





**Brighton & Hove
City Council**

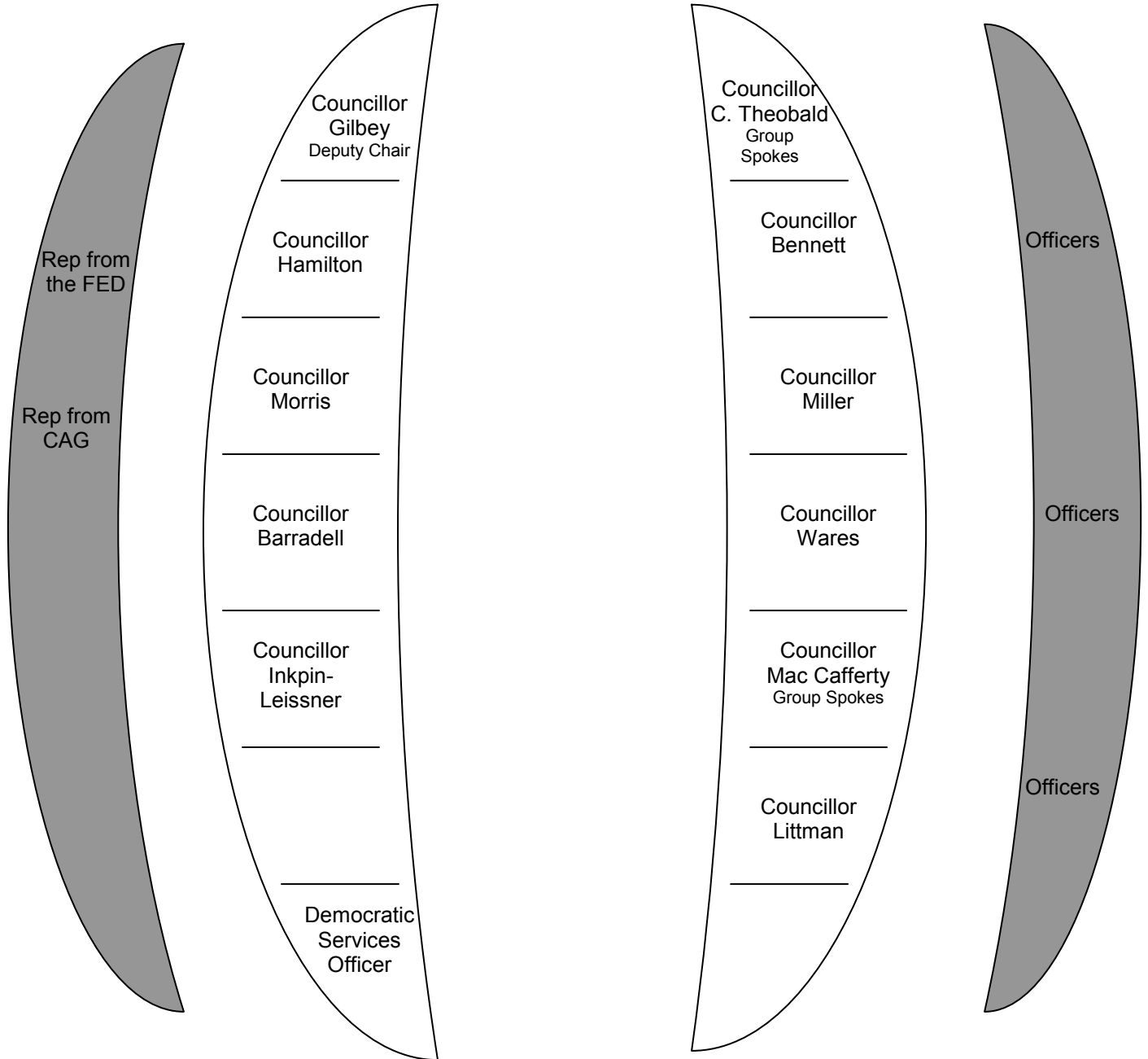
Planning Committee

Title:	Planning Committee
Date:	16 September 2015
Time:	2.00pm
Venue	The Ronuk Hall, Portslade Town Hall
Members:	<p>Councillors: 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>Co-opted Members: Jim Gowans (Conservation Advisory Group)</p>
Contact:	<p>Ross Keatley Democratic Services Manager 01273 29-1064/5 planning.committee@brighton-hove.gov.uk</p>

	The Town Hall has facilities for wheelchair users, including lifts and toilets
	An Induction loop operates to enhance sound for anyone wearing a hearing aid or using a transmitter and infra red hearing aids are available for use during the meeting. If you require any further information or assistance, please contact the receptionist on arrival.
	<p>FIRE / EMERGENCY EVACUATION PROCEDURE</p> <p>If the fire alarm sounds continuously, or if you are instructed to do so, you must leave the building by the nearest available exit. You will be directed to the nearest exit by council staff. It is vital that you follow their instructions:</p> <ul style="list-style-type: none"> • You should proceed calmly; do not run and do not use the lifts; • Do not stop to collect personal belongings; • Once you are outside, please do not wait immediately next to the building, but move some distance away and await further instructions; and • Do not re-enter the building until told that it is safe to do so.

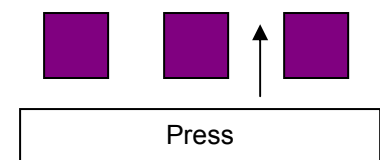
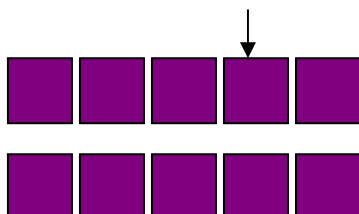
Democratic Services: Planning Committee

Senior Solicitor	Councillor Cattell Chair	Head of Development Control	Presenting Officer
------------------	-----------------------------	-----------------------------	--------------------



Public Speaker	Public Speaker
----------------	----------------

Public Seating



AGENDA

65 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

66 MINUTES OF THE PREVIOUS MEETING

Minutes of the meeting held on 26 August 2015 (to follow).

67 CHAIR'S COMMUNICATIONS

68 PUBLIC QUESTIONS

Written Questions: to receive any questions submitted by the due date of 12 noon on 9 September 2015.

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

70 TO CONSIDER AND DETERMINE PLANNING APPLICATIONS

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

MAJOR APPLICATIONS

A BH2015/02004 - Land Adjacent to Watts Building, University of Brighton, Lewes Road, Brighton - Full Planning 1 - 26

Demolition of existing buildings and construction of a part two, part three storey building providing a new Advanced Engineering Centre (D1), incorporating landscaping, access works and other associated alterations.

RECOMMENDATION – MINDED TO GRANT

Ward Affected: Hollingdean & Stanmer

B BH2015/02431 - Land at and Adjacent to West Pier and 62-73 Kings Road Arches, Kings Road, Brighton - Removal or Variation of Condition 27 - 52

Application for removal of conditions 19 and 36 of application BH2014/04167 (i360 observation tower scheme originally approved under application BH2006/02369). Condition 19 to be removed relates to the requirement for grey and rainwater recycling and condition 36 to be removed relates to the requirement for a wind turbine at the head of the tower.

RECOMMENDATION – MINDED TO GRANT

Ward Affected: Regency

PLANNING COMMITTEE

MINOR APPLICATIONS

- C BH2015/01454 - Block D Kingsmere, London Road, Brighton - Full Planning 53 - 66**

Erection of additional storey to block D to create 2no one bedroom and 2no two bedroom flats (C3) with roof gardens.

RECOMMENDATION – GRANT

Ward Affected: Withdean

- D BH2015/01781 - 27 Hill Brow, Hove - Removal or Variation of Condition 67 - 76**

Application for variation of condition 3 of application BH2012/03379 (Erection of first floor extension to create a two storey house (Revisions to BH2010/01488)) to permit alterations including balcony to south elevation, alterations to window frames, installation of rooflights on side and rear elevations, and installation of slate roof tiles (amended plans).

RECOMMENDATION – GRANT

Ward Affected: Hove Park

71 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

- 72 INFORMATION ON PRE APPLICATION PRESENTATIONS AND REQUESTS 77 - 78**

(copy attached).

- 73 LIST OF APPLICATIONS DETERMINED UNDER DELEGATED POWERS OR IN IMPLEMENTATION OF A PREVIOUS COMMITTEE DECISION (INC. TREES MATTERS) 79 - 116**

(copy attached)

- 74 LIST OF NEW APPEALS LODGED WITH THE PLANNING INSPECTORATE 117 - 118**

(copy attached).

- 75 INFORMATION ON INFORMAL HEARINGS/PUBLIC INQUIRIES 119 - 120**

(copy attached).

(copy attached).

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

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

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

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

Agendas and minutes are published on the council's website www.brighton-hove.gov.uk. 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

This meeting may be filmed for live or subsequent broadcast via the Council's website. At the start of the meeting the Chairman will confirm if all or part of the meeting is being filmed.

You should be aware that the Council is a Data Controller under the Data Protection Act 1988. Data collected during this web cast will be retained in accordance with the Council's published policy (Guidance for Employees' on the BHCC website).

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

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

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

Date of Publication - Tuesday, 8 September 2015

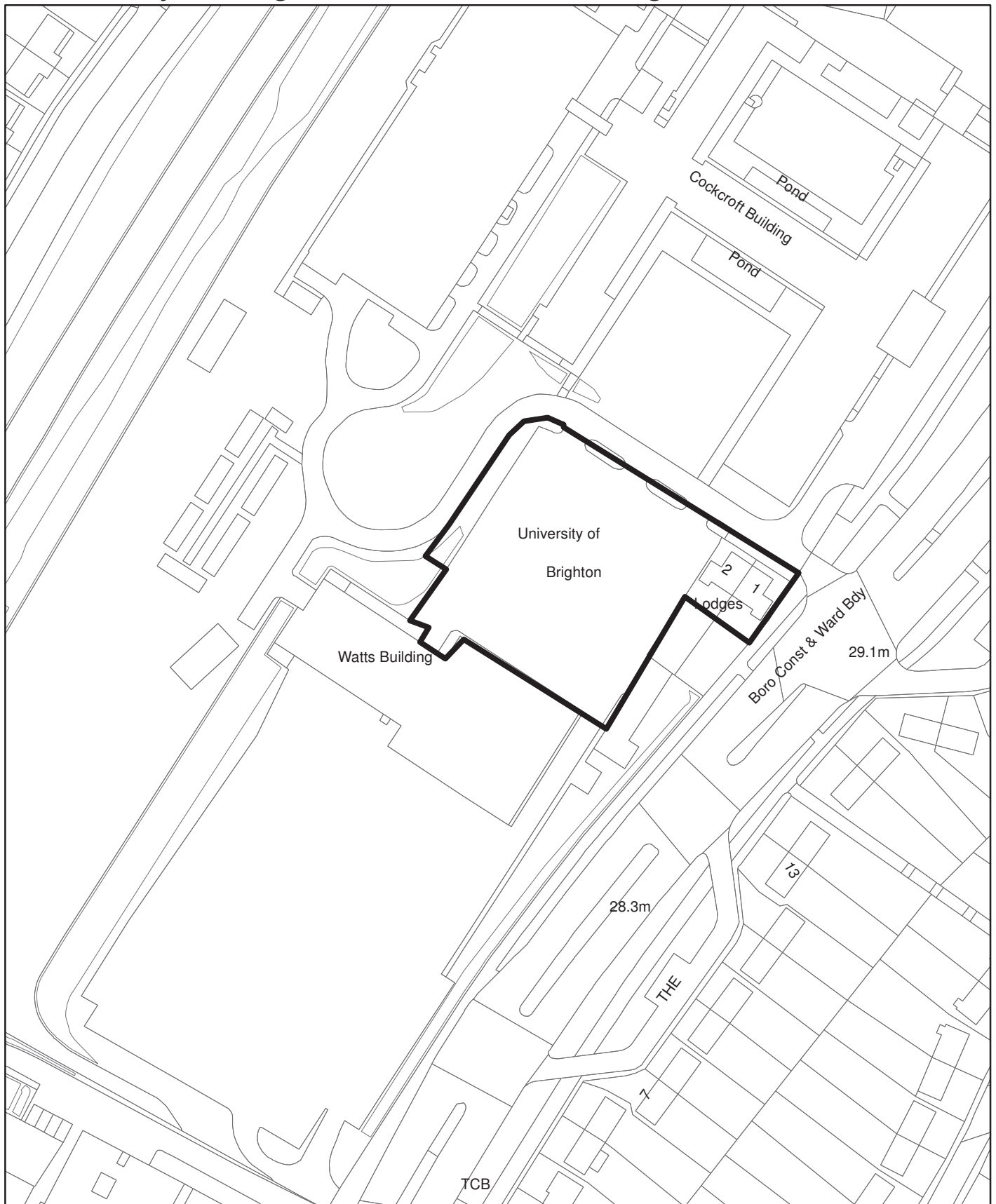
ITEM A

**Land adjacent to Watts Building, University
of Brighton, Lewes Road, Brighton**

**BH2015/02004
Full planning**

16 SEPTEMBER 2015

BH2015/02004 Land adjacent to Watts Building, University of Brighton, Lewes Road, Brighton



**Brighton & Hove
City Council**



Scale: 1:1,250

<u>No:</u>	BH2015/02004	<u>Ward:</u>	HOLLINGDEAN & STANMER
<u>App Type:</u>	Full Planning		
<u>Address:</u>	Land Adjacent to Watts Building University of Brighton Lewes Road Brighton		
<u>Proposal:</u>	Demolition of existing buildings and construction of a part two, part three storey building providing a new Advanced Engineering Centre (D1), incorporating landscaping, access works and other associated alterations.		
<u>Officer:</u>	Mick Anson Tel 292354	<u>Valid Date:</u>	17 July 2015
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	16 September 2015
<u>Listed Building Grade:</u>	N/A		
<u>Agent:</u>	Bilfinger GVA, 65 Gresham Street, London EC2V 7NQ		
<u>Applicant:</u>	University of Brighton, Mr Mike Clark, Lewes Road, Brighton BN2 4GJ		

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 is 0.36ha in area and is located at the University of Brighton's Moulsecoomb Campus on the Lewes Road. The site lies between the Watts and Cockcroft buildings on the western side of Lewes Road and situated on what is currently a surface car park. In recent months, part of the car park has been covered by temporary modular buildings during the refurbishment of the Watts building with the loss of 93 parking spaces.
- 2.2 The Cockcroft building is 10 Storeys in height with 2 projecting south west facing symmetrical wings which are 2 storeys in height. The Watts building to the south of the application site is 7 storeys in height. There are a number of existing access routes into the Moulsecoomb Campus, all via Lewes Road. The car park is currently accessed off the Lewes Road on the east site boundary. This access also provides access to the Watts car park which is immediately south of the Watts building passing in front of the building.
- 2.3 The Moulsecoomb Campus is one of the University of Brighton's three main sites within the City. In addition to teaching facilities, the majority of the University's administration departments are located at Moulsecoomb.
- 2.4 The site contains a small number of trees however none of these are proposed to be removed as part of the proposed development. The main frontage of the site onto Lewes Road is also characterised by a row of mature trees which

appear to have been planted together at regular intervals within the site boundary. There are also some invasive evergreen species in between in front of the proposed development site.

- 2.5 The site slopes upwards significantly to the west towards the Watts Bank, a designated Site of Nature Conservation Importance (SNCI) adjacent to the west of the application site, with the main east west coastal railway line and Moulsecoomb Station at the peak of the rise beyond this.
- 2.6 The Lewes Road is a busy dual carriageway at this point and on the eastern side of it opposite the site are a row of two storey detached dwelling houses which front part of the Moulsecoomb neighbourhood.

3 RELEVANT HISTORY

None relevant.

4 THE APPLICATION

- 4.1 Planning permission is sought for the redevelopment of the site for an Advanced Engineering Centre (AEC) comprising 2,680 sq. m. of floorspace in a new part 2 / part 3 storey academic building. The development would enable the provision of enhanced science-led teaching and research facilities at the Moulsecoomb Campus.
- 4.2 The proposed building would be three storeys in height with the second floor comprising additional plant in the roof and would have a maximum height of 11.3m. The central frontage of the building facing south east to the Lewes Road frontage would be aligned with the adjacent Watts building and would be set back from the site boundary by 15 – 17.5m. This front elevation spans 21 metres across. The proposed south and north wings of the building would be set back considerably from the front elevation by 15.8m.
- 4.3 At first floor level the building would be cantilevered above the ground floor and would project 7.3 metres forward of the ground floor on the main south east frontage. The first floor rear north west elevation would also be cantilevered projecting over the ground floor but by 4 metres. Vehicles would be able to pass underneath the front canopy in order to access the main Watts car park to the south. The second floor plant room would be on the north flank of the building and would be set back 23.5 metres from the front (south east) façade of the 1st floor. The proposed wings of the building are both set back 4.3 m from the rear (north west) façade. Tutorial rooms would now be located near the front of the building enabling a greater glazing content on the front.
- 4.4 Following pre-application negotiations, the main entrance would be more prominently located on the north east corner of the building with tutorial rooms also at the front to allow more glazing content. Laboratory's and teaching facilities would be sited at the rear where the more solid opaque elevations are less of a concern in terms of the design and public face of the building.

- 4.5 The first floor would feature a perforated metal mesh façade in a metallic brass gold composite metal and would have some large horizontal sections of glazing punched into the more prominent facades to break up the solid appearance of the building. The first floor will be used as machining and manufacturing areas as well as plant on the north east elevation facing the Cockcroft Building. Most of the solid facades at first and third floors are in dark grey concrete with grey tinted windows. Parts of the 3 storey element have pigmented dark grey fins on the south east and north east elevations.
- 4.6 The proposals include provision of a new pedestrian entrance space, improvements to the existing access from Lewes Road and associated landscaping to enhance the public realm at the campus.
- 4.7 No changes are being proposed to campus access arrangements. It is proposed that all vehicles will continue to use the main site access off Lewes Road. The existing internal link to the car park south of the Watts Building will be maintained within the campus site. All servicing of the new development will take place within the campus site and will make use of the existing through routes.

5 PUBLICITY & CONSULTATIONS

External:

- 5.1 **Neighbours:** No responses received.
- 5.2 **East Sussex County Archaeologist:** No objection.
Although the site is situated within an Archaeological Notification Area, it is not thought that any significant archaeological remains are likely to be affected by these proposals.
- 5.3 **East Sussex County Ecologist:** No objection.
Provided that the recommended mitigation measures are implemented, 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 that will help the Council address its duties and responsibilities under the Natural Environment and Rural Communities Act 2006. Recommend conditions to require an ecological design strategy and prevent removal of vegetation or trees between March and August.
- 5.4 Revised comment - Support
I can confirm that the updated Landscape Plan now includes wildlife friendly species as recommended in Annex 7 of SPD 11 and is therefore acceptable. It is agreed that the Ecological Design Strategy will be submitted for approval post-commencement of any construction works.
- 5.5 **East Sussex Fire and Rescue Service:** No objection.
Access for fire appliances is satisfactory
- 5.6 **Environment Agency:** No objection.

Agreed that land contamination likely to present a low risk. Other risks are piling and ground improvements and surface and foul water drainage provision. Planning permission could be granted subject to conditions.

5.7 **Flood Risk Management:** The Lead Local Flood Authority (LLFA) cannot recommend approval until we receive further information.

5.8 Further comments: Insufficient information

Lewes Road is prone to flooding during heavy rainfall.

The applicant has yet to demonstrate that the surface water drainage system can cope with a 1 in 100 year plus climate change event. The applicant has state that there will be no increase in surface water run-off, however considering the risk of flooding in this area the LLFA would like to see a reduction. The drawing 13013-VAA-D-SW000.pdf describes the proposed drainage design but it vague on details and does not demonstrate how much run off the system is designed to take.

5.9 In addition, further information in relation to the maintenance plan is needed. This includes detail on frequency of inspection, cleansing and replacement of the existing and proposed soakaways. This will provide the LPA with confidence that the system can last for the lifetime of the development.

5.10 Revised comments: No objection

Condition recommended to ensure implementation of the SUD scheme submitted and maintenance all as set out in the details submitted on 1st September 2015.

5.11 **Southern Water:** No objection.

Request standard condition related to details of proposed means of foul and surface water sewerage disposal.

5.12 **Sussex Police:** No objection.

No comments are raised related to land use issues.

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

Internal:

5.14 **Arboricultural Officer:** No objection.

Welcome the retention of all trees on site. No objection by the Arboricultural Section subject to a suitable condition being attached to any planning consent granted.

5.15 **Economic Development:** Support:

The Senior Economic development officer fully supports the application. If approved, the Senior Economic Development Officer requests through a S106 agreement in accordance with the Developer Contributions Interim Guidance for the provision of an Employment and Training Strategy with the developer committing to using 20% local employment during the construction phase.

5.16 Environmental Health: Object

Insufficient information has been submitted with regards to acoustic data. I would suggest that the acoustic report be re-written in line with current British Standards, and with a working knowledge of the site.

5.17 Revised comments:

Approve, subject to conditions and S106 agreement.

Approve with conditions related to maximum plant noise levels at nearest receptors, remediation strategy during construction, as well as construction noise, dust and light and a contamination discovery condition during the construction process. Submission of a CEMP prior to commencement of works on site will be required.

5.18 Planning Policy: Support:

In summary whilst the proposal of 2,800 sq. m. of Class D1 education floorspace is not a key component of the strategic allocation for emerging policy DA3 Lewes Road Area; it is considered to accord with the aim of policy which seeks to promote and enhance the role of the area for higher education.

5.19 The focus of the AEC on higher value advanced engineering / advanced automotive engineering is considered to align with Economic Strategies of the city and city region and is considered to accord with emerging City Plan Policy, CP2.5 Sustainable Economic Development (which supports the appropriate expansion plans of higher education establishments recognising their role as major employment generators.) The AEC is still considered to be a key component of the strategic allocation and is considered not to preclude the other elements of the strategic allocation from coming forward.

The proposal is considered to accord with Policy EM18 of the Adopted Local Plan 2005 which seeks to promote and enhance the role of the area for higher education.

5.20 Sustainability: No objection.

Suggested conditions:

- BREEAM 'excellent' with 60% in energy and water sections
- Capacity to connect to future district heat network

5.21 Sustainable Transport: Support.

Recommended approval as the Highway Authority has no objections to this application subject to the inclusion of the necessary conditions on any permission granted. The Highway Authority has no objections to these access arrangements. The Highway Authority would look to secure further details of cycle provision via condition. The Highway Authority welcomes the replacement of displaced disabled bays but would look to secure this via condition and look for further details of their locations. Although the forecast demand from the development shows the site car park would be at capacity, on site and on street parking surveys have been carried out that demonstrate that any maximum parking stress is 65% so any overspill could be accommodated.

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.
- 6.7 The adopted Brighton & Hove Local Plan (2005) Policy EM18 allocates the site for University uses, supporting (at the Moulsecoomb Campus, Watts Site) an innovation centre for high tech business use, teaching accommodation and student housing. The Local Plan requires that any development at this site should take into account the cumulative effect of the other development proposals in the area, in particular the cumulative effect on transport and the natural environment.
- 6.8 The Planning Brief (2011) is adopted guidance which aims to set the overarching framework for the site allocation in line with the objectives of both BHCC and University of Brighton. It aims to create a unique sense of place where higher education, employment, student housing, residential and commercial uses could combine to create an exciting land use mix that would benefit the local area as well as the city as a whole.
- 6.9 Accordingly, proposals at this site should be complementary to (and not prejudice) future development proposals across the wider Planning Brief area to ensure a comprehensive strategy for the redevelopment of the whole site is delivered.

7 RELEVANT POLICIES & GUIDANCE

The National Planning Policy Framework (NPPF)

Brighton & Hove Local Plan:

TR1	Development and the demand for travel
TR2	Public Transport accessibility and parking
TR4	Travel Plans
TR7	Safe development
TR8	Pedestrian routes
TR14	Cycle access and parking
TR19	Parking standards
SU2	Efficiency of development in the use of energy, water and materials
SU4	Surface water run-off and flood risk
SU5	Surface water and foul sewage disposal infrastructure
SU9	Pollution and noise 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
QD7	Crime prevention through environmental design
QD15	Landscape design
QD16	Trees and hedgerows
QD18	Species protection
QD27	Protection of Amenity
NC4	Sites of Nature Conservation Importance

Supplementary Planning Guidance:

SPGBH4	Parking Standards
SPGBH14	Preston Barracks
Interim Guidance on Developer Contributions	

Supplementary Planning Documents:

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

Planning Brief

Preston Barracks and University of Brighton September 2011

Brighton & Hove City Plan Part One (submission document)

SS1	Presumption in Favour of Sustainable Development
DA3	Lewes Road Area
CP2	Planning for Sustainable Economic Development
CP12	Urban Design

8 CONSIDERATIONS & ASSESSMENT

- 8.1 The main considerations in the determination of this application relate to the principal of a Class D1 education and research facility on the site particularly in the context of the planned redevelopment of the Preston Barracks site as allocated in the Brighton and Hove Submission City Plan under Policy DA3. The other main considerations are economic regeneration, design and appearance, transport and potential impacts on amenity of teaching accommodation and local residents.
- 8.2 **Planning Policy:**
The Preston Barracks / University Strategic Allocation under Policy DA3 of the Submission City Plan as amended seeks to deliver a mixed use employment-led development comprising a new business school, 10,600sqm B1 employment floorspace, new student accommodation and residential dwellings in addition to other ancillary supporting uses that combine to create an exciting land use mix that will benefit the local area as well as the city as a whole.
- 8.3 Whilst not specified within the allocation, the proposed development is in accordance with policy DA3 which supports the expansion of education facilities and will further contribute to achieving the economic development objectives for the site in addition to the employment-led uses planned.
- 8.4 The Preston Barracks site as allocated in the Submission City Plan as modified under policy DA3 is located directly to the south of the Watts/Cockcroft University Campus. This application site on the car park is also included within the DA3 policy allocation of the wider Preston Barracks site allocation although it was not included in adopted Planning Brief SPGBH14 which is now somewhat out of date as it preceded the adopted 2005 Brighton and Hove Local Plan.
- 8.5 City Plan Policy DA3 which covers the Lewes Road corridor does not specifically seek additional teaching or research facilities on this allocated site however as referred to by the planning policy team, the first objective in the strategy is to improve higher education provision in the Lewes Road area. Policy CP2 however encourages the expansion of higher and further education establishments recognising their role as major employers.
- 8.6 Since 1992 the University of Brighton has worked in strategic partnership with Ricardo UK Ltd in the field of internal combustion engineering research. The partnership capitalises on the University of Brighton's expertise in Laser diagnostic techniques and modelling to inform the design and development of novel low carbon internal combustion systems. These systems have a direct environmental impact by improving the fuel efficiency of vehicles and achieving a reduction in CO2 emissions.
- 8.7 The development of the AEC is subject of a grant from the Local Enterprise Partnership which is time limited and if granted planning permission would be required to have commenced construction in late autumn 2015. The proposal would contribute to delivering advances in research and technology in the field of engineering both at the University and at Sussex based Ricardo UK Ltd ultimately contributing to the local economy and job creation.

- 8.8 The Preston Barracks site is identified in the City Plan as major regeneration opportunity to provide housing, employment floorspace, a Business school and teaching accommodation and student accommodation. The proposed AEC is intended to provide an additional resource on the wider site but is required to be brought forward of the main development to secure funding.
- 8.9 The Economic Development Officer is supportive of the proposals but would seek a local employment agreement on the construction phase to employ 20% local workers. This application has been brought forward in advance of the main Preston Barracks proposal as funding has been made available via a number of grant funds which are governed by strict terms and timescales which include construction commencing in November 2015 and completion by the end of 2016. The applicant states that the proposal will deliver some 60 engineering graduates per annum into the local economy and environmental industries which is welcomed and fully supported. The applicant states that the proposal if approved will contribute towards meeting the skills priorities contained within the Coast to Capital Strategic Economic Plan to improve productivity and growth and within the Greater Brighton City Deal initiative. University / business collaboration is seen as a main opportunity to harness the greatest return for the city region focusing on growth centre such as the Lewes Road Corridor.
- 8.10 In principle the proposed development is strongly supported in terms of creating a specialist research facility which would enhance the University's academic facilities and would enhance the research and business links in the City and lead to future further employment benefits for the City and the coastal economy.
- 8.11 The 2011 brief was prepared to provide a means of interpreting the NPPF and emerging Council policy in what is now the City Plan. The brief does not have the same status as adopted policies but is nonetheless a material planning consideration. Under the 3 scenarios set out in the brief, only one suggested the possibility of developing this car park site. The Preston Barracks SPGBH14 no longer provides the most relevant planning policy nor does it reflect current economic circumstances and viability issues. It has been effectively superseded by the 2011 brief. As stated already in this report, the provision of enhanced teaching facilities are a part of the City Plan objectives and there is no conflict between the proposed development and current policy for the wider Preston Barracks regeneration area.
- 8.12 **Design:**
The applicants' concept of the design for the Advanced Engineering Centre (AEC) is to reinforce the identity of the Moulsecoomb as the Science and Technology Campus. The modern design of the new building and its immediate environment seeks to provide a visual expression of engineering excellence to showcase the innovative research being undertaken by the University in partnership with Ricardo Engineering.
- 8.13 The design is intended to create a focus for the campus with a permeable ground floor that gives the building a public face and a clear and obvious entry point (following negotiations) including the provision of exhibition spaces and

shared meeting rooms. This would be in stark contrast to the existing Watts and Cockcroft buildings where the architecture gives no indication of entry points or what purpose they serve. The design of the proposed development intends to encourage closer integration between teaching and research by making the research facilities more visible.

- 8.14 The main volume is the 'floating' teaching block containing workshop spaces. Functionally these spaces are required to be flexible with the ability to accommodate change. The functional, industrial requirements of the programme are reconciled with the creation of a second façade layer.
- 8.15 The main external wall is constructed from high performance lightweight industrial metal cladding panels that can be easily adapted to accept additional perforations to suit revised servicing. This façade is wrapped with a perforated metal screen that unifies the building as a single element hiding the functional nature of the building behind. The materials are intended to create an image of the Universities engineering excellence and aspiration.
- 8.16 The research block primarily contains engine test cells with no functional requirement for daylighting. This element is clad with self-finished concrete to limit potential noise breakout whilst creating a heavy base as a counter weight to the cantilevered first floor. The meeting rooms and main entrance would be glazed to maximise transparency and encourage use and collaboration across the university. This space could be used for seminars and exhibitions to promote the work of the university with industry partners.
- 8.17 The design of the proposed development was subject of internal design review at the pre-application stage and the officer feedback has been taken on board and incorporated into the scheme by the architects. It is considered that the scale and siting of the proposal is acceptable. In relation to the two tall buildings which book end this car park site, the scale and height of the building is very modest. There is an issue of whether the density of development here should be higher than proposed to makes best use of the site. This is a valid consideration, however given the existing high densities existing and the City Plan allocation of the Preston Barracks site, it is also recognised that a modest development here would provide some visual relief. The Lewes Road corridor has been identified as a suitable location for higher density development under Policy CP12 Urban Design of the City Plan. However, there is no policy requirement to build at higher density under CP12 or because the proposal is a residential scheme.
- 8.18 The building would be set well back from the Lewes Road and would be well screened by the established line of Elm trees within the site boundary. The perimeter of the car park is also bounded by some mature trees which would be kept clear of and would not be affected. The Council's Arboriculturalist has no concerns The modern design of the building is however considered to be innovative and the use of materials would give the building a unique character in contrast with its University neighbours and perhaps deserves to be more visible in the streetscene. Following negotiations, the architects have added significantly more transparency by inserting large areas of glazing where

relevant to the activities within. The entrance has been relocated from the discreet corner of the building to be a more welcoming and clear presence for users and visitors.

8.19 Subject to funding, the applicants hope to provide some interactive displays on the building using lighting and social media messaging to announce events, activities and research milestones related to the research and engineering being carried out, for example. These ideas do not form part of this application and may require further consents for planning or advertisement consent.

8.20 Landscaping:

There are a number of significant trees in the immediate vicinity of the site including some that are covered by Tree Preservation Order (No 16) 1974. This is an Area Order which means that any tree that was present in 1974 is covered by the TPO.

8.21 The building has been carefully positioned on the site to maintain all of these trees and they will therefore be the dominant landscape features. The Council's Arboriculturalist has no objection to the proposals in this application, however, she would expect a full BS 5837 (2012) Tree Survey to be carried out on all trees in the vicinity of the development, along with proposals for their protection, pruning and/or mitigation as appropriate. It was agreed at pre-application stage also that the low rise invasive evergreen trees and bushes on the site currently fronting the Lewes Road in between the established Elm trees should be cleared.

8.22 The proposed new landscaping is understated with a focus on the provision of a high quality public realm. This is in the form of high quality granite paving extending from the existing campus access road to the adjacent Watts building. The new planting would provide a feature planter combined with seating adjacent to the new building entrance to encourage staff, students and visitors to inhabit this space bringing.

8.23 The Council's Arboriculturalist does not have any concerns about the proposed works and any potential impact on mature trees following revisions to the scheme before submission subject to standard conditions related to protection during construction works. The proposals would comply with policies QD15 and QD16 of the adopted Brighton and Hove Local Plan.

8.24 Impact on Amenity:

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.

8.25 Dwellings in close proximity to the proposed building are on Crespin Way to the west uphill from the site on the other side of the Brighton to Lewes railway line and on The Highway which runs parallel on the east side of the main A270 Lewes Road which is a duel carriageway at this location. Crespin Way is screened from the site by a large belt of vegetation and trees being part of the

PLANNING COMMITTEE LIST- 16 SEPTEMBER 2015

SNCI and the curtilage of the nearest dwelling would be 135 metres from the main plant facility. The curtilage of properties on The Highway would be a minimum of 50m from the front of the building.

- 8.26 The two main issues that have been addressed by the applicants relate to noise from the plant and any emissions from the plant room. Following negotiations, the noise assessments have been carried out again and further measures have been taken by upgrading the specification of the test engine rooms to improve sound insulation and removing ventilation plant from the roof and spreading it around the building room by room. The highest background noise levels in the vicinity are directly related to the Lewes Road traffic and assessments have now set the maximum noise levels of the plant to be 5dBA below the existing background noise levels.
- 8.27 The Environmental Health Officer has confirmed that he is satisfied with the assessments which will achieve satisfactory noise limits and has proposed that the noise levels be controlled by condition.
- 8.28 The applicants have submitted a desk top study and a site investigation reports as well as a Construction and Environmental Management Plan (CEMP) prior to the officer recommendation in order to avoid the need for pre-commencement conditions such is the tight timescale for securing LEP grant funding.
- 8.29 The Environmental Health team are satisfied that the desk top and survey (contamination) reports are robust and given the site's history the only issue is the potential of asbestos residing from previously demolished buildings on a portion of the site. A condition to deal with any remediation of material and a verification process would ensure that there are no public health risks when works start on site to remove any material from under the car park surface. A standard contamination discovery condition would be applied post commencement. The CEMP would cover phasing, resident liaison and construction routes. It should be noted that the construction period would be 15 months which would mitigate any construction noise.
- 8.30 In terms of air quality, the main issues raised by the Air Quality Officer were: the numbers of vehicle movements to the site; the ventilation from the main plant room and any emissions during operation of the building. Vehicle trips would be reduced due to the loss of the car park thus enhancing the air quality around the site. Air extraction from the main plant would be by way of 1 metre high ducts on the roof of the plant room at 2nd floor level, at the rear of the site after air filtration had taken place. There would therefore be no visual amenity impacts nor harmful emissions into the air.
- 8.31 It is considered therefore that following the re-assessment of the potential noise levels, the implementation of preliminary site investigations and the agreement of a CEMP, that adjoining residents would not suffer any harmful impacts related to noise, dust or air quality and so it is considered that the proposal is acceptable in terms of policies SU9; SU10 and QD27 of the adopted Local Plan.

8.32 Sustainable Transport:

The main consideration under transport is that the site currently provides 93 car parking spaces although around 20 of these are un-useable due to temporary modular buildings for construction works as well as refuse and storage areas which have been sited over parking spaces. The proposed development does not provide any car parking. Included in the current parking levels would be 11 disabled bays which would be required to be replaced to be secured by condition. There would still be 565 parking spaces on campus.

8.33 In order to fully understand the car parking implications of the loss of the car park the applicant undertook both on-site and on-street parking surveys. On-site parking surveys were undertaken on 2 weekdays (Tues 24th and Wed 25th Feb). The surveys demonstrated that the peak parking demand was for 564 parking spaces whilst the forecast demand from the new AEC building is 16 spaces. This figure is similar to the parking standards in SPGBH4 would require for a new Class D1 teaching facility employing 15 additional academic staff which would be a maximum of 15 parking spaces. Therefore the applicant forecasts that while parking would be at 100% capacity that the loss of the car park would not lead to any overspill car parking.

8.34 However, the applicant has acknowledged that it may be difficult for users to find spaces if the car park is so close to capacity and this may lead to users parking on-street in the local area. The applicant has undertaken an on-street parking survey on 30th April on the roads surrounding the university campus. This on-street parking survey showed that the maximum parking stress was 65% and there were 345 spaces within the survey area.

8.35 Therefore it is concluded that even if there was some level of overspill car parking from the new development there is existing spare capacity on-street and the likely overspill car parking would not have a negative highway impact.

8.36 The applicant has interrogated the TRICS and TRAVL trip generation databases to forecast the likely increase in trips as a result of this 2680m² D1 educational development.

8.37 The assumed number of staff is 50 (15 academic staff and 35 research posts) and 300 students (100 per academic year). Based on the gross floor area and the expected staff and student numbers the applicant has forecast the likely increase in trips. The applicant forecasts that there would be 52 additional trips in the AM peak and 37 in the PM peak as a result of this development. Over the entire day the development could generate 426 additional trips by all modes.

8.38 The applicant has then used the travel surveys undertaken by the university to calculate the likely modes these additional trips will be by. Using this data the applicant forecasts an additional 76 vehicle trips over the whole day. The majority of new trips are forecast to be by sustainable modes (bus 118 trips, train 99 trips, bicycle 80 trips, walk 90 trips).

- 8.39 The forecast increase in vehicle trips is considered to be minimal within the peak periods. The forecast increase in trips is 9 in the AM peak and 7 in the PM peak. These forecast increases in trips are not considered to have a negative highway impact.
- 8.40 The applicant has provided some information in relation to construction. The main entrance from Lewes Road will be the main construction vehicle access point. The applicant states that during construction the internal link to the main Watts car park will be closed and an alternative access would need to be provided. The suggestion of opening an access in the south east corner of the Watts car park is not acceptable since it would conflict with a dropped kerb with tactile paving. The Highway Authority has suggested using an existing access onto the adjoining Preston Barracks site from the main road and creating an opening in the fence into the car park. On-going discussions are taking place with the applicant and the Highway Authority to resolve this issue and an update will be provided to the Committee. Further details of this should be secured via condition if it becomes necessary to close the existing access route to the Watts car park during construction.
- 8.41 The cycle parking standards for a development of this scale result in a requirement of 14 cycle spaces. Details of the design and location of the cycle parking would be conditioned. Accommodating this number of spaces on site would not be a practical problem.
- 8.42 Given the nature and location of the development the Highway Authority would also require a CEMP to be secured.
- 8.43 **Sustainability:**
The applicants have committed to the achievement of a BREEAM excellent rating for the new building and the Pre Assessment undertaken and concept design stage indicates that this can be achieved. Key aspects of the approach include:
- The design of a high performance façade to minimise energy use. This includes highly insulated composite wall panels and a secondary facade to provide shading to glazed areas.
 - The provision of roof mounted photovoltaic panels with an annual energy output of approx. 35,745KWh
 - The provision of a secondary skin, overhanging first floor and high performance glazing to minimise solar gain to glazed areas
 - Simple unfinished materials throughout to reflect the functional nature of the building and minimise material use
 - The provision of secure, covered cycle storage combined with cyclist changing facilities to encourage sustainable forms of transport.
- 8.44 The requirements to achieve BREEAM excellent will be embedded in the contract documentation to ensure that the site operations contribute to the sustainability objectives.
- 8.45 Local Plan Policy SU2, states that planning permission will be granted for proposals that demonstrate a high standard of efficiency in the use of energy,

water and materials provided that they are otherwise in accordance with the other policies of the development plan. The Advanced Engineering Centre proposes a development with a highly engineered heating and cooling solution which offers excellent energy efficiency standards. An extensive photovoltaic array is proposed on the roof over the plant room. The energy section targets to achieve 60.8% and the water section 62.5%. This meets the standard expected under SPD08.

- 8.46 The building will be heated and cooled using a highly efficient system incorporating a combination of heat pump technology, mechanical ventilation with heat recovery (MVHR), comfort cooling using provided by a small scale Variable Refrigerant Flow (VRF) system, and a Low Temperature Hot Water (LTHW) heating system comprising multiple gas fired boilers located in the second floor plant room. The hot water demand for the building is expected to be very low and consequently hot water will be provided by point of use electric water heaters. The secondary facade would provide shading to glazed areas.
- 8.47 Whilst energy proposals are highly developed the documents provide less information to demonstrate other aspects of policy have been well addressed, e.g.: greening; and sustainable (construction) waste management. However, the BREEAM assessment will ensure that these will be addressed to a reasonable level.
- 8.48 The proposed development is within Development Area DA3, which has been identified in the City Plan as having enhanced potential for district heating under priority 8. Several major developments have recently come forward which include energy plant in this area such as the neighbouring Watts and Cockroft buildings and others on the site. Whilst a heat network is not known to be in place locally, it is recommended that a condition be applied which requires that the CHP plant is designed to have capacity for connection to a district heat network in future. The applicants have agreed to such a condition. If heat were supplied in future from an offsite location, this would avoid additional emissions to the atmosphere in this environment which suffers from transport related emissions.
- 8.49 The heating plant in this case is a low temperature system. This may or may not be compatible with the heating temperature at which neighbouring buildings are heated. But the site offers good potential for an efficiency heat network to supply all the buildings on the site and thereby offer efficiencies of scale and plant. The proposal is considered therefore to comply with policy SU2 of the adopted Brighton and Hove Local Plan and SPD 08 and emerging City Plan policies.
- 8.50 The applicants have provided information to demonstrate that there would be no additional surface water run off as a result of the development proposals since the site is hard surfaced and run off is dealt with by existing soakaways. The proposal would require the re-routing of existing soakaways but the Flood Risk Manager requires further information on actual volumes of water as well measures to reduce the volume of run-off since the Lewes Road does suffer from significant run off in wet weather and is prone to flooding. This information

has not been forthcoming and needs resolution prior to the Committee if the applicants wish to avoid a pre-commencement condition requiring submission of a SUDS scheme.

8.51 Ecology/Nature Conservation:

The site is adjacent to a Site of Nature Conservation Importance to the west on higher ground. The site itself comprises hard standing, buildings and amenity grassland, scattered shrub and trees. The trees on site would all be retained but there are some areas of scrub and evergreen trees on the front boundary which could be cleared where they are intruding into the regimented row of elm trees and harming their amenity value. It will be important that the SNCI is protected by fencing during construction. Any construction works should be carried out outside of the bird breeding season. The site is unlikely to support any protected species but does offer the opportunity for enhancement such as the provision of bird boxes. The proposed landscape plan has been amended in response to the ecologists' comments to include more landscaping of benefit to wildlife. The Ecologist has recommended a green roof both for ecological benefits as well to reduce off site rain water flows. This is being discussed with the applicants in conjunction with the Council's Flood Risk Manager and an update will be provided to Members at Committee.

8.52 The Ecology Design Strategy which the applicants have agreed to carry out as required by condition, will cover its purpose, a site review, areas of proposed works, a timetable as well as details of implementation and maintenance.

8.53 It is considered that following the pre-application process, the proposed development would not have an impact on biodiversity and the required mitigation measures together with the Ecology Design Strategy would comply with policy in respect of enhancing the ecology of the site as required by the NPPF, national legislation and the policies QD18 and NC4 of the adopted Local Plan, SPD 11 and emerging policy in the City Plan.

9 CONCLUSION

9.1 The proposed development would provide an important engineering and research and education facility which would help to enhance the existing research carried out in partnership between the applicants and Ricardo, a local engineering company. The City Plan objectives for the Lewes Road corridor under policy DA3 include enhancing education facilities and so the proposal would be in accordance with this policy. The development is of a modest scale in this high density context and would be of a high standard of design with complementary landscaping. The site is not in a prominent location and is well screened which would complement the design and appearance of the building. It is considered that the development would therefore meet design policies in the adopted Local Plan QD1; QD2; QD4; QD5 and QD15. The proposals would be subject to conditions to ensure that there would be no harmful environmental impacts on nearby residents and occupiers of existing buildings and the site is well located on a sustainable transport corridor and all potential transport impact have been assessed and would be subject to conditions in accordance with policy TR1 of the adopted Brighton and Hove Local Plan.

10 EQUALITIES

10.1 This academic building will be required to meet Building Regulation standards for accessibility.

11 PLANNING OBLIGATION / CONDITIONS / INFORMATIVES

S106 Heads of Terms

- Construction and Environmental Management Plan (to include details of the alternative access to Watts car park for the duration of the construction).
- Employment Training Strategy with a commitment to 20% local employment on site.

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 Location Plan	0201-SO		08.06.15
Existing Site Plan	0202-SO		08.06.15
Existing Site elevations	2001-SO		08.06.15
Existing Site elevations	2002-SO		08.06.15
Existing Site elevations	2003-SO		16.06.15
Existing Site elevations	2003-SO		16.06.15
Proposed Ground floor	1101-SO		08.06.15
Proposed First floor plan	1102-SO		08.06.15
Proposed Second floor plan	1103-SO		08.06.15
Proposed Roof plan	1104-SO		16.06.15
OS Site Plan - Proposed	0203-SO		08.06.15
Masterplan Proposed	0204-SO		16.06.15
Landscape Plan	0205-SO		16.06.15
Proposed Elevations	2005-SO		16.06.15
Proposed Elevations	2006-SO		16.06.15
Proposed Site elevation-Lewes Road	2007-SO		16.06.15
Preliminary Drainage Proposal	13013-D-DRG XXX-01-0701		01.09.15
Tree Survey and Preliminary Protection Plan	TTC/UB-02/0		08.06.15
Topographical Survey Part 1	001	Rev B	16.06.15
Topographical Survey Part 2	002	Rev B	16.06.15
Topographical Survey Part 3	003	Rev B	16.06.15
Topographical Survey Part 4	004	Rev B	16.06.15

PLANNING COMMITTEE LIST- 16 SEPTEMBER 2015

Topographical Survey Part 5	005	Rev B	16.06.15
Topographical Survey Part 6	006	Rev B	16.06.15
Topographical Survey Part 7	007	Rev B	16.06.15
Topographical Survey Part 8	008	Rev B	16.06.15
Topographical Survey Part 9	009	Rev B	16.06.15

- 3) No development shall commence until fences for the protection of trees to be retained have been erected in accordance with best practice set out in 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.
- 4) 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.
- 5) 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.
- 6) 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.

- 7) No works pursuant to this permission shall commence until 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.

- 8) Prior to first occupation of the development hereby permitted, details of secure cycle parking facilities to provide at least 14 cycle spaces 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.

- 9) Prior to first occupation of the development hereby permitted, details of proposed disabled car parking provision for the occupants of, and visitors to, the development shall have been submitted to and approved in writing by the Local Planning Authority. Details of the 11 (eleven) existing disabled car parking spaces on site to be displaced by the development hereby approved shall also be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented

and made available for use prior to the first occupation of the development and shall thereafter be retained for use at all times.

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

- 10) Prior to first occupation of the development hereby permitted, 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) shall be submitted to the Local Planning Authority for approval in writing.

Reason: To ensure that the proposal provides for sustainable means of transport for occupiers and visitors of the development hereby approved in accordance with policies TR1 and TR4 of the Brighton & Hove Local Plan and policy CP9 of the Submission City Plan Part One.

- 11) Prior to first occupation of the development hereby permitted, details of external lighting shall have been submitted to and approved in writing by the Local Planning Authority. The external lighting shall be installed in accordance with the approved details and thereby retained as such unless a variation is subsequently submitted to and approved in writing by the Local Planning Authority.

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

- 12) Prior to first occupation of the development hereby permitted an Ecological Design Strategy (EDS) shall be submitted to and approved in writing by the Local Planning Authority. The Strategy shall address the protection and enhancement of the adjacent Brighton University Site of Nature Conservation Importance for biodiversity.

a) The Ecological Design Strategy shall include the following:

- i. Purpose and conservation objectives for the proposed works.
- ii. Review of site potential and constraints.
- iii. Detailed design(s) and/or working method(s) to achieve stated objectives.
- iv. Extent and location/area of proposed works on appropriate scale maps and plans.
- v. Type and source of materials to be used where appropriate, e.g. native species of local provenance.
- vi. Timetable for implementation demonstrating that works are aligned with the proposed phasing of development.
- vii. Persons responsible for implementing the works.
- viii. Details of initial aftercare and long-term maintenance.
- ix. Details for monitoring and remedial measures.
- x. Details for disposal of any wastes arising from the works.

PLANNING COMMITTEE LIST- 16 SEPTEMBER 2015

The EDS shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.

b) No removal of trees, shrub, scrub or ivy shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority.

c) Details showing the type, number, location and timescale for implementation of proposed bird and bat boxes. The scheme shall then be carried out in strict accordance with the approved details within 12 months of completion of the development hereby approved.

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

- 13) The development hereby approved shall not be occupied until a BREEAM Building Research Establishment issued Post Construction Review Certificate confirming that the development built has achieved a minimum BREEAM rating of 'Excellent' and energy and water saving of at least 60% 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) No development above ground floor slab level of any part of the development hereby permitted shall take place until the submission of evidence to demonstrate that the energy plant/room has capacity to connect to a future district heat network in the area. Evidence should demonstrate the energy centre size and location with facility for connection to a future district heat network: for example physical space to be allotted for installation of heat exchangers and any other equipment required to allow connection.

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) Noise associated with plant and machinery incorporated within the development shall be controlled such that the Rating Level measured or calculated at 1-metre from the façade of the nearest existing noise sensitive premises, shall not exceed a level 5dB below the existing LA90 background noise level. The Rating Level and existing background noise

levels are to be determined as per the guidance provided in BS 4142:2014.

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

- 16) No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approval details.

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

- 17) Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

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

- 18) Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas, roads and hardstandings shall be passed through trapped gullies to BS 5911:1982 with an overall capacity compatible with the site being drained.

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

Informatives:

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

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

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

The proposed development would provide an important engineering; research and education facility which would help to enhance the existing

research carried out in partnership between the applicants and Ricardo, a local engineering company. The City Plan objectives for the Lewes Road corridor under policy DA3 include enhancing education facilities and so the proposal would be in accordance with this policy. The development is of a modest scale in this high density context and would be of a high standard of design with complementary landscaping. The site is not in a prominent location and is well screened which would complement the design and appearance of the building.

3. Informative: Land Contamination

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 both the DEFRA website (www.defra.gov.uk) and the Environment Agency website (www.environment-agency.gov.uk).

The applicant is advised 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.

4. Informative: Sewers

The applicant is advised that a formal application for connection to the public sewerage system is required in order to service this development. To initiate a sewer capacity check to identify the appropriate connection point for the development, please contact Atkins Ltd, Anglo St James House, 39A Southgate Street, Winchester, SO23 9EH (tel 01962 858688), or www.southernwater.co.uk

5. Informative: Water

The applicant is advised that an agreement with Southern Water, prior to commencement of the development, the measures to be undertaken to divert/protect the public water supply main.

6. Informative: Travel Plan

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:

Businesses, FE colleges and universities:

PLANNING COMMITTEE LIST- 16 SEPTEMBER 2015

- Promote and enable increased use walking, cycling, public transport use, car sharing, and car clubs as alternatives to sole car use
- A commitment to reduce carbon emissions associated with business and commuter travel:
- Increase awareness of and improve road safety and personal security:
- Undertake dialogue and consultation with adjacent/neighbouring tenants/businesses:
- Identify targets focussed on reductions in the level of business and commuter car use:
- Identify a monitoring framework, which shall include a commitment to undertake an annual staff travel survey utilising iTrace Travel Plan monitoring software, for at least five years, or until such time as the targets identified in section (v) above are met, to enable the Travel Plan to be reviewed and updated as appropriate:
- Following the annual staff survey, an annual review will be submitted to the Local Planning Authority to update on progress towards meeting targets:
- Identify a nominated member of staff to act as Travel Plan Co-ordinator, and to become the individual contact for the Local Planning Authority relating to the Travel Plan.

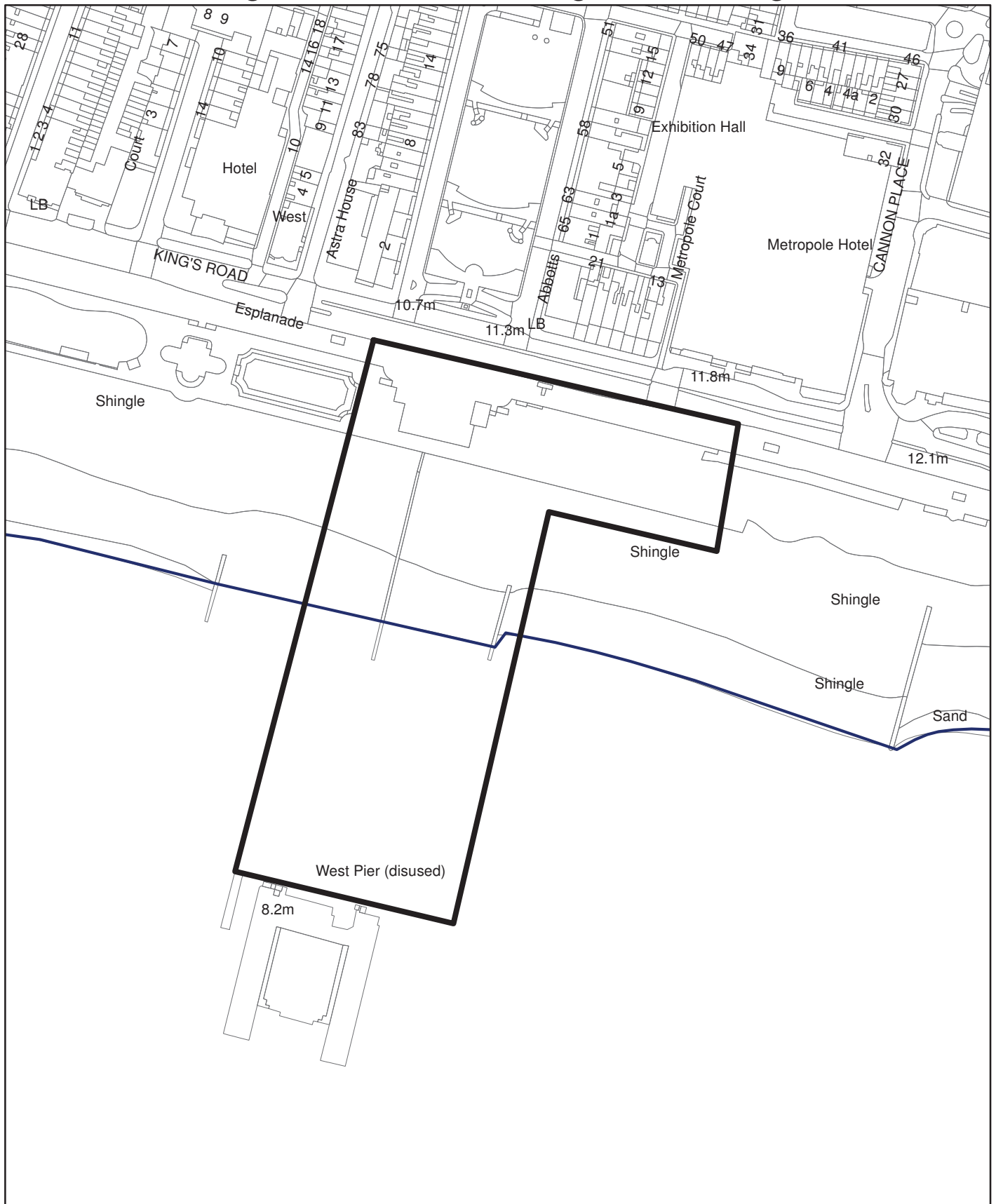
ITEM B

**Land at and adjacent to West Pier and 62-73
Kings Road Arches, Kings Road, Brighton**

**BH2015/02431
Removal or variation of condition**

16 SEPTEMBER 2015

BH2015/02431 Land at and adjacent to West Pier and 62-73 Kings Road Arches, Kings Road, Brighton



**Brighton & Hove
City Council**



Scale: 1:2,500

<u>No:</u>	BH2015/02431	<u>Ward:</u>	REGENCY
<u>App Type:</u>	Removal or Variation of Condition		
<u>Address:</u>	Land at and adjacent to West Pier and 62-73 Kings Road Arches Kings Road Brighton		
<u>Proposal:</u>	Application for removal of conditions 19 and 36 of application BH2014/04167 (i360 observation tower scheme originally approved under application BH2006/02369). Condition 19 to be removed relates to the requirement for grey and rainwater recycling and condition 36 to be removed relates to the requirement for a wind turbine at the head of the tower.		
<u>Officer:</u>	Maria Seale, tel: 292175	<u>Valid Date:</u>	07 July 2015
<u>Con Area:</u>	Regency Square	<u>Expiry Date:</u>	06 October 2015
<u>Listed Building Grade:</u>	Grade I		
<u>Applicant:</u>	Marks Barfield Architects, Mr Ian Crockford, 50 Bromells Road, Clapham Common, London SW4 0BG		

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 **MIND TO GRANT** planning permission subject to the Conditions and Informatives set out in section 11 and subject to a Deed of Variation to the Section 106 Agreement dated 16th October 2006.

2 SITE LOCATION & DESCRIPTION

- 2.1 The site comprises the site of the West Pier, Kings Road which is currently being developed for the i360 scheme. The application site boundary includes the former West Pier 'root end', which comprised the derelict pier structure which stretched out from the Esplanade level over the beach into the sea, the former paddling pool area to the east of the root end and part of the footway of Kings Road to the north. The arches present at 62 to 73 Kings Road Arches also form part of the application site. The 'sea island' part of the West Pier does not form part of the application site. The 'sea island' element is the part of the pier structure which is furthest out to sea which is still standing.
- 2.2 Planning permission and listed building consent was granted in 2006 for the i360 scheme, the full details of which are included within section 3 below.
- 2.3 Work re-commenced in July 2014 on the i360 scheme. The root end of the West Pier has been demolished and work is underway on the sewer and service diversions and excavations have taken place.
- 2.4 The arches directly adjacent to the site at 75 to 105 Kings Road arches are also currently under development.

- 2.5 Construction work is also on-going at the adjacent site 75-105 Kings Road, in order to replace the failing arches under the highway (Kings Road). The two development sites are currently sharing a site compound.
- 2.6 The site is within the Regency Square Conservation Area.

3 RELEVANT HISTORY

West Pier i360 scheme

BH2014/04167: Application for variation of condition 1 of application BH2014/03998 to allow for amendment to the i360 scheme originally approved under application BH2006/02369 to allow for the demolition of the listed arches at 62-73 Kings Road Arches and replacement with new structure to rear of heritage centre and underneath the highway at Kings Road. Approved 19 June 2015.

BH2014/04211: Listed Building Consent. Demolition of existing arches at 62-73 Kings Road Arches and replacement with supporting structure to link to rear of the i360 heritage centre approved under BH2006/02369. Approved 20 February 2015.

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

BH2006/02369: Partial demolition of the existing pier structure and construction of an observation spire (approximately 183 metres in height above ordnance datum) and heritage centre (use class D2) with ancillary retail uses at lower promenade level and all works incidental to the development of the site including relocation of two lamp standards and works of alteration to arches 62-73 Kings Road. Approved 24 October 2006.

Adjacent Sites

36-61 Kings Road Arches

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

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

75-105 Kings Road Arches

BH2014/02503: Demolition of arches and erection of new arches with new brick façade with timber doors. Replacement railings to upper esplanade level. Change of use from storage to mixed uses comprising retail (A1), café (A3), storage (B8) and beach huts. (Part retrospective). Approved 3 December 2014.

BH2014/02505: Replacement railings to upper esplanade level. (Part retrospective). The Council recommended that the Secretary of State grant the application. Approved 12 December 2014.

4 THE APPLICATION

- 4.1 Planning permission is sought to remove conditions 19 and 36 of application BH2014/04167 (i360 observation tower scheme originally approved under application BH2006/02369), which relate to inclusion of rainwater recycling and a wind turbine respectively, which read as follows:

19. Unless otherwise agreed in writing with the Local Planning Authority, the rainwater recycling measures shall be implemented fully in accordance with the details contained in Jacobs Report, Supplementary Information Document and plan referenced Rain Water Storage Tank Location received 23 January 2008. The agreed rain water recycling measures shall then be implemented in full prior to the occupation of the development and thereafter made available for use at all times.

Reason: To ensure that the development will be efficient in its use of water and to comply with policy SU2 of the Brighton & Hove Local Plan.

36. The wind turbines shown on the plans hereby approved and referred to in section 3.6 of the Environmental Statement and the 'Sustainability Checklist' submitted 17 July 2006, shall be implemented in full prior to the occupation of the development and thereafter made available for use at all times.

Reason: To ensure that the development will be efficient in its use of energy and to comply with policy SU2 of the Brighton & Hove Local Plan.

- 4.2 The application contains a supporting letter from the applicant outlining why they are requesting that the conditions be removed, which is essentially for practical technical reasons, and this is discussed in the Considerations & Assessment Section 8 below.

5 PUBLICITY & CONSULTATIONS

External

- 5.1 **Neighbours: Ten (10)** letters of representation have been received from **Flat 11 53-54 Regency Square, Flat 4 20 Regency Square, 9 Freshfield Place, 9 Osborne Villas, 40 Astra House, Flat 1 94 Old Shoreham Road, 95 St Leonards Avenue (x2), 9c Bedford Towers, 11 Astra House** objecting to the application for the following reasons:

- Development should be obliged to have some green features, not try to remove them after permission granted and works started
- Given high profile of scheme it should be able to show benefits to city with reduced impact to environment
- Proposal should have been planned and designed to accommodate the turbine and water recycling
- Any reduction in green features will reduce benefit of attraction and increase profits

- Contractual obligations should not be allowed to be disregarded
- If there is a necessity for the green elements to be removed then project should not be allowed to continue – they are fundamental to the original planning permission
- Developer should have thought through that there would be high winds off the English Channel
- Could alternative green features be considered such as photovoltaics?
- Why can't water recycling be achieved-Jubilee Library does?
- It is difficult to assess how the reduction in CO2 emissions is worked out
- Loss of sea view
- Loss of property value
- Turbine is unsightly, causes noise nuisance and not in keeping
- Turbine shown to be ineffective as sources of renewable energy and location is unsafe next to promenade
- Objection to tower being built, is an eyesore

5.2 **One** letter of representation has been received from **128 Kings Road** supporting the application for the following reasons: As a very nearby resident the removal of the wind turbine is supported as this would not only ruin the view of the tower but it is also agreed it would cause vibrations as set out in application.

5.3 **One** letter of representation has been received from **47 Regency Square** commenting on the application stating: (re greywater recycling issue) it seems odd they have only just realised that the roof is also the pavement, it is trusted that in all other respects the roof is going to be suitable for people to walk on.

5.4 **Highways England:** No objection.

5.5 **Historic England:** Comment. The application should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice.

5.6 **Natural England:** Does not wish to make comments.

5.7 **Network Rail:** No objection.

5.8 **Southern Water:** No objection.

5.9 **Sussex Police:** Crime prevention advice is not relevant.

5.10 **The Theatres Trust:** This application is not within remit.

Internal:

5.11 **Ecology:** Support. This proposal is unlikely to have any significant impacts of biodiversity.

- 5.12 **Heritage:** Support There are not considered to be any adverse heritage implications as a result of this proposal.
- 5.13 **Planning Policy:** Support. Whilst the loss of two key sustainability measures is disappointing, the technical reasons for the removal of the rainwater harvesting system and wind turbine and the associated conditions are accepted. The provision of mitigation measures to compensate for the loss of the wind turbine is noted and ensures continued compliance with Local Plan Policy SU2 in this regard. No alternative water saving measures are proposed to be implemented, however it is recognised that the development is not expected to be a source of high water demand.
- 5.14 **Sustainable Transport:** Support. The proposals are not considered to have a transport impact.

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)

PLANNING COMMITTEE LIST- 16 SEPTEMBER 2015

Brighton & Hove Local Plan:

TR1	Development and the demand for travel
TR2	Public transport and accessibility and parking
TR4	Travel Plans
TR5	Sustainable transport corridors and bus priority routes
TR7	Safe development
TR8	Pedestrian routes
TR12	Helping the independent movement of children
TR13	Pedestrian network
TR14	Cycle access and parking
TR15	Cycle network
TR19	Parking standards
TR20	Coach parking
TR21	Long term coach and over-night lorry park.
SU2	Efficiency of development in the use of energy, water and materials
SU3	Water resources and their quality
SU4	Surface water run-off and flood risk
SU6	Costal defences
SU7	Development within the coastal zone
SU8	Unstable land
SU9	Pollution and nuisance control
SU10	Noise nuisance
SU11	Polluted land and buildings
SU13	Minimisation and re-use of construction industry waste
SU14	Waste management
SU15	Infrastructure
SU16	Production of renewable energy
QD1	Design – quality of development and design statements
QD2	Design – key principles for neighbourhoods
QD3	Design – efficient and effective use of sites
QD4	Design – strategic impact
QD5	Design – street frontages
QD6	Public art
QD7	Crime prevention through environmental design
QD8	Shopshutters
QD10	Shopfronts
QD15	Landscape design
QD16	Trees and hedgerows
QD17	Protection and integration of nature conservation features
QD18	Species protection
QD19	Greenways
QD20	Urban open space
QD25	External lighting
QD27	Protection of amenity
QD28	Planning obligations
HO20	Retention of community facilities
EM4	New business and industrial uses on unidentified sites
SR2	New retail development beyond the edge of existing established shopping centres

PLANNING COMMITTEE LIST- 16 SEPTEMBER 2015

SR8	Individual shops
SR18	Seafront recreation
SR20	Protection of public and private outdoor recreational space
NC8	Setting of the South Down's National Park
HE1	Listed Buildings
HE2	Demolition of a Listed Building
HE3	Development affecting the setting of a listed building
HE4	Reinstatement of original features on listed buildings
HE5	West Pier
HE6	Development within or affecting the setting of conservation areas
HE8	Demolition in conservation areas

Supplementary Planning Guidance:

SPG4	Parking Standards
SPG11	Listed building interiors
SPG12	Listed building general advice
SPG15	Tall Buildings

Interim Guidance on Developer Contributions

Supplementary Planning Documents:

SPD02	Shop Front Design
SPD03	Construction & Demolition Waste
SPD08	Sustainable Building Design
SPD09	Architectural Features
SPD11	Nature Conservation & Development

Brighton & Hove City Plan Part One (submission document)

SS1	Presumption in Favour of Sustainable Development
SA1	The Seafront
CP8	Sustainable Buildings

8 CONSIDERATIONS & ASSESSMENT

8.1 The main consideration is whether the proposal would comply with Local Plan Policy SU2 which seeks efficiency of development in the use of energy water and materials. The NPPF, SPD08 and emerging City Plan are also material considerations.

8.2 Planning Policy Context

Policy SU2 of the Brighton and Hove Local Plan states that proposals are required to demonstrate how various factors have been integrated into their design to demonstrate a high standard of efficiency in the use of energy, water and materials, including the incorporation / use of renewable energy resources, and measures that seek to reduce water consumption.

8.3 SPD08 expands upon policy SU2 and sets criteria that should be met for various different types of development. It was adopted after the i360 was first granted planning permission. For major non-residential development a high standard of sustainability is required, usually to a BREEAM 'excellent' standard

and a feasibility study for rainwater harvesting and greywater recycling systems should be submitted.

- 8.4 City Plan policy CP8, relating to sustainable buildings, requires all development to incorporate sustainable design features unless it can be demonstrated that doing so is not technically feasible and/or would make the scheme unviable. Policies in the City Plan do not carry full statutory weight but are gathering weight as the Plan proceeds through its stages. They provide an indication of the direction of future policy. City Plan Policy CP8 holds limited weight as it is subject to unresolved objections, therefore the main policy against which this application should be assessed is SU2 in the adopted Brighton and Hove Local Plan. This is the policy cited in the reasons for imposing conditions 19 and 36.
- 8.5 The NPPF states that the purpose of planning is to contribute towards the achievement of sustainable development, and that there are 3 mutually dependent dimensions to this – economic, social and environmental. It states developments should use natural resources prudently, minimise waste and pollution and mitigate and adapt to climate change including moving to a low carbon economy. One of the core planning principles in the NPPF is to support the transition to a low carbon future in a changing climate, and planning has a key role to play in encouraging the re-use of existing resources and the use of renewable resources.
- 8.6 **Planning Considerations**
Within the adopted and emerging planning policy context there is a strong emphasis to encourage developments to be as sustainable as possible and encourage the best use of water and energy.
- 8.7 At the time of the original permission in 2006 the development incorporated a number of sustainable features, including wind turbines, heat pumps to provide air heating and cooling, greywater and rainwater recycling and provision of storage for recycling materials. Natural ventilation for cooling is proposed and low energy LED lighting will be used throughout and A+ rated appliances. A Travel Plan ensures staff and visitors are encouraged to walk cycle or come by public transport. The main features were conditioned to ensure their delivery in compliance with policy SU2. The proposal in itself was considered to comprise sustainable development as it would help support the city's economy and sustain the seafront.
- 8.8 At that time it was thought to be possible to include 2 vertical axis wind turbines at the top of the tower, which were to produce approx. 20% of the energy demand (approx. 35,400 KWH/14,770 KG CO2 of a total 505,000 KWH/213,110 KG CO2 originally envisaged). The heat pumps were to provide approx. 30% of the total thermal heating energy use (approx. 13,000KG CO2). These sustainable measures achieved a total 12% reduction of CO2 overall. At the detailed design stage, however, it has become apparent the wind turbines and the greywater and rainwater recycling are not technically feasible or practical.
- 8.9 The applicant states that following an in depth review of the wind induced vibration characteristics of the tower it was established that vibrations created

by the action of the wind turbine could not be effectively mitigated by introduction of vibration dampening installations within the tower. The turbine therefore had to be removed for practical reasons otherwise the tower would be susceptible to damage. As the 'roof' of the building is predominantly pavement areas used by the public this significantly impacts on the range of contaminants present in run-off water (e.g oil, grease, organic matter, dog foul etc) which will make it unusable for WC flushing without major treatment.

- 8.10 There is no reason to dispute the applicant's reasoning and the Council's Sustainability Officer in the Planning Policy team confirms their case to be acceptable. However, whilst it is reasonable to accept the applicant's case, in order to comply with policy SU2, other compensatory measures should be explored.
- 8.11 In this regard, the applicant has set out how the loss of the turbine is to be mitigated through the use of air source heat pump technology (considered to be a 'renewable' technology, although it is still reliant on mains electrical inputs) and by utilising regenerative energy from the operation of the passenger pod when it descends. This latter measure was not originally envisaged at the time of the original permission.
- 8.12 The energy demand of the final design has risen to 585,000KWH/246,870 KG CO2 due to higher visitor numbers that have been forecast since 2012, and the pod drive regenerated energy is considered to reduce CO2 by 25,000 KG CO2 and the heat pumps are considered to more efficiently reduce by CO2 by 18,000 KG CO2. Together, these measures will better the carbon reduction effect of the wind turbine, to provide a reduction of 16% CO2 overall, which is considered to be a significant benefit, and an acceptable alternative to the turbine. The new regenerative energy feature shall be conditioned to ensure it is delivered (no.36). The following table summarises the main differences between the approved scheme and that now proposed in terms of energy:

CO2 Emissions reduction components	Original scheme		Final design	
	KWH	KG CO2	KWH	KG CO2
Total annual electricity demand	505,000	213,110	585,500	246,870
Wind turbine renewable electrical energy	35,000	14,770	-	-
Pod drive electricity regeneration	-	-	60,000	25,320
Total estimated annual net electricity	470,000	198,340	525,000	221,550
Reduction due to wind turbine renewable electrical energy		15,000		-
Reduction due to heat pumps renewable thermal energy		13,000		18,000
Reduction due to pod drive regenerative energy		-		25,000
Total reduction		28,000		43,000
Percentage reduction		12%		16%

8.13 No alternative water saving measures are proposed to be implemented, however it is recognised that the development is not expected to be a source of high water demand, which lessens the impact of the loss of the water recycling measure.

8.14 The i360 is therefore considered to remain a sustainable development which complies with policy SU2.

8.15 Other Considerations

Neighbours have raised other issues which are either not material planning considerations, such as loss of view or property value, or they are not for consideration as part of this application as they relate to objections of the principle of the i360.

9 CONCLUSION

9.1 Whilst the loss of two sustainable features is disappointing there are reasonable technical and practical reasons why they are not feasible. The use of regenerative energy during the pod's descent would better the carbon reduction than the original turbines, which is a significant benefit and can be conditioned. The development would make efficient use of heat pump technology. The development would not have a high water demand which lessens the impact of the loss of water recycling. The proposal is still considered to comply with Local Plan policy SU2 and therefore the removal of conditions 19 and 36 is recommended for approval.

10 EQUALITIES

10.1 None identified.

11 PLANNING OBLIGATION / CONDITIONS / INFORMATIVES

11.1 Deed of Variation

A Deed of Variation is proposed to the original Section 106 Agreement which will reflect the details of this current application.

11.2 Conditions

1. Not used
2. Unless otherwise agreed in writing with the Local Planning Authority, the development shall be carried out fully in accordance with the Site Waste Management Plan October 2007 which was received on 18 January 2008.
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

PLANNING COMMITTEE LIST- 16 SEPTEMBER 2015

Brighton & Hove Local Plan and Supplementary Planning Document 03
Construction and Demolition Waste.

3. Not used.
4. Unless otherwise agreed in writing with the Local Planning Authority, the lighting of the spire shall be carried out fully in accordance with the details contained within the Air Navigation Order received 15 February 2012 and Air Navigation Order received 13 May 2009 and information contained within Marks Barfield Architects Letter and Drawing 001: Mode 1 Lighting Scheme During Operational Hours and Drawing 002: Mode 2 Lighting During Night Time Shut Down received 25 July 2008.
Reason: To ensure that a comprehensive view of the provision of lighting is taken in the interests of visual amenity, security and safety and to protect the character and appearance of Regency Square conservation area and the National Park, to ensure the provision of public art and to comply with policies QD1, QD4, QD6, QD25, QD26, QD27, QD28, HE3, HE6 and NC8 of the Brighton & Hove Local Plan.
5. Unless otherwise agreed in writing with the Local Planning Authority, the development shall be constructed in accordance with the details contained within the Supplementary Flood Risk Assessment received 8 September 2006 and drawing referenced Wall Section Through Threshold 072 received 19 July 2007.
Reason: To safeguard the development from flooding, to provide safe access and egress during flood events, to reduce reliance on emergency services and to comply with policies SU4 and SU7 of the Brighton & Hove Local Plan.
6. Unless otherwise agreed in writing with the Local Planning Authority, the development shall be carried out fully in accordance with the scheme of surface water drainage works detailed within Jacobs document 'Item 19 Supplementary Information Request', plan titled Mechanical & Electrical Services Basement Level Rainwater Storage Tank' and plan referenced 211A which were received by the Local Planning Authority on 17 December 2007 plan referenced 017 B received on 13 July 2007 and 3 x Marks Barfield Architects Letters received 13 July 2007, 24 July 2007 and 17 December 2007.
Reason: To prevent pollution of controlled waters by ensuring the provision of a satisfactory means of surface water disposal and to comply with policies SU3 and QD27 of the Brighton & Hove Local Plan.
7. Unless otherwise agreed in writing by the Local Planning Authority, the method of piling foundations shall consist of bored piles only and shall be carried out in accordance with the piling methods described within the Construction Environmental Management Plan dated 12 June 2014.
Reason: So that the local planning authority may maintain control over the method of piling used which should not include driven piles in order to prevent vibration which would affect the amenity of the occupiers of buildings nearby and affect the stability of structures and buildings nearby

and to comply with policies QD27, SU8, SU9 and SU10 of the Brighton & Hove Local Plan.

8. Unless otherwise agreed in writing by the Local Planning Authority, the temporary construction vehicle and pedestrian route constructed over the shingle beach shall be installed and maintained fully in accordance with plan referenced Site Access and Footpath Closures Figure 3 Rev P9 submitted on 11 June. The temporary route shall be retained for the duration of the construction period unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the temporary route provided is safe, appropriate and accessible for all users of the seafront and to comply with policies TR7, TR8, TR13, QD2 and QD27 of the Brighton & Hove Local Plan.

9. Not used

10. Any facilities for the storage of chemicals shall be sited on impervious bases and surrounded by impervious bund walls, details of which shall be submitted to the Local Planning Authority for approval before the development is commenced. The volume of the bunded compound should be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound should be at least equivalent to 110% of the capacity of the largest tank, or 25% of the total combined capacity of the interconnected tanks whichever is the greatest. All filling points, vents, gauges and sight glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework should be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets should be detailed to discharge downwards into the bund.

Reason: To prevent pollution of the water environment and to comply with policies SU3 and QD27 of the Brighton & Hove Local Plan.

11. Not used.

12. Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas and hardstandings shall be passed through an oil separator designed and constructed to have a capacity and details compatible with the site being drained. Roof water shall not pass through the separator.

Reason: To prevent pollution of Controlled Waters and to comply with policies SU3 and QD27 of the Brighton & Hove Local Plan.

13. Any facilities for the storage of fuels shall be sited on impervious bases and surrounded by impervious bund walls. The bund capacity shall give 110% of the total volume for single and hydraulically linked tanks. If there is multiple tankage, the bund capacity shall be 110% of the largest tank or 25% of the total capacity of all tanks, whichever is the greatest. All filling points, vents, gauges and sight glasses and overflow pipes shall be located within the bund. There shall be no outlet connecting the bund to

any drain, sewer or watercourse or discharging onto the ground. Associated pipework shall be located above ground where possible and protected from accidental damage.

Reason: To prevent pollution of the water environment and to comply with policies SU3 and QD27 of the Brighton & Hove Local Plan.

14. Before each part of the development listed below is commenced, samples of the materials to be used for that part shall first have been submitted to and approved in writing by the local planning authority. The samples to be submitted shall include:
- (i) the cladding of the spire;
 - (ii) the external finishes of the pod;
 - (iii) the external finishes of the heritage centre including the external staircases and lift;
 - (iv) the balustrade on the upper deck of the heritage centre;
 - (v) the external finishes of the kiosks on the upper deck(including paint colours);
 - (vi) the glass screen and canopy fronting Kings Road and behind the kiosks;
 - (vii) the queuing system to be used;
 - (viii) the flooring of the upper deck of the heritage centre; and
 - (ix) the seating and weather screens on the upper deck (including paint colours).

The development shall be carried out in strict accordance with the approved details.

Reason: To ensure a satisfactory appearance to the development, to preserve and enhance the character and appearance of the Regency Square conservation area and to comply with policies QD1, HE1, HE3, HE5 and HE6 of the Brighton & Hove Local Plan.

15. Unless otherwise agreed in writing by the Local Planning Authority, the two West Pier tollbooth kiosks shall be constructed fully in accordance with the details shown on plans referenced 051E, 053D, 054C, 055C, 057C, 058C, 059C submitted on 21 September 2012. Unless otherwise agreed in writing by the Local Planning Authority the reconstructed Weather Screen Benches shall be constructed in accordance with the details shown on plan referenced 066 received on 13 July 2007.

Reason: To ensure the satisfactory preservation of the development, to ensure the preservation and enhancement of the Regency Square conservation area, to preserve the setting of nearby listed buildings, to make adequate provision for people with disabilities and to comply with policies QD1, QD2, QD10, HE1, HE3, HE5 and HE6 of the Brighton & Hove Local Plan.

16. Unless otherwise agreed in writing with the Local Planning Authority, the alternative facilities for boat storage shall be fully implemented and retained throughout the construction period in accordance with the details shown on plan referenced 0038 M received on 11 June 2014. Unless otherwise agreed in writing by the local planning authority the alternative facilities shall remain available for the construction period.

Reason: To avoid unnecessary disturbance to people storing boats on the beach and to comply with policy SR18 of the Brighton & Hove Local Plan.

17. Within 6 months of the date of this permission a scheme of surfacing and landscaping shall be submitted to and approved in writing by the Local Planning Authority. This shall include full details of works to the Lower Esplanade and Upper Esplanade and footway adjoining Kings Road. The agreed scheme shall be carried out in full prior to the occupation of the development.

Reason: In the interests of visual amenity, to ensure a satisfactory appearance to the development and the footway in this area, to ensure the preservation and enhancement of the Regency Square conservation area to preserve the setting of listed buildings and reconstructed West Pier features on the site, to mitigate the impact of the substantial increase in pedestrian traffic in this area as a result of the development and to comply with policies QD1, QD15, QD28, TR1, TR2, TR5, TR7, TR8, TR12, TR13, SU15, HE3, HE5 and HE6 of the Brighton & Hove Local Plan and policy S3 of the East Sussex and Brighton & Hove Structure Plan.

18. Unless otherwise agreed in writing with the Local Planning Authority, the heat pumps providing air heating and cooling in the pod and heritage centre shall be implemented fully in accordance with the details contained within Jacobs letter received 23 March 2009, Jacobs Supplementary Information Documents received 6 March 2008, 15 December 2007 and Report received 21 June 2007. The heat pumps shall then be implemented within the development prior to the occupation of the development and thereafter made available for use at all times.

Reason: To ensure that the development will be efficient in its use of energy and to comply with policy SU2 of the Brighton & Hove Local Plan.

19. Not used.

20. Within 6 months of the date of this permission details of external visitor recycling and litter points within the curtilage of the i360 site shall be submitted to and agreed in writing with the Local Planning Authority. Unless otherwise agreed in writing with the Local Planning Authority the storage of refuse and materials for recycling within the heritage centre shall be carried out in accordance with the details contained within document titled 'Brighton i360 plan for storage of refuse and materials for recycling' received 13 July 2007 and plan referenced Lower Esplanade Plan 201 F received 12 May 2009. The scheme shall be carried out in accordance with all of the approved details prior to occupation 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 policies SU2, SU9, SU14 and QD27 of the Brighton & Hove Local Plan.

21. Unless otherwise agreed in writing with the Local Planning Authority, the glass balustrade surrounding the perimeter of the upper deck of the

heritage centre and the glass to the facades of the heritage centre shall be implemented fully in accordance with the details shown on plans referenced 300D, 301D, 305E and 308D received on 21 September 2012. Unless otherwise agreed in writing with the Local Planning Authority the Kings Road glass security screening shall be carried out fully in accordance with the elevational details shown on plan referenced 300D received on 21 September 2012 and with the typical glazing section shown on plan referenced 070 received on 13 July 2007. Unless otherwise agreed in writing with the Local Planning Authority the glass lift shall be implemented fully in accordance with the details shown on plans referenced 052 B submitted on 13 September 2009 and 301D submitted on 21 September 2012. The scheme shall be implemented in strict accordance with the agreed detail.

Reason: As further information needs to be submitted to ensure the satisfactory preservation of the development, to ensure the preservation and enhancement of the Regency Square conservation area, to preserve the setting of nearby listed buildings and to comply with policy QD1, HE3 and HE6 of the Brighton & Hove Local Plan.

22. Unless otherwise agreed in writing with the Local Planning Authority, the queuing system shall be implemented fully in accordance with the details shown on plan referenced 029 received on 13 July 2007. These facilities shall be fully implemented and made available for use prior to the first occupation of the development hereby approved and unless otherwise agreed in writing with the Local Planning Authority shall thereafter be retained.

Reason: To ensure that adequate provision is made for queuing, to avoid crowding on the upper esplanade outside the development site and to comply with policies TR1, TR5, TR7, TR8, TR13, TR14, TR15, SU15 and QD27 of the Brighton & Hove Local Plan.

23. The reconstructed West Pier tollbooth kiosk and the existing West Pier tollbooth kiosk shall match in materials, colour, style, bonding, texture, dimensions, design and appearance, unless otherwise agreed in writing by the local planning authority.

Reason: To ensure that the architectural and historic importance of these buildings is not compromised, to ensure a satisfactory appearance to the development, to ensure the preservation and enhancement of the Regency Square conservation area and to comply with policies HE1, HE3, HE5 and HE6 of the Brighton & Hove Local Plan.

24. Notwithstanding the details shown on the plans hereby approved, the balustrade on the external staircases immediately adjoining the eastern and western sides of the heritage centre, shall match in materials, colour, style and appearance the existing grade II listed balustrade on the staircases between the upper and lower promenade to the west of the site opposite Oriental Place.

Reason: To compensate for the loss of listed seafront railings as a result of the development, to ensure a satisfactory appearance to each balustrade, to preserve the setting of the existing grade II listed railings

and to preserve and enhance the character and appearance of the Regency Square conservation area and to comply with policies HE1, HE3 and HE6 of the Brighton & Hove Local Plan.

25. In the event that evidence is found of any bats roosting on the site or within the vicinity of the site during the construction period, construction shall cease until the mitigation measures specified in section 12 of the Environmental Statement have been implemented in full and retained thereafter to the satisfaction of the local planning authority unless otherwise agreed in writing by the local planning authority.
Reason: To protect bats roosting in the vicinity of the site who might be disturbed by the development and to comply with policy QD17 of the Brighton & Hove Local Plan.
26. No cables, wires, aerials, pipe work (except rainwater down pipes as shown on 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 the Regency Square conservation area and to comply with policies QD1, QD27 and HE6 of the Brighton & Hove Local Plan.
27. Notwithstanding the provisions of Schedule 2, Parts 24 and 25 of the Town and Country Planning (General Permitted Development) Order 1995 (or amendments or re-enactment thereof) no plant, machinery or other equipment shall be installed on or attached to any part of the development hereby approved without the prior written consent of the Local Planning Authority to whom a planning application must be made.
Reason: As such works could have a significant visual impact on the development, could adversely affect the character, appearance and setting of the Regency Square conservation area and to comply with policies QD1, QD23, QD24 and HE6 of the Brighton & Hove Local Plan.
28. Within 6 months of the date of this permission, a scheme for the fitting of odour control equipment to the development shall be submitted to and approved in writing by the Local Planning Authority. The use of the heritage centre shall not commence until all odour control equipment works relating to the heritage centre have been carried out in accordance with the approved scheme to the satisfaction of the Local Planning Authority. The odour control equipment shall be maintained thereafter to the satisfaction of the Local Planning Authority.
Reason: To safeguard the amenities of the occupiers of adjoining properties and to comply with policies SU9 and QD27 of the Brighton & Hove Local Plan.
29. Within 6 months of the date of this permission, a scheme for the sound insulation of odour control equipment referred to in the condition set out above shall be submitted to and approved in writing by the Local Planning Authority. The use of any unit shall not commence until all sound insulation works relating to that unit have been carried out in accordance with the

approved scheme to the satisfaction of the Local Planning Authority. The sound insulation works shall be maintained thereafter 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.

30. A scheme for the treatment of all plant and machinery against the transmission of sound and/or vibration shall be submitted to and approved in writing by the Local Planning Authority. The use of the development shall not commence until all specified works relating to the development have been carried out to the satisfaction of the Local Planning Authority. The odour control equipment shall be maintained thereafter 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.

31. Noise associated with all plant and machinery incorporated within the development shall be controlled such that the Rating Level, measured or calculated at 1 metre from the façade of the nearest existing noise sensitive premises, shall not exceed a level 5dB below the existing LA90 background noise level. Rating Level and existing background noise levels to be determined as per the guidance provided in BS 4142:1997.

Reason: To avoid noise nuisance caused by the development and to comply with policies QD27, SU9 and SU10 of the Brighton & Hove Local Plan.

32. Amplified music or other entertainment noise generated within the development shall be controlled such that the Rating Level, measured or calculated at 1 metre from the façade of the nearest existing noise sensitive premises, shall not exceed a level 5dB below the existing LA90 background noise level. Rating Level and existing background noise levels to be determined as per the guidance provided in BS 4142:1997.

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.

33. Any public address system installed shall be controlled such that the Rating Level, measured or calculated at 1 metre from the façade of the nearest existing noise sensitive premises, shall not exceed a level 5dB below the existing LA90 background noise level. Rating Level and existing background noise levels to be determined as per the guidance provided in BS 4142:1997.

Reason: To avoid noise nuisance caused by the proposed public address system and to comply with policies QD27, SU9 and SU10 of the Brighton & Hove Local Plan.

34. Unless otherwise agreed in writing with the Local Planning Authority no part of the development shall be open to the public before 8.00 am or after 11.00 pm on any day.

Reason: In the interests of amenity and to comply with policies QD27 and SR18 of the Brighton & Hove Local Plan.

35. Vehicular movements for the purposes of loading or unloading associated with the development hereby approved shall only take place at locations and between hours which shall be submitted to and agreed in writing by the Local Planning Authority prior to the occupation of the development. The agreed locations and hours shall not be varied unless first agreed in writing by the local planning authority.

Reason: To safeguard the amenities of seafront users and of the occupiers of nearby properties and to comply with policies TR1, TR7 and QD27 of the Brighton & Hove Local Plan.

36. The regenerative energy created by the pod drive system cable car descent shall be captured for use in the development as set out in the application hereby approved.

Reason: To ensure that the development will be efficient in its use of energy and to comply with policy SU2 of the Brighton & Hove Local Plan.

37. Not used.

38. Not used.

39. Not used.

40. The development hereby permitted shall not be occupied until details of cycle parking facilities for a minimum of 42 cycles have been submitted to and approved in writing by the Local Planning Authority. The development shall not be open to the public until the cycle parking facilities have been fully implemented in accordance with the approved details. The cycle parking facilities shall be retained as such thereafter.

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

41. Unless otherwise agreed in writing with the Local Planning Authority, the development hereby permitted shall not be occupied until the staff changing and showering facilities shown on plan referenced 'Proposed Lower Esplanade Floor Plan (As Proposed) 019 revision G received on 4 February 2015 have been fully implemented and made available for use. These facilities shall thereafter be retained for use at all times.

Reason: To ensure satisfactory facilities for staff who cycle to the development and to encourage travel by means other than the private car and to comply with policy TR14 of the Brighton & Hove Local Plan.

42. Prior to the occupation of the development the two listed lamp standards indicated on drawing referenced 'Relocation of Lamp-posts' 028 submitted on shall be repositioned as indicated. Any damage which occurs to either lamp standard during the removal, relocation or re-erection of each lamp

standard shall be repaired in full prior to the occupation of the development hereby approved.

Reason: To ensure that these two listed structures are not lost and that any damage to them during relocation is repaired, to preserve and enhance the character and appearance of the Regency Square conservation area and to comply with policies HE1, HE2, HE3, HE4 and HE6 of the Brighton & Hove Local Plan.

43. The development shall not be open to the public until the two tollbooth kiosks and covered seating areas shown on drawing referenced, Proposed Upper Esplanade Floor Plan' 018 revision D submitted on 14 December 2007 have been provided and made available for use. The two tollbooth kiosks and covered seating areas shall thereafter be retained and made available for use at all times.

Reason: To ensure the provision of these parts of the development, in the interests of the efficient and safe operation of the development and in the interests of the character and appearance of the Regency Square conservation area and in the interests of the setting of nearby listed buildings and to comply with policies QD27, TR1, TR5, TR7, TR8, TR13, HE1, HE3, HE5 and HE6 of the Brighton & Hove Local Plan.

44. The development hereby approved shall be open to the public until it has achieved 'Secured by Design' accreditation.

Reason: To contribute to the prevention of crime and to comply with policy QD2 and QD7 of the Brighton & Hove Local Plan.

45. No shutters and/or physical protective security measures shall be installed on any elevation of the heritage centre without the prior written consent of the Local Planning Authority.

Reason: To ensure that a comprehensive view of the provision of shutters is taken in the interests of visual amenity, providing an acceptable frontage to pedestrians and in the interests of the character and appearance of the Regency Square conservation area and to comply with policies QD1, QD4, QD5, QD8, QD10 HE3, HE5 and HE6 of the Brighton & Hove Local Plan.

46. Notwithstanding the details in the documents submitted as part of application BH2006/02369, no LED signs, plasma screens, LCD screens or televisions shall be displayed on any external elevation of the development hereby approved, unless otherwise first agreed in writing by the Local Planning Authority.

Reason: To ensure a satisfactory appearance to the development, to avoid a proliferation of clutter that would compromise the appearance of the development and to comply with policies QD1, HE3 and HE6 of the Brighton & Hove Local Plan.

47. The development hereby approved shall be used only as an observation tower and heritage centre associated with the history of the West Pier and for purposes which are ancillary to these uses and shall not be used for any other purpose.

Reason: The environmental effects described in the Environmental Statement for the development hereby approved relate only to the use of the development as an observation spire and heritage centre with ancillary retail uses and the significant environmental effects of the use of the development for any other purpose have not been tested via an Environment Statement and to comply with policies TR1, SR2 and QD27 of the Brighton & Hove Local Plan.

48. During the hours of business of the development hereby approved, toilet facilities within the development shall be made available for use by members of the public not paying to ride on the observation spire or visit the heritage centre. The charge for the use of the toilet facilities by members of the public not paying to ride of the observation spire or visit the heritage centre, shall be no greater than the charge of the use of the toilet facilities for people paying to ride on the observation spire or visit the heritage centre.

Reason: To compensate for the loss of the existing public toilet facilities which would be displaced as a result of the development hereby approved and to comply with policy HO20 of the Brighton & Hove Local Plan.

49. Not used.

50. Unless otherwise agreed in writing with the Local Planning Authority, the re-use of four existing pier columns within the publically accessible area of the Heritage Centre shall be implemented fully in accordance with the details contained within plan referenced 078 received 16 July 2008, plan referenced 079 B received 12 May 2009, 4 x photographs received 26A, elevation and section received 26 August 2008 and plan referenced 10737 22 01 received 26 August 2008. The scheme shall be implemented fully in accordance with the approved details and retained as such thereafter.

Reason: For the avoidance of doubt, to secure the re-use of the main vertical structural elements of the West Pier and to comply with policies HE1, HE2 and HE5 of the Brighton & Hove Local Plan.

51. Unless otherwise agreed in writing with the Local Planning Authority, the development shall be carried out fully in accordance with the details contained within HOP letter dated 18 September 2007 and Dorton Demolition & Excavation Limited Health & Safety Plan for Demolition, Dismantling, Site Clearance at Brighton West Pier received 20 July 2007.

Reason: To safeguard the special architectural and historic interest of the listed building and in accordance with policies HE1, HE2 and HE5 of the Brighton & Hove Local Plan.

52. Not used.

53. Not used.

54. Not used.

PLANNING COMMITTEE LIST- 16 SEPTEMBER 2015

55. Unless otherwise agreed in writing with the Local Planning Authority, the development shall not operate otherwise than in accordance with the Supplementary Statement on Sustainable Modes of Visitors contained within the Supplementary Transport Statement received on 8 September 2006.

Reason: To ensure that the development caters for the travel demand it creates, to ensure that sustainable modes of transport are encouraged and to comply with policies TR3 and TR4 of the Brighton & Hove Local Plan.

56. Unless otherwise agreed in writing with the Local Planning Authority, the development shall not operate otherwise than in accordance with the Travel Plan received 17 July 2006 and the Supplementary Statement of Sustainable Modes for Staff contained within the Supplementary Transport Statement received on 8 September 2006.

Reason: To ensure that the development caters for the travel demand it creates, to ensure that sustainable modes of transport are encouraged and to comply with policies TR3 and TR4 of the Brighton & Hove Local Plan.

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

Plan Type	Reference	Version	Date Received
Location Plan	001		8 September 2006
Roof Plan as Existing	002	A	8 September 2006
Lower Esplanade as Existing	003	D	22 January 2014
North and South Elevation Existing	004		8 September 2006
Surrounding View as Existing	005		8 September 2006
Site Plan - Proposed Development	012	D	2 September 2015
Footprint Plan	013		8 September 2006
Elevation Looking West	014	H	28 August 2015
Elevation Looking East	015	H	28 August 2015
Elevation Looking North	016	H	28 August 2015
Proposed Roof Plan	017	C	14 December 2007
Proposed Upper Esplanade Floor Plan	018	D	14 December 2007
Proposed Lower Esplanade Floor Plan	019	G	4 February 2015
Basement Plan	020		8 September 2006
Section A-A	021	C	14 December 2007
Proposed South Elevation	022	C	14 December 2007
Proposed East and West Elevation	023	C	14 December 2007
Proposed North Elevation	024	C	14 December 2007
Location of Visitor Cycle Rack	025		8 September 2006
Location of Stabilisation Works	026		8 September 2006

PLANNING COMMITTEE LIST- 16 SEPTEMBER 2015

Location of Railings to be Removed	027		8 September 2006
Relocation of Lamp-posts	028		8 September 2006
Lighting Proposal	031	A	8 September 2006
Typical Section Through Existing Build Arches	42		17 December 2014
Typical Section Through Proposed Build Arches	43		17 December 2014
Existing Pier Forecourt Plan	22 02	C	17 December 2014
Existing Beach Level Plan	22 01	B	17 December 2014
Beach Level Plan West	20 01	A	17 December 2014
Beach Plan Level East	20 02	A	17 December 2014
West Pier tollbooth kiosk details	051E, 053D, 055C, 057C, 059C		21 September 2011
Reconstructed weathered benches details	066		13 July 2007

58. If any additional features are discovered during demolition of the arches numbered 1 to 13 within the Structural Condition Appraisal received 11 December 2014, other than those features specifically recorded within the HOP Historic Building Record received 16 February 2015, then an additional Historic Building Record shall be submitted and agreed in writing by the Local Planning Authority within 28 days of commencement of development of the replacement structure. The additional Historic Building Record shall be carried out in accordance with the details contained within English Heritage's 2006 Document Understanding Historic Buildings – A Guide to Good Recording Practice for Level 3 Recording.

Reason: To ensure that the heritage asset is accurately recorded and to comply with policy HE2 of the Brighton & Hove Local Plan.

59. No works shall take place to arches numbered 14 and 15 within the Structural Condition Appraisal received 11 December 2014, until a scheme which details the physical measures involved in the restoration of these aforementioned arches has been submitted to and agreed in writing with the Local Planning Authority. The scheme shall include details of how the internal walls and roof and southern facing façade shall be restored. The existing render finish and moulded architraves on the south façade must be retained and notwithstanding the approved plans the new doors and infilling of the blocked opening shall be positioned at the back (north) of the openings so that the depth of the reveals is retained. The scheme shall be implemented fully in accordance with the approved details and retained as such thereafter.

Reason: To ensure the satisfactory preservation of the two arches which will remain as part of the scheme and to comply with policy HE1 of the Brighton & Hove Local Plan.

11.3 Informatives:

PLANNING COMMITTEE LIST- 16 SEPTEMBER 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:-

There are reasonable technical and practical reasons why incorporation of the wind turbines and rainwater and greywater recycling are not feasible. The use of regenerative energy during the pod's descent would better the carbon reduction than the original turbines, which is a significant benefit and can be conditioned. The development would make efficient use of heat pump technology. The development would not have a high water demand which lessens the impact of the loss of water recycling. The proposal is still considered to comply with Local Plan policy SU2.
3. The applicant is advised that details of the development must be sent to the Ministry of Defence in order for the development to be chartered for aviation purposes and to accord with ODPM Circular 1/2003. Details must be sent to Defence Geographic & Imagery Agency, DUKDVOF & Power Lines, Air Information Centre, Defence Geographic Centre, DGIA, Elmwood Avenue, Feltham, Middlesex, TW13 7AH, telephone 0208 818 2708, email ais@msms.com. The details must be sent prior to commencement of the development and must include: the date of the commencement of construction, the date of completion of the construction, the height above ground level of the tallest structure, the maximum extension height of any construction equipment and details of how the site will be lit.
4. The applicant is advised that several high voltage cables exist within the site area and that EDF Energy Networks should be contacted if these are likely to be affected by the proposed development: EDF Energy Networks, Connections, Projects South, Bircholt Road, Parkwood, Maidstone, Kent, ME15 9XH, telephone 0845 234 0040.
5. The applicant is advised that a formal application for connection to the water supply is required in order to service this development. Please contact Southern Water's Network Development Team (Wastewater) based in Otterbourne, Hampshire or www.southernwater.co.uk
6. The applicant is advised that a formal application for connection to the water supply is required in order to service this development. Please

PLANNING COMMITTEE LIST- 16 SEPTEMBER 2015

contact Southern Water's Network Development Team (Water) based in Chatham, Kent or www.southernwater.co.uk

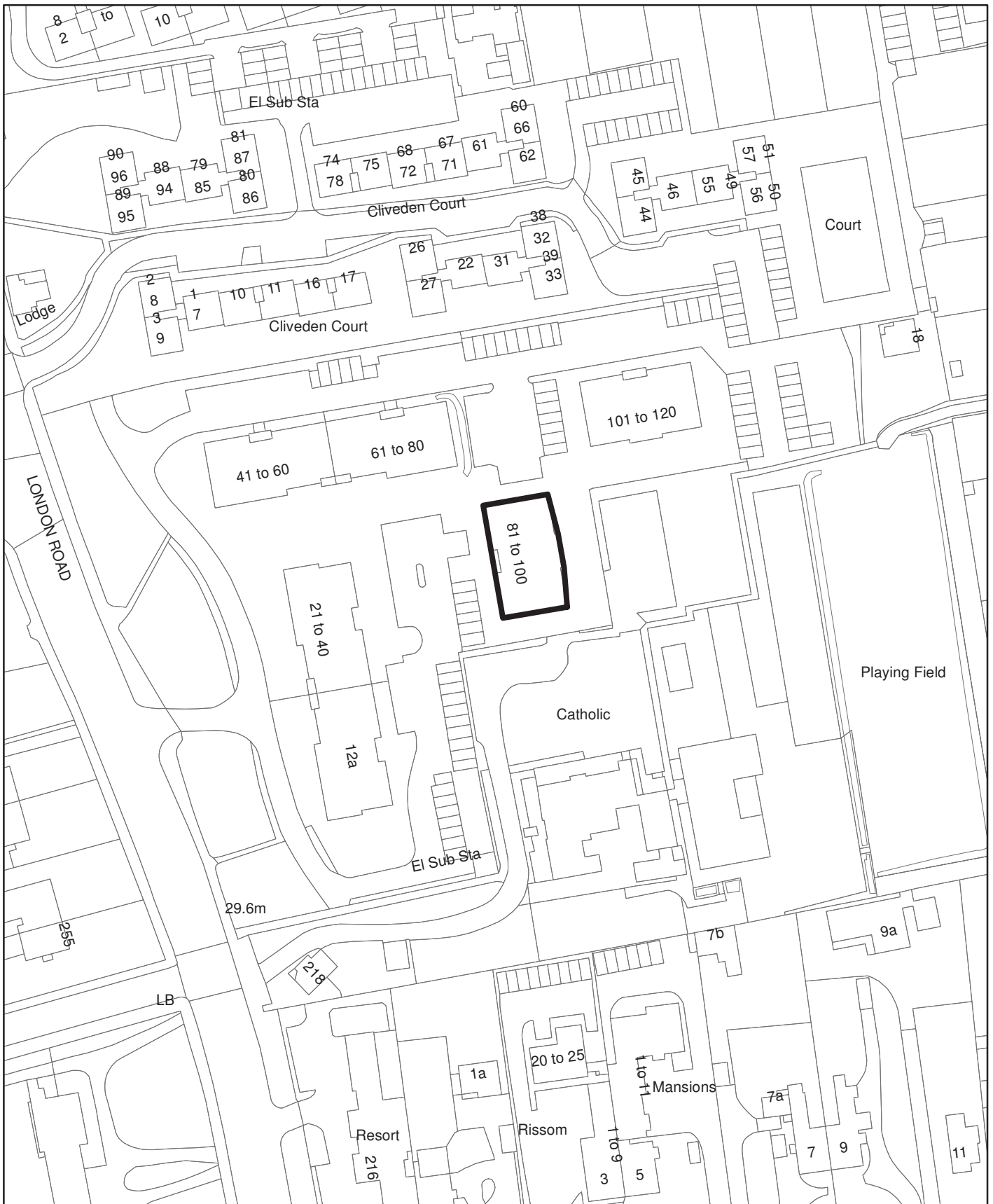
ITEM C

Block D Kingsmere, London Road, Brighton

BH2015/01454
Full planning

16 SEPTEMBER 2015

BH2015/01454 Block D Kingsmere, London Road, Brighton



**Brighton & Hove
City Council**



Scale: 1:1,250

<u>No:</u>	BH2015/01454	<u>Ward:</u>	WITHDEAN
<u>App Type:</u>	Full Planning		
<u>Address:</u>	Block D Kingsmere London Road Brighton		
<u>Proposal:</u>	Erection of additional storey to block D to create 2no one bedroom and 2no two bedroom flats (C3) with roof gardens.		
<u>Officer:</u>	Sonia Gillam Tel 292265	<u>Valid Date:</u>	24 April 2015
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	19 June 2015
<u>Listed Building Grade:</u>			
<u>Agent:</u>	Strutt and Parker, 201 High Street, Lewes BN7 2NR		
<u>Applicant:</u>	Anstone Properties Ltd, C/O Strutt and Parker, 201 High Street Lewes BN7 2NR		

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 site on the eastern side of London Road known as Kingsmere. It is a residential development of four purpose built four-storey blocks comprising 120 flats.
- 2.2 Blocks D is sited to the eastern side of the Kingsmere estate set back from the edge of London Road by the spacious formal front landscaping and is screened by mature trees. Block D is a four storey building of modern appearance, with inset sections, forward projecting bays and a tile hanging clad top floor.
- 2.3 The surrounding area is predominantly flatted residential development within large sites with off-street surface parking. London Road is partly characterised by the presence of adjoining green space and established trees / vegetation. The site is bound to the south east and west by the Preston Park conservation area, although the site itself is outside of the Conservation Area.

3 RELEVANT HISTORY

There have been numerous applications on the site for the original Kingsmere development, alterations to the buildings and works to trees which are subject to a preservation order. The following applications are most relevant to this application:

BH2014/03581 Application for approval of details reserved by condition 9 (cycle parking) of application BH2012/03673. Approved 03/03/2015.

BH2012/03673 Erection of additional storey to Blocks A and B to create 8no flats with private roof gardens, with associated cycle storage. Approved after Section 106 signed. 04/09/2013.

BH2011/03432 Roof extension to Blocks E & F to provide 8no flats each with own private roof garden. Refused 21/03/2012 – Appeal Allowed 05/10/2012.

BH2011/01101 Additional storey to form 4 no three bedroom flats with private roof gardens over Blocks A & B. Approved 07/07/2012.

BH2010/02056 Permission was granted for an additional storey of living accommodation to create 4no. three bedroom penthouse flats with private gardens over blocks E & F. Approved 03/09/2010.

BH2007/02691 Planning permission was refused in 2007 for 'roof extensions to blocks A & B and E & F to provide 8 penthouse flats and provision of 22 additional car spaces and new secure cycle store'. An appeal against this decision was dismissed (see Considerations in Section 7 below). Refused 05/09/2007 – Appeal Dismissed 03/04/2008.

BH2007/00709 Planning permission was refused in April 2007 for 'roof extensions to blocks A + B & E + F to provide 8 penthouse flats, provision of 23 additional car spaces & a new secure cycle store'. Refused 16/04/2007.

3/93/0501/OA Planning permission was refused in 1993 for an additional storey on the roof of each of the existing 6 blocks in the form of a mansard roof to provide an additional 16 flats and an increase in parking to provide an additional 24 spaces. Refused 31/08/1993.

73/325 Permission was granted in 1973 for the erection of 115 s/c flats in 3/4 storey blocks with service roads and car parking space for 120 cars. Granted.

The Priory London Road Brighton

BH2009/00058 Construction of additional storey to existing block of flats, to form 2 two-bedroom and 2 three bedroom flats with a roof garden to each unit. New cycle store. Refused 09/09. Appeal Allowed 09/04/2010.

4 THE APPLICATION

- 4.1 Planning permission is sought for the erection of additional storey to block D to create 2 no. one bedroom and 2 no. two bedroom flats (C3) with roof gardens.
- 4.2 The additional storey would incorporate extensive full-height glazing and roof gardens enclosed by balustrades
- 4.3 There is an outstanding approval of details application for a 30 bay cycle store to the rear of Block D under ref BH2014/03581. Twenty two of these spaces are to serve the previously consented flats on blocks A, B, E and F, and the intention is that the remainder would accommodate the additional spaces required for Block D.

5 PUBLICITY & CONSULTATIONS

External

- 5.1 **Neighbours: Seven (7)** letters of representation have been received from nos. **20 (Kingsmere Residents Association), 81, 96, 99, 100, 106 Kingsmere, St**

Bernadette's Catholic Primary School objecting to the application for the following reasons:

- Overdevelopment of the estate
- Overcrowding
- Design and glazing out of keeping with surroundings
- Parking issues
- Increased traffic
- Overlooking and loss of privacy
- Increase in noise
- Lack of soundproofing
- Loss of income for residents
- Impact on property prices
- Problems of access for emergency vehicles
- Disturbance during build
- Dust during build
- Planning condition has been applied to restrict further floors of accommodation on the Kingsmere estate

Internal:

5.2 **Environmental Health:** Support. The existing lift plant room is alongside a proposed bedroom. Good sound insulation will be required to prevent disturbance. If an acceptable internal noise environment cannot be achieved, the layouts of the flats should be changed to minimise the impact of lift plant noise. A condition for a scheme of soundproofing is recommended. It is recommended that the room uses in the proposed flats are matched with the existing flats to minimise the risk of noise nuisance.

5.2 **Sustainable Transport:** Support.

Trip Generation and Financial Contribution

5.3 The proposed application would see an increase of four additional dwellings meaning that an uplift in trip generation can be expected. Nevertheless given the nature of the units (maximum two bedrooms) it is not considered that this will be significant. The site is also well located for the use of sustainable modes of travel. Given these considerations, no financial contribution is sought on this occasion.

5.4 Cycle Parking

The applicant has proposed that cycle parking would be provided by the store to be shared between other blocks within the Kingsmere development and approved under approval of details application reference BH2014/03581. Given that the store exceeds the capacity required by SPG04 for the proposed and recently approved units this is considered acceptable.

5.5 Car Parking

No car parking is proposed, including for disabled users. Whilst it is agreed that the site is well located for access to sustainable modes of transport, the applicant has noted in previous applications that car parking is constrained at the site and it is likely without adequate private enforcement and permitting the

proposed units will exacerbate this. However, parking restrictions on London Road will limit the opportunity for overspill parking within the immediate vicinity of the site and as such it is not considered that the absence of on-site car parking provision will have an adverse impact on the highway.

6 MATERIAL CONSIDERATIONS

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

7 RELEVANT POLICIES & GUIDANCE

The National Planning Policy Framework (NPPF)

Brighton & Hove Local Plan:

TR1	Development and the demand for travel
TR7	Safe Development
TR14	Cycle access and parking
TR18	Parking for people with a mobility related disability
TR19	Parking standards
SU2	Efficiency of development in the use of energy, water and materials
SU10	Noise nuisance
SU13	Minimisation and re-use of construction industry waste

PLANNING COMMITTEE LIST- 16 SEPTEMBER 2015

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
QD27	Protection of amenity
QD28	Planning obligations
HO3	Dwelling type and size
HO4	Dwelling densities
HO5	Provision of private amenity space in residential development
HO7	Car free housing
HO13	Accessible housing and lifetime homes
HE6	Development within or affecting the setting of conservation areas

Supplementary Planning Guidance:

SPGBH4 Parking Standards

Supplementary Planning Documents:

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

Brighton & Hove City Plan Part One (submission document)

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

8 CONSIDERATIONS & ASSESSMENT

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

8.2 Housing

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 Planning history and principle of development

The Kingsmere estate was granted planning permission in January 1973 (ref 72/4136 & 73/325). Contrary to representations received, neither planning permission imposed a planning condition to restrict further floors of accommodation on the Kingsmere estate. In any case a planning application has been made and needs to be considered.

8.5 Planning permission (BH2007/02691) was refused in December 2007 for roof extensions to blocks A & B and E & F to provide 8 penthouse flats and provision of 22 additional car spaces and new secure cycle store. This application was refused on design grounds, harm to residential amenity and the unknown impact of the new parking facilities upon protected trees located on the site. The decision was subsequently appealed and was dismissed by the Planning Inspector, who upheld the Council's reasons for refusal on design and arboricultural grounds.

8.6 A planning application (BH2010/02056) in 2010 with a differing design and scope to that of the 2007 proposal for an additional storey was approved by the Planning Committee in September of that year. That approval was for an additional storey upon blocks E & F. The design had been amended compared to the previous refusal, to present a predominantly glazed upper storey set back from the existing front, side and rear elevations rather than being flush. That proposal did not provide any further parking spaces to avoid having any adverse impact on trees around the previously proposed car park.

8.7 The previous decision to grant the additional storey were also taken in light of a case at The Priory located on London Road to the north of the application site, on the western side of the road opposite the junction with Carden Avenue (BH2009/00058). This application was similar to the previously approved scheme in respect that it sought an additional storey of accommodation with a comparable design. That case was refused in September 2009 and subsequently allowed on appeal in April 2010. The design of the original building, the appearance of the immediate locality and provision of parking differs between the two cases. However, the applications are sufficiently similar with respect to a number of issues raised that weight should be afforded to the Inspector's decision upon the Priory as a material consideration in determining this application.

8.8 Of even more relevance, planning permission was allowed upon appeal after refusal by Planning Committee for a roof extension to Blocks E & F Kingsmere (BH2011/03432) to provide 8 no. flats each with own private roof garden. Significant weight should be attached to the recent planning decisions to allow an additional storey upon blocks E & F (above) and A & B of Kingsmere under BH2011/01101 and BH2012/03673.

8.9 In principle subject to meeting the applicable policies of the Local Plan and other material considerations, the provision of an additional storey in this location is acceptable.

8.10 Design

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

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

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

8.13 HE6 relates to development within or affecting the setting of conservation area. The policy seeks that new development preserve or enhances the character and appearance of conservation areas.

8.14 The additional storey by reason of its scale, height, materials, form, detailing and siting would provide a quality design adding visual interest to the building. Furthermore, an additional height with an acceptable design is a more efficient and effective use of the site without compromising the intensity of development appropriate to the surrounding area. The additional height would not affect the setting of the Preston Park Conservation Area given that the site lies outside of the designated area. The development would be seen in the context of the modern Kingsmere estate and remains satisfactorily designed in relation to its surroundings.

8.15 The additional height would be approximately 2.8m taking the building to an approximate total height of 14.7m, with an additional 0.8m protrusion to accommodate the lift motor rooms. The extension itself would be set back approximately 2m - 2.5m from the existing elevations of the building. The balustrades surrounding the gardens would be inset between 0.4m and 1.3m. This approach, combined with the use of glazing and set back sections for the rendered parts has been previously accepted on the Kingsmere site. The large exposure of glazing and simple pattern would provide an acceptable modern contrast to the existing building. Additionally it would provide visual relief to the main building preserving the positive characteristics of the area. Samples of materials should be secured by planning conditions to ensure a satisfactory finish to the development.

8.16 Impact on Amenity

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.

8.17 The Kingsmere estate is characterised by modest sized block of flats set within a spacious communal formal grounds with attractive landscaping. The proposed extension would be entirely within the current footprint of an existing block of flats

and as such the new extension would maintain an acceptable relationship with its surroundings. The blocks within Kingsmere estate are sufficiently spaced from one another so as to avoid a harmful loss of privacy, loss of outlook, loss of light or cause overshadowing and overlooking or any adverse effect as a result of the additional height.

- 8.18 The additional concerns raised by neighbouring occupiers concerning potential additional noise, disturbance and inconvenience during the construction period have been noted. These matters do not fall within the remit of planning control on a scheme of this size. However, local residents may have recourse under Environmental Health legislation in relation to noise and disturbance outside normal working hours.
- 8.19 As such it is considered that the development would not cause a harmful level of noise, disturbance or environmental harm. The Council's Environmental Health team has recommended that scheme of soundproofing is submitted. However, this matter would be addressed under Building Regulations and this approach is consistent with previous schemes.
- 8.20 It is noted that the Appeal Decision on Blocks E & F Kingsmere (BH2011/03432), the Inspector found a very similar development acceptable in terms of the impact upon the amenities of existing and future occupants.
- 8.21 **Standard of accommodation**
The proposal would provide four flats capable of providing an acceptable standard of living for occupants and would meet a strategic housing need in the city. The quality of the accommodation would be acceptable in respect of the standards of light, living space, private amenity space and access.
- 8.22 Each of the proposed units would have access to its own private amenity space in the form of roof gardens. The gardens would be separated by obscure glazed screen and provide an appropriate amount of private space. Each flat would have joint kitchens and living rooms, adequate sized bedrooms and bathroom. Each would have appropriate facilities and would provide a comfortable standard of living for the occupiers.
- 8.23 Policy HO13 requires that applications demonstrate that wherever practicable, Lifetime Homes criteria should be incorporated into the scheme. Whilst the Design and Access statement contends that the flats will meet Lifetime Homes Standards, it is considered that it would be unlikely that all standards could be met in a building with existing access and other physical constraints. Given the layout and the design of the additional storey it is considered that a number of Lifetime Homes criteria could be incorporated into the scheme and a planning condition is therefore recommended to secure appropriate additional measures.
- 8.24 A scheme for the storage of refuse and recycling has not been submitted, although presumably the existing facilities would be utilised. The details can be secured by condition.

8.25 It is noted that a previous Appeal Decision on Blocks E & F at Kingsmere (BH2011/03432), the Inspector found a similar development acceptable on the amount of amenity space and quality of living standards.

8.26 Sustainability

Any new residential development upon the site would need to conform to the requirements of SPD08 in respect of medium scale developments as conversions. The application has been accompanied by a sustainability checklist which confirms that Code Level 3 for Sustainable Homes would be met. In line with policy SU2, the scale of the development would require the scheme to meet Code Level 4. The Provision of this is conditioned.

8.27 Sustainable Transport:

Policy TR1 confirms that development proposals should provide for the demand for travel they create and maximise the use of public transport, walking and cycling.

8.28 Policy TR14 confirms that all proposals for new development and change of use should provide facilities for cyclists in accordance with the parking guidance.

8.29 Trip Generation and Financial Contribution

The proposed application would see an increase of four additional dwellings meaning that an uplift in trip generation could be expected. Nevertheless given the nature of the units (maximum two bedrooms) it is not considered that this would be significant. The site is also well located for the use of sustainable modes of travel. Given these considerations, no financial contribution is sought on this occasion by the Council's Sustainable Transport team.

8.30 Cycle Parking

The applicant has proposed that cycle parking would be provided by the store to be shared between other blocks within the Kingsmere development and approved under the approval of details application reference BH2014/03581. Given that the store exceeds the capacity required by SPG04 for the proposed and recently approved units this is considered acceptable.

8.31 Car Parking

No car parking is proposed, including for disabled users. Whilst it is agreed that the site is well located for access to sustainable modes of transport, the applicant has noted in previous applications that car parking is constrained at the site and it is likely that the proposed units could exacerbate this. However, parking restrictions on London Road will limit the opportunity for overspill parking within the immediate vicinity of the site and as such it is not considered that the absence of on-site car parking provision will have an adverse impact on the highway.

9 CONCLUSION

9.1 The proposal would make an effective and efficient use of the site without compromising the quality of the local environment. Subject to the compliance with the attached conditions no significant harm to neighbouring amenity would

result and the scheme is acceptable with regard to sustainability measures and traffic issues.

10 EQUALITIES

10.1 The development should incorporate Lifetime Home standards wherever practicable into the design.

11 PLANNING OBLIGATION / CONDITIONS / INFORMATIVE

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			14/08/2015
Block plan			23/04/2015
Existing floor plan	A2113/03	A	23/04/2015
Existing west elevation	A2113/04	A	23/04/2015
Existing east elevation	A2113/05	A	23/04/2015
Existing north and south elevations	A2113/06	A	23/04/2015
Proposed penthouse plan	A2113/07	B	23/04/2015
Proposed west elevation	A2113/08	A	23/04/2015
Proposed east elevation	A2113/09	A	23/04/2015
Proposed north and south elevation	A2113/10	A	23/04/2015
Existing roof plan	A2113/11	A	23/04/2015
Proposed roof plan	A2113/12	A	23/04/2015
Lifetime home compliance	A2113/13	B	23/04/2015
Site plan	A2113/02	A	23/04/2015

- 3) Access to the flat roofs of 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 policies QD14 and QD27 of the Brighton & Hove Local Plan.

Pre-Commencement Conditions:

- 4) 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.

Pre-Occupation Conditions:

- 5) 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.

- 6) The development hereby permitted shall not be occupied until the cycle parking facilities shown on the approved plans have been fully implemented and made available for use. 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.

- 7) 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.

- 8) The new dwelling(s) hereby permitted shall be constructed to Lifetime Homes standards as far as 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.

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

PLANNING COMMITTEE LIST- 16 SEPTEMBER 2015

apply the presumption in favour of sustainable development. The Local Planning Authority seeks to approve planning applications which are for sustainable development where possible.

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

The proposal would make an effective and efficient use of the site without compromising the quality of the local environment. Subject to the compliance with the attached conditions no significant harm to neighbouring amenity would result and the scheme is acceptable with regard to sustainability measures and traffic issues.
3. The applicant is advised that details of Lifetime Homes standards can be found in Planning Advice Note PAN 03 Accessible Housing & Lifetime Homes, which can be accessed on the Brighton & Hove City Council website (www.brighton-hove.gov.uk).
4. The applicant is advised that details of the Code for Sustainable Homes can be found on the Planning Portal (www.planningportal.gov.uk), on the Department for Communities and Local Government website (www.communities.gov.uk) and in Supplementary Planning Document SPD08 Sustainable Building Design, which can be accessed on the Brighton & Hove City Council website (www.brighton-hove.gov.uk). Accreditation bodies at March 2010 include BRE and STROMA; other bodies may become licensed in future.

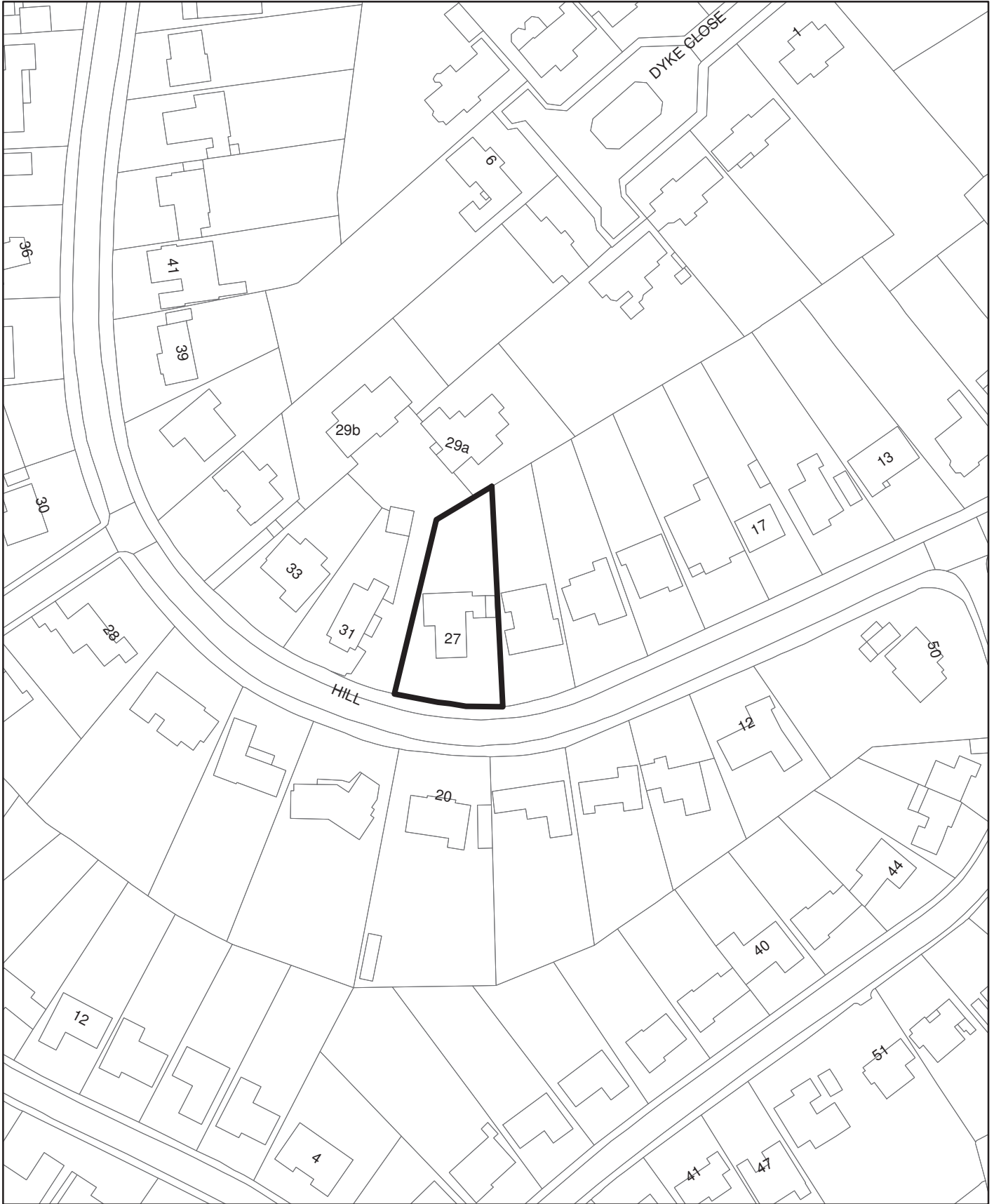
ITEM D

27 Hill Brow, Hove

BH2015/01781

Removal or variation of condition

16 SEPTEMBER 2015



**Brighton & Hove
City Council**



Scale: 1:1,250

<u>No:</u>	BH2015/01781	<u>Ward:</u>	HOVE PARK
<u>App Type:</u>	Removal or Variation of Condition		
<u>Address:</u>	27 Hill Brow Hove		
<u>Proposal:</u>	Application for variation of condition 3 of application BH2012/03379 (Erection of first floor extension to create a two storey house (Revisions to BH2010/01488)) to permit alterations including balcony to south elevation, alterations to window frames, installation of rooflights on side and rear elevations, and installation of slate roof tiles.		
<u>Officer:</u>	Wayne Nee, tel: 292132	<u>Valid Date:</u>	05 June 2015
<u>Con Area:</u>	n/a	<u>Expiry Date:</u>	31 July 2015
<u>Listed Building Grade:</u>	n/a		
<u>Agent:</u>	Yelo Architects Ltd, 18 Marine Parade, Brighton BN2 1TL		
<u>Applicant:</u>	Mrs Jayne Bennett, 27 Hill Brow, Hove BN3 6QG		

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 **GRANT** planning permission subject to the Conditions and Informatives set out in section 11.

2 SITE LOCATION & DESCRIPTION

- 2.1 The site is occupied by a detached bungalow on the north side of Hill Brow. It is constructed of brick with UPVC windows and doors, and a tiled pitched roof. A front garage extension has recently been constructed (BH2013/01182).
- 2.2 Due to the hilly nature of the area, the property is on slightly higher ground than the road it fronts onto; the houses opposite are on lower ground compared to the application site. The bungalow is set back some 10 metres from the back edge of the pavement and has a rear garden at least 17 metres in depth, which steps up toward the rear. The bungalow is close to both side boundaries.
- 2.3 The adjacent property to the east is no. 25 Hill Brow. This house is single storey at the front and two storeys at the rear. On the ground floor the house has a dining room with glazed doors facing toward the side of the application property with a small courtyard between the dining room and the shared boundary
- 2.4 To the west is a two storey house, no. 31 Hill Brow. This house faces toward the side of the application property. There is a driveway between nos. 27 and

31 which gives access to two houses behind the gardens of nos. 27, 31 and 33 Hill Brow.

- 2.5 The application site has a significant amount of hedges and trees around the boundaries of the property.

3 RELEVANT HISTORY

BH2013/01182 Erection of single storey front extension – Approved 06/06/2013

BH2012/03379 Erection of first floor extension to create a two storey house (Revisions to BH2010/01488) – Approved 20/12/2012

BH2010/01488: Planning permission was granted on 23rd August 2010 for the erection of a first floor extension to create a two storey dwelling.

BH1998/02592/FP: Planning permission was granted on 12th March 1999 for re-building attached store and proposed first floor extension within re-profiled roof void.

M/11182/64: Planning permission was granted on 1st January 1965 for an additional garage.

M/7584/60: Planning permission was granted on 18th November 1960 for the addition of a bedroom and porch at rear.

4 THE APPLICATION

Planning permission is sought for the application for variation of condition 3 of application BH2012/03379 (Erection of first floor extension to create a two storey house (Revisions to BH2010/01488)) to permit alterations including balcony to south elevation, alterations to window frames, installation of rooflights on side and rear elevations, and installation of slate roof tiles.

5 PUBLICITY & CONSULTATIONS

External

- 5.1 **Neighbours: One (1)** letter of representation has been received from **20 Hill Brow** in support of the application for the following reason:

- Well-designed scheme.

- 5.2 **One (1)** letter of representation has been received from **25 Hill Brow** commenting on the application as follows:

- Concerned whether there are any changes to the east elevation which is not shown on the drawings;
- Would like assurances that the east elevation windows would still consist of obscure glazing.

- 5.3 **Internal:**

None

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:

QD1	Design – quality of development and design statements
QD2	Design – key principles for neighbourhoods
QD14	Extensions and alterations
QD27	Protection of Amenity

Supplementary Planning Documents:

SPD12	Design Guide for Extensions and Alterations
-------	---

Brighton & Hove City Plan Part One (submission document)

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

8 CONSIDERATIONS & ASSESSMENT

8.1 The principle of the extension was established under approval BH2012/03379 and the determining issues relate to whether the alterations to the approved scheme are appropriate in terms of the impact on the appearance of the existing property and the surrounding area, and the effect on the residential amenity of neighbouring properties.

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 The approved application (BH2012/03379) for a first floor extension to the property incorporated an extension of the existing ground floor front bay on the front (south) elevation. In this amendment a balcony would be constructed above the existing bay window with folding/sliding doors and a glazed balustrade.
- 8.4 Many of the properties on Hill Brow have been extended, altered or replaced with a variety of traditional and modern designs. There is no regular development pattern in terms of window style, size and proportions. Neighbouring properties incorporate examples of modern extensive glazing and balconies. The proposed glazed doors would have the same width as the bay window below. Therefore it is considered that the proposed glazed doors and balcony are considered appropriate additions in this instance.
- 8.5 The proposed amendments also include alterations to the size and positioning of the proposed windows and doors on all elevations. These alterations are considered minor in nature and would not appear at odds with the variety of fenestration patterns and window proportions that can be found on the street.
- 8.6 Four rooflights are also proposed (two on the rear elevation and one each on the side elevations). There are a number of examples of roof lights on properties on Hill Brow, many of which would have been constructed under permitted development. The proposed roof lights would have an ordered appearance on the roof slope. The rooflights on the side roofslope would be visible from the street scene; however they are of a size and proportion that would suitably relate to the roofslope.

- 8.7 The proposed slate roof tiles would replace the existing concrete tiles. Given the varied styles and materials in the vicinity within the street scene, the proposed slates tiles are considered acceptable as they would not result in significant visual harm. Further details in respect of a sample would be required to ensure appropriate style and colour.
- 8.8 For the reasons outlined above it is considered that due to the varied appearance of houses across Hill Brow the design alterations are acceptable and would not detract from the visual amenities of the existing building or wider street scene. The proposal would therefore comply with Local Plan policies QD2 and QD14.

Impact on 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 Policy QD14 states that 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.
- 8.11 The adjacent property to the west, no. 31 Hill Brow, faces toward the side of the application property. The proposal includes alterations to the sizes and positioning of some windows to the upper floor facing no. 31, and the addition of a side elevation rooflight. There is a distance of some 10 metres between the side wall of the application property and the front wall of no. 31. Whilst the application property is on higher ground than no. 31, there are tall hedges and trees which would screen the first floor windows of no. 31 from any additional views created. The agent and applicant for the application have previously confirmed that these trees and hedges will be retained. The distance between the houses, the small nature of the alterations to the proposed windows and the screening provided by these hedges and trees means that the proposal would not significantly impact on the privacy of the residents of no. 31 Hill Brow.
- 8.12 No. 25 Hill Brow, is a two storey building at the rear, and is on a similar alignment to the application property, with the rear walls on a similar line. In the approved application, to ensure there was no possibility of overlooking, and to prevent a sense of overlooking, the windows were conditioned to be obscure glazed and fixed shut below a level 1.7 metres above the internal floor of this room. As these windows and an additional rooflight are proposed to the east elevation, this issue still applies and so the condition would still be required to ensure that there would not be a loss of privacy for the residents of no. 25 Hill Brow.

9 CONCLUSION

9.1 The variation of condition 3 of approved application BH2012/03379 would not create undue conflict with the aims of Local Plan policy and the external alterations are considered to represent a satisfactory amendment to the scheme as originally approved.

10 EQUALITIES

10.1 None identified

11 PLANNING OBLIGATION / CONDITIONS / INFORMATIVES

11.1 Regulatory Conditions:

1) The development hereby permitted shall be commenced before 20th December 2015.

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

2) The upper floor windows and rooflight on the eastern elevation of the development hereby permitted shall be obscure glazed and non-opening, unless the parts of the windows which can be opened are more than 1.7 metres above the floor of the room in which the window is installed, and thereafter permanently retained as such.

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

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

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

Plan Type	Reference	Version	Date Received
Site and block plan	459/05		09 August 2015
Proposed ground floor	YO145-110		26 August 2015
Proposed first floor	YO145-111		26 August 2015
Proposed second floor	YO145-112		26 August 2015
Roof plan	YO145-113		26 August 2015
Proposed south elevation	YO145-114		26 August 2015
Proposed west elevation	YO145-115		26 August 2015
Proposed east elevation	YO145-116		26 August 2015
Proposed north elevation	YO145-117		26 August 2015

4) No development above ground floor slab level of any part of the development hereby permitted shall take place until samples of the roof slates, and further information of the balcony railings and windows 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 & QD14 of the Brighton & Hove Local Plan.

11.2 Informatives:

1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One (submission document) the approach to making a decision on this planning application has been to apply the presumption in favour of sustainable development. The Local Planning Authority seeks to approve planning applications which are for sustainable development where possible.
2. This decision to grant Planning Permission has been taken:
 - (i) having regard to the policies and proposals in the National Planning Policy Framework and the Development Plan, including Supplementary Planning Guidance and Supplementary Planning Documents:
(Please see section 7 of the report for the full list); and
 - (ii) for the following reasons:-
The variation of condition 3 of approved application BH2012/03379 would not create undue conflict with the aims of Local Plan policy and the external alterations are considered to represent a satisfactory amendment to the scheme as originally approved.

Information on upcoming Pre-application Presentations and Requests

Date	Address	Ward	Proposal
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

Date	Address	Ward	Proposal
4 th August 2015	121-123 Davigdor Road, Brighton	Goldsmid	Replacement of existing building with three-part stepped building comprising 48 residential flats and 153sqm of community floorspace.
23 rd June 2015	Land directly adjacent to American Express Community Stadium, Village Way, Falmer	Moulsecoomb & Bevendean	Erection of a 150 bedroom hotel.
23 rd 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 nd June	Land bound by	St Peter's and	Proposed part nine, part seven

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	Blackman Street Cheapside and Station Street, Brighton	North Laine	storey building to provide office and student accommodation for Bellerby's College.
2 nd June 2015	Brighton College, Eastern Road, Brighton	Queens Park	Demolition of existing Sports and 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 th March 2015	106 Lewes Road, Brighton	St Peter's and North Laine	Eight storey block of student accommodation.
18 th November 2014	15 North Street & Pugets Cottage, Brighton	Regency	Demolition of 15 North Street to be replaced with a new feature entrance building.
7 th October 2014	Brighton College, Eastern Road, Brighton	Queens Park	Demolition of existing swimming pool and old music school buildings and erection of a 5no storey new academic building with connections to the Great Hall and Skidelsky building, including removal of existing elm tree and other associated works.
1 st April 2014	Land at Meadow Vale, Ovingdean	Rottingdean Coastal	Construction of 112 new dwellings with vehicular access provided from a new junction on Ovingdean Road, on-site open space and a landscaping buffer along the Falmer Road boundary.
11 th March 2014	Hove Park Depot, The 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 th February 2014	City College, Wilson Avenue, Brighton	East Brighton	Additional accommodation
29 th October 2013	Hippodrome, Middle Street, Brighton	Regency	Refurbishment and Extension
17 th Sept 2013	One Digital, Hollingdean Road, Brighton	Hollingdean and Stanmer	Student accommodation development
27 th Aug 2013	The BOAT, Dyke Road Park, Brighton	Hove Park	Outdoor theatre
16 th July 13	Circus Street, Brighton	Queen's Park	Pre-application proposed re-development

PLANS LIST 16 September 2015**BRIGHTON AND HOVE CITY COUNCIL LIST OF APPLICATIONS
DETERMINED BY THE HEAD OF PLANNING & PUBLIC PROTECTION FOR
EXECUTIVE DIRECTOR ENVIRONMENT, DEVELOPMENT & HOUSING
UNDER DELEGATED POWERS OR IN IMPLEMENTATION OF A PREVIOUS
COMMITTEE DECISION****PATCHAM****BH2015/01021****5 Buxted Rise Brighton**

Erection of a single storey side and rear extension to replace existing.

Applicant: Mr Greenow

Officer: Wayne Nee 292132

Refused on 20/08/15 DELEGATED

BH2015/01322**197 Surrenden Road Brighton**

Formation of detached garage and vehicle crossover incorporating alterations to front boundary wall.

Applicant: Mr & Mrs Woodhart

Officer: Luke Austin 294495

Approved on 20/08/15 DELEGATED

BH2015/01442**147 Cuckmere Way Brighton**

Demolition of side store and erection of 1no four bedroom dwelling (C3) adjoining existing dwelling with associated alterations.

Applicant: Helen Bayliss & Alberto Martinez

Officer: Christopher Wright 292097

Approved on 10/08/15 DELEGATED

BH2015/01449**Asda Store 1 Crowhurst Road Brighton**

Demolition of existing petrol station and construction of a new petrol station with associated retail kiosk, jet wash facility, associated infrastructure and reconfiguration of internal access road and car parking.

Applicant: Asda Stores Ltd

Officer: Jason Hawkes 292153

Approved on 24/08/15 DELEGATED

BH2015/01604**15 Keymer Road Brighton**

Application for Approval of Details Reserved by Condition 5 of application BH2015/00028.

Applicant: Mr Rebecca Ellett

Officer: Guy Everest 293334
Approved on 13/08/15 DELEGATED

BH2015/01677

23 Ditchling Crescent Brighton

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

Applicant: Mr Derek Hall

Officer: Adrian Smith 290478

Approved on 06/08/15 COMMITTEE

BH2015/01844

116 Rotherfield Crescent Brighton

Demolition of existing garage and erection of two storey side extension.

Applicant: Mr & Mrs Mcmillan

Officer: Liz Arnold 291709

Approved on 20/08/15 DELEGATED

BH2015/01876

12 Carden Avenue Brighton

Erection of single storey rear extension with terrace above, creation of front entrance porch, alterations to fenestration and other associated works.

Applicant: Mr Cleto Capetta

Officer: Adrian Smith 290478

Approved on 20/08/15 DELEGATED

BH2015/01916

111 Mackie Avenue Brighton

Certificate of Lawfulness for proposed loft conversion incorporating hip to gable roof extension, rear dormer and front rooflight.

Applicant: Mr Christopher Burton

Officer: Jason Hawkes 292153

Approved on 25/08/15 DELEGATED

BH2015/02409

50 Vale 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 5m, for which the maximum height would be 4m, and for which the height of the eaves would be 3m.

Applicant: Mr & Mrs Fowler

Officer: Allison Palmer 290493

Prior approval not required on 10/08/15 DELEGATED

BH2015/02438

9 Thornhill 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 3.5m, for which the maximum height would be 2.9m, and for which the height of the eaves would be 2.9m.

Applicant: Mr Hugh Woodhouse

Officer: Allison Palmer 290493

Prior Approval is required and is refused on 11/08/15 DELEGATED

BH2015/02673

50 Sanyhills 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 4m, for which the maximum height would be 3.6m and for which the height of the eaves would be 2.3m

Applicant: Steve Rowlands

Officer: Allison Palmer 290493

Prior approval not required on 12/08/15 DELEGATED

PRESTON PARK

BH2014/03428

St Lukes Church 64 Old Shoreham Road Brighton

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 (amended plans received).

Applicant: PPC of St Lukes Church

Officer: Sue Dubberley 293817

Approved on 06/08/15 COMMITTEE

BH2014/04222

148A Preston Drove Brighton

Demolition of existing garage buildings and erection of 1no four bedroom dwelling (C3) with associated landscaping.

Applicant: Mr Mark Cooper

Officer: Adrian Smith 290478

Refused on 20/08/15 DELEGATED

BH2015/00247

94 Preston Drove Brighton

Conversion of existing residential unit and part of existing retail unit (A1) into 4no one and two bedroom flats (C3) including demolition of existing garage and erection of part one part two storey extension and associated works. (Part Retrospective) (revised proposal)

Applicant: Waremoss Ltd

Officer: Jonathan Puplett 292525

Approved on 17/08/15 DELEGATED

BH2015/00459

84 Hythe Road Brighton

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

Applicant: Mr & Mrs P Brockwell

Officer: Wayne Nee 292132

Approved on 25/08/15 DELEGATED

BH2015/00495

165 Preston Drove Brighton

Erection of a single storey rear extension.

Applicant: Mr Clifford Standen
Officer: Joanne Doyle 292198
Approved on 11/08/15 DELEGATED

BH2015/00980

47D Stanford Avenue Brighton

Replacement of existing wooden framed sash window with UPVC sash window.

Applicant: Miss Sophie Mills
Officer: Luke Austin 294495
Approved on 20/08/15 DELEGATED

BH2015/01202

57 Springfield Road Brighton

Erection of single storey side extension and installation of rooflights to front and rear elevations.

Applicant: Mr David Jones
Officer: Chris Swain 292178
Refused on 25/08/15 DELEGATED

BH2015/01346

48 Havelock Road Brighton

Erection of rear extensions at ground and first floor (Part Retrospective).

Applicant: Mrs Priscilla Timmet-Edwards
Officer: Clare Simpson 292321
Approved on 21/08/15 DELEGATED

BH2015/01463

46 Grantham Road Brighton

Erection of a single storey rear extension with associated external alterations.

Applicant: Mr Jeremy Rosenberg
Officer: Helen Hobbs 293335
Approved on 13/08/15 DELEGATED

BH2015/01467

48 Grantham Road Brighton

Erection of single storey rear extension.

Applicant: Mr & Mrs C De Cornet
Officer: Helen Hobbs 293335
Approved on 13/08/15 DELEGATED

BH2015/02112

68 Beaconsfield Villas Brighton

Erection of single storey side/rear infill extension to ground floor flat.

Applicant: Ms Sherrell
Officer: Rebecca Fry 293773
Refused on 17/08/15 DELEGATED

BH2015/02216

60 Beaconsfield Road Brighton

Application for Approval of Details Reserved by Condition 6 of application BH2015/01043.

Applicant: Mr Jon Emmett

Officer: Jason Hawkes 292153
Approved on 24/08/15 DELEGATED

REGENCY

BH2015/00277

19 Crown Street Brighton

Internal alterations to layout and external alterations incorporating new roof to conservatory with roof light and replacement of rear windows and door with sash windows.

Applicant: Mr Michael Wilson
Officer: Guy Everest 293334
Approved on 13/08/15 DELEGATED

BH2015/00357

18 Ship Street Brighton

Conversion of second floor office (B1) to residential (C3), erection of additional residential storey, roof extension, rear roof terrace and associated alterations to form 1no dwelling.

Applicant: Wasp Property Limited
Officer: Chris Swain 292178
Refused on 14/08/15 DELEGATED

BH2015/01014

127 Western Road Brighton

Change of use from coffee shop (A3) to beauty salon (sui generis).

Applicant: Miss Claudia Nadia Salcianu
Officer: Mark Thomas 292336
Approved on 11/08/15 DELEGATED

BH2015/01186

5 Duke Street Brighton

Installation of new shop front and canopy.

Applicant: Mr Douglas Lyons
Officer: Mark Thomas 292336
Approved on 14/08/15 DELEGATED

BH2015/01191

32 Osprey House Sillwood Place Brighton

Replacement of existing windows and door with UPVC windows and door.

Applicant: Gemma North
Officer: Emily Stanbridge 292359
Approved on 13/08/15 DELEGATED

BH2015/01555

6A Victoria Road Brighton

Replacement of existing boundary wall and alterations to existing lightwell.

Applicant: Mrs Emily Hatton
Officer: Emily Stanbridge 292359
Approved on 12/08/15 DELEGATED

BH2015/01567

16 - 17 West Street Brighton

Display of internally illuminated fascia sign to side elevation.

Applicant: Onefamily

Officer: Chris Swain 292178

Approved on 21/08/15 DELEGATED

BH2015/01573

22A Victoria Road Brighton

Application for Approval of Details Reserved by Conditions 6 and 7 of application BH2013/02321.

Applicant: Ms Veronica Slater

Officer: Christopher Wright 292097

Approved on 21/08/15 DELEGATED

BH2015/01884

5 Duke Street Brighton

Installation of external fire escape door and stair to rear.

Applicant: Mr Douglas Lyons

Officer: Mark Thomas 292336

Approved on 14/08/15 DELEGATED

BH2015/02057

13-22 North Street 12D Meeting House Lane and 11-14 Brighton Place Brighton

Application for Approval of Details Reserved by Condition 26 of application BH2013/00710.

Applicant: Redevco UK 1 B.V

Officer: Jason Hawkes 292153

Approved on 18/08/15 DELEGATED

BH2015/02102

Friends Meeting House Prince Albert Street Brighton

Insertion of 3no rooflights and two replacement windows.

Applicant: Miss Claire Potter

Officer: Sonia Gillam 292265

Approved on 13/08/15 DELEGATED

BH2015/02169

18 Market Street Brighton

Display of 2no externally illuminated hanging signs.

Applicant: Sugardough

Officer: Liz Arnold 291709

Refused on 12/08/15 DELEGATED

BH2015/02264

7, 7A & 7B Ship Street Gardens Brighton

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

Applicant: Taylor Patterson Sipp

Officer: Liz Arnold 291709

Approved on 14/08/15 DELEGATED

BH2015/02326

18 Powis Square Brighton

Application for Approval of Details Reserved by Condition 5 of application BH2014/04343.

Applicant: Mr & Mrs Crawford

Officer: Tim Jefferies 293152

Approved on 11/08/15 DELEGATED

ST. PETER'S & NORTH LAINE

BH2014/03709

53 Kemp Street Brighton

Erection of single storey rear extension.

Applicant: Mr M Curzon

Officer: Guy Everest 293334

Approved on 13/08/15 DELEGATED

BH2014/03821

2 Clifton Street Brighton

Conversion of existing wood storage unit (B8) into three bedroom dwelling (C3) with associated alterations.

Applicant: Mrs Brendon Fitzgerald

Officer: Jonathan Puplett 292525

Approved on 11/08/15 DELEGATED

BH2014/04123

49A London Road Brighton

Certificate of lawfulness for existing use of first and second floor as small five bedroom house in multiple occupation (C4).

Applicant: Richard Ellis

Officer: Helen Hobbs 293335

Refused on 10/08/15 DELEGATED

BH2014/04229

2 Caledonian Road & 55 Lewes Road Brighton

Change of use of basement of 2 Caledonian Road and part of basement of 55 Lewes Road from bank (A2) to 1no bedroom self-contained flat (C3) , with associated alterations to rear and side fenestration.

Applicant: Hope Homes Ltd

Officer: Paul Earp 292454

Approved after Section 106 signed on 14/08/15 DELEGATED

BH2015/00352

19 Regent Street and Parking Space R/O 38 Gardner Street Brighton

Application for approval of details reserved by conditions 8, 9, 10, 11, 12 and 15 of application BH2013/03327.

Applicant: Venosc Ltd

Officer: Sue Dubberley 293817

Approved on 14/08/15 DELEGATED

BH2015/00445

Diplocks Yard 73 North Road Brighton

Erection of part single, part two storey building to provide 8no office units (B1).

Applicant: Sussex Property Investments Ltd

Officer: Adrian Smith 290478

Refused on 20/08/15 COMMITTEE

BH2015/00662

37 Lewes Road Brighton

Application for removal of conditions 7 and 8 of application BH2012/02367 (Change of use from tool hire premises (Use Class A1) to car sales premises (Sui Generis) including the erection of an office cabin and installation of 3no wall mounted external lights). Condition 7 states that vehicular access to the site shall be from Lewes Road only and all vehicles shall leave the site onto Newport Street only. Condition 8 states that no vehicles exceeding 3000kg maximum gross weight shall enter the premises.

Applicant: Pavilion Car Sales

Officer: Liz Arnold 291709

Refused on 20/08/15 DELEGATED

BH2015/01040

13 Upper Gardner Street Brighton

Installation of 16no solar panels to East and West facing roof slopes.

Applicant: Ms O'Connor

Officer: Chris Swain 292178

Refused on 25/08/15 DELEGATED

BH2015/01106

12 London Terrace Brighton

Certificate of lawfulness for proposed conversion of 1no flat and 1no maisonette into a single dwelling house (C3).

Applicant: Mr Jeremy Barrett

Officer: Sue Dubberley 293817

Approved on 17/08/15 DELEGATED

BH2015/01138

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

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.

Applicant: Mybright Ltd

Officer: Clare Simpson 292321

Split Decision on 07/08/15 COMMITTEE

BH2015/01453

26B West Hill Road Brighton

Replacement of existing UPVC windows with timber sash windows.

Applicant: Mr Jake Smith

Officer: Joanne Doyle 292198

Approved on 12/08/15 DELEGATED

BH2015/01577

3 Wakefield Road Brighton

Erection of single storey rear extension, front rooflights, rear dormer and replacement window to lower ground floor front elevation.

Applicant: Mrs Diane Culligan

Officer: Christopher Wright 292097

Approved on 12/08/15 DELEGATED

BH2015/01595

39 Queens Road Brighton

Display of externally illuminated fascia sign and externally illuminated hanging sign.

Applicant: William Hill Organisation Limited

Officer: Chris Swain 292178

Approved on 10/08/15 DELEGATED

BH2015/01596

39 Queens Road Brighton

Change of use from financial services (A2) to betting shop (Sui Generis) and installation of new shopfront.

Applicant: William Hill Organisation Limited

Officer: Chris Swain 292178

Approved on 10/08/15 DELEGATED

BH2015/01641

33 West Hill Street Brighton

Erection of single storey rear infill extension

Applicant: Ms Daisy Beaumont

Officer: Luke Austin 294495

Approved on 06/08/15 DELEGATED

BH2015/01792

12 Terminus Street Brighton

Replacement of existing UPVC windows and door to front with timber.

Applicant: Ms Jenny Henderson

Officer: Joanne Doyle 292198

Approved on 13/08/15 DELEGATED

BH2015/01805

1 Over Street Brighton

Installation of rooflights to rear elevation and enlargement of existing basement.

Applicant: Mr Tom Williams

Officer: Emily Stanbridge 292359

Approved on 13/08/15 DELEGATED

BH2015/01893

164 Upper Lewes Road Brighton

Erection of rear extension at first floor level.

Applicant: Mr & Mrs Roberts

Officer: Chris Swain 292178

Refused on 20/08/15 DELEGATED

BH2015/01925

37 Ditchling Road Brighton

Installation of new shop front.

Applicant: Mr Addul Basir

Officer: Kate Brocklebank 292454

Approved on 19/08/15 DELEGATED

BH2015/01945

16 Queens Place Brighton

Erection of single storey roof extension to existing warehouse and office to form 1no two bedroom flat (C3) with alterations to ground floor entrance.

Applicant: Mr H Nicholson

Officer: Liz Arnold 291709

Approved on 21/08/15 DELEGATED

BH2015/02186

12 Cheltenham Place Brighton

Replacement of existing timber single glazed windows with timber double glazed windows to front elevation.

Applicant: Ms Sarah Johnston

Officer: Mark Thomas 292336

Refused on 11/08/15 DELEGATED

BH2015/02348

128 Gloucester Road Brighton

Certificate of lawfulness for existing use as a residential dwelling (C3).

Applicant: Baron Estates (Europe) Ltd

Officer: Allison Palmer 290493

Approved on 24/08/15 DELEGATED

BH2015/02361

89 London Road Brighton

Application for Approval of Details Reserved by Conditions 5 and 6 of application BH2014/01735.

Applicant: Ebury Estates

Officer: Adrian Smith 290478

Split Decision on 21/08/15 DELEGATED

BH2015/02454

100 Upper Lewes Road Brighton

Application for Approval of Details Reserved by Condition 4 of application BH2015/00501.

Applicant: Ms Alison Cornelius

Officer: Clare Simpson 292321

Approved on 24/08/15 DELEGATED

BH2015/02614

89 London Road Brighton

Application for Approval of Details Reserved by Condition 10 of application BH2015/00412

Applicant: Ebury Estates
Officer: Guy Everest 293334
Approved on 13/08/15 DELEGATED

WITHDEAN

BH2014/03842

1 Mill Rise Brighton

Erection of two storey side extension and creation of 2no dormers to front.

Applicant: Mr Jignesh Agnihotri
Officer: Guy Everest 293334

Refused on 13/08/15 DELEGATED

BH2015/00470

42 Withdean Crescent Brighton

Erection of part one part two storey side and rear extension.

Applicant: Mr P Mottram
Officer: Joanne Doyle 292198

Refused on 14/08/15 DELEGATED

BH2015/01419

Clermont Church Clermont Terrace Brighton

Change of use from church (D1) to 4no two bedroom and 2no one bedroom flats (C3), with associated alterations including installation of rooflights to North and South elevations.

Applicant: Clermont Partnership
Officer: Wayne Nee 292132

Refused on 17/08/15 DELEGATED

BH2015/01460

2 Fairview Rise Brighton

Certificate of lawfulness for proposed erection of a single storey rear extension.

Applicant: Ms Pauline Graham
Officer: Mick Anson 292354

Approved on 25/08/15 DELEGATED

BH2015/01574

250 Dyke Road Brighton

Display of externally-illuminated hanging sign and sign fixed to supporting posts, attached to front boundary wall. (Retrospective).

Applicant: Mr S Horsley
Officer: Clare Simpson 292321

Refused on 07/08/15 DELEGATED

BH2015/01684

43 Preston Drove Brighton

Erection of single storey rear extension, alterations to fenestration, rendering of rear elevation, installation of rooflight to front elevation and associated works.

Applicant: Mr Simon Ramsden

Officer: Emily Stanbridge 292359
Approved on 17/08/15 DELEGATED

BH2015/02303

Flat 23 Kingsmere London Road Brighton

Replacement of existing single glazed crittall windows with double glazed UPVC windows.

Applicant: Mrs Mary White
Officer: Emily Stanbridge 292359
Approved on 14/08/15 DELEGATED

BH2015/02304

Flat 33 Kingsmere London Road Brighton

Replacement of existing single glazed crittall windows with double glazed UPVC windows.

Applicant: Mr Alan Miles
Officer: Emily Stanbridge 292359
Approved on 14/08/15 DELEGATED

BH2015/02800

Dorothy Stringer School Loder Road Brighton

Application for approval of details reserved by condition 8 of application BH2014/00697.

Applicant: Dorothy Stringer School
Officer: Jason Hawkes 292153
Approved on 25/08/15 DELEGATED

EAST BRIGHTON

BH2015/00558

Flat 5 3-4 Eastern Terrace Brighton

Replacement of existing timber window with timber sash window to front elevation.

Applicant: Montpelier Homes Ltd
Officer: Nicola Hurley 292114
Approved on 13/08/15 DELEGATED

BH2015/00979

80 Maresfield Road Brighton

Erection of a garden room to rear garden.

Applicant: Mr Martin Stevens
Officer: Joanne Doyle 292198
Refused on 17/08/15 DELEGATED

BH2015/01189

18 Rock Grove Brighton

Replacement of existing UPVC windows with timber windows at lower ground and ground floor levels.

Applicant: Mrs Kate Guan
Officer: Joanne Doyle 292198
Approved on 13/08/15 DELEGATED

BH2015/01544

Basement Flat 6A Chichester Terrace Brighton

Internal alterations to layout of flat.

Applicant: Mr Jeremy Lane

Officer: Tim Jefferies 293152

Approved on 19/08/15 DELEGATED

BH2015/02273

Flat 2 49 St Georges Road Brighton

Insertion of new window to front elevation.

Applicant: Ms Sarah Maciver

Officer: Charlotte Bush 292193

Approved on 24/08/15 DELEGATED

HANOVER & ELM GROVE

BH2015/00409

5 Newmarket Terrace Brighton

Part change of use of public house (A4) to form 2no two bedroom and 1no one bedroom flats (C3) with associated alterations including erection of first floor extension and formation of lower ground floor level.

Applicant: Mr Slabberrt

Officer: Wayne Nee 292132

Approved on 20/08/15 DELEGATED

BH2015/01408

Garage adjacent to 2A Shanklin Road Brighton

Alterations to existing garage incorporating increased roof height. (Part-retrospective)

Applicant: NH Developments

Officer: Joanne Doyle 292198

Refused on 11/08/15 DELEGATED

BH2015/01599

93 Bentham Road Brighton

Erection of first floor rear extension, revised entrance and fenestration. (Part Retrospective).

Applicant: Ms Julia Witt

Officer: Joanne Doyle 292198

Approved on 17/08/15 DELEGATED

BH2015/02161

13 Lynton Street Brighton

Erection of single storey extension at ground floor level and replacement of existing windows to rear elevation.

Applicant: Mr Kristoffer Hewitt

Officer: Allison Palmer 290493

Approved on 10/08/15 DELEGATED

BH2015/02163

13 Lynton Street Brighton

Certificate of lawfulness for proposed loft conversion incorporating creation of

rear dormer and insertion of new rooflight and repositioning of existing PV solar panels to front roofslope.

Applicant: Mr Kristoffer Hewitt

Officer: Allison Palmer 290493

Approved on 14/08/15 DELEGATED

BH2015/02432

15 Howard Road Brighton

Certificate of lawfulness for proposed loft conversion incorporating rear dormer and 2no front rooflights.

Applicant: Bryan Warren

Officer: Allison Palmer 290493

Approved on 25/08/15 DELEGATED

BH2015/02468

40 Toronto Terrace Brighton

Prior approval for the erection of a single storey rear extension, which would extend beyond the rear wall of the original house by 5.2m, for which the maximum height would be 2.55m, and for which the height of the eaves would be 2.55m.

Applicant: Clair Edwards

Officer: Charlotte Bush 292193

Prior Approval is required and is refused on 11/08/15 DELEGATED

BH2015/02701

12 Pevensey Road Brighton

Non Material Amendment to BH2013/04358 to amend the internal arrangement of proposed works.

Applicant: Mr Rayward

Officer: Adrian Smith 290478

Approved on 11/08/15 DELEGATED

MOULSECOOMB & BEVENDEAN

BH2014/01768

Brighton Aldridge Community Academy Lewes Road Brighton

Construction of two storey building for provision of an indoor cricket school incorporating external car parking spaces, cycle parking and other associated works.

Applicant: Brighton Aldridge Community Academy

Officer: Sue Dubberley 293817

Approved after Section 106 signed on 11/08/15 DELEGATED

BH2015/01714

49 Auckland Drive Brighton

Certificate of Lawfulness for proposed two storey rear extension.

Applicant: Mr Mark Barrowcliffe

Officer: Chris Swain 292178

Approved on 13/08/15 DELEGATED

BH2015/01944

Bevendean Primary School Heath Hill Avenue Brighton

Installation of replacement plant machinery and windows, demolition of water tank, internal alterations and associated works.

Applicant: Brighton and Hove City Council

Officer: Liz Arnold 291709

Approved on 06/08/15 DELEGATED

BH2015/02224

24 Dewe Road Brighton

Certificate of lawfulness for proposed single storey rear extension.

Applicant: Ms MC Cabanas

Officer: Emily Stanbridge 292359

Approved on 13/08/15 DELEGATED

QUEEN'S PARK

BH2014/02973

23 & 24 Old Steine Brighton

Conversion of existing offices (B1) in adjoining buildings to 9no two bedroom flats (C3), with retention of existing flats on upper floors. Associated works including erection of two storey rear extension with lower ground courtyard to replace existing extension to No. 24 and new windows and railings to front and rear.

Applicant: Selits Ltd

Officer: Sue Dubberley 293817

Approved on 14/08/15 DELEGATED

BH2014/02974

23 & 24 Old Steine Brighton

Conversion of existing offices (B1) in adjoining buildings to 9no two bedroom flats (C3), with retention of existing flats on upper floors. Associated works including internal layout alterations, erection of two storey rear extension with lower ground courtyard to replace existing extension to No. 24 and new windows and railings to front and rear.

Applicant: Selits Ltd

Officer: Sue Dubberley 293817

Approved on 13/08/15 DELEGATED

BH2014/03730

10 Royal Crescent Brighton

Internal alterations associated with the installation of under floor heating.

Applicant: Martin Venables

Officer: Wayne Nee 292132

Approved on 20/08/15 DELEGATED

BH2014/04083

47-47a St James Street Brighton

Conversion of existing four bedroom maisonette into 2no one bed flats and 1no three bedroom flat to upper floors. Amalgamation of 2no retail units (A1) at ground floor level to form 1no retail unit. Alterations to shop front including creation of entrance door to flats above.

Applicant: B and J Sharman Properties Ltd

Officer: Christopher Wright 292097

Approved on 20/08/15 DELEGATED

BH2014/04304

Tarnerland Nursery School Sussex Street Brighton

Application for approval of details reserved by conditions 3, 4, 5(i) and 5(iii) of application BH2013/0965.

Applicant: Tarnerland Nursery School

Officer: Christopher Wright 292097

Approved on 21/08/15 DELEGATED

BH2015/00333

33 Mighell Street and 70A Carlton Hill Brighton

Demolition of existing garage and flint wall. Rebuilding of flint wall and construction of new five storey building comprising of 5no four bed dwelling houses (C3) and office space (B1), incorporating provision of car parking, cycle parking and refuse facilities at lower ground floor level and associated works.

Applicant: PSPF 2000 LLP

Officer: Sue Dubberley 293817

Refused on 17/08/15 DELEGATED

BH2015/01221

1 William Street Brighton

Application for variation of condition 2 of application BH2014/03871 (Replacement of existing aluminium windows, alterations to ramp entrance and other associated alterations) to permit the installation of a glazed screen instead of a roller shutter.

Applicant: Sussex Police Authority

Officer: Mark Thomas 292336

Approved on 17/08/15 DELEGATED

BH2015/01669

9 Grand Parade Brighton

Internal refurbishment and alterations to layout of flats.

Applicant: Mr Adam Davis

Officer: Tim Jefferies 293152

Refused on 10/08/15 DELEGATED

BH2015/01747

1 Marine Parade Brighton

Display of externally illuminated shroud to south and west elevations.

Applicant: King Media Management

Officer: Wayne Nee 292132

Refused on 25/08/15 DELEGATED

BH2015/01751

2 West Drive Brighton

Installation of dormers to side and rear elevations.

Applicant: Alan Harman

Officer: Luke Austin 294495

Refused on 20/08/15 DELEGATED

BH2015/01759

11 Broad Street Brighton

Certificate of lawfulness for proposed 1no bedroom flat and 4no self-contained studio flats.

Applicant: Mr Mathew Sorokin
Officer: Adrian Smith 290478
Approved on 17/08/15 DELEGATED

BH2015/01978

9 Windmill Street Brighton

Replacement of existing rear first floor bay window with UPVC doors and timber handrail.

Applicant: Mr Christopher Hall
Officer: Clare Flowers 290443
Refused on 18/08/15 DELEGATED

BH2015/02017

4 Freshfield Place Brighton

Erection of single storey rear extension.

Applicant: Mr T Tincombe
Officer: Clare Flowers 290443
Approved on 14/08/15 DELEGATED

BH2015/02283

Brighton College Eastern Road Brighton

Application for Approval of Details Reserved by Condition 3 of application BH2014/04008

Applicant: Brighton College
Officer: Guy Everest 293334
Approved on 12/08/15 DELEGATED

BH2015/02284

Brighton College Eastern Road Brighton

Application for Approval of Details Reserved by Condition 3 of application BH2014/04009.

Applicant: Brighton College
Officer: Guy Everest 293334
Approved on 13/08/15 DELEGATED

BH2015/02467

6 Windmill Terrace Brighton

Prior approval for the erection of a single storey rear extension, which would extend beyond the rear wall of the original house by 3.4m, for which the maximum height would be 3.3m, and for which the height of the eaves would be 2.3m.

Applicant: David Edsger
Officer: Charlotte Bush 292193
Prior approval not required on 12/08/15 DELEGATED

BH2015/02642

Richmond House 1 Richmond Place Brighton

Application for Approval of Details Reserved by Condition 8 of application
BH2013/03586

Applicant: Baron Homes Corporation Ltd

Officer: Adrian Smith 290478

Approved on 21/08/15 DELEGATED

BH2015/02704

Brighton College Eastern Road Brighton

Application for Approval of Details Reserved by Condition 4 of application
BH2014/03743

Applicant: Brighton College

Officer: Adrian Smith 290478

Approved on 11/08/15 DELEGATED

BH2015/02707

Brighton College Eastern Road Brighton

Application for Approval of Details Reserved by Condition 4 of application
BH2014/03744

Applicant: Brighton College

Officer: Adrian Smith 290478

Approved on 13/08/15 DELEGATED

ROTTINGDEAN COASTAL

BH2015/00195

132 Longhill Road Brighton

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. (Amended Plans)

Applicant: Mr Alan Walder

Officer: Adrian Smith 290478

Approved on 11/08/15 COMMITTEE

BH2015/00200

Between Pontoons 6 & 7 Western Concourse Brighton Marina Brighton

Application for Approval of Details Reserved by Conditions 7 and 12 of
application BH2014/02336.

Applicant: West Quay Developements Co

Officer: Sarah Collins 292232

Approved on 18/08/15 DELEGATED

BH2015/00967

Flat 10 Princes Mansions 31 Sussex Square Brighton

Internal alterations to layout of flat.

Applicant: Ms Louise Gow

Officer: Chris Swain 292178

Refused on 14/08/15 DELEGATED

BH2015/01057

40 Nevill Road Rottingdean Brighton

Erection of a single storey rear extension.

Applicant: Mr & Mrs Richardson

Officer: Adrian Smith 290478
Approved on 12/08/15 DELEGATED

BH2015/01421

St Edmunds Steyning Road Rottingdean Brighton

Application for Approval of Details Reserved by Condition 3 of application BH2010/01048.

Applicant: Paul Evans
Officer: Mark Thomas 292336
Refused on 11/08/15 DELEGATED

BH2015/01439

2 Cliff Approach Brighton

Erection of two storey side extension incorporating roof extension and rear rooflight, replacement front porch and alterations to fenestration.

Applicant: Ms Catriona Shepard
Officer: Liz Arnold 291709
Approved on 14/08/15 DELEGATED

BH2015/01597

14 Church Place Brighton

Removal of internal wall and iron grate and installation of multi-fuel burner to fireplace.

Applicant: Miss Karen Keene
Officer: Tim Jefferies 293152
Approved on 12/08/15 DELEGATED

BH2015/01623

4 Eley Crescent Rottingdean Brighton

Erection of a single storey conservatory extension to rear.

Applicant: Mrs Boyd-Jones
Officer: Mark Thomas 292336
Approved on 14/08/15 DELEGATED

BH2015/01624

108 High Street Rottingdean Brighton

Creation of dormer and insertion of rooflight to rear.

Applicant: Baber Properties
Officer: Chris Swain 292178
Approved on 20/08/15 DELEGATED

BH2015/01643

38 Wanderdown Road Brighton

Creation of side dormer, open porch to front, replacement of existing rear extension with glazed balustrading above, alterations to fenestration and other associated works.

Applicant: Mr Tim Bailey
Officer: Chris Swain 292178
Refused on 20/08/15 DELEGATED

BH2015/01676

17 Coombe Vale Saltdean Brighton

Certificate of Lawfulness for proposed single storey side extension and loft conversion with side dormer, rear Juliet balcony, side rooflights and associated works.

Applicant: Mr & Mrs Danvers
Officer: Mark Thomas 292336
Approved on 13/08/15 DELEGATED

BH2015/02229

Flat 5 24 Lewes Crescent Brighton

Internal alterations to layout of flat.

Applicant: Mr Cian Kennedy
Officer: Tim Jefferies 293152
Approved on 06/08/15 DELEGATED

BH2015/02280

17 Martyns Close Brighton

Erection of single storey rear extension to replace existing conservatory.

Applicant: Mr L Savage
Officer: Allison Palmer 290493
Approved on 18/08/15 DELEGATED

BH2015/02292

90 Eley Drive Rottingdean Brighton

Application for Approval of Details Reserved by Condition 4 of application BH2015/00057.

Applicant: Mr & Mrs Skinner
Officer: Joanne Doyle 292198
Approved on 21/08/15 DELEGATED

BH2015/02357

Ovingdean Hall English Language School Greenways Brighton

Application for Approval of Details Reserved by Condition 19 of application BH2011/03421.

Applicant: Ovingdean Properties Ltd
Officer: Sue Dubberley 293817
Approved on 19/08/15 DELEGATED

BH2015/02486

10 Eley Drive 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 4m, for which the maximum height would be 2.815m, and for which the height of the eaves would be 2.25m.

Applicant: Mr A Van Wensveen
Officer: Allison Palmer 290493
Prior Approval is required and is refused on 12/08/15 DELEGATED

BH2015/02519

15 Founthill Avenue Saltdean Brighton

Application for Approval of Details Reserved by Condition 4 of application BH2014/02040.

Applicant: Mr Parker
Officer: Liz Arnold 291709

Approved on 11/08/15 DELEGATED

BH2015/02521

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 2.891m.

Applicant: Mr Steven North

Officer: Charlotte Bush 292193

Prior approval not required on 13/08/15 DELEGATED

WOODINGDEAN

BH2015/01878

55 Cowley Drive Brighton

Certificate of lawfulness for proposed loft conversion incorporation rear dormer, front rooflights and a window to side elevation.

Applicant: Mr John Marsden

Officer: Mark Thomas 292336

Approved on 13/08/15 DELEGATED

BRUNSWICK AND ADELAIDE

BH2014/03391

1 Brunswick Road Hove

Change of use from office (B1) to 1no one bedroom flat (C3) incorporating internal alterations to layout.

Applicant: Ridgewood Estates Limited

Officer: Guy Everest 293334

Refused on 25/08/15 DELEGATED

BH2015/00998

Ground Floor Flat 34 Lansdowne Place Hove

Internal alterations to layout of flat.

Applicant: Mr Liang Xian

Officer: Sue Dubberley 293817

Approved on 19/08/15 DELEGATED

BH2015/01066

27 Palmeira Avenue Hove

Demolition of existing building and erection of new residential building containing 4no one and two bed maisonettes and 4no one and two bed flats with associated landscaping and cycle storage.

Applicant: Mr & Mrs M Smith

Officer: Jason Hawkes 292153

Approved after Section 106 signed on 20/08/15 DELEGATED

BH2015/01156

18 Palmeira Yard 75 Holland Road Hove

Internal alterations to layout of flat.

Applicant: Mr Franck Thelot

Officer: Joanne Doyle 292198
Approved on 10/08/15 DELEGATED

BH2015/01248

38-42 Brunswick Street West Hove

Replacement of existing pitched roof covering with metal thermally insulated roof panels.

Applicant: Vaseema Hamilton

Officer: Wayne Nee 292132

Approved on 13/08/15 DELEGATED

BH2015/01405

Brighton & Hove Progressive Synagogue 6 Lansdowne Road Hove

Application for Approval of Details Reserved by Conditions 6, 7 and 8 of application BH2014/00330.

Applicant: Mrs Myra Bianco

Officer: Christopher Wright 292097

Refused on 10/08/15 DELEGATED

BH2015/01652

31& 33 Selborne Road Hove

Conversion of roof space to form one bedroom flat with rear dormers and rooflights to flat roof.

Applicant: Hardwick Hartley

Officer: Liz Arnold 291709

Approved on 20/08/15 DELEGATED

BH2015/02007

48B Brunswick Road Hove

Internal alterations to layout of flat. (Part retrospective).

Applicant: Mr John Pritchard

Officer: Tim Jefferies 293152

Approved on 21/08/15 DELEGATED

CENTRAL HOVE

BH2015/00973

14a Osborne Villas Hove

Installation of new timber bay window to front elevation and replacement of all other windows and doors with UPVC units. (Part retrospective)

Applicant: Mr Leal

Officer: Guy Everest 293334

Approved on 12/08/15 DELEGATED

BH2015/01363

40 Albany Villas Hove

Application for Approval of Details Reserved by Conditions 3, 6 and 7 of application BH2014/04101.

Applicant: Mr & Mrs Houlbrook

Officer: Helen Hobbs 293335

Approved on 14/08/15 DELEGATED

BH2015/02042

Flat 51 4 Grand Avenue Hove

Replacement of 3no existing single glazed crittal windows with double glazed crittal windows with glazing bars.

Applicant: Dr Kevin Murray

Officer: Mark Thomas 292336

Approved on 24/08/15 DELEGATED

BH2015/02043

Flat 51 4 Grand Avenue Hove

Replacement of 3no existing single glazed crittal windows with double glazed crittal windows with glazing bars.

Applicant: Dr Kevin Murray

Officer: Mark Thomas 292336

Approved on 24/08/15 DELEGATED

BH2015/02342

5, 7 & 9 Sackville Road Hove

Non Material Amendment to BH2014/04340 UPVC windows with arched lintels revised to show a square head with a flat board cut and installed above to form arch.

Applicant: Hyde Housing

Officer: Mark Thomas 292336

Refused on 12/08/15 DELEGATED

BH2015/02485

4 Haddington 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 5.2m, for which the maximum height would be 3.2m, and for which the height of the eaves would be 2.5m.

Applicant: M Gosling

Officer: Charlotte Bush 292193

Prior Approval is required and is refused on 13/08/15 DELEGATED

GOLDSMID

BH2014/04350

4-6 Montefiore Road Hove

Application for approval of details reserved by conditions 7, 8, 9, 10, 11, 12 and 18 of application BH2013/03331.

Applicant: Southbank Estates

Officer: Guy Everest 293334

Approved on 11/08/15 DELEGATED

BH2015/00638

141 Davigdor Road Hove

Installation of shutters over entrance doors and adjoining windows.

Applicant: Panbet Ltd

Officer: Joanne Doyle 292198

Refused on 19/08/15 DELEGATED

BH2015/00954

5 Somerhill Lodge Somerhill Road Hove

Replacement of existing timber framed windows with double glazed UPVC windows.

Applicant: Mr Abdul Mohson Al Farhan

Officer: Mark Thomas 292336

Refused on 10/08/15 DELEGATED

BH2015/01350

Hove Junior School 80 Holland Road Hove

Non Material Amendment to BH2013/01860 to maintain a larger proportion of the garages and to move the trees from this area to the front to allow for the provision of a new football pitch, to provide a larger caretakers store and to allow for suitable access to the plant room.

Applicant: Brighton & Hove City Council

Officer: Adrian Smith 290478

Refused on 21/08/15 DELEGATED

BH2015/01443

10 Bigwood Avenue Hove

Certificate of Lawfulness for proposed conversion of 2no flats into single dwelling house (C3).

Applicant: Mr Kevin Whelan

Officer: Mark Thomas 292336

Approved on 25/08/15 DELEGATED

BH2015/01575

39 Hove Park Villas Hove

Certificate of lawfulness for proposed rear extension.

Applicant: Mr Mike McGuinness

Officer: Jason Hawkes 292153

Refused on 20/08/15 DELEGATED

BH2015/01967

Flat 28 Gainsborough House 4 - 6 Eaton Gardens Hove

Replacement of existing UPVC windows.

Applicant: Truda Marie Archard

Officer: Rebecca Fry 293773

Approved on 06/08/15 DELEGATED

HANGLETON & KNOLL

BH2014/03546

The Compound Northease Close Hove

Demolition of existing buildings and erection of 2no four bedroom houses (C3) with detached garages, cycle parking and landscaping.

Applicant: Dandel Ltd

Officer: Jason Hawkes 292153

Approved on 07/08/15 COMMITTEE

BH2015/01527

47 & 49 Hangleton Road Hove

Alterations to front boundary wall to facilitate driveways with crossover and formation of front steps to each property.

Applicant: Simon Phillpot
Officer: Clare Simpson 292321
Refused on 20/08/15 DELEGATED

BH2015/01911

158 Holmes Avenue Hove

Erection of single storey front extension, conversion of garage into habitable accommodation incorporating a single storey link extension to main dwelling and associated works.

Applicant: Mr & Mrs Wolfstrome
Officer: Rebecca Fry 293773
Approved on 06/08/15 DELEGATED

BH2015/02560

270 Hangleton 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 5.5m, for which the maximum height would be 2.8m, and for which the height of the eaves would be 2.6m.

Applicant: Mr Michael Soufis-Law
Officer: Charlotte Bush 292193
Prior approval not required on 19/08/15 DELEGATED

BH2015/02561

70 Hangleton Road Hove

Prior approval for the erection of a single storey rear extension, which would extend beyond the rear wall of the original house by 3.973m, for which the maximum height would be 3m, and for which the height of the eaves would be 3m.

Applicant: Sophie Gunner
Officer: Allison Palmer 290493
Prior approval not required on 12/08/15 DELEGATED

NORTH PORTSLADE

BH2015/02302

57 Crest Way Portslade

Application for Approval of Details Reserved by Conditions 5, 6 and 7 of application BH2014/02679.

Applicant: Mr Livesey
Officer: Helen Hobbs 293335
Approved on 12/08/15 DELEGATED

SOUTH PORTSLADE

BH2015/00769

79 Station Road Portslade

Display of non-illuminated fascia sign to front elevation.

Applicant: Sussex Asphalt
Officer: Mark Thomas 292336
Approved on 14/08/15 DELEGATED

BH2015/01162

67A Station Road Portslade

Replacement of existing shopfront with bay window in association with prior approval application BH2014/03545 for change of use from retail (A1) to residential (C3) to form 1no residential dwelling.

Applicant: Mr Faris Wahab

Officer: Christopher Wright 292097

Approved on 17/08/15 DELEGATED

BH2015/01299

5 and 5A Station Road Portslade

Removal of existing external metal staircase and alterations to ground floor retail unit to facilitate new entrance door and enclosed staircase to flat above.

Applicant: Mr Russell Cook

Officer: Wayne Nee 292132

Approved on 18/08/15 DELEGATED

BH2015/02080

87 Foredown Drive Portslade

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

Applicant: Mr S Emery

Officer: Clare Simpson 292321

Approved on 20/08/15 DELEGATED

BH2015/02081

109 Victoria Road Portslade

Change of use from hair salon (A1) to sports injury clinic (D1).

Applicant: Miss Lucy Meakin

Officer: Christopher Wright 292097

Approved on 12/08/15 DELEGATED

HOVE PARK

BH2014/03283

54 Woodland Drive Hove

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.

Applicant: Ms Setareh Shahin

Officer: Jason Hawkes 292153

Refused on 07/08/15 COMMITTEE

BH2014/04173

21 Hill Brow Hove

Demolition of existing house and erection of 1no two storey house with basement (C3) and associated landscaping.

Applicant: Mr & Mrs Leo Nugent

Officer: Joanne Doyle 292198

Approved on 17/08/15 DELEGATED

BH2015/00365

79 Hove Park Road Hove

Erection of two storey front and side extension including roof extension with creation dormer to side and installation of rooflight. Creation of new entrance porch, excavation works to facilitate creation of garage at lower ground floor level and other associated works.

Applicant: Mr Spencer Orman
Officer: Helen Hobbs 293335
Refused on 14/08/15 DELEGATED

BH2015/01100

Dykelands 17 Meadow Close Hove

Formation of front and side boundary wall with entrance gates.

Applicant: Mr Roger Noel
Officer: Christopher Wright 292097
Approved on 20/08/15 DELEGATED

BH2015/01113

17 Goldstone Crescent Hove

Application for Approval of Details Reserved by Conditions 10, 11, 12, 14, 15, 16, and 17 of application BH2014/03761.

Applicant: Kingslet
Officer: Adrian Smith 290478
Approved on 12/08/15 DELEGATED

BH2015/01627

9 Queen Mary Avenue Hove

Erection of single storey rear ground floor extension and first floor rear extension with pitched roof and associated alterations.

Applicant: Mr & Mrs Couchman
Officer: Luke Austin 294495
Approved on 25/08/15 DELEGATED

BH2015/01790

1 Barrowfield Drive Hove

Erection of painted, rendered block wall with timber fencing to replace existing boundary wall. (Retrospective)

Applicant: Amir Solehi
Officer: Robin Hodgetts 292366
Refused on 12/08/15 DELEGATED

BH2015/01830

1A Tredcroft Road Hove

Demolition of existing garage and rear extension and erection of a two storey rear and side extension.

Applicant: Mrs Caroline Salter
Officer: Rebecca Fry 293773
Approved on 07/08/15 DELEGATED

BH2015/01862

5 Woodlands Hove

Erection of two storey rear extension and first floor side extension with associated

roof extensions and rooflights, creation of open front porch, revised fenestration and associated works.

Applicant: Miss L White

Officer: Clare Flowers 290443

Approved on 21/08/15 DELEGATED

BH2015/02180

46 Tongdean Avenue Hove

Demolition of existing single dwelling and erection of three storey six bedroom single dwelling.

Applicant: Mr & Mrs Phoon

Officer: Kate Brocklebank 292454

Refused on 11/08/15 DELEGATED

BH2015/02251

154-158 Sackville Road Hove

Application for Approval of Details Reserved by Conditions 3, 4 and 5 of application BH2014/00935

Applicant: Mrs Gwen Wells-Brown

Officer: Liz Arnold 291709

Approved on 13/08/15 DELEGATED

BH2015/02331

2 Tredcroft Road Hove

Installation of rooflights.

Applicant: Mr S Grizzell

Officer: Ryan OSullivan 290480

Approved on 20/08/15 DELEGATED

BH2015/02484

15 Sandringham 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 4m, for which the maximum height would be 3.1m, and for which the height of the eaves would be 2.1m.

Applicant: D Kendall

Officer: Allison Palmer 290493

Prior Approval is required and is refused on 12/08/15 DELEGATED

BH2015/02487

64 Mill 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 6m, for which the maximum height would be 3.25m, and for which the height of the eaves would be 3m.

Applicant: Mr & Mrs Duffy

Officer: Charlotte Bush 292193

Prior Approval is required and is refused on 19/08/15 DELEGATED

BH2015/02565

83 King George Vi 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 5.00m, for which the maximum height would be 3.33m, and for which the height of the eaves would be 2.77m.

Applicant: Eddie Ottewell
Officer: Charlotte Bush 292193
Prior approval not required on 19/08/15 DELEGATED

BH2015/02696

168A Old Shoreham Road Hove

Application for Approval of Details Reserved by Condition 3 of application BH2014/02412

Applicant: Dr Harjinder Heer
Officer: Adrian Smith 290478
Approved on 06/08/15 DELEGATED

WESTBOURNE

BH2015/00921

16 Westbourne Place Hove

Reconfiguration of property including demolition of part of existing workshop to rear and replacement with new first floor garden living room incorporating increased roof height, revised and extended roof terrace with glazed balustrade, ground floor rear extension and associated works.

Applicant: Mr Dan Lehmann
Officer: Wayne Nee 292132
Refused on 10/08/15 DELEGATED

BH2015/01312

Garages Between 88 Portland Road & 91 Westbourne Street Hove

Erection of two storey 1no bedroom dwelling.

Applicant: A Brooks
Officer: Mark Thomas 292336
Refused on 06/08/15 DELEGATED

BH2015/01636

24 Reynolds Road Hove

Erection of single storey garden room in rear garden.

Applicant: Mr Richard Mead
Officer: Joanne Doyle 292198
Approved on 19/08/15 DELEGATED

BH2015/01749

22 Cowper Street Hove

Certificate of lawfulness for proposed change of use from single dwelling (C3) to small house in multiple occupation (C4).

Applicant: Michael Soufis-Law
Officer: Clare Simpson 292321
Approved on 13/08/15 DELEGATED

BH2015/02030

52 Pembroke Crescent Hove

Erection of single storey rear extension and installation of front rooflights.

Applicant: Mr & Mrs Johnson
Officer: Emily Stanbridge 292359
Approved on 17/08/15 DELEGATED

BH2015/02046

25 Pembroke Avenue Hove

Roof alterations incorporating dormers to side and rear and rooflights to front and addition of ground floor side window.

Applicant: Mr Gino Fox

Officer: Jeanette Walsh 292361

Refused on 13/08/15 DELEGATED

BH2015/02218

133 Westbourne Street & 75 Montgomery Street Hove

Application for Approval of Details Reserved by Condition 7 of application BH2009/01360

Applicant: C & C 790 Ltd

Officer: Clare Simpson 292321

Approved on 21/08/15 DELEGATED

BH2015/02340

10 Sackville Road Hove

Non Material Amendment to BH2014/04341 for the UPVC windows with arched lintels revised to show a square head with a flat board cut and installed above to form arch.

Applicant: The Hyde Group

Officer: Mark Thomas 292336

Refused on 12/08/15 DELEGATED

BH2015/02480

55 Langdale Road Hove

Prior approval for the erection of a single storey rear extension, which would extend beyond the rear wall of the original house by 3.45m, for which the maximum height would be 3.2m, and for which the height of the eaves would be 2.995m.

Applicant: Mr Daniel Smyth

Officer: Allison Palmer 290493

Prior approval not required on 14/08/15 DELEGATED

BH2015/02564

46 Langdale Road Hove

Prior approval for the erection of a single storey rear extension, which would extend beyond the rear wall of the original house by 3.38m, for which the maximum height would be 3.407m, and for which the height of the eaves would be 2.691m.

Applicant: Stephen Richards & Sue Jones

Officer: Ryan OSullivan 290480

Prior approval not required on 19/08/15 DELEGATED

WISH

BH2014/04277

84 Boundary Road Hove

Display of internally-illuminated fascia and projecting signs.

Applicant: Mr Kevin Liebenberg

Officer: Mark Thomas 292336
Approved on 10/08/15 DELEGATED

BH2014/04278

84 Boundary Road Hove

Installation of new shopfront and signage. Alterations to rear including new extract and intake ducts, air conditioning units, infill of windows and installation of access door to ground floor, removal of existing fence and replacement of timber decking with concrete surface for bin storage and staff parking.

Applicant: Mr Kevin Liebenberg

Officer: Mark Thomas 292336

Refused on 10/08/15 DELEGATED

BH2015/01148

2 Stoneham Road Hove

Change of use from retail (A1) to cookery club (D1). (Part retrospective)

Applicant: Hungry Monkey

Officer: Mark Thomas 292336

Refused on 14/08/15 DELEGATED

BH2015/01278

Warehouse 1A Marmion Road Hove

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

Applicant: Albany Homes Southern Ltd

Officer: Sonia Gillam 292265

Refused on 11/08/15 COMMITTEE

BH2015/01284

210 New Church Road Hove

Erection of a single storey side extension and a two storey rear extension with associated external alterations.

Applicant: Mr S Jeavons

Officer: Chris Swain 292178

Approved on 10/08/15 DELEGATED

BH2015/01381

2 Derek Avenue Hove

Certificate of Lawfulness for proposed single storey rear extension.

Applicant: Mr Rob Gooch

Officer: Eleanor Price 292337

Approved on 25/08/15 DELEGATED

BH2015/01698

12 Jesmond Road Hove

Certificate of lawfulness for proposed loft conversion incorporating hip to gable roof extension, rooflights to sides and side dormer.

Applicant: Mr & Mrs P Hall

Officer: Luke Austin 294495

Approved on 10/08/15 DELEGATED

BH2015/01778

Units B4-B5 Portland Business Park Portland Road Hove

Display of externally illuminated fascia signs (retrospective).

Applicant: Brandon Hire

Officer: Helen Hobbs 293335

Approved on 11/08/15 DELEGATED

BH2015/01780

353 Portland Road Hove

Application for Approval of Details Reserved by Conditions 6, 7, 8, 9, 10, 11, 13, 14 and 15 of application BH2014/01081.

Applicant: Berkeley Square Properties

Officer: Liz Arnold 291709

Split Decision on 07/08/15 DELEGATED

BH2015/01853

28 Saxon Road Hove

Certificate of lawfulness for proposed hip to gable roof extension with 3no roof lights to front and rear. Proposed demolition of existing conservatory and erection of single storey rear extension with alterations to fenestration.

Applicant: Mrs Claire Evans

Officer: Mark Thomas 292336

Approved on 13/08/15 DELEGATED

BH2015/01980

10 Hogarth Road Hove

Erection of single storey and two storey rear extensions, remodelling and extension of roof, creation of front porch and associated alterations.

Applicant: Mr & Mrs Trevor Cheal

Officer: Liz Arnold 291709

Refused on 19/08/15 DELEGATED

BH2015/02011

1 Worcester Villas Hove

Erection of a single storey rear extension and associated works.

Applicant: Mrs Julia Wright

Officer: Clare Flowers 290443

Approved on 14/08/15 DELEGATED

BH2015/02261

53 - 54 Boundary Road Hove

Prior Approval for change of use of first floor of bank (A2) to residential (C3) to form 1no self-contained flat.

Applicant: Rose View Homes

Officer: Christopher Wright 292097

Prior Approval is required and is refused on 12/08/15 DELEGATED

BH2015/02310

2 Boundary Road Hove

Prior approval for change of use from retail (A1) to residential (C3) to form 2no self-contained flats with associated alterations.

Applicant: Hardwick Hartley Partnership

Officer: Christopher Wright 292097

Prior Approval is required and is refused on 21/08/15 DELEGATED

BH2015/02517

38 Hogarth Road Hove

Prior approval for the erection of a single storey rear extension, which would extend beyond the rear wall of the original house by 4.5m, for which the maximum height would be 3.6m, and for which the height of the eaves would be 2.1m.

Applicant: Mike Harwood

Officer: Charlotte Bush 292193

Prior Approval is required and is refused on 13/08/15 DELEGATED

Withdrawn Applications

PLANS LIST 16 September 2015**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****REGENCY**

Application No: BH2015/02899
25 Belvedere Terrace, Brighton

Fell 1no Lime T1 (Tree has no public visibility thus no TPO)

Applicant: Mr J Hatch

Approved on 20 Aug 2015

Application No: BH2015/02900
25 Belvedere Terrace, Brighton

1no Sycamore (T2) - Reduce by 2-3m height. 1-2m sides.

Applicant: Mr J Hatch

Approved on 20 Aug 2015

ST. PETER'S & NORTH LAINE

Application No: BH2015/02892
13 Compton Avenue, Hove

1no Sycamore (T1) - Reduce by 1-2m.

Applicant: Mr J Hatch

Approved on 20 Aug 2015

Application No: BH2015/02901
17 Buckingham Place, Brighton

1no Lime (T1) - Remove epicormic and reduce 2no stems over summer house by 1-2m.

Applicant: Mr J Hatch

Approved on 20 Aug 2015

WITHDEAN

Application No: BH2015/02915
73 Preston Drove, Brighton

Fell 2no Sycamores (T1 & T2)

Applicant: Emanuela Guerinoni

Approved on 14 Aug 2015

EAST BRIGHTON

Application No: BH2015/02737

Flat 1, 6 Paston Place, Brighton

Fell 1no Holly Tree (Tree has no public visibility and is not sustainable in this location)

Applicant: Mr Tom Bradley

Approved on 20 Aug 2015

HANOVER & ELM GROVE

Application No: BH2015/02905

Hanover Crescent, Brighton

1no Elm (T13 on TPO plan) - Reduce by 1-2m and lift over car park

Applicant: Mr J Hatch

Approved on 19 Aug 2015

HOLLINGDEAN & STANMER

Application No: BH2015/02061

Cockcroft/Watts Site, University of Brighton, Lewes Road, Brighton

G1 - Linear group of Elm and Sycamore - Raise crowns on the South East side to give a maximum clearance of 3.5m over the public footpath. T3 - Chinese Privet - Raise crown to give a maximum clearance of 4.5m over the road and adjoining area. Thin crown by 20% and prune back from adjacent building to give max. clearance of 2m. W1 - Small copse of Elm regeneration - Remove dead/dying stems and lift crown over foot path to give maximum clearance of 3.5m.

Applicant: Mr Mark Heffernan

Approved on 19 Aug 2015

Application No: BH2015/03055

Cockcroft/Watts Site, University of Brighton, Lewes Road, Brighton

Fell 1no Wheatley Elm to ground level.

Applicant: Mr Mark Heffernan

Approved on 19 Aug 2015

QUEEN'S PARK

Application No: BH2015/02885

37 Egremont Place, Brighton

1no Sycamore (SY01) - Pollard sycamore to a height of 18 feet (1st major branch union).

Applicant: Mr Stephen Griffiths

Approved on 21 Aug 2015

Report from: 11/08/2015 to: 25/08/2015

CENTRAL HOVE

Application No: BH2015/02887
Wilbury Grange, Wilbury Road, Hove

1no Ash (T1) - Reduce as before, approx 6-8ft off of top and reshape. 1no Sycamore (T2)
- Re-Pollard, approx 10 - 15 ft off of top.

Applicant: Mr N Thompson

Approved on 20 Aug 2015

Application No: BH2015/02889
119 Church Road, Hove

Fell 1no Cherry Tree (Tree has very limited public visibility and its location is not sustainable in the long term)

Applicant: Mrs Helen Watson

Approved on 20 Aug 2015

Application No: BH2015/02895
9 Grand Avenue, Hove

2no trees in communal garden of 9 Grand Avenue (T1&2) - Reduce by 2-3m.

Applicant: Mr J Hatch

Approved on 20 Aug 2015

GOLDSMID

Application No: BH2015/02907
Eaton Hall, Eaton Gardens, Hove

1no Silver Birch (T3) - 2-3m reduction.

Applicant: Mr J Hatch

Approved on 20 Aug 2015

SOUTH PORTSLADE

Application No: BH2015/02886
69 High Street, Portslade

1no Yew (T2) - Reduce height and spread by up to 1.5m, shaping and balancing the remaining crown accordingly.

Applicant: Mr George O'Flanagan

Approved on 21 Aug 2015

WESTBOURNE

Application No: BH2015/02583
25 New Church Road, Hove

Report from: 11/08/2015 to: 25/08/2015

1no tree in car park at front of property. 1-2m crown reduction.

Applicant: Miss Lauren white

Approved on 21 Aug 2015

Application No: BH2015/02880

4 Pembroke Avenue, Hove

1no - Tree of Heaven (T1) Reduce height and spread by up to 6m, shaping and balancing the remaining crown accordingly.

Applicant: Mr George O'Flanagan

Approved on 20 Aug 2015

Report from: 11/08/2015 to: 25/08/2015

NEW APPEALS RECEIVED**WARD****APPEAL APP NUMBER****ADDRESS****DEVELOPMENT DESCRIPTION****APPEAL STATUS****APPEAL RECEIVED DATE****APPLICATION DECISION LEVEL****REGENCY**

BH2015/00723

14 Castle Street Brighton

Creation of additional floor incorporating installation of windows to front and rear and insertion of 3no rooflights.

APPEAL LODGED

06/08/2015

Delegated

WARD**APPEAL APP NUMBER****ADDRESS****DEVELOPMENT DESCRIPTION****APPEAL STATUS****APPEAL RECEIVED DATE****APPLICATION DECISION LEVEL****BRUNSWICK AND ADELAIDE**

BH2014/03223

Flat 3 6 Brunswick Terrace Hove

Internal alterations to layout of flat.
(Retrospective)

APPEAL LODGED

10/08/2015

Delegated

WARD**APPEAL APP NUMBER****ADDRESS****DEVELOPMENT DESCRIPTION****APPEAL STATUS****APPEAL RECEIVED DATE****APPLICATION DECISION LEVEL****PATCHAM**

BH2015/01136

35 Greenfield Crescent Brighton

Erection of single storey rear extension.

APPEAL LODGED

17/08/2015

Delegated

WARD**APPEAL APP NUMBER****ADDRESS****DEVELOPMENT DESCRIPTION****APPEAL STATUS****APPEAL RECEIVED DATE****APPLICATION DECISION LEVEL****ROTTINGDEAN COASTAL**

BH2014/02589

Land South of Ovingdean Road Brighton

Outline planning application with appearance reserved for the construction of 85no one, two, three and four bedroom dwellings with associated garages, parking, estate roads, footways, pedestrian linkages, public open space and strategic landscaping. New vehicular access from Ovingdean Road and junction improvements.

APPEAL LODGED

18/08/2015

Planning Committee

WARD**APPEAL APP NUMBER****ADDRESS****DEVELOPMENT DESCRIPTION****APPEAL STATUS****APPEAL RECEIVED DATE****APPLICATION DECISION LEVEL****HOVE PARK**

BH2015/01682

Gemini Business Centre 136 - 140 Old
Shoreham Road HovePrior 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.

APPEAL LODGED

19/08/2015

Delegated

WARD**APPEAL APP NUMBER****ADDRESS****DEVELOPMENT DESCRIPTION****APPEAL STATUS****APPEAL RECEIVED DATE****APPLICATION DECISION LEVEL****WESTBOURNE**

BH2015/00046

32 Pembroke Crescent Hove

Replacement of existing roof tiles with concrete
roof tiles to front roof slope. (Retrospective)

APPEAL LODGED

19/08/2015

Delegated

**INFORMATION ON HEARINGS / PUBLIC INQUIRIES
16th September 2015**

This is a note of the current position regarding Planning Inquiries and Hearings

Land South of Ovingdean Road, Brighton

Planning application no:	BH2014/02589
Description:	Outline planning application with appearance reserved for the construction of 85no one, two, three and four bedroom dwellings with associated garages, parking, estate roads, footways, pedestrian linkages, public open space and strategic landscaping. New vehicular access from Ovingdean Road and junction improvements.
Decision:	Planning Committee
Type of appeal:	Informal Hearing
Date:	TBC
Location:	TBC

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

	Page
A – 2 MEADOW CLOSE, ROTTINGDEAN, BRIGHTON – ROTTINGDEAN COASTAL	123
<p>Application BH2014/02452 – Appeal against refusal to grant planning permission for single 2/3 chalet bungalow with off street parking. APPEAL DISMISSED (delegated decision)</p>	
B – 55 LEWES ROAD, BRIGHTON – ST. PETER’S & NORTH LAINE	127
<p>Application BH2014/04032 – Appeal against refusal to grant planning permission for remodelling and extension of existing building to form a 4 storey building with bank (A2) at basement and ground floor level and 6 No self-contained flats above. APPEAL DISMISSED (delegated decision)</p>	
C – 32 CHESHAM ROAD, BRIGHTON – EAST BRIGHTON	131
<p>Application BH2014/03973 – Appeal against refusal to grant planning permission for conversion of ground floor retail unit (A1 shop) to self-contained flat with alterations to front elevation. APPEAL DISMISSED (delegated decision)</p>	
D – 1 ABBOTSBURY ROAD, SALTDEAN, BRIGHTON – ROTTINGDEAN COASTAL	135
<p>Application BH2014/00285 – Appeal against refusal to grant planning permission for conversion of house into 1 No. 1 bed flat and 1 No. 3 bed maisonette. APPEAL DISMISSED (delegated decision)</p>	
E – 7 WOODLAND DRIVE, HOVE – HOVE PARK	139
<p>Application BH2014/03358 – Appeal against refusal to grant planning permission for erection of a new 2 bed dwelling with access from Benett Avenue including the formation of a new access, driveway and associated parking. APPEAL DISMISSED & COSTS REFUSED (delegated decision)</p>	
F – 12 ARLINGTON GARDENS, SALTDEAN, BRIGHTON – ROTTINGDEAN COASTAL	145
<p>Application BH2015/00441 – Appeal against refusal to grant planning permission for an extension. APPEAL ALLOWED (delegated decision)</p>	

G – 17-19 DUKE STREET, BRIGHTON – REGENCY **149**

Application (A) BH2014/01610 & (B) BH2014/03331 – Appeal against refusal to grant planning permission for change of use from A1 shop to A3 restaurant (A) and change of use of 18-19 Duke Street from A1 shop to A3 restaurant and retention of 17 Duke Street as a shop unit .

APPEAL (A) DISMISSED

APPEAL (B) ALLOWED (delegated decision)

H – 1 BRISTOL MEWS, BRIGHTON – EAST BRIGHTON **153**

Application BH2014/04026 – Appeal against refusal to grant planning permission for front extension and dormer with re-modelling of rear to form rooms in roof. **APPEAL DISMISSED** (delegated decision)

Appeal Decision

Site visit made on 17 July 2015

by Susan A F Simpson LLB Solicitor (N-P)

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 05/08/2015

Appeal Ref: APP/Q1445/W/15/3009748
2 Meadow Close, Rottingdean, Brighton BN2 7FB

- 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 Martin Investment Management against the decision of the Brighton & Hove City Council.
 - The application Ref BH2014/02452, dated 22 July 2014, was refused by a notice dated 2 December 2014.
 - The development proposed is described in the application as a single 2/3 bedroom chalet bungalow with off street parking.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal has been lodged by Mr David Martin (Martin Investment Management). However, as the right of appeal vests in the name of the original applicant only, the appeal will proceed in the name of Martin Investment Management.
3. References are made in the application and appeal documentation to the land comprising 0.05 ha but, subsequently, it has been confirmed that the appeal site (shown edged red on the block plan 1:500 on drawings Nos. A.001 and D.001 and the proposed ground floor plan on drawing No. D.001) comprises approximately 245 sq m.

Main Issue

4. The main issue in the appeal is the effect of the development upon the character and appearance of the area.

Reasons

5. The cul de sac at Meadow Close has been laid out to provide "inner" and "outer" squares of properties. Other than for a row of terraced cottages located towards its entrance, the cul de sac is characterised by detached and semi detached bungalows that, over a period of time, have benefitted from various extensions and are now quite varied in appearance. The appeal site constitutes an area of land located within the "inner" square of housing and was formerly part of the back garden belonging to 2 Meadow Close.
-

6. I have been provided with copies of the plans and the 2010 decision relating to a successful appeal at 1 Meadow Close for the demolition of a single bungalow and the erection of a pair of semi detached bungalows. The development at No 1 has been completed and, whilst it is not exactly the same as the proposal before me, I have taken the 2010 appeal into account as a relevant consideration in the determination of the appeal.
7. As well as the consistency in terms of the type of dwellings, a prevailing and important characteristic of the development in Meadow Close and, in particular, within the "inner" square of housing of which the appeal proposal would form part, is the strong sense of uniformity in relation to the layout and sizes of the plots which, in turn, provide the existing dwellings with generous lengths of gardens and a green and spacious environment.
8. The appellant has designed the scheme to ensure that the proposed chalet bungalow would be similar in design to No 28 and that it would reflect the prevailing building line of, and achieve a height and degree of separation between buildings that would be consistent with, neighbouring development. The proposal also would provide for the removal of a length of boundary fencing that currently extends along the road frontage between Nos 2 and 28.
9. However, in order to secure these matters and, due to the size and shape of the sub divided plot, the proposed siting for the dwelling would result in most of the available space within the site being provided along the road frontage. The land to the rear of the bungalow would be of a very limited depth and the largest useable amenity area would be a small constrained space that would be located to the rear of the proposed car parking space and wedged between No 2's fencing and the flank wall of the new dwelling.
10. In the light of the aforementioned, I have formed the view that the intended amount of built form here is excessive for the size of the site. In essence, the sub divided plot is just too small and atypical in shape to accommodate the proposed scheme and, at the same time, reflect and respect all the various prevailing characteristics of the locality that would enable the development to emphasise the positive qualities of, and thus, integrate satisfactorily into, its host environment.
11. In terms of the recent development at No 1, I note that this plot does not form part of the "inner" square of housing which I have described in paragraph 7 above but, also, having looked at the application drawings for that scheme and those presently before me, I consider the amount of space provided around the approved 2010 appeal building, would appear to be more generous than is proposed here.
12. As the appeal site is in a sustainable location and there is no dispute that the Council is unable to demonstrate a five year supply of housing land, I have taken into account paragraphs 14 and 49 of the National Planning Policy Framework (the Framework) and attached weight to the provision of an additional dwelling on the site as making a small but useful contribution to the shortfall in the Council's five year housing supply. However, this benefit does not outweigh the harm that I have identified would be caused in terms of the main issue in this appeal.

13. Accordingly, I conclude that the proposal would cause harm to the character and appearance of the area. It follows from this conclusion that it would be contrary to policies QD1, QD2 and QD3 of the Brighton & Hove Local Plan 2005 (LP). These policies, amongst other things, require all new development to: - demonstrate a high standard of design and make a positive contribution to the visual quality of the environment; be designed to emphasise and enhance the positive qualities of the local neighbourhood; secure the efficient and effective use of the site to incorporate an intensity of development appropriate to the locality and/or townscape.
14. Furthermore, it would be in conflict with the Framework which states that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. It also states that development should: respond to local character and history and, reflect the identity of local surroundings and materials; be refused where it is of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

Other Matters and Overall Conclusion

15. I have taken into account all the matters that have been raised including that: the removal of the boundary fencing at the appeal site would improve the appearance of the street scene; the development and its small garden would meet a demand for housing from the elderly population in the area; the Council has raised no objection to the design of the dwelling, the associated car parking provision and the impact of the scheme upon neighbouring residents' living conditions.
16. I also note the appellant's submission that the size of the plot was determined by the amenity space provisions of LP policy HO5 but this does not obviate the need to ensure that, overall, the development respects the character and appearance of its locality. Thus, having considered all of these matters, I find that, either individually, or cumulatively, none are sufficient to outweigh the harm that I have identified in terms of the main issue in this appeal.
17. Accordingly, I conclude that, for the reasons given above, the appeal must fail.

S A F Simpson

INSPECTOR



Appeal Decision

Site visit made on 21 July 2015

by Harold Stephens BA MPhil DipTP MRTPI FRSA

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 12 August 2015

Appeal Ref: APP/Q1445/W/15/3009711
55 Lewes Road, Brighton BN2 3JG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Hope Homes against Brighton and Hove City Council.
 - The application Ref BH2014/04032, is dated 1 December 2014.
 - The development proposed is the remodelling and extension of existing building to form a 4 storey building with bank (A2) at basement and ground floor level and 6 No self contained flats above.
-

Decision

1. The appeal is dismissed and planning permission is refused for the proposed development.

Procedural Matter

2. The appeal is against the failure of the Local Planning Authority (LPA) to give notice of its decision within the prescribed period. The LPA has advised that if the appeal had not been lodged planning permission would have been refused for the following reason:-

"The development by reason of its height and massing in relation to immediately adjoining development would create an incongruous and unsightly contrast with the scale of immediately adjoining development on Lewes Road and Caledonian Road. The resulting building would appear visually overbearing and out of scale with its surroundings. The proposal is therefore contrary to Policies QD1, QD2 and QD14 of the Brighton and Hove Local Plan."

3. The application was supported by a Design and Access Statement, an Air Quality Assessment (AQM), a Biodiversity Checklist, a Daylight-Sunlight - Overshadowing-Technical Assessment, a Noise Assessment, a Site Waste Management Plan and a Sustainability Checklist. I have taken account of all the submissions made in these documents in coming to my decision in this case.

Main Issue

4. I take the view that the main issue in this appeal is the effect of the proposal on the character and appearance of the site and the surrounding area.

Reasons

5. I note that planning permission was granted on 26 November 2014 on the site under reference BH2014/00501 for the "remodelling and extension of existing building to form a 3 storey building with bank (A2) at basement and ground floor and 5 No self contained flats above." Construction works are currently taking place to implement this permission. The appeal proposal therefore essentially amounts to an additional storey, at third floor level, to create an additional residential unit on the site. The existing permission considered the principle of development, housing mix and transport impacts to be acceptable.
6. The appeal site is located at the junction of Lewes Road and Caledonian Road. The existing building on the site is two-storey plus basement with the first floor set back from the front building line and occupying only part of the flat roof of the ground floor structure. The property is vacant having been last used as a bank (A2).
7. The development plan for the area includes the saved policies of the Brighton and Hove Local Plan 2005 (LP). The site lies within the prime shopping frontage in the Lewes Road District Shopping Centre as defined in the LP. Policies QD1 and QD2 require new buildings to demonstrate a high standard of design and to make a positive contribution to the visual qualities of the environment. All new development should be designed to emphasise and enhance the positive qualities of the local neighbourhood, by taking into account the local characteristics including height, scale, bulk and design. Policy QD14 relates to the design of extensions and alterations and Policy QD27 involves the protection of amenity. The Council's Supplementary Planning Guidance is a material consideration.¹
8. The National Planning Policy Guidance Framework (NPPF) published on 27 March 2012 is also a material consideration. I have also taken into account the Brighton and Hove City Plan Part One (submission document) which is an emerging development plan. Given the stage of preparation of this plan limited weight may be given to Policy SS1 which applies the presumption in favour of sustainable development.
9. At my visit I saw that the area comprises a mix of uses with retail/commercial on Lewes Road and the adjoining Caledonian Road consists of two-storey residential terraced properties. This section of Lewes Road is primarily characterised by two-storey buildings, with pitched roof forms, in ground floor commercial use with residential often at upper floor levels. Within this there are instances of single-storey commercial buildings and larger three-storey buildings, including a three-storey mixed use building to the north of the site. The adjoining side streets, including Caledonian Road, are narrow streets dominated by more intimate rows of two-storey terrace housing. In my view the redevelopment of the appeal site should reflect the scale of Lewes Road and Caledonian Road.
10. In the Appellant's view, the 6 unit taller building would be a more elegant and a better design when compared to the 5 unit scheme. It is argued that this would provide a strong architectural statement in the street scene. However, I disagree. I note that the existing planning permission for a three-storey

¹ SPGBH4 Parking Standards; SPD03 Construction and Demolition Waste; SPD08 Sustainable Building Design and SPD12 Design Guide for Extensions and Alterations

building on the site was considered *"of similar height and scale as neighbouring properties and by stepping down in height and recessing from the building line of properties in Caledonian Road, relates well to the pitched roof forms of adjoining properties"*. The appeal proposal would add an additional storey to create a four-storey building on the site.

11. A four-storey building on the site would notably contrast with the prevailing scale of development in this part of Lewes Road. Although the additional height would be located at the junction of Lewes Road and Caledonian Road and would provide some transition to adjoining development to the south, there would be no meaningful separation from adjoining development to the north or west. This arrangement and relationship with neighbouring development would result in a significant increase in height and bulk alongside development of a significantly lesser scale. I consider that the resulting building would appear incongruous in relation to the existing character and scale of surrounding development and would appear visually overbearing in views along Lewes Road and Caledonian Road.
12. I accept that the site is not in a conservation area, the appeal building and its neighbours are not listed, nor are they of special architectural merit. I also accept that the maximum height would not be dissimilar to the ridge height of 58-62 Lewes Road to the north. However, this building incorporates a pitched roof which reduces the perceived height and bulk of what would be the fourth storey. As such the maximum building height is not considered to be a key issue in the consideration of scale at the appeal site. I conclude on the main issue that the proposal would conflict with Policies QD1, QD2 and QD14 of the LP and would be unacceptably harmful to the character and appearance of the site and the surrounding area.

Other Matters

13. I have taken into account all other matters raised. Notwithstanding the concerns about scale, I accept that there are no objections to the design approach or the detailing of the building. I also accept that the proposal would not result in any loss of amenity to the living conditions of neighbouring occupiers particularly in terms of loss of light, privacy and outlook primarily as the bulk of the increased mass would be set away from No 2 Caledonian Road. I consider the proposal would accord with Policy QD27 of the LP.
14. The site is within an Air Quality Management Area (AQMA) where there are stop-start traffic emissions around the traffic lights. The development would introduce new residential units into an area that exceeds recommended nitrogen dioxide limits. While the scheme is accompanied by an AQM using the mitigation first principle for the main transport corridor in the AQMA, the development should incorporate fresh air ventilation intakes from the rear and the top of the property rather than internal air extraction to the road. This is not set out in the submitted details but could be covered by an appropriately worded planning condition to secure a satisfactory standard of accommodation for future residents.
15. The Council does not raise any objection to the proposal in relation to noise subject to the development taking place in accordance with the building materials and techniques outlined in the Noise Assessment. I consider that a planning condition could be attached to ensure that there are no adverse noise implications arising from the development.

Overall Conclusion

16. I conclude that the development by reason of its height and massing would create an incongruous and jarring contrast with the scale of immediately adjoining development on Lewes Road and Caledonian Road. The resulting building would appear visually overbearing and markedly out of scale with its surroundings. The proposal would be in overall conflict with the development plan and with the NPPF.² The proposal would not be sustainable development and the appeal should be dismissed.

Harold Stephens

INSPECTOR

² Section 7



Appeal Decision

Site visit made on 22 July 2015

by Y Wright BSc (Hons) DipTP MSc DMS MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 13 August 2015

Appeal Ref: APP/Q1445/W/15/3010106
32 Chesham Road, Brighton BN2 1NB

- 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 Ian Dunkerton against the decision of Brighton & Hove City Council.
 - The application Ref BH2014/03973, dated 26 November 2014, was refused by notice dated 10 February 2015.
 - The development proposed is conversion of ground floor retail unit (A1 shop) to self-contained flat with alterations to front elevation.
-

Decision

1. The appeal is dismissed.

Procedural Matter

2. The appellant submitted revised drawings to the Council following refusal of the application. However the changes proposed are a significant departure from the scheme the Council consulted upon and determined. As no consultation has been carried out on these revised plans, interested parties have not had the opportunity to consider the revisions. Accordingly, I have considered the proposal on the basis of the drawings submitted as part of the original planning application and as determined by the Council.
3. A previous application at the property for change of use of the ground floor from retail to a self-contained flat was approved by the Council in 1999, but has since expired. However I determine this appeal on its own merits.

Main Issue

4. The main issue is the effect of the development on the character and appearance of the property and the East Cliff Conservation Area.

Reasons

5. The property is located within the East Cliff Conservation Area, a large predominantly residential part of Brighton developed during the 18th and 19th centuries. The character of the area is defined by its historic street pattern with its series of often long and straight Regency and Victorian terraces and its architectural detail.
6. The appeal property is part of a 3 storey Victorian terrace which comprises a mix of retail shopfronts, partially converted shopfronts and residential

frontages. The property is one of 3 properties within the terrace that have traditional shopfronts. The other properties within the terrace at ground floor level have bay windows. There are residential flats on the lower ground level and upper floors of this property.

7. The proposal would remove the existing shopfront and door and replace it with a traditional style residential bay window and front door. Although the development proposes to also keep the other existing front entrance which leads to the residential flats, this would not reflect the character of adjacent residential properties within the terrace which only have a single door. In addition the height of the 2 doors and bay window would also not match and traditional architectural features such as the string course and entablature visible on adjacent properties would not be included. This would result in a development that would appear odd and disparate in relation to the building and within the street scene.
8. The appellant considers that additional details relating to the inclusion of architectural features could be agreed with the Council after the granting of planning permission, through the imposition of a planning condition. However the Planning Practice Guidance is clear that such conditions should be limited other than where it would clearly assist with the efficient and effective delivery of development. In this case the design of the development is critical to my consideration of the effect on the character and appearance of the building and the Conservation Area. As such I consider that the imposition of such a condition in this instance would not be appropriate.
9. The National Planning Policy Framework (the Framework) recognises that heritage assets are an irreplaceable resource that should be conserved in a manner appropriate to their significance. Great weight should be given to the conservation of designated heritage assets, including any harm or loss of significance through development within their setting. The Framework also places great importance on development being of good design and responding to local character to ensure the integration of new development into the existing environment. Consequently, taking the above into account, I conclude that the development does not accord with the Framework in these respects, as it would form an incongruous feature within the street scene, resulting in material harm to the character and appearance of the property and the Conservation Area.
10. Whilst harm to the significance of the Conservation Area is less than substantial, the benefits of the proposal put forward by the appellant including the use of a timber sliding sash window proportionate in scale to the existing and adjacent residential bay windows and render painted to match existing, are not sufficient to outweigh the harm.
11. As such the disparate design would form an incongruous addition to the property drawing the eye and detracting from the appearance of the property and the heritage significance of the Conservation Area. Due to the lack of architectural detail, the development would not be reflective of other adjacent properties and would be out of keeping with the character and appearance of the Conservation Area.
12. I therefore conclude that the development would fail to complement adjacent buildings and to preserve the character and appearance of the Conservation Area contrary to the Brighton & Hove Local Plan 2005 (LP) Policy QD5 which

seeks to promote good design in street frontages; LP Policy QD14 which includes seeking alterations to existing buildings which are well designed and detailed in relation to the property and the surrounding area; and LP Policy HE6 which seeks development that preserves or enhances the character or appearance of conservation areas.

13. I acknowledge that the property is currently vacant, has been marketed for a period of 9 months and that there has been no retail interest. In addition I note that the Council does not object in principle to the change of use. However this and the support put forward for the proposal, does not outweigh the harm I have identified to the character and appearance of the property and the Conservation Area.

Conclusion

14. For the reasons given above I conclude that the appeal should be dismissed.

Y Wright

INSPECTOR



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: 13 August 2015

Appeal Ref: APP/Q1445/W/15/3005682

1 Abbotsbury Close, Saltdean, Brighton, East Sussex BN2 8SR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr J Edwards against the decision of Brighton and Hove City Council.
 - The application Ref BH2014/00285 dated 27 January 2014 was refused by notice dated 26 August 2014.
 - The development proposed is the conversion of house into 1 No. 1 bed flat and 1 No. 3 bed maisonette.
-

Decision

1. The appeal is dismissed.

Main Issues

2. I consider the main issues to be:

the effect of the development on the provision of small dwellings suitable for family accommodation in the area:

the effect of the development on the character and appearance of the building, terrace and wider area;

the effect of the development on the living conditions of occupiers, with particular reference to internal living space, daylight and outlook; and

the effect of the development on the living conditions of neighbours, with particular reference to privacy.

Reasons

3. The planning application was retrospective.

Family Accommodation

4. Policy HO9 in the Brighton and Hove Local Plan 2005 allows the conversion of dwellings into smaller units subject to a list of criteria. These include that *the original floor area is greater than 115 sq m or the dwelling has more than 3 bedrooms as originally built*. The Council has stated that the original dwelling did not meet these requirements, which has been disputed by the appellant.

5. The Council has stated that the internal floor area is less than 115 m². This measurement excludes the original integral garage area in accordance with the footnote to Policy HO9. The appellant has stated that the gross floor area is 121 m².
6. Whilst I have been provided with a copy of the planning permission for the original dwelling, I have not been provided with the original planning application drawings. From the representations before me, I have no clear evidence to ascertain whether the dwelling as originally built was a three or four bedroom dwelling.
7. A purpose of Policy HO9 is to retain smaller dwellings suitable for family accommodation. From the information provided, it is not possible for me to determine whether or not the dwelling as originally built meets the requirements in Policy HO9 to allow conversion into smaller units of accommodation. Therefore, I have determined the appeal before me on the individual merits of the development.

Character and Appearance

8. The development includes a large raised terrace to the rear, spanning much of the width of the property. There are other rear raised terraces in the vicinity, but these are either narrow in width or shallow in depth. None are to the overall scale of the terrace at the appeal site. The discrete nature of the other raised terraces in this area of very small rear gardens makes a positive contribution to the character and appearance of the rear garden environment.
9. From my observations, due to the scale of the raised terrace at the appeal property, I consider that it appears as an overly dominant addition, not in keeping with the small scale character and appearance of the surrounding rear garden environment. Thus, the raised terrace is contrary to Local Plan Policy QD14, where it seeks to ensure development is well designed, sited and detailed in relation to the surrounding area.

Living Conditions of Occupiers

10. The ground floor flat is some 31m². It includes a bedroom in the converted garage and a living/kitchen room to the rear. From my observations, the overall size of the flat provides cramped living conditions, which are not sufficient for self-contained accommodation. This is exacerbated by the very restricted size of the kitchen/living room and the proximity of the raised terrace which severely restricts daylight into that room and restricts outlook.
11. For the above reasons, I conclude on this matter that the development has an adverse effect on the living conditions of existing occupiers of the ground floor flat. Thus, the development is contrary to Local Plan Policy QD27, where it seeks to ensure that development does not have an adverse effect on residential amenity.

Living Conditions of Neighbours

12. The raised terrace at the appeal site provides direct overlooking into the rear gardens of the adjoining dwelling at No. 2 Abbotsbury Close and overlooking to some extent of other rear gardens and rear elevations. Due to the size and siting of the raised terrace, it provides a much more useable space than the other raised terraces. I appreciate that there is considerable overlooking

between rear gardens and raised terraces in this area and from the rear gardens and raised terraces to rear elevations. However, I consider the raised terrace at the appeal site, due to its scale and position, could significantly exacerbate the existing situation to the detriment of the living conditions of neighbours. Thus, the development is contrary to Policies QD14 and QD27 where they seek to ensure that development does not have an adverse effect on residential amenity.

Conclusion

13. In reaching my conclusion, I have had regard to all matters raised upon which I have not specifically commented. I have not been able to determine whether the development has an adverse effect on the provision of small dwellings suitable for family accommodation in the area, with regard to Local Plan Policy HO9. Nevertheless, I have found that the development has an adverse effect on the character and appearance of the surrounding area and an adverse effect on residential amenity.
14. The development is contrary to Local Plan Policies QD14 and QD27. 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 and taking account of the different roles and character of an area.

J L Cheesley

INSPECTOR



Appeal Decision

Site visit made on 11 August 2015

by **L Gibbons BA (Hons) MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 17 August 2015

Appeal Ref: APP/Q1445/W/15/3009745

7 Woodland Drive, Hove, East Sussex BN3 6DH

- 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 John Regan against the decision of Brighton & Hove City Council.
 - The application Ref BH2014/03358, dated 27 October 2014, was refused by notice dated 22 December 2014.
 - The development proposed is the erection of a new 2 bed dwelling with access from Bennett Avenue including the formation of a new access, driveway and associated parking.
-

Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mr John Regan against Brighton & Hove City Council. This application is the subject of a separate Decision.

Procedural Matter

3. As part of the appeal process, the appellant submitted a revised drawing indicating the dimensions of the proposed plot. At the site visit, it was confirmed this was for illustrative purposes. I have dealt with the appeal on this basis.

Main Issues

4. The main issues are the effect of the proposed development on the character and appearance of the area and on the living conditions of the future occupiers in respect of whether the outdoor amenity space would be adequate.

Reasons

Character and appearance

5. The appeal site is located within a residential area with a mix of detached bungalows and two storey houses and which has a very pleasant suburban character. The appeal site has a planning history which includes a previously refused application. The scheme before me seeks to overcome the concerns of the Council, including reducing the width of the plot, reduction in floorspace and changes to the design of the dwelling.

6. The proposed development would be accessed from Benett Avenue and it would follow the building line of the properties on that road. Although the proposal would be located at the rear of No 7 Woodland Drive it would have a much more obvious relationship with the bungalows on Benett Avenue than it would with the houses on Woodland Drive. Although there is significant variety to the design of the houses on Woodland Drive, the bungalows on Benett Avenue have a much more uniform appearance, although I accept they do not have any particular architectural quality.
7. Nevertheless, as a result of the matching design of the roofs there is a very strong sense of rhythm to the roofscape of the bungalows. The roof of the proposed dwelling would be considerably different in design to the properties on Benett Avenue and would appear very large with barn hipped gable ends. This feature would draw the eye, with the dwelling appearing prominent and significantly out of keeping with the properties on Benett Avenue.
8. The bungalows on Benett Avenue are built across the majority of the width of the plot and the proposed dwelling would be similar in this respect being fairly close to its boundaries. However, the design of the bungalows with low profile roofs at the sides and fairly wide front gardens is such that they have a sense of spaciousness.
9. Although it would be set down in its plot, the dwelling would be in stark contrast with the bungalows, this would be due to the overall scale of the dwelling and taller flank walls in comparison to those on Benett Avenue and as a result it would appear more cramped in its plot. This would be exacerbated by the narrow front garden which would be mainly given over to parking and cycle storage and which would not reflect the spacious characteristic of the surrounding properties.
10. For the reasons given above, I conclude that the proposed development would cause harm to the character and appearance of the area. It would be in conflict with Policies QD1, QD2 and HO4 of the Brighton and Hove Local Plan (LP) 2005, these amongst other things seek new development which demonstrates a high standard of design and enhances the positive qualities of the local neighbourhood.
11. Although the properties on Benett Avenue are generally open fronted with low walls, there are tall close boarded fences on the opposite side of the road from the appeal site. The proposed fencing would therefore not appear too out of keeping with the general surroundings in this respect. However, this factor does not outweigh the harm I have found.

Living conditions

12. The scheme would incorporate a small rear garden which would include lawn and patio areas and planting along the south boundary and part of the east boundary. Policy HO5 of the LP requires provision of private useable amenity space in new residential development where appropriate to the scale and character of the development. The explanatory text for the policy refers to taking into account front and back gardens. No specific size is referred to.
13. The proposed dwelling would be located in an area which is characterised by fairly long and wide rear gardens and the rear garden would be considerably smaller than these. In addition, the front garden would be used mainly for

- parking of cars and cycles with very small planted areas and no useable private space.
14. The parties do not agree on the distance of the conservatory to the rear boundary; however the appellant indicates it would be around 3.8 metres. Nevertheless, the amount of useable space in this area would be limited by the planting on the southern boundary and the garden would be very narrow. Although the garden would be private and south west facing, on the basis of the site visit, I consider the tall thick hedge on the boundary with No 8 Benett Avenue would result in the garden feeling fairly dark and enclosed in the area of the garden which would be the largest. Opportunities to thin this hedge would be limited as it provides screening on the boundary. As a result of the above factors I consider there would be very limited useable space which would provide opportunities for sitting out and playing.
 15. The two bedrooms which would be provided are fairly large and as such would be likely to attract small families. Taking account of the scale and character of the development, it would not provide sufficient outdoor space which would be reasonably expected by future occupiers. For the reasons given above, I conclude that the proposed development would be in conflict with Policy HO5 and that it would fail to provide adequate outdoor amenity space.
 16. I have taken account of the location of Hove Park which the appellant indicates is within walking distance and may provide outdoor space and sports opportunities. However, I have not been provided with any further information regarding this, and in any case this would not outweigh my concerns about the outdoor amenity space to be provided within the appeal scheme.
 17. I have been referred to two appeal decisions in relation to the matter of outdoor amenity space. Both Inspectors in these cases note that there is no standard or specific size set out, nevertheless both refer to the scale and character of development in their determination. Moreover, I note that the decision which relates to a site on Portland Road, Hove, is for a property located within a commercial area and accordingly, the circumstances of that case differ from that before me. I have in any case, reached my own conclusions on the proposed development based on the evidence before me.

Other matters

18. The Council does not object to the proposed development in respect of highway safety or the provision of parking. I see no reason to disagree with these matters. Taking account of the position of the proposed dwelling in relation to No 8 Benett Avenue and No 5 Woodland Drive, proposed boundary treatments and the use of rooflights at the rear of the house, there would be very limited opportunity for overlooking of the gardens of those properties and the proposal would be acceptable in this respect.

Conclusion

19. The Council indicates that they are unable to demonstrate a five year supply of housing land. In these circumstances, the National Planning Policy Framework (the Framework) requires that proposals for housing are considered in the context of the presumption in favour of sustainable development and that they should be granted unless the adverse effects of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in

the Framework as a whole. The proposal would be of benefit in providing one additional dwelling.

20. However, I have found that it would be harmful to the character and appearance of the area and would not provide satisfactory outdoor amenity space for future occupiers. These effects would significantly and demonstrably outweigh the benefit of adding a single dwelling to the housing land supply.
21. For the above reasons and having regard to all other matters raised, I conclude that the appeal should be dismissed.

L Gibbons

INSPECTOR



Costs Decision

Site visit made on 11 August 2015

by L Gibbons BA (Hons) MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 17 August 2015

Costs application in relation to Appeal Ref: APP/Q1445/W/15/3009745 7 Woodland Drive, Hove, East Sussex BN3 6DH

- 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 John Regan for a full award of costs against Brighton & Hove City Council.
 - The appeal was against the refusal of planning permission for is the erection of a new 2 bed dwelling with access from Benett Avenue including the formation of a new access, driveway and associated parking.
-

Decision

1. The application for an award of costs is refused.

Reasons

2. The Planning Practice Guidance (the Guidance) advises that costs may be awarded where a party has behaved unreasonably and the unreasonable behaviour has directly caused another party to incur unnecessary or wasted expense in the appeal process.
3. As detailed in my appeal decision, I have found that the scheme would be unacceptable in respect of character and appearance and the provision of outdoor amenity space. In its first reason for refusal, the Council refer to policies within the development plan. The applicant argues that the Council failed to provide evidence to say why the scheme would be incongruous or cramped. However, the Council's delegated officer's report and the appeal statement give adequate reasons on this matter. I find that the Council did not behave unreasonably in this respect.
4. In relation to the provision of outdoor amenity space, I accept that the Council do not have any specific standards or size requirements set out in Policy HO5 of the Brighton and Hove Local Plan (LP) 2005. The policy does however refer to the scale and character of development. The applicant indicates that the Council did not substantiate the second reason for refusal and made generalised and inaccurate assertions.
5. The applicant refers to a previous appeal decision relating to Portland Road, Hove, and that the Council failed to have regard to that Inspector's comments on the lack of a standard. As set out in my appeal decision I note that the Inspector in that case referred to the scale and character of the development and it was a factor in their determination. Consideration of planning applications and appeals involves matters of judgement which at times are

finely balanced. The Council commented on the appeal decision in their appeal statement and provided reasons why they considered the circumstances of that case differed. The Council clearly identified the character of the area and referred to the scale of the development proposed and provided clear reasons in accordance with Policy HO5 of the LP. I am satisfied that the Council gave proper consideration to the planning application and has justified its approach.

6. I note that the applicant refers to the Council being inconsistent and haphazard in the application of Policy HO5. However, no particular examples of this are provided. Consequently, in the absence of further evidence on this point, I consider the Council has not been shown to have behaved unreasonably in this regard.
7. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated.

L Gibbons

INSPECTOR



Appeal Decision

Site visit made on 11 August 2015

by **Philip Willmer BSc Dip Arch RIBA**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 19/08/2015

Appeal Ref: APP/Q1445/D/15/3028069

12 Arlington Gardens, Saltdean, Brighton, East Sussex, BN2 8QE.

- 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 James Rowe against the decision of Brighton and Hove City Council.
 - The application Ref BH2015/00441, dated 10 February 2015, was refused by notice dated 16 April 2015.
 - The development proposed is for a proposed extension.
-

Decision

1. The appeal is allowed and planning permission is granted for a proposed extension at 12 Arlington Gardens, Saltdean, Brighton, East Sussex, BN2 8QE in accordance with the terms of the application, Ref BH2015/00441, dated 10 February 2015, and the plans submitted with it, 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 plan: drawing numbered: TL-3527-14-1A.
 - 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.
 - 4) Access to the flat roof over the extension hereby approved shall be for maintenance or emergency purposes only and the flat roof shall not be used as a roof garden, terrace, patio or similar amenity area.

Procedural Matters

2. I am advised that one of the applicants named on the planning application form was incorrectly recorded. However, one of those original applicants, Mr James Rowe, is now shown as the sole appellant on the appeal form. I have therefore inserted his name as the appellant in the bullet point above.

Main Issue

3. I consider the main issue in this case to be the effect of the proposed development on the architectural integrity of the host building and thereby the character and appearance of the wider area.
-

Reasons

4. The property the subject of this appeal, 12 Arlington Gardens, is a modest detached bungalow located in a wider suburban residential area. To the rear of the bungalow is a large communal garden area. Number 12 is of a similar original matching design to the other bungalows in the road. The majority of the other properties have been the subject of extensive alterations and additions over the years. Nevertheless, the original sense of uniformity within the street scene has generally been preserved.
5. The appellant proposes a single storey flat roofed side and rear extension, the height of which would reflect the existing eaves line of the roof of the bungalow. In addition, a small access deck is proposed to the front of the property.
6. The Council has found that the proposal would not cause harm to the living conditions of neighbouring residents and from what I have seen and read I would not disagree. However, it has drawn my attention to its adopted Supplementary Planning Document *spd 12 - design guide for extensions and alterations* (Adopted 20 June 2013) (SPD12). Amongst other things, SPD12 advises that rear extensions, if excessively large or poorly designed, can be harmful to the appearance of the building and, along with other things, appear overbearing.
7. The side addition, by reason of its set back from the front elevation, would comply with the design advice given in SPD12. However, the proposed rear addition would be 4.0 metres deep and therefore would extend to just a little over half the depth of the existing bungalow contrary to the guidance set out in SPD12. Further, it would also extend across the full width of the property including the proposed side addition. The Council considered that the combination of the rear and side additions would detract from the modest scale, character and appearance of the host property by eroding its original plan form and surrounding space. The overall result would be that the dwelling as extended would appear both over extended and over developed.
8. However, in my judgement, despite the depth and width of the rear extension it would not erode the plan form of the host property, as feared by the Council. This would be due to the single storey flat roofed wrap-around form of the proposed extension, the side extension's set back from the principal façade and the designer's proposal to retain the existing pitch roof form unaltered. Furthermore, the extension, as designed, would not, in my view, serve to subsume the original bungalow and would not significantly erode the visual gaps between it and neighbouring properties when viewed from the street.
9. I therefore conclude, in respect of the main issue, that the proposed extension would not cause harm to either the architectural integrity of the host building or the character or appearance of the wider area. It would therefore accord with the objectives of Policy QD14 of the Brighton and Hove Local Plan 2005 and SPD12 as they relate to the quality of design and a development's impact on, amongst other things, the character of the area.

Conditions

10. The conditions follow from those suggested by the Council. To ensure a high quality development, I have included a condition about building materials. Furthermore, to protect neighbours' living conditions, I shall restrict, by condition, the use of the flat roof to maintenance or emergency purposes only. For the avoidance of doubt and in the interests of proper planning, I shall also impose a

condition requiring the development to be carried out in accordance with the approved plans.

Conclusions

11. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be allowed.

Philip Willmer

INSPECTOR



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: 19 August 2015

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.
-

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.
-

These decisions are issued in accordance with Section 56(2) of the Planning and Compulsory Purchase Act 2004 (as amended) and supersede the decisions issued on 17 July 2015.

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 following hours:
 - 0900 – 2300: Sundays (except those directly preceding a Monday Bank Holiday) to Thursdays
 - 0900 – Midnight: Fridays, Saturdays, and Sundays directly preceding a Monday Bank Holiday.

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 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



Appeal Decision

Site visit made on 11 August 2015

by **Philip Willmer BSc Dip Arch RIBA**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 24/08/2015

Appeal Ref: APP/Q1445/D/15/3032642

1 Bristol Mews, Bristol Gardens, Brighton, East Sussex, BN2 5JR.

- 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 Sudirman Yusuf against the decision of Brighton and Hove City Council.
 - The application Ref BH2014/04026, dated 28 November 2014, was refused by notice dated 21 April 2015.
 - The development proposed is for a front extension and dormer with re-modelling of rear to form rooms in roof.
-

Decision

1. The appeal is dismissed.

Main Issue

2. I consider the main issue in this case to be the effect of the proposed development on the architectural integrity of the host building and thereby the character and appearance of the surrounding development.

Reasons

3. The property the subject of this appeal, 1 Bristol Mews, is a detached chalet style dwelling. It is part of a gated development of three similar dwellings. Number 1 is located behind a single storey block of three garages in the north-west corner of the mews. To the north and west is St Benedict's Convent from which number 1 is separated by a high wall.
 4. The appellant proposes the erection of a single storey front extension, a small infill extension to the rear and the extension and alteration of the roof, including the insertion of a new dormer window to the front roof slope to facilitate the provision of additional accommodation at first floor level.
 5. From the Council's evidence I understand that the proposed single storey front extension would be identical to that previously approved, under its reference BH2014/03041. Although now part of a larger scheme, it would therefore in itself be acceptable.
 6. The proposed front dormer has been designed to reflect the gable end of the proposed single storey front extension. In my judgement, on its own, centrally
-

positioned between the two existing rooflights, it would not have a harmful impact on either the host dwelling or the surrounding development. However, due to the limited roof area and its relationship close to the pitched roof of the proposed front extension, it would appear awkward, making the roof space visually cluttered, thus harming the appearance of the building's front façade and thereby the Bristol Mews development.

7. The proposed infill of the small courtyard, while detracting to some degree from the design concept of the original dwelling and reducing to a small extent the already limited external amenity space, would nevertheless not visually impact on the host property. However, despite the ridgeline being set just below that of the main roof, the proposed roof addition over would nonetheless be a sizeable addition that would visually dominate the rear of the building. Due to the roof addition's bulk, the limited articulation and fenestration proposed, it would appear as a poorly designed addition that would cause significant harm to the existing sensitively designed and well mannered building and its relationship to the other dwellings in the mews.
8. Although some elements of the proposed development may, in themselves, be acceptable, I conclude in respect of the main issue that when taken as a whole the proposal as designed would cause significant harm to the architectural integrity of the host building. It would thereby, despite only being open to limited public views, nevertheless detract from the character and appearance of the wider Bristol Mews development. Accordingly, it would not accord with the objectives of Policy QD14 of the Brighton and Hove Local Plan 2005 as it relates to, amongst other things, the quality of development and the protection of the character and appearance of the surrounding area.

Conclusions

9. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Philip Willmer

INSPECTOR