





**Brighton & Hove  
City Council**

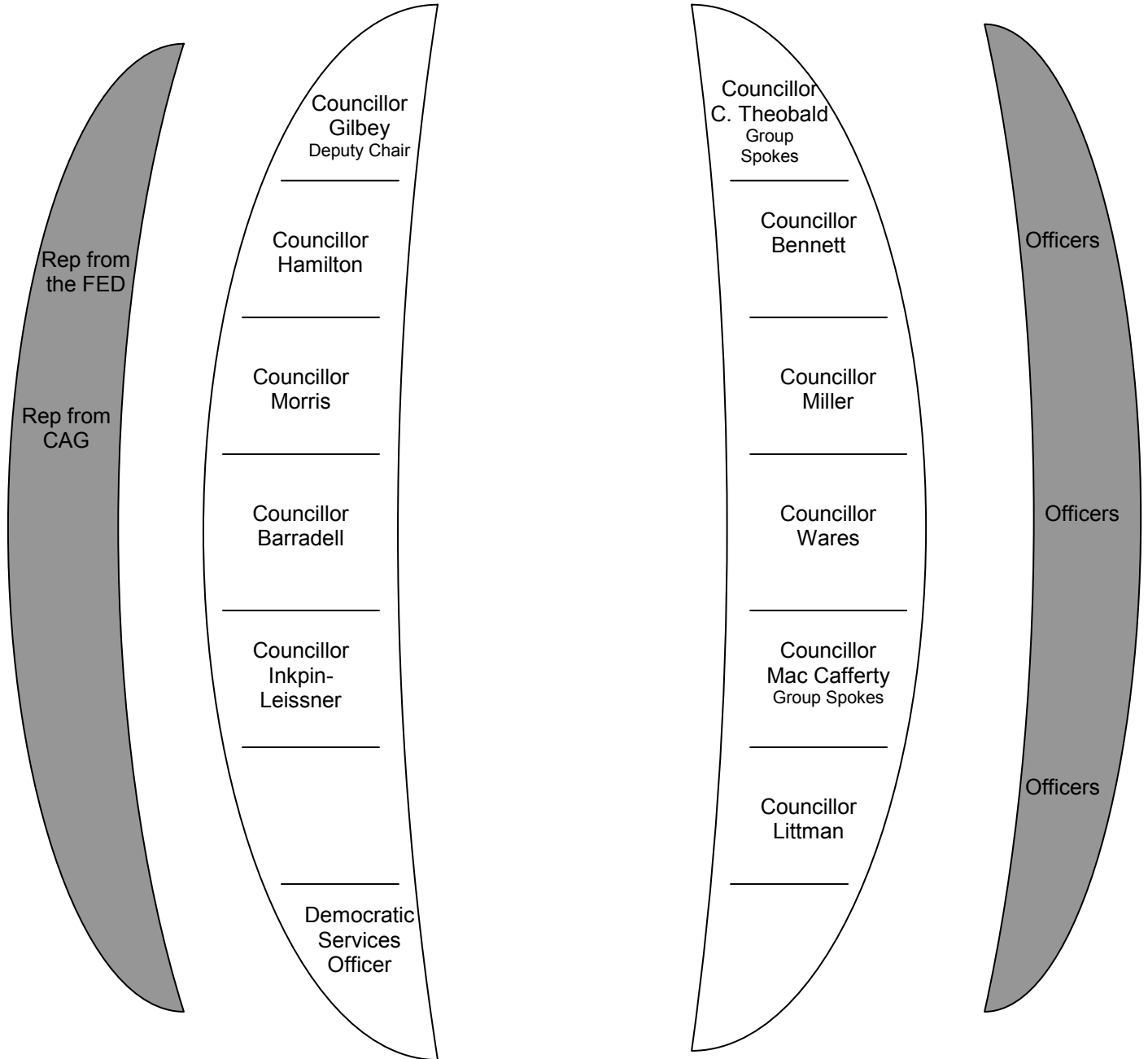
# Planning Committee

Title:	<b>Planning Committee</b>
Date:	<b>5 August 2015</b>
Time:	<b>2.00pm</b>
Venue	<b>The Ronuk Room, The Ronuk Hall, Portslade Town Hall</b>
Members:	<p><b>Councillors:</b> Cattell (Chair), Gilbey (Deputy Chair), C Theobald (Group Spokesperson), Mac Cafferty (Group Spokesperson), Barradell, Bennett, Hamilton, Inkpin-Leissner, Littman, Miller, Morris and Wares</p> <p><b>Co-opted Members:</b> Jim Gowans (Conservation Advisory Group)</p>
Contact:	<p><b>Penny Jennings</b> Democratic Services Manager 01273 29-1064/5 planning.committee@brighton-hove.gov.uk</p>

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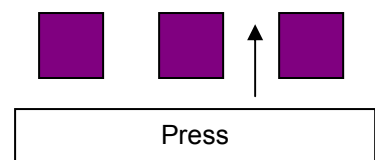
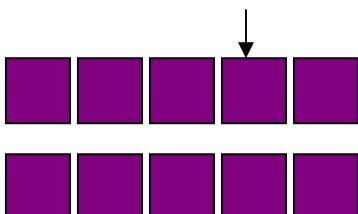
# Democratic Services: Planning Committee

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



## AGENDA

### 40 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

### 41 MINUTES OF THE PREVIOUS MEETING

1 - 20

Minutes of the meeting held on 15 July 2015 (copy attached).

### 42 CHAIR'S COMMUNICATIONS

### 43 PUBLIC QUESTIONS

**Written Questions:** to receive any questions submitted by the due date of 12 noon on 29 July 2015.

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

### 45 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.*

#### MINOR APPLICATIONS

#### **A BH2015/0019, 132 Longhill Road, Brighton - Full Planning 21 - 38**

Erection of 1no two bedroom detached dwelling with detached garage and 1no three bedroom detached dwelling with revised access from Wanderdown Road, Brighton with associated landscaping and works.

#### **RECOMMENDATION – GRANT**

*Ward Affected: Rottingdean Coastal*

#### **B BH2014/03875, 22 Carden Avenue, Brighton - Full Planning 39 - 58**

Demolition of existing day care centre (D1) and erection of two storey care home (C2).

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

*Ward Affected: Patcham*

#### **C BH2015/01677, 23 Ditchling Crescent, Brighton - Full Planning 59 - 70**

Change of use from dwelling house (C3) to residential children's home (C2).

#### **RECOMMENATION – GRANT**

*Ward Affected: Patcham*

#### **D BH2015/00445, Diplocks Yard, 73 North Road, Brighton - Full Planning 71 - 92**

Erection of part single, part two storey building to provide 8no office units (B1) with side entrance door removed.

## PLANNING COMMITTEE

### **RECOMMENDATION – GRANT**

*Ward Affected: St Peters & North Laine*

- E BH2014/03428, St Lukes Church, 64 Old Shoreham Road, Brighton - Full Planning 93 - 108**

Demolition of existing side extension and erection of part one part two storey side extension incorporating a glazed pitched roof, alterations to windows and doors, installation of new ramped access, alterations to boundary walls and associated works.

### **RECOMMENDATION – GRANT**

*Ward Affected: Preston Park*

- F BH2015/01138, East House 7 and West House 8 Pavilion Mews & 17 Jubilee Street, Brighton -Full Planning 109 - 128**

Application for variation of conditions 8, 9, 13, 14, 15, 16, 17, 21 and 22 of application BH2013/01034 to enable a phased implementation of the approved development.

### **RECOMMENDATION – SPLIT DECISION**

*Ward Affected: St Peters and North Laine*

- G BH2014/03283, 54 Woodland Drive, Hove - Full Planning 129 - 150**

Change of use from residential dwelling (C3) to day nursery (D1) including alterations to fenestration and construction of gable ends and two rear dormers to allow accommodation in the roof space.

### **RECOMMENDATION – GRANT**

*Ward Affected: Hove Park*

- H BH2014/03546, The Compound, Northease Close, Hove-Full Planning 151 - 170**

- I BH2015/01278, Warehouse 1A Marmion Road, Hove - Full Planning 171 - 190**

Demolition of existing warehouse (B8) and erection of 4no two/three storey residential dwellings (C3) and offices (B1).

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

*Ward Affected: Wish*

- J BH2014/03996, 4A Blatchington Road, Hove - Full Planning 191 - 204**

Change of use from retail (A1) to hot food take away (A5) and installation of extract duct.

### **RECOMMENDATION – GRANT**

*Ward Affected: Central Hove*

## PLANNING COMMITTEE

### **46 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**

### **47 INFORMATION ON PRE APPLICATION PRESENTATIONS AND REQUESTS 205 - 206**

(copy attached).

### **48 LIST OF APPLICATIONS DETERMINED UNDER DELEGATED POWERS OR IN IMPLEMENTATION OF A PREVIOUS COMMITTEE DECISION (INC. TREES MATTERS) 207 - 294**

(copy attached)

### **49 LIST OF NEW APPEALS LODGED WITH THE PLANNING INSPECTORATE 295 - 296**

(copy attached).

### **50 INFORMATION ON INFORMAL HEARINGS/PUBLIC INQUIRIES 297 - 298**

(copy attached).

### **51 APPEAL DECISIONS 299 - 330**

(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>

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

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

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

WEBCASTING NOTICE

## PLANNING COMMITTEE

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

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

Date of Publication - Tuesday, 28 July 2015





**BRIGHTON & HOVE CITY COUNCIL**

**PLANNING COMMITTEE**

**2.00pm 15 JULY 2015**

**THE RONUK HALL, PORTSLADE TOWN HALL**

**MINUTES**

**Present:** Councillors Cattell (Chair), Gilbey (Deputy Chair), C Theobald (Group Spokesperson), Mac Cafferty (Group Spokesperson), Barradell, Bennett, Hamilton, Inkpin-Leissner, Littman, Miller, Morris and Wares

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

**Officers in attendance:** Jeanette Walsh (Planning & Building Control Applications Manager); Nicola Hurley (Planning Manager – Applications); Steven Shaw (Principal Transport Officer); Tim Jefferies (Principal Planning Officer, Major Projects - Heritage and Design); Hilary Woodward (Senior Solicitor) and Penny Jennings (Democratic Services Officer)

**PART ONE**

**25 PROCEDURAL BUSINESS**

**25a Declarations of substitutes**

25.1 There were none.

**25b Declarations of interests**

25.2 Councillor Cattell, the Chair declared an interest in respect of application BH2015/00395, 251-253 Preston Road as she had worked with the architect professionally. The Chair confirmed that she remained of a neutral mind and that she would remain present during consideration of and voting on the application.

25.3 Councillor Bennett also declared an interest in application BH2015/00395, 251-253 Preston Road as the architect for the scheme had undertaken work on her home and on another property that she had an interest in. Councillor Bennett confirmed that she was of a neutral mind and that she would remain present during consideration of and voting on the application.

**25c Exclusion of the press and public**

25.4 In accordance with Section 100A of the Local Government Act 1972 (“the Act”), the Planning Committee considered whether the public should be excluded from the meeting during consideration of any item of business on the grounds that it is likely in view of the business to be transacted or the nature of the proceedings, that if members of the public were present during it, there would be disclosure to them of confidential information as defined in Section 100A (3) of the Act.

25.5 **RESOLVED** - That the public are not excluded ng consideration of any item of business on the agenda.

**25d Use of mobile phones and tablets**

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

**26 MINUTES OF THE MEETING HELD ON 3 JUNE 2015**

26.1 **RESOLVED** – That the Chair be authorised to sign the minutes of the meeting held on 3 June 2015 as a correct record.

**27 MINUTES OF THE PREVIOUS MEETING**

27.1 **RESOLVED** – That the Chair be authorised to sign the minutes of the meeting held on 24 June 2015 as a correct record.

**28 CHAIR'S COMMUNICATIONS**

28.1 The Chair drew the Committees’ attention to appeal decisions set out at pages 311 and 315 of the agenda papers relating to applications in respect of 15 and 17 Bernard Road, Brighton respectively. Both related to terraced houses in a residential street where there was a mixture of single dwellings and houses in multiple occupation (HMO-’s), both had proposed a change of use to HMO’s. The Inspector had considered that the main issue in each case had related to the effect of the proposed development on the character of the surrounding community with particular reference to the need to ensure a mixed and balanced community and local amenity. Both appeals had been dismissed and given the very real concerns expressed by residents in certain wards in relation to the number of HMO’s there, these decisions provided a benchmark for the future.

28.2 The Chair reminded those present that the proceedings of that afternoon’s meeting were to be webcast and would be available subsequently for repeated viewing.

**29 PUBLIC QUESTIONS**

29.1 There were none.

**A UNIVERSITY OF SUSSEX PLANNING APPEAL**

By reason of the special circumstances, and in accordance with section 100B(4)(b) of the 1972 Act, the Chair of the meeting has been consulted and is of the opinion that this item should be considered at the meeting as a matter of urgency for the following reason:

That the decision of the Executive Director, Environment, Development & Housing that the Council's objection to the University of Sussex's planning appeal be withdrawn, and the reasons therefor, should be reported to Planning Committee at the earliest opportunity.

- (1) The Committee considered a joint report of the Executive Director Environment, Development & Housing and the Head of Legal and Democratic Services advising of the decision of the Executive Director, Environment, Development and Housing that the Council's objection to the University of Sussex's planning appeal be withdrawn.
- (2) The Legal Adviser to the Committee, Hilary Woodward explained that it had become apparent during the first week of the inquiry that the evidence submitted in relation to the four reasons for refusal was not bearing up under cross-examination. This was partly due to evidence supplied by the University and updated government guidance, as well as the stance of the Inspector which appeared to that "layout" did not form part of "scale" and height in relation to reason for refusal 2. and which had serious implications for the Council's case that the proposal represented harmful overdevelopment. Moreover the University had also brought forward evidence to show that even if the application was refused, its population would continue to grow. The impact of refusal on the City's housing stock might well be greater than if permission were allowed. In view of these matters the Council's barrister had advised that the Council faced a very real risk of an award of substantial costs. At the end of the first week of the Inquiry an offer had been received from the University to treat the layout of the scheme as a reserved matter, enabling the Council further to consider effects on heritage and landscaping at a reserved matters stage. In view of this the Executive Director, Environment, Development & Housing had used his delegated urgency powers to agree to withdraw the Council's objection to the appeal, the Chair had been consulted prior to making the decision and the report was being put to Committee to advise members of the position. Members were advised that the withdrawal of the Council's objections did not necessarily mean that the appeal would be allowed as the Inspector would need to consider all remaining evidence before coming to a decision and that decision was expected in the next few weeks
- (3) Councillor C Theobald considered that it was unfortunate and that this decision had soured relations with the University to a degree. Whilst the University's desire for growth was recognised, growth needed to be delivered in the context of the impact of that growth on the city as a whole and properly managed. The outcome was disappointing in view of the fact that with the exception of one member, the Committee had voted cross party that the application be refused and had given considerable thought to the reasons for refusal.
- (4) Councillor Hamilton concurred in that view and stated that he was concerned that such a large number of trees would be lost.

- (5) Councillor Littman concurred that it had been a difficult and frustrating experience.
- (6) Councillor Morris stated that he was very concerned that the Council had been forced to take this action and was very worried that fear of costs, could impact on the Committees' future decision making. The Legal Adviser to the Committee, Hilary Woodward stated that the Council had not been "forced" into the decision taken; it had resulted from discussions with the barrister representing the Council following consideration of the Council's position and in the knowledge that the University would make an application for costs; those costs could have been considerable, possibly in the order of £250,000. The Chair had been consulted and had approved the decision taken. Any reserved matters application would come back to the Committee for decision in due course. Councillor Morris stated that he still had concerns in respect of this matter and wished to place them on record.
- (7) Councillor Barradell asked whether an award of costs could still be made and it was confirmed that although the University had not applied for costs an Inspector had the power to award costs even if not applied for; however it was very unlikely an Inspector would do so.
- (8) Councillor Inkpin-Leissner stated that the University fell within his ward, he considered that residents would be disappointed that it appeared their concerns regarding a proliferation of student accommodation had been ignored.
- (9) Councillor Miller asked whether it had been unreasonable for the Inspector to consider changes which had had taken place following the original decision. The Legal Adviser to the Committee explained that an Inspector had to take account of the most up to date information. The Inspector's view regarding layout was not unreasonable.
- (10) Councillor Barradell stated that it was important to consider any lessons that could be learned for the future although it might be too soon to do so at present. Councillor Littman concurred in that view, he was also of the view however that on another day with another Inspector the outcome could have been different. The Chair Councillor Cattell stated that this matter would be considered by the Member Working Group when it met the following week.

29. 2 **RESOLVED** – That the contents of the report be noted.

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

32.1 There were none.

### **31 REQUEST FOR A VARIATION OF A S106 AGREEMENT DATED 31 MARCH 2008 RELATING TO APPLICATION BH2007/01591, EBENEZER CHAPEL, RICHMOND PARADE, BRIGHTON**

- (1) The Committee considered a report of the Acting Head of City Planning and Development requesting that they consider a request to vary the S106 planning agreement dated 31 March 2008 relating to the Ebenezer Chapel, Richmond Parade, Brighton to apply for residents' parking permits.

- (2) The Planning Manager (Applications), Nicola Hurley explained that limited parking had been provided within the scheme, with 5 vehicular spaces provided for residents on site, 3 of which were disabled parking bays in connection with the wheelchair accessible flats. When the application had been granted on 31 March 2008 following completion of a section 106, amongst other provisions, the eligibility of residents for parking permits had been restricted. The rationale for that restriction had been based on the concerns regarding parking stress in the area. Since that time the situation had changed and the developers had requested that the car free restriction be removed as residents had to walk a considerable distance from where they had parked their vehicles to their homes. This had been particularly problematic for residents of the scheme who worked outside the city and/or had childcare commitments which required car ownership. It had also been argued that the current restriction had also resulted in additional car journeys and an increasing demand for parking outside the CIZ. The proposed amendments were considered acceptable and were therefore recommended for approval.
- (3) Councillor Barradell sought further clarification regarding the justification for this change being asked for now given that originally it had been considered appropriate for the development to be car free. A number of developments across the city had been designated car free if developers could subsequently choose to do otherwise that could compound existing parking problems.
- (4) The Planning Manager (Applications), explained that regarding s106 arrangements whereby developments had restricted parking or had been designated car free any change to would need to be requested and a case for any change considered on its merits.
- (5) The Principal Transport Officer, Steven Shaw explained that the number of spaces provided were considered on a case by case basis taking account of the parking situation in the immediate vicinity. In this instance there had been significant changes since the development had been built, it now fell within a CPZ in its entirety rather than just the southern part of the site. It was therefore considered appropriate to vary the s 106 to reflect the current situation.
- (6) A vote was taken and Members voted by 11 for with one abstention to vary the s106.
- 31.1 **RESOLVED** – That the Committee resolves to allow of completion of a variation to the s106 planning agreement dated 31 March 2008 relating to the Ebenezer Chapel, Richmond Parade, Brighton to allow residents of the development to apply for residents' parking permits.

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

- 32 REQUEST FOR A DEED OF VARIATION TO S106 AGREEMENT DATED 17 JUNE 2010 ASSOCIATED WITH APPLICATION BH2008/01148, BLOCK K OFFICE DEVELOPMENT, BRIGHTON STATION SITE, BRIGHTON**

- (1) The Committee considered a report of the Acting Head of City Planning and Development requesting a Deed of Variation to the s106 Agreement dated 17 June 2010 associated with planning permission BH2008/01148.
  - (2) The Planning Manager (Applications), Nicola Hurley, gave a presentation and explained that the site formed part of the larger site known as Block K within the Brighton Station Site. The northern part of the site had been developed as the Jurys Inn Hotel. A separate planning permission had been granted subsequently for an office block on the southern part of Block K. The developer had made a formal request for a deed of variation to delete clause 3.18 of the s106 which had sought to provide access for general members of the public who were disabled blue badge holders through the car park located in the basement of the plaza to access the plaza and open play space. It had also been requested that the obligation to provide a grey water system in the development , Schedule 1, Part 1 (4) be removed.
  - (3) Councillor Barradell sought confirmation that adequate accessible wheelchair access was available and that adequate fire safety arrangements were in place.
  - (4) It was explained that all necessary fire safety regulations had been met under Building Control requirements (which were separate from planning considerations). In this instance the Building Control Team had confirmed that the applicants comments regarding the impracticality of allowing unrestricted access to the basement car park for blue badge holders were reasonable. As such users would not be familiar with the fire safety protocols of the building, and in the event of a fire their safety could be compromised. Unrestricted use of this area could also pose a security risk to the hotel. Accessibility and the prevention of crime were planning issues and as there was improved level access across other parts of the development and sufficient disabled parking nearby access to the basement car park was no longer considered necessary.
  - (5) The Principal Transport Officer explained that it was unusual to have public access to a private car park.
- 32.6 The Planning Manager (Applications) explained that for the reasons set out in the report it was also considered that insistence on a grey-water recycling system would not serve any useful purpose given that the development incorporated a wide range of sustainable measures. For the reasons set out the proposed amendments were considered acceptable and were recommended for approval.
- 32.7 A vote was taken and the Committee voted unanimously to vary the s106 as requested.
- 32.1 **RESOLVED** – That the Committee resolves to allow the completion of a variation to the s106 planning agreement dated 17 June 2010 relating to Block K, Brighton Station Site to allow clause 3.18 relating to public disabled access to the car park to be deleted and Schedule 1, Part 1 (4) relating to grey-water provision to be omitted.

### 33 TO CONSIDER AND DETERMINE PLANNING APPLICATIONS

#### MAJOR APPLICATIONS

**A BH2015/00395, 251-253 Preston Road, Brighton - Full Planning -**

Demolition of non-original two storey link building. Erection of 3no storey link building and conversion, extension and refurbishment works to existing buildings to facilitate creation of 25no apartments (C3). Erection of 7 no single dwelling houses (C3). to rear of site to provide a total of 32 no residential units.

- (1) It was noted that this application had been the subject of a site visit prior to the meeting.
- (2) The Principal Planning Officer, Adrian Smith, introduced the application and gave a presentation by reference to photographs, plans and elevational drawings. It was explained that the application site comprised a pair of linked three storey Victorian villas set in a substantial plot on the West side of Preston Road, at its junction with Clermont Road. The site fell within the Preston Park Conservation area and there were a number of mature trees on the site, 27 of which were covered by a Tree Preservation Order, the buildings were currently vacant. The main considerations in the determination of this application related to the principle of conversion, the design of the proposed extension and new buildings and their impact on the appearance of the site and Preston Park Conservation Area, the impact on the amenities of adjacent occupiers, the standard of accommodation to be provided, transport and sustainability matters. It was noted that the applicants had submitted a Statement of Heritage Significance to support their proposals; details of this and the Officer response to it were set out in the circulated Additional Representations List.
- (3) It was considered that the proposed link extension and development of seven houses in the rear gardens to the site, by virtue of their massing, layout, site coverage, detailing and material finish, would detract from the appearance of the period villas and permanently erode the original gardens to the site and the historic development pattern and setting of the Preston Park Conservation Area and that the proposal failed to preserve or enhance the character or appearance of the buildings, site or surrounding Preston Park Conservation Area and was contrary to policies QD1, QD2 & HE6 of the Brighton & Hove Local Plan and paragraphs 132 & 137 of the NPPF. This harm carried considerable importance and weight when assessed against Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and was considered sufficiently significant that it outweighed the public benefits of providing additional housing units for the city, including 40% affordable units, having regard to the absence of a five-year housing land supply. There was no evidence that the other public benefits of the development, could not be delivered under an alternative proposal that would have a less harmful heritage impact. Refusal was therefore recommended.

**Public Speaker(s) and Questions**

- (4) Mr Barkway spoke on behalf of the applicant in support of their application. He stated that the applicants did not agree that the proposed scheme would be detrimental as it would bring two buildings which were currently empty back into use and would provide much needed housing.
- (5) Councillor C Theobald sought clarification regarding the colour of proposed finish to the building as that indicated on the samples displayed at the meeting appeared differ from that indicated on the submitted drawings.

- (6) Councillor Mac Cafferty also sought further clarification regarding the scheme and the finishes and detailing proposed.
- (7) Councillor Miller asked for the rationale behind the design of the scheme. It was explained that whilst preserving the existing buildings the link building would be necessary to join the constituent elements of the scheme. Councillor Miller asked whether the affordable units would be confined to the link building. Mr Barkway confirmed that the different types of tenure would be spread across the site.
- (8) Councillor Morris stated that the colour and size of the link building appeared to give the buildings a greater impact within the street scene enquiring whether the applicants would be minded to reduce them in height. It was confirmed that the Committee needed to determine the application as submitted.

### **Questions for Officers**

- (9) Councillor Gilbey referred to the retaining wall at the site enquiring whether it was intended that this would be retained as did Councillor Barradell.
- (10) Councillor Theobald requested clarification regarding the siting of the main access road into the site.

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

- (11) Mr Gowans CAG, clarified that CAG had not objected to the scheme before Committee, rather than having indicated support for it.
- (12) Councillor Littman stated that there was a clearly identified need for housing in the city particularly affordable housing, it was a question of balancing the public benefit which would arise from the scheme against any potential harm, in his view there would be important public benefits.
- (13) Councillor C Theobald stated that whilst proposals to return the buildings to use were welcomed she was in agreement with the officer assessment that the bulk and massing of the scheme as currently presented was detrimental.
- (14) Councillor Miller concurred in that view stating that whilst not averse to development of the site, he hoped that if this application were to be refused that the applicants would present an amended scheme which was more appropriate.
- (15) Councillor Inkpin-Leissner indicated that the scheme as currently presented was unacceptable and that he supported the officer recommendation.
- (16) A vote was taken and planning permission was refused on a vote of 9 to 3.

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



**MINOR APPLICATIONS****B BH2014/01031, Marlborough House, 54 Old Steine, Brighton - Full Planning**

Change of use from offices (B1) to single dwelling house (C3) with associated alterations including infill of some rear windows, replacement of rooflights and insertion of rear dormer

- (1) It was noted that this application had been the subject of a site visit prior to the meeting.
- (2) The Principal Planning Officer, Jonathan Puplett introduced this application and the separate but linked Listed Building Consent (application C), which also included internal alterations and gave a presentation covering both by reference to photographs, plans and elevational drawings. It was explained that the application site was a Grade I Listed Building on the western side of the Old Steine, within the Valley Gardens Conservation Area. It was described in the Pevsner Guide to Brighton and Hove as “the finest late c18 house, or rather villa, in Brighton” and was one of the most architecturally and historically significant buildings in the city and had been built c1765 and its present appearance followed its sale in 1786 to William Hamilton MP, who commissioned its enlargement and remodelling in Neo-classical style by Robert Adam. Although originally built as a dwelling the building had last been used as offices but it had been vacant for at least 7-10 years and had been used more recently by squatters. In consequence, due to its current state of relative neglect the building had been placed on the English Heritage (now Historic England) “at risk register” in 2014. It had been described as in fair condition and as vacant/not in use.
- (3) The main considerations in determining the application related to the principle of development; the visual impact of the proposed changes on the Listed Building and the wider Conservation area; impact on amenity; sustainable transport; and sustainable building design.
- (4) The proposed change of use was considered to be acceptable in principle and the internal and external alterations to the building would have a positive impact on the historic significance and appearance of the Listed Building or the wider character of the Valley Gardens Conservation Area. The building had been vacant for a long period of time and bringing the building back into use would help to preserve the building as well as removing it from the Buildings at Risk Register. No harmful impact on neighbour amenity or transport was foreseen and the development aimed to be sustainable in the use of energy, water and materials. Approval was therefore recommended.

**Questions for Officers**

- (5) Mr Gowans, in attendance on behalf of CAG referred to the comments made by the CAG as part of the consultation process asking that as both applications were recommended for approval that conditions be imposed to seek to ensure that the Adam fireplaces be reproduced and reinstated using sections of the originals stored in the basement of the building and removal of the rear roof extension.

- (6) Councillor Morris expressed his disappointment that no one was in attendance representing the applicants in order to answer questions in relation to the scheme. The Planning and Building Applications Manager, Jeanette Walsh explained that applicants were not generally afforded the opportunity to address the Committee when applications were recommended for approval. A number of conditions were proposed to ensure that the requirements of the existing enforcement notice were undertaken in concert with returning the building to use. He queried whether it would be appropriate to defer determination of the applications pending a full survey of the interior of the building.

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

- (7) Councillor C Theobald stated that she was concerned that insufficient detail had been provided regarding features currently in situ in the building, it would have been helpful if the applicants had been available to provide more information about the proposals. It was not clear to her what it was intended would be retained and what would be removed. The Principal Planning Officer, Major Projects, Heritage and Design explained that detailed drawings had been received and that it was on the basis of those and the detailed conditions to be met that both applications were recommended for approval.
- (8) Councillor Mac Cafferty referred to the detailed comments received from CAG stating that whilst he supported the application in his view it was important to ensure, given the age and importance of the building that a detailed photographic record of its interior should be made prior to commencement of the works.
- (9) Councillor Morris also re-iterated his concern that it was very important to ensure that a proper record of the interior of the building particularly of the Adam Fireplaces which should be retained in situ. It was important to ensure that a detailed inventory/archive was made.
- (10) Councillor Wares agreed that whilst welcoming proposals which would ensure that the building was returned to use, it was important to ensure that existing features of historic interest were recorded, respected and retained.
- (11) Councillor Hamilton stated that he considered the proposed scheme was acceptable as it would result in the building being returned to use.
- (12) Councillor Inkipin-Leissner agreed considering that the proposals were timely in view of the length of time that the building had been empty.
- (13) Councillor Barradell stated that she welcomed the proposals which would return the building to use as a dwelling house, the purpose for which it had been built originally and which was likely to have less impact than an office use.
- (14) Councillor Miller considered that it would be inappropriate to defer consideration of the applications provided that a suitable condition could be added to ensure that a photographic record of the existing interior and its features was made, welcoming the scheme overall.

(15) A vote was taken and on a vote of 11 with 1 abstention planning permission was granted.

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

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

**C BH2014/01032, Marlborough House, 54 Old Steine, Brighton - Listed Building Consent** - Change of use from offices (B1) to single dwelling house (C3) with associated internal alterations to layout and external alterations, including infill to some rear windows, replacement of roof lights and insertion of rear dormer.

(1) It was noted that the main considerations in determining the application related to whether the alterations would have a detrimental impact on the character, architectural setting and significance of the Grade I Listed Building. It was considered that the proposals would help preserve the Listed Building by bringing it back into use and would not have a harmful impact on its character or historic and architectural interest.

(2) Councillor Mac Cafferty highlighted the points made during general debate in relation to the importance of ensuring that a full photographic record was made of the property prior to commencement of the works and formally requested that a pre-commencement condition to that effect be added to any permission granted. The Committee were in agreement that this would be appropriate.

(3) A vote was taken and on a vote of 11 with 1 abstention Listed Building Consent was granted.

33.3 **RESOLVED** – That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in section 11 of the report and the policies and guidance in section 7 and resolves to **GRANT** Listed Building Consent subject to the Conditions and Informatives set out in section 11 and to the addition of a pre-commencement condition requiring submission to and agreement by the Local Planning Authority of a full photographic record of the interior of the property prior to commencement of the works.

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

**D BH2015/00195, 132 Longhill Road, Brighton - Full Planning**

Erection of 1 no two bedroom detached dwelling with detached garage and 1 no three bedroom detached dwelling with revised access from Wanderdown Road, Brighton with associated landscaping and works.

(1) The Planning Manager (Applications), Nicola Hurley introduced the application and gave a presentation by reference to photographs, plans and elevational drawings. It was explained the application site comprised a vacant plot of land located on the south side of Wanderdown Road, which had formerly comprised a bungalow and garage

however both buildings had now been demolished. The site immediately to the rear at 128 Longhill Road had recently been redeveloped with four houses (no.128, 128a, 130 & 130a) set in two rows of two. Further backland developments at 118a, 122 & 136 Longhill Road sat adjacent to the north and south of the site. Access to the site was via a driveway from Longhill Road that ran alongside 134 Longhill Road and also served the four new dwellings at 128 Longhill Road.

- (2) It was explained that the recent refusal which had been dismissed at appeal was relevant, plans, and elevational drawings highlighting the differences between the refused scheme and the current application were displayed.
- (3) The main considerations in determining the application related to the design and appearance of the proposed development and its impact on the street scene, impact on the amenities of adjacent occupiers, the standard of accommodation to be provided and sustainability and transport issues. It was considered that the proposed development was of a suitable layout, scale and design that would complement the character of the surrounding area and would have an acceptable impact on the amenities of adjacent properties, in accordance with development plan policies, approval was therefore recommended.

#### **Public Speakers and Questions**

- (4) Mr Moore spoke on behalf of neighbouring objectors. He stated that this represented the seventh attempt by the applicant to obtain planning permission, 5 had been refused including being dismissed on appeal and two had been withdrawn. Objectors did not agree that the previous reasons for refusal had been overcome and remained of the view that if permitted the resulting scheme represented overdevelopment of the site, was of a density not compatible with the surrounding area and was detrimental to the neighbouring amenity and the locality. Furthermore, access arrangements to the site by emergency services should the need arise would be problematic, also, most of the access road was not in the ownership of the applicant.
- (5) Mr Walder, the applicant spoke in support of his application he explained that it was intended that it was intended that members of his family would continue to occupy the properties as family homes and that they had sought to address the previous reasons for refusal and to ensure that the development was not unneighbourly.

#### **Questions for Officers**

- (5) Councillor Barradell referred to comments made by the objector in relation to access arrangements to the site. It was confirmed that this was separate legal issue and was not germane to consideration of the planning application.
- (6) Councillor Morris sought clarification as to whether the current application included provision of a bathroom/shower room, as it appeared to him that the previous, refused scheme had not included these facilities.
- (7) Councillor Miller stated that he considered that it would be beneficial to defer further consideration of the application pending a site visit. As both speakers had been given

the opportunity to address the Committee the Chair put this suggestion to the Committee.

- 33.4 **RESOLVED** – That consideration of the application be deferred in order to enable a site visit to take place.

**Note 1:** It was noted that as the decision to conduct a site visit prior to determination of the application had been made after the objector and applicant's agent had spoken that no further public speaking would be permitted in respect of this application.

**E BH2015/01472, Clarendon House, Conway Court, Ellen House, Livingstone House & Goldstone House Clarendon Road & Garages 1-48 Ellen Street, Hove - Council Development** - Installation of insulated rendering to all elevations, new coverings to roof and replacement of existing windows and doors with double glazed UPVC units. Installation of windows and louvered smoke vents to existing open stairwells to Clarendon House, Ellen House and Goldstone House and alterations including repair and remedial works.

- (1) The Principal Planning Officer, Jonathan Puplett introduced the application and gave a presentation by reference to photographs, plans and elevational drawings. The application related to the residential development situated on the northern side of Clarendon Road. The development consisted of 5 multi-storey flatted blocks (Conway Court, Clarendon House, Ellen House, Goldstone House, Livingstone House), with two storey link buildings, single storey garages, boundary walls, trees and planting. The development's primary frontage was into Clarendon Road, Ellen Road to the rear of the site was its secondary frontage. The differences between the previously refused application and the current one were highlighted. It was also noted that further comments had been received from the CAG re-iterating their earlier comments that independent external advice should be obtained concerning the likely durability of the proposed cladding before a decision was made on the scheme, also that sample colours should be received. Additional letters of objection had also been received and a joint letter of support from Councillors Horan and O'Quinn. These and the representations received from the CAG were set out in the circulated Additional Representations List.
- (2) The main considerations in determining the application related to the resultant appearance of the proposed development (visual impact) and impact upon the setting of heritage assets, amenity and environmental sustainability.
- (3) It was considered that over the time brick faced blocks of the estate had retained a quality of appearance as had many other brick faced blocks across the city of a similar age. Overall, based on experience across the city it was considered that a brick faced finish was more likely to retain a quality of appearance than a through coloured render finish, although it was acknowledged that in either case regular maintenance would be required. Notwithstanding the additional information submitted to make the case that the building would not discolour or collect dirt it was considered that this could only be considered as speculation as there was no evidence available regarding how the material would actually wear at present. It remained of particular concern that although it was proposed that the remaining blocks would be rendered under Phase Two, no timescale for completion of the works had been given. Usually, a phasing condition

would be applied to any comparable scheme requiring implementation of an entire scheme within a specified timescale but could not be done in this instance due to the uncertainties surrounding Phase Two.

- (4) Due to the scale of the individual blocks which already dramatically contrasted with the built form and the number of blocks affected by the application, the cladding would have a substantial effect on the street scene. The colour and texture of the brickwork allowed the blocks to recede in the view to some extent, whereas the starkness and uniformity of the render would make the estate the focal point in near and distant views. Ultimately, it was considered that the resultant appearance of the development would be unduly prominent and would harm the character of the area and the setting of heritage assets in the immediate vicinity of the site. Furthermore, prior to the implementation of Phase Two of the scheme, the development would result in a disjointed appearance with contrasting materials and finishes. Based on the information presented to date it was not accepted that the existing brick faced elevations and blocks could not be repaired and maintained. Overall due to the unduly prominent appearance which would result, and the disjointed appearance which the development as a whole would have prior to Phase Two being implemented, it was considered that the proposed development would result in a less appropriate appearance than the present appearance of the development. For these reasons the proposed scheme was contrary to policies QD1, QD2, QD3, QD14, HE3 and HE6 of the Brighton and Hove Local Plan; refusal was therefore recommended. It was considered that the existing brick faced appearance of the buildings should be retained, repaired and maintained if this was possible.

### **Public Speakers and Questions**

- (5) Mr Croydon and Ms Paynter spoke on behalf of objectors. Mr Croydon stated that he was a builder with some 30 years experience who let a tenancy of one of the flats. In his view the works were superfluous in that the improvements required could be effected through normal repairs and maintenance. There was a long payback period, over 17 years and it was disappointing that following the earlier refusal a very similar scheme had been resubmitted. Ms Paynter showed photographs of the interiors of some of the flats and common areas, only a minimal level of work was required as there were no major problems with the existing fabric of the buildings. What was being suggested was not proportionate and would be detrimental both for residents and in terms of the impact on the neighbouring street scene.
- (6) Councillor O'Quinn spoke in her capacity as a Local Ward Councillor in support of the application. It was considered that the rendered cladding would make a significant difference to the look of the buildings and it was fitting that they be provided with a new lease of life in the manner suggested. A number of residents that she and her ward colleague, Councillor Horan had spoken to were keen for these works to be undertaken as they would eradicate problems of mould and damp and would bring energy savings for them. A number of those who had expressed their opposition to the proposals were leasehold tenants and were averse to them on the grounds of cost. The silicone component of the render mix would render it self cleaning and overall these works would improve the general appearance of the neighbourhood which was currently somewhat neglected.

- (7) Ms Thompson spoke on behalf of the applicants in support of the application and also responded to questions put by the Committee. Ms Thompson explained these works would use a state of the art material which would be maintenance free and would improve the external appearance of the buildings whilst also addressing internal problems such as mould and damp. The energy efficiency of the buildings would be improved and would therefore result in reduced heating costs for residents. These works would be similar to those effected to other estates elsewhere in the city but would have the advantage of being able to use the most up to date technical solutions.
- (8) Councillor Mac Cafferty referred to the textured surface and sought clarification as to how this would work in terms of being self-cleaning. He had concerns that the surface could actually attract dirt rather than to repel it.
- (9) Councillor Wares referred to estates which had already been treated across the city which were already showing signs of wear querying whether there was any evidence of this system being used elsewhere and how it had worn. It was explained that this cladding system was new and had not been used on most of the developments across the city. This was a new product which due to its silicone core was intended to provide a maintenance free finish.
- (10) Councillor Wares also asked whether assessments had been made of the costs pros and cons of using other materials or other solutions for instance a material which retained the existing brick clad appearance of the blocks. Councillor Wares also enquired regarding when it was anticipated that funding for Phase Two would be available, although this may not be strictly a planning consideration if not available it could result in works to the estate being completed only in part.
- (11) Councillor Barradell enquired regarding the statements which had been made regarding the “maintenance free” properties, seeking clarification as to whether regular maintenance checks would continue to be required. Ms Thompson confirmed that they would but that the manufacturers gave a 25 year guarantee for their product. Also, regarding the precise colour of finish now proposed.
- (12) Councillor Miller referred to the comments made by Councillor O’Quinn in relation to the feedback she had received from residents stating that number of residents also appeared to have objected to the proposals querying the breakdown between leaseholders and tenants. The Legal Adviser to the Committee stated that it was only appropriate to ask questions of speakers seeking clarification of matters they had raised.
- (13) Councillors Morris and Wares enquired regarding the rationale which had been applied by the Council in deciding to use to use this approach to funding its refurbishment and maintenance works across its estates. The Legal Adviser to the Committee, Hilary Woodward confirmed that this was not a matter for question/debate by the Committee as decisions on that matter had been made by another committee with other responsibilities. The Committee were required to consider and determine the application before them on planning grounds.

### **Questions for Officers**

- (14) Councillor Wares enquired regarding the fact that funding was not yet in place to fund the second phase of the development. If approval were to be given by the Committee and Phase Two did not take place what mitigation measures if any could be taken bearing in mind that a completion date for a scheme in its entirety was usually conditioned. The Planning and Building Control Applications Manager, Jeanette Walsh responded that if planning permission was granted officers would have to explore mechanisms which could be put into place to ensure completion of the works in their entirety. If that was breached thought would need to be given to whether and what could be done to achieve compliance.
- (15) Councillor Wares stated that in his view this created something of a conundrum. The Legal Adviser to the Committee, Hilary Woodward confirmed that if Members were minded to approve the application, it would need to be approved as minded to grant in order for consideration to be given to how this issue could be overcome.
- (16) Councillor Bennett enquired whether there were similar estates across the city where blocks were configured across the site in a similar fashion. She considered that the proposed treatment would make the blocks on the estate more dominant than currently.

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

- (17) Councillor Barradell stated that she was unhappy with the colour of the surface treatment proposed and considered that it would have a detrimental appearance. Where similar treatments had been used elsewhere in the city they were already showing signs of wear and there was no evidence available to indicate how this material would wear overtime. The existing brick surfaces had lasted well beyond their anticipated time span.
- (18) Councillor Gilbey stated that one of the estates in her ward had received this treatment in part. It had not completed and in consequence half of the blocks had been treated and the remainder had not. This had remained the situation for some time and there was no indication that this would change.
- (19) Councillor Inkpin-Leissner considered that appearance of the estate was better as it was and that maintenance options which preserved its current appearance should be explored.
- (20) Councillor Littman stated that the existing estate was not attractive, however in his opinion this scheme was so similar to the previous one that the reasons for refusal had not been satisfactorily overcome. He also shared concerns which had been raised in relation to funding for Phase Two.
- (21) Councillor Wares considered that a compelling case had not been made to approve this scheme. He considered that insufficient other options had not been explored, in particular costings which would result in the exterior appearance of the buildings remaining unaltered. The costs were high and insufficient evidence was available to indicate how the buildings might wear in the longer term.



- (22) Councillor Morris stated that in the absence of any tangible proof of how the cladding material would wear he considered that the application should be refused.
- (23) Councillor Miller concurred stating that the proposals were costly and did not in his view provide sufficient benefits to outweigh the harm caused by the detrimental impact they would have on the surrounding street scene and in longer views.
- (24) Councillor C Theobald considered that other options should have been explored. Blocks completed using a similar system had not weathered well, it was not proven that this would be maintenance free or that it would require less maintenance than the existing brickwork.
- (25) Councillor Hamilton was concerned that the colour of the proposed finish would be out of keeping with the neighbouring streetscape and agreed that the arguments regarding maintenance and longevity of the surface treatment were untested.
- (26) Councillor Mac Cafferty considered that the textured surface of the render could prove problematic and that the finish it would provide would be poor. The blocks would have an overly dominant appearance, more so than currently, which would be unacceptable. He considered the finish indicated was poor and shared the concerns expressed by fellow Committee members.
- (27) A vote was taken and Members voted unanimously that planning permission be refused.
- 33.5 **RESOLVED** - That the Committee has taken into consideration and agrees with the reason for the recommendation set out in section 11 of the report and the policies and guidance in section 7 and resolves to refuse planning permission for the reasons set out in section 11.

**F BH2015/01291, 3 Sylvester Way, Hove - Householder Planning Consent**

Erection of single storey front, side and rear extension.

- (1) The Planning Manager (Applications), Nicola Hurley, introduced the application and gave a presentation by reference to photographs, plans and elevational drawings.
- (2) The application site related to a detached bungalow located to the north of Sylvester Way. The property consisted of a north-south gable roof design with a single storey flat roofed attached garage to the eastern side of the property. The bungalow had been altered in the past and included a flat roof L shaped extension which extended to the rear of the garage along the eastern side of the boundary. The property also included a rear garden and a 3.1m strip of land to the east of the building which sat approximately 1m lower than the floor level of the building and separated the property from the boundary fence.
- (3) Permission was sought for the erection of a single storey front, side and rear extension. The proposal would extend the existing wrap-around extension to the side of the property by approximately 2.7m and would also include a 3m wide, 2.7m deep projection to the rear at the eastern corner. The proposal would also extend the gable roof of the property to the rear over the existing wrap around extension. The main side

and rear element of the extension would have a ridge height of 4.5m. The existing garage would be demolished and a new garage would be constructed projecting forward of the proposed extension of the property. The application followed a previous refusal (BH2014/02616). It was noted that there was an error in paragraph 9.1 of the report, the first line of which should read:

“The proposed development *would* result in significant harm...”

- (4) The main considerations in the determination of this application relate to the impact of the proposed alterations on the character and appearance of the building and wider street scene and impact on the amenity of neighbouring properties. It was considered that the proposed development would result in significant harm on the character and appearance of the host property and surrounding area and that it would also result in significant overshadowing, enclosing effects and loss of light to no. 1 Sylvester Way. As such the proposal was considered contrary to policies QD14 and QD27 of the Local Plan and SPD12 “Design Guidance for Extensions and Alterations”, therefore it was recommended for refusal.

### Public Speakers and Questions

- (5) Mrs Finlayson spoke as an objector. As a resident of the neighbouring property she concurred with the assessment made by the planning officer regarding the severely detrimental impact that the proposals would have on her amenity, her property would be overlooked, overshadowed and overwhelmed. In her view the previous reasons for refusal had not been overcome.

### Debate and Decision Making

- (6) Councillor Inkpin-Leissner stated that he considered that there was little difference between the current scheme and that which had been refused previously, he would be supporting the officer recommendation.
- (7) Councillor C Theobald concurred in that view, stating that the a sloping roof may have been less detrimental overall but that the proposals as they stood would be very detrimental to the neighbouring property.
- (8) Councillor Wares was in agreement that the proposed development would constitute overdevelopment and would result in an unacceptable loss of amenity; he supported the officer recommendation.
- (9) A vote was taken and members voted unanimously that planning permission be refused.

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

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

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

Application:	Requested by:
BH2015/00195 – 132 Longhill Road, Brighton	Councillor Barradell

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

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

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

36.1 That the Committee notes the details of applications determined by the Executive Director Environment, Development & Housing under delegated powers.

[Note 1: All decisions recorded in this list are subject to certain conditions and reasons recorded in the planning register maintained by the Executive Director Environment, Development & Housing. The register complies with legislative requirements.]

[Note 2: A list of representations received by the Council after the Plans List reports had been submitted for printing was circulated to Members on the Friday preceding the meeting. Where representations are received after that time they should be reported to the Chairman and Deputy Chairman and it would be at their discretion whether they should in exceptional circumstances be reported to the Committee. This is in accordance with Resolution 147.2 of the then Sub Committee on 23 February 2006.]

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

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

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

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

**39 APPEAL DECISIONS**

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

The meeting concluded at 6.00pm

Signed

Chair

Dated this

day of

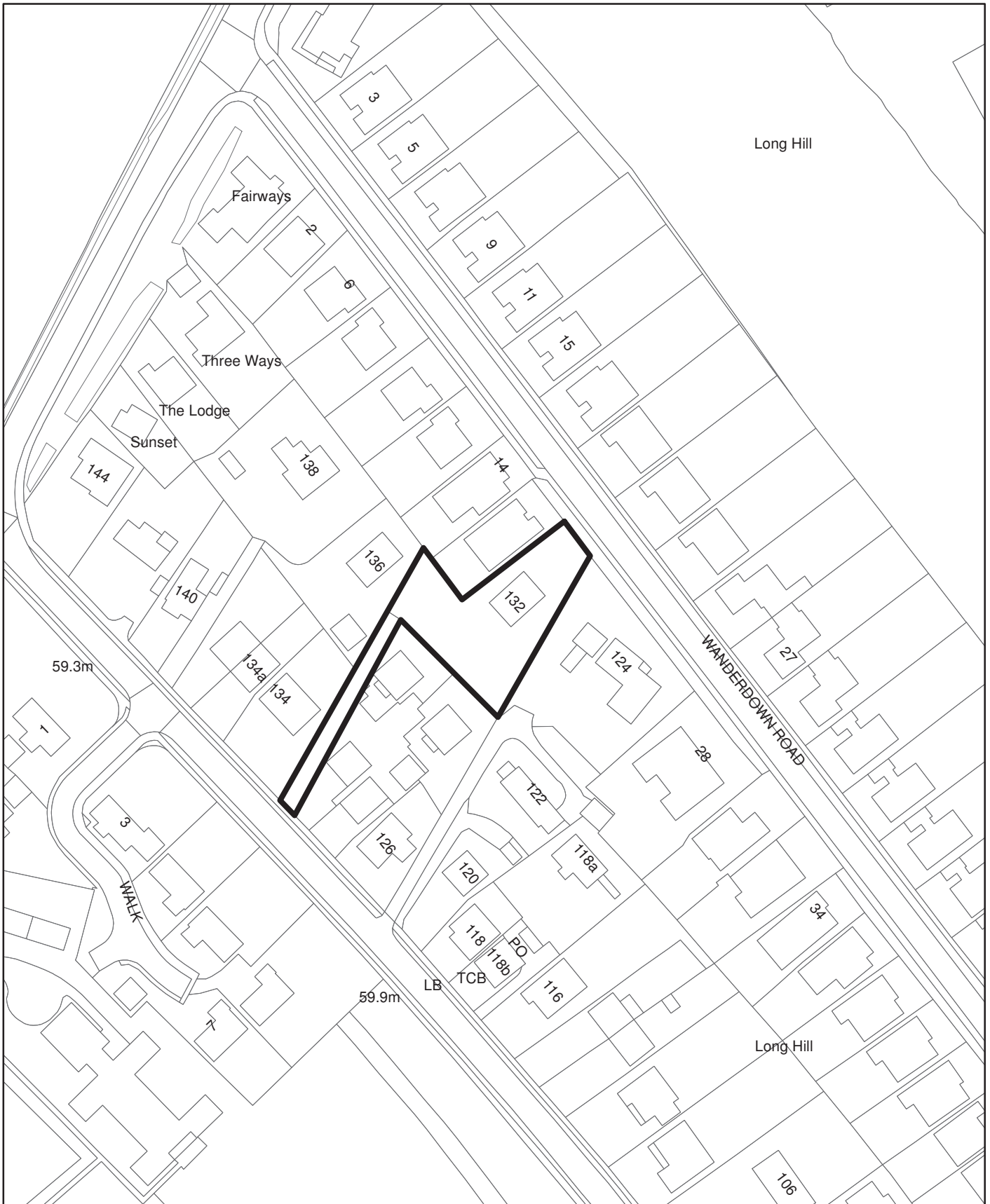
# **ITEM A**

**132 Longhill Road, Brighton**

**BH2015/00195**  
**Full planning**

**5 AUGUST 2015**

# BH2015/00195 132 Longhill Road, Brighton



**Brighton & Hove  
City Council**



**Scale: 1:1,250**

PLANNING COMMITTEE LIST- 5 AUGUST 2015

<b><u>No:</u></b>	<b>BH2015/00195</b>	<b><u>Ward:</u></b>	<b>ROTTINGDEAN COASTAL</b>
<b><u>App Type:</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>132 Longhill Road Brighton</b>		
<b><u>Proposal:</u></b>	<b>Erection of 1no two bedroom detached dwelling with detached garage and 1no three bedroom detached dwelling with revised access from Wanderdown Road, Brighton with associated landscaping and works.</b>		
<b><u>Officer:</u></b>	<b>Adrian Smith Tel 290478</b>	<b><u>Valid Date:</u></b>	<b>03 March 2015</b>
<b><u>Con Area:</u></b>	<b>N/A</b>	<b><u>Expiry Date:</u></b>	<b>28 April 2015</b>
<b><u>Listed Building Grade:</u></b>	<b>N/A</b>		
<b><u>Agent:</u></b>	<b>Deacon and Richardson Architects, 253 Ditchling Road, Brighton BN1 6JD</b>		
<b><u>Applicant:</u></b>	<b>Mr Alan Walder, 4 The Park, Rottingdean, Brighton BN27GQ</b>		

This application was deferred from the last agenda for a site visit by Planning Committee Members.

**1 RECOMMENDATION**

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

**2 SITE LOCATION & DESCRIPTION**

- 2.1 The application site comprises a vacant plot located on the south side of Wanderdown Road. The site formerly comprised a bungalow and garage however both buildings have now been demolished.
- 2.2 The site immediately to the rear at 128 Longhill Road has recently been redeveloped with four houses (no.128, 128a, 130 & 130a) set in two rows of two. Further backland developments at 118a, 122 & 136 Longhill Road sit adjacent to the north and south of the site. Access to the site is via a driveway from Longhill Road that runs alongside 134 Longhill Road and also serves the four new dwellings at 128 Longhill Road.

**3 RELEVANT HISTORY**

132 Longhill Road:

**BH2014/04253-** Prior Approval for demolition of 132 Longhill Road. Prior Approval Not Required 19/01/2015

**BH2013/02177-** Demolition of existing bungalow and erection of new four bedroom chalet bungalow. Refused 28/10/2013 for the following reason:

1. *The proposed development by reason of its siting, resultant gap in the streetscene, and relationship with others in the area would appear out of*

*context with the established pattern of development, and would fail to make a positive contribution to the visual quality of the area or emphasise the positive characteristics of the area harmful to the overall character of the area and the Wanderdown Road streetscene. The proposal is therefore contrary to policies QD1, QD2, and QD3 of the Brighton and Hove Local Plan.*

Appeal dismissed.

**BH2012/03153-** Demolition of existing bungalow and erection of new four bedroom chalet bungalow. Refused 07/01/2013 for the following reasons:

- 1. Cumulatively the proposal, by virtue of siting, relationship between the surrounding dwellings and the potential for overlooking results in an inadequate amenity space which would be a considerably overlooked by the neighbouring properties to the detriment of the amenity of the future occupiers contrary to policies QD27 and HO5 of the Brighton and Hove Local Plan.*
- 2. The proposal represents development in the rear garden now classified as Greenfield land. Given the sensitive nature of the location, the highest level of sustainability must be sought for the proposed building. The applicant has failed to demonstrate that the proposed dwelling is capable of achieving Code for Sustainable Homes Level 5 without a material change to the design. The proposal is considered to be contrary to policy SU2 of the Brighton & Hove Local Plan and Supplementary Planning Document on Sustainable Building Design (SPD 08).*

**BH2011/01239-** Demolition of existing two bedroom dwelling and erection of new two bedroom chalet bungalow. Refused 29/07/2011 for the following reason:

- 1. Cumulatively the proposal, by virtue of siting, relationship between the surrounding dwellings and the potential for overlooking results in an inadequate amenity space which would be a considerably overlooked by the neighbouring properties to the detriment of the amenity of the future occupiers contrary to policies QD27 and HO5 of the Brighton and Hove Local Plan.*
- 2. The proposal represents development in the rear garden now classified as Greenfield land. Given the sensitive nature of the location, the highest level of sustainability must be sought for the proposed building. It is not considered that the development could meet Code for Sustainable Homes Level 5 without a material change to the design. The proposal is considered to be contrary to policy SU2 of the Brighton & Hove Local Plan and Supplementary Planning Document on Sustainable Building Design (SPD 08).*
- 3. The proposed development, by reason of its height, scale and bulk would relate poorly to the proposed dwelling, resulting in a roofslope that would appear disproportionate to the main front façade, detracting from the appearance and character of the property, contrary to policies QD1, QD2, and QD3 of the Brighton and Hove Local Plan.*



**BH2008/02530-** Demolition of existing bungalow and erection of 1 no. new bungalow and 1 no. chalet bungalow. Refused 15/10/2008 for the following reason:

1. *Cumulatively the proposal, by virtue of siting, relationship between each of the proposed dwellings, substandard living conditions and inadequate amenity space represents an unsuitable, overdevelopment of the site. As such the proposal is contrary to policies QD1, QD2, QD3, QD27, HO4 and HO5 of the Brighton and Hove Local Plan.*
2. *The applicant has failed to provide sufficient information to demonstrate that the proposed private amenity space for House 2 would not be overlooked from within the curtilage of House 1. Given the close proximity of the properties and the significant changes in ground level it is considered that an unacceptable level of overlooking would occur, to the detriment of the living conditions of future occupiers of House 2 contrary to policies QD27 and HO5 of the Brighton and Hove Local Plan.*
3. *The resultant provision of amenity space would be out of keeping with this suburban locality where predominantly neighbouring properties benefit from generous plots with gardens that are not located in such close proximity to neighbouring dwellings. Consequently the applicant has failed to demonstrate that there is sufficient private usable outside amenity space for each unit of accommodation appropriate to the scale and character of development in this area. As such the development is contrary to policies QD27 and HO5 of the Brighton and Hove Local Plan.*
4. *The proposed obscurely glazed window within the bedroom of House 1, by virtue of it being the principle window within the habitable room would result in a poor standard of living conditions and residential amenity contrary to policy QD27 of the Brighton and Hove Local Plan.*
5. *The proposal by virtue of insufficient vehicular access would result in a risk to users of the public highway. As such the proposal is contrary to policies TR1 and TR7, of the Brighton & Hove Local Plan.*

**BH2007/04231-** Demolition of existing bungalow and erection of new bungalow and chalet bungalow with parking for 4 vehicles. Refused 05/06/2008 for the following reasons:

1. *Cumulatively the proposal, by virtue of siting, relationship between each of the proposed dwellings, inadequate amenity space and impact on neighbouring amenity represents an unsuitable, overdevelopment of the site. As such the proposal is contrary to policies QD1, QD2, QD3, QD27, HO4 and HO5 of the Brighton and Hove Local Plan.*
2. *The proposal by virtue of the siting of Houses 1 & 2 and their relationship to one another would result in an unacceptable level of overlooking and loss of privacy for future occupiers of House 2, in that the rear amenity space for House 2 would be completely overlooked by House 1. Furthermore, the applicant has failed to demonstrate that the proposed dwellings would have a satisfactory relationship to the 'approved' dwellings at 128 Longhill Road. Finally the first floor bedroom window in the side elevation of House 1 would provide direct views onto the roof terrace of No.124 Longhill Road. Cumulatively the applicant has failed to demonstrate that the proposed dwellings would not lead to a loss of amenity for future occupiers as well as*

- occupiers of neighbouring properties. Consequently the proposal is contrary to policy QD27 of the Brighton and Hove Local Plan.*
3. *The proposed external amenity space for House 2 would be completely overlooked by House 1 and by the 2no. approved dwellings on the adjacent plot (128 Longhill Road). Taking account of the close proximity of the aforementioned properties to House 2 and the significant changes in ground level it is considered that an unacceptable level of overlooking would occur. The resultant provision of amenity space would be out of keeping with this suburban locality where predominantly neighbouring properties benefit from generous plots with gardens that are not located in such close proximity to neighbouring dwellings. Consequently the applicant has failed to demonstrate that there is sufficient private usable outside amenity space for each unit of accommodation appropriate to the scale and character of development in this area. As such the development is contrary to policy HO5 of the Brighton and Hove Local Plan.*
  4. *The internal layout of House 2 does not appear to include a bathroom/shower room. Consequently it has not been adequately demonstrated that the development will not lead to a loss of amenity for future occupiers of House 2, contrary to policy QD27 of the Brighton & Hove Local Plan.*
  5. *The proposal by virtue of insufficient vehicular access would result in a risk to users of the public highway. Furthermore the proposed number of parking spaces, 6 in total, exceeds the maximum standards for dwellings outside of a controlled parking zone. As such the proposal is contrary to policies TR1, TR7, TR19 of the Brighton & Hove Local Plan and Supplementary Planning Guidance Note 4: Parking Standards.*

128 Longhill Road:

**BH2008/03328-** Construction of four houses. Existing dwelling to be demolished. Approved 20/11/2008

**4 THE APPLICATION**

- 4.1 Planning permission is sought for the erection of a new chalet bungalow fronting Wanderdown Road and a separate single storey two-bedroom dwelling in the rear garden accessed from the existing accessway fronting Longhill Road.

**5 PUBLICITY & CONSULTATIONS**

**External:**

5.1 **Neighbours:**

**Eleven (11) letters have been received from 122, 128a, 130, 130a (x3) Longhill Road; 19, 21, 23 (x2) Wanderdown Road; and Heron Estates (owners of the access from Longhill Road), objecting to the proposed development for the following reasons:**

- Development is contrary to previous appeal inspectors decision
- Adding a dwelling adjacent to Wanderdown Road is detrimental to the streetscene
- Loss of views
- Amenity space insufficient compared to locality

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- Overdevelopment
- Density of development not compatible with surrounding area
- Bats and badgers in the locality (but not at the site). Bat flight lines not addressed. Loss of habitats
- There are bats on the site
- Building work should be serviced from Longhill Road
- Access should remain via Longhill Road; access via Wanderdown Road is unnecessary
- Previous access from Wanderdown Road was rarely used
- Overlooking, loss of privacy and noise disturbance
- Increased traffic noise and pollution
- Water run-off
- Lighting disturbance
- Insufficient landscaping proposals
- The applicants do not own the access from Longhill Road, they only have right of way
- Visibility and highway safety issues from use of driveway to Longhill Road
- Insufficient access to Unit 2 for refuse, fire and emergency services
- Driveway too steep

5.2 **Internal:**  
**Ecology:** No objection.

5.3 **Sustainable Transport:** No objection.

5.4 **Environmental Health:** No objection.

5.5 **Arboriculture:** No objection.

5.6 **Access:** No objection.

## 6 MATERIAL CONSIDERATIONS

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

6.2 The development plan is:

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

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

## **7 RELEVANT POLICIES & GUIDANCE**

### The National Planning Policy Framework (NPPF)

#### Brighton & Hove Local Plan:

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

#### Supplementary Planning Guidance:

- SPGBH4 Parking Standards

#### Supplementary Planning Documents:

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

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

- SS1 Presumption in Favour of Sustainable Development
- CP8 Sustainable buildings

## **8 CONSIDERATIONS & ASSESSMENT**

- 8.1 The main considerations in the determination of this application relate to the design and appearance of the proposed development and its impact on the street scene, the impact on the amenities of adjacent occupiers, the standard of accommodation to be provided, sustainability and transport issues.
- 8.2 At present, there is no agreed up-to-date housing provision target for the city against which to assess the five year housing land supply position. Until the City Plan Part 1 is adopted, with an agreed housing 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 **Design and Appearance:**  
Policy QD1 of the Brighton & Hove Local Plan states that “all proposals for new buildings must demonstrate a high standard of design and make a positive contribution to the visual quality of the environment.” Furthermore, the policy advises that “unless a development proposal is within an area featuring a distinctive historic style of architecture, replication of existing styles and pastiche designs will be discouraged”. Policy QD2 states that all new developments shall emphasise and enhance the positive qualities of the local neighbourhood, by taking into account the local characteristics, including a) the height, scale, bulk and design of existing buildings.
- 8.5 The former dwelling and garage on the site has been demolished and the entire site is now vacant and cleared. The plans detail the site would be divided into two plots. The main plot fronting Wanderdown Road would follow the rear plot boundaries to the street and therefore be proportionate to the character of the area. The new rear boundary would create a second plot 13m in depth and 35m in width on lower ground to the rear. This plot would broadly align with other backland plots in the area, notably 136 Longhill Road directly adjacent to the north. The size and position of both plots is such that their appropriate development can be supported in principle having regard the context and mixed character of the area
- 8.6 Unit 1 (fronting Wanderdown Road)  
The proposed dwelling within the plot fronting Wanderdown Road would align with the building line to the street and be broadly the same height and footprint as the adjacent bungalows to the north. The building would be single storey to the front with a lower ground floor leading onto the rear garden. The roof would have a split pitch with a front gable and would complement the similar dual pitch bungalows adjacent. The plans detail the building would be completed in facing



brick with grey cedar weatherboarding to the front elevation and rear gable. The roof would be fibre cement slate with a larch fascia, and the windows would be grey aluminium. This mix of materials and finishes is considered broadly acceptable given the mixed character of the street.

8.7 Unit 2 (rear garden)

The proposed dwelling in the plot within the rear part of the garden would be 'L' shaped and single storey in height with a mono-pitch roof to the main body running alongside the boundary with Unit 1. A separate pitched roof garage would sit to the north side. Given the fall in land through the site Unit 2 would sit considerably lower to Wanderdown Road and below rear garden level to Unit 1. As such it would not be visible from Wanderdown Road. Likewise its backland position rear of 128, 128a, 130 & 130a Longhill Road is such that it would not be visible from Longhill Road.

8.8 The development of this rear part of the site has previously been refused planning permission on both amenity and design grounds (see planning history above). The appeal inspector for the last application BH2013/02177 considered that a chalet bungalow was unacceptable on this part of the site on the grounds that the scale and bulky roof to the dwelling was deemed excessively large, and the proximity of the dwelling would have had an overbearing impact on 130 Longhill Road.

8.9 The plans for the chalet bungalow indicated it would have been set 7m rear of 130 Longhill Road with a depth of 8m and height of 6.5m. The appeal inspector noted the existing backland development in the area and considered this, in combination with the overall size of the dwelling and its bulky roof, represented a cramped form of development that would not complement its surroundings.

8.10 The proposed dwelling is of a significantly reduced single storey form and is now positioned at the rear of the plot away from the new dwellings at 130 & 130a Longhill Road. This gives the building more breathing space than the previous proposals, with the building now set between 7m and 12m from the new properties at 130 & 130a Longhill Road, 10.3m from Unit 1, and with a maximum height of 3.8m. The revised position of the dwelling and its reduced single storey scale and form is such that the concerns that prompted the refusals of the previous schemes and appeal are considered to have been overcome. The proposed dwelling would sit more comfortably in its plot retaining a good sized garden to the rear/south side proportionate to those elsewhere in the immediate area. Consequently it would not appear unduly cramped and would not result in a harmful overdevelopment of the site or surrounds.

8.11 The resultant building is now considered suitably positioned, scaled and designed in relation to adjacent buildings and the surrounding development pattern, in accordance with policies QD1 & QD2 of the Brighton & Hove Local Plan.

8.12 Trees and Landscaping:

The site and all vegetation within it has been cleared. There remains boundary hedging to the north and south sides and semi-mature trees adjacent to the western site boundary. The Council's Arboriculturalist has raised no objection to

the clearing of the site and the proposed development subject to suitable fencing being erected to protect the remaining trees and hedges. This is secured by condition alongside a finalised landscaping scheme.

- 8.13 An Extended Phase 1 Habitat Survey has been submitted with the application. The survey addresses the ecological interest of the site prior to its clearance. The survey identifies that the site was of little ecological interest with no protected species present, and recommends that suitable ecological enhancements are included in any permission to include bird and bat boxes and use of native species. This is secured by condition.

**8.14 Standard of Accommodation:**

Both dwellings are of a good size with good access to natural light and ventilation with a good sized private rear gardens retained, in accordance with policies QD27 and HO5 of the Brighton & Hove Local Plan.

- 8.15 Policy HO13 requires all new residential dwellings to be built to Lifetime Homes standards whereby they can be adapted to meet people with disabilities without major structural alterations. No details have been submitted however full compliance is secured by condition.

**8.16 Impact on Amenity:**

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

**8.17 Unit 1:**

Unit 1 would sit directly alongside 16 Wanderdown Road in a more advanced position than the former dwelling on the site. The two side facing windows to no.16 are non-principal, with the front-most having previously faced the side wall to a garage. As such the proposed dwelling would not have a harmful impact in terms of light and outlook to no.16. To the rear the proposed terrace would align with the rear elevation of no.16, thereby ensuring no views into the rear windows of this property. Both nos. 14 & 16 Wanderdown Road have a similar rear terraces which result in mutual overlooking of their respective rear gardens. The addition of a further terrace for unit 1 would result in the overlooking of the rear garden to no.16, however the level of overlooking between the properties would be mutual and not be out of character with that which prevails in the area.

- 8.18 No 124 Longhill Road adjacent to the south is set at a suitable separation such that there would be no significant loss of amenity by way of overlooking or loss of light or outlook from the building, side or rear terraces, with the boundary fencing providing suitable screening.

- 8.19 The position and layout of Unit 2 on lower ground level to the west is sufficient to ensure that any overlooking from the terrace into Unit 2 would be blocked by its mono-pitched roof.

**8.20 Unit 2:**

Unit 2 is single storey and set below garden level to the properties on Wanderdown Road. As such it would not result in any amenity impact on these properties. Similarly there is a suitable separation to 136 Longhill Road to north to avoid any amenity concerns. The main potential impact would be to the east to the new dwellings at 130 & 130a Longhill Road. These are set on lower ground to Unit 2 with boundary fencing and trees within their gardens providing good screening. This boundary treatment would protect the privacy of the rear gardens and ground floor windows to both dwellings. The only window that would be impacted are a stairwell window, landing window and 'study' window to both dwellings. These are non-principal windows set above ground floor level to Unit 2 therefore any overlooking would be of minimal impact and harm.

8.21 For these reasons the proposed development accords with policy QD27 of the Brighton & Hove Local Plan.

**8.22 Sustainable Transport:**

Policies TR1 and TR7 aim to ensure that proposals cater for the demand in traffic they create, and do not increase the danger to users of adjacent pavements, cycle routes and roads.

8.23 The proposal details that Unit 1 would be served by the existing hardstanding fronting Wanderdown Road, whilst Unit 2 would be served by the existing accessway from Longhill Road. As such the vehicular access and parking arrangements would be broadly the same as existing. Secure covered cycle parking is detailed within the garages to each property. The Sustainable Transport officer has raised no objection to this arrangement. On this basis the proposal accords with policies TR1, TR7 & TR14 of the Brighton & Hove Local Plan.

**8.24 Sustainability:**

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. Both dwellings fall outside the footprint of the existing building on previously undeveloped garden land. In such incidences SPD08 advises that proposals should include a completed sustainability checklist, should achieve Level 5 of the Code for Sustainable Homes, and should meet all Lifetimes Homes Standards. However, the main modifications to the submission City Plan Part One reduce the expected sustainability requirements for greenfield development from Level 5 to Level 4 and this is the level currently now being sought.

8.25 The application is supported with a Sustainability Checklist and supporting documentation which details that Unit 1 will achieve Level 3 of the Code and Unit 2 Level 5. A condition is attached to ensure both units achieve level 4 of the Code for Sustainable Homes in line with policy CP8. Subject to this condition the proposed development would meet the sustainability criteria set out in policy SU2 and SPD08. Suitable refuse and recycling details are included on the submitted plans and secured by condition.

**8.26 Other matters:**



The plans detail that a right of way to 14 Wanderdown Road through the north part of the lower plot would be retained. Representations have been received identifying that the access driveway from Longhill Road is not under sole ownership of the applicants (only a narrow 10ft strip of the driveway is controlled by the applicant), and that this would restrict the right of vehicles accessing Unit 2. Land ownership matters are not normally material planning considerations however in this instance regard should be had to the possibility that vehicular access to Unit 2 may be restricted. The access is 50m long on rising land. Sustainable Transport officers have raised no objection to the possibility that occupiers of Unit 2 may be unable to use the drive for vehicular access, identifying that suitable street parking is available in the area. Whilst the driveway is long, pedestrian access would remain.

8.27 In terms of access for fire appliances, this is normally a matter addressed under the Building Regulations. Fire appliances normally require a maximum 45m from the street to the rearmost part of the building, although a 90m distance can be accepted if sprinkler systems are installed. In this instance the distance from Longhill Road to the rearmost part of Unit 2 is approximately 75m therefore suitable fire access would appear possible.

## 9 CONCLUSION

9.1 The proposed development is of a suitable layout, scale and design that would complement the character of the surrounding area and would have an acceptable impact on the amenities of adjacent properties, in accordance with development plan policies.

## 10 EQUALITIES

10.1 The development is required to meet Lifetime Homes standards

## 11 PLANNING OBLIGATION / CONDITIONS / INFORMATIVES

### 11.1 Regulatory Conditions:

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

Plan Type	Reference	Version	Date Received
Existing site plan and block plan	3488.EX.00	A	28/01/2015
Existing site plan	3488.EX.01	A	03/03/2015
Proposed site plan and block	3488.PL.00	B	03/03/2015

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plan			
Proposed overall site plan	3488.PL.01	A	03/03/2015
Unit 1 floor plan	3488.PL.02	-	22/01/2015
Unit 1 floor plan, elevations and sections	3488.PL.02	-	22/01/2015
Unit 2 floor plan	3488.PL.04	A	03/03/2015
Unit 2 elevations and sections	3488.PL.05	A	03/03/2015

- 3) No extension, enlargement or alteration of the dwellinghouses as provided for within Schedule 2, Part 1, Classes A - B of the Town and Country Planning (General Permitted Development) (England) Order 2015, 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) If during construction, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing by the Local Planning Authority), shall be carried out until a method statement identifying, assessing the risk and proposing remediation measures, together with a programme, shall be submitted to and approved in writing by the Local Planning Authority. The remediation measures shall be carried out as approved and in accordance with the approved programme.

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

11.2 Pre-Commencement Conditions:

- 5) No development above ground floor slab level of any part of the development hereby permitted shall take place until samples of all materials to be used in the construction of the external surfaces of the development have been submitted to and approved in writing by the Local Planning Authority, including (where applicable):
- samples of all brick, render and tiling (including details of the colour of render/paintwork to be used)
  - samples of all cladding to be used, including details of their treatment to protect against weathering
  - samples of all hard surfacing materials
  - samples of the proposed window, door and balcony treatments
  - samples of all other materials to be used externally

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

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

- 6) No development shall commence until fences for the protection of trees and hedges to be retained in and adjacent to the site have been erected in accordance with a scheme which has been submitted to and approved in writing by the Local Planning Authority. The fences shall be erected in accordance with BS5837 (2012) and shall be retained until the completion of the development and no vehicles, plant or materials shall be driven or placed within the areas enclosed by such fences.  
**Reason:** As this matter is fundamental to protecting the trees which are to be retained on and adjacent to the site during construction works in the interest of the visual amenities of the area and to comply with policies QD1 and QD16 of the Brighton & Hove Local Plan.

11.3 Pre-Occupation Conditions:

- 7) Prior to first occupation of the development hereby permitted, a scheme for landscaping shall have been submitted to and approved in writing by the Local Planning Authority. The scheme shall include the following:
- details of all hard surfacing;
  - details of all boundary treatments;
  - details of all proposed planting, including numbers and species of plant, and details of size and planting method of any trees.
- All hard landscaping and means of enclosure shall be completed in accordance with the approved scheme prior to first occupation of the development. 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 first 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.  
**Reason:** To enhance the appearance of the development in the interest of the visual amenities of the area and to comply with policies QD1 and QD15 of the Brighton & Hove Local Plan.
- 8) 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 Submission City Plan Part One.
- 9) Prior to first occupation of the development hereby permitted a scheme to enhance the nature conservation interest of the site in accordance with the recommendations set out in the Extended Phase 1 Habitat Survey

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received on 22 January 2015 shall have 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 first 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.

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

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

- 11) 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.

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

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

### 11.4 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:-

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The proposed development is of a suitable layout, scale and design that would complement the character of the surrounding area and would have an acceptable impact on the amenities of adjacent properties, in accordance with development plan policies.

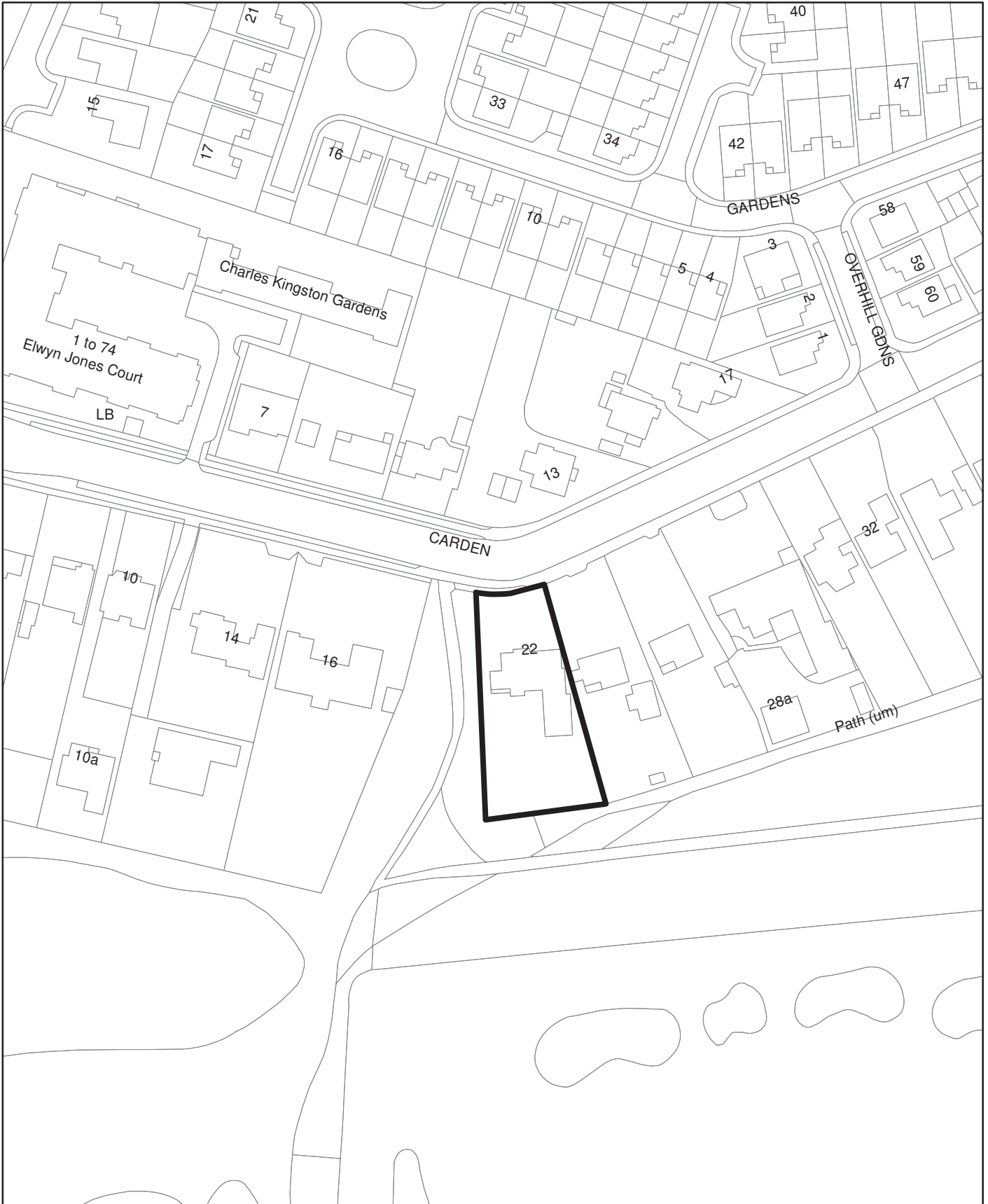


# **ITEM B**

**22 Carden Avenue, Brighton**

**BH2014/03875**  
**Full planning**

**5 AUGUST 2015**



**Brighton & Hove  
City Council**



**Scale: 1:1,250**



PLANNING COMMITTEE LIST- 5 AUGUST 2015

<b><u>No:</u></b>	<b>BH2014/03875</b>	<b><u>Ward:</u></b>	<b>PATCHAM</b>
<b><u>App Type:</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>22 Carden Avenue Brighton</b>		
<b><u>Proposal:</u></b>	<b>Demolition of existing day care centre (D1) and erection of two storey care home (C2).</b>		
<b><u>Officer:</u></b>	Adrian Smith Tel 290478	<b><u>Valid Date:</u></b>	05 December 2014
<b><u>Con Area:</u></b>	N/A	<b><u>Expiry Date:</u></b>	30 January 2015
<b><u>Listed Building Grade:</u></b>	N/A		
<b><u>Agent:</u></b>	David Sayer and Associates Ltd, The Manor Farm, Manor Road North Thames Ditton KT7 0BH		
<b><u>Applicant:</u></b>	CMG Ltd, The Care House, Randalls Way, Leatherhead KT22 7TW		

This application was deferred from Committee on 3<sup>rd</sup> June 2015 to allow further ecological assessments/surveys to be carried out and for comments to be received from the County Ecologist.

**1 RECOMMENDATION**

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

**2 SITE LOCATION & DESCRIPTION**

- 2.1 The application site comprises a detached chalet style bungalow which was last used as a day care centre for up to 12 persons with learning disabilities. The property has a large rear garden which slope upwards steeply towards the rear of the site with some terraced level areas.
- 2.2 The section of Carden Avenue in the vicinity of the application site is primarily characterised by detached houses of mixed design set back from the highway with driveways and gardens between. A number of nursing homes and nurseries sit to the east of the site, including a recently completed large care home at the junction of Carden Avenue with London Road (Maycroft Manor Care Home).
- 2.3 No. 24 Carden Avenue to the west forms a detached chalet style residential bungalow. A footpath to woodland to the rear sits to the east, with a retirement home beyond.

**3 RELEVANT HISTORY**

**BH2014/03938** (24 Carden Avenue) - Demolition of existing three bedroom dwelling and erection of 2no semi-detached four bedroom dwellings. Approved 27/03/2015.

**BH2013/04299** (22 & 24 Carden Avenue) - Demolition of existing day care centre and chalet bungalow and erection of 4no semi-detached and 1no detached four bedroom houses (C3). Approved 10/04/2014.

**BH1997/01422/FP22** (22 Carden Avenue) - Change of use of existing building to Day Care Centre for adults with severe physical and learning disabilities. Approved 29/01/1998.

**BH2010/02709** (287 Dyke Road Hove) - Erection of single storey detached building to West. Approved 03/11/2010.

#### **4 THE APPLICATION**

- 4.1 Planning permission is sought for the demolition of the existing day care centre (D1) and the erection of a three storey care home (C2) to provide residential care accommodation for 16 persons with learning disabilities.

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

##### **External**

- 5.1 **Neighbours: Nine (9)** letters have been received from **24 (x5) & 26 Carden Avenue; 58 Overhill Gardens (x2); and 145 Sackville Road**, objecting to the proposed development for the following reasons:
- Increased traffic
  - Unsafe access and exit arrangements as visibility obscured by parked vehicles. Reversing onto highway likely
  - Increased street parking. Existing levels have increased following the recent completion of the care home at the end of Carden Avenue (Maycroft)
  - Insufficient onsite parking
  - Insufficient space for vehicles to turn within the site
  - The flat roofed design is at odds with surrounding pitch roofed developments
  - The proposal is for a three storey building, not two
  - Recent new residential care homes in the area have changed its character and resulted in the loss of houses
  - The building is too large for the site
  - Loss of light to first floor windows adjacent
  - Noise disturbance from future occupants who may have behavioural problems
  - Overlooking of the site from public footpaths to the rear
  - There is evidence of slowworms and badgers on the site
  - The western site boundary alongside the entrance to Withdean Park unlawfully encroaches onto Council land
  - Loss of light to the pathway into Withdean Park
- 5.2 **Councillor Theobald** and **former Councillor Pidgeon** have objected. A copy of the letter is attached to this report.
- 5.3 **Southern Water: No objection**

5.4 **UK Power Network:** No objection

**Internal:**

5.5 **Sustainable Transport:** No objection

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

5.6 The proposed change of use from a day centre to a care home is unlikely to generate a significant increase in additional trips to the site therefore the Highway Authority has no objections. The Highway Authority does request that a travel plan condition is attached to encourage the use of sustainable modes of transport to the site by staff, residents and visitors.

5.7 The applicant is intending to use an existing vehicular crossover onto Carden Avenue. The access is on the outside of the bend and benefits from good levels of visibility. However, the Highway Authority is aware of recent changes in the nature of on-street parking in the immediate vicinity of the site. This has led to more vehicles parking on and around the bend where the existing access is sited. This has resulted in road safety concerns in relation to both visibility and swept path movements of vehicles through the bend.

5.8 It is acknowledged that in a response by the Highway Authority to a previous proposal at the same site (22 & 24 Carden Avenue, BH2013/04299) no request was made for parking restrictions. It should be noted that there was an alternatively sited access proposed, the road safety concerns were not apparent at that time and the level of movement was not deemed to be as frequent.

5.9 In order to ensure a safe access and egress to the site the Highway Authority would look for the applicant to fund the necessary TRO to implement double yellow line restrictions on the bend of Carden Avenue immediately outside the site. This should be secured by a S106 or a unilateral undertaking of £2000.

5.10 **Arboriculture:** No objection

5.11 **County Ecology:** No objection

The proposed development is unlikely to have a significant impact on biodiversity and can be supported from an ecological perspective. The site offers opportunities for biodiversity enhancements that will help the Council address its duties and responsibilities under the Natural Environment and Rural Communities Act and NPPF.

**6 MATERIAL CONSIDERATIONS**

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

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

## 7 RELEVANT POLICIES & GUIDANCE

### The National Planning Policy Framework (NPPF)

#### Brighton & Hove Local Plan:

TR1	Development and the demand for travel
TR4	Travel plans
TR5	Sustainable transport corridors and bus priority routes
TR7	Safe development
TR8	Pedestrian routes
TR13	Pedestrian network
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
SU4	Surface run-off and flood risk
SU5	Surface water and foul sewerage disposal infrastructure
SU9	Pollution and nuisance control
SU10	Noise nuisance
SU13	Minimisation and reuse 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
QD5	Street frontages
QD15	Landscape design
QD16	Trees and hedgerows

- QD17 Protection and integration of nature conservation features
- QD18 Protected species
- QD27 Protection of amenity
- QD28 Planning obligations
- HO11 Residential care and nursing homes

Supplementary Planning Guidance:  
SPGBH4 Parking Standards

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

Brighton & Hove City Plan Part One (submission document)

- SS1 Presumption in Favour of Sustainable Development
- CP8 Sustainable buildings

## **8 CONSIDERATIONS & ASSESSMENT**

- 8.1 The main considerations in the determination of this application relate to the principle of the loss of the day care centre and erection of a care home, the design of the proposal and its impact on the character of the area, transport impacts as well as landscape and sustainability considerations
- 8.2 Principle of change of use  
The site is currently vacant having been last in use as a day care facility for disabled children (Use Class D1). Permission for this use (BH1997/01422/FP) restricted hours of operation from 9am-4.30 on weekdays only, and restricted the number of persons onsite to 15. A number of other nursing/rest homes and sheltered housing schemes are sited within the locality, most notably at Maycroft to the east of the site. Planning permission has previously been granted for the loss of the day care facility at 22 Carden Avenue under application BH2013/04299 and its replacement with five dwellings across the site of both 22 & 24 Carden Avenue.
- 8.3 Policy HO20 states that permission will not be granted for the loss of community facilities such as day care facilities unless when an exception applies. Exceptions apply when:
- a) The community use is incorporated, or replaced within a new development; or
  - b) The community use is relocated to a location which improves its accessibility to its users; or
  - c) Existing nearby facilities are to be improved to accommodate the loss; or
  - d) It can be demonstrated that the site is not needed, not only for its existing use but also for other types of community use.
- 8.4 An assessment of the site has been submitted with the application which identifies a number of shortcomings that restrict the site's ability to continue to function as a day care facility. These focus on the layout, form and condition of

the building which is in a generally poor state of repair and the sloping nature of the rear garden that restricts outside activities. The application also identifies that the day care use has been relocated to new facilities at 287 Dyke Road (BH2013/03457), thereby ensuring there is no net loss of day care facilities in the city. Accordingly the loss of the day care facility at this site is considered acceptable in accordance with exception tests a) and b) as set out in policy HO20 of the Brighton & Hove Local Plan.

- 8.5 Policy HO11 states that permission will be granted for new residential care homes where it can be demonstrated that the proposal:
- a) will not adversely affect the locality or neighbouring properties by way of noise or disturbance, or by way of size, bulk or overlooking;
  - b) provision of adequate amenity space- (a minimum depth of 10m and not less than 25m<sup>2</sup> per resident- although a lower standard may apply for nursing homes where residents are less mobile);
  - c) is accessible to people with disabilities; and
  - d) provides for operational parking in accordance with council's standards.
- 8.6 The proposed building would provide residential care (Use Class C2) for up to 16 persons with learning disabilities set in two linked 8-bed units. The application identifies that the building would replace two other care homes in the area run by the applicants at 4 Vallance Gardens and 72-74 Walsingham Road which currently do not meet current Care Standards. The building would provide suitable amenity space, disabled facilities, and operational parking in accordance with criteria b)-d) of policy HO11. Matters relating to impact on the locality and neighbouring amenities are addressed separately below and considered acceptable. Accordingly the principle of providing new residential care facilities in the manner proposed is considered acceptable in accordance with policy HO11 of the Brighton & Hove Local Plan.
- 8.7 **Design and Character**  
Policies QD1, QD2, QD3 and QD5 of the Brighton & Hove Local Plan set out design criteria for applications of the nature proposed. These policies require proposals to make an efficient and effective use of the site, contributing positively to the visual quality of the environment, addressing key principles for the neighbourhood in terms of height, scale bulk and design, whilst providing an interesting and attractive street frontage.
- 8.8 As existing the site forms a single storey bungalow with large extensions to the rear. The building is in a poor state of repair. The extant permission on the site is for three three-storey buildings of similar appearance to that proposed, with brick and rendered elevations and inset top floors completed in a grey lead-effect membrane. Whereas the extant permission sat three buildings across both 22 & 24 Carden Avenue, the proposed single building development sits on the site of 22 Carden Avenue only. As a result the building has a wider footprint and is set deeper on the west side than those to the extant scheme. The building is also wider than that recently approved at no.24 adjacent. Although a bulky addition to the site, the plans detail that the building would be set suitably off the east and west boundaries, would be set behind the building line of the existing bungalow, and would be of the same overall height as both extant schemes. Further the



absence of any buildings directly to the west provides suitable tree screening and space around the building that lessens the impact of its bulk. As such it is considered that the building can be suitably accommodated within the site without resulting in an excessive overdevelopment of the site. The overall design approach is consistent with both extant schemes and would broadly match that approved at no.24 adjacent.

8.9 For these reasons the proposed development is considered suitably scaled, positioned and designed such that it would not harm the overall appearance of the site or wider street scene in accordance with policies QD1, QD2 & QD3 of the Brighton & Hove Local Plan.

8.10 Trees and landscaping

An Arboricultural Implication Study and Method Statement has been submitted with the application. No trees are to be removed to facilitate the development. A number of trees sit along the west side and rear boundaries that may be impacted by the proposals. The Study identifies that those closest to the proposed building form a group of low quality self-seeded Ash trees approximately 10m in height. A further poor quality Sycamore also sits close to the proposed building. These would be unaffected by the development. A large lime tree sits close to the front west corner of the site with a large Beech to the rear west corner. The Study identifies that the root protection zones to both trees sit well into the site, but would not otherwise be disturbed by the proposed development. A condition is attached to ensure the protective fences identified in the Method Statement are installed for the duration of works. The Council's Arboriculturalist has raised no objection on this basis. Subject to this condition the proposed development would accord with policy QD16 of the Brighton & Hove Local Plan.

8.11 In terms of landscaping, the plans detail areas of planting around the front parking areas and terracing to the rear garden. The terracing would be similar to existing, being in the main set at or below existing ground levels. Final details of all hard and soft landscaping, including details of all planting and boundary treatments, are secured by condition.

8.12 A resident has identified protected species as being likely present on the site. The applicants have commissioned a Biodiversity Report and Ecological Audit to identify whether protected species are present onsite. The County Ecologist has commented on the reports and concluded that the proposed development is unlikely to have a significant impact on biodiversity provided the recommended mitigation measures to take a precautionary approach during site clearance are undertaken.

8.13 **Impact on Amenity**

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

8.14 The main impact would be on the amenities of the adjacent occupiers to the east at 24 Carden Avenue. There are no properties to the rear or west sides that

would be impacted. The proposal would not appreciably impact on the amenities of the approved development at 24 Carden Avenue.

- 8.15 No.24 Carden Avenue forms a two storey detached house set broadly level with the bungalow. There are first floor windows in the east side elevation serving a master bedroom that look across the roof of the bungalow. As initially proposed, the first and second floors of the three storey building proposed would have sat within 5.6m and 6m respectively of the closest window and considerably reduced light and outlook to the room in general. The plans have subsequently been amended to increase the separation and reduce the extent of the top floor. The arrangement and relationship now proposed closely matches that approved with no.26 (which is identical in layout to no.24) under planning consents BH2013/04299 & BH201403938. The closest window to no.24 would now sit 6.4m and 7.5m from the first and second floors respectively, similar to the 7m and 7.7m separation approved at no.22. The reduction in the depth of the top floor from 11.2m to 8.6m would also improve light levels and outlook to the rear. A daylight and outlook analysis plan has been submitted which shows that the roof of the proposed building would not break a 25° line from the first floor windows to no.24 (the threshold set out in BRE guidance whereby loss of light may become appreciable). The analysis also shows that the angle of unrestricted outlook to the front and rear from the two bedroom windows would be broadly identical to that approved to no.22. For these reasons, whilst the two bedroom windows would lose some outlook and be more enclosed than existing, this impact would be broadly the same as that approved under BH2014/03938 on no.22 adjacent. Consequently it is not considered that the degree of harm to these windows would be so significant as to warrant the withholding of permission.
- 8.16 All first and second floor windows to the flank walls of the proposed building that face no.24 are detailed to be obscurely glazed bathroom windows therefore no significant overlooking would arise. This is secured by condition.
- 8.17 The plans include spot levels which show that the rear part of the garden and the proposed terrace to the west side are at the same level as existing, with the lower terrace set marginally below existing floor level and between 1.3m and 2.3m below garden level to no.24 adjacent. This is sufficient to ensure the proposed landscaping works and amenity spaces would not result in additional overlooking potential.
- 8.18 Objections have been raised concerned at potential noise disturbance from occupants of the development. Given the residential care nature of the proposal, it would be unreasonable to restrict outside use of the site or request a management plan. Noise associated with 16 residents would unlikely to be significantly greater than noise generated by the 15 persons permitted at the existing day care centre, notwithstanding the proposed outside areas being set closer to the boundary with no.24.
- 8.19 For the reasons set out above the proposed development would not result in significant amenity harm, in accordance with policy QD27 of the Brighton & Hove Local Plan.



**8.20 Sustainable Transport:**

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

8.21 The site as existing provides parking for approximately 7 vehicles on a front hardstanding access via a central dropped kerb onto Carden Avenue. The proposal seeks to formalise the 7 parking bays, including a disabled parking bay, and retain the central access point. The plans detail that the existing tall front boundary fencing is to be replaced with a low 0.6m high wall with railings above. This would improve pedestrian and vehicular visibility in and around the site. Appropriate secure covered cycle parking is proposed in the side passageway and is secured by condition.

8.22 Objections have been received citing increased parking pressure in the area and associated highway safety issues from parked vehicles on the highway. It was noted during the site visit that levels of street parking along Carden Avenue are high and limit visibility in places, most notably outside the application site. Sustainable Transport officers have raised no objection to the proposed development, noting the site is located on the outer side of a curve in the street and generally provides for good lines of sight along the carriageway for existing vehicles (assuming there are no parked vehicles on street). Sustainable Transport officers have calculated that trip generation from the site would be broadly similar to existing trip generation from the day care centre, and that the seven parking spaces meets the maximum standards set out in SPGBH4. However, as parked vehicles do obstruct visibility at this point in the road, Sustainable Transport officers have recommended that the applicants fund the provision of double yellow lines outside and opposite the site to enable safer access and egress onto Carden Avenue. This is considered necessary given that the site would now generate traffic movements throughout the day and night rather than during the current limited opening hours. An appropriate contribution is secured within the Heads of Terms. Two cycle parking spaces are proposed which meets the requirements of SPGBH4. Final details are secured by condition.

8.23 Subject to these conditions the proposal would accord with policies TR1, TR7 & TR14 of the Brighton & Hove Local Plan.

**8.24 Sustainability**

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. Both SPD08 and policy CP8 of the submission City Plan Part One require all new non-residential development to meet BREEAM 'Very Good'. The application states that the building will include sustainable measures such as low energy hot water and heating systems and good insulation amongst others, but does not state a particular standard would be met. In this instance a condition is attached to ensure BREEAM 'very good' is secured in line with policy. Appropriate refuse and recycling facilities are proposed within the side passageway and are secured by condition.

**8.25 Other Matters**

The owner of 24 Carden Avenue adjacent has confirmed that the joint development of 22 & 24 Carden Avenue (BH2013/004299) is no longer being pursued, and that their development of 24 Carden Avenue (BH2014/03938) is not viable and also will not be pursued. Notwithstanding this, this application is determined on the basis of both no.24 remaining in situ and being redeveloped as per the extant permission as circumstances may change in the future.

8.26 Matters relating to land ownership and the lawfulness of the western boundary line are not material planning considerations. In any event, the applicants have confirmed in writing that they own the entire application site.

**9 CONCLUSION**

9.1 The proposed development would provide residential care accommodation for up to 16 persons with learning disabilities within a suitably scaled, positioned and designed building that would not harm the appearance of the site or wider street scene. Further the building, as revised, would not substantially harm the amenities of adjacent occupiers and would suitably mitigate its impact on the safe operation of the public highway, in accordance with development plan policies.

**10 EQUALITIES**

10.1 The development would be Part M compliant and includes level thresholds and wheelchair accessible bedrooms.

**11 PLANNING OBLIGATION / CONDITIONS / INFORMATIVES**

**11.1 S106 Heads of Terms**

- Contribution of £2000 to amend the Traffic Regulation Order to provide double yellow lines on both sides of Carden Avenue outside the site.

**11.2 Regulatory Conditions:**

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

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Plan Type	Reference	Version	Date Received
Site location plan	01	-	18/11/2014
Existing site plan	02	-	18/11/2014
Existing street scene	03	-	24/11/2014
Proposed site plan	03	B	01/06/2015
Proposed site setting out plan	04	A	01/06/2015
Proposed floor plans	05	B	01/06/2015
Proposed elevations	06	B	01/06/2015
Comparison site plans	07		24/11/2014
	08	A	01/06/2015
Existing and proposed street scene	07	A	01/06/2015
Existing house	09	-	03/12/2014

- 3) The first and second floor windows in the east side elevation of the development hereby permitted shall be obscure glazed and non-opening, unless the parts of the window/s which can be opened are more than 1.7 metres above the floor of the room in which the window is installed, and 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) Access to the flat roofs over the development 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 policy QD27 of the Brighton & Hove Local Plan.
- 5) The vehicle parking area shown on the approved plans shall not be used otherwise than for the parking of private motor vehicles and motorcycles belonging to the occupants of and visitors to the development hereby approved.  
**Reason:** To ensure that adequate parking provision is retained and to comply with policy TR19 of the Brighton & Hove Local Plan.
- 6) The hard surface hereby approved shall be made of porous materials and retained thereafter or provision shall be made and retained thereafter to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the property.  
**Reason:** To reduce the risk of flooding and pollution and increase the level of sustainability of the development and to comply with policy SU4 of the Brighton & Hove Local Plan.
- 7) The development hereby permitted shall be carried out in accordance with the mitigation measures set out in Section 6 of the Baseline Ecology Audit received on 14 July 2015

**Reason:** To safeguard protected species from the impact of the development in accordance with policies QD17 and QD18 of the Brighton & Hove Local Plan.

11.3 Pre-Commencement Conditions:

- 8) No development above ground floor slab level of any part of the development hereby permitted shall take place until samples of all materials to be used in the construction of the external surfaces of the development have been submitted to and approved in writing by the Local Planning Authority, including (where applicable):
- a) samples of all 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, door and balcony treatments
  - e) samples of all other materials to be used externally

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

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

- 9) No development shall commence until the fences for the protection of the trees adjacent to the site as detailed within the Arboricultural Method Statement received on 18 November 2014 have been fully installed. 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:** As this matter is fundamental to protecting the trees which are to be retained on the site during construction works in the interest of the visual amenities of the area and to comply with policies QD1 and QD16 of the Brighton & Hove Local Plan.

11.4 Pre-Occupation Conditions:

- 10) 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 '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 policy CP8 of the Submission City Plan Part One.

- 11) Prior to first occupation of the development hereby permitted, a scheme for landscaping shall have been submitted to and approved in writing by the Local Planning Authority. The scheme shall include the following:
- a. details of all hard surfacing;
  - b. details of all boundary treatments;

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c. details of all proposed planting, including numbers and species of plant, and details of size and planting method of any trees.

All hard landscaping and means of enclosure shall be completed in accordance with the approved scheme prior to first occupation of the development. 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 first 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.

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

- 12) 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.

- 13) 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.

- 14) Within 3 months of first occupation of the development hereby approved, the applicant, owner or developer 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 (carers, staff, visitors, residents & suppliers).

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

### 11.5 Informatives:

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

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

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

The proposed development would provide residential care accommodation for up to 16 persons with learning disabilities within a suitably scaled, positioned and designed building that would not harm the appearance of the site or wider street scene. Further the building, as revised, would not substantially harm the amenities of adjacent occupiers and would suitably mitigate its impact on the safe operation of the public highway, in accordance with development plan policies.
3. The applicant is advised that a formal connection to the public sewerage system and water supply is required in order to service this development. Please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire, SO21 2SW (tel: 0330 303 0119) or [www.southernwater.co.uk](http://www.southernwater.co.uk)
4. The applicant is advised that the Travel Plan required under condition 13 shall include such measures and commitments as are considered necessary to mitigate the expected travel impacts of the development and should include as a minimum the following initiatives and commitments:
  - (i) Promote and enable increased use walking, cycling, public transport use, car sharing, and car clubs as alternatives to sole car use
  - (ii) A commitment to reduce carbon emissions associated with 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 a nominated member of staff to act as Travel Plan Co-ordinator, and to become the individual contact for the Local Planning Authority relating to the Travel Plan.
  - (vi) Provide information such as walking & cycle maps, public transport information to staff, residents and visitors, to promote the use of sustainable travel.
  - (vii) As part of staff induction personalised travel planning should be implemented for journeys to work.
5. The applicant is advised of the possible presence of bats on the development site. All species of bat are protected by law. It is a criminal offence to kill bats, to intentionally or recklessly disturb bats, damage or destroy a bat roosting place and intentionally or recklessly obstruct access

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to a bat roost. If bats are seen during construction, work should stop immediately and Natural England should be contacted on 0300 060 0300.



COUNCILLOR REPRESENTATION

Mr Andrew Huntley - Planning Officer  
Brighton and Hove City Council  
King's House  
Grand Avenue  
Hove  
BN3 2LS

20<sup>th</sup> January 2015

Dear Mr Huntley

**Planning Application BH2014/03875 - 22 Carden Avenue, Patcham**

We are writing to you in our capacity of Ward Councillors for Patcham formally to object to planning application BH2014/03875 - demolition of existing day care centre (D1) and erection of two storey care home (C2).

In summary, we believe that the planning application, as submitted, is incorrect in several respects.

Firstly, according to the submitted plans, the proposed development will be on three floors, not two as stated on the application form.

Secondly, the applicant states that there will be no gain or loss of residential units as a result of the proposal. This is not correct. Five houses, over 22 and 24 Carden Avenue, which have recently been granted planning permission, will be lost at a time when there is a dire shortage of good quality family housing in Brighton & Hove. We would mention that there is already a recently built 80-bed care home on the junction of Carden Avenue and London Road - Maycroft. This development was itself achieved by the destruction of what were eight attractive family homes. There is also another substantial residential care home between Maycroft and 22 Carden Avenue and, of course, Elwyn Jones Court on the other side of Carden Avenue.

Residents, a number of whom have contacted us, are concerned that the character of this part of Patcham is changing because of the number of care homes being built, and the parking chaos that this is causing.

Thirdly, the applicant states that the site is not within an area at risk of flooding. This again we believe is not true. The whole of Carden Avenue is clearly highlighted on the Environment Agency's maps as an area at high risk of surface water flooding. No flood risk assessment has been submitted by the applicant to show how this high risk could be alleviated. Also, this development will increase pressure on the already overloaded sewerage / water pipes along Old London Road and London Road.



COUNCILLOR REPRESENTATION

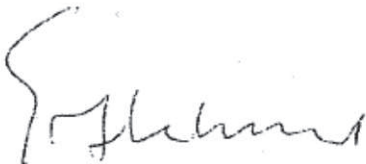
Our final objection relates to traffic issues and parking. The applicant states that the proposed development will have sixteen rooms for residents and that nineteen members of staff will be employed at the premises. This is not to mention the numerous visitors that there will inevitably be to such a care home. Yet the applicant is only proposing to provide seven general use parking spaces. It is inevitable, therefore, that there will be a large increase in demand for on-street parking in Carden Avenue and surrounding side roads.

This increase in on-street parking will potentially be dangerous as the site is situated on the bend of what is a very busy main road. Also, on-street parking will reduce the visibility of drivers of vehicles leaving the site.

As we predicted, the Maycroft care home is already causing considerable on-street parking problems, including the parking of vehicles on the pavement. Staff were supposed to be using bus services as part of an agreed Travel Plan, but many do not. These problems are so significant that the Council is considering introducing enforcement measures and/or applying double yellow lines. Either of these schemes will extend from London Road to Overhill Gardens of which 22 Carden Avenue is almost in the middle. Patcham Local Action Team, with Police presence, regularly discuss residents' concerns about the traffic situation in this part of Carden Avenue.

For all the above reasons, we urge you to reject the application under your delegated powers. However, should this not be the case, we ask that the application is brought before the Council's Planning Committee for determination and this letter be printed on the agenda.

Yours sincerely



Cllr. Brian Pidgeon  
Cllr. Geoffrey Theobald



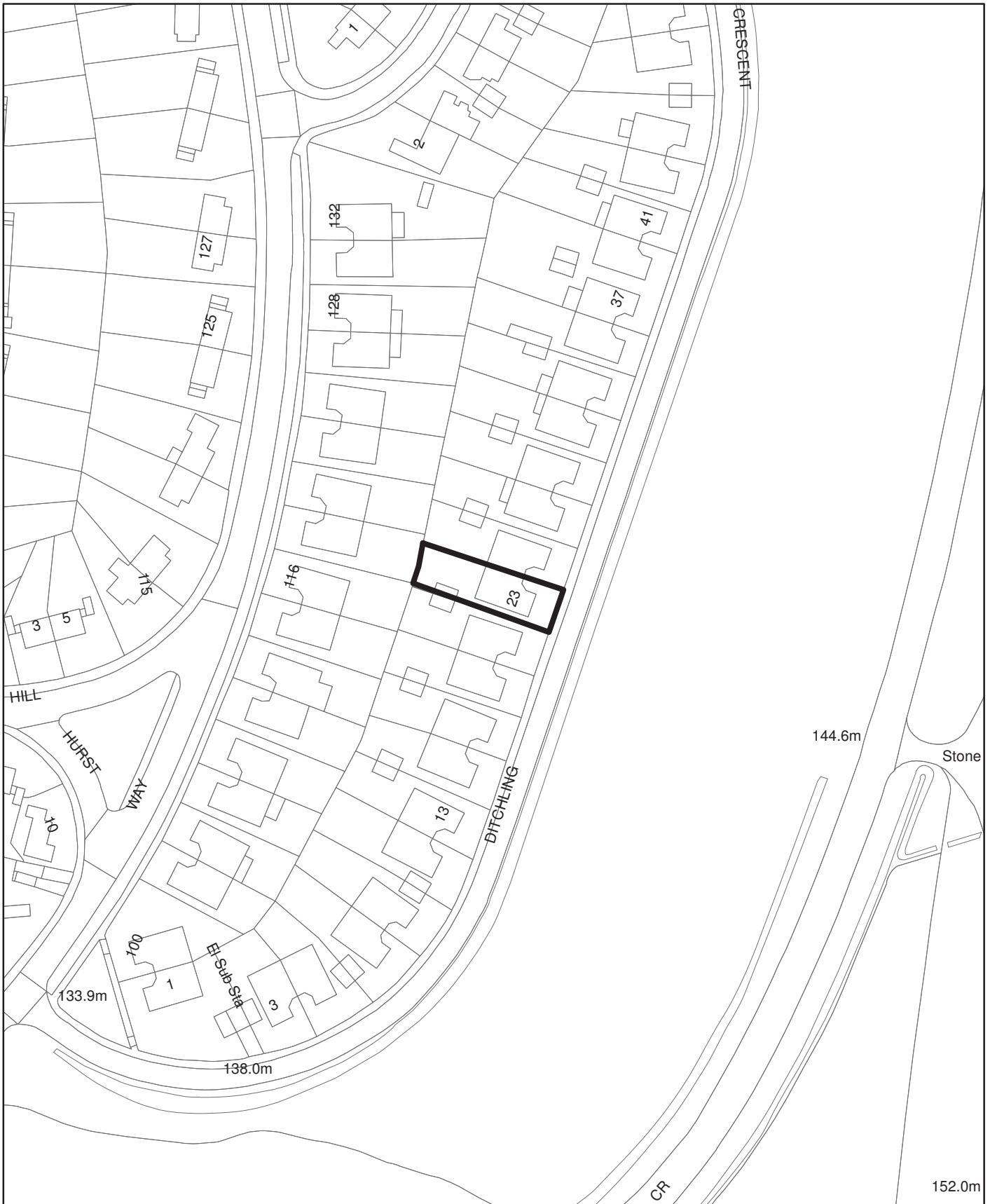
# **ITEM C**

**23 Ditchling Crescent, Brighton**

**BH2015/01677**  
**Full planning**

**5 AUGUST 2015**

# BH2015/01677 23 Ditchling Crescent, Brighton



**Brighton & Hove  
City Council**



**Scale: 1:1,250**

<b><u>No:</u></b>	<b>BH2015/01677</b>	<b><u>Ward:</u></b>	<b>PATCHAM</b>
<b><u>App Type:</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>23 Ditchling Crescent Brighton</b>		
<b><u>Proposal:</u></b>	<b>Change of use from dwellinghouse (C3) to residential children's home (C2).</b>		
<b><u>Officer:</u></b>	Adrian Smith Tel 290478	<b><u>Valid Date:</u></b>	11 May 2015
<b><u>Con Area:</u></b>	N/A	<b><u>Expiry Date:</u></b>	06 July 2015
<b><u>Listed Building Grade:</u></b>	N/A		
<b><u>Agent:</u></b>	Crickmay Chartered Surveyors, 339 Kingsway, Hove BN3 4PD		
<b><u>Applicant:</u></b>	Mr Derek Hall, c/o Crickmay Chartered Surveyors, 339 Kingsway Hove BN3 4PD		

## 1 RECOMMENDATION

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

## 2 SITE LOCATION & DESCRIPTION

- 2.1 The application site comprises a semi-detached bungalow located on the west side of Ditchling Crescent. The area is characterised by similar semi-detached bungalows set on land that falls sharply to the rear. A grassed embankment sits opposite with Ditchling Road beyond.

## 3 RELEVANT HISTORY

**BH2015/00911-** Change of use from dwelling house (C3) to residential children's home (C2). Refused 11/05/2015 for the following reason:

- Insufficient information has been submitted with the application to ascertain the nature of the use proposed, how it would operate on a day-to-day basis, or how it would likely impact on the amenities of adjacent occupiers, and whether its benefits of the proposed use would outweigh the loss of the existing unit of residential accommodation. In the absence of such information, the applicant has failed to demonstrate that the proposed change of use would not be contrary to policies HO8, HO11, HO15 and QD27 of the Brighton & Hove Local Plan.*

**BH2005/00989/FP-** Rooms in roof with rear dormer, side half gable and front rooflights. Refused 10/05/2005

## 4 THE APPLICATION

- 4.1 The application is a re-submission following the refusal of BH2015/00911 (see above) and again seeks planning permission to change the use of the bungalow

from a C3 dwelling to a C2 residential childrens home. No external alterations are proposed.

## 5 PUBLICITY & CONSULTATIONS

### External

5.1 **Neighbours: Nineteen (19)** letters have been received from **17, 21 (x2), 25 (x2), 27, 29 (x2), 33, 37, 41, 45, 49 Ditchling Crescent; 108, 118, 120 Cuckmere Way; 8 &10 Elsted Crescent; and Unknown, objecting** to the proposed development for the following reasons:

- Infiltration of a commercial use into a residential area
- Loss of family accommodation given the shortage of housing in Brighton & Hove
- The proposed development does not meet a specified need in Brighton. The children and adolescents are not current Brighton residents and could be from all over the country. This has been confirmed to a resident by the applicant
- There is no evidence Compass Childrens Homes will operate the site as the applicant is the home owner
- The proposal is not of interest to local residents
- Increased parking pressure and traffic from 7 staff, health visitors, deliveries and parents
- There are a number of elderly people living nearby who will be disturbed by a large number of young people using the property with a small garden
- The change of use would be contrary to a covenant on the property and Ditchling Crescent which requires it to be used for residential and not commercial purposes. The properties were originally part of a self-build scheme
- The area is family orientated and provides a safe environment for our children
- The application is for the benefit of the proposer only and more a business than a selfless gesture
- Increased need for community police
- The property will become a magnet for other people not living in the premises
- Noise and disturbance from occupiers with behavioural issues, including obscene language
- No details of the acoustic attenuation have been provided
- Adverse impact on amenity and attractiveness of the area
- Strain on services
- The use would encourage adolescents from other areas with behavioural problems
- The proposal would set a precedent for similar other uses in the area
- No access for emergency services given parking levels in area
- There is no parking onsite as the drive is shared
- No details or commercial waste storage or collection have been provided
- Commercial use of the sewer is unacceptable
- There are badger setts nearby
- The South Downs National Park Authority have not been consulted
- There are no facilities for teenagers nearby
- Overshadowing, overlooking and loss of privacy

- No disabled access
- The proposed use would deter a disabled resident from walking in the area to the detriment of their health and wellbeing
- Shared use of the access and driveway with no.21 Ditchling Crescent for a commercial premises will not be granted by no.21.

**5.2 UK Power Networks: No objection**

**Internal:**

**5.3 Policy: No objection**

The proposed scheme would provide residential accommodation for a particular group of people in the community, and as such is in conformity with paragraphs 7 and 50 of the NPPF. The provision of housing for people with special needs is also supported by Local Plan policy HO15, with Policy HO11 supporting the provision of residential care homes. Although Local Plan Policy HO8 seeks to resist the loss of residential units of accommodation, the policy does not refer specifically to the loss of C3 housing and therefore it is considered this proposal is not in conflict with the aims of the policy.

**5.4 Children's Services: No objection**

It is understood that this application is on behalf of Compass Care. Children's Services use two of their units already and are satisfied that they have a good reputation with regards quality of care and that the Council are an organisation they like to work with. It would be very useful to have one of their facilities in the city.

**5.5 Sustainable Transport: No objection**

The applicant states that there will be up to 3 young people living in the house at one time and usually 2 carers at one time. The Highway Authority deems this arrangement to be comparable, in trips terms, to a family home, therefore the proposed change of use from a C3 dwelling to a C2 residential institution is acceptable.

**5.6 Environmental Health: Objection**

No objection subject to details of soundproofing between party walls.

**5.7 Private Sector Housing: No objection**

**6 MATERIAL CONSIDERATIONS**

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

6.2 The development plan is:

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



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

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

## **7 RELEVANT POLICIES & GUIDANCE**

### The National Planning Policy Framework (NPPF)

#### Brighton & Hove Local Plan:

- TR1 Development and the demand for travel
- TR7 Safe development
- TR14 Cycle access and parking
- TR19 Parking standards
- SU10 Noise nuisance
- QD27 Protection of Amenity
- HO8 Retaining housing
- HO11 Residential care and nursing homes
- HO15 Housing for people with special needs

#### Supplementary Planning Document:

- SPD12 Design Guide for Extensions and Alterations

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

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

## **8 CONSIDERATIONS & ASSESSMENT**

- 8.1 The main considerations in the determination of this application relate to the principle of change of use, including the loss of housing, the impact of the proposal on the amenities of adjacent occupiers, and transport. No external alterations to the building are proposed.



**8.2 Principle of change of use**

The existing building forms a four-bedroom semi-detached bungalow with rooms in an extended roof. The building sits within a residential area comprised of similar semi-detached bungalows.

8.3 The application seeks to change the use of the dwelling from a family home (Use Class C3) to a residential children's home (Use Class C2)

8.4 The previous application for this use was refused on the grounds that no information had been provided with the submission to identify the nature of the use, how it would operate on a day-to-day basis, or how it would likely impact on the amenities of adjacent occupiers.

8.5 This application is supported by a planning statement which identifies that the building would operate as a children's home under the control of Compass Children's Homes, an established fostering agency. The proposed children's home would cater for up to three young persons at any one time, aged between 10 and 18 years on a medium-long term basis (18 months to 2 years) 52 weeks a year. Seven full time members of staff would operate on a shift basis to look after the children with a minimum two on site at any one time. Three further visitors would offer specialist care services. All children's homes are required to be registered with Ofsted who carry out inspections every six months.

8.6 A further statement from the applicants clarifies that the children to be housed at the premises would be local, although there would be no restriction on children from outside the city potentially being housed at the site. Compass have three other homes in the south (Hassocks and Worthing) housing 14 local children. Visitors to the site would be limited to staff, with any family contact carried out in neutral venues. The children who would reside at the premises are officially classed as 'EBD' (Emotional and Behavioural Difficulties) and would be supervised at all times by trained staff to minimise potential disruption to the wider community.

8.7 Policy HO11 supports the provision of residential care homes provided the home would not adversely impact on the amenities of adjacent occupiers, provides sufficient amenity space, is accessible for disabled persons, and provides suitable parking.

8.8 Policy HO15 supports the provision of housing for people with special needs, including supported housing. The supporting text identifies that the policy includes accommodation for young and older persons with mental health problems or chaotic behaviour.

8.9 Policy HO8 of the Brighton & Hove Local Plan resists the loss of residential accommodation except in one or more of five exceptional circumstances. These include where the building is unfit for human habitation, is listed, or access is difficult.

8.10 In this instance, whilst a unit of family accommodation would be lost, residential occupation of the site would remain with occupancy by three children plus two

carers operating in the manner of a family. Consequently the thrust of policy HO8 is not compromised. The site has a large rear garden, onsite parking (albeit shared with no.21 adjacent), and street parking. Although not strictly disabled accessible given the stepped access, the application identifies that the proposed occupiers would not have severe physical disabilities. Although policy HO11 requires disabled access to new residential care homes, this policy is directed primarily towards care home such as nursing homes where the differing and deteriorating health and mobility of residents requires such provision. For a children's care home such as this disabled access is not necessary for the facility to readily function. Further, in the event Ofsted requirements necessitate improved disabled access, such external improvements would require a separate application for planning permission and be considered on their own merits. The Council's Children's Services team have raised no objection to the proposal, identifying that such a facility within the city would be welcome.

8.11 For these reasons the principle of change of use from a dwelling (C3) to a children's home for up to three children (C2) is considered acceptable in principle in accordance with policies HO8, HO11 & HO15 of the Brighton & Hove Local Plan.

**8.12 Impact on Amenity:**

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

8.13 The building forms one half of a pair of semi-detached bungalows in a quiet residential street. Local residents have raised concern over potential noise and disruption from the site from both occupiers of the building and from increased traffic movements. The proposed use would operate as a de facto family home, albeit with three children cared for by a minimum two staff. The layout of the dwelling would remain as per a family unit, with four bedrooms (three for the children and one for the staff) and large communal living room, kitchen and garden. As such the intensity of occupancy of the dwelling would be similar to a family home. Whilst some noise and disturbance could arise from behavioural issues, this would not likely be significantly greater than if in family use. The site would be occupied by trained staff and be closely regulated by Ofsted therefore there are sufficient mechanisms to manage any possible undue disturbance. Whilst traffic movements would likely be greater given the number and rotation of staff throughout the week, such movements would not be so intensive or significantly harmful compared to a family occupation as to warrant the withholding of permission.

8.14 The plans detail improved acoustic insulation to the party wall with the attached neighbour at no.25 to help minimise any potential disturbance from occupiers. A condition is recommended to secure final details as requested by Environmental Health officers.

8.15 The C2 use class incorporates uses for the provision of residential accommodation and care for people in need of care, and can include uses such

as a hospital or nursing home, residential school, college or training centre. As such uses would potentially have a significantly more intense and harmful impact on the amenities of the area, a condition is recommended to restrict the use to that applied for as set out on the approved floor plans. Although there is no restriction on other care providers than Compass operating the site, each would be required to register with Ofsted and would have their own site management and complaint procedures.

8.16 Subject to the recommended conditions the proposed use would not result in significant amenity harm to neighbouring occupiers, in accordance with policy QD27 of the Brighton & Hove Local Plan.

**8.17 Sustainable Transport:**

Policies TR1 and TR7 aim to ensure that proposals cater for the demand in traffic they create, and do not increase the danger to users of adjacent pavements, cycle routes and roads.

8.18 Residents have raised concern at the impact of the use on parking levels both onsite and within the wider street. Given the location of the site within a suburban area it would be expected that staff would access the site by car, with potentially between 2-4 vehicles associated with the site at any one time. The applicants identify that staff could park on the driveway, however this is shared with the adjacent property at 21 Ditchling Crescent and the occupiers of this dwelling have intimated that they would be resistant to this. In this eventuality there is sufficient space on street in the wider area to accommodate the parking requirements of the development. The Sustainable Transport officer has raised no objection to the development, subject to the provision of cycle parking and a travel plan for staff and visitors. In this instance secure cycle parking can be provided in the garage or house, whilst the small nature of the development with two staff normally onsite at any one time as a minimum is such that a staff travel plan would not result in appreciable improvement to parking demand. For these reasons the proposed development would meet the transport demand it would generate, in accordance with policies TR1, TR2 & TR14 of the Brighton & Hove Local Plan.

**8.19 Other Matters:**

Matters relating to covenants on land are not a material planning consideration. A resident has identified a badger sett nearby however the proposed use involves no external construction works therefore there is no evidence this sett would be disturbed.

**9 CONCLUSION**

9.1 The proposed change of use of the site is considered acceptable and subject to conditions would not significantly harm the amenities of neighbouring occupiers or impact on highway safety, in accordance with development plan policies.

**10 EQUALITIES**

10.1 The proposed use would provide residential care for disadvantaged children.

- 10.2 The concerns of a local disabled resident are acknowledged however there is no evidence that the proposed use would bring anti-social behaviour or other disturbance that would preclude them from walking in the local area.

**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 existing and proposed floor plans	150301	-	15/05/2015

- 3) The premises shall be used as a Residential Childrens Home (Use Class C2) only in accordance with the details set out in the application and the floor plans as detailed on drawing no.150301 received on 15 May 2015, and for no other purpose (including any other purpose in Class C2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification). Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended (or any order revoking and re-enacting that Order with or without modification), no change of use shall occur without planning permission obtained from the Local Planning Authority.  
**Reason:** The Local Planning Authority would wish to retain control over any subsequent change of use of these premises in the interests of safeguarding the amenities of the area and to comply with policy QD27 of the Brighton & Hove Local Plan.
- 4) The Residential Children’s Home hereby permitted shall be occupied by no more than 3 children at any one time.  
**Reason:** The Local Planning Authority would wish to retain control over the intensity of use of these premises in the interests of safeguarding the amenities of the area and to comply with policy QD27 of the Brighton & Hove Local Plan.

**11.2 Pre-Occupation Conditions:**

- 5) Prior to first commencement of the use hereby permitted, a scheme for the soundproofing of the building shall have been submitted to and approved in writing by the Local Planning Authority. The measures shall be

implemented in strict accordance with the approved details prior to the first 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 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 of the site is considered acceptable and subject to conditions would not significantly harm the amenities of neighbouring occupiers or impact on highway safety, in accordance with development plan policies.



# **ITEM D**

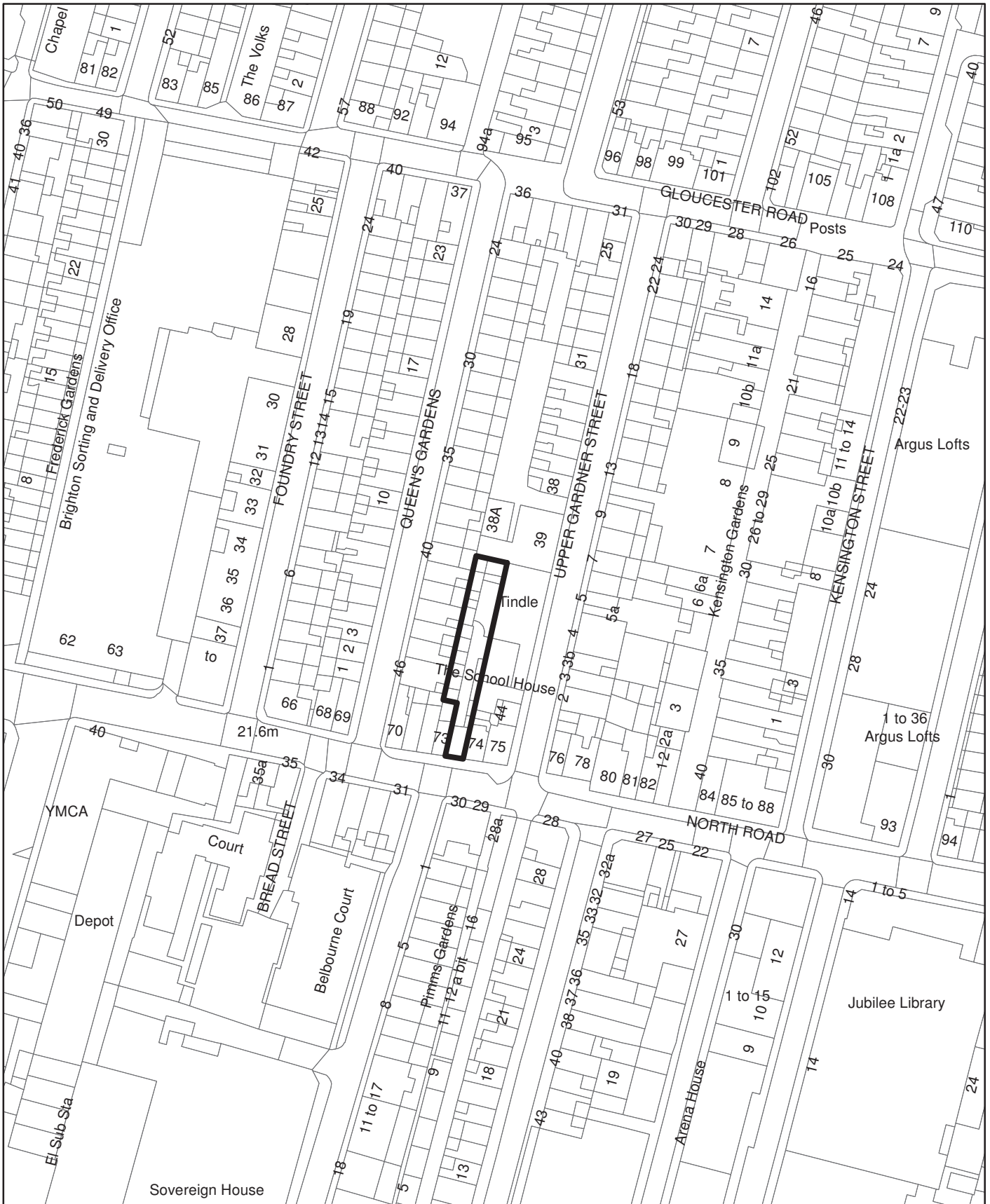
**Diplocks Yard, 73 North Road, Brighton**

**BH2015/00445**  
**Full planning**

**5 AUGUST 2015**



# BH2015/00445 Diplocks Yard, 73 North Road, Brighton



**Brighton & Hove  
City Council**



**Scale: 1:1,250**



<b><u>No:</u></b>	<b>BH2015/00445</b>	<b><u>Ward:</u></b>	<b>ST. PETER'S &amp; NORTH LAINE</b>
<b><u>App Type:</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>Diplocks Yard 73 North Road Brighton</b>		
<b><u>Proposal:</u></b>	<b>Erection of part single, part two storey building to provide 8no office units (B1) with side entrance door removed.</b>		
<b><u>Officer:</u></b>	Adrian Smith Tel 290478	<b><u>Valid Date:</u></b>	10 February 2015
<b><u>Con Area:</u></b>	North Laine	<b><u>Expiry Date:</u></b>	07 April 2015
<b><u>Listed Building Grade:</u></b>	N/A		
<b><u>Agent:</u></b>	Flint Architecture, 46 Shepherds Way, Ringmer BN8 5JE		
<b><u>Applicant:</u></b>	Sussex Property Investments Ltd, Mr John Blake C/O Flint Architecture, 46 Shepherds Way, Ringmer BN8 5JE		

## 1 RECOMMENDATION

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

## 2 SITE LOCATION & DESCRIPTION

- 2.1 The application site comprises a rectangular parcel of land rear of buildings on Queens Gardens and Upper Gardener Street, Brighton. The site is accessed from an undercroft beneath 73 North Road and sits within the North Laine Conservation Area.
- 2.2 The site is currently used as a flea market with fruit, vegetable and bric-a-brac stalls and a café, and includes a number of timber and steel structures. Both the structures and the use of the site do not have the benefit of planning permission.

## 3 RELEVANT HISTORY

**BH2014/00603-** Erection of part single storey, part two storey building to provide 8no office units (B1) with new entrance gates to site entrance. Refused 23/04/2014 for the following reasons:

1. The proposed development, by virtue of the scale, materials, bulk and design of its roof form, fails to complement the general form and setting of the site and its surroundings, and would result in appreciable harm to the character and appearance of this backland site and the positive characteristics of the surrounding North Laine Conservation Area, contrary to policies QD1, QD2 & HE6 of the Brighton & Hove Local Plan.
2. The proposed development, by virtue of the scale, bulk and design of its roof form, would result in a loss of amenity for occupants of Queens Gardens by way of adverse loss of light and harmful oppression of outlook, contrary to policy QD27 of the Brighton & Hove Local Plan

Appeal dismissed.

**BH2008/02421-** Construction of new part single storey, part two storey offices. (Resubmission). Appeal against non-determination dismissed

**BH2007/01780-** Erection of three storey office building. Refused 31/08/2007

**BH2004/02194/FP-** Proposed development of seven residential units (comprising 3 no. 1-bed flats, 2 no. 2-bed houses, 1 no. 2-bed flat, 1 no. 3-bed house) and one office (B1) unit. Finally disposed.

**BH2004/01497/CA-** Conservation Area Consent for demolition of structures on site. Approved 12/07/2004.

**BH2004/01332/FP-** Redevelopment to provide 8 new dwellings. Approved 29/06/2004.

**91/0299/FP-** Demolition of existing B8 units to yard, construction of new unit, change of use of 2 storey house to shop and flat above, 2 storey rear extension. Approved 21/05/1991.

**91/0300/CA-** Demolition of existing B8 units to yard, construction of new unit, change of use of 2 storey house to shop and flat above, 2 storey rear extension. Approved 21/05/1991

**91/0753/FP-** Amendment to extend hours of operation. Approved 26/07/1991.

#### **4 THE APPLICATION**

- 4.1 Planning permission is sought for the demolition of all structures and the erection of a part-single part-two storey building comprising eight B1 office units. As originally submitted the second floor elements would have been held within a mansard roof, however amendments have subsequently been made to change the mansard to a dual pitch.

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

**External**

##### **5.1 Neighbours:**

**Thirty One (31) letters have been received from 5, 6, 7, 9, 19, 27, 34, 40 (x6), 41 (x2) & 46 Queens Gardens; 70/70A & 74 North Road; 7 North Gardens; 38 Upper Gardner Street; 12 Frederick Street; Flat C 5 Tichborne Street; 'Heart and Hand' public house 75 North Road; 2 St Michaels Place; 170 Elm Grove; 2 Saffron Gate, Wilbury Road; 25 Buckingham Street; 112 Denton Drive; 19b Gloucester Road; 46 Kensington Place; and Flat 8 27 Bedford Place, objecting to the proposed development on the following grounds:**

- Loss of market which is thriving and adds to the character and varied commerce of the North Laine area. It is unique and quirky in keeping with the Laines
- The market is an established part of the community and more important than another office building
- Loss of community facilities
- It is vital this site is retained for retail use as a tourist destination
- It is questionable whether there is a need for more office space in the area
- There is a surplus of empty office accommodation in central Brighton

## PLANNING COMMITTEE LIST- 5 AUGUST 2015

- The building is bland and unattractive, and inappropriate to the character of the local area
- Overdevelopment
- Overlooking and loss of privacy
- Loss of security
- Loss of daylight and sunlight
- Overshadowing
- Increased noise and disturbance
- Increased vehicle traffic
- Increased pressure on services, parking and waste
- Loss of trade to neighbouring businesses due to construction vehicles, scaffolding and noise may result in businesses closing
- The reasons for the previous dismissed appeal remain the same, with the impact worse than the previous application
- Site notices have been removed

5.2 **Councillor Deane** has objected. A copy of her representation is attached to the report.

5.3 **North Laine Community Association: Objection**.

The site is small and part of the quirky nature of the North Laine and not suitable for development. It is an overdevelopment and not of a sufficient standard.

5.4 Following reconsultation:

**Ten (10)** letters have been received from **40 (x5) & 41 Queens Gardens; 74 North Road; 40 Upper Gardner Street; 12 Frederick Street; 'Heart and Hand' public house 75 North Road**, objecting to the proposed development on the following grounds:

- No effort has been made to overcome the previous issues
- Loss of light, privacy and outlook
- Oppressive impact within a previously undeveloped open space
- Increased noise disturbance
- There is no need for more office space in the area, there is plenty already
- Loss of community market
- Loss of diversity, culture and character within the North Laine area
- Impact on adjacent business from noise, traffic, building residue and placing of skip outside shop window
- Impact on stability of party walls
- Construction noise and disturbance
- Increased parking pressure. There are no plans to make the development car free
- Uncharacteristic increased in daytime use of the site
- Fire risk given the narrow corridor access
- Potential conflict of interest given the Chair's previous involvement with the site
- No site notice has been displayed

5.5 **Environment Agency:** No objection

5.6 **CAG:** No objection

The Group have no objection on conservation grounds to the application as the proposals will not be visible from the street, however they do feel the proposal represents overdevelopment of the site and detracts from the character of the historic yard area. The Group recognise that the site can be developed but do not feel this scheme is appropriate.

**Internal:**

5.7 **Sustainable Transport:** No objection

5.8 **Policy:** No objection.

5.9 Loss of Market

The submitted Design and Access Statement at paragraph 3 indicates that the site has historically been used as a market 'revived by the applicant in 2009'. However the application form and the planning history for this site do not clarify if the site benefits from planning permission for the temporary/ permanent use of this site as a market.

5.10 Both the appeal decision in February 2009 (APP/Q1445/A/2086874) and the 2007 delegated committee report (BH2007/01780) suggest that the site was vacant and in 2007 had not been in use for 10 years, prior to that it was used as a flea market (without the benefit of planning permission).

5.11 Whilst paragraph 23 of the NPPF requires local planning authorities to 'retain and enhance existing markets and, where appropriate, re-introduce or create new ones, ensuring that markets remain attractive and competitive', it is considered that as the market does not appear to benefit from planning permission paragraph 23 of the NPPF does not apply in this instance.

5.12 New Office Development

The proposed scheme will provide 299m<sup>2</sup> of new office floorspace. The principle of office development on the site was considered acceptable in 2007 and in the 2009 appeal decision. The relevant policies therefore are EM4 and EM10 of the adopted Brighton & Hove Local Plan and SA2 Central Brighton of the Submission City Plan Part 1.

5.13 Policy EM4 of the Local Plan sets out certain criteria for granting planning permission for new business and industrial uses on unidentified sites. Policy EM10 seeks to retain a mix of uses within the North Laine Area and the retention of employment uses (B1 and B2) at ground floor. SA2 Central Brighton recognises the importance of a good supply of high quality, modern and sustainable office accommodation to meet the needs of the city's commercial occupiers.

5.14 Brighton & Hove Employment Land Study 2012 provides robust evidence of the need for modern good quality office floorspace, particular small scale affordable

work space, to support the indigenous business growth. There is also a strong demand for a central Brighton location by a variety of occupiers such as media, creative, financial, business and professional services and information communication industries.

- 5.15 The principle of office development is acceptable and accords with EM4 a) – e) of the adopted Brighton & Hove Local Plan and SA2 Central Brighton of the Submission City Plan Part 1.

5.13 **Economic Development:** Support.

The Economic Development officer supports the application as it provides new modern business accommodation in the form of 8 B1 offices in the city centre totalling 299m<sup>2</sup> (3220 ft<sup>2</sup>) of space. The units range from 22.5m<sup>2</sup> (242ft<sup>2</sup>) to (527ft<sup>2</sup>) which are well suited to meet the needs of small growing businesses looking for business space in the city centre. The applicant states that the space has the ability to provide employment for 40 jobs but no information is provided to justify this statement. Based on the offPAT Employment Densities Guide 2nd Edition, B1 office space provides 1 job per 12m<sup>2</sup>, in this instance this equates to 25 jobs. Although this is somewhat lower than the figure quoted by the applicant the application is still fully supported and welcomed.

5.14 **Heritage:** Objection.

This site has historically always been an open yard; this open character contributes to the conservation area, providing evidence for the former industrial character of the area and relief to the dense built form. It is however acknowledged that the principle of development at the site has previously been considered acceptable by the Local Planning Authority and by a planning inspector. Previous applications have been refused on the grounds of the inappropriate scale (including size, height, massing) and detailed design of the proposed developments.

- 5.15 Previous Heritage comments set out that whilst the principle of a modern design approach was considered to be acceptable in this location, it must respect the character of the area in terms of its materials and forms. This is in line with the NPPF, which sets out that new development should respond to local character and history and reinforce and positively contribute to that character and distinctiveness. It is appreciated that there are only glimpses of the application site from the public realm when the access gates to the site are open however, the Framework does stress the importance of achieving high quality design for all development, including development within private spaces.

- 5.16 Traditional ridged, hipped and valley roofs, slate roofing, some tile roofing, painted render and some brickwork for the walls being the dominant characteristics of the North Laine area. Mansard roofs are not characteristic of the conservation area. It would be more appropriate for the roof to be amended to a simple pitched roof with central ridge. A simple roof form would also be more appropriate in reflecting the rear 'backland' location of this site and in remaining subservient to the surrounding development. This is in-line with the reference made to the 2014 appeal decision within the D&A Statement: the inspector felt

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that the roofs would form an overly prominent feature in the conservation area. The use of natural slate and sedum roofs is considered appropriate.

- 5.17 Similarly, it would be appropriate for the detailing of the design to be simplified. The number of rooflights is excessive; their reflective quality will also draw undue attention to the proposed development. The reflective quality of the rooflights is uncharacteristic of the area, as indicated in the Appeal decision (2009). The number of rooflights should be reduced.
- 5.18 The proposed glazing extends across the entirety of the east elevation and part of the south. The glazing is divided into small paned crittal windows. This type of glazing in such quantities is not characteristic of the area. It is acknowledged that a large area of glazing is required in order to provide sufficient light. It would however be appropriate to simplify the style of glazing. It may be more appropriate to have a slightly higher bottom board, with the glazing above divided horizontally into three (or similar).
- 5.19 The south elevation of the proposed building will be most clearly visible in views from 73 North Road. Greater consideration should be given to the design of this elevation. It would be appropriate for the elevation to be better-proportioned and more traditional in design.
- 5.20 Details of any historic boundaries to the site should be indicated on the plans. These will need to be retained and protected during any development works and details of the junction between the walls and new structure will be required by condition (e.g. the gutter detail to the west elevation).
- 5.21 Following receipt of amended plans: No objection  
The roof shape has been amended from a mansard to a pitched roof with central ridge. This is more in keeping with the character of the conservation area, and reflected the rear 'backland' location of this site and in remaining subservient to the surrounding development. It would be most appropriate if the ridge-height remained below that of the appealed application BH2008/02421, although it is acknowledged that this may not be possible due to the reduced amount of head-height this would allow. The roof should be slate. Ridgeline rooflights are a traditional feature of industrial-style buildings. The number of rooflights should be kept to the minimum necessary.
- 5.22 The proposed glazing extends across the entirety of the east elevation and part of the south. It is acknowledged that a large area of glazing is required in order to provide sufficient light. The glazing has been amended to a more simplified style. It would be most appropriate for the glazing to be divided horizontally into three (or similar); however the more modern approach proposed is considered acceptable in this location. It is important that adequate reveals and masonry cills are provided to the window openings, and thus large scale details of these are required by condition.
- 5.23 The use of a suitably smooth render and granite setts is considered acceptable.



- 5.24 The North Road elevation is proposed to match the existing, other than the blocking-up of the easternmost door. The door is non-original and its removal is welcomed. Matching the existing in other aspects is considered acceptable.
- 5.25 The proposed wheelchair accessible WC, recycling, refuse store and cycle store are located against number 74 North Road. They are clearly visible within the entrance beneath number 73 North Road. They have appropriately been designed to complement and remain subservient to the buildings on North Road.
- 5.26 **Environmental Health: Comment**  
Complaints have been made by various neighbours surrounding the site about potential noise, odour and light nuisance from Papa Pitta's pop-up restaurant that opened in the middle of May 2015. An investigation has been undertaken and despite steps to try to mitigate the nuisance a statutory noise and statutory odour nuisances have been confirmed.

## **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
SU9	Pollution and nuisance control
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
QD5	Design – street frontages
QD14	Extensions and alterations
QD15	Landscape design
QD27	Protection of Amenity
QD28	Planning obligations
HO20	Retention of community facilities
EM4	New business and industrial uses on unidentified sites
EM10	North Laine Area – mixed uses
SR4	Regional shopping centre
SR8	Individual shops
HE6	Development within or affecting the setting of conservation areas
HE12	Scheduled ancient monuments and other important archaeological sites

Supplementary Planning Guidance:

SPGBH4 Parking Standards

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

SA2 Central Brighton

CP8 Sustainable buildings

CP15 Heritage

**8 CONSIDERATIONS & ASSESSMENT**

- 8.1 The main considerations in the determination of this application relate to the principle of change of use, the impact of the proposed building on the appearance of the site and North Laine Conservation Area, its impacts on neighbouring amenity, and transport and sustainability impacts. Also material are the Appeal Inspector decisions relating to the previous schemes for B1 office use of the site, which were dismissed under BH2008/02421 and BH2014/00603.



- 8.2 Representations have stated that the site notice was removed from outside the site. The site notice was replaced during the course of the consultation period.
- 8.3 **Principle of change of use**  
The site as existing forms a flea market with bric-a-brac stalls and a café set just outside the western boundary of the Regional Shopping Centre. It is understood that this A1 use has been intermittent over a considerable period of time, with the last period of inactivity between 2004 and 2008 when the site was cleared of all structures. The current mixed A1 and A3 uses on the site and associated informal structures are unauthorised. Notwithstanding this the use of the site contributes positively to the character and vibrancy of the North Laine Conservation Area, albeit the fact that the structures are of a disjointed and harmful appearance.
- 8.4 There is very little other history on the use of this site. On the assumption that the lawful use of the site is predominantly A1 (with the A3 use ancillary), policy SR8 (individual shops) applies as the site forms a retail use adjacent to the boundary of the Regional Shopping Centre, not within. Policy SR8 resists the loss of individual A1 uses unless the use is within easy walking distance of a designated shopping area; is not economically viable; and any new use would not be harmful to neighbouring amenity. In this instance the nature of the market use, the proximity of the site to the Regional Shopping Centre and the retention of employment floorspace within the development is such that policy SR8 would not be materially conflicted.
- 8.5 In terms of providing 299sqm of new B1 office accommodation (a decrease of 21sqm on previous) policy EM4 of the Local Plan sets out the criteria for when planning permission for such uses on unidentified sites will be granted:
- a. there is a demonstrable need for such a use, given the availability of existing land or premises identified in the plan or on the market or with outstanding planning permission;
  - b. the site is readily accessible by public transport, walking and cycling;
  - c. the development would not result in the net loss of residential accommodation;
  - d. the development would not result in the loss of an important open space, an identified Greenway or a nature conservation site as specified in the Plan.
  - e. the development would not have a demonstrably adverse environmental impact because of increased traffic and noise;
  - f. the development would not be detrimental to the amenities of occupiers of nearby properties or the general character of the area; and
  - g. there is adequate landscaped amenity open space.
- 8.6 It is considered that the proposal would meet criteria a – e by virtue of its city centre location and the identified need for modern office accommodation within the Employment Land Study update 2012. The council's economic development officer also supports the proposal as it would provide good sized units for start-up and embryonic businesses.

- 8.7 Matters relating to criteria f are addressed later. Although there is limited amenity space to meet criteria g, given the constraints of the site, and the location of the site within close proximity to city centre amenities, it is considered that in this case the level of outdoor amenity space is acceptable. This accords with the views previously taken by the Appeal Inspectors.
- 8.8 Representations have been received identifying that there are existing empty office units in the area and therefore there is no need for further such units. The Brighton & Hove Employment Land Study 2012 identifies a need for modern good quality office floorspace, particular small scale affordable work space, to support the indigenous business growth. This is supported by the Economic Development team. The Study specifically identifies a shortfall in high quality 'Grade A' office units and a strong demand for a central Brighton location by a variety of occupiers such as media, creative, financial, business and professional services and information communication industries. Whilst some vacant office units are present in the area, their size, location and quality is mixed. As such this does not necessarily mean that there is no demand for new modern units suitable for business growth such as those proposed.
- 8.9 **Design and Appearance:**  
As with the previous submissions, the application proposes eight office units set in a single building through the length of the site to replace the existing agglomeration of unauthorised structures. Access would again be via the existing undercroft fronting North Road, with each unit accessed via a 1.2m wide passageway along the eastern boundary. Two central offices would be single storey with a flat roof to protect the amenities of 40 Upper Gardener Street, with the remainder two storey. The building would be completed in cream render with aluminium windows and doors.
- 8.10 The site coverage of the building, its position within the site, its access, and use of cream render has been established by both previous Appeal Inspector decisions. Both previous appealed schemes were however refused on the grounds of the design and appearance of the roof form. The 2008 scheme included a corrugated metal barrel roof form over the two storey elements. Whilst the principle of a barrel roof was accepted by the Inspector given the variety of roof forms in the area and its relative lack of visibility in the wider realm, the appeal was dismissed on the grounds of the choice of materials for the roof. In particular the use of metal finishes across the development were considered uncharacteristic of the area. The 2014 scheme included multiple mono-pitches in a 'saw-tooth' arrangement extending the width of the building. In this case the Inspector took the view that the roof form would be unduly dominant within the confined space of the site.
- 8.11 As originally submitted, the current submission proposed a mansard roof closely following the profile of the previous 2008 barrel vaulted roof. The Heritage officer objected to this design approach on the grounds that a mansard was out of character with the conservation area. Further concern was raised at the number of rooflights proposed. Amended plans have been received showing a dual-pitched natural slate roof with a bank of conservation style rooflights along the ridge and fewer rooflights to each roof slope. The pitch of the roof is

shallower than the barrel roof, however the ridge is approximately 0.7m taller. The Heritage officer considers this a more acceptable and historically appropriate design solution, subject to final details of materials.

- 8.12 Given the history and context of the site, it is considered that a pitched roof as proposed relates better to the historic backland character of the site and wider North Laine Conservation Area than the barrel roof form. Although taller than the barrel roof, the building would remain subservient in height in relation to the buildings that abut the site in the manner of a backland warehouse, with the use of natural slate roof tiles and conservation rooflights also considered appropriate. The plans detail that the building would sit within the remaining flint walls that form the western side boundary, thereby ensuring the preservation of these historic boundary treatments. For these reasons the proposed development is now considered to be of an appropriate design that would not harm the character or appearance of the surrounding North Laine Conservation Area in accordance with policies QD1, QD2 & HE6 of the Brighton & Hove Local Plan.
- 8.13 To the front, the existing undercroft timber gates are to be retained with a side door adjacent removed and infilled to match the adjacent wall. No harm is identified with this element of the proposal. Likewise the provision of cycle and refuse stores within the undercroft are not considered to be of harm to the area.
- 8.14 **Impact on Amenity:**  
The site is directly abutted by a number of residential and commercial properties. The Inspector considered the 2008 barrel roof form to be acceptable in amenity terms subject to use of appropriate reflective materials. The 2014 scheme was considered unacceptable by virtue of the significantly increased massing of the 'saw-tooth' roof arrangement on light and outlook to the properties adjacent on Queens Gardens.
- 8.15 The current scheme references the profile of the 2008 barrel roof form, but with the pitch reduced (from 53° to 48°) and a lantern rooflight capping the ridge. As previous, the greatest impact would be on nos. 40, 41, 42, 43 & 46 Queens Gardens which as existing have small courtyard gardens on lower level to the site and bounded by tall walls. These properties currently face onto original flint boundary walls topped by the various unauthorised structures of the market.
- 8.16 The plans detail that the flint walls rear of Queens Gardens are to be retained, with the eaves of the new roofline broadly the same height as the existing structures above these walls and in places lower. Whilst the roofline above will be taller, it would be inset 0.7m from the flint wall (measured from the Queens Gardens side) and would pitch away. This would be sufficient to ensure it would not have an unduly enclosing impact. The use of rooflights across the majority of the ridgeline would further help reduce its sense of massing. For the avoidance of doubt, and to ensure the building relates appropriately to the existing boundary treatments, a condition is recommended requiring existing and proposed spot heights relative to the ground levels to Queens Gardens. A requirement for the roof material to be reflective, as intimated in the 2008

appeal decision, is not considered necessary in this instance given the shallower pitch to the roof.

- 8.17 The proposed rooflights facing Queens Gardens would be high level to the ground and first floor rooms and would not introduce overlooking potential. Although some light spillage may occur, this would not be out of keeping given the compact backland nature of the site with numerous facing windows.
- 8.18 To the east, the building would be set 1.2m from the eastern boundary such that the scale of the first floor would not have as great an impact as with the western boundary. The building is single storey adjacent to 40 Upper Gardener Street (currently occupied as a nursery) and as previous would not significantly impact on the amenities of occupants by way of loss of light or outlook. The proposed facing rooflights within the development are set low relative to first floor level and, although facing rooflights within 40 Upper Gardner Street, would not introduce significant overlooking given their low height (maximum 1.4m above floor level) and the use of both buildings.
- 8.19 The southernmost roof section would face rooflights and dormers within 41 Upper Gardner Street however given the scale of the roof, its separation and the low position of the proposed rooflights, no significant amenity harm would arise. This section of roof would also not significantly harm adjacent rear windows and amenity spaces to 72 North Road to the west side given its scale and form.
- 8.20 For these reasons the proposed building would not result in significant loss of amenity to adjacent occupiers, in accordance with policy QD27 of the Brighton & Hove Local Plan.
- 8.21 Environmental Health officers have identified that complaints have been received from adjacent occupiers concerned with noise and odour disturbance from the market and café use. These complaints focus on a recent A3 use operating on the site. The proposed office use would result in a likely reduction in potential noise and odour disturbance to the benefit of adjacent occupiers. A condition is attached to ensure the site can only be used as offices to avoid potential for other permitted uses to impact on the amenities of adjacent occupiers, along with a condition restricting hours of use. A further condition is attached to require a Construction Environment Management Plan to help reduce disturbance to adjacent occupiers during construction works.
- 8.22 **Sustainable Transport:**  
Policies TR1 and TR7 aim to ensure that proposals cater for the demand in traffic they create, and do not increase the danger to users of adjacent pavements, cycle routes and roads.
- 8.23 The site is located in a sustainable town centre location within a Controlled Parking Zone (zone Y), and would provide no onsite vehicle parking. Secure covered bicycle storage for 5 bicycles is proposed within the undercroft to meet the minimum requirements of SPGBH4 (3 spaces) and final details are secured by condition. A further condition is sought to restore the dropped kerb outside

the site back to footway, alongside the provision of a travel plan. No contribution towards sustainable transport infrastructure is being sought in this instance by Sustainable Transport officers.

8.24 Residents have raised concern at potential impact on parking capacity in the area, which is already strained. Whilst policy HO7 seeks to restrict access to parking permits for housing developments in sustainable locations, there is no such policy provision for new office units therefore business permits cannot be restricted (NB 2 business permits are currently allowed per unit). Notwithstanding this, it is not considered that eight small office units would have a significant impact on daytime parking levels in the area and neither Sustainable Transport officers or previous appeal inspectors have raised objection on these grounds.

8.25 For these reasons the proposal accords with policies TR1, TR7, TR14 & TR19 of the Brighton & Hove Local Plan.

**8.26 Sustainability:**

The site forms previously developed land. Policy SU2 and SPD08 requires efficiency of development in the use of energy, water and materials and recommends that non-residential developments of this size should achieve BREEAM 'very good' with 50% in the energy and water sections. Policy CP8 of the Submission City Plan carries greater weight given the advanced state of the plan and requires development of this scale to meet BREEAM 'Very Good'. A condition is attached to ensure the development meets this standard. Provision for refuse and recycling facilities is shown to the front of the site within the undercroft and is also secured by condition.

**8.27 Other matters:**

A neighbouring occupier has identified potential fire risk given the narrow corridor to access the units. Such matters would be addressed under the Building Regulations, however Building Control officers have stated that such an arrangement is likely to be acceptable as there is less than 45m to the rear of the site and sprinklers could be installed.

**9 CONCLUSION**

9.1 The proposed development would provide modern office accommodation in a sustainable location within a building that would be of a suitable scale, form and appearance that would not harm the appearance of the site or North Laine Conservation Area, or significantly harm the amenities of adjacent occupiers, in accordance with development plan policies.

**10 EQUALITIES**

10.1 The development would have a level access.

**11 PLANNING OBLIGATION / CONDITIONS / INFORMATIVES**

11.1 Regulatory Conditions:

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

Plan Type	Reference	Version	Date Received
Existing site plan and block plan	D.01	-	10/02/2015
Existing site plan	D.02	A	10/06/2015
Proposed block plan	D.03	A	10/06/2015
Proposed ground floor plan	D.04	C	10/06/2015
Proposed mezzanine floor plan	D.05	C	10/06/2015
Proposed roof plan	D.06	C	10/06/2015
Existing and proposed section A-A	D.07	B	10/06/2015
Existing and proposed section B-B	D.08	B	10/06/2015
Existing and proposed section D-D	D.09	B	10/06/2015
Existing and proposed section E-E	D.10	B	10/06/2015
Existing and proposed street elevations	D.12	B	16/06/2015
Existing and proposed section/elevation C-C	D.15	C	10/06/2015

- 3) The building hereby permitted shall be used as offices (Use Class B1(a)) only and for no other purpose (including any other purpose in Class B of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification). Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended (or any order revoking and re-enacting that Order with or without modification), no change of use shall occur without planning permission obtained from the Local Planning Authority.  
**Reason:** The Local Planning Authority would wish to retain control over any subsequent change of use of these premises in the interests of safeguarding the amenities of the area and to comply with policy QD27 of the Brighton & Hove Local Plan.
- 4) The walls to the development hereby permitted shall be smooth rendered in a cement/lime/sand render mix down to ground level and shall not have bell mouth drips above the damp proof course or above the window, door and archway openings. 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.

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

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

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

11.2 Pre-Commencement Conditions:

- 6) No development shall commence until a method statement setting out how the existing boundary walls are to be protected, maintained and stabilised during and after demolition and construction works, has been submitted to and approved in writing by the local planning authority. Works shall be carried out in strict accordance with the approved method statement.

**Reason:** This pre-commencement condition is required to ensure the satisfactory preservation of the boundary walls throughout all demolition and construction works and to comply with policy HE6 of the Brighton & Hove Local Plan.

- 7) No development shall commence until full details of existing and proposed levels (referenced as Ordinance Datum) within the site and on land and buildings adjoining the site have been submitted to and approved by the Local Planning Authority. The details shall include spot heights and cross-sections referencing the height of adjacent buildings, gardens, boundary walls (existing and proposed) and the proposed floor levels, eaves and ridge height of all new buildings. The development shall then be implemented in accordance with the approved level details.

**Reason:** As this matter is fundamental to the acceptable delivery of the permission to safeguard the amenities of nearby properties and to safeguard the character and appearance of the area, in addition to comply with policies QD2, QD27 & HE6 of the Brighton and Hove Local Plan.

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

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

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(v) Details of hours of construction including all associated vehicular movements

(vi) Details of the construction compound

(vii) A plan showing construction traffic routes

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

**Reason:** As this matter is fundamental to the protection of amenity and highway safety throughout development works and to comply with policies QD27, SU9, SU10, SU13 and TR7 of the Brighton & Hove Local Plan.

9) No development above ground floor slab level of any part of the development hereby permitted shall take place until samples of all materials to be used in the construction of the external surfaces of the development have been submitted to and approved in writing by the Local Planning Authority, including (where applicable):

a) samples of all brick, render and tiling (including details of the colour of render/paintwork to be used)

b) samples of all hard surfacing materials

c) samples of the proposed window and door treatments

d) samples of all other materials to be used externally

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.

10) No development above ground floor slab level shall take place until full details of all new windows and doors and their reveals, thresholds and cills including 1:10 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.

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

11) No development above ground floor slab level shall take place until full 1:10 details of the eaves and parapet roof details 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 policy HE6 of the Brighton & Hove Local Plan.

### 11.3 Pre-Occupation Conditions:

12) Prior to first occupation of the development hereby permitted, details of secure cycle parking facilities for the occupants of, and visitors to, the development shall 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 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



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vehicles and to comply with policy TR14 of the Brighton & Hove Local Plan.

- 13) Prior to the first occupation of the development hereby permitted the applicant shall reinstate the redundant vehicle crossover fronting the site on North Road back to a footway by raising the existing kerb and footway.  
**Reason:** In the interests of highway safety and to comply with policies TR7 and TR8 of the Brighton and Hove Local Plan.
- 14) 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 '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 policy CP8 of the Submission City Plan Part One.
- 15) The development hereby approved shall not be occupied until the refuse and recycling storage facilities indicated on the approved plans have been fully implemented and made available for use. These facilities shall thereafter be retained for use at all times.  
**Reason:** To ensure the provision of satisfactory facilities for the storage of refuse and recycling and to comply with policy QD27 of the Brighton & Hove Local Plan.
- 16) The development hereby approved shall not be occupied until a scheme of Travel Plan measures to promote sustainable transport to and from the site has been submitted to and been approved in writing by the Local Planning Authority. The Scheme should include but not be limited to, the following measures:
- The provision of up to date public transport information within the building and to users of the building;
  - Sustainable transport details and directions to the site provided on the company websites and sent to external parties when arranging meetings;
  - Promotion of sustainable travel for staff trips including personal travel planning as part of their induction;
  - Sustainable transport promotional material being readily available to staff and patients including cycle and bus routes and timetable brochures and car club information.
- The above works must be implemented prior to the first occupation of the building and thereafter be maintained as such.  
**Reason:** To ensure the development maintains a sustainable transport strategy and to comply with policies TR1, TR4 and TR14 of the Brighton & Hove Local Plan.

### 11.4 Informatives:

## PLANNING COMMITTEE LIST- 5 AUGUST 2015

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

The proposed development would provide modern office accommodation in a sustainable location within a building that would be of a suitable scale, form and appearance that would not harm the appearance of the site or North Laine Conservation Area, or significantly harm the amenities of adjacent occupiers, in accordance with development plan policies.
3. The applicant is advised that the proposed highways works required under condition 4 should be carried out in accordance with the Council's current standards and specifications and under licence from the Network Co-ordination team. The applicant should contact the Network Co-ordination Team (01273 293366).
4. The applicant is advised that Heritage officers have expressed a preference for the existing granite setts within the site to be re-used within the approved development.

COUNCILLOR REPRESENTATION

**Subject:** Re: BH2015/00445 - 73 North Road (Diplocks Yard)

Dear Adrian,

Thank you for your response.

I would like to register my objection to this application, and if minded to grant, would request that it comes to Committee.

I do not believe that the barrel roof arrangement sufficiently safeguards the outlook for affected nearby residents, it is not in keeping with the North Laine Conservation Area, and it would destroy what has become a popular market space and the increasingly rare cobbled yard that I believe to be an important relic of the North Laine's industrial heritage.

Kind regards  
Lizzie

CLlr Lizzie Deane  
Green Party member for St Peter's and North Laine ward



# **ITEM E**

**St Lukes Church, 64 Old Shoreham Road,  
Brighton**

**BH2014/03428  
Full planning**

**5 AUGUST 2015**

# BH2014/03428 St Lukes Church, 64 Old Shoreham Road, Brighton



**Brighton & Hove  
City Council**



**Scale: 1:1,250**

<b><u>No:</u></b>	<b>BH2014/03428</b>	<b><u>Ward:</u></b>	<b>PRESTON PARK</b>
<b><u>App Type:</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>St Lukes Church 64 Old Shoreham Road Brighton</b>		
<b><u>Proposal:</u></b>	<b>Demolition of existing side extension and erection of part one part two storey side extension incorporating a glazed pitched roof, alterations to windows and doors, installation of new ramped access, alterations to boundary walls and associated works.</b>		
<b><u>Officer:</u></b>	<b>Sue Dubberley, tel: 293817</b>	<b><u>Valid Date:</u></b>	<b>27 October 2014</b>
<b><u>Con Area:</u></b>	<b>N/A</b>	<b><u>Expiry Date:</u></b>	<b>22 December 2014</b>
<b><u>Listed Building Grade:</u></b>	<b>N/A</b>		
<b><u>Agent:</u></b>	<b>Thomas Ford and Partners, 177 Kirkdale, London SE26 4QH</b>		
<b><u>Applicant:</u></b>	<b>PPC of St Lukes Church, Mr Martin Poole, St Lukes Church, 64 Old Shoreham Road, Brighton BN1 5DD</b>		

## **1 RECOMMENDATION**

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

## **2 SITE LOCATION & DESCRIPTION**

- 2.1 The application site is a red brick church building located on the corner of Old Shoreham Road and Stanford Road. Since the application was submitted the church is now included on the list of Local Heritage Assets and is described as a relatively modest but well-executed example of a late 19th Century church.
- 2.2 To the north of the site is Stanford Road which is characterised by three storey Victorian terraced housing and Lancaster Road characterised by semi-detached and terraced housing. To the south of the site on the opposite side of the road are purpose built blocks of flats. To the west of the site are detached and semi detached houses in Old Shoreham Road.

## **3 RELEVANT HISTORY**

None relevant.

## **4 THE APPLICATION**

- 4.1 Planning permission is sought for the demolition of the existing side extension and erection of part one part two storey side extension incorporating a glazed

pitched roof, alterations to windows and doors, installation of new ramped access, alterations to boundary walls and associated works.

## 5 PUBLICITY & CONSULTATIONS

### External:

5.1 **Neighbours: Twelve (12)** letters of representation have been received from **Upper maisonette (x2), ground floor flat, basement flat, 1, 1A, 2A, 6, 73 Stanford Road, 6 (x 2) Lancaster Road and 2 emails without full addresses given objecting** to the application for the following reasons:

- Increase in noise and disturbance resulting from the expansion.
- Increased pressure on parking around the church.
- The church is big enough and there is no need to build extra space.
- Increase in traffic flows in the area on an already congested road. The junction with Old Shoreham Road is a dangerous junction.
- Already experience noise from bands and drumming practice. Have not complained to Environmental Health who from experience are concerned with late night noise. Should planning be granted hope there will be a requirement for acoustic insulation.
- Congestion on narrow pavements affecting pedestrian movement and safety.
- Already a community hall in Exeter Street.
- Extension makes no attempt to integrate with the existing Victorian architecture on Stanford Road.
- Design and fenestration would disrupt the harmony and uniformity of the current building.
- Potential damage to adjoining building during construction.

5.2 Amended plans

**Two (2)** letters of representation have been received from **Ground floor flat, 1, Stanford Avenue, 1a Stanford Road objecting** to the amended plans:

- Unclear of the usage of the new building.
- Noise levels and parking will be affected.
- The revised plans for the extension make no attempt to integrate with the existing Victorian architecture. The rectilinear design and fenestration would disrupt the beauty, harmony and uniformity of the current building.

5.3 **Sixty two (62)** letters of representation have been received from **64a (x2) Old Shoreham Road, 77 (x2) Davigdor road, 34 Glynde House, 28 Eastern Place, 52 Hamilton Road, Flat 3, 28 Stafford Road, 39 (x3) Thornbush Crescent, Flat 5, Davigdor Mansions, 24 Lenham Avenue, 36 North road, 45 Beach Green, 24 Vernon Court Windlesham Avenue, Flat 1b, 2 (x2), 32 Lancaster Road, 16 Arnold Street, 71 Woodbourne Avenue, 17 (x2) Prestonville Road, Flat 3, 67 Brunswick Street West, 36 (x2) Coventry**



**Street, 9 Brigden Street, 243 (x2) Hangleton Road, Ground floor flat, 37 Stanford Road, 41 Worcester Villas, 77 Springfield Road, 5 Newstead Howard Place, 26 (x2) St George's Road, 21 Fenhurst Crescent, 47 Preston Drove, 134 (x2) Woodland Avenue, 7 Nevill Place, 38 Highcroft Villas, 12 Uplands Road, 3 Chatsworth Road, 80 Addison Road, 28 Lyndhurst Road, flat 3, 1 (x2) Powis Villas, 1 Victoria Place, 12 (x2) Vallance Gardens, 25 Regency Court, Flat 6, 156 Freshfield Road, 73 Beaconsfield Villas, 90 Boileau Road Ealing, 24 Telscombe Road, 46 Sussex Court, 16 Coral Close, Shoreham, 8 St Mary's Close Seaford and 4 emails no address given or incomplete address .**

supporting the application for the following reasons:

- The renovations will provide disabled access and disabled toilets and improved community facilities which are used by the young and elderly.
- The provision of disabled access to this community building is important. There are several members of the congregation in wheelchairs who cannot access the toilets.
- Existing extension is dated and of limited use.
- Extension will benefit the community and future generation.
- The new extension will start from a lower excavation and will only be slightly higher than the present.
- Appearance will be more sympathetic than the current building with architectural links to the church and adjoining terrace.
- There will be no loss of light to nearby residents.
- The building will be better insulated and should let out less noise than the current one.
- Alterations will enhance the versatility of the building for the church and community.
- Extension will replace and complement Exeter street community hall
- Building needs an additional area for children's work as currently do not have a separate rooms to cater for different age groups.
- Church serves the parish and wider city community and offers free lunch for homeless or vulnerably housed people.
- Church is in need of renovating and updating.
- Will help the church build on the great work they already do with young people and children.
- Welcome the development which may prevent fly tipping if the appearance of the building is improved.
- Like the green sedum roof which is beautiful and will encourage wildlife.
- Two storeys are appropriate for the existing street scene.
- Need for improved facilities at the church.
- Extension will improve the appearance of the church and its relationship to the rest of the street.

5.4 Amended plans

**Twenty Nine (29)** letters of representation have been received from **39 Thornbush Crescent (x3), Flat 1b Lancaster road, 105 St Leonards**

**Avenue, 4 Parochial Mews, C7 Belvedere, 152-8 Dyke Road, 11 Springfield Road, 105 St Leonards Avenue, 64a Old Shoreham Road (x3), 24 Vernon Court, Windlesham Avenue, 26 St George's Road, 1 Victoria Place, 26 St George's Road, 36 Coventry Street (x2), 77 Davigdor Road, 3 Chatsworth Road, 75 Lincoln Avenue, 38 Lyndhurst Road, 24 Telscombe Road (x2), 38 Highcroft Villas, 50a Tivoli Crescent, 16 Arnold Street, 21 Shaftesbury Road, 140 Broomfield Avenue Worthing, supporting the amended plans**

- Revised plans look very appealing and in keeping with the beauty of the old building.
- Design is sympathetic.
- New building a vast improvement on the existing one, both visually and in terms of fit for purpose.
- The proposed extension is not considerably different in size to the current (outdated and unappealing) existing side building.
- Can see no negative impact albeit short term disruption during any building works.
- Positive and exciting proposal which has taken time to compromise with reasonable points from neighbours.
- Currently does not have a user friendly layout, back of the church is narrow and difficult to access for many.

5.5 **Former Councillor Kennedy** supports the application. Copy of letter attached.

5.6 **Councillor Allen:** Comment. Copy of letter attached.

5.7 **The Brighton and Hove Archaeological Society:** Unlikely to affect any archaeological deposits.

5.8 **County Archaeologist:** No comment received.

5.9 **Internal Sustainable Transport:** Recommend Approve with the necessary condition. The proposed alterations and ramps do not appear to impact on the highway (the footway) and are therefore acceptable.

5.10 **Environmental Health:** No objection to the proposal.

5.11 **Heritage:** The existing single storey extension and link building to the north are of no architectural merit but are unobtrusive. The proposed two storey extension and link building has been amended to be faced in brick and to have appropriately proportioned vertical windows with stone surrounds that would complement the church. In scale it would remain clearly subservient to the church and its eaves line would line through with the first floor windows of the adjoining Victorian terraced house. There would be a large, patent glazed link section with pitched roof form to over-arch the original tri-partite window, whilst the bottom part of this window would be removed to form access doors. This aspect of the works is regrettable but this is a lesser elevation of the

church and the impact on the street scene would be modest so on balance it is considered to be acceptable as the local significance of the church would be preserved.

- 5.12 However, there is a concern regarding the proposed projecting glazed canopy over the entrance. This would cut across the adjacent single lancet window and would project beyond the face of the church. This canopy should either be deleted or raised in height and project no further than the church itself.

## **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.”

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.

- 6.2 The National Planning Policy Framework (NPPF) is a material consideration.
- 6.3 Due weight should be given to relevant policies in the development plan according to their degree of consistency with the NPPF.
- 6.4 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.
- 6.5 All material considerations and any policy conflicts are identified in the “Considerations and Assessment” section of the report.

## **7 RELEVANT POLICIES & GUIDANCE**

The National Planning Policy Framework (NPPF)

Brighton & Hove Local Plan:

- TR1 Development and the demand for travel  
TR4 Travel Plans

TR7	Safe development
TR14	Cycle access and parking
TR19	Parking standards
QD14	Extensions and alterations
QD27	Protection of Amenity
HO19	New community facilities

Supplementary Planning Guidance:

SPGBH4 Parking Standards

Brighton & Hove City Plan Part One (submission document)

SS1 Presumption in Favour of Sustainable Development

## **8 CONSIDERATIONS & ASSESSMENT**

- 8.1 The main considerations in the determination of this application relate to the impact of the proposed extension on the existing building and the wider street scene and the impact on existing residential amenity.

### **Design**

- 8.2 Policy QD14 of the Brighton & Hove Local Plan states that planning permission for extensions or alterations to existing buildings, including the formation of rooms in the roof, will only be granted if the proposed development:
- a) is well designed, sited and detailed in relation to the property to be extended, adjoining properties and to the surrounding area;
  - b) would not result in significant noise disturbance or loss of privacy, outlook, daylight/sunlight or amenity to neighbouring properties;
  - c) takes account of the existing space around buildings and the character of the area and an appropriate gap is retained between the extension and the joint boundary to prevent a terracing effect where this would be detrimental to the character of the area; and
  - d) uses materials sympathetic to the parent building.
- 8.3 In considering whether to grant planning permission for extensions to residential and commercial properties, account will be taken of sunlight and daylight factors, together with orientation, slope, overall height relationships, existing boundary treatment and how overbearing the proposal will be.
- 8.4 The two storey extension located on the Stanford Avenue frontage would replace the existing single storey side extension which is linked to the main church building by a small single storey enclosed walkway. The new extension would provide improved accommodation in the form of an entrance/reception area with disabled toilets and to the rear of the main extension, a single storey flat roofed section would provide a furniture store. At first floor a new multipurpose room would be created. A window in the north elevation of the church would be replaced by double doors giving internal access into the new extension.

- 8.5 The proposed extension would be set at a lower level than the existing extension by excavating the ground level, so that internally there would be level access with the main church building. While the design of the extension is contemporary in style, the design of the extension has been subject to lengthy negotiations and amendment in order to more closely reflect some of the features of the church. The window positions have been altered to create a more vertical emphasis in line with the church's existing fenestration. Facing brickwork to match the church is now proposed in place of render and the entrance has been redesigned to give it more prominence. The footprint of the building has also been revised, so that the main part of the extension which contains the reception area now has the same footprint as the existing extension. The proposal as originally submitted showed the front of the building set further forward by approximately 1.2m and the front of the extension has now been set back in line with the existing extension.
- 8.6 The Heritage Officer has commented that the existing single storey extension and link building to the north are of no architectural merit but are unobtrusive. The proposed extension would remain clearly subservient to the church and its eaves line would line through with the first floor windows of the adjoining Victorian terraced house. There would be a large, patent glazed link section with pitched roof form to over-arch the original tri-partite window, whilst the bottom part of this window would be removed to form access doors. This aspect of the works is regrettable but it is acknowledged that this is a lesser elevation of the church and that the impact on the street scene would be modest, therefore on balance the Heritage Officer considered this aspect of the scheme to be acceptable as the local significance of the church would be preserved.
- 8.7 While the Heritage Officer is generally satisfied with the design an issue has been raised regarding the proposed projecting glazed canopy over the entrance, which would cut across the adjacent single lancet window and would project beyond the face of the church. Following negotiations the plans have been amended further with the height of the canopy raised to clear the window and the canopy set in, so that it is now in line with the face of the church. The design of the extension is now considered to be acceptable.
- 8.8 On the Old Shoreham Road, south elevation the timber entrance doors to the church would be replaced by timber framed glazed doors with a new approach ramp and steps to replace the existing stepped access. New glazing is also proposed with the existing stone window surrounds. This aspect of the scheme is considered acceptable.

**Residential amenity**

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

detrimental to human health.

- 8.10 In terms of residential amenity the existing extension is built immediately adjacent to the flank wall of no.1 Stanford Road, which is subdivided into flats. At ground floor there is a bathroom window on the side elevation and at first floor a further window. The extension had been designed so that the relationship with the ground floor window remains as existing; at first floor the roof is set back so that the first floor window is not impacted upon by the extension.
- 8.11 The objections received regarding noise are noted. However the extension would have a gap between the new north wall and the flank wall of the building at no. 1 Stanford Road; and the new wall to the extension will be of cavity construction which would limit sound transmission between the new extension and the adjoining houses.
- 8.12 In response to the objections received the church has provided additional information regarding the proposed usage of the extension. The rebuilt extension and entrance in Stanford Road would be used for meetings during the day and evenings for anything from 20-40 people. On Sundays the extension would house the Sunday school classes in the morning which is estimated to be 20-40 children plus adult leaders. Sunday evenings this area could be used for small services for 20-50 people. There is also the potential for the space to be open on weekdays as a drop-in for tea and coffee.
- 8.13 The extension will be available to the wider community for meetings, training events and workshop and potentially it could be open from 9am-10pm depending on the demand. Generally this would be for small groups who would be able to enter and exit via the new Stanford Road entrance.
- 8.14 However it is relevant that the principal purpose of the application is to allow the church to continue the current usage with improved facilities. This includes church services on Sundays for anything up to 200 people, occasional services during the week such as funerals, confirmation services and prayer meetings for anything from 20-200 people at a time. A playgroup will continue to be held in church one morning a week for 40-50 adults and 50-70 children and there is currently a fortnightly evening youth group for 10-14 year olds which usually numbers 30-60 children. There will be choir rehearsals and events on weekdays and Saturday afternoons and evenings for 50-200 people and occasional evening music or art events for up to 250 people. All these are existing activities that will still use the current entrance from Old Shoreham Road for access into the building. Any music or arts events during the week or at weekends will be expected to turn off the music at 10pm and vacate the premises by 11pm at the latest using the Old Shoreham Road entrance to leave the building.
- 8.15 Environmental Health have raised no objection to the application and have commented that most recent noise complaints were in November 1014 and



April 2015, regarding noise from a church band and noise from music, however in both cases following an investigation a statutory noise nuisance was not established. In regard to the most recent complaints, a noise diary was submitted by a local resident. It was established that the most regular disturbance was occurring from the hire of the church facilities on a Wednesday night and the group that was using the church on these nights is no longer doing so.

- 8.16 Environmental Health are of the opinion that through careful management of any music groups that wish to use the newly proposed facilities, along with any necessary advice from Environmental Health, noise should not have a detrimental impact upon occupiers of nearby properties.
- 8.17 Environmental Health have also pointed out that if planning permission is granted, this does not preclude them from carrying out a full investigation under the provisions of the Environmental Protection Act 1990, should any complaints be received with regards to noise in the future.
- 8.18 In conclusion, it is clear that the main use of the building will remain and that the majority of activities which could attract large numbers are already happening at the church and that these activities would continue regardless of whether the extension is built or not. It is therefore considered that the extension would not have a significant impact on residents in terms of noise over and above the existing activities on the site to justify refusal on amenity grounds.

#### **Transport**

- 8.19 Policies TR1 and TR7 aim to ensure that proposals cater for the demand in traffic they create, and do not increase the danger to users of adjacent pavements, cycle routes and roads. The Sustainable Transport team have raised no objections to the application.
- 8.20 In regard to cycle parking Sustainable Transport have commented that Parking Standards SPG04 does require developments of this size and nature to provide a minimum of 2 cycle spaces. There appears to be adequate space on the site for cycle parking therefore a condition requiring further details of cycle parking forms part of the recommendation.

#### **Other matters:**

- 8.21 The site is in an archaeological notification area; however, the Brighton and Hove Archaeological society have commented that the development is unlikely to affect any archaeological deposits.

## **9 CONCLUSION**

- 9.1 The extension is well designed, sited and detailed in relation to the existing locally listed building on the site and would not cause detriment to the character of the surrounding area. The development will not have a significant

impact on amenity for occupiers of adjoining properties or create significant travel demand.

**10 EQUALITIES**

- 10.1 The proposals include the provision of disabled toilet and also there would be disabled access into both the extension and the main church entrance in the form of a ramped access.

**11 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.

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Location and site plan	EX-001	P1	10/10/2014
Ground floor plan existing	EX-101	P1	10/10/2014
Basement and first floor plans existing	Ex-102	P1	10/10/2014
Elevations existing	EX-201	P1	10/10/2014
East and south elevations existing	EX-203	P1	10/10/2014
Sections as existing	EX-301	P1	10/10/2014
Block plan as proposed	PL-010	P3	30/03/2015
Basement and first floor plans	PL-102	P4	10/10/2015
Extension floor plans as proposed	PL-103	P6	23/07/2015
Elevations as proposed	PL-211	P5	23/07/2015
Sections as proposed	PL-212	P5	23/07/2015

3. No development above ground floor slab level of any part of the development hereby permitted shall take place until samples of all materials to be used in the construction of the external surfaces of the development have been submitted to and approved in writing by the Local Planning Authority, including (where applicable):
  - a) samples of all 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, door and balcony treatments
- e) samples of all other materials to be used externally

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

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

4. No development above ground floor slab level of any part of the development hereby permitted shall take place until full details of the junction between the church and the new patent glazed link 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 retained as such thereafter.

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

5. Prior to first occupation of the development hereby permitted, details of secure cycle parking facilities for the occupants of, and visitors to, the development shall 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 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.

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 Brighton & Hove Local 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 extension is well designed, sited and detailed in relation to the existing locally listed building on the site and would not cause detriment to the character of the surrounding area. The development will not have a significant impact on amenity for occupiers of adjoining properties or

create significant travel demand.



PLANNING COMMITTEE LIST  
5 AUGUST 2015

COUNCILLOR REPRESENTATION

**From:** Amy Kennedy  
**Sent:** 25 November 2014 14:26  
**To:** Sue Dubberley  
**Subject:** BH2014/03428 St Lukes Church, 64 Old Shoreham Road, Brighton

Dear Sue

I am writing to you as case officer for planning application BH2014/03428 (St Lukes Church, 64 Old Shoreham Road, Brighton) to request that you note my support for these proposals as ward councillor for Preston Park.

In my view, the proposals will provide much-needed modern facilities for the activities of the church and the community groups which use the building, enabling better access for people with disabilities, and improving the external appearance and internal functionality of the side extension.

I would also respectfully request that this application is referred to the Planning Committee for consideration in the event that it is recommended for refusal; and would like to reserve my right to speak at the meeting where this application is heard.

Many thanks & best wishes  
Amy

Amy Kennedy

Green Councillor for Preston Park Ward  
Brighton & Hove City Council



PLANNING COMMITTEE LIST  
5 AUGUST 2015

COUNCILLOR REPRESENTATION

**From:** Kevin Allen  
**Sent:** 21 July 2015 21:09  
**To:** Sue Dubberley  
**Subject:** BH2014/03428

Classification: NOT ENCRYPTED

Dear Sue

There are certainly aspects of this application, notably the provision of disabled access to toilets, that deserve support.

But for a number of neighbours intrusive noise is already a real problem. I urge members of the committee to satisfy themselves that any changes made will alleviate, not exacerbate the problem.

Finally I hope the committee will agree to a site visit.

Regards

Kevin Allen

Labour councillor for Preston Park

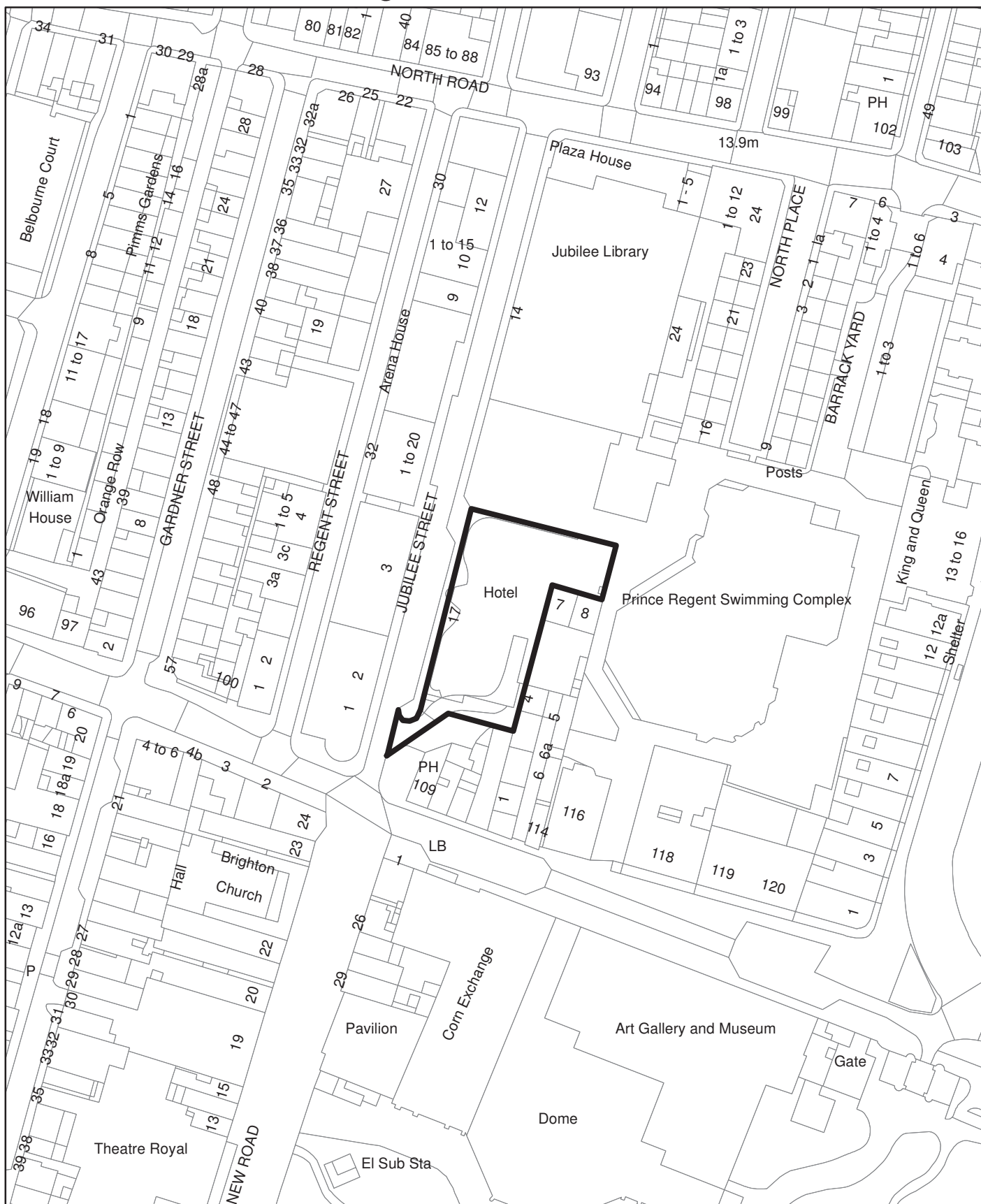
# **ITEM F**

**East House 7 and West House 8 Pavilion  
Mews & 17 Jubilee Street, Brighton**

**BH2015/01138  
Removal or variation of condition**

**5 AUGUST 2015**

# BH2015/01138 East House 7 & West House 8 Pavilion Mews & 17 Jubilee Street, Brighton



**Brighton & Hove  
City Council**



**Scale: 1:1,250**

<b><u>No:</u></b>	<b>BH2015/01138</b>	<b><u>Ward:</u></b>	<b>ST. PETER'S &amp; NORTH LAINE</b>
<b><u>App Type:</u></b>	<b>Removal or Variation of Condition</b>		
<b><u>Address:</u></b>	<b>East House 7 &amp; West House 8 Pavilion Mews &amp; 17 Jubilee Street Brighton</b>		
<b><u>Proposal:</u></b>	<b>Application for variation of conditions 8, 9, 13, 14, 15, 16, 17, 21 and 22 of application BH2013/01034 (extensions and alterations to building including 14no new hotel guest suites, enlargement of the two ground commercial floor units, refurbishment of basement car park into multi-purpose music venue, the formation of a 3no bedroom penthouse flat, installation of canopy over main entrance, associated landscaping and alterations) to enable a phased implementation of the approved development.</b>		
<b><u>Officer:</u></b>	<b>Clare Simpson, tel: 292321</b>	<b><u>Valid Date:</u></b>	<b>09 April 2015</b>
<b><u>Con Area:</u></b>	<b>North Laine</b>	<b><u>Expiry Date:</u></b>	<b>04 June 2015</b>
<b><u>Listed Building Grade:</u></b>	<b>N/A</b>		
<b><u>Agent:</u></b>	<b>Chalk Architecture Ltd, 21-22 Old Steine, Brighton BN1 1EL</b>		
<b><u>Applicant:</u></b>	<b>Mybright Ltd, Mr Steph Thrasyvoulou, 17 Jubilee Street, Brighton BN1 1GE</b>		

## 1 RECOMMENDATION

- 1.1 That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in paragraph 11 and resolves to make a **SPLIT DECISION:**

**GRANT** a variation to conditions **13, 14, 15, 16, 17, 21, and 22** and

**REFUSE** a variation to conditions **8 and 9**

subject to the Conditions and Informatives set out in section 11.

## 2 SITE LOCATION & DESCRIPTION

- 2.1 The site comprises an existing 4 storey hotel, with ground floor restaurant and basement parking area, which forms part of the Jubilee Square development. Also forming part of the application site are 2 no. two storey dwellings, 7 and 8 Pavilion Mews, which adjoin the hotel to the rear.
- 2.2 The site forms part of the Jubilee Street redevelopment, which involved the reinstatement of this street, a square, library building and surrounding mixed use development. The development was subject to a detailed planning brief, masterplan and visual impact analysis. This ensured that the whole development has a strong design unity and cohesion in terms of building

masses, heights, forms, designs, materials and colours, which are sympathetic to the character of the conservation area.

- 2.3 The northern façade of the building forms the southern boundary of Jubilee Square, and the existing ground floor restaurant opens out onto the square, and includes a 'Winter Garden' comprising of an outdoor seating area for the restaurant, sectioned off from the main square by a number of pots with trees and other planting. The main entrance to the hotel is from Jubilee Street, which opens into the main reception. The upper floors are utilised for bedroom accommodation as part of the hotel. The third (top) floor is set back from the main frontage.

### 3 RELEVANT HISTORY

**BH2013/01034** Extensions and alterations to the building including 14no new hotel guest suites, enlargement of the two ground commercial floor units, refurbishment of basement car park into multi-purpose music venue, the formation of a 3 no bedroom penthouse flat, installation of canopy over main entrance, associated landscaping and alterations – Approved 19/11/2014 following the completion of a section 106 agreement.

**BH2013/01035:** (CAC) Demolition of East House, 7 and West House, 8 Pavilion Mews, Brighton. Approved 19/11/2014

**BH2008/02283:** Extension of ground floor restaurant, new mid floor terrace seating with glass balustrade and change of use for pair of adjoining mews houses to a hotel. Refused 30/09/2008

**BH2005/00119:** Construction of 80 bedroom hotel with basement car parking for not more than 30 cars, separate restaurant, A1/A3 units and meeting rooms in sub-basement. Approved 18.07.05.

**BH2004/01869:** Construction of 96 bed hotel with basement parking for 38 cars (including 8 for residential development on Church Street), restaurant and three retail/restaurant units. (MAJOR AMENDMENT to scheme approved under BH2001/00843). Approved 21.09.04.

**BH2001/00843:** Mixed development comprising: central library and square, residential (including affordable housing provision), hotel, business and retail use, restaurants/bars/café bars (with outside seating), theatre use and doctor's surgery, new road (Jubilee Street, pedestrian and cycle links, servicing, disabled parking and cycle parking) together with hard and soft landscaping on land at Church Street, Regent Street, Jubilee Street, North Road and Barrack Yard, Brighton. Approved 05.11.01.

#### **Pavilion Mews**

**BH2003/00987/FP** - Conversion and extension of existing funeral directors to form 4 no. residential units and 2 no. live/work units. Retention of 2 no. ground floor retail (A1) units fronting Church Street – Approved 06.11.2003.

**BH2005/01057/FP** - Conversion of storage building to form 2 no. dwellings. Alterations to previously approved parking layout BH2003/00987/FP – Refused on 24.05.2005. Subsequent appeal APP/Q1445/A/05/1184467 allowed on 13.10.2005.



#### 4 THE APPLICATION

- 4.1 The application is made under section 73 of the Act to vary conditions 8, 9, 13, 14, 15, 16, 17, 21 and 22 of application BH2013/01034 to enable a phased implementation of the approved development.

#### 5 PUBLICITY & CONSULTATIONS

##### External

##### 5.1 Neighbours:

**Seven (7)** letters of representation have been received from **109 Church Street (x2), 2(x2), 3, 4, 5 Pavilion Mews**, objecting to the application for the following reasons:

- The green wall and green roofs are part of the overall design of the building and an important aspect of the scheme as a whole
- A site management plan should be submitted upfront to allow local people and businesses to understand the impact
- Refuse and recycling condition needs a time restriction in regard to implementation and enforcement
- The details of the sound system should be agreed as early as possible to provide confidence to those in the immediate area,
- Details relating to soundproofing should be agreed as early as possible
- Plant and machinery is likely to be one system, not separate elements
- The delivery of the service and management plan should be submitted upfront to provide confidence to those in the immediate area,
- The Waggon and Horses have foot and vehicle access over the rear access to the pub, questions over whether My Hotel have the same rights,
- The development would bring about issues of trespass,
- Construction and noise and disturbance would result,
- Storage of waste is already an issue for the site, the basement storage area would be lost,
- Interference with access to the pub as customers use 'the club'
- Problems with the developer not fulfilling previous obligations
- Questions over health and safety, fire and licensing.

- 5.2 **Sussex Police:** No objection to this application from a crime prevention viewpoint

##### Internal:

##### 5.3 **Environmental Health:** No objection.

No concern over the re-wording of these conditions.

With regards to condition 17 we can only really condition / set levels for new or changing plant and machinery. However, we would expect any report submitted to look at the overall noise levels from all machinery and plant associated with My Hotel in order to ensure the combined noise level would not rise. This has

less to do with the wording of the condition, and more to do with the robustness of any report received.

With regards to conditions 16 – The main noise concern would be the basement and noise break out affecting existing domestic residents.

**5.4 Heritage:** (Verbal Comment) Objection.

In regard to conditions 8 and 9, the green wall and the green roof were offered as enhancements to the existing building and are not directly linked to the residential use. Therefore the details of these features should be secured from the outset.

**5.5 Sustainable Transport:** No Objection.

The crossover and basement parking will be still in use until the basement part of the development is complete therefore the Highway Authority has no objection to its use and the variation of condition 21 until the completion of the basement development.

5.6 No objections to the variation of condition 22 due to the residential use having no delivery and/or servicing impact and that the delivery and service management plan is primarily aimed at non-residential development.

**5.7 Planning Policy:** No comment 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
TR8	Pedestrian routes
SU2	Efficiency of development in the use of energy, water and materials
SU13	Minimisation and re-use of construction industry waste
QD1	Design – quality of development and design statements
QD2	Design – key principles for neighbourhoods
QD3	Design – efficient and effective use of sites
QD4	Design – strategic impact
QD14	Extensions and alterations
QD15	Landscape design
QD27	Protection of Amenity
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
HE6	Development within or affecting the setting of conservation areas
SR14	New hotel guest accommodation
HO8	Retaining Houses

#### Supplementary Planning Guidance:

SPGBH4	Parking Standards
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#### Supplementary Planning Documents:

SPD03	Construction & Demolition Waste
SPD08	Sustainable Building Design
SPD09	Architectural Features

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

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

- 8.1 Planning permission has been approved under application BH2013/01034 for extensions and alterations to the building including 14 new hotel guest suites, enlargement of the two ground commercial floor units, refurbishment of basement car park into multi-purpose music venue, the formation of a 3 bedroom penthouse flat, installation of canopy over main entrance, associated landscaping and alterations. This application seeks to vary a number of conditions imposed on this consent. The National Planning Practice Guidance (NPPG) which accompanies the NPPF states conditions can enhance the quality of development and enable development proposals to proceed where it would otherwise have been necessary to refuse planning permission, by mitigating the adverse effects of the development.
- 8.2 The objectives of planning are best served when the power to attach conditions to a planning permission is exercised in a way that is clearly seen to be fair, reasonable and practicable. This application essentially looks to vary the pre-commencement conditions attached to BH2013/01034 to phase the development. The architect has submitted indicative phasing drawings which indicate the works to form a penthouse (residential element) would be undertaken first. Each condition is discussed in turn:-
- 8.3 Condition 8  
*No development shall take place until details of the construction of the green roofs have been submitted to and approved in writing by the Local Planning Authority. The details shall include a cross section, construction method statement, the seed mix, and a maintenance and irrigation programme. The roofs shall then be constructed in accordance with the approved details and shall be retained as such thereafter. Reason: To ensure that the development contributes to ecological enhancement on the site and in accordance with policy QD17 of the Brighton & Hove Local Plan.*
- 8.4 The application seeks to vary this condition to allow the submission of the details of the green roof to be made before works commence on the residential element of the scheme. The condition was imposed because no detail on the green roofs had been submitted with the application and to ensure, once the details were submitted, the works were carried out in accordance with those details.
- 8.5 The green roofs are not actually linked to the residential element of the scheme, rather the introduction of a green roof can be seen as architectural and biodiversity enhancement for the existing building. It is considered to be an element of the design which would help soften the appearance of the roof when viewed from the upper floors of neighbouring properties and it is also considered to be a positive element of the overall design of the building. It is considered appropriate to have the details of this element prior to any development commencing on the re-modelling of the building approved under BH2013/01034. Therefore it is not considered appropriate to vary this condition. The condition should be re-imposed on any subsequent consent without

variation. Therefore the request to vary Condition 8 is recommended to be refused.

8.6 Condition 9

*No development shall take place until details of the proposed green walling and maintenance and irrigation programme have been submitted to and approved in writing by the Local Planning Authority. The walls shall thereafter be constructed, maintained and irrigated in accordance with the approved details. Reason: To ensure that the development contributes to ecological enhancement on the site and in accordance with policy QD17 of the Brighton & Hove Local Plan.*

- 8.7 The application seeks to vary the timescale for the submission of details to be submitted prior to the commencement of the residential element of the scheme. The green walling is proposed for the north elevation of the building to add interest to an existing bland elevation whilst providing a biodiversity enhancement to the building. Green walling is also proposed to frame the new hotel entrance. It is considered to be a positive element of the overall design scheme approved under BH2013/01034. The green walls are not associated with the proposed residential extensions to the building. For this reason it is considered necessary to have the details of this element prior to any development commencing on the re-modelling of the building. Therefore it is not considered appropriate to vary this condition. The condition should be re-imposed on any subsequent consent without variation. Therefore the request to vary Condition 9 is recommended to be refused.

8.8 Condition 13

*No development shall take place until a site management plan including details of the operation of the basement level venue / bar, measures during patron arrival and departure to / from the venue, and management of outdoor areas has been submitted to and approved in writing by the Local Planning Authority. The management plan shall be enacted for the duration of the use hereby approved. Reason: In order to ensure that the safe operation of the development and to protection of the amenities of nearby residents, in accordance with policies SU10, QD27 and TR7 of the Brighton & Hove Local Plan.*

- 8.9 This condition is proposed to be amended to allow the submission and agreement of site management of plan for the bar and venue to be submitted prior to development commencing on this element of the scheme. The requirement for the management plan is specifically for this part of the building and can be seen as a distinct element of the permission. This proposed variation has caused some concern with neighbours who feel this information is crucial to the functioning of the site. Whilst this is the case, it is only necessary to have this information in relation to the basement venue and therefore it is considered reasonable to vary this condition and allow the submission of this information to be submitted prior to the works commencing on basement of the building. The request to vary Condition 13 is recommended for approval.

8.10 Condition 14

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

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

- 8.11 The applicant seeks to vary this condition to allow for the development to have a phased construction and potentially a phased occupation. The applicant has stated that full provision of the refuse and recycling facilities would only be available for use following the completion of the works to the ground floor. The original request was to remove the requirement for the recycling facilities to be made available for use prior to occupation, thereby meaning that elements of the scheme could be occupied without the facilities in place. In discussion with the applicant it has been suggested that the condition is split into three parts to allow for facilities to be made available as works progress on each element of the site. This would ensure adequate refuse and recycling facilities are made available for the occupiers of the building at all times. The request to vary Condition 14 is therefore recommended for approval.

8.12 Condition 15

*No development shall commence until details of the proposed sound system, and sound/noise limiter systems to manage sound, levels and frequencies and locations have been submitted to and approved in writing by the Local Planning Authority. The approved sound/noise limiter systems shall be installed and operational prior to the first occupation of the development and shall be retained as such thereafter.*

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

- 8.13 The application proposes for the submission of the details of the sound system to be made before development commences on the basement of the hotel. This would allow works to commence on the other elements of scheme in advance of this information being submitted. This proposed variation has caused some concern with neighbours who feel this information is crucial to the functioning of the site. The Environmental Health Team have not raised an objection to this application and given the specific nature of this condition it is considered reasonable to vary the application in this instance. The request to vary Condition 15 is recommended for approval.

8.14 Condition 16

*No development shall commence until a scheme for the soundproofing of the building including proposals for post completion testing 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.*

8.15 This application seeks consent to change the timing of the submission of the soundproofing to prior to development commencing on the basement. This proposed variation has caused some concern with neighbours who feel this information is crucial to the functioning of the site and should be considered up-front. The Environmental Health Officer has commented that the proposed variation is acceptable because the basement activity is considered to be the area of the premises requiring additional soundproofing control. Additional soundproofing is not considered necessary for any other element of the works approved under BH2013/01034. The request to vary Condition 16 is recommended to be approved.

8.16 Condition 17

*No development shall commence until details of all proposed plant and machinery, and a scheme for the suitable treatment of all plant and machinery against the transmission of sound and/or vibration have been submitted to and approved in writing by the Local Planning Authority. The measures shall be implemented in strict accordance with the approved details prior to the occupation of the development and shall thereafter be retained as such.*

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

8.17 It is proposed to break this condition in to three parts, to allow the submission of the details of the plant to come in to correspond to the phasing of the works. So additional plant for the residential unit, would need to be submitted for approval before works commence on that element of the scheme, any plant and machinery for the basement would be submitted before works commence on that element of the scheme and any plant and machinery for non-residential works would need to be submitted for approval before that element of the scheme. Representations have been received from neighbours and concerns centre on the need to treat plant and machinery for the hotel holistically to ensure acceptable noise levels. This has been considered, however the Environmental Health Team state that any subsequent report would have to consider noise levels from all machinery and plant associated with My Hotel in order to ensure the combined noise level would not rise unduly above existing plant on the building and therefore they raise no objection to the variation of this condition. The Environmental Health Team have raised no objection to phasing this condition into three parts and therefore the request to vary Condition 17 is recommended to be approved.

8.18 Condition 21

*Prior to the first occupation of the development hereby permitted the applicant shall reinstate the redundant vehicle crossover on Jubilee Street back to a footway by raising the existing kerb and footway. Reason: In the interests of*

*highway safety and to comply with policies TR7 and TR8 of the Brighton and Hove Local Plan.*

8.19 This condition is proposed to be varied to ensure works are completed prior to the first occupation of the basement rather than the occupation of any other part of the development. As the crossover will not be affected by the other works proposed by this consent, it is considered justifiable to vary the condition in this instance. The Sustainable Transport Team have not objected to this proposed change and it is considered reasonable to allow this variation. The request to vary condition 21 is therefore recommended to be approved.

8.20 Condition 22

*Prior to the first occupation of the development hereby approved a Delivery & Service Management Plan, which includes details of the types of vehicles, how deliveries will take place, timings and the frequency of deliveries shall be submitted to and approved in writing by the Local Planning Authority. All deliveries shall thereafter be carried out in accordance with the approved plan.*

*Reason: In order to ensure that the safe operation of the development and to protection of the amenities of nearby residents, in accordance with policies S10, QD27 and TR7 of the Brighton & Hove Local Plan.*

8.21 This condition is proposed to be varied to allow the Delivery & Service Management Plan to be submitted and approved prior to the first occupation of the non-residential development. This would in essence permit the construction and occupation of the residential development before the agreement of these details. As the Delivery and Service Management plan does not need to control any management or deliveries to residential units it is considered acceptable to vary the condition accordingly. Therefore the request to vary Condition 22 is recommended to be approved.

Additional Considerations

8.22 Further representations have been received regarding various other elements of the scheme, including the principle of development. Such matters are not subject to this application to vary conditions, since the scheme has been approved and the application focuses on the variation of the conditions only.

**9 CONCLUSION**

9.1 Conditions 8 and 9 which are considered to be enhancements to the existing building and necessary for the visual amenities of the area. They are related to the appearance of the building as a whole and not to the residential extension to the building. It is therefore recommended the request to vary Condition 8 and Condition 9 is refused and these conditions are re-imposed on any subsequent consent. The remaining conditions can be phased to allow the outstanding details to be submitted prior to development commencing on the corresponding parts of the works. It is recommended conditions 13, 14, 15, 16, 17, 21 and 22 are amended accordingly. All the remaining conditions imposed on



BH2013/01034, and not subjection to this request for a variation must be re-imposed.

**10 EQUALITIES**

10.1 None identified

**11 REASONS FOR REFUSAL / CONDITIONS / INFORMATIVES**

Reasons for Refusal to vary conditions 8 and 9:

The green roof and green walling approved under application BH2013/01034 are considered to be positive elements of the overall design scheme to remodel the building and to provide an ecological enhancement. The green walls and roof are not associated with the proposed residential extension to the building but part of the treatment of building as whole. For this reason it is considered necessary to have the details of this element prior to any development commencing on the re-modelling of the building in accordance with policy QD17 of the Brighton and Hove Local Plan.

Planning Conditions and Informatives

1. The development hereby permitted shall commence before 19/11/2017  
**Reason:** To ensure that the Local Planning Authority retains the right to review unimplemented permissions.
  
2. The development hereby permitted shall be carried out in accordance with the approved drawings listed below.  
**Reason:** For the avoidance of doubt and in the interests of proper planning.

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
SITE PLAN AND BLOCK PLAN	A.01	A	21/10/2014
EXISTING BASEMENT PLAN	A.06		02/04/2013
EXISTING GROUND FLOOR PLAN	A.07		02/04/2013
EXISTING FIRST FLOOR PLAN	A.08		02/04/2013
EXISTING SECOND FLOOR PLAN	A.09		02/04/2013
EXISTING THIRD FLOOR PLAN	A.10		02/04/2013
EXISTING ROOF PLAN	A.11		02/04/2013
EXISTING ELEVATIONS	A.15	A	25/04/2013
EXISTING ELEVATIONS	A.16	A	25/04/2013
EXISTING ELEVATIONS	A.17		02/04/2013
PROPOSED BASEMENT PLAN	D.21		02/04/2013
PROPOSED GROUND FLOOR PLAN	D.22	A	02/04/2013

PROPOSED FIRST FLOOR PLAN	D.23		02/04/2013
PROPOSED SECOND FLOOR PLAN	D.24	A	02/04/2013
PROPOSED THIRD FLOOR PLAN	D.25		02/04/2013
PROPOSED ROOF PLAN	D.26		02/04/2013
PROPOSED UPPER ROOF PLAN	D.27		02/04/2013
PROPOSED ELEVATIONS / LANDSCAPING	D.51	A	13/08/2013
PROPOSED ELEVATION	D.31	A	13/08/2013
PROPOSED ELEVATION	D.32		01/05/2013
PROPOSED ELEVATION	D.33	A	13/08/2013
PROPOSED ELEVATION	D.34	A	13/08/2013
PROPOSED SECTION	D.35		25/04/2013

3. The basement level venue / bar hereby permitted shall not be open to customers except between the hours of 10.00 and midnight (00.00) Monday to Saturday, and 10.00 and 23.00 on Sundays, Bank or Public Holidays.

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

4. All window and door designs shall match those of the existing building, unless full details of alternative proposals have been submitted to and approved in writing by the Local Planning Authority prior to installation of the windows and doors.

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

5. The penthouse flat 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.

Pre-commencement conditions

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

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

7. No development shall take place until construction details of the works to the boundary walls of the site have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved scheme.

**Reason:** To ensure the preservation of the boundary wall and to comply with policy HE6 of the Brighton & Hove Local Plan.

8. No development shall take place until details of the construction of the green roofs have been submitted to and approved in writing by the Local Planning Authority. The details shall include a cross section, construction method statement, the seed mix, and a maintenance and irrigation programme. The roofs shall then be constructed in accordance with the approved details and shall be retained as such thereafter.

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

9. No development shall take place until details of the proposed green walling and maintenance and irrigation programme have been submitted to and approved in writing by the Local Planning Authority. The walls shall thereafter be constructed, maintained and irrigated in accordance with the approved details.

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

10. Unless otherwise agreed in writing by the Local Planning Authority, no residential development shall commence until a Design Stage/Interim Code for Sustainable Homes Certificate demonstrating that the development achieves a Code for Sustainable Homes rating of Code level 4 as a minimum for all residential units has been submitted to, and approved in writing by, the Local Planning Authority.

A completed pre-assessment estimator will not be acceptable.

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

11. Unless otherwise agreed in writing by the Local Planning Authority, no non-residential development shall commence until a BRE issued Interim/Design Stage Certificate demonstrating that the development has achieved a minimum BREEAM rating of 50% in energy and water sections of relevant BREEAM assessment within overall 'Very Good' 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.

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

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

13. The development of the basement permitted shall not commence until a site management plan including details of the operation of the basement level venue / bar, measures during patron arrival and departure to / from the venue, and management of outdoor areas has been submitted to and approved in writing by the Local Planning Authority. The management plan shall be enacted for the duration of the use hereby approved.

**Reason:** In order to ensure that the safe operation of the development and to protection of the amenities of nearby residents, in accordance with policies S10, QD27 and TR7 of the Brighton & Hove Local Plan.

14.

i) The development of the basement hereby permitted shall not commence 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 basement and the refuse and recycling storage facilities shall thereafter be retained for use at all times.

ii) The development of the residential unit hereby permitted shall not commence 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 residential unit and the refuse and recycling storage facilities shall thereafter be retained for use at all times.

iii) The non-residential development (excluding the basement) hereby permitted shall not commence 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 non-residential development (excluding the basement) 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.

15. The development of the basement hereby permitted shall not commence until details of the proposed sound system, and sound/noise limiter systems to manage sound, levels and frequencies and locations have been submitted to and approved in writing by the Local Planning Authority. The approved

sound/noise limiter systems shall be installed and operational prior to the first occupation of the development and shall be retained as such thereafter.

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

16. The development of the basement hereby permitted shall not commence until a scheme for the soundproofing of the building including proposals for post completion testing 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.

17.

i) The development of the basement hereby permitted shall not commence until details of all proposed plant and machinery relating to the basement, and a scheme for the suitable treatment of all plant and machinery against the transmission of sound and/or vibration have been submitted to and approved in writing by the Local Planning Authority. The measures shall be implemented in strict accordance with the approved details prior to the occupation of the development and shall thereafter be retained as such.

ii) The development of the residential units hereby permitted shall not commence until details of all proposed plant and machinery relating to the residential unit, and a scheme for the suitable treatment of all plant and machinery against the transmission of sound and/or vibration have been submitted to and approved in writing by the Local Planning Authority. The measures shall be implemented in strict accordance with the approved details prior to the occupation of the development and shall thereafter be retained as such.

iii) The non-residential development (excluding the basement) hereby permitted shall not commence until details of all proposed plant and machinery relating to the non-residential development, and a scheme for the suitable treatment of all plant and machinery against the transmission of sound and/or vibration have been submitted to and approved in writing by the Local Planning Authority. The measures shall be implemented in strict accordance with the approved details prior to the occupation of the development and shall thereafter be retained as such.

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

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

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

Pre-occupation conditions

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

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

20. 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.

21. Prior to the first occupation of the basement hereby permitted the applicant shall reinstate the redundant vehicle crossover on Jubilee Street back to a footway by raising the existing kerb and footway.

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

22. Prior to the first occupation of the non-residential development hereby approved a Delivery & Service Management Plan, which includes details of the types of vehicles, how deliveries will take place, timings and the frequency of deliveries shall be submitted to and approved in writing by the Local Planning Authority. All deliveries shall thereafter be carried out in accordance with the approved plan.

**Reason:** In order to ensure that the safe operation of the development and to protection of the amenities of nearby residents, in accordance with policies S10, QD27 and TR7 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 Brighton & Hove Local Plan, including Supplementary Planning Guidance and Supplementary Planning Documents: (Please see section 7 of the report for the full list); and

(ii) for the following reasons:-

The proposed development is of high quality design and materials, is of appropriate height, scale and bulk and is well sited and thereby conforms with policies QD1, QD2, QD14, and HE6 of the Brighton and Hove Local Plan 2005. The Jubilee Street Master Plan is considered out of date in the context of this application and the area has changed in the intervening years.

3. The applicant is advised that this planning permission does not override the need to obtain a licence under the Licensing Act 2003. Please contact the Council's Licensing team for further information. Their address is Environmental Health & Licensing, Bartholomew House, Bartholomew Square, Brighton BN1 1JP (telephone: 01273 294429, email: [ehl.safety@brighton-hove.gov.uk](mailto:ehl.safety@brighton-hove.gov.uk), website: [www.brighton-hove.gov.uk/licensing](http://www.brighton-hove.gov.uk/licensing)).

4. The banners signs which form part of the approved scheme require a separate application for advertisement consent.





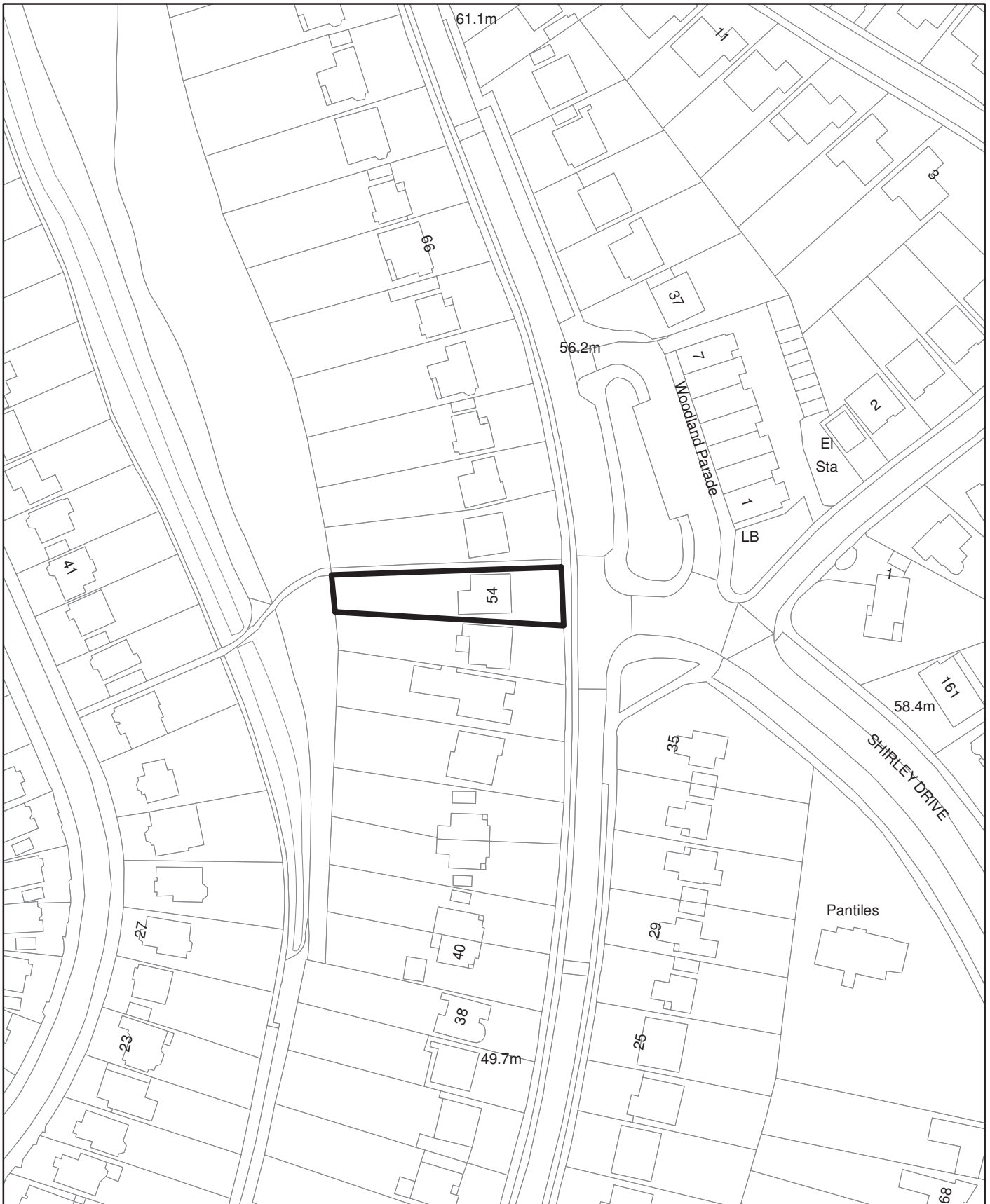
# **ITEM G**

**54 Woodland Drive, Hove**

**BH2014/03283**  
**Full planning**

**5 AUGUST 2015**

# BH2014/03283 54 Woodland Drive, Hove



**Brighton & Hove  
City Council**



**Scale: 1:1,250**

<b><u>No:</u></b>	<b>BH2014/03283</b>	<b><u>Ward:</u></b>	<b>HOVE PARK</b>
<b><u>App Type:</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>54 Woodland Drive Hove</b>		
<b><u>Proposal:</u></b>	<b>Change of use from residential dwelling (C3) to day nursery (D1) including alterations to fenestration and construction of gable ends and two rear dormers to allow accommodation in the roof space.</b>		
<b><u>Officer:</u></b>	Jason Hawkes Tel: 292153	<b><u>Valid Date:</u></b>	17 October 2014
<b><u>Con Area:</u></b>	Adjacent Woodland Drive	<b><u>Expiry Date:</u></b>	12 December 2014
<b><u>Listed Building Grade:</u></b>	N/A		
<b><u>Agent:</u></b>	La Digue Creative, 14 Regent Hill, Brighton, BN1 3ED		
<b><u>Applicant:</u></b>	Ms Setareh Shahin, 54 Woodland Drive, Hove, BN3 6DJ		

## 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 two-storey dwellinghouse located on the west side of Woodland Drive. The house is of traditional design with a cat slide roof to the front elevation. The house includes a hardstanding area to the front for car parking. The site slopes up to the rear and the rear garden is split into different levels to reflect the topography of the site. The dwelling includes a conservatory to the rear. Woodland Drive also slopes up from south to north.
- 2.2 To the rear of the garden is a woodland area known as the Three Cornered Copse. This is a Site of Nature Conservation Importance. The dwelling is adjacent to a pathway to the north which leads to the copse. The dwelling is also opposite the junction with Shirley Drive. There is a parade of shops at 1-7 Woodland Parade adjacent the junction with Shirley Drive. The parade of shops includes a parking area. The remaining surrounding area is predominately comprised of detached dwellinghouses set in substantial grounds. The site is adjacent to the Woodland Drive Conservation Area to the north and west of the site.

## 3 RELEVANT HISTORY

**BH2014/01251:** Change of use from residential dwelling (C3) to day nursery (D1) including alterations to fenestration. Withdrawn July 2014.

## 4 THE APPLICATION

- 4.1 Planning permission is sought for the change of use of from a residential dwelling (Class C3) to day nursery (Class D1). The scheme includes alterations to the fenestration of the building and roof alterations to allow residential accommodation in the roofspace. The roof alterations comprise the construction of gable ends and two rear dormers. A new front wall and gate is also included in the scheme. The proposal includes three staff parking spaces to the front hardsurface area. The scheme includes acoustic fencing to the side elevations and acoustic canopies to the rear elevation of the building.
- 4.2 The nursery is proposed for 28 children open between 7am to 7pm Monday to Friday. As amended, the scheme also includes the use of certain areas of the rear garden for the use of the nursery between 9am and 5pm.
- 4.3 Amendments have been received during the course of the application. The amendments include reducing the size of the front boundary wall, removing any proposed signage and adding a roof extension to allow accommodation in the roofspace.

## **5 PUBLICITY & CONSULTATIONS**

### **External**

- 5.1 **Neighbours: Forty One (41)** letters of representation have been received from **15 Downside; 8 Elizabeth Avenue; 6, 7, 9 Hill Drive; 31 Rugby Road; 21 Shirley Drive; 19 Withdean Crescent; 14 Withdean Road; 16, 26, 32, 35, 36, 37, 43 Woodland Avenue; 5, 14, 16(x2), 20, 25, 28, 30, 37, 46, 52, 53, 78, 128, 130, 132 Woodland Drive; 6 Woodlands Parade; a resident of Woodland Avenue; a resident of Woodland Drive; a resident of Hill Brow; 2 residents in Hill Drive and 3 anonymous residents objecting** to the application for the following reasons:
  - The scheme would result in the loss of a dwelling which is needed in terms of the City's Housing provision and represents an over-intensive use of the property.
  - Woodland Drive is a busy road with limited parking in the street. The lay-by opposite is not suitable as it is in constant use. There are safety concerns as the junction opposite is busy. The scheme would cause traffic disruption and congestion with children being dropped off and collected with the danger of crossing the road.
  - Parents could be forced to park in Woodland Avenue and walk through the Three Cornered Copse.
  - Woodland Drive is a residential area and opening a business would detract from the area.
  - This area is not short of nurseries as there are already a number of nurseries in the area.
  - The scheme would result in a noise disturbance. This is a peaceful area which is not appropriate for a nursery.
  - Concern is raised over the use of the garden and the structures proposed. The acoustic fence would lead to a loss of light and will be ineffective in stopping noise disturbance.
- 5.2 **Councillors Vanessa Brown and Jayne Bennett: Object** (email attached)

5.3 **Environment Agency:** No comment.

**Internal:**

5.4 **Arboricultural Section:** No objection subject to a condition requiring the submission of an Arboricultural Method Statement which outlines construction methods including details of protective fencing for trees to be retained on site to be submitted and approved in writing by the Local Planning Authority prior to commencement of works.

5.5 **Early Years Team:** Support. Although there is sufficient childcare in this area, the proposed nursery would offer some additional features not available elsewhere, most notably access to the adjoining woodland area. Support is subject to a suitable Noise Management Plan which encourages active learning.

5.6 **Environmental Health:** No objection subject to the Noise Management Plan for the nursery to be fully implemented and maintained as such thereafter.

5.7 **Sustainable Transport:** No objection subject to the following:

- The vehicle parking area shown on the approved plans shall not be used otherwise than for the parking of vehicles belonging to staff members and no parent picking up and dropping off shall take place.
- 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.
- Within 3 months of occupation of the development hereby approved, the developer or owner shall submit to the Local Planning Authority for approval in writing, a detailed Travel Plan (a document that sets out a package of measures and commitments tailored to the needs of the development, which is aimed at promoting safe, active and sustainable travel choices by its users (pupils / carers, staff, visitors, residents & suppliers).
- The number of children at the nursery shall not exceed 28 without the prior consent of the Local Planning Authority.

## **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);

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

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

## 7 RELEVANT POLICIES & GUIDANCE

### The National Planning Policy Framework (NPPF)

#### Brighton & Hove Local Plan:

TR1	Development and the demand for travel
TR4	Travel Plans
TR7	Safe development
TR14	Cycle access and parking
TR19	Parking standards
SU2	Efficiency of development in the use of energy, water and materials
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
QD15	Landscape design
QD16	Trees and hedgerows
QD27	Protection of Amenity
HO8	Retaining housing
HO26	Day nurseries and child care facilities
HE6	Development within or affecting the setting of conservation areas.

#### Supplementary Planning Guidance:

SPGBH4	Parking Standards
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Supplementary Planning Documents:

SPD03	Construction & Demolition Waste
SPD06	Trees & Development Sites
SPD08	Sustainable Building Design
SPD12	Design Guide for Extensions and Alterations

Brighton & Hove City Plan Part One (submission document)

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

8.1 The main issues of consideration in the determination of the application are the acceptability of the proposed nursery in this location having regard to the existing use as a dwelling, the impact on neighbouring amenity, impact on the design of the host property and surrounding area (including the setting of the adjacent Conservation Area), impact on trees and traffic issues.

**8.2 Proposed mix of uses**

Local plan policy HO8 seeks to retain housing except in exceptional circumstances, none of which apply to this proposal. Policy HO26 states that planning permission for day nurseries will be permitted where:

- a. the property is capable of meeting the council's accommodation and staffing standards and has an adequate external amenity area for play;
- b. the proposal would not have a detrimental impact on the amenity of adjoining residents or the surrounding neighbourhood;
- c. the location is readily accessible by walking, cycling and public transport;
- d. the proposal would not result in traffic congestion or prejudice highway safety; and
- e. adequate storage space is provided for buggies and pushchairs.

8.3 Policy HO26 permits exceptions to policy HO8 to enable the provision of day nursery/ child care facilities in areas where it can be demonstrated that there is a significant shortfall; and advises that in such circumstances at least one residential unit should be retained wherever it is practicable.

8.4 The building as existing forms a single detached dwellinghouse with vehicular access off Woodland Drive with a large rear garden. To meet the criteria of the above policies, the scheme as amended includes accommodation in an enlarged roof space with the nursery proposed at ground and first floor level. The accommodation would be accessed via a new staircase to the side of the dwelling. The accommodation in the roof space would be created through the construction of hipped gable ends, front rooflights and two rear dormer window extensions. The suitability of the design of these extensions is discussed below.

8.5 The accommodation would be small divided into a living room, bedroom and shower room. The accommodation would have a floor area of 4.1m x 8.8m (36.08m<sup>2</sup>). The use of this area would be limited through the sloping roofs of the dwelling. The accommodation is not self-contained as it would be accessed through the first floor of the proposed nursery. Whilst not ideal, the proposal

would offer suitable residential accommodation within the proposed nursery which could be used by staff of the facility as ancillary accommodation and is similar to other nursery proposals across the city.

- 8.6 The proposed nursery would include a ground kitchen, office, children's toilets and two rooms for activities and nursery space. The first floor would include a manager's room, staff facilities, children's toilets and a further activity room. The proposed nursery would include the use of areas of the rear garden. The nursery is proposed for 28 children open between 7am to 7pm Monday to Friday. As amended, the scheme included the use of certain areas of the rear garden for the use of the nursery between 9am and 5pm.
- 8.7 The Council's Early Years Childcare Team have raised no concern over the proposed facility, stating that although there is sufficient childcare in this area, the proposed nursery would offer some additional features not available elsewhere, most notably access to the adjoining woodland area. The Early Years Team originally commented that their support is subject to a suitable noise management plan which encourages active learning. As amended, the Early Years Team has no objections to the noise management plan proposed. The noise management plan is discussed below in the amenity section.
- 8.8 Policy HO26 requires proposals for new nurseries to be appropriate in respect of impact on residential amenity and traffic congestion and highway safety. The scheme is considered appropriate in respect of these matters as outlined below. In accordance with policy HO26, the scheme also includes adequate storage space for buggies and pushchairs.
- 8.9 Having regard to the above, the scheme is considered in accordance with policies HO8 and HO26.

#### **Impacts on Amenity**

- 8.10 One of the main concerns with this application is the impact of the proposed intensity of childcare use on the amenities of adjoining properties. The use of the garden has raised a number of objections from neighbouring residents with regards to noise disturbance.
- 8.11 The proposed nursery would operate Monday to Friday between the hours of 7am and 7pm. The scheme as originally submitted included a Noise Management Plan which proposed to limit the use of the rear garden between 9am – 12pm and 2pm – 5pm and to 10 children at any one time. The play area would be used by children between the ages of 2-5 years. The Early Years Team commented that support for the nursery was subject to amendments to the plan. Practices in nurseries favour unrestricted use of garden areas and that this reduces overall noise levels compared to restricted times for the use of the garden area. In addition it was considered that a plan should be drawn up regarding the activities in the garden. The noise level will depend on the activities in the garden rather than the number of children. For example, reading a story to a group of children could be done successfully with minimal noise with more than ten children, whereas playing with a parachute could be too noisy with ten children. When

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children are restricted by the number and times that can play outside it can create more noise than allowing free access to the garden.

- 8.12 The level of noise should be managed through a range of other measures, including offering more quiet equipment and activities. An effective management plan should address specific equipment and measure the amount of noise that generate. A plan should indicate which parts of the garden will be dedicated to stories and quiet play and how this will be managed throughout the day to limit noisy play.
- 8.13 Subsequently, the applicant submitted an amended Noise Management Plan taking into account the comments of the Early Years Team. The amended plan allows the use of the garden between the hours of 9am and 5pm but still limiting the use to a maximum of 10 children at any one time. The garden area will be used as an extension of the children's indoor learning environment and staff will be trained and supported to use this area as a place for children to explore and gain experiences while learning. This gives children the ability to be physical and adventurous within the garden area closest to the rear of the house, whilst being monitored and supported by staff.
- 8.14 Children will be used to accessing the outdoor space daily and throughout the session, therefore reducing the chance of high noise levels potentially generated by an experience or space offered less often.
- 8.15 Use of the garden would also be limited to certain areas. The garden is divided into separate terraces at different ground levels. The proposal is to use the two rear upper terraces as well areas directly to the rear of the building. Children will be able to access all the areas outdoors under supervision, with opportunities for them to be involved quietly in activities. The plan states that these activities would include physical play as well as activities to promote early language and communication, literacy, mathematical development, personal, social and emotional development, creativity and understanding of the world including the natural environment.
- 8.16 The Noise Management Plan also includes the following measure to reduce noise impact:
- An acoustic fence will run the length of both sides of the garden to a height of 1.8m.
  - Acoustic canopies will be placed over the rear patio area adjacent the rear of the property.
  - A window will be removed and infilled to south elevation of the building to the rear.
  - Increased glazing and soundproofing of windows to the sides of the property will be installed for rooms that will be used by the children.
  - No amplified music, musical instruments or singing in the outside areas and no ball games.
  - Signs put up politely asking parents to respect the neighbours when they drop off and pick their children up.

- Soft child friendly surfaces are installed in the current patio areas instead of hard paving slabs.
- Play areas with the potential to generate high noise levels or congregation of children will be located adjacent to the rear of the property for maximum acoustic screening.
- Windows will be kept shut during nursery hours (7am to 7pm). To compensate for lack of ventilation, the scheme indicates the use of air handling units to compensate for windows being closed.
- Blinds will be provided to rear doors.

8.17 The Environmental Health Team has commented that they have no objection to the Noise Management Plan as amended.

8.18 Given the importance of noise management, a condition is recommended requiring the plan to be in place prior to the first use of the nursery. Subject to this condition and having regard to the comments of the Early Years and Environmental Health Team, the scheme is considered in accordance with policies HO26 and QD27 and would not result in a significant impact on the amenity of any adjacent properties.

8.19 The proposal includes extensions and alterations to the property which include roof extensions, acoustic fencing and canopies and a new front wall and gate. The extensions to the property include barn hipped gable ends, rear dormers and front rooflights. Given the size of scale of these extensions, these additions would not result in a significant impact on the amenity of any adjacent properties in respect of loss of light, increased sense of enclosure or loss of privacy. The other alterations proposed are also of a suitable scale and would not result in a detrimental impact on the amenity of any adjacent properties.

### **Design**

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

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

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

8.22 To facilitate the additional accommodation in the roof, the proposal includes roof extensions. The extensions comprise the addition of hip to gable ends, two front

rooflights and two dormer windows to the rear. The proposed gable ends would have barn hipped roofs. The scheme would retain the small traditional dormer to the front roofslope and would require the removal of the existing chimney. Currently, the property has a large hipped roof with a cat slide element to the front. The proposal would result in additional bulk to the roof. However, the resulting building would not stand out in the context of the street scene. Woodland Drive is mainly comprised of large detached houses of traditional design. The proposed gable ends and rooflights would also maintain a traditional appearance to the building. Additionally, the barn hip to the gable ends softens the visual impact of the gable ends.

- 8.23 The proposed dormers would be flat roofed measuring 2m in width and 1.6m in height. The dormers would be positioned directly above the rear windows, would be sufficiently set in within the roofslope and would be no wider than the windows below. This would be in accordance with the guidance set out in SPD12. Positioned to the rear roofslope, the dormers would not be visible from the street and would form sympathetic additions to the building.
- 8.24 The scheme includes a new front wall and gates to the front of the property. The new wall would measure 1.5m in height and would include pillars and a top section of railings. The walls, railings and gates would be lower than the height of walls and fencing the immediate adjacent property at 56 Woodland Drive. The wall at no.58 was granted permission in 2004 (ref: BH2004/01612/FP). The proposed wall and gates would follow the line of the existing front walls of the adjacent properties and would not look of character with the street scene. The scheme maintains a front forecourt and parking areas as existing.
- 8.25 To improve the appearance of the scheme, amended plans have been submitted to include railings and a metal gate with railings rather than the timber panelling as originally proposed. This would allow views through the railings gate into the front of the property. The scheme as amended also includes soft landscaping to the front forecourt area. These amendments soften the appearance of the proposal and give the scheme less of an enclosed appearance.
- 8.26 In addition, the scheme includes timber acoustic fencing, rear canopies and side steps which will alter the appearance of the dwelling and the site. These alterations are considered appropriate and would not significantly detract from the character and appearance of the building or the surrounding area. The proposal is therefore in accordance with the above policy.

#### **Impact on Trees**

- 8.27 QD16 of the Brighton & Local Plan relates to tree and hedgerows and states that applications for new development:
- Should accurately identify existing trees, shrubs and hedgerows;
  - Must seek to retain existing trees and hedgerows; and
  - Wherever feasible include new tree and hedge planting in the proposals.
- 8.28 The Arboriculturist has commented that there are various trees and shrubs down the side borders of the gardens. No trees will need to be removed to facilitate the

development. The structural roots of these specimens may be damaged by the construction of any posts required for the acoustic fence.

- 8.29 The Arboricultural Section would therefore ask that a condition be attached to any planning consent granted regarding the construction of these fencing posts. Pits should be dug out by hand and not trenched with a mini digger etc.
- 8.30 Overall, the Arboricultural Section has no objection to the proposals in this application subject to a suitable condition being attached to any planning consent granted. The condition would require the submission of a detailed Construction Specification/Method Statement for construction of the acoustic fence has been submitted to and approved in writing by the Local Planning Authority. This shall provide for the long-term retention of the trees. No development or other operations shall take place except in complete accordance with the approved Construction Specification / Method Statement.
- 8.31 In addition, amendments have been received during the course of the application altering the front boundary and introducing vegetation. A condition is recommended requiring details of a landscaping scheme to be submitted.

#### **Access and Parking**

- 8.32 Policy TR1 requires that developments provide for the demand for travel that they create and maximise the use of public transport, walking and cycling. Policy TR7 states that planning permission will be granted for developments that do not increase the danger to users of adjacent pavements, cycle routes and roads. Policy TR14 states that, in all proposals for new development and changes of use, applicants should provide facilities for cyclists.
- 8.33 One of the main objections from residents to the application is concern regarding the potential impact of the scheme on parking and highway safety. The Sustainable Transport Manager has commented on the scheme and made the following comments:

#### **Pedestrian Access**

- 8.34 Pedestrian access to the nursery is from Woodland Drive. As detailed in the proposed ground floor plan the applicant is proposing a separate pedestrian access which is segregated from the vehicular access. This arrangement is welcomed and reduces the potential conflict with vehicles.

#### **Vehicular Access**

- 8.35 The applicant is intending to retain the existing vehicular access from Woodland Drive. The Highway Authority has no objections to this arrangement subject to the inclusion of the condition in relation to the use of the car parking spaces being limited to staff use only.

#### **Cycle Parking**

- 8.36 SPG04 states that a minimum of 1 cycle parking space is required per 250m<sup>2</sup> or part thereof for educational establishments. Therefore for this development of 160m<sup>2</sup> the minimum cycle parking standard would be 1 cycle parking space.



8.37 The applicant hasn't stated how many cycle parking spaces they intend to provide. In order to be in line with Policy TR14 of the Brighton & Hove Local Plan cycle parking must be secure, convenient, well lit, well signed and wherever practical, sheltered. The Highway Authority's preference is for the use of Sheffield type stands spaced in line with the guidance contained within the Manual for Streets section 8.2.22.

8.38 There is adequate space on site (to the front of the property adjacent to the parking area) to provide the necessary number of cycle parking spaces therefore the Highway Authority could look for further details to be secured via condition.

### **Car Parking**

8.39 SPG04 states that the maximum car parking standard for a nursery outside the CPZ is 1 car parking space per teaching staff member plus 1 car space per 3 other staff members.

8.40 The applicant is retaining the forecourt to the front of the property accessed from Woodland Drive. The applicant states that there are 3 car parking spaces and that these are for staff parking only. Therefore there will be no on-site parent pick up drop off. The Highway Authority supports this approach as it reduces the number of vehicle movements directly at the site access, potential pedestrian/vehicle conflict and reduces the likelihood of parents driving onto the site and having to reverse onto Woodland Drive if the car parking spaces are all occupied.

8.41 The Highway Authority would recommend that a condition is included on any permission granted that specifies that the car parking area should only be used for staff parking and no parent pick up and drop off.

### **Trip Generation/Highway Impact**

8.42 The conversion of the existing single residential property to a 28 place nursery will increase person trips to and from the site.

8.43 In order to assess the application the Highway Authority has taken the recorded modal split from another nursery in Hove. At this nursery the following modal split was recorded for parents:

Car – 70%  
Walk – 27%  
Public Transport – 2%  
Cycle – 1%

8.44 On the basis that a similar modal split occurs at this site it could be forecast that in a morning or evening peak that 20 parents would drive to collect their children.

8.45  $28 \text{ children} \times 0.70 \text{ car drivers} = 20 \text{ parents driving to drop off/pick up children}$



- 8.46 Not that the pick up and drop off would occur in such a regular uniform manner, however in order to give an idea of the likely trips, this number of parents driving to the nursery would equate to on average approximately 1.6 vehicles every 5 minutes over an hour period.
- 8.47 The applicant has stated that there are approximately 27 on-street marked bays on Woodland Drive and outside the row of shops on Shirley Drive. The Highway Authority is of the view that there are suitable parking spaces in the local area to support the forecast parking demand of a nursery of 28 spaces. There is suitable on-street parking provision for the parents to park in a responsible, legal and safe location and then walk to the nursery. If parents choose to drive to the site the nursery must promote the safe, responsible and legal parking of vehicles in the local area through the Travel Plan.

**Road Safety**

- 8.48 Having checked the accident records in the local area the last recorded accident at the junction of Woodland Drive/Shirley Drive was in 2006 and this was recorded as slight.

**Travel Plan**

- 8.49 The applicant should have submitted a Travel Plan in support of this application to detail how the nursery will promote sustainable travel and manage any transport issues that arise as a result of the nursery. Therefore the Sustainable Transport Manager would recommend that a Travel Plan is secured via condition.
- 8.50 Having regard to the above comments from the Sustainable Transport Manager and subject to the recommended conditions, the scheme is considered appropriate in respect of its demand for travel and potential impact on highway safety and parking in the area. The scheme is therefore in accordance with policy TR1, TR7 and TR14 of the Brighton & Hove Local Plan.

**Sustainability:**

- 8.51 Policy SU2 of the Brighton and Hove Local Plan requires new development to demonstrate a high level of efficiency in the use of water, energy and materials. Insufficient information has been submitted indicating how these requirements have been met. Therefore a condition is recommended requesting details of proposed general sustainability measures prior to commencement of works.

**9 CONCLUSION**

- 9.1 The development will provide a day nursery capable of meeting the Council's standards and will retain a residential unit of an acceptable standard of accommodation within the premises. Subject to compliance with the suggested conditions, the day nursery use will not cause undue noise or disturbance for occupiers of adjoining properties. Likewise the proposed parking and access arrangements will not create a highway safety hazard. The proposal is also appropriate in respect of its design and would preserve the appearance of the host building and surrounding area. The scheme would not detrimentally affect the setting of the adjoining Woodland Drive Conservation Area.

**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
Location & Block Plan	14/WD/105	B	16 <sup>th</sup> Oct 2014
Existing Elevations & Site Plan	14/WD/100	B	13 <sup>th</sup> Oct 2014
Existing Ground & First Floor Plans	14/WD/101	B	13 <sup>th</sup> Oct 2014
Amended Proposed Floor Plans	14/WD/102	K	13 <sup>th</sup> July 2015
Amended Proposed Elevations	14/WD/103	K	13 <sup>th</sup> July 2015
Proposed Transport & Parking Plan	14/WD/104	B	13 <sup>th</sup> Oct 2014

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

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

4) The nursery use hereby permitted shall not be operational except between the hours of 07:00 and 19:00 on Mondays to Fridays, and not at weekends or including Bank or Public Holidays.

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

5) The number of children attend the nursery shall not exceed 28 at anytime.

**Reason:** To ensure an adequate standard of nursery facilities and to ensure the amenities of the locality and to comply with policies HO26 and QD27 of the Brighton & Hove Local Plan.

6) Outdoor play sessions in connection with the day nursery use hereby permitted shall be restricted to within the hours of 09.00 to 17.00 Monday to Friday with no use permitted on Saturdays, Sundays or Bank Holidays.

**Reason:** To safeguard the amenities of the locality and to comply with policies HO26, SU10 and QD27 of the Brighton & Hove Local Plan.

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- 7) The management of the outdoor space shall be undertaken strictly in accordance with the submitted management plan received on the 23<sup>rd</sup> March 2015 unless otherwise approved in writing by the Local Planning Authority.  
**Reason:** To ensure the effective management of the outdoor space and safeguard the amenities of the locality and to comply with policies QD27 and HO26 of the Brighton & Hove Local Plan.
- 8) No amplified music or musical equipment shall be used in the outdoor play area in connection with the day nursery use hereby permitted.  
**Reason:** To safeguard the amenities of the locality and to comply with policies HO26, SU10 and QD27 of the Brighton & Hove Local Plan.
- 9) The vehicle parking area shown on the approved plans shall not be used otherwise than for the parking of vehicles belonging to staff members and no parent picking up and dropping off shall take place.  
**Reason:** To ensure that adequate parking provision is provided and that there are safe access arrangements to the site for all and to comply with policy TR7, TR8, TR12 and TR19 of the Brighton & Hove Local Plan.
- 10) The premises shall be used as children's day nursery only and for no other purpose (including any other purpose in Classes C3 and D1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).  
**Reason:** The Local Planning Authority would wish to retain control over any subsequent change of use of these premises in the interests of safeguarding the amenities of the area and to comply with policy QD27 of the Brighton & Hove Local Plan.
- 11) The rooms allocated for residential purposes as indicated on drawing no. 14/WD/102K shall be retained as such and shall not be used as part of the day nursery.  
**Reason:** In order to protect the stock of residential accommodation within the city, in accordance with policies HO8 and HO26 of the Brighton and Hove Local Plan.
- 12) The new side facing window in the south elevation at second floor level of the development shall be obscure glazed and non-opening, unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed, and thereafter permanently retained as such.  
**Reason:** To safeguard the privacy of the occupiers of the adjoining property and to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.
- 11.2 Pre-Commencement Conditions:
- 13) No development or other operations shall commence on site in connection with the development hereby approved, (including any tree felling, tree pruning, demolition works, soil moving, temporary access construction and

or widening, or any operations involving the use of motorised vehicles or construction machinery) until a detailed Construction Specification/Method Statement for construction of the acoustic fence has been submitted to and approved in writing by the Local Planning Authority. This shall provide for the long-term retention of the trees. No development or other operations shall take place except in complete accordance with the approved Construction Specification / Method Statement.

**Reason:** As this matter is fundamental to protecting the trees which are to be retained on the site during construction works in the interest of the visual amenities of the area and to comply with policies QD1 and QD16 of the Brighton & Hove Local Plan.

11.3 Pre-Occupation Conditions:

- 14) Prior to first occupation of the development hereby permitted a scheme for the storage of refuse and recycling shall have 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.
- 15) Prior to the first occupation of the development hereby permitted, the acoustic fencing shown on drawing no.14/WD102K shall be built at a height of 1.8m and in accordance with the siting upon the approved plan. The means of enclosure shall thereafter be retained.  
**Reason:** In the interests of the amenity of adjacent residential occupiers in accordance with policies HO26 and QD27 of the Brighton and Hove Local Plan.
- 16) Prior to first occupation of the development hereby permitted, details of secure cycle parking facilities for the occupants of, and visitors to, the development shall 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 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.
- 17) Prior to the use of the premises as a nursery, details of the proposed soundproofing of windows and full details of the acoustic canopies shall be submitted to be agreed in writing by the Local Planning Authority. The details shall be implemented in accordance with the agreed details and thereafter retained.  
**Reason:** In the interests of the amenity of adjacent residential occupiers in accordance with policies HO26 and QD27 of the Brighton and Hove Local Plan.

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- 18) Prior to the use of the development hereby permitted details of sustainability measures shall be submitted to and approved in writing by the Local Planning Authority. These details shall demonstrate how the development would be efficient in the use of energy, water and materials in accordance with Supplementary Planning Document SPD08 Sustainable Building Design. The development shall be carried out in strict accordance with the approved details.

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

- 19) Prior to first occupation of the development hereby permitted, details of the proposed front wall and gates (including samples of materials) shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the agreed details and thereafter retained as such.

**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.

- 20) Prior to first occupation of the development hereby permitted, a scheme for landscaping shall have been submitted to and approved in writing by the Local Planning Authority. 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.

All hard landscaping and means of enclosure shall be completed in accordance with the approved scheme prior to first occupation of the development. 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 first 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.

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

### 11.4 Post-Occupation Condition:

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

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

11.3 Informatives:

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

The development will provide a day nursery capable of meeting the Council's standards and will retain a residential unit of an acceptable standard of accommodation within the premises. Subject to compliance with the suggested conditions, the day nursery use will not cause undue noise or disturbance for occupiers of adjoining properties. Likewise the proposed parking and access arrangements will not create a highway safety hazard. The proposal is also appropriate in respect of its design and would preserve the appearance of the host building and surrounding area. The scheme would not detrimentally affect the setting of the adjoining Woodland Drive Conservation Area.
3. Please note that Advertisement Consent may be required for any proposed signs. Further advice should be sought from the Local Planning Authority.
4. The applicants should note that the Noise Management Plan is not a complete guarantee that complaints won't be made by neighbours about noise from the nursery. Any noise complaints would be investigated by the Local Authority as legally required by Statutory Noise Nuisance Legislation.
5. The Travel Plan shall include such measures and commitments as are considered necessary to mitigate the expected travel impacts of the development and should include as a minimum the following initiatives and commitments:
  - i. Measures to promote and enable increased use of active and sustainable transport modes, including walking, cycling, public transport use, car sharing and Park & Stride, as alternatives to individual motor vehicle use;



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- ii. Identification of a nominated member of staff to act as School Travel Plan Co-ordinator to become the individual contact for the council's School Travel Team relating to the School Travel Plan; to convene a School Travel Plan (STP) Working Group.
- iii. Use of the BHCC STP guidance documents to produce and annually review the STP
- iv. Production of a SMART action and monitoring plan, which shall include a commitment to undertake annual staff, parent/carer and pupil travel surveys to enable the STP to be reviewed and to update the SMART actions to address any issues identified;
- v. A commitment to take part in the annual 'Hands Up' Mode of Travel Survey co-ordinated by the council's School Travel Team
- vi. Identification of mode-use targets focussed on reductions in the level of individual motor vehicle use by staff and parent/carers.
- vii. A commitment to reduce carbon emissions associated with nursery and school travel
- viii. Initiatives to increase awareness of and improve road safety and personal security
- ix. Evidence of dialogue and consultation with neighbouring residents and businesses



**From:** Vanessa Brown  
**Sent:** 03 March 2015 12:29 PM  
**To:** Jason Hawkes  
**Subject:** BH2014/03283

Dear Mr Hawkes

Ref: BH2014/03283 54 Woodland Drive

As Ward Councillors we have consistently objected to the planning application for this house to become a nursery with living accommodation above.

We do not believe it is a suitable location. Woodland Drive is a residential road. It is also extremely busy particularly first thing in the morning when the children would be arriving. It is a main route into Hove. The parking is difficult and the lay by which is mentioned is on the opposite of the road making it dangerous for parents and small children to cross. There is no safe crossing point.

The only other parking nearby is again on the other side of the road in front of a few local shops. This could mean the shops losing passing trade if there are no parking spaces available.

The accommodation is too small for a nursery and the outside playspace is insufficient. It is also likely to cause noise and disturbance to the near neighbours.

If this application should be recommended to be passed we would like it to go before the planning committee and one of us would like to speak at the meeting.

Yours sincerely

Jayne Bennett      Vanessa Brown



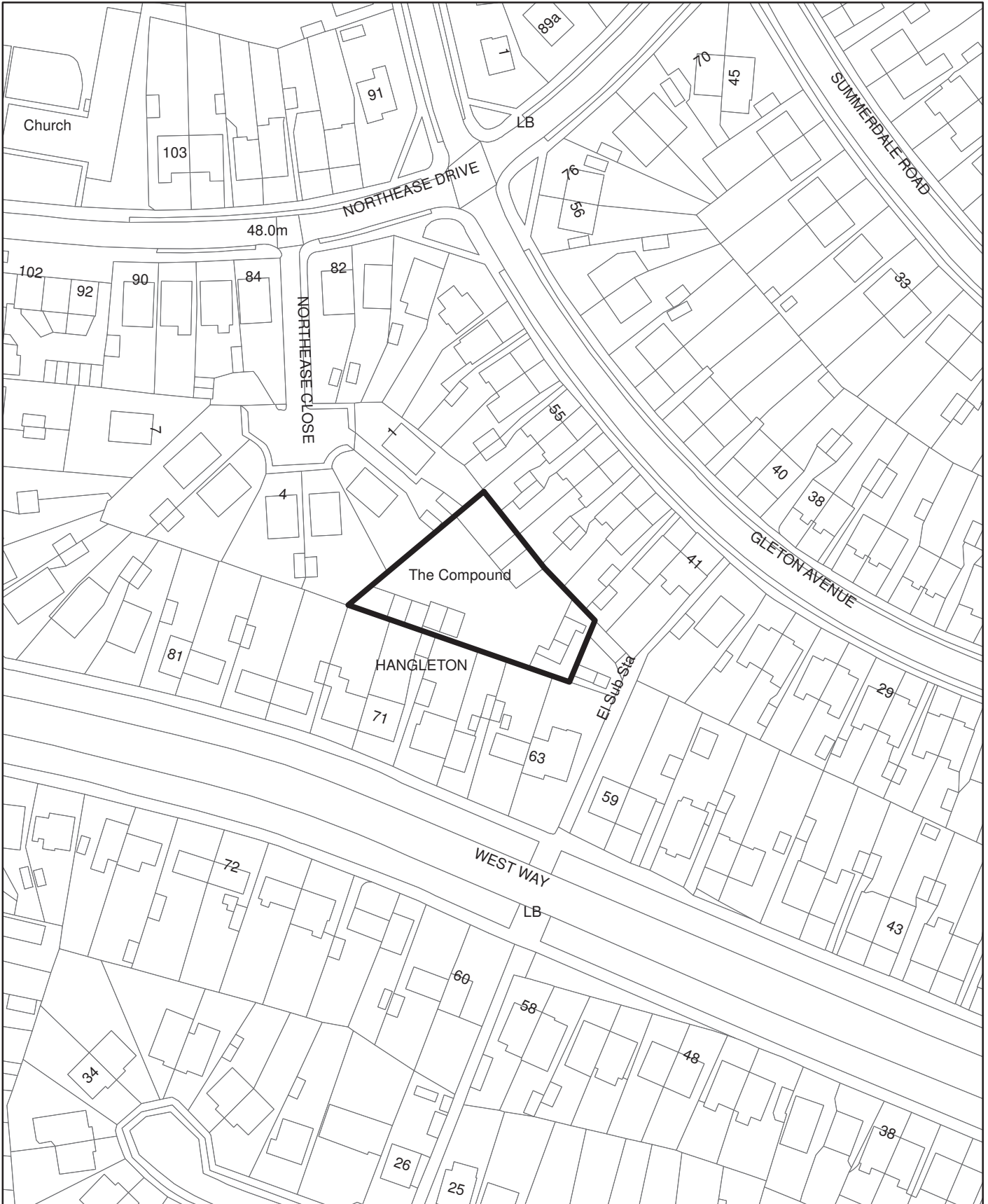
# **ITEM H**

**The Compound, Northease Close, Hove**

**BH2014/03546**  
**Full planning**

**5 AUGUST 2015**

# BH2014/03546 The Compound, Northease Close, Hove



**Brighton & Hove  
City Council**



**Scale: 1:1,250**

<b><u>No:</u></b>	<b>BH2014/03546</b>	<b><u>Ward:</u></b>	<b>HANGLETON &amp; KNOLL</b>
<b><u>App Type:</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>The Compound Northease Close Hove</b>		
<b><u>Proposal:</u></b>	<b>Demolition of existing buildings and erection of 2no four bedroom houses (C3) with detached garages, cycle parking and landscaping.</b>		
<b><u>Officer:</u></b>	Jason Hawkes Tel 292153	<b><u>Valid Date:</u></b>	27 May 2015
<b><u>Con Area:</u></b>	N/A	<b><u>Expiry Date:</u></b>	22 July 2015
<b><u>Listed Building Grade:</u></b>	N/A		
<b><u>Agent:</u></b>	Lewis and Co Planning SE Ltd, 2 Port Hall Road, Brighton, BN1 5PD		
<b><u>Applicant:</u></b>	Dandel Ltd, Mr Stephen Burns, The Compound, Northease Close, Hove, BN3 8LJ		

## 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 builder's yard known as The Compound, located off Northease Close. The site is enclosed, surrounded by residential properties and includes single-storey buildings used as offices and for storage associated with the use of the site. The buildings are sited adjacent the north, south and eastern boundaries. The site also includes skips for building waste and a central parking and loading area.
- 2.2 Due to the topography of the site, the houses to the north on Gleton Avenue are at a higher ground level. The houses on Gleton Avenue are two-storey detached dwellings. The houses to the south of the site at West Way are set at a lower ground level than the application site and are also two-storey dwellings. The dwellings on Northease Close are detached bungalows in a cul-de-sac. The site is accessed via Northease Close through an access in between 1 & 2 Northease Close. These houses include rear garages which front the access to the site. Directly to the east of the site is a substation.
- 2.3 The site is bounded by fencing. There are no trees within the site but there are trees in adjoining gardens which directly about the site. The surrounding area is predominately residential in nature.

## 3 RELEVANT HISTORY

- 3/88/0499:** Additional storage building. Approved 1988.  
**3/77/0167:** Erection of replacement stores building. Approved 1977.

**M/17573/73:** Outline application for the erection of Joinery Shop and Office. Refused 1973.

**M/16614/72:** Single storey office in builder's yard. Approved 1972.

**M/16934/72:** Single storey office building. Approved 1972.

**M/15798/71:** Erection of 3 detached 3 bedroomed houses. Refused 1971.

**M/14049/69:** Rear of 63 West Way. Extension of land as Builder's Yard. Approved 1969.

**M/10493/64** (Builder's Yard): Roofing over of storage area and erection of store, 2 offices and W.C., compartment for use by yard men. Approved 1965.

**M/4224/56** (Builder's Yard): Steel framed builder's store. Approved 1956.

#### **4 THE APPLICATION**

- 4.1 Planning permission is sought for the demolition of the existing buildings on site and the construction of two dwellings. Both houses are proposed with four bedrooms. The dwellings are proposed with a chalet bungalow appearance with accommodation in the roof space. The houses would be positioned centrally in the site with their front doors facing west. The scheme includes two garages for the proposed houses. The garages would be positioned along the western boundary of the site to the rear of the gardens of 1 & 2 Northease Close. The proposal includes soft and hard landscaping with bicycle and refuse storage.

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

##### **External**

- 5.1 **Neighbours: Fourteen (14)** representations have been received from **43, 47 (x2), 49 (x5), 51 (x2), 55 Gleton Avenue (x2), 2 Northease Close** and **65 West Way** objecting to the application for the following reasons:

- The size and height of the new buildings proposed is totally inappropriate and out of character to the locality and existing buildings. The site is small and the two large buildings proposed will be crammed into an area that is not large enough to accommodate them. The houses are significantly larger than existing properties.
- The buildings will have an imposing outlook and will cause serious overshadowing to neighbouring properties. The houses are close to the boundaries and will block light, result in a loss of privacy and enclose neighbouring properties. The scheme would also result in an overbearing and oppressive impact. The existing buildings are single-storey and do not block light. The proposal will result in a loss of views. This site is only suitable for one dwelling.
- The drawings are inaccurate and statements within the Design and Access Statement are incorrect.
- The proposal will have an environmental impact on trees, plants, wildlife and boundary treatments.
- The proposal will affect property prices.
- A move away from the yard may have a detrimental effect on the small businesses. This is not line with the Council policy to encourage small businesses.
- The proposal will result in an uplift of traffic movement on site.

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- The proposal might increase a flood risk given the topography of the site.
- The construction works will affect neighbouring amenity, especially shift workers in the area who have to sleep during the day. Concern is raised that the proposed works would also result in damage to neighbouring properties and the upkeep of the drive.

5.2 **Councillor Dawn Barnett:** Objection (letters attached).

5.3 **East Sussex Fire & Rescue Service:** Comment. The scheme would be required to meet Building Regulations and Section 35 of the East Sussex Act 1981. The Service would recommend the installation of sprinkler systems.

5.4 **UK Power Networks:** No objections.

### **Internal:**

5.5 **Access Consultant:** No objection.

5.6 **Arboricultural Section:** No objection subject to a condition requiring the submission of an Arboricultural Method Statement which outlines root protection zones of trees along with a monitoring schedule to be submitted and approved in writing by the Local Planning Authority prior to commencement of works.

5.7 **Environmental Health:** No objection subject to relevant conditions in respect of asbestos surveys to be carried out and submitted for the approval of the Local Planning Authority.

5.8 **Sustainable Transport:** The proposed car and cycle parking is in line with the standards in SPG04 and is deemed acceptable. No objection subject to the following:

- The vehicle parking area shown on the approved plans shall not be used otherwise than for the parking of private motor vehicles and motorcycles belonging to the occupants of and visitors to the development hereby approved.
- 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.
- 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 signage should give priority to vehicles entering the site. 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.

## **6 MATERIAL CONSIDERATIONS**

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



determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.”

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

## **7 RELEVANT POLICIES & GUIDANCE**

### The National Planning Policy Framework (NPPF)

#### Brighton & Hove Local Plan:

TR1	Development and the demand for travel
TR7	Safe development
TR14	Cycle access and parking
TR19	Parking standards
SU2	Efficiency of development in the use of energy, water and materials
SU10	Noise nuisance
SU11	Polluted land and buildings
SU13	Minimisation and re-use of construction industry waste
QD1	Design – quality of development and design statements
QD2	Design – key principles for neighbourhoods
QD3	Design – efficient and effective use of sites
QD4	Design – strategic impact
QD14	Extensions and alterations
QD15	Landscape design
QD16	Trees and hedgerows
QD27	Protection of Amenity

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HO3	Dwelling type and size
HO4	Dwelling densities
HO5	Provision of private amenity space in residential development
HO9	Residential conversions and the retention of smaller dwellings
HO13	Accessible housing and lifetime homes
EM3	Retaining the best sites for industry
EM6	Small industrial, business units and warehouse units

### Supplementary Planning Guidance:

SPGBH4     Parking Standards

### Supplementary Planning Documents:

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

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

SS1	Presumption in Favour of Sustainable Development
CP8	Sustainable Buildings

## **8 CONSIDERATIONS & ASSESSMENT**

- 8.1 The main considerations in the determination of this application relate to the loss of the existing use and the principle of residential use, whether the scheme is appropriate in terms of its design and appearance, its impact on the amenity of adjacent properties, highway considerations, sustainability, land contamination, standard of accommodation and impact on trees.

### **Provision of Housing:**

- 8.2 At present, there is no agreed up-to-date housing provision target for the city against which to assess the five year housing land supply position. Until the City Plan Part 1 is adopted, with an agreed housing target, appeal Inspectors are likely to use the city's full objectively assessed need (OAN) for housing to 2030 (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. As outlined below, the development is considered to accord with local plan policies and is considered sustainable development.

### **Loss of Existing Use:**

- 8.4 The existing use is a builder's yard with ancillary office and storage buildings. The office and storage building's surround the yard to the north, east and south of the site and are single-storey structures. During the site visit, the yard included

skips adjacent to the western boundary. As a builder's yard, under the Use Class Order, the use of the site is classed as *sui generis*. The use as a builder's yard is confirmed through previous planning permissions for the use of the site as a builder's yard and for ancillary buildings to be used in conjunction with this use.

- 8.5 Policies EM3 of the Brighton & Hove Local Plan seeks to retain employment and industrial sites, but does not directly address the loss of *sui generis* builder's yards. Therefore its loss cannot be considered contrary to local plan policies.

**Design:**

- 8.6 Brighton & Hove Local Plan policies QD1 and QD2 require new development to be of a high standard of design that would make a positive contribution to the surrounding area and that emphasises and enhances the positive characteristics of the local neighbourhood. Policies QD3 and HO4 require that new infill development, such as that proposed in this case, does not result in town cramming or detriment to the amenity of the surrounding area. Policy HO4 states that residential development will be permitted at higher density where it can be demonstrated that the proposal exhibits a high standard of design.
- 8.7 Planning permission is sought for the construction of two dwellinghouses on the site following the demolition of the existing buildings. No objection is raised to the loss of the existing buildings on site which are not worthy of retention. The proposal is for two detached houses positioned side by side in a central position. The houses would be orientated so that they face west with rear gardens proposed along the eastern boundary. The houses would be two-storey with the appearance of chalet style bungalows. The houses would have large pitched roofs with barn hipped gable ends with front and rear dormers. The front of each bungalow would include a single-storey gable pitched roofed addition which would form an entrance, WC and utility room for each dwelling. Each house includes a raised terrace to the rear. The dwellings would each have 4 bedrooms. The dwellings are proposed with a brick finish, plain roof tiles and UPVc doors and windows.
- 8.8 The front of the houses would include parking areas for the houses. Detached garages are also proposed for the new dwellings adjacent to the western boundary of the site. The proposal includes two parking spaces for each house. The scheme also includes separate bin and cycle storage and landscaping around the site.
- 8.9 The proposed scale (including the size, form, massing and height) and design of the proposed development is considered to be acceptable. In this backland location, the proposed houses would not form part of any street scene. As bungalows, the dwellings would have a larger frontprint than the adjacent two-storey houses in the area. However, this would not make the dwellings stand out as inappropriate additions. The scheme would retain a significant amount space around the houses so that they would not appear cramped in or represent an overdevelopment of the site. Additionally, the height of the proposed houses is shown to be similar in scale to the adjacent properties so that they form sympathetic additions in this location. Given the topography of the site, the

applicant has submitted existing and proposed cross sections. These sections indicate that the scale of the proposed dwellings is appropriate for the area.

- 8.10 Conditions are recommended in respect of materials and landscaping in order to ensure the design and finish of the scheme is appropriate. Subject to these conditions, the scheme would accord with above policies.

**Impact on Amenity:**

- 8.11 Policy QD27 of the Brighton & Hove Local Plan states that planning permission for any development or change of use will not be granted where it would cause material nuisance and loss of amenity to the proposed, existing and/or adjacent users, residents, occupiers or where it is liable to be detrimental to human health.
- 8.12 The scheme would most affect the immediate adjacent properties to the north of the site at 41-55 Gleton Avenue, the properties adjacent the southern boundary at 65-73 West Way and the properties to the west at 1-3 Northease Close.
- 8.13 In respect of the houses to the west of the site at 1-3 Northease Close, the proposal would be at their nearest point more than 23m from the rear elevation of these properties and would also be set 12m from the common boundary. Given the distance between the proposed houses and the properties to the west, the proposal would not result in a significant impact on the amenity of these properties. Similarly, the proposal would not affect the amenity of any of the properties to the east of the site which separated from the site by an electricity sub station.
- 8.14 In respect of the properties to the north and south of the site, the proposed houses would be within close proximity to the boundaries. The dwelling adjacent the northern boundary is within 600mm and the dwelling adjacent the southern boundary is at an angle and is within 500mm at its closest point. Both houses would be 7m high and include barn hip gable ends.
- 8.15 As stated, the topography of the site means the houses to the north at Gleton Avenue are set at a higher ground level than the application site. The proposed house adjacent the northern boundary replaces existing single-storey buildings. Due to the difference in land levels the existing buildings are lower than the fences along the southern boundary. The proposed house would be 19m to the south of the nearest facing rear elevation at Gleton Avenue. There are also garages in the gardens of the Gleton Avenue properties which would mitigate the impact of the proposal on these properties. Having regard to the land level difference and to the size and positioning of the proposed houses, the scheme would not result in a significant impact on the amenity of any properties on Gleton Avenue in respect of loss of light, outlook or an increase sense of enclosure.
- 8.16 A similar scenario is the case with the properties to the south of the site at West Way. These properties are set at a lower ground level than the application site. This could lead to the proposed house adjacent the southern boundary being overbearing. However, the proposal does not include any significant differences in land levels and the proposal largely indicates the use of the existing land levels. Subject to compliance with the proposed land levels indicated, the

proposal would not result in an overbearing impact on any of the properties to the south.

- 8.17 As this matter is fundamental to the acceptable delivery of the permission to safeguard the amenities of nearby properties, a condition is recommended stating that no development shall commence until full details of existing and proposed ground levels (referenced as Ordinance Datum) within the site and on land and buildings adjoining the site by means of spot heights and cross-sections, proposed siting and finished floor levels of all buildings and structures, have been submitted to and approved by the Local Planning Authority.
- 8.18 A first floor window is proposed facing over the southern boundary. The window is for a stairway. To protect the amenity of the properties to the south, a condition is recommended that the window is obscure glazed and fixed shut to a height of 1.7m above the finished floor level of the room it would serve.
- 8.19 The proposal includes terraces for the proposed houses. A condition is recommended requiring further details of the terraces including screening and finished heights to ensure the terraces do not result in any unacceptable overlooking of adjacent properties. Subject to these details, the proposed terraces are considered acceptable in respect of residential amenity.
- 8.20 Two garages are proposed adjacent the western boundary to the rear of the gardens of 1, 2 & 3 Northease Close. The garages are single-storey set away from the boundary by 500mm. Set at the end of the gardens, the garages would not result in a significant impact on the amenity of the Northease Close dwellings. Again, a condition is recommended which requires details of the proposed land levels of the garages to ensure that they are not unduly overbearing.
- 8.21 The scheme would result in parking and vehicle movements within the site. The vehicle movements would not result in a significant impact on adjacent properties in respect of noise disturbance. This takes into account the previous use of the site as a builder's yard.
- 8.22 Overall, the scheme is deemed appropriate in respect of its impact on the amenity of adjacent properties and is deemed in accordance with policy QD27.

**Living Conditions for Future Occupiers**

- 8.23 Brighton & Hove Local Plan policy QD27 requires new residential development to provide suitable living conditions for future occupiers. The proposed houses include appropriate sized rooms with adequate light and outlook to all habitable rooms.
- 8.24 New residential buildings are expected to be built to a lifetime homes standard whereby it can be adapted to meet the needs of people with disabilities without major structural alterations. The Council's Access Consultant has commented that the proposal meets Lifetime Homes requirements.

- 8.25 Policy HO5 requires suitable external amenity space to be provided for new residential development. The scheme includes appropriate outside amenity space for the proposed houses with spacious front and rear gardens .

**Sustainable Transport:**

- 8.26 Brighton & Hove Local Plan policy TR1 requires new development to address the related travel demand, and policy TR7 requires that new development does not compromise highway safety.
- 8.27 The Sustainable Transport Manager has raised no objections to the scheme. The proposed car and cycle parking is in line with the standards in SPG04 and is deemed acceptable. The implementation of the proposed cycle parking should be secured via condition. The proposals are not considered to increase trip generation above existing levels and therefore in this instance no S106 contribution is sought.
- 8.28 The proposed access is not ideal, however given the low vehicular movements a shared pedestrian/vehicle route is deemed acceptable in this instance. Ideally, even if a shared use approach is adopted a footway should be delineated separate from vehicular movements. As the access route is one way the Highway Authority would look for the implementation of appropriate signage on-site to ensure vehicles entering the site have priority over vehicles leaving the site.
- 8.29 Subject to suitable conditions, the scheme is considered appropriate in respects of its demand for travel and highway safety.

**Sustainability:**

- 8.30 Policy SU2 of the Brighton & Hove Local Plan requires new development to demonstrate a high level of efficiency in the use of water, energy and materials. Detail of the proposed sustainability credentials of the scheme are set out in a Sustainability Check list and Statement submitted with the application. This is in accordance with SPD08 on Sustainable Building Design.
- 8.31 The supporting statement indicates that the scheme would meet level 3 of the Code for Sustainable Homes. The applicant has agreed with meeting level 4. This is in accordance with policy SU2 of the Brighton & Hove Local Plan. A condition is therefore recommended that certificates are submitted to show compliance with this standard at the Post Construction phase of development.
- 8.32 Brighton & Hove Local Plan policy SU13 requires the minimisation and re-use of construction waste. Further detail of the information required to address this policy is set out in SPD03 Construction and Demolition Waste. The applicant has submitted an appropriate waste minimisation statement.

**Impact on trees:**

- 8.33 The Council's Arboriculturist has commented that there are no trees or vegetation on this site and the majority of the site is laid to concrete. However, there are trees in gardens adjoining the site.



- 8.34 The entire site is laid to hardstanding / buildings which is a harsh environment for tree roots and there are unlikely to be many, if any, present. Regardless of this, the Arboricultural Section would ask that a condition be attached to any consent granted regarding the timing and methodology of any lifting of hard surfaces along with protection of trees during the course of the development in order to protect any roots that may be in the vicinity.
- 8.35 It is recommended that the hard surfaces are lifted as one of the final operations of the site in order to preserve any roots that may be present on the site. If this is not possible, the trees should be protected during the course of the development. The trees should be monitored during the course of the development as per the recommendations in the Arboricultural report.
- 8.36 Overall the Arboricultural Section has no objection to the proposals in this application subject to a suitable condition regarding the above being attached to any planning consent granted.

**Land Contamination:**

- 8.37 The Environmental Health Team has therefore commented that as this site has been listed as a builder's yard since 1961 there is the potential for localised contamination of the site to have occurred.
- 8.38 The Environmental Health team raised concerns regarding the original land contamination report submitted. The applicant subsequently submitted additional information which the EH Team found acceptable.
- 8.39 The EH Team have commented that there is the risk of asbestos within the existing buildings on site. As such an asbestos survey is required of the premises. A condition is recommended that the survey is to be submitted for the approval of the Local Planning Authority prior to commencement of works. If any asbestos is found, a subsequent report is to be submitted which contains evidence to show that all asbestos containing materials have been removed and taken to a suitably licensed waste deposit site.

**9 CONCLUSION**

- 9.1 The development is of an appropriate height, scale, bulk and design and would fit in with the character of the area. The development would not cause significant harm to neighbouring amenity by way of loss of light, privacy or outlook, or increased overshadowing, noise or disturbance and is also appropriate in terms of highway safety and sustainability.

**10 EQUALITIES**

- 10.1 The new dwellings are required to comply with Part M of the Building regulations and the Council's Lifetime Homes policy.

**11 PLANNING OBLIGATION / CONDITIONS / INFORMATIVES**

- 11.1 Regulatory Conditions:



PLANNING COMMITTEE LIST- 5 AUGUST 2015

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 Survey	7652		21 <sup>st</sup> September 2015
Existing Location Plan & Block Elevations	13857/PA/001	B	27 <sup>th</sup> May 2015
Existing Site Sections A-A, B-B	13857/PA/003	B	23 <sup>rd</sup> June 2015
Existing Sections A-A and B-B	13857/PA/004	A	23 <sup>rd</sup> June 2015
Proposed Site Location Plan and Block Plan	13857/PA/010	B	27 <sup>th</sup> May 2015
Proposed Site Sections A-A, B-B	13857/PA/013	B	23 <sup>rd</sup> June 2015
Proposed Sections A-A and B-B	13857/PA/014	A	23 <sup>rd</sup> June 2015
Proposed Landscape Plan	13857/PA/015	A	26 <sup>th</sup> March 2015
Proposed Long Elevations Section C-C	13857/PA/016		21 <sup>st</sup> October 2014
Proposed Plans	13857/PA/020	A	4 <sup>th</sup> November 2015
Proposed Elevations & Typical Section	13857/PA/021	A	4 <sup>th</sup> November 2015
Proposed Plans & Elevations Garages & Refuse Store	13857/PA/022		21 <sup>st</sup> October 2015

3. The hard surfaces hereby approved shall be made of porous materials and retained thereafter or provision shall be made and retained thereafter to direct run-off water from the hard 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. The vehicle parking area shown on the approved plans shall not be used otherwise than for the parking of private motor vehicles and motorcycles belonging to the occupants of and visitors to the development hereby approved.  
**Reason:** To ensure that adequate parking provision is retained and to comply with policy TR19 of the Brighton & Hove Local Plan.

## PLANNING COMMITTEE LIST- 5 AUGUST 2015

5. The new dwellings hereby permitted shall be constructed to Lifetime Homes standards prior to their first occupation and shall be retained as such thereafter.  
**Reason:** To ensure satisfactory provision of homes for people with disabilities and to meet the changing needs of households and to comply with policy HO13 of the Brighton & Hove Local Plan.
6. No extension, enlargement, alteration or provision within the curtilage of the of the dwellinghouses as provided for within Schedule 2, Part 1, Classes A, B & E of the Town and Country Planning (General Permitted Development) Order 1995, as amended (or any order revoking and re-enacting that Order with or without modification) other than that expressly authorised by this permission shall be carried out without planning permission obtained from the Local Planning Authority.  
**Reason:** To protect the amenity of adjacent properties and in accordance with policy QD27 of the Brighton & Hove Local Plan.
7. The side first floor window facing south to the southern house shall be obscure glazed and non-opening unless the part of the window which can be opened is more than 1.7m above the floor of the room in which the window is installed, and thereafter permanently retained as such.  
**Reason:** To safeguard the privacy of the occupiers of the adjoining property and to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.
8. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, a method statement to identify, risk assess and address the unidentified contaminants  
**Reason:** To safeguard the health of future residents or occupiers of the site and to comply with policy SU11 of the Brighton & Hove Local Plan

### 11.2 Pre-Commencement Conditions:

9. No development shall commence until full details of the proposed terraces for the houses have been submitted to and approved in writing by the Local Planning Authority. The details shall include proposed and existing land levels and existing and proposed boundary treatments. The terraces shall be implemented in strict accordance with the agreed details and thereafter retained as such.  
**Reason:** As this matter is fundamental to the acceptable delivery of permission 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.
10. 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

## PLANNING COMMITTEE LIST- 5 AUGUST 2015

construction machinery) until a detailed Arboricultural Method Statement regarding protection of adjacent trees, along with construction methods for any development within Root Protection Zones, has been submitted to and approved in writing by the Local Planning Authority. No development or other operations shall take place except in complete accordance with the approved Method Statement.

**Reason:** As this matter is fundamental to protecting the trees which are to be retained on the site during construction works in the interest of the visual amenities of the area and to comply with policies QD1 and QD16 of the Brighton & Hove Local Plan.

11. (a) No development shall commence until a full asbestos survey of the premises undertaken by a suitably qualified specialist has been submitted to and approved in writing by the Local Planning Authority.

And if any asbestos containing materials are found,

(b) A report shall be submitted to the Local Planning Authority for approval in writing containing evidence to show that all asbestos containing materials have been removed from the premises and taken to a suitably licenced waste deposit site.

**Reason:** As this matter is fundamental to the acceptable delivery of the permission to safeguard the health of future residents or occupiers of the site and to comply with policy SU11 of the Brighton & Hove Local Plan.

12. No development shall commence until full details of the existing and proposed land levels of the proposed development in relation to Ordinance Datum and to surrounding properties have been submitted to and agreed in writing by the Local Planning Authority. The details shall include finished floor levels and elevations with datum levels clearly marked. The development shall be constructed in accordance with the agreed details.

**Reason:** As this matter is fundamental to the acceptable delivery of the permission to safeguard the amenities of nearby properties, in addition to comply with policies QD2 and QD27 of the Brighton and Hove Local Plan.

13. No development above ground floor slab level of any part of the development hereby permitted shall take place until samples of all materials to be used in the construction of the external surfaces of the development have been submitted to and approved in writing by the Local Planning Authority, including (where applicable):

- a) samples of all 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, door and balcony treatments.
- e) samples of all other materials to be used externally.

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

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

### 11.3 Pre-Occupation Conditions:

PLANNING COMMITTEE LIST- 5 AUGUST 2015

14. Prior to first occupation of the development hereby permitted, a scheme for landscaping shall have been submitted to and approved in writing by the Local Planning Authority. 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.
- All hard landscaping and means of enclosure shall be completed in accordance with the approved scheme prior to first occupation of the development. 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 first 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.
- Reason:** To enhance the appearance of the development in the interest of the visual amenities of the area and to comply with policies QD1 and QD15 of the Brighton & Hove Local Plan.
15. Unless otherwise agreed in writing by the Local Planning Authority, the residential units hereby approved shall be occupied until a Final/Post Construction Code Certificate issued by an accreditation body confirming that the residential unit built has achieved a Code for Sustainable Homes rating of Code level 4 as a minimum has been submitted to, and approved in writing by, the Local Planning Authority.
- Reason:** To ensure that the development is sustainable and makes efficient use of energy, water and materials and to comply with policy SU2 of the Brighton & Hove Local Plan and policy CP8 of the Submission City Plan Part One.
16. 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 to comply with policy QD27 of the Brighton & Hove Local Plan.
17. 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.
18. Prior to the first occupation of the development details of appropriate signage and mirrors to the access have been submitted to and approved in

writing by the Local Planning Authority. The signage should give priority to vehicles entering the site. 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.

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 development is of an appropriate height, scale, bulk and design and would fit in with the character of the area. The development would not cause significant harm to neighbouring amenity by way of loss of light, privacy or outlook, or increased overshadowing, noise or disturbance and is also appropriate in terms of highway safety and sustainability.
3. The applicant is advised that details of the Code for Sustainable Homes can be found on the Planning Portal ([www.planningportal.gov.uk](http://www.planningportal.gov.uk)), on the Department for Communities and Local Government website ([www.communities.gov.uk](http://www.communities.gov.uk)) and in Supplementary Planning Document SPD08 Sustainable Building Design, which can be accessed on the Brighton & Hove City Council website ([www.brighton-hove.gov.uk](http://www.brighton-hove.gov.uk)). Accreditation bodies at March 2010 include BRE and STROMA; other bodies may become licensed in future.



COUNCILLOR REPRESENTATION

Jason Hawkes – Planning Officer  
Development Control  
Brighton & Hove City Council  
King's House

26<sup>th</sup> June 2015

Dear Jason,

**The Compound, Northease Close Hove - BH2014/03546**

I am writing on behalf of residents of Gleton Avenue to register a formal objection to planning application **BH2014/03546** - Demolition of existing buildings and erection of 2 four bedroom houses with detached garages, cycle parking and landscaping.

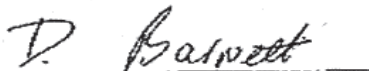
Northease Close is a quiet cul-de-sac consisting of pitched roofed single storey bungalows. The location of the proposed development is a very small area and I agree with residents that 2 large 2-storey buildings would represent a serious overdevelopment of the site. The appearance and scale of the proposed new buildings is totally inappropriate and completely out of character with the locality and the existing residential buildings.

There appears to be no serious consideration shown in the drawings to the detrimental effect these proposed new buildings would have on neighbouring properties in Gleton Avenue. They will have an imposing outlook and will cause serious overshadowing to neighbouring properties, blocking out a large part of their natural light. Indeed, in relation to one property in Gleton Avenue, the proposed new building would cover its entire boundary. I believe that this proposed development would breach this, and possibly other, property's legal Right to Light.

Having seen the revisions to the plans submitted by the applicants the only difference to the original plans appears to be a slight amendment to the ridge sight line. This in no way allays my concerns or those of the residents and I maintain that any development of this site should be with a building that is in keeping with the size, height and character of the existing bungalows in Northease Close. The proposal clearly doesn't meet those criteria.

For the reasons stated above, I would ask that this application is rejected under your delegated powers. However, if you are minded to grant planning permission then I formally request that the application is brought before the Planning Committee for decision.

Yours sincerely



Cllr. Dawn Barnett

Jason Hawkes – Planning Officer  
Development Control  
Brighton & Hove City Council  
King's House

19<sup>th</sup> November 2014

Dear Jason,

**The Compound, Northease Close Hove - BH2014/03546**

I am writing on behalf of residents of Gleton Avenue to object to planning application **BH2014/03546** - Demolition of existing buildings and erection of 2 four bedroom houses with detached garages, cycle parking and landscaping.

Northease Close is a quiet cul-de-sac consisting of pitched roofed single storey bungalows. The location of the proposed development is a very small area and I agree with residents that 2 large 2-storey buildings would represent a serious overdevelopment of the site. The appearance and scale of the proposed new buildings is totally inappropriate and completely out of character with the locality and the existing residential buildings.

There appears to be no serious consideration shown in the drawings to the detrimental effect these proposed new buildings would have on neighbouring properties in Gleton Avenue. They will have an imposing outlook and will cause serious overshadowing to neighbouring properties, blocking out a large part of their natural light. Indeed, in relation to one property in Gleton Avenue, the proposed new building would cover its entire boundary. I believe that this proposed development would breach this, and possibly other, property's legal Right to Light.

In summary, any development of this site should be with a building that is in keeping with the size, height and character of the existing bungalows in Northease Close.

For the reasons stated above, I would ask that you reject this application. However, if you decide that this application should be approved, I would request that it be referred to the Planning Committee for final decision.

Yours sincerely



Cllr. Dawn Barnett





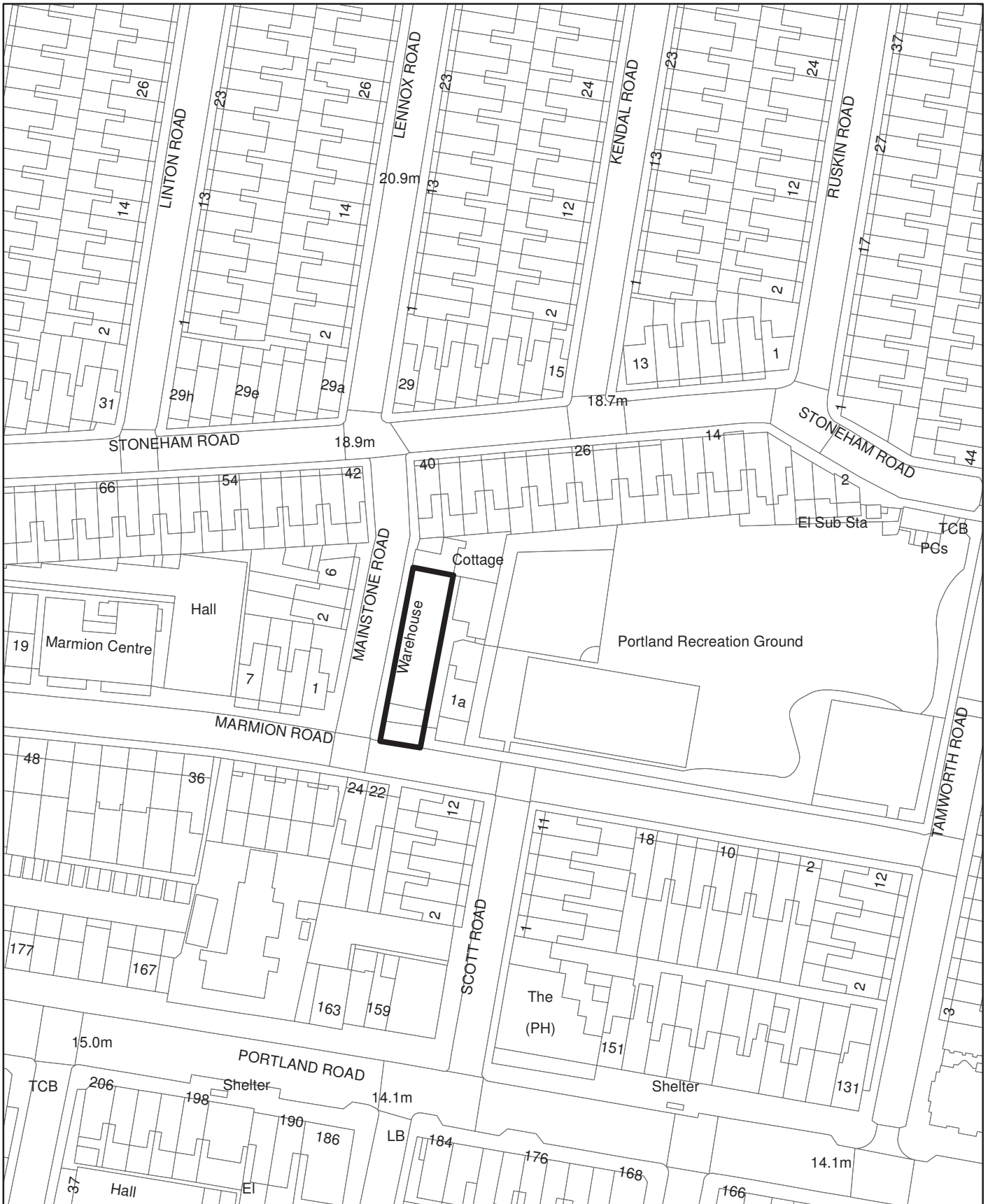
# **ITEM I**

**Warehouse, 1a Marmion Road, Hove**

**BH2015/01278**  
**Full planning**

**5 AUGUST 2015**

# BH2015/01278 Warehouse 1a Marmion Road, Hove



**Brighton & Hove  
City Council**



**Scale: 1:1,250**

<b><u>No:</u></b>	<b>BH2015/01278</b>	<b><u>Ward:</u></b>	<b>WISH</b>
<b><u>App Type:</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>Warehouse 1A Marmion Road Hove</b>		
<b><u>Proposal:</u></b>	<b>Demolition of existing warehouse (B8) and erection of 4 no. two/three storey residential dwellings (C3) and offices (B1).</b>		
<b><u>Officer:</u></b>	Sonia Gillam Tel 292265	<b><u>Valid Date:</u></b>	13 April 2015
<b><u>Con Area:</u></b>	N/A	<b><u>Expiry Date:</u></b>	08 June 2015
<b><u>Listed Building Grade:</u></b>	N/A		
<b><u>Agent:</u></b>	Lewis & Co Planning SE Ltd, 2 Port Hall Road, Brighton BN1 5PD		
<b><u>Applicant:</u></b>	Albany Homes Southern Ltd, Mr Clive Wheeler, Grange View House London Road, Albourne BN6 9BJ		

## 1 RECOMMENDATION

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

## 2 SITE LOCATION & DESCRIPTION

- 2.1 The application site comprises a vacant single storey warehouse building located at the junction of Mainstone Road and Marmion Road, Hove. The building is approximately 32m in length and 10m in width with a tiled pitched roof. It sits directly on the footway to Mainstone Road with car parking fronting the main entrance from Marmion Road.
- 2.2 Traditional two storey residential terraces sit opposite to the west and south, with an attached house to the north side. To the east/rear, the warehouse sits adjacent to a detached two storey house with a vehicle workshop building behind to the rear. Stoneham Park lies beyond to the east. It is understood that the warehouse pre-dates much of the residential development around and was originally constructed as a dairy barn/cow-shed. The attached property to the north, 'The Cottage', similarly pre-dates the surrounding residential terraces. The existing building is not listed nor locally listed, and the site does not fall within a conservation area.

## 3 RELEVANT HISTORY

**BH2014/03570** Demolition of warehouse and erection of 4no two bedroom terraced houses and 1no office unit (B1). Refused 17/03/2015 for the following reason:-

- The southern facing elevation of the upper roof form, by reason of its detailed design and asymmetrical form, would not exhibit the design quality of the remainder of the proposal. It would not be a positive addition in the streetscene, representing an incongruous feature, and would detract from the appearance of the Marmion Road frontage. The proposed development*

*would therefore fail to relate positively to the prevailing character of the surrounding area and would detract from the appearance of the Marmion Road frontage. The proposal is thereby contrary to policies QD1 and QD2 of the Brighton & Hove Local Plan.*

**BH2014/01571** Demolition of warehouse and erection of 4no two bedroom terraced houses and 1no office unit (B1). Refused 18/07/2014 for the following reason:-

1. *The southern facing elevation of the upper would form, by reason of its detailed design and squat asymmetrical form, would not exhibit the design quality of the remainder of the proposal. It would not be a positive feature in the streetscene and would detract from the appearance of the Marmion Road frontage. The proposed development would therefore fail to relate positively to the prevailing character of the surrounding area and would detract from the appearance of the Marmion Road frontage. The proposal is thereby contrary to policies QD1 and QD2 of the Brighton & Hove Local Plan.*

**BH2012/03254** Demolition of warehouse and erection of 4no two bedroom terraced houses and 1no office unit (B1). Refused 28/02/2013 for the following reasons:-

1. *The proposed development by reason of its detailed design and unsympathetic roof form would create an awkward visual relationship with the adjoining dwelling to the north (The Cottage) and would fail to relate positively to the prevailing character of the surrounding area. In addition the amenity space is considered to be insufficient. The development is therefore contrary to policies QD1, QD2 and HO5 of the Brighton and Hove Local Plan 2004 and to the advice in Section 7 of the National Planning Policy Framework.*
2. *The Local Planning Authority is not convinced that the redundancy test has been satisfied. Insufficient information has been submitted to demonstrate this. The application is therefore contrary to policy EM3 of the Brighton & Hove Local Plan 2004.*

A subsequent appeal against this decision was dismissed on 18/10/2013 solely in relation to reason for refusal no. 1.

**BH2011/00540** Conversion of existing warehouse into 5no 2 bedroom dwellings. Refused 27/04/2011.

29A-29H Stoneham Road

**BH2005/01529/FP** Demolition of existing church and ancillary buildings and erection of 8 no. three bedroom dwellings. Approved 01/05/2007.

**BH2008/01456** Amendment to planning permission BH2005/01529/FP (erection of 8 houses) under construction comprising of alterations to the facades. Approved 24/07/2008.

#### **4 THE APPLICATION**

- 4.1 Planning permission is sought for the demolition of the workshop and the construction of a two/ three-storey terrace comprising four two-bedroom houses and a B1 office unit. The proposal would provide four car-parking spaces to the front of the site, fronting Marmion Road.
- 4.2 In relation to the scheme previously considered at appeal (ref: BH2012/03254) the current application has been amended as follows:
- a 1.3 metre gap between the new development and The Cottage to the north of the site is proposed
  - the proposed upper roof form has been set back 2.4 metres from the northern and 6.5 metres from the southern edge of the development.
  - the second floor accommodation to the commercial unit has been removed
  - a window is proposed to the southern side elevation of the second floor
  - the elevations are proposed in brick rather than render

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

##### **External**

##### **5.1 Neighbours:**

As originally submitted:

**Twelve (12)** letters of representation have been received from **1, 22, 26, 44, 50, 72 Marmion Road; 42, 74, 76 Stoneham Road; 6 & The Cottage Mainstone Road; 32 Ruskin Road** objecting to the application for the following reasons:

- Little different to previous refused scheme
- Gross over-development of the site
- Cramped development
- Poor standard of accommodation
- Too big in height, scale and mass
- Scheme incongruous in appearance and out of character with area
- Scheme would compromise architectural fabric of street
- Materials not in keeping with surrounding area
- Loss of commercial space
- Development would dwarf surrounding buildings, in particular The Cottage.
- Building right up to the edge of the pavement
- Overlooking and loss of privacy
- Overshadowing and loss of light
- Little outside space for new dwellings
- Top floor to northern unit should be deleted from scheme
- Impact on drainage system in area
- Disruptive impact from building works
- Additional noise and cars. Insufficient parking.
- Disposal of fuel tank under site not addressed
- This application is to maximise profits
- Concern that proposed third floor living room would be used as bedroom
- Overdevelopment of area leading to a burden on local infrastructure and services

- Loss of historic building in locale
  - Loss of community spaces in locale
- 5.2 **One (1)** letter from **22 Marmion Road** in support of the application on the grounds that the City desperately needs housing.
- 5.3 Following Amended Plans:  
**Two (2)** letters from **1a Marmion Road** objecting to the application on the following grounds:
- The proposed building will overshadow and overlook
  - The roads are narrow and the lorries delivering will disrupt the area and access to neighbouring businesses
  - Disturbance during building works
  - Create parking problems

**Internal:**

- 5.4 **Environmental Health:** No objection.  
It is noted that the warehouse building was built on a vacant plot of land by 1898 and that during its history, it has been used as a garage (approximately 1951) and also a warehouse. The age and long term commercial use of this building means that localised land contamination may have occurred. Therefore, considering that residential premises are planned for this site, a full contaminated land condition is recommended.
- 5.5 Due to the close proximity of residents to this development it is also recommended that a Construction Environment Management Plan (CEMP) is conditioned for this application.
- 5.6 **Access:** Positioning a future lift space where it would necessitate removing a fair proportion of the kitchen units does not seem ideal. A better spot would be preferable.
- 5.7 **Sustainable Transport:** No objection. Recommend approval with conditions to provide adequate cycle storage and to protect the interests of the public using the roads and footways.
- 5.8 **Planning Policy:** No objection.

**6 MATERIAL CONSIDERATIONS**

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



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

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

## **7 RELEVANT POLICIES & GUIDANCE**

### The National Planning Policy Framework (NPPF)

#### Brighton & Hove Local Plan:

- TR1 Development and the demand for travel
- TR7 Safe development
- TR14 Cycle access and parking
- TR19 Parking standards
- SU2 Efficiency of development in the use of energy, water and materials
- SU9 Pollution and nuisance control
- SU10 Noise nuisance
- SU11 Polluted land and buildings
- SU13 Minimisation and re-use of construction industry waste
- QD1 Design – quality of development and design statements
- QD2 Design – key principles for neighbourhoods
- QD3 Design – efficient and effective use of sites
- QD15 Landscape design
- QD27 Protection of Amenity
- HO3 Dwelling type and size
- HO4 Dwelling densities
- HO5 Provision of private amenity space in residential development
- HO13 Accessible housing and lifetime homes
- EM3 Retaining the best sites for industry

#### Supplementary Planning Guidance:

- SPGBH4 Parking Standards

#### Supplementary Planning Documents:

- SPD03 Construction and demolition waste

SPD08 Sustainable Building Design

Brighton & Hove City Plan Part One (submission document)

SS1	Presumption in Favour of Sustainable Development
CP1	Housing delivery
CP3	Employment land

**8 CONSIDERATIONS & ASSESSMENT**

- 8.1 The merits of the scheme have been substantially discussed as part of the preceding applications. The principle of demolition, the change of use, impact on the amenities of adjacent occupiers, standard of accommodation, transport and sustainability issues were found to be acceptable as part of the previous planning applications and subsequent appeal decision (see section 3).
- 8.2 The quantum, siting and scale of the development have not been significantly altered and the assessment of this application will therefore mainly relate to those aspects of the current scheme that differ from the previous application. The main considerations in the determination of this application therefore relate to the impact of the proposal on the character and appearance of the area and the relationship with 'The Cottage', which adjoins the site to the north.

**Housing**

- 8.3 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.
- 8.4 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.

**Principle of Demolition and Change of Use**

- 8.5 Local plan policy EM3 states that land in industrial use (Use Classes B1, B2 and B8) or allocated for industrial purposes, will not be released for other uses unless the site has been assessed and found to be unsuitable for modern employment needs.
- 8.6 The site as existing forms 433sqm of vacant B8 storage/warehouse floorspace held within a single storey building with a mezzanine floor level. The building is 32m in length and 10m in width, with a pitched roof and forecourt parking to the south side.
- 8.7 Whilst the building appears in good order, the site is on a residential side street to the north of Portland Road. As such it is not best placed to receive large

vehicles commonly associated with B8 uses. Any large vehicles would need to negotiate narrow and heavily parked residential streets, potentially creating a hazard for pedestrians and other road users and likely creating noise disturbance to the residential properties that sit in close proximity.

- 8.8 The proposal would retain a degree of employment floorspace on the site and includes 57sqm of B1 office space to the south of the site spread over two floors. OffPAT figures suggest that the proposed B1 offices could support between 5 and 7 jobs, as opposed to between 6 and 7 for a B8 warehouse use. Given the retention of employment numbers across the site in new modern office accommodation it is considered that the proposal would not result in the harmful loss of employment floorspace, in general accordance with the thrust of policy EM3. It is noted that the Appeal Inspector found no conflict with the objectives of Policy EM3, which is a material consideration in this current scheme.
- 8.9 The proposed change of use is therefore considered acceptable on the basis that the new office accommodation is more appropriate to this residential area than the current warehouse/storage use and would adequately offset the overall loss of B8 floorspace.

#### **Character and appearance**

- 8.10 Policies QD1, QD2 and QD3 seek to ensure that developments make an efficient and effective use of sites, demonstrating a high standard of design that makes a positive contribution to the visual quality of the environment.
- 8.11 The existing building forms a long single storey barn structure with a low eaves line and steep pitched roof. Its low scale and horizontal emphasis contrasts with the traditional two storey terraced housing in the area. The building is attached to The Cottage to the north, with a ridge that partially overhangs its eaves, and sits directly on the northern, eastern and western site boundaries. A forecourt hardstanding sits to the south, where the only entrance to the building is also located. From street level, the building is 6.3m in height at its southern end and 5m in height at its northern end owing to changing ground levels.
- 8.12 The building appears to be one of the oldest in the area and, along with The Cottage to the north, pre-dates much of the surrounding residential neighbourhood. However, neither the site nor The Cottage are listed, locally listed, or within a conservation area. Although of localised historic value the building is of no great architectural merit. No objection is therefore raised to its demolition and replacement, subject to the replacement building being of suitable design, appearance and amenity impact.
- 8.13 The proposed building would sit directly on the western site boundary, directly fronting Mainstone Road. To the rear/east the building would be inset by 2.2m to create small courtyards to each unit; the southern elevation fronting Marmion Road would remain in its current position. The building would be formed of five components and would step with the rise in ground level to the north along Mainstone Road. As originally submitted the scheme would have comprised of render and brick, with the residential element predominantly residential and the

commercial built in brick. During the course of the application, the scheme has been amended and the four residential units would now comprise of a brick two storey building with a recessed grey clad second floor above. The second floor level would include front balconies with the rear elevation pitched to reduce its impact on the buildings and gardens to the rear.

- 8.14 The two storey fifth unit to the south of the building would contain the office accommodation and would also be finished in brick. The overall height of the building would be 7.9m, comparable to the 8m height of 1a Marmion Road adjacent, and the 9m height of the terraces opposite. Whilst traditional terraces dominate the surrounding streets it is noted that a modern development of a similar style has been completed approximately 50m to the northwest of the site at 29A-29H Stoneham Road (BH2005/01529/FP & BH2008/01456). This adjoining development similarly comprises two storey rendered houses with recessed second floors and front terraces.
- 8.15 In relation to the previous 2012 application, the Appeal Inspector considered that:-
- 8.16 *“The proposal would replace the existing building with a new terrace of houses and an office building. The houses would be higher than the neighbouring property, The Cottage. Although the second floor would be recessed, it would be visible above the roof of the parapet. The height of the proposed parapet would also result in the new development having a dominating and incongruous relationship with the traditional design of the adjacent house.*
- 8.17 *The side facing elevation of the upper roof form does not have the design quality of the remainder of the proposal. It would not be a positive feature in relation to The Cottage. The other side elevation, although set back, would similarly detract from the appearance of the Marmion Road frontage.*
- 8.18 *The lack of separation, actual or perceived, between the development and The Cottage or the lack of a more gradual change in roof heights, results in the proposed juxtaposition failing to achieve a satisfactory relationship with its neighbour. A more satisfactory design would likely to result in the loss of some accommodation. However, in its present form, the proposal would detract from the character and appearance of the area, particularly with regard to the relationship with The Cottage”.*
- 8.19 The appeal was dismissed due to these design concerns. The current application has been amended in response to the appeal decision, with the two design issues set out below.

Relationship with The Cottage

- 8.20 A 1.3 metre gap between the proposed development and The Cottage to the north of the site is now proposed with the second floor set back approximately 2.4 metres from the northern edge of the proposed building. The intention is to create a stepped graduation in roof heights. It is considered that this increased separation and recessed second floor is sufficient to address the Inspector’s substantive concerns. Although the height of the proposed parapet would remain

unchanged the proposal is considered to adequately address the awkward relationship with The Cottage and achieve the gradual change in roof heights to which the Inspector is referring.

Side facing upper roof forms

- 8.21 As mentioned above the proposed second floor would be set in 2.4 metres from the northern edge of the development. This is considered to create a less dominating feature in relation to The Cottage.
- 8.22 The second floor south side elevation would now be set in 6.5 metres from the southern edge of the building with a window inserted to the south elevation. This would result in the loss of the second floor to the commercial unit. However no changes have been made to the design of the roof form itself.
- 8.23 Although the asymmetric roof feature would be retained, the fact that it would be inset by 6.5 metres would reduce its visibility and lessen its intrusive nature on the streetscene and the Marmion Road frontage. The proposed window adds some interest to the southern elevation and reduces the impact of the original blank façade of the structure. On balance it is considered that the recessed second storey would adequately address the Inspector's concerns and would satisfactorily reduce the detrimental impact on the Marmion Road frontage

**Standard of Accommodation**

- 8.24 The application proposes four two-bedroom houses. The dwellings would be laid out with a kitchen and dining room at ground floor level, bedrooms and bathrooms at first floor level, and the lounge at second floor level. Each principal room is of a good size with good access to natural light and ventilation. The ground floors open onto 2m deep rear yards, whilst the second floors open onto 2m deep front terraces. This level of amenity space is considered appropriate for the scale of housing proposed, and is comparative to that approved at Nos. 29A-29H Stoneham Road.
- 8.25 The living and bedroom spaces are located to the front of the building, well away from the workshop to the rear. Further, the building has been set off the rear boundary wall such that the presence of this 2m high wall would deflect any noise from the workshop. It is also noted that the workshop is of a small scale with limited parking, therefore its use would not be sufficiently intense to warrant further concern. As such, the proposal has addressed concerns relating to noise disturbance. However, there is concern at the potential for noise disturbance between a general B1 use within the proposed office unit and the attached residential properties. To avoid such issues a condition is recommended restricting the commercial floorspace to Class B1 (a) of the Town and Country Planning (Use Classes) Order (office use).
- 8.26 Policy HO13 requires all new residential dwellings to be built to a lifetime homes standard whereby they can be adapted to meet the needs of people with disabilities without major structural alterations. The application states that Lifetimes Homes' criteria have been incorporated into the design, however no further information has been provided. However appropriate conditions could be attached to the permission.



8.27 For these reasons the development would provide for an acceptable standard of accommodation for future residents, in accordance with policies QD27, HO5 and HO13 of the Brighton & Hove Local Plan. This is consistent with the Appeal Inspector who was satisfied that the living conditions for future residents would be satisfactory.

**Impact on Amenity**

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

8.29 Local residents have raised concern over the impact of the proposed building on their amenities, by way of overlooking, loss of privacy and overshadowing. The building has been designed such that the first floor windows and second floor rooflights to the rear elevation would serve non-principal rooms (the stairwell and two bathrooms). As such, the proposal would not afford significant overlooking towards the workshop to the rear, or to the rear gardens of The Cottage and 1A Marmion Road.

8.30 In terms of overshadowing, the building would sit within the rear building line of The Cottage (to the north of the site) and has been designed with a sloping roof at rear second floor level. Section drawings detail that the sloping roof would have an eaves set 2.4m from the rear boundary (a 2m high wall), in a position 0.6m higher than the current roof. The overall scale of the development would not excessively enclose the workshop to the rear or result in a significant loss of light to The Cottage or 1A Marmion Road given its position off the rear site boundary.

8.31 Concern has been raised over the front terraces and the overlooking they may afford, particularly to the first floor bedrooms at 2-6 Mainstone Road on the opposite side of the street. The terraces are set 14.5m from the front elevation to 2-6 Mainstone Road. This is similar to the separation between the second floor front terraces to the recent development at 29A-29H Stoneham Road, approximately 50m to the northwest of the site, and between facing front windows throughout the neighbourhood. Although use of the terraces would likely be more pronounced than activity at a window it is not considered that the presence of these terraces would excessively harm the amenities of the residents opposite. Any noise associated with occupiers of the development would not be out of keeping with that generally experienced within a residential area, and would not be as potentially harmful as the current industrial use of the site.

8.32 The above considerations are consistent with the Appeal Inspector who was satisfied that the development would not unacceptably harm the living conditions of neighbouring residents. For these reasons the proposal is considered to accord with policy QD27 of the Brighton & Hove Local Plan.

**Sustainable Transport:**

- 8.33 Brighton & Hove Local Plan policy TR1 requires new development to address the related travel demand, and policy TR7 requires that new development does not compromise highway safety.
- 8.34 The site is in a Controlled Parking Zone (zone R) where the availability of street parking provision is busy throughout the day. The application proposes four parking spaces fronting the B1 office unit to the southern part of the site. These parking spaces would be allocated to the residential units. This is in line with SPG4 and would limit the stress on the CPZ. The office units have no allocated parking and it is considered that this could encourage commuting by sustainable modes of transport as the site is within a sustainable location close to Aldrington Station and bus routes on Portland Road.
- 8.35 The Sustainable Transport officer has raised no objection in principle to the scheme but has raised concerns over the poor standard of the existing footway, crossover and kerb edge outside the site. The intensification of use of the site via the introduction of four new houses would increase the number of road/footway users passing and accessing the site. The poor quality of the public footpath directly outside the site would result in the increased numbers of cars entering and exiting the site making potentially dangerous manoeuvres across this poor quality footpath. In order to address this concern, the Sustainable Transport officer has recommended conditions to secure highway works to improve the condition of the crossover, footway and alignment of the junction kerb. These improvements would also include associated new tactile paving across Mainstone Road to improve pedestrian safety at this junction.
- 8.36 Cycle parking for four bicycles is proposed within a compound adjacent to the office unit. This compound would serve the residential units only, with further storage for the office unit internal to the building beneath the staircase. This is considered an appropriate arrangement and could be secured by condition.
- 8.37 The proposed development would be capable of meeting the transport demand it would generate, including appropriate and reasonable safety improvements to the footway outside the site. For this reason the proposed development is considered to accord with policies TR1, TR7 and TR14 of the Brighton & Hove Local Plan.

**Sustainability:**

- 8.38 Policy SU2 of the Brighton & Hove Local Plan, including SDP08 'Sustainable Building Design', requires new development of between 3 and 9 residential units to submit a completed Sustainability Checklist and to meet Level 3 of the Code for Sustainable Homes. New office development of up to 235sqm is required to submit a Sustainability Checklist and demonstrate a reduction in water consumption and surface water runoff.
- 8.39 A Sustainability Checklist has been submitted covering the development as a whole. The Checklist details that passive design measures have been incorporated into the design, whilst rainwater butts will be included in the development. Each residential unit is detailed to meet Level 3 of the Code for



Sustainable Homes. However, to meet the requirements of Policy SU2 the scheme should meet code level 4. In addition, conditions could be imposed to secure the details contained within the Checklist and to ensure that the new parking hardstanding is permeable. Appropriate refuse and recycling is to be provided in enclosures within each unit and would be secured by condition if permission granted. Subject to these conditions, the proposed development meets the sustainability standards required under policy SU2 of the Brighton & Hove Local Plan and SPD08 'Sustainable Building Design'.

**Other matters**

- 8.40 The Environmental Health officer has identified that the historic uses of the site may have resulted in a risk of land contamination. A condition is recommended to secure an appropriate site investigation study and a full remediation program should any contamination be found. In addition, Environmental Health have recommended the scheme be subject to a CEMP, However, given the scale of the development this is not considered appropriate and other legislation separate to planning would deal with this.

**9 CONCLUSION**

- 9.1 The proposed demolition of the building and the change of use of the site are considered acceptable having regard to the retention of employment floor space in the new scheme. The proposed development is considered to be of a suitable design standard that would not significantly harm the amenities of adjacent occupiers. Subject to appropriate conditions the development would meet the appropriate sustainability standards and provide safe parking for vehicles, in accordance with development plan policies.

**10 EQUALITIES**

- 10.1 The proposed development is required to meet Lifetime Homes' standards.

**11 PLANNING OBLIGATION / CONDITIONS / INFORMATIVES**

**11.1 Regulatory Conditions:**

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

Plan Type	Reference	Version	Date Received
Site plan and block plan	TA633/01	A	10/04/2015
Existing floor plans, sections and elevations	TA633/02		10/04/2015
	TA633/03	A	10/04/2015
	TA633/04	A	10/04/2015

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	TA633/05		10/04/2015
	TA633/06	A	10/04/2015
Proposed site plan, block plan, floor plans, elevations and sections	TA633/10	I	10/04/2015
	TA633/11	J	10/04/2015
	TA633/12	E	10/04/2015
	TA633/13	I	10/04/2015
	TA633/14	I	10/04/2015
	TA633/15	K	03/07/2015
	TA633/16	K	03/07/2015
	TA633/17	K	03/07/2015
	TA633/18	A	10/04/2015

3. No extension, enlargement, alteration or provision within the curtilage of the of the dwellinghouse(s) as provided for within Schedule 2, Part 1, Classes A - E of the Town and Country Planning (General Permitted Development) Order 1995, as amended (or any order revoking and re-enacting that Order with or without modification) other than that expressly authorised by this permission shall be carried out without planning permission obtained from the Local Planning Authority.  
**Reason:** The Local Planning Authority considers that further development could cause detriment to the amenities of the occupiers of nearby properties and to the character of the area and for this reason would wish to control any future development to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.
  
4. The southernmost building within the development hereby permitted shall be used for the provision of B1 (a) offices only and for no other purpose (including any other purpose in Class B1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).  
**Reason:** The Local Planning Authority would wish to retain control over any subsequent change of use of these premises in the interests of retaining the employment floor space within the development and to safeguard the amenities of the area in accordance with policies EM3, SU9, SU10 and QD27 of the Brighton & Hove Local Plan.
  
5. The first floor windows in the rear/east elevation to all units of the development hereby permitted shall not be glazed otherwise than with obscured glass and thereafter permanently retained as such.  
**Reason:** To safeguard the privacy of the occupiers of the adjoining property and to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.
  
6. No cables, wires, aerials, pipework (except rainwater downpipes as shown on the approved plans), meter boxes or flues shall be fixed to any elevation facing a highway.  
**Reason:** To safeguard the appearance of the building and the visual amenities of the locality and to comply with policies QD1 and QD27 of the Brighton & Hove Local Plan.

7. The vehicle parking area shown on the approved plans shall not be used otherwise than for the parking of private motor vehicles and motorcycles belonging to the occupants of and visitors to the residential development hereby approved.

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

8. The hard surface hereby approved shall be made of porous materials and retained thereafter or provision shall be made and retained thereafter to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the property.

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

#### 11.2 Pre-Commencement Conditions:

9. No development above ground floor slab level of any part of the development hereby permitted shall take place until samples of all materials to be used in the construction of the external surfaces of the development have been submitted to and approved in writing by the Local Planning Authority, including (where applicable):

- a) samples of all 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, door and balcony treatments.
- e) samples of all other materials to be used externally.

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

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

10. No development shall commence until full details of existing and proposed ground levels (referenced as Ordinance Datum) within the site and on land and buildings adjoining the site by means of spot heights and cross-sections, proposed siting and finished floor levels of all buildings and structures, have been submitted to and approved by the Local Planning Authority. The development shall then be implemented in accordance with the approved level details.

**Reason:** As this matter is fundamental to the acceptable delivery of the permission to safeguard the amenities of nearby properties and to safeguard the character and appearance of the area, in addition to comply with policies QD2 and QD27 of the Brighton and Hove Local Plan.

11. (i) The development hereby permitted shall not be commenced until there has been submitted to and approved in writing by the Local Planning Authority:

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(a) a desk top study documenting all the previous and existing land uses of the site and adjacent land in accordance with national guidance as set out in Contaminated Land Research Report Nos. 2 and 3 and BS10175:2001 - Investigation of Potentially Contaminated Sites - Code of Practice;

and, unless otherwise agreed in writing by the Local Planning Authority,

(b) a site investigation report documenting the ground conditions of the site and incorporating chemical and gas analysis identified as appropriate by the desk top study in accordance with BS10175:2001;

and, unless otherwise agreed in writing by the Local Planning Authority,

(c) a detailed scheme for remedial works and measures to be undertaken to avoid risk from contaminants and/or gases when the site is developed and proposals for future maintenance and monitoring. Such scheme shall include the nomination of a competent person to oversee the implementation of the works.

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

a) as built drawings of the implemented scheme;

b) photographs of the remediation works in progress; and

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

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

**Reason:** As this matter is fundamental to the acceptable delivery of the permission 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:

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

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

13. 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.

14. Unless otherwise agreed in writing by the Local Planning Authority, the B1 use offices hereby permitted shall not be occupied until the sustainability measures detailed within the Sustainability Checklist received on the 10th April 2015 have been fully implemented, and such measures shall thereafter be retained as such.

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

15. The development hereby approved shall not be occupied until the two trees detailed on drawing no. TA633/11J received on the 10th April 2015 have been planted in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority. In the event any tree dies, is removed or becomes seriously damaged or diseased within a period of 5 years from the completion of the development, it shall be replaced 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 and QD15 of the Brighton & Hove Local Plan.

16. 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.

17. 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.

18. Prior to the first occupation of the development hereby permitted the applicant shall reinstate the redundant vehicle crossovers surrounding the site back to a footway by raising the existing kerb and footway.

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

19. Prior to the first occupation of the development, details of a scheme of works to raise the existing kerb and footway in front of the proposed development, and to realign the western bell mouth kerb to Mainstone Road to be the same radius as the kerb opposite (including tactile paving) shall be submitted to and approved in writing by the Local Planning Authority. The works shall be completed prior to the first occupation of the development hereby permitted and shall thereafter be retained.

**Reason:** In the interest of highway safety and to comply with policies TR1, TR7, TR8 and TR13 of the Brighton & Hove Local Plan.

#### 11.4 Informatives:

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

The proposed demolition of the building and the change of use of the site are considered acceptable having regard to the retention of employment floor space in the new scheme. The proposed development is considered to be of a suitable design standard that would not significantly harm the amenities of adjacent occupiers. Subject to appropriate conditions the development would meet the appropriate sustainability standards and provide safe parking for vehicles, in accordance with development plan policies.
3. The applicant is advised that the proposed highways works should be carried out in accordance with the Council's current standards and specifications and under licence from the Streetworks team. The applicant should contact the Streetworks Team (01273 293366).
4. The applicant is advised that the above condition on land contamination has been imposed because the site is known to be or suspected to be contaminated. Please be aware that the responsibility for the safe development and secure occupancy of the site rests with the developer. To satisfy the condition a desktop study shall be the very minimum standard accepted. Pending the results of the desk top study, the applicant may have to satisfy the requirements of (i) (b) and (i) (c) of the condition. It is strongly recommended that in submitting details in accordance with this condition the applicant has reference to Contaminated Land Report 11, Model Procedures for the Management of Land Contamination. This is available on

## PLANNING COMMITTEE LIST- 5 AUGUST 2015

both the DEFRA website ([www.defra.gov.uk](http://www.defra.gov.uk)) and the Environment Agency website ([www.environment-agency.gov.uk](http://www.environment-agency.gov.uk)).



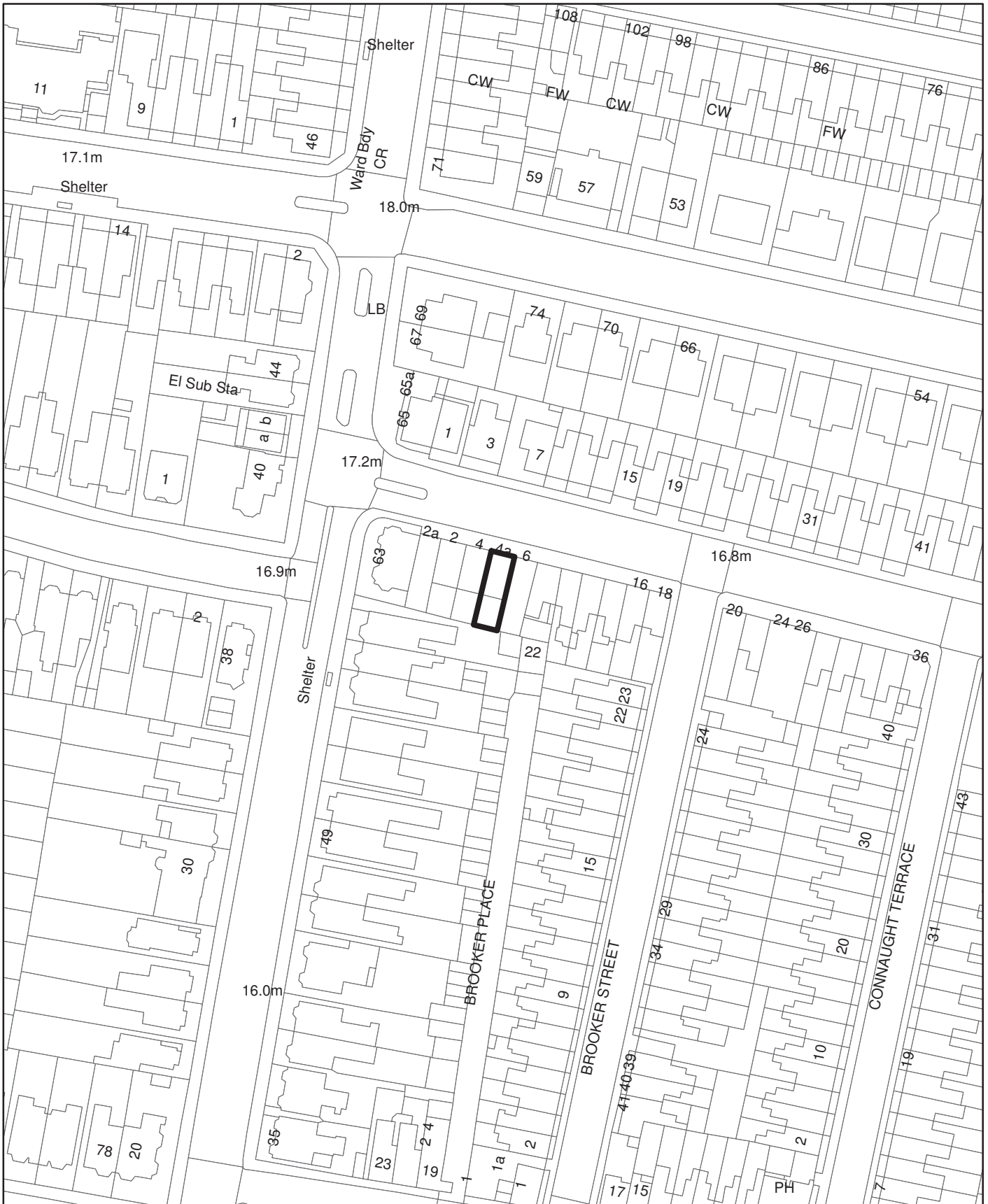
# **ITEM J**

**4A Blatchington Road, Hove**

**BH2014/03996**  
**Full planning**

**5 AUGUST 2015**

# BH2014/03996 4A Blatchington Road, Hove



**Brighton & Hove  
City Council**



**Scale: 1:1,250**

<b><u>No:</u></b>	<b>BH2014/03996</b>	<b><u>Ward:</u></b>	<b>CENTRAL HOVE</b>
<b><u>App Type:</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>4A Blatchington Road Hove</b>		
<b><u>Proposal:</u></b>	<b>Change of use from retail (A1) to hot food take away (A5) and installation of extract duct.</b>		
<b><u>Officer:</u></b>	Mark Thomas Tel 292336	<b><u>Valid Date:</u></b>	10 December 2014
<b><u>Con Area:</u></b>	Adj. Old Hove	<b><u>Expiry Date:</u></b>	04 February 2015
<b><u>Listed Building Grade:</u></b>	N/A		
<b><u>Agent:</u></b>	Cunnane Town Planning LLP, 67 Strathmore Road, Teddington London TW11 8UH		
<b><u>Applicant:</u></b>	Basilico Ltd, C/O Cunnane Town Planning LLP, 67 Strathmore Road Teddington, London TW11 8UH		

**1 RECOMMENDATION**

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

**2 SITE LOCATION & DESCRIPTION**

- 2.1 The application relates to a vacant ground floor retail unit within a three storey mid-terrace property on the south side of Blatchington Road. Residential flats are housed on the upper floors, including within the roof space. There is a single storey flat roofed extension located to the rear occupying the entire rear garden area. The property is situated adjacent the Old Hove Conservation Area.

**3 RELEVANT HISTORY**

**BH2014/03995** Display of internally illuminated projecting sign and externally illuminated fascia sign. Approved- 21/01/2015.

**4 THE APPLICATION**

- 4.1 Planning permission is sought for the change of use of the ground floor retail (A1) unit to a hot food takeaway (A5). The application also includes the installation of an extraction duct to the rear elevation of the building. The application originally proposed a new shopfront, although the application has since been amended to retain the existing shopfront.

**5 PUBLICITY & CONSULTATIONS**

**External**

- 5.1 **Neighbours: Nine (9)** letters of representation have been received from **88 Brighton Road, nos. 2a and 2b Blatchington Road, Flats 1, 3, 4 and 5, 4 Blatchington Road, nos. 18a and 38 Leighton Road, Flat 1, 61 Sackville**

**Road, no. 63 Sackville Road, no. 3 Caxton Court, Park Street, no. 2 South Bank, 80-88 Brighton Road (Lancing), no. 127 Wordsworth Street and no. 43 Chiltern Close objecting to the application for the following reasons:**

- There is no need for another takeaway- there are many similar businesses on the road.
- There is a lack of soundproofing between the ground floor and flats above.
- Noise and disturbance from the ventilation, extraction, delivery bikes and customers.
- Fire risk from pizza oven- lack of fire escape from upper floors.
- Excessive heat and fumes from the takeaway and extraction would represent a hazard for occupiers of the flats above.
- The extraction would deposit grease on nearby windows.
- Lack of suitable waste storage.
- Parking problems/ congestion caused by delivery bikes and customers.
- The development would attract pests and vermin to the property.
- A new takeaway would not be in accordance with the council's duty to promote healthy eating.

5.2 **Councillor Hawtree objects** to the application (email attached).

5.3 **Councillor Wealls objects** to the application (email attached).

5.4 **Sussex Police comment** as follows:

- Recommend that all new and existing doors and glazing are checked to ensure they are fit for purpose with locks conforming to a minimum standard of BS3621.
- Consideration should be given to the fitting of a monitored intruder alarm within the premises.

**Internal:**

5.5 **Highway Authority recommend approval** as follows:

- **Change of use**  
Whilst the proposed change of use is likely to generate more trips at different times of the day (evening rather than day time) it is unlikely to generate a significant increase to the site overall therefore the proposed change of use from retail to hot food takeaway is deemed acceptable.
- **Delivery Service**  
The applicant states in the design and access statement that there will be 6 delivery bikes associated with the proposed delivery service and these will be parked in the motorcycle bays east of the site on Blatchington Road or Connaught Terrace in the quieter periods i.e. the daytime hours and in the nearby parking bays in the evening when restrictions are lifted on Blatchington Road (when the takeaway is likely to be more busy) . This arrangement is deemed reasonable. (It is noted that there are no loading restrictions adjacent to the site and also that

vehicles parked illegally are liable to receive a Penalty Charge Notice (PCN))

- Cycle parking  
The applicant does not propose cycle parking as required by the City Council's Parking Standards SPG04 however it is acknowledged that the site is constrained and that there is on street cycle parking adjacent to the site. The Highway authority does not wish to object on these grounds.

**5.6 Environmental Health:** Comment as follows:

- No objection subject to conditions relating to soundproofing plant/ machinery and odour control equipment.
- No objection to the proposed hours of use (11am-11.30pm each day).

**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
QD14	Extensions and alterations
QD27	Protection of Amenity
SR5	Town and district shopping centres

Supplementary Planning Guidance:

SPGBH4	Parking Standards
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Brighton & Hove City Plan Part One (submission document)

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

- 8.1 The main considerations in the determination of this application relate to the principle of the change of use, the impact of the external alterations of the character and appearance of the recipient building and the wider area, the impact of the development on the amenity of occupiers of neighbouring properties and the impact on parking and the highway network in the locality.

**Planning Policy:**

- 8.2 Policy QD27 states that planning permission for any development will not be granted where it would cause material nuisance and loss of amenity to the proposed, existing and/or adjacent users, residents, occupiers or where it is liable to be detrimental to human health.
- 8.3 Policy SR5 states that outside the prime frontage in the town and district centres, the loss of retail use will be permitted providing that a healthy balance and mix of uses (including A1 retail) is retained and concentrations of uses other than A1 are avoided. The proposed use should still attract pedestrian activity to the centre and should not have a significantly harmful impact on the amenity of the area.

**Change of use:**

- 8.4 The application property is situated within the Hove Town Centre as allocated by policy SR5 of the Brighton & Hove Local Plan. The premises is situated outside of the prime frontage of the centre and, as such, a change of use is permitted considering that a healthy balance of uses would retain. As a result of the proposed development, the area outside of the prime frontage of the Hove Town Centre situated on Blatchington Road would retain a strong retail (A1) presence (over 65% of commercial premises), and would not have an over-proliferation or over-concentration of takeaway (A5) units (8.6% of all commercial units). It is noted, further, that the proposed takeaway unit would occupy one half of a unit which has recently been subdivided and that a retail use would remain to the other half. As such, there has been no net loss of retail units in the centre.



**Design:**

- 8.5 The external alterations are restricted to the rear of the building and comprise the installation of extract ducting. The ducting would rise to roof level, and would discharge approximately 0.3m above a flat roof section approximately the same height as the ridge of the main roof. The flat roof section and proposed duct would be set back sufficiently from the front of the building to be only visible in glimpses towards the south when travelling west along Blatchington Road. The duct would be screened when walking east on Blatchington Road by the bulk and height of the main roof.
- 8.6 The application property backs onto the Old Hove Conservation Area but the proposed ductwork would not be readily visible from or affect the character and appearance of the area. There is an alleyway situated to the rear of the property and the garden to no. 61 Sackville Road beyond. The duct would not be readily visible from these locations due to the screening afforded by boundary treatments and the rear extension at the application property. The rear of the property and the ductwork would not be visible from Sackville Road at the break between nos. 61 and 63, nor would it be visible from Brooker Place to the south where views would be screened by existing residential properties and garages.
- 8.7 Given the minor nature of the proposed external works and the relationship between the application property and other properties in the vicinity, it is not considered that the proposed development would have a significantly detrimental impact on the character and appearance of the recipient property or the wider Old Hove Conservation Area.

**Impact on Amenity:**

- 8.8 The proposed change of use would have the greatest impact on the occupiers of the residential flats to the upper floors of the application property. The potential impact of a change of use from retail (A1) to takeaway (A5) would be noise and odour from plant and machinery associated with ventilation and cooking extraction and well as noise and disturbance from patrons and hot food delivery activities.
- 8.9 The applicant has submitted an acoustic report that demonstrates that noise associated with the proposed plant and machinery would be at a suitable level providing that an attenuator is installed as part of the development. The Environmental Health officer has recommended that a condition be attached to any approval to secure this detail. The proposed hours of operation are 11am to 11.30pm. These hours are considered reasonable in this location and would prevent unacceptable noise levels from customers or delivery bike drivers.

**Sustainable Transport:**

- 8.10 The applicant states in the design and access statement that there will be 6 delivery bikes associated with the proposed delivery service and these will be parked in the motorcycle bays east of the site on Blatchington Road or Connaught Terrace in the quieter periods i.e. the daytime hours, and in the nearby parking bays in the evening when restrictions are lifted on Blatchington Road (when the takeaway is likely to be more busy). This arrangement is



deemed reasonable. It is noted that there are no loading restrictions adjacent to the site and also that vehicles parked illegally are liable to receive a Penalty Charge Notice (PCN).

- 8.11 The application does not propose cycle parking as required by the Parking Standards SPG0. It is acknowledged, however, that the site is constrained and that there is on street cycle parking adjacent to the site. The Highway authority has not objected to the proposed development on these grounds.

## 9 CONCLUSION

- 9.1 The proposed change of use would not have a significantly detrimental impact on the vitality and viability of the Hove Town Centre. The proposed external works would not have an unacceptably harmful impact on the character and appearance of the recipient property, the wider street scene or adjoining Conservation Area. The proposed change of use would not have a significantly harmful impact on the amenity of occupiers of neighbouring properties, nor would it result in undue parking street or traffic congestion in the locality.

## 10 EQUALITIES

- 10.1 No issues identified.

## 11 PLANNING CONDITIONS / INFORMATIVES

### 11.1 Regulatory Conditions:

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

Plan Type	Reference	Version	Date Received
Site location plan	-	-	27 <sup>th</sup> November 2014
Existing plan and elevations	2345/A000	Rev. B	17 <sup>th</sup> July 2015
Proposed plan and elevations	2345/A200	Rev. E	17 <sup>th</sup> July 2015
Existing and proposed roof plans	2345/A201	-	17 <sup>th</sup> July 2015
Environmental Noise Survey and Plant Noise Impact Assessment by 'NSL'	BS 33812/NIA	-	5 <sup>th</sup> May 2015
Extraction unit specification by 'Elta Select'	-	-	10 <sup>th</sup> December 2015

## PLANNING COMMITTEE LIST- 5 AUGUST 2015

- 3) The takeaway (A5) use hereby permitted shall not be operational except between the hours of 11:00 and 23:30 each day.  
**Reason:** To safeguard the amenities of the locality and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.

### 11.2 Pre-Occupation Conditions:

- 4) The applicant must ensure the installation of a suitable circular attenuator as per the specification detailed in Environmental Noise Survey and Plant Noise impact Assessment' dated the 29th April produced by Noise Solutions Limited. Specifics are found on Page 4 - 6.0 Mitigation - Table 4 Minimum attenuator insertion losses. Evidence showing that attenuation is correctly fitted to the oven extract system at 4A Blatchington Road shall be submitted to the Local Planning Authority. The commercial use of the flue shall not commence until the works have been carried out to the satisfaction of the Local Planning Authority.  
**Reason:** To safeguard the amenities of the occupiers of nearby properties and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.
- 5) Evidence showing that a 'ON 100 Odour Neutraliser' manufactured by 'Purified Air' is correctly fitted to the oven extract system at 4A Blatchington Road shall be submitted to the Local Planning Authority. The commercial use of the flue shall not commence until all odour control equipment works have been carried out to the satisfaction 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.

### 11.3 Informatives:

1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One (submission document) the approach to making a decision on this planning application has been to apply the presumption in favour of sustainable development. The Local Planning Authority seeks to approve planning applications which are for sustainable development where possible.
2. This decision to grant Planning Permission has been taken:
  - (i) having regard to the policies and proposals in the National Planning Policy Framework and the Development Plan, including Supplementary Planning Guidance and Supplementary Planning Documents:  
(Please see section 7 of the report for the full list); and
  - (ii) for the following reasons:-  
The proposed change of use would not have a significantly detrimental impact on the vitality and viability of the Hove Town Centre. The proposed external works would not have an unacceptably harmful impact on the character and appearance of the recipient property, the wider street scene or the adjoining Conservation Area. The proposed change of use is not

PLANNING COMMITTEE LIST- 5 AUGUST 2015

foreseen to have a significantly harmful impact on the amenity of occupiers of neighbouring properties, nor would it result in undue parking street or traffic congestion in the locality.



PLANNING COMMITTEE LIST  
5 AUGUST 2015

COUNCILLOR REPRESENTATION

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**Sent:** 22 April 2015 8:40 AM  
**To:** Jeanette Walsh  
**Subject:** Blatchington Road - Councillor's Letter

Dear Jeanette,

3H2014 / 03996

I wish to object on behalf of residents about this change of use, there being considerable uncertainty about the noise levels, and also the venting; all of which would have an adverse effect upon those nearby.

In view of this, should the Application be recommended for acceptance, I would like it to be brought to the Committee for discussion and decision.

All the best,

Christopher Hawtree

22 iv 2014

COUNCILLOR REPRESENTATION

Mark Thomas Esq,  
Planning Department,  
Brighton and Hove City Council,  
Hove Town Hall,  
Hove,  
BN3 4AH



14th January 2014

Dear Sir,

Ref: BH2014/03996 4 Blatchington Road, BN3 3YN

I would like to object to the above planning application for a change of use from A1(retai to A5 (hot food take-away).

My objections are as follows;

The proposed premises lie directly below residential accommodation, and a take-away business is likely to negatively impact the amenity of those living above through cooking smells and customer noise. As deliveries are to be considered from the premises, there will be the additional impact of noise from delivery motor scooters arriving and departing from the premises. The application states that there will be up to six scooters operating from a parking bay only 25 metres from the premises until 23.30 in the evening.

The proposed hours of opening (until 23.30) means that those living above and nearby, especially those with children, will be disturbed late into the evening.

The end of the proposed extract flue finishes 1 metre above the fourth floor window. It is unclear whether this is a sufficient distance from the window to ensure no ingress of odour when the wind is in certain directions. There is no information in the application or its distance from neighbouring windows.

There will be an overconcentration of A5 use in the area. In the parade of shops which makes up Blatchington Road there is already;

Kentucky Fried Chicken (107)  
Wimpy (now closed) (105)  
Fortune House Chinese (83)  
Ramsbottom's Fish and Chips (58)  
Thai Connection (14)  
Singapore Kitchen (19)  
Seahorse Fish and Chips (12)

Between numbers 2 and 18 Blatchington Road (Sackville Road and Brooker Street), there are already two take-aways. There are pizza take-aways/delivery services within a

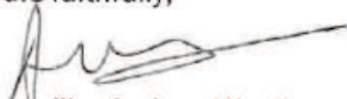
COUNCILLOR REPRESENTATION

reasonable distance of 4 Blatchington Road; Yummie Pizza (107 Church Road), Pizza Hut Delivery (280 Portland Road), Dial a Pizza (84 Portland Road), Domino's (93 Old Shoreham Road), Pizzaface (1 Coleridge Street).

Lastly, it is unclear from the plans where refuse, particularly food waste, will be stored.

Please let me know when this application is to be considered by the Planning Committee.

Yours faithfully,



Councillor Andrew Wealls







<b>PLANNING COMMITTEE</b>	<b>Agenda Item 47</b> Brighton & Hove City Council
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**Information on upcoming Pre-application Presentations and Requests**

<b>Date</b>	<b>Address</b>	<b>Ward</b>	<b>Proposal</b>
TBC	78 West Street & 7-8 Middle Street, Brighton	Regency	Demolition of vacant night club buildings and erection of mixed use building 5-7 storeys high plus basement comprising commercial A1/A3/A4 (retail/restaurant/bar) uses on ground floor & basement and C1 (hotel) use on upper floors with reception fronting Middle St.

**Previous presentations**

<b>Date</b>	<b>Address</b>	<b>Ward</b>	<b>Proposal</b>
23 <sup>rd</sup> June 2015	Land directly adjacent to American Express Community Stadium, Village Way, Falmer	Moulsecoomb & Bevendean	Erection of a 150 bedroom hotel.
23 <sup>rd</sup> June 2015	Former St. Aubyns School, High Street, Rottingdean	Rottingdean Coastal	Residential development of the site to provide 48 dwellings through refurbishment and conversion of Field House to provide 6no. apartments; refurbishment of 4no. existing curtilage listed cottages; demolition of remaining former school buildings and former headmaster's house; erection of 38 new dwellings and 62 bed care home; retention of sports pavilion and war memorial; provision and transfer of open space for public use; formation of accesses to Newlands Road and alterations to existing access off Steyning Road; provision of associated car parking and landscaping; alterations to flint wall.
2 <sup>nd</sup> June 2015	Land bound by Blackman Street Cheapside and Station Street, Brighton	St Peter's and North Laine	Proposed part nine, part seven storey building to provide office and student accommodation for Bellerby's College.
2 <sup>nd</sup> June	Brighton College,	Queens Park	Demolition of existing Sports and

**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 King's House on the date given after scheduled site visits unless otherwise stated.**

2015	Eastern Road, Brighton		Science building fronting Sutherland Road and erection of new three storey Sports and Science building comprising swimming pool, Sports Hall, teaching rooms and rooftop running track and gardens.
10 <sup>th</sup> March 2015	106 Lewes Road, Brighton	St Peter's and North Laine	Eight storey block of student accommodation.
18 <sup>th</sup> November 2014	15 North Street & Pugets Cottage, Brighton	Regency	Demolition of 15 North Street to be replaced with a new feature entrance building.
7 <sup>th</sup> 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 <sup>st</sup> 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 <sup>th</sup> March 2014	Hove Park Depot, The Droveaway, 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 <sup>th</sup> February 2014	City College, Wilson Avenue, Brighton	East Brighton	Additional accommodation
29 <sup>th</sup> October 2013	Hippodrome, Middle Street, Brighton	Regency	Refurbishment and Extension
17 <sup>th</sup> Sept 2013	One Digital, Hollingdean Road, Brighton	Hollingdean and Stanmer	Student accommodation development
27 <sup>th</sup> Aug 2013	The BOAT, Dyke Road Park, Brighton	Hove Park	Outdoor theatre
16 <sup>th</sup> July 13	Circus Street, Brighton	Queen's Park	Pre-application proposed re-development

## PLANS LIST 05 August 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

#### **BH2015/00694**

##### **98 Carden Hill Brighton**

Erection of a two storey side extension.

**Applicant:** Mr Jamil Iqbal

**Officer:** Mark Thomas 292336

**Refused on 29/06/15 DELEGATED**

#### **1) UNI**

The proposed extension, by virtue of its scale, height, bulk, projection and proximity to the shared boundary with no. 100 Carden Hill would represent an unneighbourly and overbearing form of development, resulting in significant overshadowing, loss of outlook and increased sense of enclosure. As such, the proposals would be contrary to policies QD14 and QD27 of the Brighton & Hove Local Plan and SPD12: Design guide for extensions and alterations.

#### **2) UNI2**

The proposed extension, by virtue of its scale, bulk, form and footprint would represent an excessively bulky extension which would relate poorly to the scale and form of the recipient property. As such, the proposals would be contrary to policy QD14 of the Brighton & Hove Local Plan and SPD12: Design guide for extensions and alterations.

#### **BH2015/01112**

##### **Chapel Row Land Adjacent to Methodist Church Lyminster Avenue Brighton**

Application for Approval of Details Reserved by Conditions 4, 5, 6, 7 and 8 of application BH2014/01858.

**Applicant:** FR Properties (Development) Ltd

**Officer:** Adrian Smith 290478

**Approved on 09/07/15 DELEGATED**

#### **BH2015/01136**

##### **35 Greenfield Crescent Brighton**

Erection of single storey rear extension.

**Applicant:** Mrs Maria Claudia Beltran

**Officer:** Luke Austin 294495

**Refused on 29/06/15 DELEGATED**

#### **1) UNI**

The proposed extension, by virtue of its excessive rear projection and roof form would result in an over dominant and unsympathetic addition which would relate unsympathetically to host the building and the visual amenity of the 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.

#### **2) UNI2**

The proposed extension, by virtue of its scale and depth, would have an overbearing effect on the amenity of the neighbouring property at no. 33 resulting in loss of light to a rear window, contrary to policy QD27 of the Brighton and Hove Local Plan and guidance within Supplementary Planning Document 12: Design Guide for Extensions and Alterations.

**BH2015/01458**

**Patcham Service Station Patcham Bypass Brighton**

Application for Approval of Details Reserved by Conditions 5 and 6 of application BH2014/03788.

**Applicant:** Esso Petroleum Co Ltd

**Officer:** Clare Simpson 292321

**Approved on 26/06/15 DELEGATED**

**BH2015/01800**

**132 Carden Avenue Brighton**

Prior approval for the erection of a single storey rear extension, which would extend beyond the rear wall of the original house by 6m, for which the maximum height would be 3.05m, and for which the height of the eaves would be 2.65m.

**Applicant:** Mrs Perrin Horne

**Officer:** Luke Austin 294495

**Prior approval not required on 30/06/15 DELEGATED**

**PRESTON PARK**

**BH2015/00393**

**168 Springfield Road Brighton**

Certificate of Lawfulness for proposed conversion of existing small house in multiple occupation (C4) and garden flat (C3) into single dwelling (C3).

**Applicant:** Dr Jacqueline Allt

**Officer:** Mark Thomas 292336

**Refused on 07/07/15 DELEGATED**

**1) UNI**

The proposal represents development under S.55 of the Town and Country Planning Act 1990 (as amended) and there is no exception to the requirement for planning permission within the Town and Country (General Permitted Development) Order 1995 (as amended).

**BH2015/00795**

**51A Port Hall Road Brighton**

Creation of roof terrace with decking, steel railings and glass balustrade to rear at first floor level.

**Applicant:** Miss Mel Green

**Officer:** Wayne Nee 292132

**Approved on 25/06/15 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 glass privacy screen to the balustrade hereby approved shall consist of obscured glass and shall be fully installed in accordance with the approved drawing before the roof terrace is first brought into use. The screen shall be permanently retained as such thereafter.

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

to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.

**3) UNI**

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

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

Plan Type	Reference	Version	Date Received
Existing and proposed drawings	162(21)001	B	06 March 2015
Site plan	162(10)001		06 March 2015

**BH2015/01366**

**Stanford Junior School Stanford Road Brighton**

Installation of acoustic material to walls and ceiling of ground floor hall.

**Applicant:** Brighton and Hove City Council

**Officer:** Tim Jefferies 293152

**Approved on 06/07/15 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**

The acoustic panels hereby approved shall have a white-coloured finish and shall be retained as such.

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

**BH2015/01742**

**2 Port Hall Place Brighton**

Certificate of Lawfulness for existing use of property as a single dwelling house.

**Applicant:** Mr Edward Glew

**Officer:** Sonia Gillam 292265

**Refused on 03/07/15 DELEGATED**

**REGENCY**

**BH2014/02989**

**27 Castle Street Brighton**

Change of use from offices (B1) and storage (B8) to rehearsal room (Sui Generis) and recording studio (B1).

**Applicant:** Small Pond Recordings

**Officer:** Jason Hawkes 292153

**Approved on 08/07/15 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**

Noise associated with plant and machinery incorporated within the development shall be controlled such that the Rating Level, measured or calculated at 1-metre from the façade of the nearest existing noise sensitive premises, shall not exceed a level 10dB below the existing LA90 background noise level. Rating Level and existing background noise levels to be determined as per the guidance provided

in BS 4142:2014. In addition, there should be no significant low frequency tones present.

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

**3) UNI**

The use hereby permitted shall not be open or in use except between the hours of 10:00 and 22:00 daily.

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

**4) UNI**

No machinery and / or plant shall be in use at the premises except between the hours of 10:00 and 22:00 daily.

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

**5) UNI**

Prior to first use of the development hereby permitted, details of sustainability measures to reduce the energy and water consumption of the commercial unit shall have been submitted to and approved in writing by the Local Planning Authority. The measures shall be implemented prior to first 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.*

**6) UNI**

No musical instruments or amplified music shall be played outside of the hereby approved 'control room', 'live room' and 'practice rooms', as identified on drawing no. 04/09/14B Rev3, at any time

*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.*

**7) UNI**

All external doors and windows shall remain closed other than for access and egress.

*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.*

**8) UNI**

No development shall commence until a scheme for the soundproofing of the building has been submitted to and approved in writing by the Local Planning Authority. The measures shall be implemented in strict accordance with the approved details prior to the occupation of the development and shall thereafter be retained as such.

*Reason: As this matter is fundamental to safeguarding the amenities of the occupiers of adjoining properties and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.*

**9) UNI**

Prior to first use of the development hereby permitted, details of secure cycle parking facilities for the occupants of, and visitors to, the development shall 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 and shall thereafter be retained for use at all times.

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

**10) UNI**

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

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

Plan Type	Reference	Version	Date Received
Location Plan			27th October 2014
Existing Floor Plans	04/09/14A Rev3		27th October 2014
Proposed Floor Plans	04/09/14B Rev3		29th October 2014
Acoustic / Soundproofing Treatment	B-1		30th October 2014
Acoustic / Soundproofing Treatment	B-2		30th October 2014
Acoustic / Soundproofing Treatment	B-3		30th October 2014
Acoustic / Soundproofing Treatment	B-4		30th October 2014
Acoustic / Soundproofing Treatment	B-5		30th October 2014
Acoustic / Soundproofing Treatment	B-6		30th October 2014
Acoustic / Soundproofing Treatment	B-7		30th October 2014
Acoustic / Soundproofing Treatment	B-8		30th October 2014
Acoustic / Soundproofing Treatment	B-9		30th October 2014
Acoustic / Soundproofing Treatment	B-10		30th October 2014
Acoustic / Soundproofing Treatment	B-11		30th October 2014
Acoustic / Soundproofing Treatment	B-12		30th October 2014
Acoustic / Soundproofing Treatment	B-13		30th October 2014
Acoustic / Soundproofing Treatment	B-14		30th October 2014
Acoustic / Soundproofing Treatment	B-15		30th October 2014
Acoustic / Soundproofing Treatment	B-16		30th October 2014
Acoustic / Soundproofing Treatment	B-17		30th October 2014
Acoustic / Soundproofing Treatment	B-18		30th October 2014
Acoustic / Soundproofing Treatment	B-19		30th October 2014
Acoustic / Soundproofing Treatment	B-20		30th October 2014
Acoustic / Soundproofing Treatment	B-21		30th October 2014
Acoustic / Soundproofing Treatment	B-22		30th October 2014



Treatment			
Acoustic / Soundproofing Treatment	B-24		30th October 2014
Acoustic / Soundproofing Treatment	B-25		30th October 2014
Acoustic / Soundproofing Treatment	B-26		30th October 2014
Acoustic / Soundproofing Treatment	B-27		30th October 2014
Acoustic / Soundproofing Treatment	B-28		30th October 2014

### 11) UNI

No vehicular movements nor any loading or unloading of vehicles shall take place on the site except between the hours 10:00 and 22:00 daily.

*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.*

### **BH2015/00237**

#### **4 Powis Villas Brighton**

Internal alterations to layout of house. External alterations including replacement of existing window and door with timber sash windows and installation of new timber sash window, roof alterations to single storey extension to form flat roof.

**Applicant:** Hugh Sloane

**Officer:** Guy Everest 293334

**Approved on 26/06/15 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

The windows hereby approved shall be off-white painted timber vertical sliding sashes with no trickle vents and shall match exactly the design of the 1 over 1 existing sash windows to the building, including their architrave, frame width and profiles, and subcill, masonry cill and reveal details, and shall have concealed sash boxes recessed within the reveals and set back from the outer face of the building to match exactly the original sash boxes to the building.

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

#### 3) UNI

The reinstated chimney stacks shall match the detailed design (including the construction, moulding detail, render texture and colour finish, and the chimney pot detail) of the existing historic chimney stack to the north-west of the building.

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

#### 4) UNI

The reinstatement of the first floor bedroom fire places, including limestone surround, cast iron insert and slate hearth, shall match that shown in the submitted image 'Proposed\_Fireplace\_B.jpg', unless otherwise agreed in writing by the Local Planning Authority.

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

#### 5) UNI

The reinstatement of the fire places to the first floor bedrooms and the cornice

and ceiling rose detail and the replacement of rainwater goods shall be completed in accordance with the approved plans within 12 months of the date this approval.

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

**6) UNI**

Prior to the installation of the fire places at basement level, the detailed design and dimensions of the basement level fire places, including their surround, insert and hearth detail, shall be submitted to and approved in writing by the Local Planning Authority. The fire places shall be installed in accordance with the agreed details.

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

**7) 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.*

**BH2015/00340**

**13B Victoria Street Brighton**

Internal alterations including installation of new doors.

**Applicant:** Mr Dean Hinken

**Officer:** Tim Jefferies 293152

**Approved on 07/07/15 DELEGATED**

**1) UNI**

All new door furniture shall be in brushed brass or cast iron and door knobs shall be round or oval (lozenge) shaped.

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

**BH2015/00533**

**Former Royal Alexandra Hospital 57 Dyke Road Brighton**

Creation of roof terrace to first floor incorporating balustrading and alterations to fenestration (Part Retrospective).

**Applicant:** Taylor Wimpey South Thames

**Officer:** Guy Everest 293334

**Approved on 07/07/15 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 approved balustrading shall comprise a white painted timber handrail, finials and posts and shall be retained as such thereafter.

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

**3) UNI**

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

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

Plan Type	Reference	Version	Date Received
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Site Location Plan	1106/SITE PLAN-01		04/05/2015
Site Plan	1106/SITE PLAN-02		04/05/2015
BLOCK D - First Floor General Arrangement	1106/D/FF/GE N/ARRA	C12	17/02/2015
BLOCK D - PLOT 80	1106/D/PLOT 80 BAY	C2	29/04/2015

**BH2015/00762**

**21 West Street Brighton**

Conversion of second floor residential accommodation (C3) and third floor ancillary accommodation to public house (A4) to form hotel accommodation (C1) ancillary to public house incorporating roof garden and associated works.

**Applicant:** J D Wetherspoon PLC

**Officer:** Jason Hawkes 292153

**Refused on 25/06/15 DELEGATED**

**1) UNI**

Insufficient information has been submitted in the form of noise assessments to predict the noise levels at sensitive receptors as a result of noise from the proposed roof terrace and also noise from associated plant and machinery. The applicant has therefore failed to demonstrate that the proposed development would not cause a noise disturbance to nearby residents which would cause harm to their residential amenity. As such the proposal is considered to be contrary to policies SU10 and QD27 of the Brighton & Hove Local Plan.

**2) UNI2**

The proposed enclosing screen and canopy, by reason of their siting, scale and resulting prominence, would be clearly visible from West Street and Regency Road and would stand out as unduly prominent additions which would detract from the roofscape of the building and immediate surroundings, which includes a Grade II Listed Building, St Paul's Church, to the south. The proposal is therefore contrary to policies QD1, QD2 and QD14 of the Brighton & Hove Local Plan.

**BH2015/00835**

**11D Bedford Towers Kings Road Brighton**

Glazed enclosure of existing balcony.

**Applicant:** Paul Coventry

**Officer:** Mark Thomas 292336

**Approved on 02/07/15 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	-	-	10th March 2015
Block plan	-	-	10th March 2015
Existing floor plan	-	-	10th March 2015
Proposed floor plan	-	-	10th March 2015

Existing elevations	-	-	10th March 2015
Proposed elevations	-	-	8th May 2015

**BH2015/01086**

**Crown House 21 Upper North Street Brighton**

Formation of access ramp with railings.

**Applicant:** Atos IT Services UK Limited

**Officer:** Christopher Wright 292097

**Approved on 06/07/15 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 railing to the access ramp hereby permitted shall be constructed with glass infill panels and a stainless steel handrail and retained as such thereafter.

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

**3) UNI**

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

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

Plan Type	Reference	Version	Date Received
Site Location Plan - Ramp	1418-AC056-B righton-500A		17 Apr 2015
Block Plan - Ramp	1418-AC056-B righton-503A		17 Apr 2015
Existing Main Entrance	1418-AC056-B righton-501A		17 Apr 2015
Proposed Main Entrance	1418-AC056-B righton-502A		17

**BH2015/01171**

**7-8 Prince Albert Street Brighton**

Display of non illuminated high level lettering sign and internally illuminated wall mounted menu box.

**Applicant:** Gondola Group Ltd

**Officer:** Mark Thomas 292336

**Approved on 29/06/15 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.*

**BH2015/01172**

**7-8 Prince Albert Street Brighton**

Repainting of building and installation of illuminated fascia and projecting signs and awnings to replace existing and illuminated menu boxes.

**Applicant:** Gondola Group Ltd

**Officer:** Mark Thomas 292336

**Approved on 29/06/15 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.*

**BH2015/01260**

**Flat 8 7 Norfolk Terrace Brighton**

Internal alterations to layout of flat. (Retrospective)

**Applicant:** Miss Lucy Morgan

**Officer:** Tim Jefferies 293152

**Approved on 06/07/15 DELEGATED**

**BH2015/01273**

**55-56 North Street Brighton**

Display of internally illuminated fascia and hanging signs.

**Applicant:** Mr Alan Holliman

**Officer:** Helen Hobbs 293335

**Approved on 26/06/15 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.*

**BH2015/01591**

**157 Western Road Brighton**

Display of 2no internally illuminated fascia signs, 1no internally illuminated projecting sign and installation of 2no digital screens internally within shop.

**Applicant:** McDonalds Restaurants Ltd

**Officer:** Sonia Gillam 292265

**Approved on 26/06/15 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.*



**BH2015/01594****44 Victoria Street Brighton**

Removal of existing pitched roof and creation of roof terrace with glass balustrading to front and rear.

**Applicant:** Mr Richard Wilson

**Officer:** Liz Arnold 291709

**Refused on 14/07/15 DELEGATED**

**1) UNI**

The creation of a roof terrace with associated glass balustrading and green roofs, at main roof level would be a prominent, inappropriate and incongruous addition to the roofscape of the historic property and associated terrace. As such the proposal would be of detriment to the visual amenities of the parent property, the Victoria Street street scene and the wider area including the surrounding Conservation Area and the setting of the listed Buildings located to the south of the site. The proposal is therefore contrary to policies QD14, HE3 and HE6 of the Brighton and Hove Local Plan, and Supplementary Planning Document 12 'Design Guide for Extensions and Alterations'.

**BH2015/01621****Unit 31 Churchill Square Brighton**

External alterations including installation of new glazing, entrance doors, granite wall, stainless steel handrail, granite steps, granite seating, stall risers with other associated works.

**Applicant:** Kleinwort Benson (Channel Islands) Corporate Services

**Officer:** Clare Simpson 292321

**Approved on 03/07/15 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**

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

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

Plan Type	Reference	Version	Date Received
Site location plan	201		6th May 2015
Existing upper mall	202		6th May 2015
Existing roof plan	204		6th May 2015
Existing western road elevation	205		6th May 2015
Existing western road side elevation	206		6th May 2015
Existing western road Context	207		6th May 2015
Existing section	208		6th May 2015
Proposed upper mall	210	b	2nd July 2015
Proposed first floor plan	211	a	6th May 2015
Proposed western road	213	a	6th May 2015
Proposed western road side elevation	214	a	6th May 2015
Proposed western road context	215		6th May 2015

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

### **BH2012/03766**

#### **69 - 70 Queens Road Brighton**

Conversion of first and second floors above existing public house and mansard roof extension creating third floor to form 2no one bed, 2no two bed and 1no three bed self-contained flats. Infilling of light wells to first and second floors to rear, addition of three storey extension to rear and associated alterations.

**Applicant:** Mr Andy Lambour

**Officer:** Chris Swain 292178

**Finally Disposed of on 02/07/15 DELEGATED**

### **BH2013/01929**

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

Application for Approval of Details Reserved by Condition 17ai of application BH2010/03999, as amended by BH2012/01627.

**Applicant:** The Hyde Group

**Officer:** Sarah Collins 292232

**Approved on 02/07/15 DELEGATED**

### **BH2013/03388**

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

Application for Approval of Details Reserved by Condition 17a iii of application BH2010/03999, as amended by BH2012/01627.

**Applicant:** The Hyde Group

**Officer:** Sarah Collins 292232

**Approved on 08/07/15 DELEGATED**

### **BH2014/02085**

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

Application for Approval of Details Reserved by Condition 23a of application BH2010/03999 as amended by BH2012/01627.

**Applicant:** The Hyde Group

**Officer:** Sarah Collins 292232

**Approved on 30/06/15 DELEGATED**

### **BH2015/00360**

#### **38 Queens Gardens Brighton**

Change of use from three bedroom single dwelling (C3) to three bedroom small house in multiple occupation (C4). (Retrospective)

**Applicant:** Mr Jason Garrett

**Officer:** Chris Swain 292178

**Approved on 03/07/15 COMMITTEE**

#### **1) UNI**

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

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

Plan Type	Reference	Version	Date Received
Site location plan	-	-	25 February 2015
Existing floor plans	-	-	26 February 2015
Proposed floor plans	-	-	26 February 2015

## 2) UNI

Within two months of the date of the granting of this planning permission details of secure cycle parking facilities for the occupants of, and visitors to, the development hereby approved and a timetable for the implementation of said facilities shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be carried out in full as approved and to the timetable specified and 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 private motor vehicles and to comply with policy TR14 of the Brighton & Hove Local Plan.*

## 3) UNI

Within two months of the date of the granting of this planning permission a scheme for the storage of refuse and recycling and a timetable for the implementation of said scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be carried out in full as approved and to the timetable specified and the refuse and recycling storage facilities shall thereafter be retained for use at all times.

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

## 4) UNI

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

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

### **BH2015/00469**

#### **34 35 & 36 Trafalgar Street Brighton**

Application for variation of condition 2 of application BH2011/03714 (Change of use of No's 34 and 35 from retail units (A1) to public house (A4) and incorporated into existing public house at No 36, with internal alterations to trading area) to allow for minor material amendments to the approved scheme. Variation of conditions 7, 8, 9 and 10 to allow for the consideration of additional information in respect of these conditions.

**Applicant:** Harveys Brewery

**Officer:** Adrian Smith 290478

**Approved on 01/07/15 DELEGATED**

## 1) UNI

The development hereby permitted shall be commenced before 04/07/2015.

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

## 2) UNI

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

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

Plan Type	Reference	Version	Date Received
Block plan	-	-	12/02/2015
Location plan, existing and proposed floor plans and elevations	TLN2012/2		24/06/2015

## 3) UNI

The enlarged public house hereby approved shall not be open to the public except between the hours of 10.00 and 00.30 Monday to Thursday, 10.00 and 01.30 Friday and Saturday, and 11.00 and 23.30 on Sunday.

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

**4) UNI**

The Trafalgar Lane access door annotated as 'fire escape' on drawing no. TLN2012/3 received on 24 June 2015 shall be for emergency purposes only and shall not be used for regular access and egress.

*Reason: In order to protect the amenity of neighbouring residents and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.*

**5) UNI**

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

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

**6) UNI**

Noise associated with plant and machinery incorporated within the development shall be controlled such that the Rating Level, measured or calculated at 1-metre from the façade of the nearest existing noise sensitive premises, shall not exceed a level 5dB below the existing LA90 background noise level. The Rating Level and existing background noise levels to be determined as per the guidance provided in BS4142:2014. In addition, there should be no significant low frequency tones present.

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

**7) UNI**

The extended public house hereby permitted shall not be occupied until the scheme for the fitting of odour control equipment to the building set out in the Plant Noise Assessment and Sound Insulation Scheme received on 12 February 2015 has been fully installed in full accordance with the recommendations set out in the Assessment. The equipment 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.*

**8) UNI**

The extended public house hereby permitted shall not be occupied until the scheme for the sound insulation of the approved odour control equipment set out in the Plant Noise Assessment and Sound Insulation Scheme received on 12 February 2015 has been fully installed in full accordance with the recommendations set out in the Assessment. The equipment 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.*

**9) UNI**

The extended public house hereby permitted shall not be occupied until the scheme for the soundproofing of the building as set out in the Plant Noise Assessment and Sound Insulation Scheme received on 12 February 2015 has been fully implemented in full accordance with the recommendations set out in the Assessment. The approved measures shall thereafter be retained as such.

*Reason: To safeguard the amenities of the occupiers of the first floor flats of nos. 34 and 35 Trafalgar Street and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.*

**10) UNI**

Delivery vehicles shall only stop on Trafalgar Street and loading and unloading of delivery vehicles shall only take place on Trafalgar Street. No such activities shall take place on Trafalgar Lane.

*Reason: To ensure that Trafalgar Lane is not blocked by such activities and to avoid disturbance associated with such activities occurring on Trafalgar Lane, and to comply with policies TR7, SU10 and QD27 of the Brighton & Hove Local Plan.*

**BH2015/00542**

**7 Clyde Road Brighton**

Erection of 2no single storey rear extensions.

**Applicant:** Mr Angelos Aristodemou

**Officer:** Chris Swain 292178

**Refused on 09/07/15 DELEGATED**

**1) UNI**

The proposal, by reason of its siting, excessive depth, width and contrived form would relate poorly to the existing dwelling, detracting from the appearance and character of the property and the surrounding area, contrary to policy QD14 of the Brighton & Hove Local Plan and the Supplementary Planning Document: Design Guide for Extensions and Alterations (SPD12).

**BH2015/00609**

**23 and 24-25 Vine Street Brighton**

Conversion of existing commercial premises from offices (B1) and storage space to provide 2 no two bed flats (C3) and additional and refurbished office space (B1), incorporating revised fenestration and associated works.

**Applicant:** Mr Harley Wilson

**Officer:** Paul Earp 292454

**Approved on 26/06/15 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 new windows shall be painted softwood, double hung vertical sliding sashes with concealed trickle vents and shall be retained as such thereafter.

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

**3) UNI**

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

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

**4) UNI**

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

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

**5) UNI**

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

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

**6) UNI**

The development hereby permitted shall not be occupied until the sustainability measures detailed within the Sustainability Checklist received on the 23rd

February 2015 have been fully implemented, and such measures shall thereafter be retained as such.

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

**7) UNI**

The development hereby permitted shall be undertaken in accordance with the Waste Minimisation Statement received on 23 February 2015.

*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.*

**8) UNI**

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

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

**9) UNI**

The development shall not commenced until a scheme for soundproofing between the floor of the terrace hereby approved and the existing roof on which it is to be located 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 first 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*

**10) 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.*

**11) UNI**

Prior to first occupation of the development hereby permitted, details of secure cycle parking facilities for the occupants of, and visitors to, the development shall 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 and shall thereafter be retained for use at all times.

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

**12) UNI**

Prior to the first occupation of the development hereby permitted the applicant shall reinstate the redundant vehicle crossover to Vine Street back to a footway by raising the existing kerb and footway.

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

**13) UNI**

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

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

Plan Type	Reference	Version	Date Received
Block and Site Plan	TA 827/01	B	23 February 2015
Existing ground floor layout	TA 827/02	A	23 February 2015
Existing first floor layout	TA 827/03	A	23 February 2015
Existing second floor layout	TA 827/04	B	24 June 2015
Existing elevations - front & rear	TA 827/05		23 February 2015
Existing elevations - side	TA 827/06		23 February 2015
Proposed floor basement & ground floor layout	TA 827/10	D	1 June 2015
Proposed first floor layout	TA 827/11	C	1 June 2015
Proposed second floor layout	TA 827/12	E	24 June 2015
Proposed front and rear elevations	TA 827/13	C	1 June 2015
Proposed elevations	TA 827/14	C	19 May 2015
Design & Access Statement			23 February 2015
Planning Statement			23 February 2015
Site Waste Management Statement			23 February 2015
Sustainability Checklist			23 February 2015
Biodiversity Indicators			23 February 2015

#### **14) 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, a method statement to identify, risk assess and address the unidentified contaminants.

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

#### **BH2015/00933**

##### **8 Trafalgar Street Brighton**

Change of use of ground floor from café (A3) to mixed use café (A3) and hot food take away (A5) with installation of extract flue to roof.

**Applicant:** Zaitoon

**Officer:** Sonia Gillam 292265

**Refused on 09/07/15 DELEGATED**

#### **1) UNI**

The proposed extract equipment, by reason of its siting and proximity to neighbouring residential properties and in the absence of information to indicate otherwise, would have a detrimental impact on neighbouring residential amenity by reason of noise, vibration and disturbance. The proposal is therefore contrary to policies QD27 and SU10 of the Brighton & Hove Local Plan.

#### **BH2015/01005**

##### **36 Baker Street Brighton**

Conversion of maisonette and part of retail unit (A1) to form 1 no. one bedroom maisonette and 1 no two bedroom maisonette and associated erection of part two



part three storey rear extension to replace existing incorporating a terrace at first floor level, erection of rear dormer and associated alterations. (Part retrospective).

**Applicant:** Mrs Lotus Loan-Thu Nguyen

**Officer:** Liz Arnold 291709

**Approved on 03/07/15 DELEGATED**

#### 1) UNI

The development hereby permitted shall be in accordance with 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	L-100	-	20th March 2015
Block Plan	L-101	Rev. A	16th April 2015
Existing and Proposed Plans, Elevations and Sections	L-102	Rev. B	23rd June 2015
As Built Drawings Plans, Elevations and Sections	L-103	Rev. A	23rd June 2015

#### 2) UNI

Within 2 months of the date of the permission hereby approved a scheme shall be 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 the development does not result in harmful overspill parking and to comply with policies TR1, TR7, QD27 and HO7 of the Brighton & Hove Local Plan.*

#### 3) UNI

Within 2 months of the date of the permission hereby approved, details of sustainability measures to reduce the energy and water consumption associated with the development shall be submitted to and approved in writing by the Local Planning Authority. The agreed measures shall be implemented and shall thereafter be retained as such.

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

#### 4) UNI

Within 2 months of the date of the permission hereby approved a scheme for the storage of refuse and recycling shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be carried out in full as approved prior to first occupation of the development and the refuse and recycling storage facilities shall thereafter be retained for use at all times.

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

#### 5) UNI

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.*

**BH2015/01055**

**5 Kensington Place Brighton**

Erection of single storey rear extension, raising of roof ridge height and insertion of rooflights to rear.

**Applicant:** Dixon Hurst Kemp Ltd

**Officer:** Chris Swain 292178

**Approved on 02/07/15 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 roof shall be finished in clay tiles to match existing 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.*

**4) UNI**

The first floor windows hereby approved shall be painted timber vertical sliding sashes with no trickle vents and shall match exactly the original sash windows to the building, including their architrave, frame and glazing bar dimensions and mouldings, and subcill, masonry cill and reveal details, and shall have concealed sash boxes recessed within the reveals and set back from the outer face of the building to match the original sash windows to the building, and the windows shall be retained as such thereafter.

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

**5) UNI**

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

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

**6) UNI**

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

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

Plan Type	Reference	Version	Date Received
Site location plan, block plan, existing plans and elevations	1426-03A	A	23 March 2015
Proposed plan and elevations	1426-04	A	23 March 2015

**BH2015/01076**

**St Pauls CE Primary School St Nicholas Road Brighton**

Installation of two canopies.

**Applicant:** The Governors of St Paul's CE Primary School

**Officer:** Mark Thomas 292336

**Approved on 07/07/15 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	1509-P-001-A	-	26th March 2015
Block Plan	1509-P-002-A	-	26th March 2015
Existing plan	1509-P-003-A	-	26th March 2015
Proposed plan	1509-P-004-A	-	26th March 2015
Photographic schedule	1509-P-005-A	-	26th March 2015
Proposed elevations	1509-P-006-A	-	26th March 2015

**BH2015/01117**

**St Peters Church York Place Brighton**

Display of externally illuminated screen mesh scaffolding shroud.

**Applicant:** St Peters Church (Restoration Fund)

**Officer:** Sue Dubberley 293817

**Approved on 03/07/15 DELEGATED**

**1) UNI**

This consent shall expire on 15 June 2017 or until the scaffolding is no longer required, whichever is the sooner. At the end of this period of consent the advertisement shall be removed.

*Reason: In the interests of the visual amenity and to preserve the character of the Listed Building and the Valley Gardens Conservation Area and to comply with policies QD12 and HE9 of the Brighton & Hove Local Plan.*

**2) UNI**

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

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

**3) UNI**

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

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

**4) UNI**

The intensity of the illumination of the advertisement display shall not exceed 600 candelas per square metre.

*Reason: To safeguard the appearance and character of the area in accordance with policies QD12 and HE9 of the Brighton & Hove Local Plan.*

**5) UNI**

No advertisement is to be displayed without the permission of the owner of the

site or any other person with an interest in the site entitled to grant permission.

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

**6) UNI**

No advertisement shall be sited or displayed so as to -

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

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

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

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

**7) UNI**

The illumination of the advertisement shall be non-intermittent.

*Reason: To safeguard the appearance and character of the area in accordance with policy QD12 of the Brighton & Hove Local Plan.*

**8) UNI**

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.*

**BH2015/01123**

**70A London Road Brighton**

Conversion of existing maisonette (C3) to form 2no studio flats (C3).

**Applicant:** Mrs A Raikes

**Officer:** Liz Arnold 291709

**Refused on 10/07/15 DELEGATED**

**1) UNI**

The existing maisonette is unsuitable for conversion into smaller units of accommodation by virtue of the original floor area being less than 115m<sup>2</sup> and not having more than three bedrooms existing. The conversion would result in the loss of an existing unit of residential accommodation suitable for family occupation and would fail to provide a suitable replacement unit of accommodation for family occupation. The proposal is therefore contrary to policy HO9 of the Brighton & Hove Local Plan.

**BH2015/01151**

**Flat 1 92a Buckingham Road Brighton**

Replacement of existing conservatory to the rear.

**Applicant:** Mr Adam Butler

**Officer:** Luke Austin 294495

**Approved on 13/07/15 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	-	-	01/04/2015
Block Plan	-	-	01/04/2015
Existing Plans, Elevations and Sections	96aBR-FPE	-	01/04/2015
Proposed Plans, Elevations and Sections	96aBR-FPP	-	01/04/2015

**BH2015/01184**

**HSBC 153 North Street Brighton**

Replacement of existing external ATM with reduced height ATM and replacement of external ATM and replacement of ATM signage above. Replacement of 3no existing internal ATMs and alterations of existing partition wall.

**Applicant:** HSBC Bank Plc

**Officer:** Robin Hodgetts 292366

**Approved on 25/06/15 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.*

**BH2015/01190**

**14 St Nicholas Road Brighton**

Creation of first floor rear roof terrace with access door, balustrades, handrails and glass screen.

**Applicant:** Mr Hugh Jones

**Officer:** Helen Hobbs 293335

**Refused on 29/06/15 DELEGATED**

**1) UNI**

The proposed development, by virtue of the loss of the outrigger roof and introduction of a terrace area and balustrading, would form an incongruous and unsympathetic feature, detrimental to the character and appearance of the existing building and surrounding conservation areas. The proposal is therefore contrary to policies HE6 and QD14 of the Brighton and Hove Local Plan.

**2) UNI2**

The proposed terrace, by virtue of its elevated position and proximity to upper floor windows of neighbouring properties could result in an unacceptable level of noise and disturbance to the detriment of the amenity of the adjoining properties. The proposal is therefore contrary to policy QD27 of the Brighton and Hove Local Plan.

**BH2015/01298**

**Devonian Court Park Crescent Place Brighton**

Application for approval of details reserved by condition 3 of application BH1998/01631/FP.

**Applicant:** Witnesham Ventures

**Officer:** Clare Simpson 292321

**Approved on 09/07/15 DELEGATED**

**BH2015/01323**

**124 Dyke Road Brighton**

Display of non-illuminated fascia panels to rear.

**Applicant:** Co-op Funeralcare

**Officer:** Luke Austin 294495

**Refused on 30/06/15 DELEGATED**

**1) UNI**

The proposed signs by reason of their location to the rear elevation would present an incongruous feature that would be harmful to the street scene, contrary to policy QD12 of the Brighton & Hove Local Plan and to guidance in Supplementary Planning Document 7: Advertisements.

**BH2015/01337**

**Block K City View 103 Stroudley Road Brighton**

Non Material Amendment to BH2008/01148 for alterations to roof of building including an increase in height to 58.095m, the addition of photovoltaic panels, the relocation of green roof and amendments to roof detailing.

**Applicant:** McAleer & Rushie Limited

**Officer:** Maria Seale 292175

**Approved on 07/07/15 DELEGATED**

**WITHDEAN**

**BH2015/00650**

**20 Mandalay Court London Road Brighton**

Replacement of existing single glazed aluminium and timber framed windows with new double glazed UPVC units.

**Applicant:** Mr Alfred Haselden

**Officer:** Emily Stanbridge 292359

**Approved on 29/06/15 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
Block Plan			23.03.2015
Photograph of front elevation			07.04.2015
Window drawings			
Brochure Page			

**BH2015/00878**

**18 Cornwall Gardens Brighton**

Erection of two storey rear extension and roof alterations incorporating raising of ridge height, rear dormers and front and rear rooflights with associated alterations.

**Applicant:** Mr & Mrs Evans

**Officer:** Luke Austin 294495

**Approved on 29/06/15 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, Block Plan, Existing Plans and Elevations	1407-10	-	13/03/2015
Proposed Plans and Elevations	1407-02E	-	13/03/2015

**BH2015/01254**

**9 Gordon Road Brighton**

Certificate of lawfulness for proposed erection of single storey rear extensions.

**Applicant:** Mrs Clare Morse-Brown

**Officer:** Joanne Doyle 292198

**Approved on 29/06/15 DELEGATED**

**BH2015/01398**

**33 Preston Drove Brighton**

Replacement aluminium double glazed windows and doors to North and West elevations.

**Applicant:** The Diocese of Chichester

**Officer:** Luke Austin 294495

**Approved on 29/06/15 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 full details of all new windows and their reveals and cills including 1:20 scale elevational drawings and sections and 1:1 scale joinery sections have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out and completed fully in accordance with the approved details and shall be retained as such thereafter.

*Reason: As this matter is fundamental to the acceptable delivery of the permission to ensure a satisfactory appearance to the development and to comply with policy HE6 of the Brighton & Hove Local Plan.*

**3) UNI**

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

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

Plan Type	Reference	Version	Date Received
Location Plan	2015/SJV/LP/0 01	-	20/04/2015



Proposed Window Elevations	33/ES/001	-	20/04/2015
Existing Window Photographs	-	-	20/04/2015
Proposed Frame Sections (4 Pages)	-	-	20/04/2015

**BH2015/01512**

**Varndean School Balfour Road Brighton**

Erection of single storey eco building with integrated solar panel roof.

**Applicant:** Varndean School

**Officer:** Liz Arnold 291709

**Approved on 14/07/15 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 be used for D1 educational use only and for no other purpose (including any other purpose in Class D1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987), or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification.

*Reason: The Local Planning Authority would wish to retain control over any subsequent change of use of the development in the interest of highway impacts of other uses within the same class use, and to comply with policy TR1 of the Brighton & Hove Local Plan.*

**3) UNI**

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

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

Plan Type	Reference	Version	Date Received
Location and Block Plans	001	Rev. A	22nd April 2015
Plan and Elevations	005	Rev. A	22nd April 2015
Existing and Proposed Site with Background	006	Rev. A	22nd April 2015

**BH2015/01693**

**211 Preston Road Brighton**

Removal of rear spiral staircase and installation of replacement bi-fold timber gates, fascia and personnel door.

**Applicant:** Mishon Mackay

**Officer:** Sonia Gillam 292265

**Approved on 07/07/15 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 and block plan	01	A	12/05/2015
Existing floor plans	02	B	12/05/2015
Proposed floor plans	10		12/05/2015
Existing and proposed elevations	11		12/05/2015

**BH2015/01705**

**36 Robertson Road Brighton**

Prior approval for change of use from offices (B1) to residential (C3) to create 3no residential dwellings, comprising 2no four bedroom houses and 1no two bedroom house.

**Applicant:** Mr Gerard Maye

**Officer:** Liz Arnold 291709

**Prior Approval is required and is approved on 03/07/15 DELEGATED**

**BH2015/01746**

**19 Knoyle Road Brighton**

Certificate of lawfulness for proposed erection of single storey rear extension.

**Applicant:** Ms Christine Wieting

**Officer:** Allison Palmer 290493

**Approved on 13/07/15 DELEGATED**

**BH2015/01765**

**39 Tivoli Crescent Brighton**

Prior approval for the erection of a single storey rear extension, which would extend beyond the rear wall of the original house by 3.34m, for which the maximum height would be 3.10m, and for which the height of the eaves would be 2.60m.

**Applicant:** Chris Harrison

**Officer:** Astrid Fisher 292337

**Prior Approval is required and is refused on 30/06/15 DELEGATED**

**BH2015/01962**

**49 Hillcrest Brighton**

Prior approval for the erection of a single storey rear extension, which would extend beyond the rear wall of the original house by 6.0m, for which the maximum height would be 3.6m, and for which the height of the eaves would be 2.6m.

**Applicant:** Mr & Mrs gargan

**Officer:** Guy Everest 293334

**Prior approval not required on 13/07/15 DELEGATED**

**BH2015/02337**

**20 Tongdean Lane Brighton**

Non Material Amendment to BH2014/03864 to remove 2no chimney stacks to Colebrook Road (east elevation) and alteration of 1 first floor window to north elevation.

**Applicant:** KLAS Properties Ltd

**Officer:** Adrian Smith 290478

**Approved on 14/07/15 DELEGATED**

## **EAST BRIGHTON**

### **BH2014/03832**

#### **1 Manor Road Brighton**

Application for Approval of Details Reserved by Condition 24 of application BH2012/03364.

**Applicant:** Hill Partnerships Ltd

**Officer:** Wayne Nee 292132

**Approved on 06/07/15 DELEGATED**

### **BH2014/04184**

#### **Robert Lodge Manor Place Brighton**

Application for approval of details reserved by conditions 4, 9, 10, 11, 12, 13(i), 14, 15, 16, 17, 19 and 20 of application BH2014/02417.

**Applicant:** Brighton & Hove City Council

**Officer:** Adrian Smith 290478

**Split Decision on 13/07/15 DELEGATED**

#### **1) UNI**

APPROVE the details pursuant to conditions 4, 9, 10, 11, 12, 13(i), 15, 16, 17, 19 and 20 (i) subject to full compliance with the submitted details.

#### **1) UNI**

The details pursuant to conditions 14 and 20 (ii) are NOT APPROVED

#### **2) UNI2**

1. No details have been submitted in respect of condition 14 and it is not therefore possible to approve the condition.

#### **3) UNI3**

2. As the desk top study has identified that remedial works are required condition 20 (ii) cannot be discharged until a verification report has been submitted, prior to first occupation of the development.

### **BH2014/04232**

#### **74 St Georges Road Brighton**

Internal alterations to layout of house. Replacement of window with timber double doors and door with UPVC window to rear elevation at lower ground floor level. (Retrospective).

**Applicant:** Lion Homes (Sussex)

**Officer:** Joanne Doyle 292198

**Refused on 08/07/15 DELEGATED**

#### **1) UNI**

The external works have resulted in the harmful loss of a historic sash window to the principle building and a doorway to the outrigger at basement level. The replacement French doors, by reason of their design and detailing; PVC windows, by reason of their material and appearance; and PVC downpipe, by reason of its material, represent incongruous additions which harm the special interest of the building. The works therefore fail to enhance the special architectural and historic interest of the Grade II Listed Building and fail to preserve its significance. The proposal is therefore contrary to policy HE1 of the Brighton & Hove Local Plan.

### **BH2015/01032**

#### **8A Bristol Gate Brighton**

Application for Approval of Details Reserved by Condition 3 of application BH2014/02744.

**Applicant:** Ms B Graham

**Officer:** Joanne Doyle 292198

**Approved on 02/07/15 DELEGATED**

## **HANOVER & ELM GROVE**

### **BH2014/03847**

#### **114 Islingword Road Brighton**

External alterations including changes to front, side and rear fenestration, re-opening of basement lightwells with installation of metal pavement grills. Removal of existing pergola roof over courtyard and raising of roof height of existing ground floor annexe, removal of chimney stack and replacement of roof tiles, replacement of entrance gate and windows and installation of refuse and bicycle store following prior approval application BH2014/02348 for change of use of basement and ground floor from retail (A1) to 1no. three bedroom maisonette (C3).

**Applicant:** Mr Iain Boyle

**Officer:** Joanne Doyle 292198

**Approved on 06/07/15 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			17/11/2014
Block Plan			17/11/2014
Existing Lower Ground Floor Plan	01		15/06/2015
Proposed Lower Ground Floor Plan	02A		15/06/2015
Existing Ground Floor Plan	03		15/06/2015
Proposed Ground Floor Plan	04A		15/06/2015
Existing First Floor Plan	05		15/06/2015
Proposed First Floor Plan	06A		15/06/2015
Existing Elevations	07		15/06/2015
Proposed Elevations	08A		15/06/2015
Existing Section A-A	09		15/06/2015
Proposed Section A-A	10A		15/06/2015
Existing Section B-B	11		15/06/2015
Proposed Section B-B	12A		15/06/2015

### **BH2014/04116**

#### **31 Melbourne Street Brighton**

Erection of three storey block containing 3no self contained flats.

**Applicant:** Mr E Barakat

**Officer:** Wayne Nee 292132

**Approved after Section 106 signed on 06/07/15 DELEGATED**

#### **1) UNI**

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

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

## 2) UNI

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

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

Plan Type	Reference	Version	Date Received
Site plan	RFA/MS/PA/001		16 December 2014
Existing east elevation and site plan	RFA/MS/PA/002		08 December 2014
Proposed site plan	RFA/MS/PA/010		08 December 2014
Proposed floor plans	RFA/MS/PA/011	A	09 March 2015
Proposed elevations	RFA/MS/PA/012	A	09 March 2015

## 3) UNI

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

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

## 4) UNI

No works pursuant to this permission shall commence until there has been submitted to and approved in writing by the local planning authority:

(a) A desk top study documenting all the previous and existing land uses of the site and adjacent land in accordance with national guidance as set out in Contaminated land Research Report Nos. 2 and 3 and BS10175:2001 - Investigation of Potentially Contaminated Sites - Code of Practice;

(Please note that a desktop study shall be the very minimum standard accepted. Pending the results of the desk top study, the applicant may have to satisfy the requirements of b and c below. However, this will be confirmed in writing); and unless otherwise agreed in writing by the local planning authority,

(b) a site investigation report documenting the ground conditions of the site and incorporating chemical and gas analysis identified as appropriate by the desk top study in accordance with BS10175; and, unless otherwise agreed in writing by the local planning authority,

(c) a detailed scheme for remedial works and measures to be undertaken to avoid risk from contaminants and/or gases when the site is developed and proposals for future maintenance and monitoring. Such scheme shall include nomination of a competent person to oversee the implementation of the works.

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

a) built drawings of the implemented scheme;

b) photographs of the remediation wo

## 5) UNI

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

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

**6) UNI**

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

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

**7) UNI**

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

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

**8) UNI**

Unless otherwise agreed in writing by the Local Planning Authority, no residential development shall commence until a Design Stage/Interim Code for Sustainable Homes Certificate demonstrating that the development achieves a Code for Sustainable Homes rating of Code level 4 as a minimum for all residential units has been submitted to, and approved in writing by, the Local Planning Authority.

A completed pre-assessment estimator will not be acceptable.

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

**9) UNI**

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

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

**10) 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.*

## **HOLLINGDEAN & STANMER**

### **BH2015/00898**

#### **Watts Building University of Brighton Lewes Road Brighton**

Erection of first floor and extension of existing ground floor temporary classrooms to be used for a period of four years.

**Applicant:** University of Brighton

**Officer:** Sonia Gillam 292265

**Approved on 30/06/15 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	01		16/04/2015
Site Plan	MOXX-OM-MP -SL-0002		13/03/2015
Existing Layout	HD/9304/01	A	16/04/2015
Proposed First Floor Layout	HD9304/10		13/03/2015

#### **2) UNI**

The building hereby permitted shall be removed and the land restored to its condition immediately prior to the development authorised by this permission commencing before 4 years from the date of this permission, in accordance with a scheme of work submitted to and approved in writing by the Local Planning Authority.

*Reason: The structure hereby approved is not considered suitable as a permanent form of development and to comply with policies QD1 and QD2 of the Brighton & Hove Local Plan.*

## **MOULSECOOMB & BEVENDEAN**

### **BH2014/01222**

#### **University of Brighton Village Way Brighton**

Application for approval of details reserved by conditions 3, 4, 5, 6, 7, 8, 9, 10 and 12 of application BH2012/04096.

**Applicant:** University of Brighton

**Officer:** Sarah Collins 292232

**Approved on 29/06/15 DELEGATED**

### **BH2015/01152**

#### **12 Crayford Road Brighton**

Change of use from three bedroom dwelling house (C3) to four bedroom small house in multiple occupation (C4).

**Applicant:** Mrs Elizabeth Miles

**Officer:** Robin Hodgetts 292366

**Refused on 14/07/15 DELEGATED**

#### **1) UNI**

The change of use from a dwellinghouse (Class C3) to a House in Multiple Occupation (Class C4) would fail to support a mixed and balanced community and results in the area being imbalanced by the level of similar such uses, to the detriment of local amenity. The proposed use is therefore contrary to policy CP21 part ii) of the Brighton & Hove City Plan Part One (submission document) and to



policy QD27 of the Brighton and Hove Local Plan.

**2) UNI2**

The change of use would incorporate a first floor bedroom ('3) which would provide a cramped form of accommodation for future occupants to the detriment of their residential amenity and contrary to policy QD27 of the Brighton & Hove Local Plan.

**BH2015/01313**

**St Albans Church Coombe Road Brighton**

Use of houses 2, 3 and 4 as 2no five bedroom and 1no six bedroom small house in multiple occupation (C4).

**Applicant:** Bailey Brothers Ltd

**Officer:** Liz Arnold 291709

**Refused on 09/07/15 DELEGATED**

**1) UNI**

The use of the three properties as Houses in Multiple Occupation (Class C4), individually and cumulatively, would fail to support a mixed and balanced community and result in the area being imbalanced by the level of similar such uses, to the detriment of local amenity especially with regards to increased noise and disturbance. The proposed use is therefore contrary to policy CP21 part ii) of the Brighton & Hove City Plan Part One (submission document) and to policy QD27 of the Brighton and Hove Local Plan.

**BH2015/01755**

**80 Bevendean Crescent Brighton**

Prior approval for the erection of a single storey rear extension, which would extend beyond the rear wall of the original house by 4.34m, for which the maximum height would be 2.95m, and for which the height of the eaves would be 2.95m.

**Applicant:** Julie Bentley

**Officer:** Luke Austin 294495

**Prior Approval is required and is refused on 30/06/15 DELEGATED**

**BH2015/01992**

**St Albans Church Coombe Road Brighton**

Application for Approval of Details Reserved by Condition 14 of application BH2013/04093.

**Applicant:** Bailey Brothers Ltd

**Officer:** Adrian Smith 290478

**Approved on 07/07/15 DELEGATED**

**BH2015/02014**

**83 Auckland Drive Brighton**

Prior approval for the erection of a single storey rear extension, which would extend beyond the rear wall of the original house by 4m, for which the maximum height would be 3m, and for which the height of the eaves would be 3m.

**Applicant:** Mrs Emily Winslade

**Officer:** Guy Everest 293334

**Prior approval not required on 13/07/15 DELEGATED**

**BH2015/02233**

**41 Carlyle Avenue Brighton**

Application for Approval of Details Reserved by Conditions 13 of application BH2013/03753.

**Applicant:** Joshua Charles Developments Ltd

**Officer:** Sue Dubberley 293817

**Approved on 10/07/15 DELEGATED**

**QUEEN'S PARK**

**BH2014/01096**

**Sea Life Centre Madeira Drive Brighton**

Internal alterations to layout, installation of toilets at lower ground floor level and repair and remedial works.

**Applicant:** Sea Life Centre Brighton

**Officer:** Jonathan Puplett 292525

**Approved on 01/07/15 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.*

**BH2014/01801**

**5 Steine Street Brighton**

Change of use from nightclub (Sui Generis) to 7 units of student accommodation (Sui Generis) incorporating alterations to fenestration and installation of railings to glazed floor panel lightwell.

**Applicant:** Oazo Ltd

**Officer:** Jonathan Puplett 292525

**Finally Disposed of on 10/07/15 DELEGATED**

**BH2014/02286**

**Sea Life Centre Madeira Drive Brighton**

Display of internally-illuminated fascia signs to kiosks and new and refurbished non-illuminated fascia and lettering signs to building and entrance and exit points. (Part retrospective).

**Applicant:** Brighton Sea Life Centre

**Officer:** Jonathan Puplett 292525

**Refused on 01/07/15 DELEGATED**

**1) UNI**

The additional signage proposed, in conjunction with the existing signage at the premises which is to be retained, much of which is unauthorised, would result in an excessive amount of signage and cluttered appearance, to the detriment of the character of the listed building and the surrounding conservation area. The proposal is therefore contrary to policies QD12 and HE9 of the Brighton and Hove Local Plan.

**BH2014/02306**

**Sea Life Centre Madeira Drive Brighton**

Installation of internally-illuminated fascia signs to kiosks and new and refurbished non-illuminated fascia and lettering signs to building and entrance and exit points. (Part retrospective).

**Applicant:** Brighton Sea Life Centre

**Officer:** Jonathan Puplett 292525

**Refused on 01/07/15 DELEGATED**

**1) UNI**

The additional signage proposed, in conjunction with the existing signage at the premises which is to be retained, much of which is unauthorised, would result in an excessive amount of signage and cluttered appearance, to the detriment of the character of the listed building and the surrounding conservation area. The proposal is therefore contrary to policies HE1 and HE9 of the Brighton & Hove

Local Plan.

**BH2015/00276**

**36 Marine Parade Brighton**

Conversion of basement into 1no 2 bedroom flat (C3) including alterations to fenestration to rear elevation.

**Applicant:** Mr Jonathan Hawkins

**Officer:** Helen Hobbs 293335

**Approved on 13/07/15 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 new dwelling(s) hereby permitted shall be constructed to Lifetime Homes standards as far as is practicable prior to their first occupation and shall be retained as such thereafter.

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

**3) UNI**

Prior to first occupation of the development hereby permitted a scheme for the storage of refuse and recycling shall have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be carried out in full as approved prior to first occupation of the development and the refuse and recycling storage facilities shall thereafter be retained for use at all times.

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

**4) UNI**

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	2014.123.03		28th January 2015
Existing plans	2014.123.01		9th February 2015
Proposed plans	2014.123.02		9th February 2015

**5) UNI**

Prior to first occupation of the development hereby permitted, details of secure cycle parking facilities for the occupants of, and visitors to, the development shall 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 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.*

**BH2015/00427**

**2 Crescent Place Brighton**

Alterations to balcony including removal of existing glazing and relocation of balcony doors.

**Applicant:** Mr Ian Courtier

**Officer:** Luke Austin 294495

**Approved on 25/06/15 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**

The existing west facing double balcony doors shall be retained and reused in their entirety, unless otherwise agreed in writing by the Local Planning Authority.

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

**3) UNI**

Any disturbed surfaces affected by the proposed works shall be made good and shall match the surrounding existing surfaces.

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

**4) UNI**

No works shall take place until details outlining how the west facing double balcony doors will be relocated into the existing frame have been submitted to and approved in writing by the Local Planning Authority. The details shall include 1:20 scale elevations and sections and shall allow for retention of the existing shutters. The works shall be implemented in strict accordance with the agreed details.

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

**BH2015/00481**

**77 Grand Parade Brighton**

Change of use from offices (B1) to holiday lets (Sui Generis). (Retrospective)

**Applicant:** Mr Cameron Berry

**Officer:** Chris Swain 292178

**Refused on 03/07/15 COMMITTEE**

**1) UNI**

The development by reason of its intensity of use and scale of development in terms of numbers of guests would have a significant detrimental impact on the amenities of neighbouring occupiers contrary to policy QD27 of the Brighton & Hove Local Plan 2005

**2) UNI2**

The proposed development is likely to result in a significant adverse impact on the residential amenity of neighbouring occupiers due to the prevailing number of existing holiday lets and guest houses within the vicinity of the site, contrary to policies QD27 and SU10 of the Brighton & Hove Local Plan 2005

**BH2015/00513**

**The Brighton Wheel Upper Esplanade Daltons Bastion Madeira Drive Brighton**

Application for variation of condition 3 of application BH2011/00764 (Erection of a 45 metre high observation wheel including extension of promenade over beach, new beach deck, ancillary plant, queuing areas, ticket booths and merchandise kiosk (for a temporary period of 5 years, except beach deck which is permanent)) to extend the temporary period for a further five years until 19 May 2021.

**Applicant:** Paramount Entertainments Ltd

**Officer:** Maria Seale 292175

## **Refused on 26/06/15 COMMITTEE**

### **1) UNI**

The proposed development would have a detrimental impact on the amenity of residents in the vicinity of the Wheel contrary to policy QD27 of the Brighton and Hove Local Plan. In addition, the Local Planning Authority is not convinced that granting a temporary consent supports the strategic objectives of the regeneration of the seafront set out in policies CP5, SA1 and SO17 of the Brighton & Hove City Plan Part One (Submission Document)

### **2) UNI2**

The Wheel, by virtue of its siting, height, scale and design would be overly dominant and would fail to preserve the setting of the nearby listed buildings and the East Cliff Conservation Area, causing harm that would not be outweighed by the economic benefits of the proposal, contrary to policies HE3 and HE6 of the Brighton & Hove Local Plan 2005 and policy CP15 of the Brighton & Hove City Plan Part One (Submission Document) and the National Planning Policy Framework.

## **BH2015/01339**

### **222 Queens Park Road Brighton**

Erection of single storey rear extension. (Retrospective)

**Applicant:** Mr John Dillon

**Officer:** Emily Stanbridge 292359

### **Approved on 07/07/15 DELEGATED**

#### **1) UNI**

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no windows or doors shall be constructed in the northern 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.*

#### **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			16.04.2015
Block plan	01		16.04.2015
Existing plan and elevation	02		16.04.2015
Proposed plans	02	B	08.05.2015
Section AA and details	04		16.04.2015
Proposed sections	05		08.05.2015
Existing section	06		08.05.2015

## **BH2015/01560**

### **14 Richmond Place Brighton**

Creation of additional floor to existing to create 2no additional flats.

**Applicant:** Mr M Blencowe

**Officer:** Clare Simpson 292321

### **Refused on 26/06/15 DELEGATED**

#### **1) UNI**

The formation of an additional storey would result in a double mansard-roof which would harm the proportions of the building making it appear top-heavy to the

detriment of the appearance of the building. An additional storey would also disrupt the coherence of the terrace due to the building jarring in height with those properties either side. Given that the roof part of Richmond Place is visible in short and medium views, the proposal would cause harm to Valley Gardens Conservation Area and the setting of Grade II\* St Peters Church. The proposal is contrary to policy QD2, HE3 and HE6 of the Brighton and Hove Local Plan.

**2) UNI2**

2. The proposed development would cause an increased sense of enclosure to flats at 12 and 13 Albion Street to the rear of the property. The proposal for an additional storey would be imposing and cause a loss of light to these properties and harm the residential amenity of the occupiers. The proposal is considered contrary to policy QD27 of the Brighton and Hove Local Plan.

**BH2015/01681**

**Hamilton Lodge School 1 - 3 Walpole Road Brighton**

Extension of existing lightwell to front to form new wheelchair accessible access to lower ground floor and erection of retaining wall with formation of new pedestrian access from Walpole Terrace.

**Applicant:** The Trustees

**Officer:** Liz Arnold 291709

**Approved on 29/06/15 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 removal of the chairlift should include the removal of all associated fixings and mechanisms and the making good of all affected surfaces to match surrounding profiles and finishes.

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

**3) UNI**

No development shall commence until a sample of the material for the new path has been submitted to and approved in writing by the Local Planning Authority.

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

**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	-	-	8th May 2015
Block Plan	-	-	8th May 2015
Scheme as Existing	1501-W-100-T 2	-	8th May 2015
Scheme as Proposed	1501-W-101-T 2	-	8th May 2015

**5) UNI**

The details of the new piers and piercaps must match the details of the existing adjacent historic piers and piercaps, and any making good to the remaining wall must include reinstatement of the wall and coping profile to match the existing

exactly.

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

**BH2015/01726**

**24 Tillstone Street Brighton**

Erection of single storey rear extension.

**Applicant:** Mr Simon Webb

**Officer:** Joanne Doyle 292198

**Refused on 06/07/15 DELEGATED**

**1) UNI**

The proposed extension, by reason of its roof form, would fail to reflect the existing appearance of the building creating an awkward appearance to the rear elevation which would be detrimental to the character and appearance of the existing building, and the visual amenities of the surrounding area. The proposal is therefore contrary to policies QD14 and HE6 of the Brighton & Hove Local Plan.

**2) UNI2**

The proposed extension, by virtue of its height along the shared side boundary, would have an enclosing and overbearing impact on the rear window and rear addition to 22 Tillstone Street, to the detriment of their amenity and contrary to policies QD14 and QD27 of the Brighton & Hove Local Plan.

**ROTTINGDEAN COASTAL**

**BH2013/01132**

**The Library The Grange The Green Rottingdean**

Application for Approval of Details Reserved by Conditions 3, 4, 5 and 6 of application BH2012/02526.

**Applicant:** Brighton & Hove City Council

**Officer:** Wayne Nee 292132

**Approved on 07/07/15 DELEGATED**

**BH2015/00137**

**Flat 3 32 Sussex Square Brighton**

Installation of metal railings to terrace to replace existing, repairing of existing concrete floor of lower terrace and installation of cast iron soil stack to east elevation.

**Applicant:** Mr Ian Boyd

**Officer:** Joanne Doyle 292198

**Approved on 07/07/15 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 and details listed below.

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

Plan Type	Reference	Version	Date Received
Site Location Plan Block Plan Existing Floor Plan	0340.EXG.001	C	22 Jan 2015
Existing Sections &	0340.EXG.003	B	21 Jan 2015



Elevations			
Site Location Plan Block Plan Proposed Floor Plan	0340.PL.001	E	27 May 2015
Terrace Plan & External Elevations Terrace	0340.PL.005	C	27 May 2015
Elevations Terrace	0340.PL.006	C	27 May 2015
Railings Detail Terrace	0340.PL.008	A	27 May 2015
Email dated 12 March 2015	-	-	12 March 2015

### 3) UNI

The new railings to the terrace shall have a rounded top rail and square-section uprights to exactly match the design and dimensions of the existing railings to the steps between the French door and the balcony.

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

### 4) 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 policies QD14, HE1 & HE6 of the Brighton & Hove Local Plan.*

### 5) UNI

The new cast iron soil stack and railings to the terrace shown on the approved plans shall be painted black within one month of installation and shall be retained as such thereafter.

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

### 6) UNI

The new paving to the lower terrace shall be completed in Fairstone Eclipse Granite Paving in Light in accordance with the details submitted on 12 March 2015.

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

## **BH2015/00171**

### **39 Grand Crescent Rottingdean Brighton**

Erection of two storey side extension at lower ground floor and ground floor level with associated roof extensions. Removal of front steps and relocation of front entrance, alterations to existing rear dormer, alterations to fenestration and associated works.

**Applicant:** Mr & Mrs Giles Henry

**Officer:** Wayne Nee 292132

**Approved on 01/07/15 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 development above ground floor slab level of any part of the development hereby permitted shall take place until a sample of the roof tiles has been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

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

### 4) UNI

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

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

Plan Type	Reference	Version	Date Received
Proposed plans	PL-04	B	14 May 2015
Proposed sections and elevations	PL-05	D	03 June 2015
Block plan	PL-01	A	11 May 2015
Location plan	PL-OS	A	11 May 2015
Existing plans	PL-02		28 January 2015
Existing elevations	PL-03		28 January 2015

### **BH2015/00778**

#### **11A Lewes Crescent Brighton**

Erection of glass orangery to rear courtyard, replacement of sash window with timber double doors and installation of timber window to replace existing.

**Applicant:** Mr A Ashford

**Officer:** Luke Austin 294495

**Refused on 25/06/15 DELEGATED**

#### 1) UNI

The lightwell is a functional element of the building, designed to remain as a largely empty space and to provide unobstructed daylight to the surrounding rooms. The basement and lightwell are low status service areas and in this location the proposed glazed orangery would be untraditional and would appear incongruous. In addition, the proposal would require conversion of a historic sash window to French doors, with no evidence to show that this opening was originally a door, and the relationship between the proposed orangery and structure at upper floor levels of the building has not been resolved.

### **BH2015/00779**

#### **11A Lewes Crescent Brighton**

Erection of glass orangery to rear courtyard, replacement of sash window with timber double doors, installation of timber window to replace existing, internal alterations to layout and installation of oak flooring above existing flooring.

**Applicant:** Mr A Ashford

**Officer:** Luke Austin 294495

**Refused on 25/06/15 DELEGATED**

#### 1) UNI

The lightwell is a functional element of the building, designed to remain as a largely empty space and to provide unobstructed daylight to the surrounding rooms. The basement and lightwell are low status service areas and in this location the proposed glazed orangery would be untraditional and would appear incongruous. In addition, the proposal would require conversion of a historic sash window to French doors, with no evidence to show that this opening was originally a door, and the relationship between the proposed orangery and

structure at upper floor levels of the building has not been resolved. The proposal is therefore contrary to policy HE1 of the Brighton & Hove Local Plan and guidance within SPGBH13: Listed Building - General Advice.

**2) UNI2**

In the absence of information relating to drainage / pipework and ventilation from the proposed kitchen; details outlining the impact of the floating flooring on retained features at basement level; and, drawings of the existing store window the proposed works would have an adverse impact on the historic character and appearance of the interior of the Listed Building, contrary to policy HE1 of the Brighton & Hove Local Plan and guidance within SPGBH13: Listed Building - General Advice.

**BH2015/00782**

**10B Lewes Crescent Brighton**

Erection of glass orangery to rear of lower ground floor, with replacement of sash window with timber double doors.

**Applicant:** Mr A Ashford

**Officer:** Joanne Doyle 292198

**Refused on 08/07/15 DELEGATED**

**1) UNI**

The lightwell is a functional element of the building, designed to remain as a largely empty space and to provide unobstructed daylight to the surrounding rooms. The basement and lightwell are low status service areas and in this location the proposed glazed orangery would be untraditional and would appear incongruous. In addition, the proposal would require conversion of a sash window to French doors, with no evidence to show that this opening was originally a door. The proposal is therefore contrary to policy HE1 of the Brighton & Hove Local Plan and guidance within SPGBH13: Listed Building - General Advice.

**2) UNI2**

The introduction of an orangery in the lightwell would result in extensive glazing in close proximity to window openings associated with 40 Rock Grove. The proximity and design of the proposed orangery would lead to significant overlooking resulting in harmful loss of privacy for occupants of 40 Rock Grove. The proposal is therefore contrary to policies QD14 and QD27 of the Brighton & Hove Local Plan.

**BH2015/00783**

**10B Lewes Crescent Brighton**

Erection of glass orangery to rear of lower ground floor, with replacement of sash window with timber double doors.

**Applicant:** Mr A Ashford

**Officer:** Joanne Doyle 292198

**Refused on 08/07/15 DELEGATED**

**1) UNI**

1. The lightwell is a functional element of the building, designed to remain as a largely empty space and to provide unobstructed daylight to the surrounding rooms. The basement and lightwell are low status service areas and in this location the proposed glazed orangery would be untraditional and would appear incongruous. In addition, the proposal would require conversion of a sash window to French doors, with no evidence to show that this opening was originally a door. The proposal is therefore contrary to policy HE1 of the Brighton & Hove Local Plan and guidance within SPGBH13: Listed Building - General Advice.

**BH2015/01170****75 Falmer Road Rottingdean Brighton**

Creation of vehicle crossover.

**Applicant:** Mr Sebastian Maynard**Officer:** Emily Stanbridge 292359**Approved on 06/07/15 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	-	-	01.04.2015
Block Plan	-	-	01.04.2015
Existing and Proposed Layout	-	-	26.06.2015

**BH2015/01404****7 Northgate Close Rottingdean Brighton**

Creation of open entrance porch to front.

**Applicant:** Mr Nigel Lane**Officer:** Astrid Fisher 292337**Approved on 29/06/15 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 Location Plan			20th April 2015
Existing Ground Floor Plan			15th June 2015
Proposed Ground Floor Plan			15th June 2015
Existing West Elevation			15th June 2015
Proposed West Elevation			15th June 2015
Existing North Elevation			15th June 2015
Proposed North Elevation			15th June 2015

**BH2015/01725****30 Nevill Road Rottingdean Brighton**

Prior approval for the erection of a single storey rear extension, which would extend beyond the rear wall of the original house by 4.776m, for which the maximum height would be 2.891m, and for which the height of the eaves would be 2.635m.

**Applicant:** Steven North

**Officer:** Jonathan Puplett 292525

**Prior Approval is required and is refused on 25/06/15 DELEGATED**

**1) UNI**

The submitted drawings do not accord with the measurements provided on the application form for the depth, maximum height and eaves height. The proposed development could not therefore be carried out in accordance with all of the submitted details, and would be contrary to A.4. (11) of the Town and Country Planning (General Permitted Development) (England) Order 2015.

This decision is based on the information listed below:

Plan Type	Reference	Version	Date Received
Site Location Plan			14th May 2015
Block Plan			14th May 2015
Existing Ground Floor Plan			14th May 2015
Existing Rear Elevation			14th May 2015
Proposed Ground Floor Plan			14th May 2015
Proposed Rear Elevation			14th May 2015

**BH2015/01799****150 Saltdean Vale Saltdean Brighton**

Prior approval for change of use from retail (A1) to self-contained flat (C3) with external alterations to front and rear.

**Applicant:** Mr Donald Campbell

**Officer:** Clare Simpson 292321

**Prior Approval is required and is refused on 14/07/15 DELEGATED**

**WOODINGDEAN****BH2015/01333****3 Rudyard Road and Land North of 1 and 3 Rudyard Road Brighton**

Erection of pair of semi-detached houses (1 x 4 bed and 1 x 4 bed with outbuilding in rear garden) with associated landscaping, parking and cycle storage.

**Applicant:** PL Projects

**Officer:** Clare Simpson 292321

**Approved on 01/07/15 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 extension, enlargement, alteration or provision within the curtilage of the of the dwellinghouse(s) as provided for within Schedule 2, Part 1, Classes A - E of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended (or any order revoking and re-enacting that Order with

or without modification) other than that expressly authorised by this permission shall be carried out without planning permission obtained from the Local Planning Authority.

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

**3) UNI**

The new 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) UNI**

The hard surface hereby approved shall be made of porous materials and retained thereafter or provision shall be made and retained thereafter to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the property.

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

**5) UNI**

The office building outlined on drawing 10.001F hereby granted permission shall be used as a home office only and shall be used as ancillary use to the principal residential accommodation at 3 Rudyard Road and at no time as a residential unit.

*Reason: To ensure that the office use is retained in the interests of the residential amenity of neighbouring occupiers and to comply with policy QD27 of the Brighton and Hove Local Plan.*

**6) UNI**

The new/extended crossover and access shall be constructed prior to the first occupation of the development hereby permitted.

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

**7) UNI**

The vehicle parking area shown on the approved plans shall not be used otherwise than for the parking of private motor vehicles and motorcycles belonging to the occupants of and visitors to the development hereby approved.

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

**8) UNI**

No development shall commence until full details of existing and proposed ground levels (referenced as Ordinance Datum) within the site and on land and buildings adjoining the site by means of spot heights and cross-sections, proposed siting and finished floor levels of all buildings and structures, have been submitted to and approved by the Local Planning Authority. The development shall then be implemented in accordance with the approved level details.

*Reason: As this matter is fundamental to the acceptable delivery of the permission to safeguard the amenities of nearby properties and to safeguard the character and appearance of the area, in addition to comply with policies QD2 and QD27 of the Brighton and Hove Local Plan.*

**9) UNI**

No development above ground floor slab level of any part of the development hereby permitted shall take place until samples of all materials to be used in the construction of the external surfaces of the development have been submitted to

and approved in writing by the Local Planning Authority, including samples of all brick, render and tiling (including details of the colour of render/paintwork to be used), samples of all cladding to be used, including details of their treatment to protect against weathering. The development shall be carried out in accordance with the approved details.

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

#### **10) UNI**

Prior to first occupation of the development hereby permitted a plan detailing the positions, height, design, materials and type of all existing and proposed boundary treatments shall have been submitted to and approved in writing by the Local Planning Authority. The boundary treatments shall be provided in accordance with the approved details prior to first occupation of the development and shall thereafter be retained at all times.

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

#### **11) UNI**

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

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

#### **12) UNI**

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**

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 Submission City Plan Part One.*

#### **14) UNI**

Prior to first occupation of the development hereby permitted, a scheme for landscaping shall have been submitted to and approved in writing by the Local Planning Authority. The scheme shall include the following:

- details of all hard surfacing;
- details of all boundary treatments;
- details of all proposed planting, including numbers and species of plant, and details of size and planting method of any trees.

All hard landscaping and means of enclosure shall be completed in accordance with the approved scheme prior to first occupation of the development. 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 first 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.

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

### **15) UNI**

The development hereby permitted shall be carried out in accordance with 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			16th April 2015
Topographic survey	14094-02-T-E		16th April 2015
Site Plan	10.001	F	16th April 2015
Ground floor plan plot 1	11.001	B	16th April 2015
First floor plan plot 1	11.002	C	16th April 2015
Roof Plan	11.004	B	16th April 2015
Ground Floor Plan plot 2	11.005	A	16th April 2015
First Floor plan, plot 2	11.006	A	16th April 2015
Roof Plan, Plot 2	11.007	A	16th April 2015
Home Office Floor plan and Roof Plan	11.003	A	1st July 2015
Site section A-A and B-B	12.001	B	16th April 2015
Front elevation	13.001		16th April 2015
Rear Elevation	13.002	B	16th April 2015
Side elevation plot 2	13.004	B	16th April 2015
Side elevation plot 1	13.003	A	16th April 2015
Home office elevations	13.005	A	1st July 2015

### **BH2015/01963**

#### **60 Farm Hill Brighton**

Prior approval for the erection of a single storey rear extension, which would extend beyond the rear wall of the original house by 5m, for which the maximum height would be 3.2m, and for which the height of the eaves would be 2.3m.

**Applicant:** Mr R Webster

**Officer:** Guy Everest 293334

**Prior approval not required on 15/07/15 DELEGATED**

### **BRUNSWICK AND ADELAIDE**

### **BH2014/04312**

#### **The Cottage St Johns Road Hove**

Conversion of garage into recording studio, incorporating the insertion of 2no. new windows and installation of timber doors on side elevation.

**Applicant:** Mr M Rosenberg

**Officer:** Helen Hobbs 293335

**Approved on 06/07/15 DELEGATED**

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

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

#### **2) UNI**

No works shall take place until full details of all new sash window(s) and their



reveals and cills including 1:20 scale elevational drawings and sections and 1:1 scale joinery sections have been submitted to and approved in writing by the Local Planning Authority. The windows shall be single glazed painted timber vertical sliding sashes with concealed trickle vents. The works shall be carried out and completed fully in accordance with the approved details and retained as such thereafter.

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

### 3) UNI

The recording studio shall be solely used by the occupiers of The Cottage, St Johns Road Hove and shall not be used for commercial activity.

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

### 4) UNI

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

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

Plan Type	Reference	Version	Date Received
Site plan	2450-00	A	6th January 2015
Existing plan	2450-01		22nd December 2014
Front elevation	2450-02		22nd December 2014
Existing side elevation	2450-03		22nd December 2014
Existing garage elevations	2450-04		22nd December 2014
Existing basement elevations	2450-05		22nd December 2014
Proposed plan	2450-10	B	27th March 2015
Proposed front elevation	2450-11		22nd December 2014
Proposed side elevation	2450-12	A	7th January 2015
Proposed internal elevations	2450-13		22nd December 2014
Proposed new windows and doors	2450-20		7th January 2015

## **BH2015/00181**

### **Flat 2 Crescent Court 28-29 Adelaide Crescent Hove**

Internal alterations to layout of flat. Replacement of existing door and window to patio with timber French doors and partial infill to enclosed lobby with associated alterations.

**Applicant:** Mr Paul Collicutt

**Officer:** Helen Hobbs 293335

**Approved on 02/07/15 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

The rear patio doors hereby approved shall have a reveal depth to match exactly that of the reveal depth of the existing window on the same elevation.

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

**BH2015/00182**

**Flat 2 Crescent Court 28-29 Adelaide Crescent Hove**

Replacement of existing door and window to patio with timber French doors and partial infill to enclosed lobby with associated alterations.

**Applicant:** Mr Paul Collicutt

**Officer:** Helen Hobbs 293335

**Approved on 02/07/15 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 rear patio doors hereby approved shall have a reveal depth to match exactly that of the reveal depth of the existing window on the same elevation.

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

**3) UNI**

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

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

Plan Type	Reference	Version	Date Received
Site location and block plan	317-01		2nd February 2015
Existing and proposed ground floor plan	317-02		15th June 2015
Existing and proposed sections a-a	317-03		15th June 2015
Existing and proposed west and south elevations	317-04		15th June 2015
Proposed French patio	317-05		15th June 2015
Existing and proposed sections	317-06		21st January 2015
Patio door joinery	317-07		15th June 2015
Patio door joinery sections	317-08		15th June 2015

**BH2015/00221**

**85 Western Road Hove**

Installation of new shopfront.

**Applicant:** Rentmoor Ltd

**Officer:** Jonathan Puplett 292525

**Approved on 02/07/15 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 bottom of the fascia sign hereby approved shall align with the bottom of the

fascia sign of the adjoining commercial unit, no. 84 Western Road Hove.

*Reason: For the avoidance of doubt, to ensure an appropriate appearance to the development hereby approved and to accord with policy QD10 of the Brighton and 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	-	-	9 February 2015
Existing and Proposed Elevations	001	-	11 May 2015
Existing and Proposed Floor Plans	001	-	27 February 2015

### **BH2015/00917**

#### **Flat 3 28 Brunswick Terrace Hove**

Internal alterations to layout of flat (retrospective).

**Applicant:** Dr Mark Starr

**Officer:** Tim Jefferies 293152

**Approved on 07/07/15 DELEGATED**

### **BH2015/01413**

#### **37-38 Adelaide Crescent Hove**

Replacement of existing single leaf front entrance door with double leaf door.

**Applicant:** Austin Rees Management

**Officer:** Joanne Doyle 292198

**Approved on 06/07/15 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 & Block Plan	15-109 02		21 Apr 2015
Existing & Proposed Front Door	15-109 03		21 Apr 2015

### **3) UNI**

No works shall take place until 1:1 scale joinery sections of the replacement doors, including their mouldings and construction, 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: As this matter is fundamental to the acceptable delivery of the permission to ensure a satisfactory appearance to the development and to comply with policy HE6 of the Brighton & Hove Local Plan.*

**BH2015/01414**

**37-38 Adelaide Crescent Hove**

Replacement of existing single leaf front entrance door with double leaf door.

**Applicant:** Austin Rees Management

**Officer:** Joanne Doyle 292198

**Approved on 06/07/15 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 1:1 scale joinery sections of the replacement doors, including their mouldings and construction, 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: As this matter is fundamental to the acceptable delivery of the permission to ensure a satisfactory appearance to the development and to comply with policy HE6 of the Brighton & Hove Local Plan.*

**BH2015/01571**

**66 Brunswick Place Hove**

Application for Approval of Details Reserved by Condition 3 of application BH2013/02577.

**Applicant:** Wendy Carter

**Officer:** Mark Thomas 292336

**Approved on 08/07/15 DELEGATED**

**CENTRAL HOVE**

**BH2015/00246**

**11 Vallance Gardens Hove**

Extension to garage to form habitable accommodation.

**Applicant:** Mrs Monica Day

**Officer:** Haydon Richardson 292322

**Approved on 29/06/15 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 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 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	PBP0228/02		26/01/2015

Block Plan	PBP0228/03		26/01/2015
Existing & Proposed Elevations & Floorplans	PBP0228/04		26/01/2015

**BH2015/01085**

**4 Grand Avenue Hove**

Replacement of existing lift motor room door on the north and south towers with louvre doors.

**Applicant:** Four Grand Avenue (Hove) Man Co Ltd

**Officer:** Joanne Doyle 292198

**Approved on 08/07/15 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.*

**BH2015/01131**

**Flat A 23 Fourth Avenue Hove**

Replacement of existing single glazed windows with double glazed windows.

**Applicant:** Mr & Mrs J H Parratt

**Officer:** Astrid Fisher 292337

**Approved on 06/07/15 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 windows hereby approved and their reveals and cills including 1:20 scale elevational drawings and sections and 1:1 scale joinery sections have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out 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 development hereby permitted shall be carried out in accordance with the approved drawings listed below.

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

Plan Type	Reference	Version	Date Received
Location and Block Plan	AC/23FA/01		31st March 2015
Existing and Proposed	AC/23FA/02		31st March 2015
Design Statement			31st March 2015

**BH2015/01395**

**189A Church Road Hove**

Conversion of existing loft space to create additional bedroom incorporating dormer and rooflight to rear.

**Applicant:** Mrs P Mamane

**Officer:** Sonia Gillam 292265

**Approved on 09/07/15 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 new dormer window shall be painted softwood, double hung vertical sliding sashes with concealed trickle vents and shall be retained as such thereafter.

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

**3) UNI**

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

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

**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 and elevations	CRH.001		13/04/2015
Proposed plans and elevations	CRH.002	G	17/06/2015

**GOLDSMID**

**BH2014/01770**

**17 Nizells Avenue Hove**

Conversion of existing building from 2no two bedroom flats to 1no three bedroom flat and 2no four bedroom flats incorporating extensions to the side and rear and other associated alterations.

**Applicant:** Linda Zeitlin

**Officer:** Paul Earp 292454

**Approved on 06/07/15 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 vehicle parking area shown on the approved plans shall not be used otherwise than for the parking of private motor vehicles and motorcycles belonging to the occupants of and visitors to the development hereby approved.

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

**3) UNI**

No extension, enlargement, alteration or provision within the curtilage of the of the hereby approved dwellinghouse as provided for within Schedule 2, Part 1, Classes A & B of the Town and Country Planning (General Permitted Development) (England) Order 2015, 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 above ground floor slab level of any part of the development hereby permitted shall take place until samples of all materials to be used in the construction of the external surfaces of the development have been submitted to and approved in writing by the Local Planning Authority, including (where applicable):

- a) samples of all brick, render and tiling (including details of the colour of render/paintwork to be used);
- b) samples of all hard surfacing materials;
- c) details of all boundary treatments;
- 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 policy QD14 of the Brighton & Hove Local Plan.*

**5) UNI**

The new crossover shall be constructed prior to the first occupation of the development hereby permitted and in accordance with a specification that has been approved in writing by the Local Planning Authority.

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

**6) UNI**

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

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

**7) UNI**

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

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

**8) UNI**

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

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

**9) UNI**

Unless otherwise agreed in writing by the Local Planning Authority, the dwellinghouse hereby approved shall not be occupied until a Final/Post Construction Code Certificate issued by an accreditation body confirming that the 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 Submission City Plan Part One.*

**10) UNI**

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

approved drawings listed below.

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

Plan Type	Reference	Version	Date Received
Block plan and proposed layout	11-638A	4	5 June 2015
Proposed elevations	11-638B		5 June 2015
Cross section of dormer	11-638C		28 May 2014
Existing layout and elevations	11-484C		27 August 2014

### 11) UNI

No development above ground floor slab level of any part of the development hereby permitted shall take place until details of the proposed front boundary wall have been submitted to and approved in writing by the Local Planning Authority. The wall shall be fully erected before the new unit hereby approved is occupied and shall be retained as such thereafter.

*Reason: To ensure that satisfactory appearance to the development and to comply with policies QS1, QD2 and QD14 of the Brighton & Hove Local Plan.*

### **BH2014/04360**

#### **Holy Trinity Church Blatchington Road Hove**

Alterations associated with conversion of church into medical practice, including new and replacement windows, infill extension between pitched roofs, installation of rooflights, replacement roof slates, landscaping, parking and cycle storage. Erection of single storey pharmacy with link to new entrance lobby on West elevation. Creation of new vehicular access from Vicarage onto Blatchington Road.

**Applicant:** Medical Centre Developments (GB) Ltd

**Officer:** Wayne Nee 292132

**Approved on 30/06/15 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

Plan Type	Reference	Version	Date Received
Proposed site plan	3510.PL.101	D	15 May 2015
Ground floor plan as proposed	3510.PL.102	B	08 June 2015
First floor plan as proposed	3510.PL.103	A	08 June 2015
Second floor plan as proposed	3510.PL.104		24 December 2014
Bell tower upper floor	3510.PL.105		24 December 2014
Roof plan as proposed	3510.PL.106		24 December 2014
Basement floor plan as proposed	3510.PL.107		24 December 2014
Proposed pharmacy and entrance	3510.PL.108	A	15 May 2015
Section A-A as proposed	3510.PL.201	A	08 June 2015
Section C-C as proposed	3510.PL.202		24 December 2014
Section F-F as proposed	3510.PL.205	B	08 June 2015



Section I-I as proposed	3510.PL.207		24 December 2014
Section J-J as proposed	3510.PL.208	A	15 May 2015
Section N-N as proposed	3510.PL.212		24 December 2014
Section O-O as proposed	3510.PL.213		24 December 2014
Pharmacy and lobby sections	3510.PL.214	A	15 May 2015
North elevation as proposed	3510.PL.301	A	08 June 2015
East elevation as proposed	3510.PL.302	A	15 May 2015
South elevation as proposed	3510.PL.303	B	08 June 2015
West elevation as proposed	3510.PL.304		24 December 2014
Pharmacy and entrance lobby elevations	3510.PL.305	C	18 June 2015
Proposed street elevations	3510.PL.306	D	18 June 2015
Proposed entrance to southern wall	3510.PL.307	A	15 May 2015
Proposed demolition plans	3510.PL.601	A	15 May 2015
Chancel area - detail section and 3D visuals	3510.PL.801	A	08 June 2015
Set-back windows details and 3D visuals	3510.PL.802	A	08 June 2015
Proposed floor detail	3510.PL.804		24 December 2014
Proposed entrance lobby details	3510.PL.805		24 December 2014
Proposed general waste store	3510.PL.806		24 December 2014
Proposed clinical waste store	3510.PL.807		24 December 2014
Proposed pier/railings details	3510.PL.808	A	18 June 2015
Existing site location and block plans	3510.EX.001		24 December 2014
Site survey as existing	3510.EX.101		24 December 2014
Ground floor plan as existing	3510.EX.102		24 Decemb

### 3) UNI

No works shall take place until full details of the south elevation screen hereby approved in place of the door, including 1:1 scale joinery details and 1:20 elevation, have been submitted to and approved by the Local Planning Authority in writing. Notwithstanding drawing no. 3510.PL.303 Rev B, the south screen shall have a vertical boarding detail. The works shall be implemented in strict accordance with the agreed details and maintained as such thereafter.

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

### 4) UNI

No works shall take place until full details of the east elevation door hereby approved, including 1:1 scale joinery details, have been submitted to and approved by the Local Planning Authority in writing. The works shall be implemented in strict accordance with the agreed details and maintained as such thereafter.

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

### 5) UNI

The replacement roof tiles hereby permitted shall be implemented in full accordance with the Marley Eternit Rivendale slate sample submitted on 15 May 2015.

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

*with policy HE1 of the Brighton & Hove Local Plan.*

**6) UNI**

No works shall take place until full details of the proposed rooflights hereby permitted have been submitted to and approved in writing by the Local Planning Authority, comprising of:

- 1:10 sectional details;
- Details of the proposed glass which shall be non-shiny and non-reflective;
- Details of the area of non-slatted lead weathering underneath the rooflights.

The works shall be implemented in strict accordance with the agreed details and maintained as such thereafter.

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

**7) UNI**

A method statement setting out how the existing boundary walls are to be protected, maintained, repaired and stabilised during and after construction works of the proposed pharmacy building hereby approved, shall be submitted to and approved by the Local Planning Authority before works commence. The construction works shall be carried out and completed full in accordance with the approved method statement.

*Reason: To ensure satisfactory protection of the existing listed boundary walls which are considered to be an important feature within the conservation area, in accordance with policies HE1 and HE6 of the Brighton & Hove Local Plan.*

**8) UNI**

Notwithstanding the submitted details, no works shall take place until 1:10 elevation drawings of the proposed south elevation metal gate hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The works shall be implemented in strict accordance with the agreed details and maintained as such thereafter.

*Reason: To ensure satisfactory protection of the existing listed boundary walls which are considered to be an important feature within the conservation area, in accordance with policies HE1 and HE6 of the Brighton & Hove Local Plan.*

**9) UNI**

The area of masonry where the existing east elevation extension is to be demolished shall be made good to match the surrounding exterior wall in its appearance and materials, and shall be maintained as such thereafter.

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

**10) UNI**

No works shall take place until full details of the proposed boundary treatment, pharmacy and hardstanding hereby permitted have been submitted to and approved in writing by the Local Planning Authority, comprising of:

- Further details including a sample of the permeable asphalt;
  - Brick and mortar samples for the boundary wall and pharmacy, including the proposed pointing detail;
  - Sample flint panels for the areas to be repaired and rebuilt, including flint size, finish, coursing and strike, and pointing detail, colour and aggregate content.
- The mortar and pointing shall be lime based of a mix to match the original. The works shall be implemented in strict accordance with the agreed details and maintained as such thereafter.

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

**11) UNI**

No works shall take place until full details of the proposed bird prevention measures for the windows, including sample of material and section drawing

showing how it will be fitted, have been submitted to and approved by the Local Planning Authority in writing. The works shall be implemented in strict accordance with the agreed details and maintained as such thereafter.

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

**12) UNI**

The vehicle parking area shown on the approved plans shall not be used otherwise than for the parking of private motor vehicles and motorcycles belonging to the occupants of and visitors to the development hereby approved.

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

**13) 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.*

**14) UNI**

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

**15) UNI**

Prior to first occupation of the development hereby permitted, details of sustainability measures to reduce the energy and water consumption of the development shall have been submitted to and approved in writing by the Local Planning Authority. The measures shall be implemented prior to first 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.*

**16) UNI**

Prior to first occupation of the development hereby permitted details showing the type, number, location and timescale for implementation of the compensatory bird boxes shall have been submitted to and approved in writing by the Local Planning Authority. The scheme shall then be carried out in strict accordance with the approved details.

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

**17) UNI**

No hedgerow, tree or shrub shall be removed from the site between 1st March and 31st August inclusive without the prior submission of a report to the Local Planning Authority which sets out the results of a survey to assess the nesting bird activity on the site and describes a method of working to protect any nesting bird interest. The report must first be agreed in writing by the Local Planning Authority and shall then be carried out in strict accordance with the approved

details.

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

**18) UNI**

No development or other operations shall commence on site in connection with the development hereby approved until a detailed Construction Specification/Method Statement for the proposed new driveway in the vicinity of the Silver Birch has been submitted to and approved in writing by the Local Planning Authority. This shall provide for the long-term retention of the tree. No development or other operations shall take place except in complete accordance with the approved Construction Specification / Method Statement.

*Reason: As this matter is fundamental to protecting the trees which are to be retained on the site during construction works in the interest of the visual amenities of the area and to comply with policies QD1 and QD16 of the Brighton & Hove Local Plan.*

**19) UNI**

No development or other operations shall commence on site until a scheme which provides for the retention and protection of trees, shrubs and hedges growing on or adjacent to the site, including trees which are the subject of a Tree Preservation Order currently in force, has been submitted to and approved in writing by the Local Planning Authority; no development or other operations shall take place except in complete accordance with the approved protection scheme. No excavations for services, storage of materials or machinery, parking of vehicles, deposit or excavation of soil or rubble, lighting of fires or disposal of liquids shall take place within any area designated as being fenced off or otherwise protected in the approved protection scheme. Protective fencing shall be retained intact for the full duration of the development hereby approved, and shall not be removed or repositioned without the prior written approval of the Local Planning Authority.

*Reason: As this matter is fundamental to protecting the trees which are to be retained on the site during construction works in the interest of the visual amenities of the area and to comply with policies QD1 and QD16 of the Brighton & Hove Local Plan.*

**20) UNI**

No development or other operations shall commence on site in connection with the development hereby approved until a detailed Construction Specification/Method Statement for the car parking area has been submitted to and approved in writing by the Local Planning Authority. This shall provide for the long-term retention of the trees. No development or other operations shall take place except in complete accordance with the approved Construction Specification / Method Statement.

*Reason: As this matter is fundamental to protecting the trees which are to be retained on the site during construction works in the interest of the visual amenities of the area and to comply with policies QD1 and QD16 of the Brighton & Hove Local Plan.*

**21) 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. The scheme should show at least three replacement trees. The landscaping scheme should clearly show the proposed new driveway and its construction in the vicinity of the protected Birch (T8).

*Reason: As this matter is fundamental to protecting the trees which are to be*

retained on the site during construction works in the interest of the visual amenities of the area and to comply with policies QD1 and QD16 of the Brighton & Hove Local Plan.

## **22) UNI**

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

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

## **BH2014/04361**

### **Holy Trinity Church Blatchington Road Hove**

Alterations associated with conversion of church into medical practice, with internal alterations to layout including creation of additional floor levels. External alterations including new and replacement windows, infill extension between pitched roofs, installation of rooflights, replacement roof slates, landscaping, parking and cycle storage. Erection of single storey pharmacy with link to new entrance lobby on West elevation. Creation of new vehicular access from Vicarage onto Blatchington Road.

**Applicant:** Medical Centre Developments (GB) Ltd

**Officer:** Wayne Nee 292132

**Approved on 30/06/15 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 south elevation screen hereby approved in place of the door, including 1:1 scale joinery details and 1:20 elevation, have been submitted to and approved by the Local Planning Authority in writing. Notwithstanding drawing no. 3510.PL.303 Rev B, the south screen shall have a vertical boarding detail. The works shall be implemented in strict accordance with the agreed details and maintained as such thereafter.

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

#### **3) UNI**

No works shall take place until full details of the east elevation door hereby approved, including 1:1 scale joinery details, have been submitted to and approved by the Local Planning Authority in writing. 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.*

#### **4) UNI**

The replacement roof tiles hereby permitted shall be implemented in full accordance with the Marley Eternit Rivendale slate sample submitted on 15 May 2015.

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

#### **5) UNI**

No development shall commence on site until a scheme for the repair of the wall plasters has been submitted to and approved by the Local Planning Authority in writing. The works shall be implemented in strict accordance with the agreed details and maintained as such thereafter.

*Reason: As insufficient information has been submitted, to ensure the satisfactory*

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

**6) UNI**

A method statement setting out how the existing boundary walls are to be protected, maintained, repaired and stabilised during and after construction works of the proposed pharmacy building hereby approved, shall be submitted to and approved by the Local Planning Authority before works commence. The construction works shall be carried out and completed full in accordance with the approved method statement.

*Reason: To ensure satisfactory protection of the existing listed boundary walls, in accordance with policy HE1 of the Brighton & Hove Local Plan.*

**7) UNI**

Notwithstanding the submitted details, no works shall take place until 1:10 elevation drawings of the proposed south elevation metal gate hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The works shall be implemented in strict accordance with the agreed details and maintained as such thereafter.

*Reason: To ensure satisfactory protection of the existing listed boundary walls, in accordance with policy HE1 of the Brighton & Hove Local Plan.*

**8) UNI**

The area of masonry where the existing east elevation extension is to be demolished shall be made good to match the surrounding exterior wall in its appearance and materials, and shall be maintained as such thereafter.

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

**9) UNI**

No works shall take place until full details of the proposed boundary treatment, pharmacy and hardstanding hereby permitted have been submitted to and approved in writing by the Local Planning Authority, comprising of:

- Further details including a sample of the permeable asphalt;
  - Brick and mortar samples for the boundary wall and pharmacy, including the proposed pointing detail;
  - Sample flint panels for the areas to be repaired and rebuilt, including flint size, finish, coursing and strike, and pointing detail, colour and aggregate content.
- The mortar and pointing shall be lime based of a mix to match the original. 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.*

**10) UNI**

No works shall take place until full details of the proposed bird prevention measures for the windows, including sample of material and section drawing showing how it will be fitted, have been submitted to and approved by the Local Planning Authority in writing. 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.*

**11) UNI**

No works shall take place until full details of the proposed internal and external frame colour coating of the glazing behind the stone tracery have been submitted to and approved by the Local Planning Authority in writing. 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.*

**12) UNI**

No works shall take place until full details of the proposed rooflights hereby permitted have been submitted to and approved in writing by the Local Planning Authority, comprising of:

- 1:10 sectional details;
- Details of the proposed glass which shall be non-shiny and non-reflective;
- Details of the area of non-slatted lead weathering underneath the rooflights.

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.*

**BH2015/00215**

**Land Adjoining 32 Cambridge Grove Hove**

Application for Approval of Details Reserved by Conditions 6, 7, 8 and 9 of application BH2014/03652.

**Applicant:** Mr Joe Howard

**Officer:** Helen Hobbs 293335

**Approved on 08/07/15 DELEGATED**

**BH2015/00613**

**2 Davigdor Road Hove**

Creation of vehicle crossover, dropped kerb and hardstanding with associated alterations to front boundary wall.

**Applicant:** Mr S Leslie

**Officer:** Luke Austin 294495

**Approved on 25/06/15 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 or other operations shall commence on site in connection with the development hereby approved (including any tree felling, tree pruning, demolition works, soil moving, temporary access construction and or widening, or any operations involving the use of motorised vehicles or construction machinery) until a detailed Arboricultural Method Statement regarding protection of the on-street Whitebeam has been submitted to and approved in writing by the Local Planning Authority. No development or other operations shall take place except in complete accordance with the approved Method Statement.

*Reason: As this matter is fundamental to protecting the trees which are to be retained on the site during construction works in the interest of the visual amenities of the area and to comply with policies QD1 and QD16 of the Brighton & Hove Local Plan.*

**3) UNI**

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

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

Plan Type	Reference	Version	Date Received
Crossover Plan as Existing	0348.EXG.500	C	11/03/15

Crossover Plan as Existing	0348.PL.500	C	11/03/15
Existing and Proposed North Elevation, Davigdor Road Street Elevation	0348.PL.501	-	09/03/15

**BH2015/00614**

**10A Cambridge Grove Hove**

Conversion of existing building into 2no. self contained flats (C3).

**Applicant:** Mr Colin Brace

**Officer:** Jonathan Puplett 292525

**Refused on 06/07/15 DELEGATED**

**1) UNI**

The existing dwellinghouse is below the size threshold for conversion into smaller units of accommodation as set out in policy HO9 of the Brighton and Hove Local Plan. The development would provide small units with cramped living conditions which would not deliver a suitable standard of accommodation for future occupiers, with the maisonette not suitable for family occupation due to its size and layout. The proposed development is therefore contrary to policies QD27 and HO9 of the Brighton and Hove Local Plan.

**BH2015/00810**

**Land Rear of 37 & 38 Cromwell Road Hove**

Application for variation of condition 2 of application BH2015/00100 (Removal of condition 10 of application BH2013/03692) (Original permission for Erection of 1no three bedroom house including basement level) to permit alterations to layout of doors and windows.

**Applicant:** Mrs Maureen Wheeler

**Officer:** Helen Hobbs 293335

**Approved on 25/06/15 DELEGATED**

**1) UNI**

The development hereby permitted shall be commenced on or before 23rd August 2015.

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

**2) UNI**

The development hereby approved shall not be occupied until photovoltaic panels, as outlined on approved drawing nos. AD100 & AD101, have been installed on the roof of the approved building. The panels shall be maintained and permanently retained in place thereafter.

*Reason: To secure micro-generation technologies for the site and to comply with policy SU2 of the Brighton & Hove Local Plan and the Supplementary Planning Document on Sustainable Building Design SPD08.*

**3) UNI**

No extension, enlargement, alteration or provision within the curtilage of the of the dwellinghouse as provided for within Schedule 2, Part 1, Classes A and E of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended (or any order revoking and re-enacting that Order with or without modification) other than that expressly authorised by this permission shall be carried out without planning permission obtained from the Local Planning Authority.

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

**4) UNI**



All planting, seeding or turfing comprised in the approved scheme of landscaping (ref: BH2014/03193) shall be carried out in the first planting and seeding seasons following the occupation of the building or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation. All hard landscaping and means of enclosure shall be completed before the development is occupied.

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

**5) UNI**

The development shall be implemented in accordance with the ground level details approved under application BH2014/03193 on 18/02/2015.

*Reason: To safeguard the amenities of nearby properties and to safeguard the character and appearance of the area and to comply with policies QD2 and QD27 of the Brighton and Hove Local Plan.*

**6) UNI**

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

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

**7) UNI**

Not used.

**8) UNI**

Prior to the occupation of the dwelling hereby approved 2 bird boxes and 2 bat boxes shall be installed on site and shall be thereafter be retained as such.

*Reason: To ensure appropriate integration of new nature conservation and enhancement features in accordance with policies QD17 and QD18 of the Brighton & Hove Local Plan.*

**9) UNI**

Not used.

**10) UNI**

Not used.

**11) UNI**

The cycle parking facilities shall be fully implemented in accordance with the details approved under application BH2014/03193 on 18/02/2015 and made available for use prior to the first occupation of the development and shall be retained as such.

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

**12) UNI**

The retaining boundary wall structure shall be constructed in accordance with the details approved under application BH2014/03193 on 18/02/2015.

*Reason: To ensure the stability of the adjacent pavement and to comply with policy TR7 of the Brighton & Hove Local Plan.*

**13) UNI**

The development shall be carried out in accordance with the Lifetime Homes details approved under application BH2014/03193 on 18/02/2015.

*Reason: To ensure satisfactory provision of homes for people with disabilities and*

to meet the changing needs of households and to comply with policy HO13 of the Brighton & Hove Local Plan.

**14) UNI**

Unless otherwise agreed in writing by the Local Planning Authority, the residential unit hereby approved shall not be occupied until a Final / Post Construction Code Certificate issued by an accreditation body confirming that each residential unit built has achieved a Code for Sustainable Homes rating of Code level 5 as a minimum has been submitted to, and approved in writing by, the Local Planning Authority.

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

**15) UNI**

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

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

Plan Type	Reference	Version	Date Received
Proposed floor plans and sections	AD100	-	29th October 2013
Proposed elevations	AD101	-	29th October 2013
Proposed elevations and floor plans	AD301	A	25th March 2015.
Topographical survey	13-22/S/1	-	22nd September 2015
Geotechnical Assessment	-	-	8th January 2015
Cycle storage details	-	-	4th February 2015
Planting scheme	-	-	30th December 2014
Bin store details	-	-	22nd September 2014
Pile Design Calculations Report	-	-	22nd September 2014
Construction of New Highway Retaining Wall Approval In Principle Report dated January 2015	-	-	9th January
	2015		
Interim Design State Certificate	-	-	11th December 2014

**BH2015/01120**

**8a Newtown Road Hove**

Erection of single storey rear extension.

**Applicant:** Mr Paul Gale

**Officer:** Helen Hobbs 293335

**Approved on 29/06/15 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
Site and block plan	PL-001	A	30th March 2015
Existing lower ground and section	PL-002	A	30th March 2015
Existing elevations, section and roof plan	PL-003	A	30th March 2015
Proposed lower ground floor and long section	PL-004	A	30th March 2015
Proposed elevations, sections and roof plan	PL-005	A	30th March 2015

### **BH2015/01164**

#### **Land Rear of 75 Lyndhurst Road Hove**

Demolition of existing garage and erection of 1 no dwelling house (C3).

**Applicant:** Ms Luisa Morelli

**Officer:** Liz Arnold 291709

**Refused on 08/07/15 DELEGATED**

#### **1) UNI**

The sub-division of land currently related to no. 75 Lyndhurst Road would result in a development which would compromise the quality of the local environment by virtue of the provision of a small plot size and smaller external amenity areas, which fails to reflect the prevailing character of both plot sizes and garden sizes within the surrounding area. As a result the development represents an over-development of the site and would result in the provision of a dwelling that would be an incongruous feature within the surrounding area by virtue of its uncharacteristic plot size and small amenity areas. As such the proposal fails to enhance the positive qualities of the key neighbourhood principles of the area and fails to comply with policies QD1, QD2 and QD3 of the Brighton and Hove Local Plan.

#### **2) UNI2**

The proposed basement level accommodation, by virtue of its constrained outlook and limited availability of natural light, would provide for an enclosed, gloomy and generally claustrophobic living environment and as such the proposed unit would provide a poor standard of accommodation harmful to the amenity of future occupiers and contrary to policy QD27 of the Brighton & Hove Local Plan.

### **BH2015/01654**

#### **89 Holland Road Hove**

Erection of timber cycle store to front. (Retrospective)

**Applicant:** Young Friends Nursery

**Officer:** Adrian Smith 290478

**Refused on 30/06/15 DELEGATED**

### 1) UNI

The cycle store, by virtue of its scale, material appearance and position fronting the site, represents a visually dominant and incongruous structure that fails to relate sympathetically to the appearance of the site or wider street scene, contrary to policy QD14 of the Brighton & Hove Local Plan.

### **BH2015/02237**

#### **58 Palmeira Avenue Hove**

Application for Approval of Details Reserved by Condition 16 of application BH2012/01178.

**Applicant:** Owen Property  
**Officer:** Adrian Smith 290478  
**Approved on 06/07/15 DELEGATED**

### **HANGLETON & KNOLL**

### **BH2015/01168**

#### **25 Egmont Road Hove**

Erection of two storey rear extension with associated roof extensions and alterations.

**Applicant:** Mr Andrew Stanley  
**Officer:** Guy Everest 293334  
**Approved on 26/06/15 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
Site Location Plan			24/04/2015
Block Plan			14/01/2015
Existing Plans & Elevations	325 01		01/04/2015
Proposed Plans & Elevations	325 02		01/04/2015

### **BH2015/01481**

#### **Rear of 40 Holmes Avenue Hove**

Erection of 2no two storey two bedroom houses.

**Applicant:** Mr R Morley  
**Officer:** Luke Austin 294495  
**Refused on 30/06/15 DELEGATED**

### 1) UNI

1. The proposed development by reason of the proposed plot sizes, layouts and

small garden areas which would be out of keeping surrounding area, compromising the quality of the local environment. The proposal represents an incongruous and cramped form of development and an overdevelopment of the site. The proposed development is therefore contrary to policies QD1, QD2, QD3, HO3, HO4 and HO5 of the Brighton & Hove Local Plan.

### **2) UNI2**

The scheme does not include suitably sized gardens commensurate to the size of the dwellings proposed. Furthermore the garden which would be allocated to no. 40 Holmes Avenue is substantially smaller than those of neighbouring properties particularly in regard to depth. The scheme would therefore be harmful to the amenity of future occupiers, contrary to policies QD27 and HO5 of the Brighton & Hove Local Plan and paragraph 17 of the NPPF.

### **3) UNI3**

The proposal by virtue of its scale, bulk and massing in close proximity to the boundary with no. 42 Holmes Avenue would represent an unneighbourly form of development which would appear overbearing and oppressive when viewed from the garden area of the northern neighbouring property. Furthermore the proposed dwellings would be of a prominent appearance when viewed from the rear windows and garden of the existing dwelling at no. 40 Holmes Avenue. Overall it is considered that significant harm would result and the proposed development is therefore contrary to policy QD27 of the Brighton & Hove Local Plan and paragraph 17 of the NPPF.

## **BH2015/01605**

### **94 Amberley Drive Hove**

Erection of single storey rear extension.

**Applicant:** Mr Daniel Taylor

**Officer:** Allison Palmer 290493

**Refused on 26/06/15 DELEGATED**

### **1) UNI**

The proposed rear extension is of a considerable depth and height and would be built up to the boundaries of the rear garden on both sides. The extension would therefore have a significant impact upon the outlook from the properties and gardens to either side of the application site, and would have an overbearing and enclosing impact. The proposed development is therefore contrary to policies QD14 and QD27 of the Brighton and Hove Local Plan.

### **2) UNI2**

The rear extension, due to its scale, depth, projection beyond the side wall of the main house, and lack of spacing from the side boundaries of the site, would appear as unsympathetic addition which would harm the character and appearance of the main dwelling, contrary to policy QD14 of the Brighton and Hove Local Plan and the guidance set out in SPD12.

## **BH2015/01696**

### **38 Holmes Avenue Hove**

Extensions and alterations to church hall including refurbishment to external play area and installation of Photovoltaic panels to south roof slope.

**Applicant:** Bishop Hannington Church PCC

**Officer:** Emily Stanbridge 292359

**Refused on 13/07/15 DELEGATED**

### **1) UNI**

The proposed single storey extension by virtue of its roof form and footprint, results in an unsympathetic addition which causes demonstrable harm to the character and appearance of the host building. The proposed anti-climb fencing and flood lights to the external play area by virtue of their height would result in visual harm to the character and appearance of the street scene. The proposed

development is therefore contrary to policy QD14 within the Brighton and Hove Local Plan and Supplementary Planning Document 12: Design guide for extensions and alterations.

**2) UNI2**

Insufficient information has been submitted in order to fully assess the proposed external lighting scheme, the use of the proposed play area, its impact on the amenities of neighbouring properties and potential resulting noise disturbance. Based upon the information submitted it is considered that significant harm to neighbouring amenity would be caused; the proposed development is therefore contrary to Policies QD26, QD27, SU9 and SU10 of the Brighton and Hove Local Plan.

**BH2015/01732**

**169 Nevill Avenue Hove**

Prior approval for the erection of a single storey rear extension, which would extend beyond the rear wall of the original house by 4m, for which the maximum height would be 2.8m, and for which the height of the eaves would be 2.8m.

**Applicant:** Nathaniel Sly

**Officer:** Astrid Fisher 292337

**Prior approval not required on 30/06/15 DELEGATED**

**NORTH PORTSLADE**

**BH2015/01037**

**1 Foredown Road Portslade**

Erection of a single storey rear extension.

**Applicant:** Mr & Mrs Ogle

**Officer:** Luke Austin 294495

**Refused on 02/07/15 DELEGATED**

**1) UNI**

The proposed extension, by virtue of its scale and depth, would have an overbearing and enclosing impact upon the occupiers of no. 2 Anvil Close, and is therefore contrary to policy QD27 of the Brighton and Hove Local Plan.

**2) UNI2**

The proposed extension, by virtue of its depth and projection beyond the main side wall of the dwelling, would appear as an unsympathetic addition to the host building. 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.

**BH2015/01500**

**15 Foredown Close Portslade**

Erection of single storey side extension.

**Applicant:** Mrs Jacqui De-Groot

**Officer:** Emily Stanbridge 292359

**Refused on 25/06/15 DELEGATED**

**1) UNI**

The proposed extension by virtue of its position, width, scale and design forms an unacceptable addition to the host property, resulting in an over extended appearance to the property which is disproportionate in nature. The proposed development is therefore contrary to Policy QD14 of the Brighton and Hove Local Plan 2005 and Supplementary Planning Document 12: Design guide for extensions and alterations.

**BH2015/01903**

**196 Valley Road Portslade**

Prior approval for the erection of a single storey rear extension, which would extend beyond the rear wall of the original house by 6m, for which the maximum height would be 3.2m, and for which the height of the eaves would be 2.7m.

**Applicant:** Ms Jackie Lamont

**Officer:** Chris Swain 292178

**Prior approval not required on 30/06/15 DELEGATED**

## **SOUTH PORTSLADE**

### **BH2015/01244**

#### **43 Benfield Way Portslade**

Erection of single storey rear extension. (Part retrospective)

**Applicant:** Mrs Lydia Cloherty

**Officer:** Luke Austin 294495

**Refused on 29/06/15 DELEGATED**

#### **1) UNI**

The proposed extension by virtue of its proposed depth and height compared to the boundary treatment would have an unacceptable overbearing effect on the amenity of the neighbouring properties at 45 and 41 Benfield Crescent. Furthermore the proposed terrace would result in an unacceptable impact on the adjacent properties in terms of overlooking/loss of privacy of the rear gardens of the neighbouring properties at 45 and 41 Benfield Crescent. The proposal is therefore contrary to policy QD27 of the Brighton and Hove Local Plan and guidance within Supplementary Planning Document 12: Design Guide for Extensions and Alterations.

#### **2) UNI2**

The proposed extension by virtue of its depth and height is considered unsympathetic to the scale and design of the existing building. 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.

### **BH2015/01265**

#### **7 Benfield Crescent Portslade**

Erection of a single storey rear extension.

**Applicant:** Miss Kathleen Touw

**Officer:** Luke Austin 294495

**Refused on 06/07/15 DELEGATED**

#### **1) UNI**

The proposed extension, by virtue of its rear projection would result in an over dominant and unsympathetic addition which would relate unsympathetically to host the building and the visual amenity of the 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.

#### **2) UNI2**

The proposed extension, by virtue of its scale and depth, would have an overbearing effect on the amenity of the neighbouring property at no. 9 Benfield Crescent, contrary to policy QD27 of the Brighton and Hove Local Plan and guidance within Supplementary Planning Document 12: Design Guide for Extensions and Alterations.

### **BH2015/01723**

#### **14 Fairway Crescent Portslade**

Prior approval for the erection of a single storey rear extension, which would extend beyond the rear wall of the original house by 4.55m, for which the

maximum height would be 3.5m, and for which the height of the eaves would be 2.58m.

**Applicant:** Miss Alison Dobell

**Officer:** Astrid Fisher 292337

**Prior Approval is required and is refused on 26/06/15 DELEGATED**

**1) UNI**

The siting, depth and maximum height of the proposed extension would result in a significant and harmful loss of light and outlook for occupants of 16 Fairway Crescent.

**2) UNI2**

The enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse and would have a width greater than half the width of the original dwellinghouse. The development would not therefore be permitted by Schedule 2, Part 1, Class A (j) of the Town and Country Planning (General Permitted Development) (England) Order 2015.

**HOVE PARK**

**BH2015/00852**

**14 Benett Drive Hove**

Erection of single storey rear extension with associated roof extensions and alterations incorporating front pitched roof dormers, side rooflights and rear balcony.

**Applicant:** Mr Kennington

**Officer:** Luke Austin 294495

**Approved on 29/06/15 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 balustrading to the east and western edges of the hereby approved rear dormer balcony shall be of obscured glazing. The balcony shall not be brought into use until the obscured balustrading has been installed. The rear terrace area shall not be brought into use until the 1.8m screening is installed. The screening to the terrace and balustrading to the balcony shall be retained thereafter.

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

**3) UNI**

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

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

Plan Type	Reference	Version	Date Received
Existing Plans and Elevations	1500/1861	-	11/03/15
Proposed Plans and Elevations	1500/1862	-	17/06/15
Proposed Sections	1500/1863	-	11/05/15



**BH2015/00891****233 Old Shoreham Road Portslade**

Widening of existing crossover.

**Applicant:** Mr Eslam Miah**Officer:** Luke Austin 294495**Approved on 29/06/15 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	-	-	08/04/2015
Block Plan	-	-	09/04/2015
Existing and Proposed Elevations	EM-02-14	-	09/04/2015
Existing and Proposed Floor Plans	EM-01-14	-	12/05/2015

**BH2015/00950****47 The Drove Way Hove**

Erection of part one, part two storey rear extension, alterations to fenestration including installation of rooflights to front, rear and side elevations and associated works.

**Applicant:** Mr & Mrs Cunningham**Officer:** Sonia Gillam 292265**Approved on 30/06/15 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**

The development hereby permitted shall be carried out in accordance with 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	A01		18/03/2015
Block plan	A02		18/03/2015
Existing floor plans	A03		18/03/2015
Existing floor plans	A04		18/03/2015
Existing roof plan	A05		18/03/2015
Existing elevations	A06		18/03/2015
Existing elevations	A07		18/03/2015
Proposed ground floor plan	D01		18/03/2015
Proposed floor plans	D02		18/03/2015
Proposed roof plan	D03		18/03/2015
Proposed elevations	D04		18/03/2015
Proposed elevations	D05		18/03/2015
Proposed section A-A	D06		18/03/2015
Proposed south elevation	D07		21/04/2015

### **BH2015/01088**

#### **2a Shirley Drive Hove**

Increased height of front brick wall with fencing above, front gate, replacement driveway, side boundary fence and associated works.

**Applicant:** Mr Hunsballe & Margetts

**Officer:** Christopher Wright 292097

**Approved on 30/06/15 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 development or other operations shall commence on site in connection with the development hereby approved, (including any tree felling, tree pruning, demolition works, soil moving, temporary access construction and/or widening, or any operations involving the use of motorised vehicles or construction machinery) until a detailed Construction Specification/Method Statement for the construction of the new front boundary wall and fence has been submitted to and approved in writing by the Local Planning Authority. This shall provide for the long-term retention of the on-street Lime tree in front of the property. No development or other operations shall take place except in complete accordance with the approved Construction Specification/Method Statement.

*Reason: As this matter is fundamental to protecting the trees which are to be retained on the site during construction works in the interest of the visual amenities of the area and to comply with policies QD1 and QD16 of the Brighton & Hove Local Plan.*

#### **4) UNI**

The landscaping scheme and tree planting proposals to the borders of the hard-standing area shall be carried out in the first planting and seeding season following the completion of the works to the front and side boundaries. Any 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.*

#### **5) UNI**

For the full duration of the implementation of the development hereby approved, the on-street Lime tree in front of the application site shall be protected with fences in accordance with BS5837 (2012). The required protection measures 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 and/or protection measures.

*Reason: As this matter is fundamental to protecting the on-street Lime tree which is to be retained during construction works in the interests 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	0055.PL.001	B	27 Mar 2015
Front Garden Layout	0055.PL.101	B	27 Mar 2015
Front Garden Tree Planting	0055.PL.102	B	27 Mar 2015
Front Wall Elevation	0055.PL.201	B	27 Mar 2015
Visuals	0055.PL.601	B	27 Mar 2015
Visuals	0055.PL.602	B	27 Mar 2015
Visuals	0055.PL.603	B	27 Mar 2015
Visuals	0055.PL.604	B	27 Mar 2015
Visuals	0055.PL.605	B	27 Mar 2015
Visuals	0055.PL.606	B	27 Mar 2015
Visuals	0055.PL.607	B	27 Mar 2015
Visuals	0055.PL.608	B	27 Mar 2015
OS Location Plan	0055.PL.001		15 Apr 2015
Front Garden Proposed	0055.PL.101		15 Apr 2015
Front Garden Existing	0055.PL.002		15 Apr 2015
Front Garden Tree Planting	0055.PL.102		15 Apr 2015
Front Wall Existing Elevation	0055.PL.201		15 Apr 2015
Front Wall Proposed Elevation	0055.PL.202		15 Apr 2015
Visuals	0055.PL.601		15 Apr 2015
Visuals	0055.PL.602		15 Apr 2015
Visuals	0055.PL.603		15 Apr 2015
Visuals	0055.PL.604		15 Apr 2015
Visuals	0055.PL.605		15 Apr 2015
Visuals	0055.PL.606		15 Apr 2015
Location Plan	0055.PL.001	B	27 Mar 2015

**BH2015/01295**

**Howard Court Court Farm Road Hove**

Replacement of existing window with door and installation of handrail to west elevation.

**Applicant:** Brighton & Hove City Council

**Officer:** Allison Palmer 290493

**Approved on 30/06/15 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 or other operations shall commence on site in connection with the development hereby approved until a detailed Arboricultural Method Statement regarding protection of trees in the vicinity has been submitted to and approved in writing by the Local Planning Authority. No development or other operations shall commence on site in connection with the development hereby approved, until a detailed Construction Specification/Method Statement for construction of the footpath within the Root Protection Zone of trees in the vicinity has been submitted to and approved in writing by the Local Planning Authority. No development or other operations shall take place except in complete accordance with the approved Construction Specification / Method Statement.

*Reason: As this matter is fundamental to protecting the trees to be retained on site in the interests of the visual amenities of the area and to comply with policy QD16 of the Brighton & Hove Local Plan.*

**3) UNI**

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

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

Plan Type	Reference	Version	Date Received
Existing plans and elevations	2680.01		13/04/2015
Proposed plans and elevations	2680.02		13/04/2015
Site location and block plan	2680.03		13/04/2015

**BH2015/01559**

**44 Hill Brow Hove**

Erection of first floor front extension and enlargement of existing gable.

**Applicant:** Mrs Sue Chapple

**Officer:** Sonia Gillam 292265

**Approved on 26/06/15 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
Existing plans, elevations, site location plan and block plan	3540.EX.01	B	30/04/2015
Proposed plans and elevations	3540.PL.01	A	24/06/2015

### **BH2015/01682**

#### **Gemini Business Centre 136 - 140 Old Shoreham Road Hove**

Prior approval for change of use from offices (B1) to residential (C3) to create 35no residential units, comprising 5no studio flats, 22no one bedroom flats and 8no two bedroom flats.

**Applicant:** Glenhazel Limited

**Officer:** Wayne Nee 292132

**Prior Approval is required and is refused on 02/07/15 DELEGATED**

### 1) UNI

1. There is insufficient evidence to demonstrate that the application site was used for a use falling within Class B1(a) of the Schedule to the Town and Country Planning (Use Classes) Order 1987, as amended, immediately before the 30 May 2013, and that such a use was lawful at this time. Accordingly, the proposed development is not permitted under Schedule 2, Part 3, Class O of the Town and Country Planning (General Permitted Development) Order 2015.

This decision is based on the information listed below:

Plan Type	Reference	Version	Date Received
Proposed ground floor plan	2483/P/21	B	22 May 2015
Proposed first floor plan	2483/P/22		07 May 2015
Proposed second floor plan	2483/P/23		07 May 2015
Existing ground floor plan	2483/P/01	A	07 May 2015
Existing first floor plan	2483/P/02		07 May 2015
Existing second floor plan	2483/P/03		07 May 2015
Location plan	2483/L/01		07 May 2015
Transport Statement	150638/TS/01	C	22 May 2015

### **BH2015/01904**

#### **17 Hill Drive Hove**

Prior approval for the erection of a single storey rear extension, which would extend beyond the rear wall of the original house by 7.8m, for which the maximum height would be 3.4m, and for which the height of the eaves would be 3m.

**Applicant:** Mr John Paxton

**Officer:** Guy Everest 293334

**Prior Approval is required and is approved on 09/07/15 DELEGATED**

## **WESTBOURNE**

### **BH2015/01558**

#### **3 Langdale Gardens Hove**

Certificate of lawfulness for proposed erection of a single storey rear extension with associated external works.

**Applicant:** Mr Paul Smith

**Officer:** Allison Palmer 290493

**Refused on 25/06/15 DELEGATED**

#### **1) UNI**

The enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse with a width greater than half the width of the original dwellinghouse, contrary to paragraph A.1 (j (iii)). Therefore the development is not permitted under Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) Order 2015.

### **BH2015/01572**

#### **76 Coleridge Street Hove**

Erection of single storey rear extension.

**Applicant:** Mr & Mrs P Spencer

**Officer:** Allison Palmer 290493

**Approved on 08/07/15 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
Block and site location plans	2673-04		11/05/2015
Proposed scheme revised options	2673-03		11/05/2015

### **BH2015/02083**

#### **46 Byron Street Hove**

Prior approval for the erection of a single storey rear extension, which would extend beyond the rear wall of the original house by 3.4m, for which the maximum height would be 3.25m, and for which the height of the eaves would be 2.25m.

**Applicant:** Adam Whitehouse

**Officer:** Joanne Doyle 292198

**Prior approval not required on 14/07/15 DELEGATED**

## **WISH**

### **BH2015/00124**

#### **11 Portland Villas Hove**

Demolition of bungalow and erection of 2no semi detached four bedroom dwellings.

**Applicant:** Packham Construction Ltd

**Officer:** Helen Hobbs 293335

**Approved on 29/06/15 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 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.*

#### **3) UNI**

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

*Reason: To protect the amenity of adjacent properties and in accordance with policy QD27 of the Brighton & Hove Local Plan.*

#### **4) UNI**

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

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

#### **5) UNI**

Prior to first occupation of the development hereby permitted, details of secure cycle parking facilities for the occupants of, and visitors to, the development shall 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 and shall thereafter be retained for use at all times.

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

#### **6) UNI**

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

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

**7) UNI**

Prior to first occupation of the development hereby permitted, a scheme for landscaping shall have been submitted to and approved in writing by the Local Planning Authority. 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.

All hard landscaping and means of enclosure shall be completed in accordance with the approved scheme prior to first occupation of the development. 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 first 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.

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

**8) UNI**

Prior to the first occupation of the development hereby permitted the redundant vehicle crossover 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. The works shall be carried out in full accordance with the approved details.

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

**9) UNI**

Prior to first occupation of the development hereby permitted a scheme for the storage of refuse and recycling shall have 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.*

**10) UNI**

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

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

Plan Type	Reference	Version	Date Received
Site location and block plan	111401	A	16th January 2015
Existing ground floor plan	111402	A	16th January 2015
Existing street (west) elevations	111403	A	16th January 2015
Existing east, south and north elevations	111404	A	16th January 2015
Proposed ground floor plan	111405	A	16th January 2015



Proposed first floor plan	111406	A	16th January 2015
Proposed second floor	111407	A	16th January 2015
Proposed roof plan and landscaping	111408	A	16th January 2015
Proposed garden & landscaping	111409	A	16th January 2015
Proposed sections	111410	A	16th January 2015
Proposed west and north elevations	111411	A	16th January 2015
Proposed east and south elevations	111412	A	16th January 2015
Proposed street and garden elevations	111413	A	16th January 2015

### 11) UNI

No development above ground floor slab level of any part of the development hereby permitted shall take place until samples of all materials to be used in the construction of the external surfaces of the development have been submitted to and approved in writing by the Local Planning Authority, including:

- a) samples of all brick, render and tiling (including details of the colour of render/paintwork to be used)
- b) samples of the proposed window, door and balcony 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 & QD14 of the Brighton & Hove Local Plan.*

### **BH2015/00770**

#### **Flats 5 10 12 12A 20 21 and 22 Brittany Court 178 New Church Road Hove**

Replacement of existing single glazed crittall windows and doors with double glazed crittall windows and doors.

**Applicant:** Old Estates Ltd

**Officer:** Adrian Smith 290478

**Refused on 25/06/15 DELEGATED**

#### 1) UNI

The proposed replacement windows, by virtue of the use of double glazing set broadly flush with the frames and the use of artificial glazing bars, would appear unduly bulky and lack the definition of the existing windows to the detriment of the continuity of the building's façade, contrary to policy QD14 of the Brighton & Hove Local Plan and SPD12 guidance.

### **BH2015/00872**

#### **5 Chelston Avenue Hove**

Erection of single storey rear and side extension.

**Applicant:** Mr & Mrs N Howell

**Officer:** Mark Thomas 292336

**Approved on 02/07/15 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
Site location and block plan	14496-Loc	Rev. B	12th March 2015
Existing floor plans and elevations	14496-02	-	12th March 2015
Proposed floor plans and elevations	14496-01	Rev. D	14th May 2015

**BH2015/01396**

**34 Jesmond Road Hove**

Erection of single storey rear extension.

**Applicant:** Mr Nigel Freedman

**Officer:** Luke Austin 294495

**Approved on 29/06/15 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	1765	-	15/04/15
Block Plan	1765	-	15/04/15
Existing Floor Plans	1765/01	-	15/04/15
Proposed Plans and, West and Side Elevations	1765/4	-	15/04/15
Existing and Proposed Elevations	1765/5	-	15/04/15

**BH2015/01445**

**19 Woodhouse Road Hove**

Certificate of lawfulness for proposed loft conversion incorporating hip to gable roof extension, rear dormer and front rooflights.

**Applicant:** Ms Catherine Bergwerf

**Officer:** Guy Everest 293334

**Refused on 15/07/15 DELEGATED**

**BH2015/01849****First Floor Flat 31 Marine Avenue Hove**

Insertion of 4no rooflights to front and rear roof slopes.

**Applicant:** Mr Brendan Kelly

**Officer:** Sonia Gillam 292265

**Approved on 15/07/15 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			21/05/2015
Existing floor plans	1-01		21/05/2015
Existing elevations	1-11		21/05/2015
Existing section	1-21		21/05/2015
Proposed roof plan	2-02		21/05/2015
Proposed elevations	2-11		21/05/2015
Proposed section	2-21		21/05/2015

**BH2015/01923****387 Portland Road Hove**

Prior approval for the erection of a single storey rear extension, which would extend beyond the rear wall of the original house by 5m, for which the maximum height would be 3.1m, and for which the height of the eaves would be 2.8m.

**Applicant:** Hardwick Hartley Partnership

**Officer:** Guy Everest 293334

**Prior approval not required on 09/07/15 DELEGATED**

**BH2015/02132****2 Portland Avenue Hove**

Non Material Amendment to BH2015/00934 for proposed addition of cladding to front elevation.

**Applicant:** Mr S Hall

**Officer:** Liz Arnold 291709

**Refused on 30/06/15 DELEGATED**

**Withdrawn Applications**



BRIGHTON AND HOVE CITY COUNCIL

LIST OF APPLICATIONS DETERMINED BY THE HEAD OF CITY  
INFRASTRUCTURE UNDER DELEGATED POWERS OR IN IMPLEMENTATION OF  
A PREVIOUS COMMITTEE DECISION

PATCHAM

Application No: BH2015/02165  
8 Church Hill, Brighton

2no Horse Chestnuts (T8 & T10) - 30% crown reduction.

Applicant: Mr Kevin Rodgers

Approved on 30 Jun 2015

Application No: BH2015/02166  
8 Church Hill, Brighton

Fell 1no Horse Chestnut (T9).

Applicant: Mr Kevin Rodgers

Approved on 30 Jun 2015

PRESTON PARK

Application No: BH2015/02577  
90 Beaconsfield Villas, Brighton

1no Ash - thin crown by 20%.

Applicant: Mrs Moore

Approved on 14 Jul 2015

WITHDEAN

Application No: BH2015/02208  
30 Dyke Road Avenue, Brighton

Fell one Sycamore (T1 on Drawing RWG1). (Sycamore has very poor crown conformation with no public visibility.)

Applicant: Mr R Green

Approved on 30 Jun 2015

Application No: BH2015/02209  
30 Dyke Road Avenue, Brighton

1no Horse Chestnut (T6) - prune away from house by up to 2m to give access for scaffold installation.

Applicant: Mr R Green

Approved on 30 Jun 2015

**Application No: BH2015/02210**  
**30 Dyke Road Avenue, Brighton**

1no Ash (T1 on Drawing RWG 2) & 1no Sycamore (T2 on Drawing RWG 2) - cut back from No. 32 Dyke Road Avenue to give 4 metre clearance - by 4 metres.

Applicant: Mr R Green

**Approved on 30 Jun 2015**

**Application No: BH2015/02248**  
**64 'Atina' Dyke Road Avenue, Brighton**

1no Cherry Laurel (T22) - maximum 50% crown reduction.

Applicant: Mr Antonio Amato

**Approved on 08 Jul 2015**

**Application No: BH2015/02336**  
**26A Tongdean Lane, Brighton**

2no Ash Trees T5 & T6 - Re-reduce back to previous pruning points. Amount to be removed approx 1-2m.

Applicant: Mr Ed Haunton

**Approved on 08 Jul 2015**

### **HOLLINGDEAN & STANMER**

**Application No: BH2015/01941**  
**26 Selham Close, Brighton**

1no three-stemmed Sycamore (T1) - pollard to first fork approx. 12-16 feet. 2no Sycamore (T2 & T3) - reduce canopy all round by up to 3m. 1no Sycamore (T4) - reduce by 3-4m. 1no Sycamore (T5) - remove epicormic on trunk and reduce canopy by 2-3m all around.

Applicant: Mr A Harrison

**Approved on 14 Jul 2015**

### **ROTTINGDEAN COASTAL**

**Application No: BH2015/02109**  
**50 Gorham Avenue, Brighton**

Sycamore (T1) - height reduction of approximately 2 metres, balance uneven crown by reducing south side by 3 metres and crown thin by pruning out conflicting small diameter branches/reduce larger conflicting branches to growth points.

Applicant: Mrs K Brown

**Approved on 30 Jun 2015**

### **CENTRAL HOVE**

**Application No: BH2015/01712**  
**St Andrew's Church, 163 Church Road, Hove**

Report from: 30/06/2015 to: 20/07/2015

Fell 1no small Yew (T1), 1no Holly (T2) & 1no Hawthorn (T3).

Applicant: Rev of St Andrews Church

**Approved on 30 Jun 2015**

**Application No: BH2015/02146**

**83 Church Road, Hove**

Fell 1no Sycamore

Applicant: Dr Paul Redstone

**Refused on 06 Jul 2015**

**Application No: BH2015/02376**

**St Andrew's Church, 163 Church Road, Hove**

1no Purple Plum (T6) - reduce and re-shape crown by 30%; 2no Yews (G2) - raise crown over pavement to give a maximum clearance of 3m, prune foliage overhanging lych gate to give maximum clearance of 0.5m.

Applicant: Rev of St Andrews Church

**Approved on 30 Jun 2015**

## **GOLDSMID**

**Application No: BH2015/02039**

**40b Cromwell Road, Hove**

1no Horse Chestnut - raise crown to no more than 4m above ground level; reduce in height to no less than 12m above ground level; lateral branches on south side to be reduced by no more than 2 metres.

Applicant: Mr Lloyd Knight

**Approved on 30 Jun 2015**

## **SOUTH PORTSLADE**

**Application No: BH2015/02219**

**6/8 Foredown Drive, Portslade, Brighton**

1no Chinese Privet (T1) - remove one limb on east side at 0.5m high (60mm diameter).

Applicant: Mr Simon Trinder

**Approved on 30 Jun 2015**





**NEW APPEALS RECEIVED****WARD****APPEAL APP NUMBER****ADDRESS****DEVELOPMENT DESCRIPTION****APPEAL STATUS****APPEAL RECEIVED DATE****APPLICATION DECISION LEVEL****HANOVER & ELM GROVE**

BH2014/03825

238 Elm Grove Brighton

Erection of part two, part three storey rear extension and associated alterations to facilitate conversion of single dwelling house to 5 no self - contained flats.

APPEAL LODGED

01/07/2015

Delegated

**WARD****APPEAL APP NUMBER****ADDRESS****DEVELOPMENT DESCRIPTION****APPEAL STATUS****APPEAL RECEIVED DATE****APPLICATION DECISION LEVEL****GOLDSMID**

BH2014/03311

1 Nizells Avenue Hove

Demolition of existing dwelling and erection of new residential building containing basement car park, 6no two bedroom flats, 1no three bedroom flat and 2no three bedroom houses (C3) with associated landscaping works.

APPEAL LODGED

06/07/2015

Delegated

**WARD****APPEAL APP NUMBER****ADDRESS****DEVELOPMENT DESCRIPTION****APPEAL STATUS****APPEAL RECEIVED DATE****APPLICATION DECISION LEVEL****ST. PETER'S & NORTH LAINE**

BH2014/04332

35 Providence Place Brighton

Conversion of first floor from storage (B8) to self contained flat.

APPEAL LODGED

09/07/2015

Delegated

**WARD****APPEAL APP NUMBER****ADDRESS****DEVELOPMENT DESCRIPTION****APPEAL STATUS****APPEAL RECEIVED DATE****APPLICATION DECISION LEVEL****EAST BRIGHTON**

BH2014/04026

1 Bristol Mews Bristol Gardens Brighton

Erection of single storey extension to front and erection of infill extension to rear. Alterations and extension to roof including installation of front dormer, installation of 6no rooflights and revised fenestration.

APPEAL LODGED

07/07/2015

Delegated

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<b><u>WARD</u></b>	<b>GOLDSMID</b>
<u>APPEAL APP NUMBER</u>	BH2015/00647
<u>ADDRESS</u>	40 Lyndhurst Road Hove
<u>DEVELOPMENT DESCRIPTION</u>	Installation of rooflights to front and rear elevations.
<u>APPEAL STATUS</u>	APPEAL LODGED
<u>APPEAL RECEIVED DATE</u>	13/07/2015
<u>APPLICATION DECISION LEVEL</u>	Delegated

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<b><u>WARD</u></b>	<b>HANOVER &amp; ELM GROVE</b>
<u>APPEAL APP NUMBER</u>	BH2014/04109
<u>ADDRESS</u>	16a Islingword Road Brighton
<u>DEVELOPMENT DESCRIPTION</u>	Erection of rear extension at second floor level.
<u>APPEAL STATUS</u>	APPEAL LODGED
<u>APPEAL RECEIVED DATE</u>	13/07/2015
<u>APPLICATION DECISION LEVEL</u>	Delegated

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<b><u>WARD</u></b>	<b>REGENCY</b>
<u>APPEAL APP NUMBER</u>	BH2015/00309
<u>ADDRESS</u>	52 East Street Brighton
<u>DEVELOPMENT DESCRIPTION</u>	Display of internally illuminated projecting sign and externally illuminated fascia and window signs.
<u>APPEAL STATUS</u>	APPEAL LODGED
<u>APPEAL RECEIVED DATE</u>	13/07/2015
<u>APPLICATION DECISION LEVEL</u>	Delegated

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<b><u>WARD</u></b>	<b>GOLDSMID</b>
<u>APPEAL APP NUMBER</u>	BH2014/04325
<u>ADDRESS</u>	Flat 1 55 The Drive Hove
<u>DEVELOPMENT DESCRIPTION</u>	Internal alterations to layout of flat. (Retrospective)
<u>APPEAL STATUS</u>	APPEAL LODGED
<u>APPEAL RECEIVED DATE</u>	13/07/2015
<u>APPLICATION DECISION LEVEL</u>	Delegated

**Brighton & Hove  
City Council****INFORMATION ON HEARINGS / PUBLIC INQUIRIES  
5<sup>th</sup> August 2015**

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**This is a note of the current position regarding Planning Inquiries and Hearings**  
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**Brighton College, Eastern Road, Brighton**

Planning application no:	BH2014/02054
Description:	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.
Decision:	Planning Committee
Type of appeal:	Informal Hearing
Date:	TBC
Location:	TBC



**APPEAL DECISIONS**

	<b>Page</b>
<b>A – 53 ST ANDREWS ROAD, PORTSLADE – SOUTH PORTSLADE</b>	<b>301</b>
Application BH2014/03952 – Appeal against refusal to grant planning permission for erection of a single storey rear extension. <b>APPEAL ALLOWED</b> (delegated decision)	
<b>B – 33 WOODHOUSE ROAD, HOVE – WISH</b>	<b>303</b>
Application BH2014/04251 – Appeal against refusal to grant planning permission for a ground floor rear extension and ground floor side extension to infill the corner of extensions approved under BH2014/03322. <b>APPEAL ALLOWED</b> (delegated decision)	
<b>C – 17 - 19 DUKE STREET, BRIGHTON – REGENCY</b>	<b>305</b>
Applications (a) BH2014/01619 & (b) BH2014/03331 – Appeals against refusal to grant planning permission (a) for proposed change of use from A1 shop to A3 restaurant and (b) change of use of 18 - 19 Duke Street from A1 shop to A3 restaurant. <b>(a) APPEAL DISMISSED; (b) APPEAL ALLOWED</b> (delegated decision)	
<b>D – 12 &amp; 14 SOUTHOVER STREET, BRIGHTON – HANOVER &amp; ELM GROVE</b>	<b>311</b>
Application BH2013/04295 – Appeal against refusal to grant planning permission for clearing of debris from site, including a hard-standing and derelict brick outhouse1. Erection of two new dwelling houses. 1 Two-storey two bedroom house.2. Two-storey one bedroom house. <b>APPEAL DISMISSED</b> (delegated decision)	
<b>E – 46 LYNTON STREET, BRIGHTON – HANOVER &amp; ELM GROVE</b>	<b>315</b>
Application BH2014/01381 – Appeal against refusal to grant planning permission for proposed change of use from C3 Residential to C4 House in Multiple Occupation (HMO)O enforcement action for alleged breach of planning controls in relation to change of use from a dwelling house (C3) to use as a house in multiple occupation (HMO). <b>APPEAL ALLOWED</b> (delegated decision)	

**F – LAND REAR OF 201 PRESTON DROVE, BRIGHTON – PRESTON PARK 319**

Application BH2014/03971 – Appeal against refusal to grant planning permission for proposed new dwelling on site with associated bin store, bike storage and amenity space. **APPEAL ALLOWED** (delegated decision)

**G – 14 OVERHILL DRIVE, PATCHAM, BRIGHTON – PATCHAM 325**

Application BH2014/03782 – Appeal against refusal to grant planning permission for creation of a raised decking area adjacent to the rear of the property, being less than 65 of the overall amenable space at the rear of the property. **APPEAL DISMISSED** (delegated decision)

**H – 21 CLERMONT ROAD, BRIGHTON – WITHDEAN 327**

Application BH2014/03446 – Appeal against refusal to grant planning permission for alterations to the ground floor front elevation including relocation of the existing front door. **APPEAL ALLOWED** (delegated decision)

**I – 137 MARINE DRIVE, ROTTINGDEAN, BRIGHTON – ROTTINGDEAN COASTAL 329**

Application BH2014/03801 – Appeal against refusal to grant planning permission for removal of existing porch and front bay to the existing ground floor level. Roof extension to raise the roof and enclosed balcony to the front. **APPEAL DISMISSED** (delegated decision)

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# Appeal Decision

Site visit made on 22 June 2015

**by Martin Andrews MA(Planning) BSc(Econ) DipTP & DipTP(Dist) MRTPI**  
an Inspector appointed by the Secretary of State for Communities and Local Government

**Decision date: 15 July 2015**

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**Appeal Ref: APP/Q1445/D/15/3011314**  
**53 St Andrews Road, Portslade, Brighton BN41 1DB**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr David Connell against the decision of Brighton & Hove City Council.
  - The application, Ref. BH2014/03952, dated 24 November 2014, was refused by notice dated 13 February 2015.
  - The development proposed is the erection of a single storey rear extension.
- 

## Decision

1. The appeal is allowed and planning permission is granted for the erection of a single storey rear extension at 53 St Andrews Road, Portslade, Brighton in accordance with the terms of the application, Ref. BH2014/03952, dated 24 November 2014, subject to the following conditions:
  - 1) The development hereby permitted shall begin before the expiration of three years from the date of this Decision;
  - 2) The development hereby permitted shall be carried out in accordance with the following approved plan: Drawing No. 12601.10;
  - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

## Main Issue

2. The main issue is the effect of the proposed extension on the character and appearance of the host dwelling.

## Reasons

3. The appeal scheme seeks to replace an existing long established addition to the outrigger but to a maximum depth of about 2.4m rather than the present 4m for part of this extension. The proposed building would wrap around the outrigger to infill the space between it and the plot boundary with an access path separating the dwelling from No. 55.
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4. As this area between the outrigger and the boundary can be built on as permitted development (confirmed by Prior Approval Application Ref. 2014/04319), and also bearing in mind the existing extension, I consider the key issue is essentially the development of the relatively small wrap around area that forms the base of the 'L' in the L shaped development. In this regard the Council's SPD12 Design Guide for Extensions and Alterations 2013 ('the SPD') resists such extensions, both to avoid harm to the living conditions of adjoining occupiers and preserve the original plan form of the building.
5. In this case only the latter objective is relevant because the Council acknowledges that because of the design of the extension and the separating access path there would not be an adverse effect on the neighbours.
6. However, whilst I acknowledge the guidance in the SPD, I do not consider that the proposal would conflict with proviso a) of Policy QD14 of the Brighton & Hove Local Plan 2005. The extension would not be visible from any public vantage point and from the rear garden of the appeal dwelling and neighbouring gardens the original plan form of the house would be easily perceived from the upper elevations of the building. Furthermore, matching external materials would ensure that the additions would be in keeping with the host property.
7. This is essentially the view taken by the Council in 2010 in approving the near identical proposal at No. 49 and the appellant makes the valid point that whilst that scheme pre-dates the SPD, the analysis in the officer report was also based on Local Plan Policy QD14. This continues to be the key policy for the current proposal.
8. I also accept the argument for the appellant that current Government policy in the form of the National Planning Policy Framework 2012 ('the Framework'), the Planning Practice Guidance 2014, recent Government relaxations on permitted development, and the recent decisions taken by Inspectors on similar proposals in Brighton are all in general terms supportive of an extension that would not have an adverse effect the character and appearance of the surroundings, in particular the street scene.
9. Taking these factors into account I conclude that the proposed extension would not have an unacceptably harmful effect on the character and appearance of the host dwelling. It would not therefore be contrary to Local Plan Policy QD14 or in conflict with Section 7: 'Requiring good design' of the Framework. I acknowledge that the wrap around element would be contrary to SPD12 but I have explained the reason why I do not consider this to be determinative in this case. The appeal is therefore allowed.
10. In allowing the appeal I shall impose a condition requiring the development to be carried out in accordance with the approved plans for the avoidance of doubt and in the interests of proper planning. A condition stipulating external materials matching those of the host dwelling will ensure that the extension has a satisfactory appearance.

*Martin Andrews*

INSPECTOR



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# Appeal Decision

Site visit made on 22 June 2015

**by Martin Andrews MA(Planning) BSc(Econ) DipTP & DipTP(Dist) MRTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 9 July 2015**

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**Appeal Ref: APP/Q1445/D/15/3010717**

**33 Woodhouse Road, Hove, Brighton BN3 5NA**

- 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 Deborah Tallon against the decision of Brighton & Hove City Council.
  - The application, Ref. BH2014/04251, dated 17 December 2014, was refused by notice dated 10 March 2015.
  - The development proposed is a ground floor rear extension and a ground floor side extension to infill the corner of extensions approved under BH2014/03322.
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## Decision

1. The appeal is allowed and planning permission is granted for a ground floor rear extension and a ground floor side extension to infill the corner of extensions approved under BH2014/03322 in accordance with the terms of the application, Ref. BH2014/04251, dated 17 December 2014, subject to the condition that the development hereby permitted shall be carried out in accordance with the following approved plans: Drawing Nos. 1227:01 & 1227:03.

## Main Issues

2. The main issues are (i) the effect of the combined extensions, including the wrap around section, on the character and appearance of the host dwelling, and (ii) the effect on the living conditions for the occupiers of No. 35 Woodhouse Road as regards light and outlook.

## Reasons

3. In respect of the first issue, the Council acknowledges that side and rear extensions can be built to the same design, size and materials that now exist under the Lawful Development Certificate approved under reference BH2014/03322. Whilst the Council is correct to argue that a grant of permission for the retrospective application in this appeal is needed to regularise the whole structure, I consider that the main consideration is the acceptability or otherwise of the wrap around section that makes the side and rear additions a single area of living space as shown on submitted Drawing No. 1227:03.
  4. In the event, the Council has given a lead on the effect of a wrap around in its approval of the similar side and rear extensions at No. 35, the other half of the
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semi-detached pair. The Decision Notice for application reference BH2011/01889 states that '*The proposed development would not be detrimental to the character and appearance of the property or the wider street scene*'. I agree with this planning judgement as now also being applicable to No. 33 and do not consider that the marginally greater depth and the full span across the rear elevation in the current scheme are material to that comparison.

5. I acknowledge that since the permission at No. 35 the Council has published its SPD12 Design Guide for Extensions and Alterations, which does not favour wrap around extensions, because they do not preserve the original plan of the building and have the potential to have an adverse effect on adjacent residents. However the planning judgement in respect of No. 35 was made in relation to Policy QD14 of the Brighton & Hove Local Plan 2005 and it is this same policy that has informed the refusal in this appeal.
6. Turning briefly to the second issue, the appeal statement appears to have correctly established that the rear extension does not conflict with the 45-degree rule as regards the impact on No. 35. In any event I have no similar analysis from the Council to make a comparison. Furthermore, contrary to the Council's assertion, I consider that bearing in mind the appellant's family circumstances the fallback position would be likely to be implemented and this would result in exactly the same effect under permitted development. I also agree with the appellant that the boundary fence already restricts the outlook from No. 35.
7. I conclude on the first issue that the proposal would not have a harmful effect on the character and appearance of the host building in conflict with Local Plan Policy QD14 and on the second issue that the living conditions for the occupiers of No. 35 in terms of light and outlook would not be adversely affected contrary to Local Plan Policy QD27. On both issues the proposal would accord with Section 7: 'Requiring good design' of the National Planning Policy Framework 2012, whilst the case for the appellant has spelt out in some detail why other policies in the Framework can reasonably be cited as offering general support for permission being granted.
8. I have taken account of neighbour objections to the scheme. To the extent that they relate to the main issues in this appeal, I have already made my view clear that the extensions would not have the adverse effects as alleged by the Council. In respect the allegation of 'abuse of the planning process', this is not a matter that falls within my remit in this appeal. However, the fact that the application is retrospective has made no difference to my planning judgement.
9. For the reasons explained above I shall allow the appeal. Although the application is retrospective, a condition on compliance with the approved plans is required for the avoidance of doubt and in the interests of proper planning.

*Martin Andrews*

INSPECTOR



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## Appeal Decisions

Site visit made on 15 April 2015

by **G J Rollings BA(Hons) MA(UD) MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 17 July 2015

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### **Appeal A: APP/Q1445/W/14/3001155** **17-19 Duke Street, Brighton, BN1 1AH**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr David Dyan against the decision of Brighton & Hove City Council.
  - The application Ref BH2014/01610, dated 11 May 2014, was refused by notice dated 29 September 2014.
  - The development proposed is change of use from A1 shop to A3 restaurant.
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### **Appeal B: APP/Q1445/W/14/3001021** **17-19 Duke Street, Brighton, BN1 1AH**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr David Dyan against the decision of Brighton & Hove City Council.
  - The application Ref BH2014/03331, dated 5 October 2014, was refused by notice dated 1 December 2014.
  - The development proposed is the change of use of 18-19 Duke Street from A1 shop to A3 restaurant and retention of 17 Duke Street as a shop unit.
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## Decisions

1. **Appeal A** is dismissed.
2. **Appeal B** is allowed and planning permission is granted for the change of use of 18-19 Duke Street from A1 shop to A3 restaurant and retention of 17 Duke Street as an A1 shop unit at 17-19 Duke Street, Brighton, BN1 1AH in accordance with the terms of the application, Ref BH2014/03331, dated 5 October 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 plan; A265 31; A265 32 b; A265 33 b; A265 35; A265 36.
  - 3) Noise associated with the plant and machinery incorporated within the development shall be permanently controlled such that the Rating Level measured or calculated at 1-metre from the facade 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 in BS 4142:2014.

- 4) The A3 premises hereby approved shall not be open for customers outside the hours of 0900 to 2300 on any day.

### **Applications for costs**

3. Applications for costs were made by Mr David Dyan against Brighton & Hove City Council, in respect of both Appeal A and Appeal B. These are the subject of separate Decisions.

### **Procedural matter**

4. The appeal property is within the Old Town Conservation Area. There is no dispute between the parties that the proposed physical works to the property, which would be minor in nature, would not have an adverse effect on the character or appearance of the Conservation Area. Having considered the proposal and visited, the site I concur with that view. Accordingly, it is my view that the development proposed would preserve the character and appearance of the designated area for the purposes of its designation as a Conservation Area, and I shall make no further reference to this matter.

### **Background and Main Issue**

5. Appeal A and Appeal B are both made in respect of the same site. The proposals within both appeals are also similar in layout and form; the main difference being the inclusion of a shop unit at 17 Duke Street within the Appeal B scheme, as set out within the relevant descriptions above. The Council's reasons for refusal for each of the respective applications varied only slightly, and I consider the main issue to be the same for both appeals. Having considered the evidence from the main parties, I have defined the main issue to be the effect of the proposed development on the vitality and vibrancy of the regional shopping centre, with particular regard to the centre's retail function.

### **Reasons**

6. The appeal site occupies prime frontage within the within the Brighton regional shopping centre, as defined within the *Brighton and Hove Local Plan (2005)* (hereafter referred to as the 'Local Plan'). Local Plan Policy SR4 sets an upper level of non-retail uses within frontages of shopping streets allocated as prime frontage. Effectively, a minimum of 75% of frontages should retain A1 uses, with changes of use from A1 retail to other A-class uses permitted, subject to meeting the other criteria within the policy. One of these is to ensure that there would not be a significant break in the shopping frontage of more than 10m. The accompanying text stresses the importance of this policy to the economic and social life of the City, and in retaining its position as the dominant shopping destination within the surrounding region.
7. Retail occupancies are the most common ground-floor uses in Duke Street. The street is lively and vibrant, with a healthy mix of shops, and the other A-class uses do not detract from the predominantly retail character of the street. The shop frontages of individual units tend to be narrow, reflecting the architectural history of the buildings to which they belong, although in a small number of tenancies occupy more than one unit, thereby having a longer shopfront facing onto to the street. The area immediately surrounding the site

- is distinctly retail in nature; whilst there are to A2 (bank) uses on each corner of the intersection of West Street, the non-retail uses tend to be located more towards the eastern end of Duke Street. Although the distance between the two areas is relatively small, the high level of activity and density of uses within the street means that the shift in character between both areas is particularly noticeable.
8. During my site visit, I noted 37 properties with ground floor shopfronts within Duke Street. This number includes the units occupying properties with more than one street frontage, and which have active frontage onto Duke Street, as well as the appeal site. Taking into account the consolidation of units, there were 34 separate occupancies. The only vacant unit at the time of my visit was being fitted out as a bagel shop, and there was no outward indication of any changes to building leases or occupancies. As such I consider that this is likely to represent a reasonably accurate reflection of the street at the present time. My count approximates to the Council's evidence which states that there are 32 occupancies. Given that the appellant agrees with the Council's figures and methodology, I have used the lower (Council) number within my calculations.
  9. The Council considers that the Appeal A and Appeal B proposals would result in Duke Street having about 29% and 27% of units occupied by non-retail uses, respectively. Both schemes would result in 9 non-retail occupancies on the street. As such, both schemes would raise the level of non-retail occupancies to more than the 25% level set out within Local Plan Policy SR4.
  10. Furthermore, the appeal scheme A scheme would result in the site's shopfront, which would be about 11.6 metres (with a display area of about 10.4 metres) being converted from A1 use. Whilst the shopfront would be likely to remain an active frontage, a conversion of this length would fail to comply with the relevant criterion of Local Plan Policy SR4. I have taken into account the appellant's argument that this length is only slightly above that policy's 10-metre requirement, and that flexibility could be applied. However, taking into account the likely effect the change of use within the Appeal A scheme and its effect on the immediate character of this part of the street, as well as the length of the shopfront, I consider that this proposal would be sufficient to have a detrimental impact on predominant retail function of the street.
  11. The appeal B scheme would include a shop, independent of the proposed A3 use, to be self-contained with its own entrance and shopfront. This would reduce the length of shopfront to be included within the change of use, to less than 10 metres. Additionally, there would be no overall decrease within the number of A1 premises within the street. The smaller size of the A3 unit, compared with the Appeal A proposal, would have only a small impact on the overall retail character of the street, and the creation of a new doorway within the shopfront (for the A1 use) would potentially be beneficial to the activity of the street. Whilst the addition of the A3 use would still raise the non-retail threshold above the policy specified level, I consider that there would be no significant harm arising from the Appeal B scheme.
  12. With respect to Appeal A, I therefore conclude that the proposed development would have a harmful effect on the vitality and vibrancy of the regional shopping centre, with particular regard to the centre's retail function. It would also conflict with Local Plan Policy SR4, for the reasons set out above.

13. With respect to Appeal B, I therefore conclude that the proposed development would not have a harmful effect on the vitality and vibrancy of the regional shopping centre, with particular regard to the centre's retail function. It would not conflict with the aims of Local Plan Policy SR4, for the reasons set out above.

### **Conclusion and conditions**

14. For the reasons set out above, and having regard to all other matters raised, I conclude that **Appeal A** should be dismissed.
15. For the reasons set out above, and having regard to all other matters raised, I conclude that **Appeal B** should be allowed.
16. The Council has specified conditions which I have considered in light of the tests set out in the Practice Planning Guidance (PPG). These apply only in respect of Appeal B. Conditions 1 and 2 are required in the interests of proper planning and for the avoidance of doubt. Condition 3 is required to ensure that the proposed development does not harm the living conditions of surrounding occupiers, or the conditions of others using the area.
17. I have clarified in condition 4 that the proposed opening times refer only to the A3 use. In addition, I have considered the appellant's comments on the opening hours suggested by the Council, but I could find no evidence that the other restaurants on the street, namely Browns and Nando's, currently open later than 2300, although Browns has a separate bar which closes later on Friday and Saturday nights. As such, I have retained the Council's suggested closing time. However, I have extended the weekend operating hours to midnight, and brought forward the morning opening time by an hour, in line with Browns' current operating hours. This condition is necessary to preserve the living conditions of surrounding occupiers, and to limit the development's potential impact on disorder.

*G J Rollings*

INSPECTOR





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## Costs Decisions

Site visit made on 15 April 2015

by **G J Rollings BA(Hons) MA(UD) MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

**Decision date: 17 July 2015**

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### **Costs application A in relation to Appeal ref: APP/Q1445/W/14/3001155 17-19 Duke Street, Brighton, BN1 1AH**

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
  - The application is made by Mr David Dyan for a full award of costs against Brighton & Hove City Council.
  - The appeal was against the refusal of planning permission for a change of use from A1 shop to A3 restaurant.
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### **Costs application B in relation to Appeal ref: APP/Q1445/W/14/3001021 17-19 Duke Street, Brighton, BN1 1AH**

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
  - The application is made by Mr David Dyan for a full award of costs against Brighton & Hove City Council.
  - The appeal was against the refusal of planning permission for the change of use of 18-19 Duke Street from A1 shop to A3 restaurant and retention of 17 Duke Street as a shop unit.
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### **Decisions**

1. **Costs application A:** The application for an award of costs is refused.
2. **Costs application B:** The application for an award of costs is refused.

### **Reasons**

3. 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.
4. The appellant notes that the Council incorrectly assessed the number and type of units operating within the frontage units on Duke Street. This was a consideration impacting the acceptability of the scheme, particularly in relation to Costs application B in which this was the main factor. However, notwithstanding the fact that I reached a slightly different final count to that undertaken by the Council and appellant based on the time of my visit, the Council's survey reflects a fair assessment of the street, and its methodology is clear. Given these factors, I am not convinced that the Council misinterpreted its policies or was mistaken in its assessment of the number of retail units on the street in this instance. Even so, As such, I do not consider that unreasonable behaviour was demonstrated.

5. In relation to the applicant's second point in Costs application A, the Council assessed the entire length of the frontage whereas the applicant's parameters represented a variation. In any case, both assessments were over the Council's 10m benchmark. Although I reached a different conclusion to the Council, I do not consider that the Council has failed to consider the wider effects of the proposal or that it has acted unreasonably in this case. The applicant also considers that the Council did not consider the effect on pedestrian flows, however it did refer to other supporting arguments within its report, and the omission of this specific point does not necessarily mean that it was not considered. In any case, its specific inclusion would have been unlikely to result in a different overall outcome.
6. In relation to both points of application, the Council's explanation was clear, and precise reasons for refusal were offered, which related to adopted policies. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated. For the reasons given above, I refuse the applications for an award of costs.

*G J Rollings*

INSPECTOR





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## Appeal Decision

Site visit made on 29 June 2015

by **J L Cheesley BA(Hons) DIPTP MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 9 July 2015

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**Appeal Ref: APP/Q1445/W/15/3007987**

**12 and 14 Southover Street, Brighton, East Sussex BN2 9UA**

- 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 Alan Teague against the decision of Brighton and Hove City Council.
  - The application Ref BH2013/04295 dated 17 December 2013 was refused by notice dated 18 September 2014.
  - The development proposed is clearing of debris from site, including a hard-standing and derelict brick outhouse. Erection of two new dwelling houses. 1. Two-storey two bedroom house. 2. Two-storey one bedroom house.
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### Decision

1. The appeal is dismissed.

### Main Issues

2. I consider the main issues to be:

the effect of the proposal on the living conditions of occupiers of neighbouring properties, with particular reference to visual impact: and

the effect of the proposal on the living conditions of occupiers of the proposed one bedroom dwelling, with particular reference to privacy.

### Reasons

3. The adjacent terrace of dwellings in Hannover Terrace has extremely small courtyards. The courtyard at 56 Hannover Terrace is split level. Due to the height of the proposed one-bedroom dwelling at such close proximity to this courtyard and that at 57 Hannover Terrace, I consider the proposed dwelling would unacceptably overwhelm these areas, creating an unacceptable sense of enclosure and making them less pleasant places to use. This would be to the detriment of the living conditions of neighbours.
4. The proposed one-bedroom dwelling would be situated adjacent to the dwelling at 15 Southover Street. The Council has raised concern regarding outlook from the rear windows in this neighbouring property. At my site visit I was able to view the rear of the site and the rear windows in 15 Southover Street from the dwelling and courtyard at 56 Hannover Terrace. The rear windows in 15 Southover Street have a limited outlook at present due to their orientation and

proximity to neighbouring development. Due to the position and bulk of the proposed one-bedroom dwelling, I consider that it would not have a significantly adverse impact on the outlook from these windows.

5. The Council has raised concern regarding overlooking and perceived overlooking from the rear garden of 15 Southover Street into the ground floor bedroom window in the proposed one-bedroom dwelling. Whilst the Council has not withdrawn this reason for refusal, I understand that the Council has subsequently granted planning permission for an annexe in a similar location with a larger ground floor bedroom window.
6. I did not view the appeal site from the rear garden of 15 Southover Street. Any overlooking would have to be at an oblique angle over rear walls. Whilst there may be potential for some overlooking into the ground floor bedroom window, due to the position and orientation of these neighbouring properties and local topography, I do not consider there would be a significant loss of privacy or perceived loss of privacy for future occupiers.

#### *Other Considerations*

7. The Council has not raised concern regarding the character or appearance of the Valley Gardens Conservation Area, which straddles the site and is a designated heritage asset.
8. The *Planning (Listed Buildings and Conservation Areas) Act 1990* imposes duties requiring special regard to be had to the desirability: at Section 72(1), of preserving or enhancing the character or appearance of a Conservation Area.
9. The National Planning Policy Framework advises 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.
10. From my observations, I consider the proposed contemporary development would enhance the character and appearance of the Conservation Area. In particular, the proportions of the proposed dwellings would be in keeping with the scale of surrounding development. However, in the light of the harm I have identified above, this matter does not justify allowing the appeal.
11. The Council has not raised concern regarding the proposed two-bedroom dwelling and I concur with their view. In this particular instance I do not consider it appropriate to allow this dwelling in isolation, as to do so would not result in a comprehensive redevelopment of the whole site.

#### *Conclusion*

12. In reaching my conclusion, I have had regard to all matters raised upon which I have not specifically commented. I have found that the proposal would not have an adverse effect on future occupiers or on occupiers of 15 Southover Street. However, I have found that it would have significant adverse impact on the living conditions of neighbours in Hannover Terrace. This is sufficient to dismiss the appeal.
13. For the above reasons, the proposal would be contrary to Policy QD27 in the Brighton and Hove Local Plan 2005, where it seeks to ensure that development does not have an adverse effect on residential amenity. I consider this policy to be broadly in accordance with the Framework as far as it meets the

- Framework's core principles; particularly that planning should be seeking a good standard of amenity for all existing occupants of land and buildings.
14. The Council has stated that there is no agreed up-to-date housing provision target against which to assess a five-year housing land supply position. The Framework states at paragraph 49 that *relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.*
  15. It must be acknowledged that at the heart of the Framework is the presumption in favour of sustainable development. It sets out the three dimensions that need to be considered, and that the roles should not be taken in isolation.
  16. I recognise the economic benefits of the proposal, particularly in terms of construction of the development and the social role of providing additional accommodation. However, taking the three dimensions together, in the light of my concerns regarding the environmental impact of the proposal on neighbours, I consider that the benefits I have acknowledged would arise from the proposal are not outweighed by this harm. Thus, I consider that the proposal would not constitute sustainable development.

*J L Cheesley*

INSPECTOR





## Appeal Decision

Site visit made on 26 May 2015

**by Mr C J Tivey BSc (Hons) BPI MRTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 1 July 2015**

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### **Appeal Ref: APP/Q1445/W/14/3001930**

### **46 Lynton Street, Brighton BN2 9XR**

- 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 L Golding against the decision of Brighton and Hove City Council.
  - The application Ref BH2014/01381, dated 29 April 2014, was refused by notice dated 12 August 2014.
  - The development proposed is for the change of use of 46 Lynton Street from C3 Residential to C4 House in Multiple Occupation (HMO).
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### **Decision**

1. The appeal is allowed and planning permission is granted for the change of use from C3 Residential to C4 House in Multiple Occupation (HMO) at 46 Lynton Street, Brighton BN2 9XR, in accordance with the terms of the application Ref BH2014/01381, dated 29 April 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: 13431-Loc, 13431-100 and 13431-101.

### **Main Issue**

2. The main issue is the effect of the proposal on the living conditions of local residents in terms of ensuring a mixed and balanced community.

### **Reasons**

3. The appeal site is situated within a residential street comprising predominantly two storey terraced houses; four of which are listed on the Council's Register of Licensed HMO properties.
  4. Policy CP21 of the Brighton and Hove City Plan Part 1 (BHCP) is under examination and therefore has not been adopted. However this is essentially a two part policy: Part i) is concerned with purpose-built student accommodation, whereas Part ii) centres upon HMOs. It is understood that objections have been raised to the first part of this policy, but not the second. Taking into account the advanced stage of examination and its consistency with the National
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Planning Policy Framework (the 'Framework') I consider that the part of the policy concerned with HMOs should be afforded significant weight.

5. In order to support mixed and balanced communities, policy CP 21 ii) states that applications for a change of use to HMOs will not be permitted where more than 10% of residences within a radius of 50m of the application site are already in such a use, including mixed C3/C4 uses. A mapping exercise has taken place which identifies 93 properties within this radius, out of which the Council has stated that there are 13 registered as C4 dwellings or HMOs, although it has not provided any evidence to substantiate this claim.
6. The appellant highlights, with evidence, that of these 13, only 9 have the benefit of a full HMO Licence and/or permission for a C4 Use, and which the Council has not challenged. The wording of Policy CP21 ii) is quite clear in that it prohibits additional proposals for HMOs where more than 10% of residences within the 50m radius are already in such uses as described above. Therefore, as it stands upon the evidence before me, 9.6% of the 93 properties located within the 50m radius are in such a use. Consequently, there is no conflict between the proposal and this policy, as those properties that only have a draft licence issued cannot be considered to be in a lawful HMO use. From this basis, I consider that the proposed change of use would maintain a mixed and balanced community with the overall level of HMOs in the area remaining low.
7. Whilst I acknowledge that only four bedrooms are shown on the submitted proposed plan and that a C4 use could allow living accommodation for up to six people, there is nothing to suggest that this would be the case in this instance, or that a more intensive occupation along these lines would give rise to a material increase in noise and disturbance to local residents. I realise that the Council is concerned with the incremental and cumulative impacts of having high concentrations of HMOs within residential areas, but that is the purpose of the 10% threshold. The occupation of HMOs may generally be more transient in nature than C3 dwellinghouses, however, I have not been made aware of any technical evidence that indicates that this causes a specific issue within the immediate locality, although I do acknowledge that existing residents would like to preserve the living conditions that they currently enjoy.
8. I also note third party concerns with regard to an increase in traffic associated with HMOs, however no objections were raised by the Local Highway Authority with respect to trip generation and/or car parking. I have no reason to reach a different conclusion on this issue. Matters of overlooking from the loft of the property are also noted, but this is an existing feature, and is not the subject of the proposal before me. In any case the window would continue to serve a bedroom, irrespective of either the existing or proposed use. I note the concerns of immediate neighbours with regard to existing late night activity which can cause disruption, however as in the 30 Colbourne Avenue appeal that was referred to me (Ref. APP/Q1445/A/14/2214205), there is no substantive basis to conclude that the provision of an HMO in this case would necessarily result in a material increase of nuisance or loss of amenity to adjacent residents.
9. Consequently, there is no clear evidence that demonstrates that the proposal fails to support a mixed and balanced community. The proposal complies with BHCP policy CP21 ii) and Policy QD27 of the Brighton and Hove Local Plan

(2005) as the proposed change of use would not cause material nuisance and loss of amenity to existing and or adjacent residents.

**Conclusion and Conditions**

10. For the reasons set out above and having regard to all other matters raised, I conclude that the appeal should succeed.
11. Other than the standard time limit condition, the Council has suggested a condition requiring that the development is carried out in accordance with the approved plans, for the avoidance of doubt and in the interests of proper planning, I consider such a condition to be necessary. However, with respect to the storage of cycles and refuse, I noted from my site visit that the access to the rear garden is via patio doors serving the kitchen; this outdoor amenity space, whilst of a modest area, provides ample space for such storage and, therefore, I consider conditions requiring the submission of specific details of such to be unnecessary in this instance.

*C J Tivey*

INSPECTOR







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## Appeal Decision

Site visit made on 2 June 2015

**by Cullum J A Parker BA(Hons) MA MRTPI AIEMA**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 6 July 2015**

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**Appeal Ref: APP/Q1445/W/15/3002935**

**Land to the rear of 201 Preston Drove, Brighton, East Sussex, BN1 6FL**

- 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 R Spence against the decision of Brighton & Hove City Council.
  - The application Ref BH2014/01400, dated 23 April 2012, was refused by notice dated 25 July 2015.
  - The development proposed is described as 'proposed new dwelling on site with associated bin store, bike storage and amenity space'.
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### Decision

1. The appeal is allowed and planning permission is granted for proposed new dwelling on site with associated bin store, bike storage and amenity space at Land to the rear of 201 Preston Drove, Brighton, East Sussex, BN1 6FL in accordance with the terms of the application, Ref BH2014/01400, dated 23 April 2012, subject to the conditions set out in Appendix A.

### Main Issues

2. The main issues are the effect of the proposed development on the character and appearance of the street scene, and on the living conditions of adjoining occupiers with specific regard to daylight and privacy at No 72 Hythe Road.

### Reasons

#### *Character and appearance*

3. The appeal site is located within in a residential area of Brighton, being positioned between two existing dwellings. There is an existing garage structure on the site which would be removed as part of the appeal scheme, with the proposed dwelling facing onto Hythe Road. The principle of the erection of a residential dwelling on the site has already been established by earlier planning permissions, as detailed in the written evidence. I see no reason to disagree with this principle given the location of the site within a residential area of the city. I also note that the rearmost part of the garden area abuts the Preston Park Conservation Area.
4. Of the two flanking buildings, that to the west dates from around the 1970s or 1980s and is reflected in the design proposed in terms of height, the rear dormer arrangement and style. The Council points to the fact that these dwellings, in their view, are poorly designed and harmful additions to the locality. However, as the proposed rear elevation would be similar in height,

design and detailing to these properties, it is difficult to see how the proposed dwelling would detract from these. In terms of the front elevation, the council considers the proposed dormer to be poorly designed and would be contrary to the Council's adopted Roof Alterations and Extensions Supplementary Planning Document 2013 (SPD), which supports Policies QD1, QD2 and QD27 of the Brighton and Hove Local Plan 2005 (BHLP). In particular, this indicates that there should be no large areas of cladding.

5. In this case, there would be a small area of cladding in between the two main windows within the dormer. However, this would allow the glazed areas to have a degree of symmetry with the windows on the lower floors. Moreover, I saw during my site visit that there are other examples of such dormers located within the immediate street scene. In this respect, the proposed dormer would continue to reinforce local distinctiveness. Indeed, the similarities in the rear and front elevations would help ensure that the proposed building would preserve the character and appearance of the locality and street scene by reinforcing the existing built form in scale, bulk, height, design and general appearance. For similar reasons the proposed development would also preserve setting of the character and appearance of the adjoining Preston Park Conservation Area.
6. I therefore conclude that the proposed design of the dwelling would not have a materially harmful effect on the character and appearance of the street scene. The proposed development would therefore accord with the aims of Policies QD1 and QD2 of the BHLP, as supported by the SPD, which amongst other aims seek to ensure that new developments take into account local characteristics including height, scale, bulk and design of existing buildings.

#### *Living conditions*

7. The rear elevations of the properties facing Hythe Road are located on an approximate east-west axis, with the gardens facing in a southerly direction. I note the concerns raised by the Council and neighbour in terms of loss of light arising from the roughly 1.5 metre projection of the rear elevation beyond that of No 72 Hythe Road. However, given its south facing aspect, I do not consider that the proposed development would result in a materially harmful loss of daylight in terms of its footprint or height to occupiers of that dwelling.
8. In terms of privacy, the proposed flat roof area is shown to be screened on either flank. Whilst there could be a degree of overlooking from this area and rear windows of the proposed dwelling, this needs to be tempered by the fact that Hythe Road is already elevated above Preston Drove. This allows the existing occupiers of dwellings on Hythe Road a degree of overlooking, which is not untypical in built up residential areas. Furthermore, I am satisfied that a suitably worded condition could be reasonably imposed which would ensure that both landscaping and boundary treatments could mitigate the potential for overlooking into neighbouring gardens. Moreover, a condition could reasonably be used to ensure that the flat roof area is not used as an external seating area, with access only for maintenance. This would reduce the potential for future occupiers to overlook other garden areas.
9. I therefore conclude that the proposed development would not result in material harm to the living conditions of occupiers of No 72 Hythe Road in terms of loss of daylight or privacy, and other nearby residential dwellings. The proposed development would therefore accord with Policy QD27 of the

BHLP, which, amongst other aims seeks to ensure that proposals would not be granted where it would cause material nuisance and loss of amenity to adjacent residents.

### **Conditions**

10. A number of conditions have been suggested by the Council. I have had regard to Paragraph 206 of the National Planning Policy Framework and the Planning Practice Guidance in terms of the use of planning conditions. In addition to the conditions identified elsewhere in this decision, a condition requiring the development to be carried out in accordance with the submitted drawings is necessary for the avoidance of doubt and in the interests of proper planning. A condition requiring hard surfaces to be of porous materials is necessary in order to reduce the potential for surface water flooding in this urban location. Conditions requiring material samples are necessary and reasonable in the interests of the character and appearance of the street scene. For similar reasons, a condition restricting the erection of cables, wires and pipework not shown on the approved drawings would be acceptable in this case.
11. In terms of the conditions relating to the Code for Sustainable Homes (CfSH), the CfSH has now been withdrawn. Furthermore, they are not specifically referred to in the relevant development plan Policy SU2. As such the imposition of these conditions would not be reasonable. Conditions requiring the submission of cycle parking details, and the implementation of refuse and recycling areas, including their retention, would be reasonable given the underlying aims of the planning system to achieve sustainable development and the limited on street parking provision. Lastly, a condition requiring the building to be constructed to the Lifetime Homes Standard, and retained to that level thereafter, would be reasonable as it would ensure the property serves both current and future needs; as anticipated by Policy HO13 of the BHLP and Paragraph 174 of the National Planning Policy Framework.

### **Conclusion**

12. For the reasons given above, I conclude that the appeal should be allowed.

*Cullum J A Parker*

INSPECTOR

## Appendix A - List of 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: 225PD201/01, 225PD201/02, 225PD201/03, 225PD201/04, 225PD201/05, 225PD201/06, 225PD201/07 & 225PD201/08
- 3) 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.
- 4) Access to the flat roof over the basement level to the rear 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.
- 5) No bargeboards or eaves fascias shall be used in the approved development unless otherwise agreed in writing by the Local Planning Authority.
- 6) No cables, wires, aerials, pipework (except rainwater downpipes as shown on the approved plans), meter boxes or flues shall be fixed to any elevation facing a highway.
- 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.
- 8) No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme for landscaping, which shall include hard surfacing, boundary treatments, planting of the development, indications of all existing trees and hedgerows on the land and details of any to be retained, together with measures for their protection in the course of development.
- 9) All planting, seeding or turfing comprised in the approved scheme of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation. All hard landscaping and means of enclosure shall be completed before the development is occupied.
- 10) Notwithstanding the submitted plans no development shall commence 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.

- 11) The development hereby approved shall not be occupied until the refuse and recycling storage facilities indicated on the approved plans have been fully implemented and made available for use. These facilities shall thereafter be retained for use at all times.
- 12) Notwithstanding the submitted plans the new dwelling hereby permitted shall be constructed to Lifetime Homes standards prior to their first occupation and shall be retained as such thereafter.





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## Appeal Decision

Site visit made on 29 June 2015

by **J L Cheesley BA(Hons) DIPTP MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 16 July 2015

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**Appeal Ref: APP/Q1445/D/15/3013822**

**14 Overhill Drive, Brighton, East Sussex BN1 8WH**

- 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 Iain Breeds against the decision of Brighton and Hove City Council.
  - The application Ref BH2014/03782 was refused by notice dated 14 January 2015.
  - The development proposed is creation of a raised decking area adjacent to the rear of the property, being less than 6% of the overall amenable space at the rear of the property.
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### Decision

1. The appeal is dismissed.

### Main Issue

2. I consider the main issue to be the effect of the proposal on the living conditions of occupiers of neighbouring properties, with particular reference to privacy, noise and disturbance.

### Reasons

3. The appeal property is a semi-detached dwelling where, due to local topography, the rear garden is accessed via steps from the rear door adjacent to a raised concrete area. Whilst I note this narrow area is used for sitting out, it does not have safety barriers.
4. The proposal would increase the width of the existing raised area by a maximum depth of some 1.9 metres. On the boundary to the adjoining dwelling would be a screen comprising a timber panel to a height of approximately 1.1 metres and obscure safety glass above to give an overall height of approximately 2 metres. The rear screen would be glazed panels some 1 metre in height.
5. Whilst I accept that the side screening would prevent direct overlooking of the neighbouring garden and dwelling, even with the existing boundary vegetation, the rear screening would allow for overlooking into the rear garden of the adjoining property. That property has the main sitting out patio directly to the rear of the dwelling. Whilst there is potential for overlooking from the current raised area, the increase in size to a much more useable space, would give

significantly greater opportunity for overlooking. In my opinion, this would be to the detriment of the privacy of neighbours, making their rear patio area a less pleasant place to use. In addition, due to the provision of a much more useable space, I consider there would be significant potential for an increase in the level of noise and disturbance to neighbours.

6. In reaching my conclusion, I have had regard to all matters raised, including raised decking elsewhere, the presence of a raised conservatory at 18 Overhill Drive and a rear dormer at 16 Overhill Drive. Whilst I appreciate that these developments may provide the opportunity for overlooking, I have determined the proposal before me on its individual merits. The combination of potential noise and disturbance and overlooking from the proposed terrace in this open location, has led me to conclude that the proposal would have an adverse effect on the living conditions of neighbours.
7. For the above reasons, the proposal would be contrary to guidance in the Council's SPD12: Design Guide for Extensions and Alterations and Policies QD14 and QD27 in the Brighton and Hove Local Plan 2005, where they seek to protect residential amenity. I consider these policies are broadly in accordance with the National Planning Policy Framework as far as they meet the Framework's core principles; particularly that planning should be seeking a good standard of amenity for all existing occupants of land and buildings.

*J L Cheesley*

INSPECTOR





## Appeal Decision

Site visit made on 29 June 2015

**by Les Greenwood MRTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 16 July 2015**

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### **Appeal Ref: APP/Q1445/D/15/3017915**

#### **21 Clermont Road, Brighton BN1 6SG**

- 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 Alexandra Riepler against the decision of Brighton and Hove City Council.
  - The application Ref BH2014/03446 was refused by notice dated 23 March 2015.
  - The development proposed is the carrying out of alterations to the ground floor front elevation including relocation of the existing front door.
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#### **Preliminary matter**

1. The description of development listed above is taken from the appeal form and the Council's refusal notice. It takes into account amendments to the proposal which were considered by the Council as part of the application.

#### **Decision**

2. The appeal is allowed and planning permission is granted for alterations to the ground floor front elevation including relocation of the existing front door in accordance with the terms of the application Ref BH2014/03446, dated 13 October 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: ADC697/05B and ADC697/06C
  - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

#### **Main issue**

3. The main issue is whether the proposal would preserve or enhance the character or appearance of the building and the Preston Park Conservation Area.
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## Reasons

4. 21 Clermont Road is a 19th Century building, forming the end of a short terrace of shops next to a rail station, within an otherwise residential area. This part of the conservation area is made up largely of handsome, classically designed villas and townhouses.
5. No 21 is now a house, but retains a shopfront with display windows and a central, recessed doorway. The Council submits that this is a well detailed 1860s shop front, but the submitted evidence suggests that it is not the original design. The layout and detailing does not reflect that of the other 2 shops in the row. Corbelled brackets under the first floor window have apparently been lost and the fascia is not positioned to step down following the slope of the street, as do the others. The shop door is in the middle of the frontage, though not vertically aligned with the window above, whereas the other shops have their doors to the side.
6. The proposal is to move the doorway to the side, provide new brackets under the first floor window and lower the level of the fascia, with detailing to match that of No 19. As originally submitted, it also included removal of the entrance door recess. The amended scheme proposes a new recess for the repositioned doorway.
7. I find that the proposal (as amended) has been carefully designed to complement the neighbouring shop fronts. It would reflect their architectural and historic character, creating a better detailed and more harmonious frontage. I conclude that the proposal would enhance the character and appearance of the building and the conservation area. It therefore accords with the aims of Brighton and Hove Local Plan Policies QD10 and HE6 and Supplementary Planning Document 02 *Shop Front Design*, to achieve a high standard of design and detailing in conservation areas, ensuring that alterations to shopfronts respect the style, proportions and detailing of the building and surrounding shopfronts. It furthermore accords with the National Planning Policy Framework's emphasis on securing high quality design that sustains and enhances the significance of heritage assets.
8. I impose a condition listing the approved plans, for the avoidance of doubt and in the interest of proper planning. A further condition requiring the use of matching materials is also necessary in order to protect the character and appearance of the building and the conservation area.
9. For the reasons set out above, and having regard to all other matters raised, I conclude that the appeal should succeed.

*Les Greenwood*

INSPECTOR



## Appeal Decision

Site visit made on 26 May 2015

**by Mr C J Tivey BSc (Hons) BPI MRTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 24 June 2015**

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### **Appeal Ref: APP/Q1445/D/15/3006383**

### **137 Marine Drive, Rottingdean, Brighton BN2 7GU**

- 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 Jamie Malpass and Mrs Laura Malpass against the decision of Brighton and Hove City Council.
  - The application Ref BH2014/03801, dated 11 November 2014, was refused by notice dated 6 January 2015.
  - The development proposed is for removal of existing porch & front bay to the existing ground floor level. Roof extension to raise the roof & enclosed balcony to the front.
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### **Decision**

1. I dismiss the appeal.

### **Main Issues**

2. The main issues are the effect of the proposal on the character and appearance of the area, with specific reference to height; and upon the living conditions of the occupants of 135 Marine Drive, with specific reference to outlook and sunlight.

### **Reasons**

#### *Character and Appearance*

3. The appeal site is situated within an area which is characterised by predominantly detached dwellings, comprising of a variety of storey heights which do not necessarily correspond with the changes in topography along Marine Drive. On my visit I noted a number of properties along the seafront that were of a significantly different height to their immediate neighbours, and this to some degree sets the context of the street scene.
  4. The proposal would render the subject building higher than 135 and 139 Marine Drive, although this would just be the converse of the existing situation. Taking into account the fact that there are other examples where dwellings are noticeably higher than their immediate neighbours, I find that as a design feature per se, the increased height of the building would not be out of character with its surroundings. The hipped roof form would also help to minimise its bulk and therefore, in terms of street scene impacts alone, I
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conclude that the proposal would not have an over-dominant impact on its character and appearance.

5. The proposal complies with paragraph a. of Policy QD14 of the Brighton and Hove Local Plan and the Council's Supplementary Planning Document 12: Design Guidance for Extensions and Alterations, which permit additional storeys and raised roofs where they respect the scale, continuity, roof line and general appearance of the street scene, including its topography.

#### *Living Conditions*

6. However, notwithstanding my findings above, the proposal would also provide a significantly higher eaves line running parallel to the rear side boundary shared with no 135 of some 5m in length. This neighbouring property, which is set on lower ground than the appeal property, has patio doors leading to a modest paved area to its rear elevation closest to the shared boundary. I consider that the overall increase in height of the appeal property would likely give rise to greater overshadowing from the morning sun. Furthermore, the proposal would significantly increase the sense of enclosure experienced by existing or future occupants of no 135 by virtue of the fact that the increased eaves height would be for the full extent of the existing subject building.
7. I acknowledge the application would provide additional accommodation for a young and growing family in the same location, but occupation is ultimately transitory whereas the impact upon no 135 would be permanent. I note the changes that have been made to the design from the previous proposal, and notwithstanding other material considerations, I find that the proposal before me would have a greater impact upon the sunlight received by no 135.
8. I conclude that the proposal would have a harmful effect upon the living conditions of the occupants of no 135 and conflicts with LP Policies QD14 and QD27, in that the proposal would result in a significant loss of outlook and sunlight to its occupants.

#### **Conclusions**

9. I have concluded that the proposal would not have a significantly adverse effect upon the character and appearance of the area and I acknowledge that the proposal would provide greater living accommodation for the appellants and their young family. However, these matters do not negate or outweigh my concerns with regarding the effect of the proposal on the living conditions of the occupants of no 135. For the reasons given above and having regard to all other matters raised, I conclude that the appeal be dismissed.

*C J Tivey*

INSPECTOR