 2014.
- The development proposed is the construction of a single dwelling to the rear of 25 Hove Park Villas, Hove (replacement Coach House).

Appeal B: APP/Q1445/A/14/2227998

25 Hove Park Villas, Hove, East Sussex BN3 6HH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
- The appeal is made by Mr Kevin Keehan against the decision of Brighton & Hove City Council.
- The application Ref: BH2014/01421, dated 1 May 2014, was refused by notice dated 23 July 2014.
- The application sought planning permission for 'the demolition of existing rear conservatory and erection of part single storey, part two storey rear extension and alterations including changes to fenestration. Loft conversion with dormers to front, side and rear and rooflights to sides to create additional flat' without complying with a condition attached to planning permission Ref: BH2013/00255, dated 1 March 2013.
- The condition in dispute is No 2 which states that: The development hereby approved shall be carried out in accordance with the approved drawings listed below.

Plan Type	Reference	Version	Date Received
Site plan and block plan	TA663C/01	C	15/02/2013
Existing plans and elevations	TA663C/02		28/01/2013
	TA663C/03		28/01/2013
	TA663C/04		28/01/2013
	TA663C/05		28/01/2013
	TA663C/06		28/01/2013
	TA663C/07		28/01/2013
	TA663C/08		28/01/2013
	TA663C/09		28/01/2013
	TA663C/10		28/01/2013
Proposed plans and elevations	TA663C/20	C	15/02/2013
	TA663C/21	-	28/01/2013
	TA663C/22	C	15/02/2013
	TA663C/23	C	15/02/2013
	TA663C/24	C	15/02/2013

	TA663C/25	D	15/02/2013
	TA663C/26	D	15/02/2013
	TA663C/27	C	15/02/2013

- The reason given for the condition is: For the avoidance of doubt and in the interests of proper planning.

Decisions

1. Both Appeal A and Appeal B are dismissed.

Background and Main Issues

2. A previous scheme for a three bedroom detached house was dismissed at appeal¹ in 2013. At the time of that appeal the planning permission BH2013/00255 at No 25 was being implemented. The Inspector in the 2013 appeal raised issues about the proposal before her and the effect on the layout of the external areas approved under planning permission BH2013/00255. The Appeal B proposals address this point by seeking variations that would ensure that the BH2013/00255 planning permission and the Appeal A proposal would be compatible.
3. The main issues in both appeals are the effect of the proposals on the character and appearance of the area and on the living conditions of adjacent occupiers, particularly in relation to visual intrusion, noise and disturbance.

Reasons

Character and Appearance

4. Hove Park Villas is an attractive tree lined road to the north of Hove Station. It comprises traditional, detached and semi-detached houses with dominant front gables, set back from the road behind small front gardens. Some have been converted to flats and I noted that, to the rear of two such properties on the opposite side of the road to the appeal site, vehicle access and parking at the rear of the properties has been created. There is also a rear annex building at No 33. Many properties, however, appear to remain as single dwellings. There are glimpses of the rear verdant back gardens and mature trees. Some single dwellings have narrow access ways for vehicles, although, in general, rear vehicle access is not a predominant feature of properties in the road.
5. The frontage building No 25 is a substantial, double fronted, detached Victorian 'villa'. It has been extended and converted into five flats and has a large rear garden which, as part of the approved conversion scheme, was to be subdivided into two gardens to serve the two ground floor flats only. The remains of what is described as a 'coach house' are to the rear of the garden area, and these comprise some walls, but no roof. The appellant states that this building once had a pitched roof and was damaged by fire. However, there is little substantiated evidence of its former appearance or how it was used, although a coach house would have been used ancillary to the main dwelling.

¹ APP/Q1445/A/13/2196839

Appeal A

6. The proposed dwelling would be a two storey two bedroom unit with a basement and ground floor. A patio area at the basement level is proposed. A single parking space is proposed adjacent to No 25 and no vehicular access is proposed to the rear of No 25.
7. The proposal previously dismissed at appeal was for a three bedroom dwelling, vehicle access to the rear of No 25, with parking adjacent to the proposed pitched roof dwelling with accommodation with significant areas of glazing at basement, ground floor and also in the roof (paragraph 8 of the previous appeal decision).
8. Whilst the current proposal seeks to address the previous appeal decision, it would still result in the creation of an independent dwelling to the rear of the No 25. Although there appears to be an annex at No 33 this appears to be ancillary to the main dwelling and not an independent self contained dwelling.
9. Whilst Policy QD3 of the Brighton and Hove Local Plan 2005 (LP) seeks the efficient and effective use of a site, including those comprising derelict or vacant land and buildings, the rear of No 25 was to be the garden areas for the ground floor flats at No 25. That use would respect the character and appearance of the immediate area.
10. I accept that the layout has been improved since the previous appeal, particularly by the removal of vehicle access to the rear of No 25, and the resultant increased garden/amenity space associated with the proposed dwelling. The reduction in the height of the proposed building compared with the previous scheme would also lesson its impact. However, it would introduce a detached self contained dwelling within the rear garden area of No 25. This would fail to either respect the character or appearance of the area, resulting in an incongruous feature which would seriously harm the character of the verdant gardens in the immediate locality.
11. I therefore find that the house would seriously harm the character and appearance of the area. This would be contrary to Policies QD1, QD2 of the Brighton and Hove Local Plan 2005 (LP) which requires a high standard of design, positive contribution to the visual quality of the environment and all new developments to be designed to emphasise and enhance the positive qualities of the local neighbourhood by taking into account the local characteristics such as the layout of streets and spaces.
12. Furthermore, it would be contrary to the National Planning Policy Framework (the Framework) which, as a core planning principle, states that planning should always seek to secure high quality design. The Framework states that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. It goes on to say 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.

Appeal B

13. The approved layout of the rear garden area provided for a front to back sub-division of the area into two to provide a garden for each of the ground floor

flats. There was no provision of gardens for the other three flats within No 25. The proposals in Appeal B would result in a reduction in the size of the gardens provided for each of the ground floor flats, as well as the creation of a communal garden to serve the other three flats. Whilst this would increase amenity provision for the upper floor flats, it would also increase the intensity of the use of the rear garden space of the property and reduce the amenity space associated with the two ground floor flats.

14. The sub-division of the rear garden of No 25 into four small, in comparison to adjacent gardens, separate parcels serving different users, i.e. three areas serving the flats in No 25 and the proposed dwelling the subject of Appeal A, would be at odds with the prevailing character and appearance of the rear gardens in the area and would be clearly viewed from adjacent properties.
15. I therefore find that the proposal would harm the character and appearance of the area and as such would be contrary to LP Policies QD1 and QD2.

Living Conditions

Appeal A

16. Whilst I accept that the proposed house would introduce additional use of the rear garden of No 25 there would be no vehicle movements in that area. The proposal would result in a more intensive use of the rear garden of No 25, with comings and going to the proposed dwelling by pedestrians. However, I am not satisfied that such a use would result in significant noise and disturbance to adjacent residential occupiers.
17. Moreover, whilst there would be lighting associated with the proposed dwelling, both internal with light spill outside the building envelope and external lighting within the patio areas or external lighting on the building, I am satisfied that excessive lighting could be controlled by the imposition of suitable conditions and that some lighting in this area would not result in unacceptable visual intrusion or harm to the amenities of adjacent residents.
18. As such I consider it would not cause a material nuisance or result in serious visual intrusion or disturbance. This would comply with LP Policy QD27.

Appeal B

19. The intensity of the use of the original rear garden area of No 25 by the flat occupiers would increase activity within the area. However, there is nothing to demonstrate that this would result in unacceptable noise and disturbance or that it would not be comparable with No 25 being occupied by a large family or extended family if it had remained as a single dwelling.
20. I therefore consider that the subdivision of the rear garden, of itself, would not result in unacceptable harm to the living conditions of adjacent residents. This would comply with LP Policy QD14 which deals with the alterations to existing buildings and resists development that would result in significant noise disturbance or loss of amenity to neighbouring properties.

Other Matters

21. Both parties agree that the Council cannot demonstrate a five-year supply of housing. The proposal is for a single dwelling and, would not therefore be a

significant contribution to the supply of housing. As such, this would weigh in favour, albeit in a limited way, of the proposal.

22. The appellant accepts that the tall fencing that has been erected to the rear of No 25 appears too high and suggests fencing of 1.5m be used and permitted development rights for the erection of fencing be withdrawn. However, a fence of such a height would not prevent views from users of one garden looking into the adjacent garden. As such the gardens would fail to provide a good level of privacy for future users of these spaces. I am therefore concerned that the resultant garden spaces created, whilst providing an outdoor space for all occupiers of the flats at No 25, would not be of a good standard of amenity.

Conclusions

Appeal A

23. The need for additional housing weighs in favour of the scheme. Whilst I have not found unacceptable harm to the living conditions of neighbouring residential occupiers the proposed dwelling would harm the character and appearance of the area. This harm is significant and the provision of a single dwelling would not demonstrably outweigh this harm. For the reasons set out above and having regard to all other matters raised I conclude that Appeal A should fail.

Appeal B

24. Whilst I have not found unacceptable harm to the living conditions of neighbouring residential occupiers, the subdivision of the rear garden area into four separate areas would harm the character and appearance of the area. For the reasons set out above and having regard to all other matters raised I conclude that Appeal B should fail.

Hilda Higenbottam

Inspector



Appeal Decision

Site visit made on 13 January 2015

by Louise Phillips MA (Cantab) MSc MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 10 February 2015

Appeal Ref: APP/Q1445/A/14/2227288

9 Ridgeside Avenue, Brighton BN1 8WD

- 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 R Counsell against the decision of Brighton & Hove City Council.
 - The application Ref BN2014/00985, dated 27 March 2013, was refused by notice dated 28 July 2014.
 - The development proposed is the demolition of the existing garage and the erection of a new 2 bedroom dwelling.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. Whilst the application is dated 27 March 2013, I note that the ownership certificate is dated 27 March 2014. The latter date seems correct.

Main Issues

3. The main issues are the effect of the proposed development on the character and appearance of the area; whether it would provide satisfactory living conditions for future residents in respect of private outside space; and its effect on the living conditions of neighbouring occupiers in respect of privacy.

Reasons

Character and Appearance

4. No 9 Ridgeside Avenue is a detached property of moderate size at the northern end of a row of broadly similar houses on the eastern side of the road. These properties are elevated above the carriageway and are set back from it in mature gardens. No 9 itself has a large plot relative to the others in the area, and the front garden extends across much of the turning circle at the end of the cul-de-sac. The land here is lower and there is presently a detached single garage adjacent to the western boundary of the site. The properties to the immediate west are detached bungalows in closer proximity to the road and there is generally more variety in the built form on this side.
5. The proposed development is a detached, part one and a half, part two-storey house in the front garden of No 9 facing the turning circle. The existing garage

referred to above would be removed and so some space would be created at the western boundary of the site near to the frontage. The lower part of the building adjacent to this boundary would be finished in render and have a hipped roof, while the taller section would be of a gable design constructed in brick. Overall the house would have a fairly traditional appearance in keeping with the prevailing style in the area. Whilst the gabled section would be on higher ground, the ridge would remain significantly below that of No 9 and, given the change in levels from east to west, it would not appear unreasonably tall.

6. Due to the siting of its neighbours, the new dwelling would be seen almost in isolation in distant views from the south so that it would neither dominate them nor appear cramped. Whilst it would fill the existing open frontage at the head of the turning circle, this would not look unusual in this relatively dense residential area. However, in nearer views, in which the new dwelling would be seen alongside the existing house, the constraints of its small, awkwardly shaped and sloping plot would be clearly apparent.
7. The present scheme follows three unsuccessful applications and appeals for dwellings on this site and it seeks to address the issues raised therein. Whilst the building now proposed would be further from the northern and western site boundaries, it would be sited forward of both neighbouring properties so that it would appear squeezed between them. The creation of a diagonal boundary with dense screen planting (as shown) to separate its frontage from that of No 9 would only enhance the effect.
8. Having regard to the site coverage comparison presented in the appellant's statement¹, I accept that the footprint of the building would be relatively small as a proportion of the total plot size. However, the figures mask the fact that much of the plot would consist of a long, narrow finger of steeply sloping land which would be of limited value visually or otherwise (see below). Taken at face value, the figures also show that both the dwelling and its plot would be small compared to others in the area. Whilst some interested parties point out that many small plots of land in Brighton have been used for housing, this particular plot would appear overdeveloped to the detriment of the street scene.
9. I therefore conclude that the proposed development would be significantly harmful to the character and appearance of the area. Thus it would conflict with Policies QD1 and QD2 of the Brighton and Hove Local Plan (Local Plan), which seek development which makes a positive contribution to the local environment. Whilst the proposal does seek to make efficient use of an urban site as promoted by Policy QD3, it would not respect the existing characteristics of the area.

Living Conditions of Future Residents

10. Policy HO5 of the Local Plan requires the provision of private useable amenity space appropriate to the scale and character of the development proposed. It suggests no specific standards, but the supporting text does state that the space in both front and back gardens should be taken into account.

¹ Grounds of Appeal, page 21.

11. Whilst I have found above that the size of the plot would be small compared to others in the area, the garden to building ratio would be high and so the total amount of outside space would be appropriate to the size of dwelling proposed. There is no suggestion that the dwelling would be undersized from the perspective of providing satisfactory living conditions.
12. In respect of whether the garden space would be useable, I have indicated that the strip which would extend along the rear boundary of the site to the east would not by virtue of its steepness and limited width. This area would comprise a significant proportion of the total garden space. However, the dwelling would also be provided with level areas of a reasonable size to its immediate rear, front and side. The north-facing patio would be quite dark and enclosed, but the front and side areas would receive sunlight for much of the afternoon. If a planted screen were to be provided on the eastern boundary with No 9, the space to the side of the house would be quite private.
13. Overall, I consider that the quality of the garden space available to future residents of the dwelling would be somewhat compromised by the topography of the site and by the position of the building on the plot. However, having regard to the wording of Policy HO5, this matter in isolation would not be so serious as to warrant the dismissal of the appeal. In reaching this view, I have also taken account of an appeal decision referred to by the appellant in which the Inspector argued that any future occupant would be free to decide whether the particular garden on offer would be sufficient for their needs². I agree with this point in principle, and the relatively small areas of outdoor space proposed in this case may well suit some people.
14. Consequently, I conclude that the proposed development would provide satisfactory living conditions for future residents in respect of private outside space. It would not conflict with the provisions of Local Plan Policy HO5.

Living Conditions of Neighbouring Occupiers

15. The first floor master bedroom window of the proposed dwelling would be approximately 3.5m from the rear boundary of the site, which is shared with No 4 Grangeways to the north. This room would be in the taller part of the property and the window would look directly into the rear garden of the adjoining house. Whilst the garden is quite large, play equipment has been installed at the end, which suggests that it is well used for its entire length.
16. Moreover, it would also be possible to look from the new bedroom window straight into the ground floor dining area and first floor bedroom at the rear of No 4. The effect of this potential overlooking is presently enhanced by a total absence of boundary planting but, given the lie of the land, any proposed mitigation would need to be extremely tall to be successful. I am doubtful that this could be achieved. I acknowledge that both No 7 and No 9 Ridgeside Avenue do have high level windows which face towards No 4 Grangeways, but the relationship of these windows to the latter property is quite different in terms of both angle and distance.
17. I therefore conclude that the proposed development would have an unacceptably detrimental effect upon the living conditions of existing neighbouring occupiers in respect of privacy. As such it would be contrary to

² Ref APP/Q1445/A/08/2086789.

Policy QD27 of the Local Plan which seeks to protect adjacent residents from material nuisance and loss of amenity.

Other Matters

18. In reaching my decision, I have taken account of the support for the scheme expressed by some interested parties. The development would provide an additional home in an accessible location and it could provide accommodation appropriate for the existing occupants of No 9 or others seeking smaller premises. However, notwithstanding the appellant's suggestion that the Council cannot demonstrate the housing land supply required by the National Planning Policy Framework (paragraph 47), this benefit does not outweigh the harm I have found.
19. I have also had regard to the concerns raised by other interested parties in relation to parking and loss of green space for wildlife. However, given my findings in relation to the first and third main issues of the appeal, my decision does not turn on these matters.

Conclusion

20. I have found for the appellant in respect of the effect of the development upon the living conditions of future occupiers. However, this is not sufficient to outweigh the harm it would cause to both the character and appearance of the area and the living conditions of existing neighbouring residents. Consequently I conclude that the appeal should be dismissed.

Louise Phillips

INSPECTOR



Appeal Decision

Site visit made on 15 January 2015

by **Megan Thomas BA(Hons) in Law, Barrister**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 12 February 2015

Appeal Ref: APP/Q1445/A/14/2228599

Top Flat, 2 Buckingham Street, Brighton, East Sussex BN1 3LT

- 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 Louise Parker against the decision of Brighton & Hove City Council.
 - The application Ref BH2014/02355, dated 9 July 2014, was refused by notice dated 4 September 2014.
 - The development proposed is the creation of two dormers to the rear and the insertion of one rooflight to the front.
-

Decision

1. The appeal is allowed and planning permission is granted for the creation of two dormers to the rear and the insertion of one rooflight to the front at Top Flat, 2 Buckingham Street, Brighton, East Sussex BN1 3LT in accordance with the terms of the application, Ref BH2014/02355, dated 9 July 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: Site Location Plan 1:1250 @ A4, 100.00, 100.01, 100.02 & 103.03.
 - 3) The external finishes of the development hereby permitted shall match in material, colour, style, bonding and texture those of the existing building.
 - 4) The rooflight hereby permitted shall have steel or cast metal frames fitted flush with the adjoining roof surface and shall not project above the plane of the roof.
 - 5) The dormer windows hereby permitted shall be painted softwood, double hung vertical sliding sashes with concealed trickle vents and shall be retained as such thereafter.

Procedural Matter

2. In the description of the development in the box heading and formal decision above I have used the wording from the Notice of Decision as this more
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accurately describes what is sought in the planning application. No-one is prejudiced by this variation.

Main Issue

3. The appeal site is located within the West Hill Conservation Area. The main issue in the appeal is the effect of the proposal on the character and appearance of the host dwelling and on the West Hill Conservation Area.

Reasons

4. The appeal site is Flat 3 at the top of a three storey terraced building which has been converted into three self-contained flats. The building has a flat-roofed three storey addition at the rear. It is located on Buckingham Street which is an attractive mainly residential street, on a modest gradient, in the West Hill Conservation Area. There is an office building with some off-street parking to the west and south of the appeal site.
5. The proposal includes the construction of two rear facing dormer windows with flat roofs and a front facing roof light in order to facilitate a shower room and additional bedroom in the flat. In coming to my decision below I have borne in mind the statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas.
6. The proposed front rooflight would be positioned in line with the upper ground floor front door to the building. It would be a conservation style rooflight. From street level it is difficult to see front roof planes but the rooflight would be visible from private realms. It would not be large and would not unduly disrupt or harm the appearance of the host dwelling. There are other rooflights to the front roof slopes of properties in Buckingham Street and the cumulative impact of this proposed additional one would not be detrimental to visual amenity.
7. The proposed rear dormers would align with the fenestration in the storeys below. They would come close to but not exceed the height of the roof ridge and in design and size they would reflect the main rear window in the third storey. Subject to complying with conditions which are referred to below, they would reflect advice on the insertion of dormers in the Council's Supplementary Planning Document 12 *Design Guide for Extensions and Alterations* (2013). For those reasons, they would not harm the character or appearance of the host dwelling or the Conservation Area and glimpses of them would not be detrimental to visual amenity.
8. Therefore for the above reasons I conclude that the proposal would preserve the character and appearance of the host dwelling and the West Hill Conservation Area and would not be contrary to policies QD14 or HE6 of the Brighton and Hove Local Plan (2005) or Supplementary Planning Document 12.

Other Matters

9. Given the orientations and locations of the proposed rooflight and dormer windows, there would be no material intrusion into the privacy of surrounding residential or office units.

Conditions

10.I have considered the imposition of conditions in the light of advice in Planning Policy Guidance. In the interests of proper planning and for clarity, I have attached a condition which ties the proposal to the approved drawings. In order to protect the character and appearance of the building and Conservation Area, I have imposed conditions ensuring that the rooflight and the dormers are made of appropriate materials and fitted sympathetically.

Conclusion

11.Having taken into account all representations made, I allow the appeal.

Megan Thomas

INSPECTOR



Appeal Decision

Site visit made on 2 February 2015

by **Clive Tokley MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 12 February 2015

Appeal Ref: APP/Q1445/A/14/2218760

43 Freshfield Road, Brighton, BN2 0BJ.

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Dr M C Cole against the decision of Brighton and Hove City Council.
 - The application Ref BH2014/00552, dated 18 February 2014, was refused by notice dated 16 April 2014.
 - The development proposed is change of use of basement store (B8) to lower ground floor studio flat (C3) (Part retrospective).
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Decision

1. The appeal is dismissed.

Introduction and main Issue

2. I saw at my site visit that the basement is already in use as studio flat; however the windows proposed as part of the development have not been formed. The Council raises no objection to the principle of sub-division or to the insertion of the windows and I have no reason to take a different view. The main issue is the standard of accommodation within the proposed flat.

Reasons

3. This part of Freshfield Road is fronted by two-storey terraced houses with full-height front bays. The houses have small front gardens and I noted that they all appeared to have basements with a number lit by windows or glazed doors in the bays below ground floor level. The application indicates that the basement has a separate B8 use independent of the house; however my impression was that whilst not accessible from within the house the basement provided ancillary storage for the house and therefore was not in a separate B8 use.
 4. Policy QD27 of the Brighton and Hove Local Plan 2005 (LP) indicates that development will not be permitted where "material nuisance and loss of amenity" would be caused to "proposed" users. The supporting text makes reference to effects on daylight, sunlight and outlook; however I have seen no policies or guidance in relation to the size or dimensions of accommodation. The objectives of Policy QD27 echo those of the National Planning Policy
-

Framework (The Framework) which, more sweepingly, indicates in the section headed "Core planning principles" that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings.

5. The flat is entered through front doors of a restricted height and access to the room is beneath a low beam. The wet room at the rear and kitchen alcove at the front provide cramped basic facilities but both would require forced ventilation. The raised shelf area on the north side of the room offers space for storage and household items such as TV and audio equipment. Whilst this area cannot be easily accessed its use for those purposes frees up space within the remainder of the flat. The bedsit has sufficient space for a bed, small table and chairs and easy chairs; however the low ceiling height creates a claustrophobic feel to the accommodation.
6. The glazed doors and proposed small windows would provide a very restricted outlook into the stair well at the front of the building. The doors and windows would allow only limited light into the bedsit and the occupiers would be reliant on artificial light at all times. The provision of openable casements would allow some natural ventilation but there would no opportunity for a through-flow of air. In addition I consider that being close to the pavement at the front of the house their use could be compromised by concerns about security.
7. I have seen no evidence that the proposal would cause "material nuisance" (as referred to in Policy QD27) and I have no reason to believe that it would; however the accommodation would be of limited size with poor natural lighting, ventilation and outlook and I consider that it would not provide a good standard of amenity. The appellant points out that the proposal creates an opportunity to provide relatively inexpensive accommodation and I acknowledge that modern lighting and furnishings can assist in mitigating the physical limitations of the flat. However I consider that the shortcomings of the limited size of the flat and the very poor standard of natural lighting and outlook would not be outweighed by those mitigating factors.

Conclusion

8. Taking account of all matters I have concluded that the accommodation within the proposed flat would be of an unacceptably low standard and that the proposal would conflict with the objectives of LP Policy QD27 and the Framework which seek to ensure that a good standard of amenity for existing and proposed occupiers should be sought. I therefore conclude that the appeal should not succeed.

Clive Tokley

INSPECTOR



Appeal Decision

Site visit made on 9 February 2015

by S J Papworth DipArch(Glos) RIBA

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 13 February 2015

Appeal Ref: APP/Q1445/A/14/2220337

14 Dyke Road, Brighton BN1 3FE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Ms Kerry Howard against the decision of Brighton & Hove City Council.
 - The application Ref BH2013/04080, dated 29 November 2013, was refused by notice dated 17 March 2014.
 - The development proposed is conversion of existing D1 use into C3 2No bedroom flat with internal alterations (part retrospective).
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Decision

1. I allow the appeal and grant planning permission for conversion of existing D1 use into C3 2No bedroom flat with internal alterations at 14 Dyke Road, Brighton BN1 3FE in accordance with the terms of the application, Ref BH2013/04080, dated 29 November 2013, and the plans submitted with it.

Main Issue

2. This is the effect of the change of use on the living conditions of prospective occupiers with particular regard to daylight and sunlight, outlook, and access to amenity space.

Reasons

3. 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 or loss of amenity to the proposed, existing and/or adjacent users, residents, occupiers or where it is liable to be detrimental to human health.
4. Although not a matter for objection in the reason for refusal, the premises are listed Grade II along with the rest of Wykeham Terrace, and lie within the Montpelier and Cliftonhill Conservation Area. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires special regard to be had to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses, and section 72(1) of the same Act requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of the conservation area.
5. Number 14 Dyke Road was a commercial property, and that is the planning use. At the time of the site inspection the works necessary to convert it to

- residential use had been substantially carried out so that the effect as regards the Council's concerns could be judged. In fact, notwithstanding its postal address, it is the basement to 1 Wykeham Terrace, and the appellant says that the internal staircase was removed some time ago. Also, unlike the other basements in the Terrace that were pointed out as being in beneficial residential use, either separately or as part of the upper house, this one has its entrance onto Dyke Road, away from the entrance to the main house.
6. The lounge, kitchen and circulation spaces are to the front and are well lit from a bay window, despite it being set in a conventional basement-area at this point, relative to the higher level of the Wykeham Terrace entrances. To the rear there are two bedrooms, number 1 has an *en-suite* bathroom and a full sized window facing into the light-well to properties on Queen's Square to the rear, and number 2 has a higher level window facing into a larger courtyard or light-well formed by properties on Dyke Road and Queen's Square. Both outlooks are restricted by the proximity and height of the adjoining buildings although it was possible to gain a sight of sky in both cases. The light colour of the walls to the light-wells provided some natural light, although it appears most unlikely that direct sunlight would penetrate at this relative depth.
 7. Looking at the wording of the Local Plan policy, the arrangement does not reach the level of a material nuisance, and although there was a dead pigeon trapped on some netting, steps could be taken to avoid the situation being liable to be detrimental to human health. The occupiers of the bedrooms would have their amenity limited but not lost, and being bedrooms to an otherwise well-lit flat, in a tightly developed town centre location, any perceived reduction would be adequately compensated for. It seems likely that other basements in the terrace would be similarly lit.
 8. The Council's reason for refusal also refers to a lack of external amenity space, whereas it is apparent that all of the premises on Wykeham Terrace have access to the communal garden in front. There is no reason to think that this would be denied the occupier of this basement just because of the location of the front door. The appellant says that this is amenity space that is shared with the occupier. In any event, there is open space not far to the north along Dyke Road in either the churchyard for strolling and sitting out, or the park between St Nicholas Road and Buckingham Road.
 9. There are benefits to the conversion, in that the residential use more befits the listed status of the building as that is a return to its historic use, similarly the effect on the conservation area is of enhancement through the putting back of the whole building into use as a dwelling. The location is highly sustainable with ready access to shops including convenience stores, transport entertainment and employment. In addition the appellant has provided information on the supply of housing in the City Council area and the progress of the City Plan with particular regard as to whether the full objectively assessed housing need is likely to be met. The effect of the provision of a single dwelling is a limited, but positive matter in this respect, but the need to identify more housing provision adds weight to the balance in favour of the proposal.
 10. In conclusion, there are shortcomings in the way of outlook and access to daylight and sunlight for the two bedrooms, but offset against this there are significant benefits and a good level of light to the living room, with access to

communal open space. The balance lies in permitting this conversion as being in line with the aims of the National Planning Policy Framework on sustainable development, as well as the statutory tests in the 1990 Act, and these and the other considerations outweigh the limited outlook from the bedrooms. Since the physical works appear substantially complete there is no need for conditions on commencement or to name the drawings for greater flexibility in permissions prior to implementation, and no conditions are necessary to cover the occupation of the premises for Class C3 use. For the reasons given above it is concluded that the appeal should be allowed.

S J Papworth

INSPECTOR



Appeal Decision

Site visit made on 9 February 2015

by **S J Papworth DipArch(Glos) RIBA**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 13 February 2015

Appeal Ref: APP/Q1445/A/14/2220926

93 St Leonards Gardens, Hove, East Sussex BN3 4QQ

- 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 Tony Camps-Linney against the decision of Brighton & Hove City Council.
 - The application Ref BH2013/03523, dated 14 October 2013, was refused by notice dated 23 December 2013.
 - The development proposed is conversion of two existing self-contained apartments and a chiropody surgery into three self-contained apartments.
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Decision

1. I dismiss the appeal.

Main Issues

2. These are;
 - The effect of the proposal on the aims of Development Plan policies which seek to control the subdivision of existing units.
 - The effect of the proposal on the provision of community facilities.

Reasons

Subdivision

3. The arguments in this case revolve around the various uses and disposition of spaces in the building. In view of a Certificate of Lawful Use or Development obtained by the appellant in 2013 (Ref; BH2013/01172) the planning use is currently of a self contained flat on the first floor, another to the rear of the ground floor, and the ground floor front room has a lawful use as a chiropody surgery. A previous Certificate issued in 2011 agreed the lawfulness of a proposed conversion of the whole building back to a single dwellinghouse but this was not carried out.
4. It is necessary to look in detail at the wording of Local Plan Policy HO9, entitled '*Residential Conversions and the Retention of Smaller Dwellings*'. The supporting text sets out the contribution that the conversion of larger properties can make towards the provision of a wider range of housing and how it can help to meet the needs of a growing number of smaller households, whilst making best use of land and easing the pressure for the release of greenfield sites. Criterion a) refers to the original floor area needing to be

- greater than 115m², or having more than 3 bedrooms as originally built, but the appellant relates the reference in footnote 1 to 'original floor area', and in the policy criterion to 'as originally built' to the whole two-storey building.
5. That stance is not agreed with now. The planning position is of the building being in use as two dwellings. Using the appellant's interpretation of the 155m² 'original floor area' could have the result of repeatedly subdividing large properties that have long ago been subdivided, but which as built had multiple bedrooms and were well over the 115m² threshold; that cannot be the intention of the policy and it is considered here that this is not the wording either. A look at the wording of criterion c) shows reference to the proposal not being detrimental to adjoining properties, *including those within the same building*, which appears to reinforce the understanding that the dwelling being referred to in criterion a) is not the building as built, but the planning unit as it exists and as it was originally formed, specifically to exclude later additions, rather than to going back to some point in history when a large single-dwelling house was built. With regard to criterion a), the proposal fails to accord as it is for the subdivision of a dwelling on the first floor that does not satisfy either of the alternatives.
 6. Criterion b) seeks one of the units so formed to have a minimum of 2 bedrooms, and so be suitable for family occupation. Taking the Council's approach this is failed also in that neither of the two upper flats would comply. The works to the ground floor would comply as two-bedroom accommodation would be formed, at street level and with access to amenity space, but this is not the conversion of a dwelling into smaller units, rather it is the enlargement of a dwelling by the incorporation of the surgery. It does not therefore come under the remit of Policy HO9 to begin with.
 7. The other criteria c) to g) can either be met or are inapplicable. Whilst there has been comment on the possible increase in on-street parking demand, the site is at a corner position with a side road and within easy reach of frequent rail and bus routes, shops and other facilities, outside any controlled parking zone so that it appears reasonable to conclude that criterion e) is met, as stated by the Council. On this main issue it is concluded that on the basis of the present subdivision, the proposal does not accord with the requirements of Policy HO9 to allow further subdivision.

Community Facilities

8. Policy HO20 seeks the retention of community facilities and states that Planning permission will not be granted for development proposals, including changes of use, that involve the loss of community facilities, including, among other things, surgeries, unless it can be demonstrated that the site is not needed, not only for its existing use but also for other types of community use.
9. The surgery is a single room to the front of the existing ground floor flat, but it was clearly unused at the time of the site inspection and the appellant states it has not been in use for some time. Nevertheless, the 2013 Certificate confirmed its lawful use as a surgery that would come within Policy HO20. An owner's decision to not offer the service is not proof of there not being a need, and the existence of chiropody services within a radius stated by the appellant is not proof of there being no other type of community use that could be placed in the building.

10. The Policy wording or the supporting text does not detail how genuine redundancy would be proved, but the text makes clear that the starting point is the retention of existing facilities by resisting proposals for alternative uses or redevelopment which would result in their loss to the community. Clearly if that is only the starting point there is scope for loss. However in this case there is limited information on the scope for another community use, only that the chiropody surgery was unviable. In the absence of that additional justification, the proposed change of use would not accord with Policy HO20 on the retention of community facilities.

Planning Balance and Conclusions

11. An Inspector writing in 2011 (Ref; APP/Q1445/A/11/2146856) did not consider the loss of community facilities, and noted the ground floor flat as having two bedrooms, one of which was in use as a home office or consulting room. That situation has since been confirmed as a lawful use. That Inspector further concluded that although there was at that time a Certificate agreeing the lawfulness of a proposed conversion of the whole building to a single dwellinghouse, because it had not been carried out little weight was attached to it, and any proposal to convert back subsequent to that would have to satisfy policies relevant at the time.
12. This appears a completely correct interpretation of the situation at the time, and were it not for the failings with regard to the loss of community facilities, the present situation could be considered similarly. However, the need to physically convert the building to a single dwelling in order to comply with the precise wording and calculations of Policy HO9 would appear to lose sight of that policy's aim, the provision of a wider range of housing to help meet the needs of a growing number of smaller households. The end result of that roundabout process, unnecessarily wasteful of time and resources, would be to provide a family dwelling eminently suitable for such use with access to a garden, and being on the ground floor, and two smaller units above, suitable for one or two person households. The proposal would further the aim stated in the National Planning Policy Framework of boosting significantly the supply of housing, in an area where there is housing need, in a sustainable location.
13. In the balance, it is the unjustified loss of a lawful community facility that counts against the proposal, and pressing as is the need for housing and the need to bring the residential element back into beneficial use from the part-completed building site seen at the inspection, the loss of community facilities should be justified by more than has been in this appeal. For the reasons given above it is concluded that the appeal should be dismissed.

S J Papworth

INSPECTOR



Appeal Decision

Site visit made on 4 February 2015

by **S Emerson BSc DipTP MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 13 February 2015

Appeal Ref: APP/Q1445/A/14/2220057 18 Wellington Road, Brighton, BN2 3BG.

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mrs N Blencowe against the decision of Brighton & Hove City Council.
 - The application Ref BN2013/01254, dated 18 April 2013, was refused by notice dated 13 December 2013.
 - The development proposed is construction of 30 flats.
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Procedural Matters

1. Amended plans were submitted at various stages whilst the application was still under consideration by the Council. The final plans on which the Council refused the application are listed in the Council's refusal notice and I have determined the appeal on the basis of these plans. The reference to 30 flats in the description of development on the application form appears to have been an error. The scheme is for 31 flats in 2 separate blocks following the demolition of the existing building on the site.
2. The appellant's comments on the Council's appeal statement referred to a further plan (0769_P-120) showing a re-arrangement to provide 2 flats suitable for wheelchair users on the ground floor to try to address the Council's concerns about such provision. This plan appears not to have been provided at the time the comments were made. In view of the potential importance of the matter, I requested a copy of this plan from the appellant and have taken into account the Council's comments on the drawing. I have treated this drawing as illustrative of how 2 wheelchair accessible units might be provided. The plan shows that accommodating these units as now proposed would have consequences for the layout of the rest of the ground floor, for other floors and the external elevations, but plans showing such consequential changes have not been submitted. I cannot therefore treat the plan as amending the application drawings.

Application for costs

3. An application for costs was made by Mrs Blencowe against Brighton and Hove City Council. This application is the subject of a separate Decision.

Decision

4. The appeal is dismissed.

Main Issues

5. The main issues are:
 - (a) Whether the proposal would result in the harmful loss of a needed community facility or open space.
 - (b) The effect on the character and appearance of the area.
 - (c) Whether the proposal would provide adequate living conditions for future residents with respect to outlook from some of the flats, outside amenity space and suitability for wheelchair users.
 - (d) Whether the development makes adequate provision by way of S106 contributions to make the development acceptable in planning terms.

Reasons

Loss of community facility and open space

6. The existing building on the site (known as St Gabriel's) was for many years a children's home and subsequently the base for the Children's Society's Brighton Portage Project, which I understand, provides (or provided) support for families with children with disabilities in the Brighton area. The Children's Society moved this project to what it regarded as more suitable premises at the Hangleton Community Centre when St Gabriel's was closed in 2004. From the evidence, I have found it difficult to be clear what community facilities or functions the appeal *building* provided (other than as a base for services provided generally across the City). The Council's appeal statement refers to the opportunity to rent facilities at the premises, including a soft play room, kitchen and garden for regular weekly drop-in facilities. Such uses/activities would have occupied only a modest proportion of the building. I note that the existing building does not have any particularly large single space for communal activities.
7. I do not know when the Society sold the appeal site, but there has been no community use of the building for the past 10 years. In the intervening years it has been subject to vandalism and squatting and all the windows are now bricked-up. It is reasonable to assume that there are no specific facilities inside which could be readily reused. The Council does not dispute the appellant's view (drawing on a statement from the Children's Society) that the existing building is unsuitable to meet community needs as the building is not readily accessible for people with disabilities and basic services in the building were in need of improvement back in 2004. The thrust of the Council's objection is that, unless the specific exceptions provided by policy HO20 of the Brighton and Hove Local Plan are met, then any redevelopment of the site should incorporate some community facility, such as a day room, for wider community use.
8. There is no evidence of a local need for a community room of this nature. The appellant refers to various long-standing community facilities in the area, but there is no indication from either party whether such facilities are fully utilised or otherwise adequate to meet local needs. The Council highlights one charity (*Safety Net*) that in 2013 expressed an interest in using the building for *safety services for families and children*. But there is no evidence that this was ever a serious or realistic proposition or that the building/location was particularly suitable for the charity's use.

9. Policy HO20 of the Brighton and Hove Local Plan indicates that planning permission will not be granted for development proposals that involve the loss of community services unless one of 4 exceptions applies. Clearly, the current proposal does not directly trigger the loss of the community facilities at this site since that event occurred 10 years ago, but it would consolidate that loss and preclude any opportunity for any replacement community use on the site. Accordingly, I consider that it is an applicable policy.
10. The Children's Society's relocation of its Portage Projects to better facilities at Hangleton met exception (b) of the policy. However, there is no evidence that the use of some facilities on the site for general community purposes was mitigated in anyway. I cannot conclude that any of the exceptions in the policy were met with regard to that element of the community use prior to closure of the building in 2004. Thus there is some conflict with the policy, albeit largely historic.
11. Planning permission was granted in 2009 and subsequently renewed in 2012 for the part demolition and conversion of the existing building on the site and an extension to provide 26 self contained flats with 24 hour support for people with learning /physical disabilities. This scheme included a day room as a drop-in centre for people with disabilities. The scheme was developed with the City Council's Social Services Department, but it is no longer interested in the project. The Council regards the drop-in facility as acceptable replacement for what it regards as the community use that has been lost.
12. The appellant has submitted details of the regular marketing of the site in recent years with the benefit of this permission and indicates that there has been no interest at a reasonable valuation. In my view, the marketing undertaken of the property does not demonstrate that there is no local need for some form of community use on the site, only that there is no realistic prospect of this being provided commercially as part of the permitted development. However, the Council rather than the appellant would be best placed to provide evidence of local non-commercial need for additional community space in the local area and no such evidence has been provided.
13. Taking all these circumstances into account, the weight I give to the conflict with policy HO20 is very limited because of the long passage of time since the facilities were effectively lost or made unavailable; the unsuitability of the existing building to meet community needs at the time it was closed and even more so now; and the lack of evidence that there is a need for the rather limited community facility that was actually lost. In short, there is no evidence of any practical harm arising from this conflict with policy which first occurred when the building was closed in 2004.
14. The southern part of the appeal site to the south of the existing building is designated as Open Space and subject to policy CP16 in the Brighton and Hove City Plan. This plan is currently at Examination. The precise area that is designated is not easy to discern because of the small scale of the plans showing the proposed changes to the Policies Map that would come into effect when the City Plan is adopted. The Council has not provided any explanation as to why part of the appeal site was designated under policy CP16 or what this designation is actually intended to achieve. There does not appear to be any proposal in the plan to make this *public* open space, only to prevent development on it (other than in certain limited circumstances). The Council

has provided a copy of its *Open Space and Recreation Study* Update 2011, but has not highlighted what parts of the Study are relevant or why. It is a substantial document. There are plans which show a wide variety of types of open space by ward (Appendix 3a), but these are small in scale and the printed version lacks clarity. There appears to be areas on the plan for Hanover Ward which include part of the appeal site as *Privately owned Parks and Gardens* (but the key is difficult to read and apply to the maps). The appellant does not dispute that part of the site is subject to policy CP16.

15. There is a long drive with entrances at either end, which occupies most of the frontage of the appeal site. Behind this, on higher ground is overgrown land on different levels. There is no public access to this land and clearly has not been for the past 10 years. The only open space function that it currently provides and would have done at the time of the 2011 Study and when the City Plan was published is of a visual break between buildings in which trees at the front and rear of the site are visible from the street. The appellant refers to a small playground on the site when St Gabriel's was in use, but this appears to have broken-up or become overgrown. Its physical suitability for any future *public* open space use would seem very limited given its sloping nature, small size and the proximity of the flats in the neighbouring building.
16. There is conflict with policy CP16 in as much as the proposal would result in the loss of most of the designated private garden or amenity space which triggered its original identification as open space. I am not in a position to determine whether exception (d) in the policy applies since this requires a detailed interpretation of the findings of the *Open Space Study* and no such analysis has been provided by either party.
17. Only limited weight can be given to the policy conflict as the plan is still under Examination. However, the Council indicates that no objection was made to the designation of this site under policy CP16 when the plan was first published. I note that the Inspector has required the Council to make greater efforts to provide additional housing sites, with a particular focus on the potential of the urban fringe and some employment sites. She did not highlight the need to review land within the built-up area designated under C16. The appellant has objected to the Council's published modifications to the plan on the basis that the appeal site should not be so designated, but in my experience, when potential modifications of this kind are published the focus is on the soundness of those possible changes, not matters which could have been addressed at an earlier stage. Accordingly, it may well be that the designation of this land under CP16 remains in the plan when it is finally adopted.
18. The loss of open space identified in the *Open Spaces Study* in 2011 was not addressed at the time the 2009 permission was renewed in 2012. This was before the publication of the City Plan. The approved development would result in a building on the designated open space similar in scale to that now proposed as block B. The permission remains valid until April 2015, and I note that the appellant has been pursuing amendments to the pre-commencement conditions. But given the short time left before it lapses, the lack of interest in implementing it following 5 years of marketing by the appellant, and the withdrawal of interest from social services, it is questionable whether it represents a realistic fallback position. The appellant was pursuing with the Council the removal of a S106 restriction which limited occupation of the flats

to people with disabilities, but I do not know the outcome. It is understandable that the Council regarded that scheme as having specific benefits greater than would arise from conventional housing on the site, as it was intended to meet particular needs identified at the time. Overall, on the evidence before me, this extant permission does not set aside the conflict with policy CP16.

Character and appearance

19. The appeal site is in a part of Brighton mainly characterised by dense terraced housing, but Wellington Road is noticeably different with a variety of types and scales of building including some 1960 high-rise blocks directly opposite and a block of flats in modern style adjoining to the south west. There are also Victorian Villas in the road.
20. The existing building was clearly an attractive Victorian building, but has suffered from being empty for the past 10 years. It is not listed nor of listable quality and the site is not in a conservation area. Prior approval exists for the demolition of the building. The Council did not refuse the application because of the loss of the existing building, but its appeal statement expresses concern about its loss. The building is not on the Council's list of buildings of local interest. The Council explains that the list is under review (and has been for some time) and that the building was among those nominated to be included in an updated list. In the interim, it has decided that it should treat all nominated buildings as locally listed. However, I do not consider that such an approach is justified as there has been no opportunity for parties to comment on the merits of local listing of the nominated buildings and the process appears to have been particularly protracted with no clear date for completion. In all the circumstances of this case, the loss of the existing building does not weigh materially against redevelopment of the site.
21. The 2 proposed new buildings on the site would reflect the classically-styled Victorian facade of the existing building and in this respect would be in keeping with one of the characteristic styles of the street. The Council is concerned with specific details of the design. The 3 proposed dormer windows at the front of block A would align with the windows below, but the Council is concerned that the 2 outer dormers would not do so. I do not regard these dormers as substantial features of the front elevation. They are set well within the roof space and the facades below to which they relate are stepped back from the front of the building. I do not consider that this element of the design would be visually harmful.
22. The rear elevation would incorporate a dormer which would be wider than the others, but of limited height. Despite its width it would still be a very modest feature within the roof slope. I note that it was substantially reduced in size compared with what is shown on the plans as originally submitted. Given its comparative small size in the context of the roof slope, I do not regard it as conflicting with the advice in the Council's Supplementary Planning Document (SPD) 12 *Design Guide for Alterations and Extensions* (2013).
23. The lift shafts on both buildings would project about 1.1m above the flat roof. These shafts would be readily noticeable only from the private rear gardens at the rear and the upper stories of the blocks of flats opposite. Subject to careful choice of materials and detailing, I consider that they would not detract materially from the overall appearance of the buildings. If the shaft on block A

was noticeable at all from street level it would only be the top part and it would appear as a minor, inconsequential feature.

24. I see no objection to the large flat roofed areas. In public views only the sloping roof elements would be readily noticeable. The Council consider that the entrance porticos and the false windows above them are not sufficiently articulated to form an entrance feature of appropriate scale. Whilst these elements are rather cramped between the adjoining pairs of windows I consider that this is not a serious shortcoming in the design, particularly given the variety of building styles in the road and the fact that these elevations would not be seen alongside any comparable facade.
25. Overall, I consider that there would be no harm to the character and appearance of the area arising from the design of the building and that there is no conflict with the aim of Local Plan policies QD1 and QD2 for good design.

Living conditions

26. The Council highlights that the lower half of some of the windows at the rear of block A would be obscure glazed to prevent overlooking of neighbouring gardens at close quarters. The application plans show obscure glazing to the rear end bedroom windows closest to the rear boundary on the ground, first, and second floors.
27. In my view, harmful direct overlooking into the most private parts of the rear garden of the properties in De Montford Road would occur only from rear windows at second and third floor level of the rooms closest to the rear boundary, namely both rear bedroom windows of flat 5 and the rear dormer window of flat 15. Only these windows would require obscure glazing to the lower half of the window. As shown on the submitted cross-sections the rear ground floor windows would be facing a bank within the site; the first floor windows would be facing the existing retaining wall on the boundary and even some views from the second floor might be blocked by fencing or vegetation on top of the retaining wall.
28. It is generally undesirable for direct outlook to be blocked from the windows of main habitable rooms. The significance for the living conditions of future occupiers depends on the outlook available from other habitable rooms. Flat 5 would have 2 good sized windows with an outlook from the main living space as well as from one bedroom, so the obscure glazing to bedrooms 2 and 3 would not make living conditions unacceptably poor. In flat 15 the outlook from the main living space and from the main bedroom would be provided by a small dormer window, much smaller than the windows serving the flats on the lower floors, so the obscure glazing to the second bedroom would reinforce an already limited outlook. I consider that the living conditions here are on the margins of acceptability.
29. Flat 16 in block A on the third floor would have one small dormer window serving the main living space, but all other light (and outlook) would be provided by skylights too high in the roof slope to see out when looking straight ahead. This flat would therefore have a very poor outlook for its occupiers. Bedroom 2 of flat 14 on the third floor of block B would also only be served by a skylight. The other bedroom and the main living space would have only a small dormer window each (plus another skylight each). This would be

- similar to the situation in flat 15 above and again be on the margin of acceptability.
30. In respect of flat 16 therefore I consider that there is conflict with policy QD27 of the Local Plan for the protection of amenity which is intended to encompass the amenity of future residents, as well as existing. Subject to the provision of the obscure glazing described above (and as proposed by the appellant in the south western elevation of block B to protect the amenity of residents in Ainsworth House) the impact on adjoining residents would be acceptable. From the rear of properties in De Montford Road, block A would have a similar profile as the existing building. Block B would be similar to the scheme with planning permission. Whilst it would be readily noticeable from the adjoining rear gardens, the substantially lower ground floor level of this building compared with these gardens would ensure that it was not overbearing.
 31. Four flats on the ground floor of block B and 2 in block A would have doors leading to outside amenity space. However 3 of these spaces would be at the front of the building and would not be particularly private. Communal amenity space is shown at the rear of the buildings. Half of the width of the area at the rear of block B would be unusable as it would be a steep bank necessary to provide the outlook from the ground floor rooms of this building. No access route to this space is shown and although the appellant refers to a path between the buildings it is difficult to envisage how this could easily be accommodated, given the difference in levels, the proposed visitor cycle stands and the need to respect the privacy of the ground floor flats alongside which the path would need to pass. Accordingly I do not regard this area as meeting the need for amenity space.
 32. The proposed amenity space at the rear of block A would be directly accessible by residents of that block because of the rear door to the building. Steps are shown behind the building up to the amenity space at a higher level. Subject to some careful landscaping this area could accommodate a small sitting area.
 33. Overall, I consider that the development does not demonstrate the provision of adequate amenity space for future residents, particularly in relation to block B. Accordingly there is conflict with policy HO5 of the Local Plan which requires such provision.
 34. Policy HO13 of the Local Plan requires a proportion of all new dwellings on sites with more than 10 new dwellings to be built to wheelchair accessible standards. The Plan refers to a need for 5% provision of such accommodation which the Council interprets as requiring 2 units in this scheme to meet wheelchair accessible standards for future occupiers. I agree with the Council that if there is only one lift in the building (as is the case with each of the blocks proposed here) then such units should be on the ground floor to ensure that access is always available. I also agree that the Council's requirement for the internal arrangements of the unit is reasonable to ensure that the living accommodation is as practical as possible for wheelchair users. Where a development includes 2 bedroom units I consider that the units for wheelchair users should have 2 bedrooms to allow an overnight carer to stay.
 35. Given that most existing dwellings are not suited to wheelchair users, I consider that it is particularly important to secure the 5% provision in new development. New build schemes such as this are much more likely to be able to meet the required arrangements than many conversion schemes. In

addition, as this development would include 6 private parking spaces at the front of the building, 3 of which are identified on the plans as being for disabled users, the development has the potential to be particularly suitable for wheelchair users. It is in the public interest for this potential to be realised in accordance with the Local Plan policy. The policy is consistent with the objectives for the provision of new housing in paragraph 50 of the National Planning Policy Framework.

36. The plans on which the Council refused permission showed the wheelchair accessible units above the ground floor and they did not meet the all internal layout standards. The revised plan I referred to in paragraph 2 above proposes that 2 units on the ground floor of block A be redesigned to meet the Council's requirements. Subject to some detailed adjustments, these flats could meet the required standards internally. However, achieving this requires considerable change to the internal layout of the whole ground floor, most significantly moving the lift shaft to the rear of the building. This would have a noticeable impact on the external appearance of the rear of the building, which requires an amended plan to properly assess. I also note that the remaining 2 ground floor flats are reduced from 3 bed units to 2 bed units and the entrance corridor is narrowed. Accordingly, I would not be in a position to deal with provision of these units by condition because the consequences of doing so have not been fully demonstrated or assessed as part of this decision. The appeal proposal does not therefore make adequate provision for accessible housing and conflicts with policy HO13. I regard this as a serious shortcoming.

Section 106 undertaking

37. As part of the appeal, the appellant has submitted a S106 undertaking, although the version I have seen is not dated. If I were minded to allow the appeal I would need to verify that the Council held a dated copy. This undertaking makes provision for financial contributions towards education provision and for highway improvements, including improvements to a nearby bus stop. It also makes provision for an employment and training strategy for the construction work and a construction and environmental management plan to minimise disruption. I consider that the provisions for education, transport and construction management are necessary to make the development acceptable and meets the requirements of the CIL Regulations.
38. The appellant disputes the Council's request for financial contributions to the local employment scheme, for public open space and towards public art. The Council's aims and requirements for local employment and training are set out in the Council's *Developer Contributions - Technical Guidance on the main types of contributions*. Whilst I understand that these training and employment proposals are important and beneficial to the City, the Council has not explained why the proposed development is unacceptable in the absence of such contributions. Accordingly, I have not taken into account the employment and training strategy included in the Undertaking nor do I consider that the financial contribution to the local employment scheme sought by the Council is necessary. I also see no justification for the Council's requirement for a public art contribution. No public art is being lost as a result of the development and no public space is being created which would benefit from public art. I do not regard policy QD6 as requiring public art in all circumstances.

39. Local Plan policy HO6 sets a standard for the provision of outdoor recreation space in all housing schemes (in addition to the amenity space already referred to). No such provision is made in this scheme and therefore there is a conflict with this policy. Where this requirement cannot be provided on site, provision is normally met by improvements to existing open space through financial contributions. The method of calculating contributions for different types of open space is set out in the Guidance referred to above. The Council has listed the local parks and recreational spaces at which the requested payment would be spent. But it has not explained, such as by specific reference to the *Open Spaces Study 2011* whether the local area is deficient in all those types of open space. I am not in a position to determine whether the precise sum requested is necessary. However, there is a clear conflict with the requirement of policy HO6 and in the absence of either provision on site or a financial contribution this amounts to another objection to the development.
40. The appellant proposes that 12 units would be affordable housing and the Council appears content with this provision and for this to be secured by means of a suggested condition.

Other Matters

41. The Council considers that the applicant failed to demonstrate that sufficient protection would be afforded to nature conservation features on the site. The application was accompanied by a Phase 1 Habitat Survey undertaken in February 2013. This concluded that the building had some potential to house bats and recommended further assessments for the presence of bats and reptiles on the site. It concluded that overall the ecological value of the site was low and I have seen no evidence to suggest otherwise. I accept that it is normal practice to fully establish the need for ecological mitigation measures before any permission is granted so that conditions can be designed to specifically mitigate any identified harm. I also recognise however that with the passage of time since the survey was undertaken, including the length of time taken by this appeal, even if bats and reptiles were previously absent they might now be present or when the scheme came to be implemented. In the circumstances of this case, the interests of protected species would be suitably addressed by conditions requiring further surveys and appropriate mitigation measures if necessary.
42. The Council does not have an up-to-date and agreed figure for its housing requirement and it is well established that the emerging City Plan does not provide enough housing to meet objectively assessed housing need. Accordingly, the Council cannot currently demonstrate an appropriate 5 year supply of housing land. The policies of the adopted Local Plan for the supply of housing must therefore be considered out of date and the application should be determined in accordance with that part of paragraph 14 of the National Planning Policy Framework relevant to decision-taking.
43. The proposed development would have clear social benefits in providing for 31 new dwellings in a City where housing needs are not being met, including provision of 12 affordable housing units. The development would have economic benefits arising from the substantial construction work involved and environmental benefit in bringing back into use a site which is currently derelict.

Overall balance

44. I have found that there would be some conflict with the emerging plan policy which designates part of the site as open space. One of the proposed flats would have unacceptable internal living conditions and the provision for outdoor amenity space is poor. It has not been demonstrated that appropriate wheelchair housing can be provided within the scheme as currently proposed. The scheme makes no provision (either on site or through financial contributions) for appropriate open space to serve the needs of the new residents. It has not been demonstrated that the appeal scheme is the only means of providing this scale of new housing on this site. I consider that, taken together, these adverse impacts do significantly and demonstrably outweigh the benefits and justify dismissal of the appeal.

Simon Emerson

Inspector



Costs Decision

Site visit made on 4 February 2015

by S Emerson BSc DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 13 February 2015

Costs application in relation to Appeal Ref: APP/Q1445/A/14/2220057 18 Wellington Road, Brighton BN2 3BG.

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Mrs N Blencowe for a full award of costs against Brighton & Hove City Council.
 - The appeal was against the refusal of the Council for planning permission for the erection of 31 flats.
-

Decision

1. The application for an award of costs is refused.

Reasons

2. The Planning Practice Guidance advises that costs may be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process.
3. The appellant applies for costs on 4 grounds. She considers that the Council has unreasonably pursued protection of an abandoned use – namely the community use of the building which ceased 10 years ago. The appellant considers that the submitted marketing evidence demonstrates that there is no demand for a community use on the site. I have addressed the merits of this issue in my appeal decision. I have found some conflict with a relevant local plan policy on this matter, but no material harm for the reasons I give. The appellant's marketing evidence was not conclusive on this issue. I do not regard the Council's refusal on this point as unreasonable.
4. The appellant alleges a lack of communication from the Council immediately prior to the application being first reported to the Planning Committee with a recommendation for refusal, which prevented the appellant amending plans to overcome most of the reasons for refusal. Even if there was a lack of communication at this stage, I do not understand how this significantly disadvantaged the appellant. The appellant speedily submitted amended plans once the Committee report had been published, triggering the report being withdrawn from the intended committee and all parties being re-consulted. Apart from the illustrative plan of wheelchair accessible units on the ground floor submitted at the final comments stage of the appeal, the appellant has not submitted any subsequent amended plans addressing the reasons for refusal. I see no justification in this ground.

5. The Council's committee report did not apply the test set out in paragraph 14 of the National Planning policy Framework. The Council states that this was because at the time it did not consider that it lacked a 5 year housing supply. I do not have the evidence to conclude whether that was a reasonable position to take at the time. But in any case, having applied paragraph 14 in the overall balancing exercise at the end of my decision, I have concluded that the appeal should be dismissed.
6. The appellant alleges that the Council has been inconsistent in refusing this scheme when it previously granted planning permission for the 26 unit scheme, which would have some of the same disadvantages as the Council considers applies to the present scheme. I see nothing unreasonable in the Council seeing particular benefits in the scheme for accommodating people with learning and physical disabilities and providing a day room, particularly as that scheme was designed in conjunction with the City's social services to meet specific needs identified at the time. Those benefits and designation of part of the appeal site as open space in the emerging City Plan are sufficient to explain the different decisions made by the Council on the 2 schemes.
7. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated.

Simon Emerson

Inspector



Appeal Decisions

Site visit made on 9 February 2015

by **S J Papworth DipArch(Glos) RIBA**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 13 February 2015

Appeal A: APP/Q1445/A/14/2221184

13A - 14 Stone Street & 19A Castle Street, Brighton BN1 2HB

- 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 Just Developments Ltd against the decision of Brighton & Hove City Council.
 - The application Ref BH2013/02798, dated 14 August 2013, was refused by notice dated 7 April 2014.
 - The development proposed is refurbishment and conversion of the existing Grade II two storey Stone Street building into a single private dwelling and the demolition and redevelopment of the Castle Street part of the site into a three-storey student accommodation block comprising of 14No *en-suite* bedrooms together with two communal kitchens.
-

Appeal B: APP/Q1445/E/14/2221198

13A - 14 Stone Street & 19A Castle Street, Brighton BN1 2HB

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
 - The appeal is made by Just Developments Ltd against the decision of Brighton & Hove City Council.
 - The application Ref BH2013/02799, dated 14 August 2013, was refused by notice dated 7 April 2014.
 - The works proposed are refurbishment and conversion of the existing Grade II two storey Stone Street building into a single private dwelling and the demolition and redevelopment of the Castle Street part of the site into a three-storey student accommodation block comprising of 14No *en-suite* bedrooms together with two communal kitchens.
-

Decision Appeal A

1. I allow the appeal and grant planning permission for refurbishment and conversion of the existing Grade II two storey Stone Street building into a single private dwelling and the demolition and redevelopment of the Castle Street part of the site into a three-storey student accommodation block comprising of 14No *en-suite* bedrooms together with two communal kitchens at 13A - 14 Stone Street & 19A Castle Street, Brighton BN1 2HB in accordance with the terms of the application, Ref BH2013/02798, dated 14 August 2013 subject to conditions 1) to 22) on the attached schedule.

Decision Appeal B

2. I allow the appeal and grant listed building consent for refurbishment and conversion of the existing Grade II two storey Stone Street building into a

single private dwelling and the demolition and redevelopment of the Castle Street part of the site into a three-storey student accommodation block comprising of 14No *en-suite* bedrooms together with two communal kitchens at 13A - 14 Stone Street & 19A Castle Street, Brighton BN1 2HB in accordance with the terms of the application Ref BH2013/02799, dated 14 August 2013 and the plans submitted with it subject to conditions 1) to 11) on the attached schedule.

Main Issue

3. This is, in both appeals, the effect of the proposals on the architectural or historic significance of the listed building and on the character and appearance of the Regency Square Conservation Area.

Reasons

Generally

4. Saved Local Plan Policy HE1 provides for the alteration, extension or change of use of a listed building where the proposal would not have any adverse effect on the historic or architectural character and it respects the scale, design, materials and finishes of the building. Policy HE2 concerns the demolition or major alteration of a listed building, with criteria to be met and Policy HE6 details requirements for development within a conservation area. Design quality and the relationship with the neighbourhood are the subjects of Policies QD1 and QD2. The Council have also supplied copies of supplementary planning guidance and documents on listed buildings and conservation matters.
5. The Historic Environment policies are in line with the requirements of sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 that special regard be had to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses, and section 72(1) of the same Act that special attention be paid to the desirability of preserving or enhancing the character or appearance of the conservation area. Paragraph 132 of the National Planning Policy Framework states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.
6. The listed building consists of the range fronting Stone Street which is the principal listed building and the one on which English Heritage based the decision to list due to its historic and architectural significance; and the range of buildings on Castle Street which are in poor order, and was not considered by English Heritage to be worthy of listing in their own right due to the lack of horse-related items, later harmful interventions and not being of sufficient interest. That range is nevertheless a curtilage listed structure. It is of particular note that the Stone Street range, the principal listed building, is on the Council's Buildings at Risk register.
7. There is support in representation to the application and the appeal, for the works to the Stone Street range and the formation of the 'cottage', and that is understandable since it brings back into a beneficial use a building that is of historic interest, is at risk of being lost and is in a location close to shops, transport and other facilities. The Council raises no objection to this work. The loss of the curtilage structure is objected to in representation, whereas the

Council's stance is that the quality of the proposed replacement building on Castle Street is insufficient to justify that loss, and this is not an 'in principle' objection to removal of the curtilage structures.

Listed Building and Conservation Area

8. By reason of its architectural and historic interest, the poor state and the risk of further loss, the conversion of the Stone Street range as proposed is acceptable in principle and in detail. The original stables use would not be likely to be reinstated in any event and residential use as proposed would have limited effect on the architectural and historic significance of the building, and would secure its long term preservation. Such a use would be compatible with the other uses in the immediate vicinity which include recent residential development along with longer-established terraced dwellings. The works would preserve the interest of the listed building and would preserve the character and appearance of the conservation area. That character and appearance would be enhanced to the extent that the present state of the site detracts.
9. As stated, the structures to the Castle Street frontage are of more limited architectural or historic interest, although their removal is controlled through being curtilage listed structures and the proposal being substantial demolition in a conservation area. It is clear through submissions from the appellant that in order to secure the highly beneficial repair and re-use of the Stone Street principal listed buildings, removal of these curtilage structures is necessary. There is no economic case for their retention, repair and re-use generating the necessary funds for the principal listed building, and it is reasonable that some form of new building and new use would be required on this part of the site to generate those funds.
10. The loss of the curtilage listed structures would cause harm to the significance of the listed building as a whole and to the historic character of the conservation area. Having regard to the nature of the buildings and English Heritage comments on their value, and their resulting status of not being listed in their own right, this harm should be regarded as being 'less than substantial' a differentiation required between paragraphs 133 and 134 of the Framework. In this case the latter applies and this states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. The works of demolition coupled with redevelopment of the site is designed to secure a viable use of the principal listed building and in view of local support for that aspect, and no comments to the contrary, this could well be the optimum use commensurate with its preservation. Public benefits will be balanced later in this Decision after consideration of the merits or otherwise of the replacement building.
11. The use for student accommodation appears to provide the necessary funding for the overall scheme including the repair works, and that is not the case with another alternative favoured in representation, of a terrace of three houses. Whilst there has been comment on the need for such accommodation, the site is in a central location in a mixed-use area with much commercial use along Preston Street and Western Road. The proposed use would not have an

- unacceptable impact on the character and appearance of the area and would not be incompatible with the surrounding uses.
12. This brings the Decision to the Council's reasons for refusal, that because of its height, massing, density, scale, building line and materials, and through being an incongruous feature in the street scene, the building would fail to preserve or enhance the character or appearance of the Regency Square Conservation Area. In the listed building consent the reason was that there was not an acceptable proposal for redevelopment.
 13. The proposed building takes up a position on the Castle Street frontage similar to most others along this side, the main exception being the buildings of the appeal site itself. The present arrangement no doubt suited the historic and later uses having an open yard, but is not necessary in the proposed new use, and is not needed to maintain a historic pattern of development. A building line similar to those either side is appropriate. The height mediates between the higher buildings on Preston Street and the lower one to the east, the arrangement of windows and their heights is similar to those in the terrace next along in that direction and the proposed materials match those commonly used along the street. It is appropriate to build at full width on the plot and that again is common on the street. This combination of acceptable width and height leads to an acceptable massing and scale. The density of development is influenced in addition by the depth, which is to the rear of the remaining principal listed building but with a courtyard to the west side. Such a density of development makes best use of land in a city-centre location, and 14 *en-suite* bedrooms together with two communal kitchens does not appear an over dense development in this location.
 14. That leaves the impact of these matters on the street scene, through the articulation of planes, fenestration and the like. The new building would have a flat roof, but parapets and low-pitched roofs are not uncommon and in many instances nearby the roof slopes even where a conventional eaves is used, are not readily visible. The flat roof allows the unobtrusive positioning of solar panels. From the drawings it appears that strictly the roof line of the Castle Street block should appear in the background of the Stone Street elevation, but from the sections it is apparent that the height of the listed building's ridgeline would limit the view of the building behind from ground floor level.
 15. The Conservation Officer had commented on aspects of the front elevation to Castle Street in earlier iterations of the design and these comments had been acted upon. Certainly the façade treatment is understated, but it draws on traditional proportions of solid to void. In this location it is appropriate that the new building should blend in rather than stand out, and the building may be described as displaying good manners among the truly historic elements of the conservation area rather than appearing as a copy.
 16. In conclusion, the repair and beneficial use of the principal listed building is a significant benefit and would remove it from the buildings at risk register. That is brought about by the redevelopment of the Castle Street frontage, but at the loss of the curtilage listed building. However, the development economics appear to rule out retention of the building, or a family residential redevelopment, and conditions can be used to ensure that the repair is carried out. The proposed overall development would conserve the character and appearance of the conservation area, and enhance it compared with the

present situation, and would preserve the significance of the principal listed building. The less than substantial harm caused to designated heritage assets by the loss of the curtilage listed structures would be decidedly outweighed by the public benefits of the proposal. The aims of Development Plan policies, national guidance and the statutory tests would be met.

Conditions and Undertaking

17. The Council had put forward a number of conditions in each appeal and the appellant had commented on the appropriateness of some of these. On the planning appeal there are conditions proposed controlling the rooflights, render, the location of cables and the like, rainwater goods, hard surfacing, cycle parking, refuse storage, levels, materials, waste minimisation and the making good of the existing crossover. These are all required to ensure the standard of the development, the delivery of desirable features and to control the effect on the character and appearance of the area. The Council require the new dwelling on Stone Street to be designed to the Lifetime Homes standard which is reasonable in compliance with Policy HO13. In view of the previous use of the site for a builder's yard, there could be a risk of contamination and hence a condition as suggested for investigation and remedial work is required.
18. The appellant has reservations over the viability of meeting the BREEAM rating sought in two of the conditions. A condition requiring details of sustainability provisions with regard to the listed building appears reasonable, and having mind to the status of the guidance referred to in the BREEAM reasoning, the more open-ended condition on sustainability measures should be extended to the new-build block also. In any event this block would need to reach Building Regulation insulation standards. A condition seeking to restrict access for the students to a parking permit is reasonable and does not overlap with the stated content of the Management Plan in the Undertaking although that document could contain the detail.
19. The Council propose removal of permitted development rights to insert new windows and other openings, being concerned to protect the amenities of occupiers of nearby properties. Whilst the dwellinghouse is still a listed building and consent would be required for such work, the consideration then would be with regard to the interest of the building rather than neighbours, and so this restriction appears reasonable. Lastly in the planning permission a condition is required naming the drawings, because otherwise than as set out in this decision and conditions, it is necessary that the development shall be carried out in accordance with the approved plans for the avoidance of doubt and in the interests of proper planning.
20. With regard to the listed building consent, the need for conditions apply with regard to render, cables, rooflights, rainwater goods and materials generally, added to which there is a need for the retention of architectural features at Stone Street, and for large scale details of the listed building work, in order to ensure the quality of those works.
21. The loss of the curtilage listed building is justified, as set out in the Reasons to this Decision, by the total scheme that includes the repair and bringing back into the use of the principal listed building. The Council have suggested a condition in the planning appeal to prevent demolition until building contracts have been entered into for the re-development. That is correct insofar as it

protects the building from premature demolition, but that condition should also be added to the listed building consent as that also covers the demolition, and should make clear the link to the repair works, in case there are two contracts, one for the straightforward new building and another for the more specialist repair works. In addition, as is usual with the loss of a listed building, recording should be undertaken, which may already have happened to inform the proposal to demolish, but should be secured by condition.

22. The Undertaking provides for a payment towards sustainable transport that can be traced back through application representation, and the requirement for a management plan to ensure that the use of the student accommodation and the comings and goings associated with it do not cause harm to the amenities of nearby residents. This undertaking satisfies the tests in Regulation 122 of the Community Infrastructure Levy Regulations 2010 being necessary to make the development acceptable in planning terms, directly related to the development, and fairly and reasonably related in scale and kind to the development. As a result, full weight can be accorded it in this Decision.

Conclusions

23. The scheme should be seen as a whole, and in that light the development of a building to the Castle Street frontage that preserves the character and appearance of the Regency Square Conservation Area and provides for the repair of the principal listed building is an acceptable total scheme, with conditions to ensure the delivery of the repairs. The loss of curtilage listed structures is justified in that case. The scheme would satisfy the requirements at local and national level on the preservation of designated heritage assets and for the reasons given above it is concluded that the appeal should be allowed.

S J Papworth

INSPECTOR

SCHEDULE OF CONDITIONS

Appeal A, Planning Permission

- 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 drawings; 0609/504/1, /2, /3, 8647/01b, /02e, /03e, /04d, /05f, /06a, /07a, /08a, /10a, /11b.
- 3) 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.
- 4) The west facing rooflights for the Stone Street building adjacent 57 & 58 Preston Street shall be obscured glazed and thereafter retained as such.
- 5) The render to the Castle Street building shall be smooth rendered down to ground level and shall not have bell mouth drips above the damp proof course or above the window openings and the render work shall not use metal or plastic expansion joints, corners or edge render beads.
- 6) 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.
- 7) All new and replacement rainwater goods, soil and other waste pipes shall be in cast iron to match existing and shall be painted to match the colour of the background walls and retained as such thereafter.
- 8) Any re-rendering to the Stone Street building and front boundary wall will be smooth rendered in a cement/lime/sand render mix down to ground level and shall be lined out with ashlar joint lines to match the original building and shall not have bell mouth drips above the damp proof course or above the window, door and archway openings and the render work shall not use metal or plastic expansion joints, corner or edge render beads and shall be painted in a smooth masonry paint to match the original building and shall be maintained as such thereafter.
- 9) The new Stone Street dwelling hereby permitted shall be constructed to Lifetime Homes standards prior to first occupation and shall be retained as such thereafter.
- 10) 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.
- 11) 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 without planning permission obtained from the Local Planning Authority.
- 12) The development hereby permitted shall not be commenced until details of sustainability measures for the new dwelling fronting Stone Street and the

student accommodation fronting Castle Street have been submitted to and approved in writing by the Local Planning Authority. These details shall demonstrate how the development would be built and occupied to be efficient in the use of energy, water and materials. The development shall be carried out in strict accordance with the approved details and the measures retained thereafter.

- 13) The works of demolition to the buildings on Castle Street hereby permitted shall not be begun until documentary evidence is produced to the Local Planning Authority to show that contracts have been entered into by the developer to ensure that building work on the site the subject of this consent, including the repairs and conversion of the principal listed building, is commenced within a period of 6 months following commencement of demolition in accordance with a scheme for which planning permission has been granted.
- 14) The student accommodation hereby permitted shall not be occupied until the repairs and conversion of the principal listed building have been completed and the dwelling is available for use, or in accordance with some other timetable that has been agreed with the Local Planning Authority prior to the commencement of development including demolition.
- 15) 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.
- 16) 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.

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 (b) above that any remediation scheme required and approved under the provisions of (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:

 - (c) as built drawings of the implemented scheme;
 - (d) photographs of the remediation works in progress; and

(e) 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 (b) above.

- 17) 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.
- 18) 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 student accommodation, other than those residents with disabilities who are Blue Badge Holders, have no entitlement to a resident's parking permit.
- 19) No development shall commence until full details of the existing and proposed land levels of the proposed student accommodation in relation to Ordnance Datum and to surrounding properties have been submitted to and agreed in writing by the Local Planning Authority. The details shall include finished floor levels. The development shall be constructed in accordance with the agreed details.
- 20) No development shall take place until samples of the materials (including render) to be used in the construction of the external surfaces of the works hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in strict accordance with the approved details.
- 21) Notwithstanding the submitted details, no development shall take place until a written Waste Minimisation Statement, in accordance with Supplementary Planning Document 03: *Construction and Demolition Waste*, confirming how demolition and construction waste will be recovered and reused on site or at other sites has been submitted to and approved in writing by the Local Planning Authority. The measures shall be implemented in strict accordance with the approved details.
- 22) Prior to the first occupation of the development hereby permitted the redundant vehicle crossovers to Castle Street and partly to Stone Street 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.

Appeal B, Listed Building Consent

- 1) The works hereby authorised shall begin not later than three years from the date of this consent.
- 2) The developer shall give the Local Planning Authority 21 days advance notice of the start of any demolition works to the curtilage listed building and, for a period of 14 days before any work begins, reasonable access to that building shall be given to a person or body nominated by the Local Planning Authority for the purpose of recording the building by making measured drawings or taking photographs, unless the Local Planning Authority has previously stated its acceptance of any material submitted by the developer having the same recording effect.

- 3) The render to the Castle Street building shall be smooth rendered down to ground level and shall not have bell mouth drips above the damp proof course or above the window openings and the render work shall not use metal or plastic expansion joints, corners or edge render beads.
- 4) 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.
- 5) All existing architectural features of the principal listed building including windows, doors, architraves, skirtings, dados, picture rails, panel work, fireplaces, tiling, corbelled arches, cornices, decorative ceilings and other decorative features shall be retained except where otherwise agreed in writing with the Local Planning Authority.
- 6) 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.
- 7) All new and replacement rainwater goods, soil and other waste pipes shall be in cast iron to match existing and shall be painted to match the colour of the background walls and retained as such thereafter.
- 8) Any re-rendering to the Stone Street building and front boundary wall will be smooth rendered in a cement/lime/sand render mix down to ground level and shall be lined out with ashlar joint lines to match the original building and shall not have bell mouth drips above the damp proof course or above the window, door and archway openings and the render work shall not use metal or plastic expansion joints, corner or edge render beads and shall be painted in a smooth masonry paint to match the original building and shall be maintained as such thereafter.
- 9) No works shall take place until samples of the materials (including render) to be used in the construction of the external surfaces of the works hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in strict accordance with the approved details.
- 10) No works shall take place to the principal listed building until full details of the proposed works including 1:20 scale sample elevations and 1:1 scale joinery profiles of the doors, garage doors, windows (including cills and reveals), parapet, boundary walls, railings and stair 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.
- 11) The works of demolition to the buildings on Castle Street hereby permitted shall not be begun until documentary evidence is produced to the Local Planning Authority to show that contracts have been entered into by the developer to ensure that building work on the site the subject of this consent, including the repairs and conversion of the principal listed building, is commenced within a period of 6 months following commencement of demolition in accordance with a scheme for which planning permission has been granted.



Appeal Decision

Site visit made on 20 January 2015

by Louise Phillips MA (Cantab) MSc MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 17 February 2015

Appeal Ref: APP/Q1445/A/14/2229012

7 Ship Street Gardens, Brighton, East Sussex BN1 1AJ

- 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 Taylor Patterson Sipp against the decision of Brighton & Hove City Council.
 - The application Ref BH2014/02485, dated 23 July 2014, was refused by notice dated 10 October 2014.
 - The development proposed is the demolition of the existing buildings (comprising A1, A3 and D1) and erection of part one and two storey office building (B1).
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Decision

1. The appeal is dismissed.

Procedural Matters

2. I have taken the address of the appeal site from the application form, but the proposal involves the demolition of three adjoining buildings in different uses – Nos 7a – 7c. I have determined the appeal on this basis.
3. The description of development above is that given on the appeal form and decision notice. It more accurately describes the proposed works than the description provided on the application form.
4. A revised plan of the east-facing elevation (drawing No 1408-P-10-A1) was submitted during the appeal process. Whilst it was not before the Council when the application was determined, it simply depicts the profile of the existing boundary wall between the appeal site and No 6 Ship Street Gardens accurately. Having confirmed this with the parties on site, I have had regard to it in making my decision.

Main Issue

5. The main issue is the effect of the proposed development upon the living conditions of neighbouring occupiers at Nos 5 and 6 Ship Street Gardens with particular regard to outlook.

Reasons

6. The appeal site is located on the south side of Ship Street Gardens, a twitten within the Old Town Conservation Area. The twitten is a very narrow pedestrian route, comprising buildings in different uses and of various heights

and styles on both sides. The site is presently occupied by three vacant buildings which were previously in use as a café, a shop and a community facility. The Council is satisfied that their replacement with an office use would comply with development plan policy and, while I note the concerns of some interested parties, I agree with its reasoning.

7. The existing buildings at the front of the site are single storey with steep pitched roofs facing the twitten and sections of flat roof behind. The building at the rear is taller, but it also has a flat roof. All of the flat roofed area is below the height of the tall boundary wall that separates the buildings from the residential property, No 6 Ship Street Gardens, which adjoins the site to the east. This boundary wall is almost two storeys high.
8. No 6 and its terraced neighbour, No 5, are three-storey houses with small rear yards. These are divided by a standard boundary fence, but are otherwise surrounded by high walls on all sides. The yards are dark and enclosed as a result and were in full shade at midday despite being south-facing. Both houses also have rear terraces/balconies at first floor level, which benefit from more light and a less oppressive outlook by virtue of being higher up.
9. The replacement building proposed for the appeal site would be constructed of red brick beneath a pitched slate roof. It would be part single-storey and part two-storey and would be of traditional proportions. The Council considers that, subject to conditions to control matters of detail, it would preserve the character and appearance of the Conservation Area. My own view is that it would represent an enhancement of its immediate surroundings as compared to the outworn buildings now present on the site. The pitched roof design would contribute to its attractive appearance.
10. However, with respect to the living conditions of neighbouring occupiers, the new building would be arranged so that the two storey section would adjoin the rear yard of No 6 Ship Street Gardens for its entire length. Whilst the wall would be no higher than the existing boundary wall where it would abut the rear of No 6 itself, it would generally be around one metre taller. The roof ridge, which would run parallel to the boundary, would be over two metres higher again so that it would be level with the eaves of No 6. The roof would pitch away from the boundary, but the overall increase in mass above it would be considerable.
11. Notwithstanding the existing sense of enclosure in the rear yards of Nos 5 and 6 Ship Street Gardens, the proposed development would make the situation appreciably worse. The effect would be particularly apparent from the first floor balconies, from which it is presently possible to get an open and pleasant view of the surrounding rooftops. The bulk of the new building above the boundary would blot this out so that the outlook from both properties would be very limited indeed. It is also likely that development would reduce late afternoon/evening sun to the balconies which would further increase the feeling of being hemmed in.
12. Whilst the Council is most concerned about the impact of the proposal on No 6 Ship Street Gardens, I consider that its detrimental effects would be most pronounced at No 5. This is because the view towards the appeal site to the west is presently the only open aspect for the property. I do not accept that its already compromised outlook provides any good justification for an essentially unneighbourly development. Nor do I accept the appellant's suggestion that

the impact of the proposal on neighbouring living conditions alone is insufficient to justify its refusal.

13. Therefore, I conclude that the proposed development would be significantly harmful to the living conditions of neighbouring occupiers at Nos 5 and 6 Ship Street Gardens in respect of outlook. Thus it would conflict with Policy QD27 of the Brighton and Hove Local Plan 2005, which seeks to avoid loss of amenity to existing adjacent residents.

Other Matters

14. In reaching my decision, I have taken account of the support for the proposal from some interested parties who consider that the new building would enhance the area. As explained above, I share this view in respect of character and appearance but this does not outweigh the harm that would be caused to the living conditions of neighbouring occupiers. I also acknowledge the concerns expressed by others in relation to security, but given my overall conclusion, my decision does not turn on this matter.

Conclusion

15. For the reasons given above, I conclude that the appeal should be dismissed.

Louise Phillips

INSPECTOR



Appeal Decision

Site visit made on 19 January 2015

by Grahame Gould BA MPhil MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 13 February 2015

Appeal Ref: APP/Q1445/A/14/2228936

31 Upper St James's Street, Brighton BN2 1JN

- 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 Zena Trow against the decision of Brighton and Hove City Council.
 - The application Ref BH2014/02060, dated 20 June 2014, was refused by notice dated 22 August 2014.
 - The development proposed is 'installation of 3 swan neck lights above existing shop front fascia'.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The lights subject to the appealed application have been installed and I have therefore determined the appeal as being for development that has been implemented.

Main Issue

3. The main issue is the effect of the development upon the character and appearance of the appeal premises (No 31) and the East Cliff Conservation Area (the CA).

Reasons

4. No 31 is a three storey, mid terrace property, with an attic, which is occupied as an estate agent's office on the ground floor with residential accommodation on the upper floors. No 31 is situated within a mixed commercial and residential area, with the ground floor premises to the east and west being in commercial use. Upper St James's Street is in the middle of the CA, which has a mixed use character.
 5. The three swan neck lights have been installed just above No 31's timber fascia, which is of a traditional design, and I consider that these lights have a cluttered and unsympathetic appearance, given the comparatively narrow width of the premises. I find that this development detracts from No 31's appearance and that of the streetscene and thus the CA.
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6. Within the vicinity of No 31 the shop fascias are illuminated by a variety of means, including strip lights, down lighters and the occasional swan necks. The other swan necks drawn to my attention the Council submits do not benefit from planning permission. Notwithstanding the presence of these other swan necks, I am required to consider the appeal scheme on its own merits, which is what I have done.
7. I therefore find that the appeal development detracts from the appearance of No 31 and has failed to preserve or enhance the appearance of the CA and as such there is conflict with the objectives of Policies QD10 and HE6 of the Brighton and Hove Local Plan. I also find there to be conflict with the Council's supplementary planning document for advertisements (SPD07), insofar as the installation of swan neck lights is discouraged within CAs.
8. While I have concluded that the appeal development is harmful to the appearance of the CA, the designated area is extensive and the appeal development only affects a small part of it. Accordingly the harm caused to the Conservation Area's significance as a heritage asset is 'less than substantial' as defined in the National Planning Policy Framework (the Framework) at paragraphs 132 to 134. Nevertheless there is no public benefit that outweighs the harm to the CA I have identified such as to warrant allowing this appeal under the provisions of the Framework.

Conclusion

9. For the reasons given above I conclude the appeal should be dismissed.

INSPECTOR

Grahame Gould