





**Brighton & Hove
City Council**

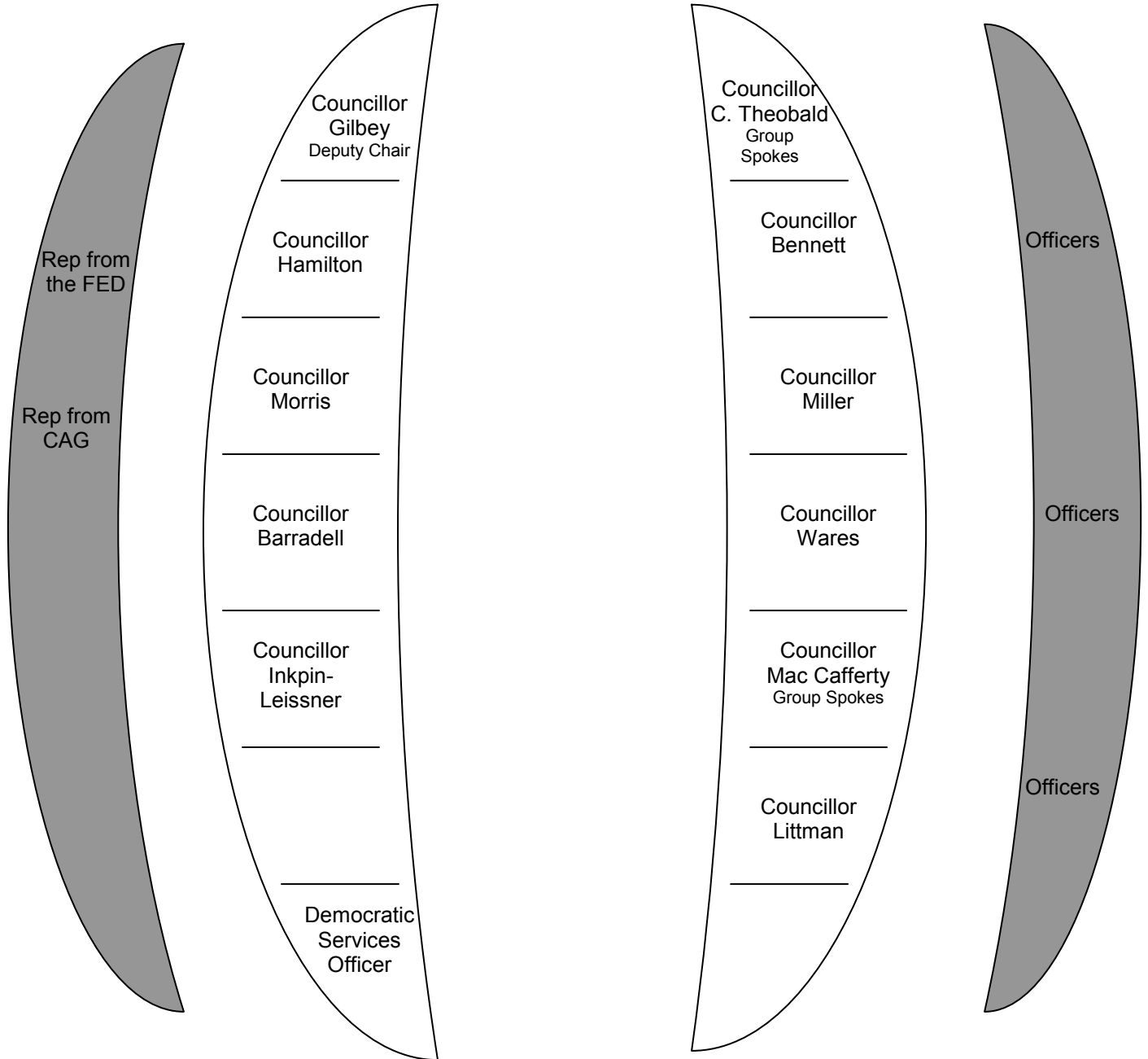
Planning Committee

Title:	Planning Committee
Date:	9 December 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>

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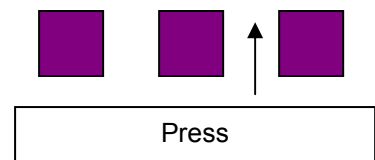
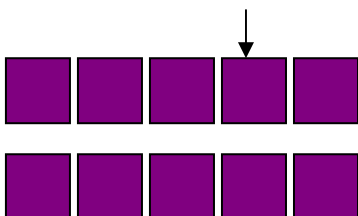
Democratic Services: Planning Committee

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



AGENDA

113 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

114 MINUTES OF THE PREVIOUS MEETING

1 - 20

Minutes of the meeting held on 18 November 2015 (copy attached).

115 CHAIR'S COMMUNICATIONS

116 PUBLIC QUESTIONS

Written Questions: to receive any questions submitted by the due date of 12 noon on 1 December 2015.

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

118 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 BH2015/02443 - Units 2-8, The Terraces, Madeira Drive, Brighton - Full Planning Permission

21 - 52

Demolition and replacement of existing oval glass pavilion on lower tier level to form new café (A3). Demolition of existing circular building on upper tier level. Change of use of units 6-8 on lower tier level from restaurants (A3) to Members Club (SG) together with construction of two new pavilions above at upper tier level consisting of restaurant and bar (A3/A4) with indoor and outdoor seating, open air plunge pool with changing facilities and terraced area with sunbeds solely for the use of the Members Club (SG). Alterations and refurbishment of existing public restaurants (A3) at lower tier units 2-5 including revised fenestration. Other associated works including the external and internal refurbishment of the existing 1920s pavilion.

RECOMMENDATION – MINDED TO GRANT

Ward Affected: Queen's Park

PLANNING COMMITTEE

- B BH2015/02917 - 121-123 Davigdor Road, Hove - Full Planning 53 - 82**

Demolition of existing building and erection of a new part five, six, seven and eight storey (plus basement) building comprising a total of 47 one, two and three bedroom residential units (C3) with balconies, roof terraces (2 communal) to storeys five and seven, community space on the ground floor (D1) together with associated parking, cycle storage, recycling facilities and landscaping.

RECOMMENDATION – MINDED TO GRANT

Ward Affected: Goldsmid

MINOR APPLICATIONS

- C BH2015/03586 - Clarendon House, Conway Court, Ellen House, Livingstone House & Goldstone House, Clarendon Road, Hove - Council Development 83 - 92**

Replacement of existing windows and doors with double glazed UPVC units to residential dwellings.

RECOMMENDATION – GRANT

Ward Affected: Goldsmid

- D BH2015/01745 - 107 Marine Drive, Rottingdean, Brighton - Full Planning 93 - 114**

Demolition of existing dwelling and outbuildings and erection of a three storey building with additional lower ground floor entrance to provide 7no flats and erection of 2no semi-detached houses accessed from Chailey Avenue with associated landscaping, parking, cycle and bin storage.

RECOMMENDATION – MINDED TO GRANT

Ward Affected: Rottingdean Coastal

- E BH2015/01237 - Amber Court, 38 Salisbury Road, Hove - Full Planning 115 - 130**

Creation of additional floor at fourth floor level to form 2no two bedroom flats with terraces to rear.

RECOMMENDATION – GRANT

Ward Affected: Brunswick & Adelaide

PLANNING COMMITTEE

- F BH2014/03742 - Hove Business Centre, Fonthill Road, Hove - Full Planning 131 - 158**

Creation of 4no one bedroom flats, 4no two bedroom flats and 1no three bedroom flat on existing flat roof incorporating revised access and associated works.

RECOMMENDATION – MINDED TO GRANT

Ward Affected: Goldsmid

- G BH2015/03341 - 46 Tongdean Avenue, Hove - Full Planning 159 - 174**

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

RECOMMENDATION – GRANT

Ward Affected: Hove Park

- H BH2015/03132 - 30 Aymer Road, Hove - Householder Planning Consent 175 - 182**

Erection of detached garage to replace existing (Retrospective).

RECOMMENDATION – GRANT

Ward Affected: Westbourne

- I BH2015/03422 - 18 McWilliam Road, Brighton - Householder Planning Consent 183 - 192**

Hip to gable roof extensions, creation of rear dormers and insertion of front rooflights.

RECOMMENDATION – REFUSE

Ward Affected: Woodingdean

- J BH2014/03826 - The Wardley Hotel, 10 Somerhill Road, Hove - Full Planning 193 - 204**

Internal alterations to facilitate increased number of bed spaces from 40 to 51 rooms (part retrospective)

RECOMMENDATION – GRANT

Ward Affected: Goldsmid

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

PLANNING COMMITTEE

INFORMATION ITEMS

- | | | |
|------------|--|------------------|
| 120 | INFORMATION ON PRE APPLICATION PRESENTATIONS AND REQUESTS | 205 - 208 |
| | (copy attached). | |
| 121 | LIST OF APPLICATIONS DETERMINED UNDER DELEGATED POWERS OR IN IMPLEMENTATION OF A PREVIOUS COMMITTEE DECISION (INC. TREES MATTERS) | 209 - 252 |
| | (copy attached) | |
| 122 | LIST OF NEW APPEALS LODGED WITH THE PLANNING INSPECTORATE | 253 - 254 |
| | (copy attached). | |
| 123 | INFORMATION ON INFORMAL HEARINGS/PUBLIC INQUIRIES | 255 - 256 |
| | (copy attached). | |
| 124 | APPEAL DECISIONS | 257 - 276 |
| | (copy attached). | |

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

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

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PLANNING COMMITTEE

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

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

Date of Publication - Tuesday, 1 December 2015

BRIGHTON & HOVE CITY COUNCIL**PLANNING COMMITTEE****2.00pm 18 NOVEMBER 2015****THE RONUK HALL, PORTSLADE TOWN HALL****MINUTES**

Present: Councillors Cattell (Chair), Gilbey (Deputy Chair), C Theobald (Group Spokesperson), Bennett, Deane, Hamilton, Inkpin-Leissner, Littman, Miller, Morris, O'Quinn and Wares

Co-opted Members: Mr Roger Hinton

Officers in attendance: Jeanette Walsh (Planning & Building Control Applications Manager), Paul Vidler (Planning Manager: Major Applications); Liz Arnold (Principal Planning Officer); Mick Anson (Principal Planning Officer) Sanne Roberts (Planning Officer); Steven Shaw (Principal Transport Officer), Hilary Woodward (Senior Solicitor) and Ross Keatley (Democratic Services Manager)

PART ONE**101 PROCEDURAL BUSINESS****(A) Declarations of substitutes**

101.1 Councillor Deane was present in substitution for Councillor Mac Cafferty; Councillor O'Quinn was present in substitution for Councillor Barradell and Mr Hinton was present in substitution for Mr Gowans.

(B) Declarations of interests

101.2 Councillor Miller declared a personal interest in respect of Application A) BH2015/01783, 106 Lewes Road, Brighton as he lived very close to the site in question; however, he stated that he was of an open and would remain present for the consideration and vote on this application.

101.3 Councillor Cattell (the Chair) declared a personal interest in respect of applications C) & D) Land to Rear of 101 Roundhill Crescent, Brighton as the applicant was a person friend; she stated that she would withdraw from the meeting during the consideration and vote on this application and allow the Deputy Chair to chair the meeting during this time.

(C) Exclusion of the press and public

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

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

(D) Use of mobile phones and tablets

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

102 MINUTES OF THE PREVIOUS MEETING

102.1 **RESOLVED** – That the Chair be authorised to sign the minutes of the meeting held on 28 October 2015 as a correct record.

103 CHAIR'S COMMUNICATIONS

103.1 There were none.

104 PUBLIC QUESTIONS

104.1 There were none.

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

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

106 TO CONSIDER AND DETERMINE PLANNING APPLICATIONS

A BH2015/01783 - 106 Lewes Road, Brighton - Full Planning - Demolition of existing public house (A4) (retrospective) and construction of a new part 5no part 3no storey student accommodation building (sui generis), comprising 44no rooms, plant room, communal areas, cycle parking, refuse facilities, landscaping and other associated works.

(1) The application had formed the subject of a site visit prior to the meeting.

(2) The Principal Planning Officer (Mick Anson) introduced the report and gave a presentation by reference to plans, photographs and elevational drawings. The application sought retrospective permission for the demolition of a public house and the erection of a purpose built block of student accommodation consisting of 44 studio

flats, communal space, cycle parking and refuse storage; attention was also drawn to matters in the late list. The proposed development would be defined as a tall building, and the applicant had submitted a tall building study and associated landscape impact assessment. In terms of the relationship with the neighbouring petrol station there was a clearance of 4.1 metres. The proposed materials were clarified and the sample board that had been brought to the Committee was highlighted. The building line was set back 3 metres from the carriageway, and the access arrangements for service vehicles was clarified. In terms of landscaping there was an indicative plan, but this was likely to be amended for highways safety reasons. The application was recommended to be minded to grant for the reasons set out in the report.

Questions for Officers

- (3) In response to Councillor Miller it was explained that the material of the gates would be subject to standard conditions. In relation to trees the Tree Officer had requested native species. In terms of congestion it was not considered there would be any negative impact, and the servicing of the building would be low level, approximately once a week; given that the servicing for the pub had been on street this was considered an improvement. A loading bay was considered unsuitable as it would restrict pedestrian movements and would have to manoeuvre into the loading bay – the proposal also allowed servicing vehicles to enter and exit in a forward gear.
- (4) In response to Councillor C. Theobald it was confirmed that no enforcement had been taken in respect of the unauthorised demolition as the Planning Authority was aware that the proposed application was coming forward. The height of the building would be the equivalent of six storeys and it was likely the windows would tilt, but not be fully openable, for safety reasons.
- (5) In response to Councillor Wares it was clarified that, under the heads of terms, there would be an agreed process to pick up and drop off students, as well as clear servicing arrangements.
- (6) In response to Councillor Morris it was clarified that, whilst not a material consideration, the refuse collection was likely to be undertaken by a commercial operator.
- (7) In response to Councillor Miller it was clarified that the balcony amenity space would not be accessible at night to prevent noise disturbance.
- (8) In response to the Chair it was clarified that that the terms of the section 106 agreement had not clarified the open space contribution.
- (9) In response to Councillor Inkpin-Leissner it was clarified that policy CP21 addressed HMOs and purpose built blocks; the area was identified for this type of development in the emerging City Plan and considered suitable given the relatively reasonable number of units proposed.
- (10) In response to Councillor Gilbey the Principal Transport Officer clarified that the building had been designed to encourage residents to use the pedestrian crossings.

Debate and Decision Making Process

- (11) Councillor Wares stated that he had doubts in relation to the servicing arrangements at the building, as well as the dropping off and collecting of students at the beginning and end of term. He proposed that the hours for use of the amenity space and the servicing arrangements be formally conditioned to protect the amenity of local residents.
 - (12) Councillor Inkpin-Leissner noted he agreed with the points made by Councillor Wares, and would support the conditioning of the amenity space. He went on to add that he liked the scheme and felt it was a good use of the site, was disappointed there would no direct reduction in the number of HMOs as a result of such approvals. He would support the Officer recommendation with the addition of the proposed conditions.
 - (13) Councillor C. Theobald stated that she felt the building was a little too tall, and she had concerns about the safety of the students, but she agreed with the additional conditions proposed by Councillor Wares. She went on to add that the application was a good use of the difficult site, and the city needed this type of purpose-built accommodation.
 - (14) It was confirmed for Councillor Morris that no space for public art had been identified as part of the scheme.
 - (15) Councillor Gilbey noted the improvements that had been to the scheme since the pre-application presentation; she also noted her concerns in relation to road safety, but would support the scheme as the city needed this type of accommodation.
 - (16) Councillor O’Quinn noted her previous concerns in relation to noise and pollution, but felt assurance had been provided by Officers.
 - (17) Councillor Wares formally proposed additional conditions in relation to hours of use of the amenity space and the hours of deliveries for service vehicles. These were seconded by Councillor Miller.
 - (18) The Chair put the proposed additional conditions to the vote, these were **carried**.
 - (19) A vote was taken and the 12 Members present unanimously agreed to be minded to grant planning permission subject to a s106 agreement:
- 106.1 **RESOLVED** - That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in section 11 of the report and the policies and guidance in section and resolves to be **MINDED TO GRANT** planning permission subject to the conditions and informatives in section 11, and the amended and additional conditions below:

Additional Conditions:

- i. Vehicular access to the site shall be from the western elevation (Lewes Road North bound carriageway) only and all vehicles shall leave the site from the eastern elevation onto the South bound Lewes Road carriageway.

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

- ii. The gates and bollards on the sites internal access route shall be closed and prevent vehicular access at all times to the site other than between 19.30 to 7.00 and 10.00 to 16.00 daily in order to accommodate deliveries and access by residents in associated with the development .

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

- iii. The ground floor glazing to the street frontages shall be retained in clear glass and be transparent and shall not be made opaque by the application of screening, applied film or similar.

Reason: In order to ensure that the proposal maintains an attractive visualrelationship to the public realm and in the interests of designing out opportunities for crime in accordance with policy QD27 of the saved 2005 Brighton & Hove Local Plan”

- iv. The balcony amenity area hereby approved as part of this development shall not be in use between the hours of 20.00 and 07.00 daily.

Reason: In the interests of general and residential amenity in accordance with policy QD27 of the saved 2005 Brighton & hove Local Plan

Delete condition 12

Insert the word “plantroom” in condition 14 and delete the words “energy centre”

Condition 10

Add policy references to TR7 and QD5 to the reason.

B BH2015/02049 - 67 Falmer Road, Rottingdean, Brighton - Full Planning - Demolition of existing house and garage and erection of 9no four bedroom houses.

- (1) It was highlighted that the application had been the subject of a site visit prior to the meeting.
- (2) The Principal Planning Officer (Liz Arnold) introduced the application and gave a presentation by reference to photographs, plans and elevational drawings; attention was also drawn to matters in the Late List. There was a boundary to the South Downs National Park close to the front boundary of the application site; permission was sought for the demolition of the existing house and garage on the site and the development of nine houses; there would be two pairs of semi-detached properties at the front and two at the rear together with a single detached property. There was no objection to the principle of demolition and redevelopment of the site, and the proposed plots were considered to be in keeping with the size of others around the site. The proposed height was considered acceptable and the setting of the national park would not be undermined. Each of the new properties had private amenity space as well as

adequate living accommodation throughout. There would also be no significant adverse impact on the existing properties and the application would make efficient use of the plot. The application was recommended to be minded to grant for the reasons set out in the report.

Speaker(s) and Questions

- (3) Duncan Howie and Nigel Smith addressed the Committee on behalf of local residents in objection to the scheme. They referenced policy to highlight that this type of development should be examined in relation to the quality of space in between buildings; the proposed scheme would create noise and pollution, and the scheme would be detrimental to the neighbouring properties that would suffer a loss of sunlight and privacy. It was considered the development would damage the setting of the national park, and there would be no alternative for the residents than to use cars due to the lack of sustainable transport in the area. The design was also considered to be 'unimaginative'. Due to traffic congestion the High Street in Rottingdean was the subject of an air quality management plan, and this development would add to this existing problems. The Council had recognised this problem, and the speakers went on to highlight some of the health risks and impact associated with the air quality issues. The Committee were asked to refuse the application.
- (4) The speakers confirmed for Councillor Miller that the design was inappropriate as most of the buildings were predominantly either two-storeys or bungalows.
- (5) In response to Councillor Wares the speakers confirmed that they were not objecting to the principle of the development, but they felt this scheme was not appropriate and did not comply with policy.
- (6) In response to Councillor Morris the speakers confirmed that the ridge height of the proposed buildings would be greater than those surrounding it.
- (7) Councillor Mears spoke in her capacity as the local Ward Councillor. She stated that there was no objection to the principle of development at the site, but this needed to be inkeeping with the area and the scheme proposed too much on the site. There were already serious parking problems around the site, and the scheme would add further stress to the parking. The land on the site dipped in one corner and there was the potential for flooding, given the history of flooding in this area, with more of the site concreted over there would be more risk of this from surface water. It was also highlighted there was a reduced bus service in the evenings; as well as a lack of infrastructure in the surrounding area. Councillor Mears highlighted that any development on the site needed to take a sensible approach to consider all these issues.
- (8) Parish Councillor Kieran Fitsall spoke in his capacity as a member of Rottingdean Parish Council; he stated that the Parish Council had considered it to be appropriate to support the objections. Like the others speakers they had no objection to the principle of development on the site; however, the height, scale and density of the scheme were all out of character with the area, and could set a precedent for other schemes in the area. The cumulative impact of development also needed to be considered, and the housing need of the area would be better served by smaller houses. The stress on

services and amenities was also highlighted, and the Committee were asked to consider the volume of objections against the scheme.

- (9) Mr Jon Tuner and the applicant addressed the Committee in support of the scheme and stated that the design ethos for the new homes was to be sensitive to the surrounding area. Whilst the Local Planning Authority did not have defined separation standards or distances best practise had been applied. There would be no significant adverse impact on sunlight and daylight or the national park – there was also no objection from the national park. There was a need for larger properties in the area, and this would help to free up smaller homes in the village. The design was an effective use of the plot, and would contribute towards meeting housing targets across the city.
- (10) In response to Councillor Miller the applicant explained that the ‘21 metre’ rule applied to face to face properties. In response to a further query it was clarified that the third storey was in the form of dormer windows and there would be screening to the boundaries of the site.

Questions for Officers

- (11) In response to Councillor Miller it was explained that front facing dormers were considered acceptable in line with the SPD on dormer design; there were also similar examples in the nearby area.
- (12) In response Councillor Morris it was confirmed that the proposed buildings would be slightly higher than those around, but would be inkeeping contextually; there were bungalows to the rear, but these were not visible from Falmer Road. In relation to the acoustic fence it was clarified that the full details were set out in condition 23. The Principal Transport Officer confirmed there was detail in the head of terms to help mitigate traffic issues at the nearby junction with Court Ord Road.
- (13) In response to Councillor Inkpin-Leissner it was stated that condition 13 requested the submission of a surface water drainage scheme. The Planning & Building Control Applications Manager also clarified that there was no policy basis to request a higher standard of measures to prevent flood risk than those set out at condition 8.
- (14) In response to Councillor C. Theobald it was explained that the site had been assessed by the County Ecologist and the proposed development was deemed unlikely to have any significant effects on ecology.
- (15) In response to Councillors Gilbey and Miller the Case Officer confirmed the impact of over-looking into the neighbouring No. 6; this was not be significant as the window in question was a rooflight.
- (16) It was confirmed for Councillor Littman that the applicant had submitted a density assessment on the day of the Committee, but Officers had not able to assess this.
- (17) In response to Councillor Morris the Senior Solicitor confirmed that informatives that pointed the applicant towards obligations under separate pieces of legislation could not be made formal conditions as they did not meet the test of being ‘necessary’.

- (18) In response to Councillor Bennett it was confirmed that permitted development rights had been removed on the site, but these would not include changes to garages as this would not considered a change of use.

Debate and Decision Making Process

- (19) Councillor Miller stated that he would not be able to support the Officer recommendation; he had concerns in relation to the impact on No. 6 and the potential for over-looking. He felt the dormers were not inkeeping and agreed with the points made by the speakers that the application would be over-development of the site. He highlighted that a smaller scheme would be more appropriate.
- (20) Councillor C. Theobald stated that she did not think the scheme was bad, but it proposed too many houses on the site; especially given they were essentially three-storeys in height. She highlighted the risk of flooding at the site, and felt that the scheme needed smaller properties to the rear; for these reasons she would not support the Officer recommendation.
- (21) Councillor Hamilton stated that the proposed scheme was too much for the plot given the density of the surrounding area and he would not be able to support the Officer recommendation.
- (22) Councillor O'Quinn stated that she agreed with others in the debate and the overdevelopment of the site would have a negative impact on the surrounding area.
- (23) Councillor Littman highlighted the need to provide housing in the city, but felt that the scheme did not comply with policy and did not take account of the local characteristics.
- (24) Councillor Inkipin-Leissner noted that he agreed with others that the scheme was over-development; he also had concerns about flood risk on the site, and felt the developer could come back with a better scheme were the application refused.
- (25) The Chair stated that she was inclined to agree with colleagues in the debate and vote against the scheme.
- (26) A vote was taken and the Officer recommendation that the Committee be minded to grant permission was not carried on a vote of 11 against with 1 abstention. Councillor Littman then proposed reasons to refuse the application and these were seconded by Councillor Miller. A short recess was then held to allow the Chair, Councillor Littman, Councillor Miller, the Planning & Building Control Applications Manager, the Senior Solicitor and the Principal Planning Officer to draft the reasons in full. These reasons were then read to the Committee and it was agreed they accurately reflected those that had been put forward. A recorded vote was then taken and the Committee unanimously agreed to refuse planning permission.
- 106.2 **RESOLVED** – That the Committee has taken into account the Officer recommendation and the reasons for it, but resolves to **REFUSE** planning permission for the reasons set out below:

Reasons

- i. The proposed development by reason of its design is out of keeping with the prevailing character of the area and does not emphasise its positive characteristics in terms of prevailing density, height, scale, bulk and relationship to adjoining dwellings contrary to policies QD1, QD2, QD3 and HO4 of the Brighton & Hove Local Plan 2005.
- ii. The proposed development by reason of its height and proximity to no. 6 Court Ord Road would result in an unneighbourly development contrary to policy QD27 of the Brighton & Hove Local Plan 2005.

Informative

- i. The applicant is advised that the Local Planning Authority would wish to see the incorporation of flood risk measures into any subsequent scheme.

C BH2015/02786 - Land to Rear of 101 Roundhill Crescent, Brighton - Full Planning
Erection of two storey, three bedroom dwelling (C3).

- (1) It was noted that the application had formed the subject of a site visit prior to the meeting.
- (2) The Principal Planning Officer (Liz Arnold) introduced the item and gave a presentation in respect of application BH2015/02786 for full planning and application BH2015/02796 for listed building consent by reference to plans, photographs and elevational drawings; attention was also drawn to the late list and a further representation that had been received – neither raised any new material considerations. The application site related to the rear of 101 Roundhill Crescent; Nos. 101-113 Roundhill Crescent were listed properties and the application would result in the subdivision of the garden area. A number of improvements were proposed to No. 101, but these were not considered as part of the application. The break created at the end of the terrace had open views towards Race Hill and Tenantry Down and gave relief in an otherwise dense residential area. The standard of accommodation was considered poor as one of the bedrooms was within the eaves and only served by a single rooflight. The proposal was considered out of character with the adjoining property on D'Aubigny Road; it was also considered overbearing and would create a sense of enclosure at 103 Roundhill Crescent. It was not considered that the advantages of the scheme would outweigh the harm. In relation to the listed building consent this was recommended for refusal in the absence of an acceptable scheme, and the loss of the historic wall would be harmful to the conservation area. Both applications were recommended for refusal for the reasons set out in the report.

Speaker(s) and Questions

- (3) Steven Rimington spoke in opposition to the scheme in his capacity as a local resident; he stated that he was speaking on behalf of other local residents in objecting to the scheme. He expressed concern in relation to the mass and bulking that had formed the reasons for refusal of previous schemes on this site. This application did not resolve the previous reasons for refusal and it would greatly reduce the open space between

the buildings that had existing for over 100 years and ensured open views to the Downs, which local policy also sought to protect. He considered there to be issues with the design which did not enhance or preserve the conservation area.

- (4) The speakers confirmed for Councillor Miller that there was no No. 2 D'Aubigny Road.
- (5) Wendy Jamieson spoke in support of the applications in her capacity as the applicant; she was assisted by her planning agent. She stated that 101 Roundhill Crescent had been her home for all of her adult life, and the area of land concerned was not a garden, but a separate piece of land which she had been solely responsible of for some years. The scheme would make improvement works to 101 Roundhill Crescent possible. She highlighted comments from the Heritage Officer that much of the historic gap would be retained – enough for sufficient views and openness. The Heritage Officer had not objected to the principle of the development, and it was considered that these views had not been properly taken account of by the Case Officer. The Committee were asked to approve the scheme.
- (6) In response to Councillor Miller the speakers explained that a comprehensive heritage report had been undertaken which recommended that the scheme mirror the property at No. 4; were the ridge height lowered then the effect of 'pairing' would be lost. The proposed building stepped forward to reflect this feature of the other buildings in the road.
- (7) In response to Councillor Littman the speakers confirmed that it was their view the plot of land may have been originally intended as No. 2.

Questions for Officers

- (8) In response to Councillor Miller the Case Officer confirmed that Officers were not of the view that the building line stepped forward.
- (9) In response to Councillor Wares it was confirmed by Officers that the properties along Roundhill Crescent had been built first; with those on D'Aubigny Road following later. It was highlighted that the plot sizes varied.
- (10) In response to Councillor Morris it was confirmed that the listed wall was in the bungaroosh building style.

Debate and Decision Making Process

- (11) Mr Hinton stated that the CAG were recommending approval of the scheme, and they had noted the deteriorated condition of 101 Roundhill Crescent. Whilst there would be some loss of the historic break this would be largely maintained; it was considered that this application was a matter of weighing the costs and benefits and the CAG were minded to believe the gains were greater across the wider site including 101 Roundhill Crescent whereas Officers had taken a different view. They believed the new property was sympathetically designed and picked out features from its context; Mr Hinton also highlighted some minor detailing that could be included were the Committee minded to grant the application.

- (12) Councillor Miller stated he would support both Officer recommendations; he was not opposed to the principle of the development, but considered a more subservient scheme would be appropriate.
- (13) Councillor Morris agreed with Councillor Miller and stated he would support the Officer recommendations.
- (14) Councillor Wares noted he has less concerns with the reduction in the break; however, he was of the view that the approach taken by the applicant would not work for the street scene.
- (15) Councillor Gilbey noted that a number of similar applications had come to the Committee in the last few years that sought some loss of the historic break between buildings; she felt the Committee had recognised the importance of these breaks and for this reason she would support the Officer recommendation.
- (16) A vote was taken by the 11 Members present and the Officer's recommendation that planning permission be refused was carried unanimously.

106.3 **RESOLVED** – That the Committee has taken into consideration the recommendation and agrees with the reasons for the recommendation set out in section 11 and resolves to **REFUSE** permission for the reasons set out below:

Reasons for Refusal

- i. The proposed development by reason of siting, design, height, detailing and the required reduction in the plot size of 101 Roundhill Crescent would result in a development that would erode and fail to reflect the immediate character of the D'Aubigny Road and Roundhill Crescent street scenes and the wider area including the surrounding Round Hill Conservation Area, compromising the quality of the local environment. Furthermore the applicant has failed to demonstrate that the proposal would not have significant adverse impacts upon the break in the roofline/building line of the existing dense urban built form of the area. The proposal would represent an incongruous development. This identified harm would outweigh the benefit of additional housing and as such is contrary to policies QD1, QD2, QD3 and HE6 of the Brighton & Hove Local Plan.
- ii. The proposal includes insufficient public benefits to outweigh the harm to the setting of the Listed Building and Round Hill Conservation Area caused by the proposal, namely the partial loss of the existing open space gap between no. 4 D'Aubigny Road and 101 Roundhil Crescent, the general design of the proposed dwelling and the loss of parts of the historic boundary walls, by virtue of the failure of the applicant to include the proposed works to 101 Roundhill Crescent, as set out in the Design and Access Statement within the plans submitted as part of the application. As such the proposal is contrary to policies QD1, QD2, HE1, HE3 and HE6 of the Brighton & Hove Local Plan.
- iii. The proposed alterations to the existing historic western boundary wall, namely the provision of piers and cappings to match those at 4 D'Aubigny Road, would result in a boundary treatment out of keeping with the historic front boundaries in

the D'Aubigny Road street scene and the surrounding Conservation Area. The proposal is therefore contrary to policies QD1, QD2, HE1, HE3 and HE6 of the Brighton & Hove Local Plan.

- iv. In the absence of an acceptable scheme for the development of the site, the demolition of parts of the historic wall would result in loss of historic fabric and form and a gap in the boundary of 101 Roundhill Crescent harmful to the character and appearance of the listed wall and the setting of 101 Roundhill Crescent and the surrounding Conservation Area. As such the proposal is considered contrary to policies HE1 and HE6 of the Brighton & Hove Local Plan.
- v. The proposed dwelling would result in a roofspace bedroom providing unacceptable and poor standard of accommodation for future occupants due to limited headroom, circulation space and outlook. This would result in an. The development is therefore contrary to policy QD27 of the Brighton & Hove Local Plan.
- vi. The proposed south facing window/glazed doors would represent an unneighbourly form of development by virtue of resulting in actual and perceived overlooking and loss of privacy to the occupiers of the flats located in 101 Roundhill Crescent. As such the proposal would have a harmful impact on neighbouring amenity contrary to policy QD27 of the Brighton & Hove Local Plan.
- vii. The proposal by virtue of its scale, bulk and massing close to the boundary with no. 103 Roundhill Crescent would represent an unneighbourly form of development which would appear overbearing and oppressive when viewed from the garden areas of neighbouring properties located to the east of the site and a development that results in a sense of enclosure to the garden area of no. 103 Roundhill Crescent. As such the proposal would have a harmful impact on neighbouring amenity and is contrary to policy QD27 of the Brighton & Hove Local Plan.
- viii. The applicant has failed to demonstrate that the development would accord to the Building Regulations Optional Requirement M4(2) (accessible and adaptable dwellings) contrary to policy HO13 of the Brighton & Hove Local Plan.

Informatives:

- i. 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.

Note: Councillor Cattell withdrew from the meeting for the reasons stated at minute item 101 B). Councillor Gilbey, the Deputy Chair, assumed the Chair for the consideration of applications C) & D).

D BH2015/02796 - Land to Rear of 101 Roundhill Crescent, Brighton - Listed Building Consent - Alterations to boundary wall.

- (1) It was noted that the application had formed the subject of a site visit prior to the meeting.
- (2) The presentation and consideration of this application is listed at minute item 106 C).
- (3) A vote was taken by the 11 Members present and the Officers recommendation that planning permission be refused was carried unanimously.

106.4 **RESOLVED** – That the Committee has taken into consideration the recommendation and agrees with the reasons for the recommendation set out in section 11 and resolves to **REFUSE** permission for the reasons set out below:

Reasons for Refusal:

- i. In the absence of an acceptable scheme for the development of the site, the demolition of parts of the historic wall would result in loss of historic fabric and form and a gap in the boundary of 101 Roundhill Crescent harmful to the character and appearance of the listed wall and the setting of 101 Roundhill Crescent. The scheme is considered contrary to policy HE1 of the Brighton & Hove Local Plan.

Informatives:

- i. 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

Note: Councillor Cattell withdrew from the meeting for the reasons stated at minute item 101 B). Councillor Gilbey, the Deputy Chair, assumed the Chair for the consideration of applications C) & D).

E BH2015/02713 - Kingsmere London Road, Brighton - Full Planning - Roof extension to Blocks E & F to provide 8no flats each with own private roof garden.

- (1) The Planning Manager, Major Applications (Paul Vidler) introduced the application and gave a presentation with reference to plans, photographs and elevational drawings; reference was also made to information contained in the late list. The application related to blocks E & F situated at the western edge of the site closest to London Road. The location of the cycle storage was highlighted for the Committee. This was a re-submitted application following a 2012 consent at appeal, and the scheme was recommended for approval for the reasons set out in the report.

Speaker(s) and Questions

- (2) Alan Moxhay spoke in opposition to the application on behalf of the Kingsmere Residents' Association; he stated that he understood the Officer recommendation was in line with the decision of the Planning Inspector, and he highlighted that any reason to refuse the scheme needed to be in relation to new aspects or any that were not considered at the time. He went to highlight disabled access and asked that the Committee insist the lifts be adapted for wheelchair use. The proposed cycle storage at the site was greatly wanted by the residents and the delays in bringing forward the scheme meant that this much needed storage had not been built. Since the consent in 2012 the parking on the estate had reached saturation and the wider site needed a full traffic review.
- (3) In response to Councillor C. Theobald the speaker confirmed that there was planning permission in place to provide additional parking on the site, but this had not been implemented. It was also confirmed that the lifts would need to be adapted for disabled use.
- (4) In response to Councillor Inkipin-Leissner the speaker confirmed that the residents had no power to request that the leaseholder build the cycle storage.
- (5) The speaker also confirmed to Councillor Gilbey there were currently no disabled parking spaces on the site.

Questions for Officers

- (6) In response to Councillor Gilbey it was clarified that the current standard for lifetime homes was the Building and Regulation Optional Requirement; this was the standard the Local Planning Authority now asked applicants to comply with.
- (7) It was confirmed for Councillor Wares that the scheme was identical to the previous consent.
- (8) In response to Councillor Inkipin-Leissner it was confirmed that building regulations would require the lift to be suitable for disabled use. Councillor Morris queried if this were an infringement of equalities and the Planning & Building Control Applications Manager highlighted that there was no information on whether the lift currently complied or not.
- (9) In response to Councillor Gilbey it was confirmed that the transport assessment took into consideration approved but unimplemented schemes.
- (10) In response to Councillor Miller it was confirmed that the application was for eight additional flats, and it was not considered that s106 contributions were necessary to mitigate the impact of the development.

Debate and Decision Making Process

- (11) Councillor C. Theobald noted that there would be an impact on parking across the wider site if the scheme were implemented; she also felt residents were harmed through this type of development.
- (12) Councillor Morris stated that additional parking spaces should be provided for disabled users.
- (13) Councillor Deane stated that the proposals gave the blocks more 'visual interest', and she noted the points made by other Members in relation to disabled access.
- (14) Councillor Littman noted that the Local Planning Authority did not have the power to demand the lifts were suitable for disabled use. He highlighted that given the planning history at the site the Committee had little other option than to approve the scheme.
- (15) Councillor Miller noted he would support the scheme on the basis of the planning history; he did, however, express concern in relation to the piecemeal manner the applications were submitted and felt an application across the whole site would be more appropriate. The Planning & Building Control Applications Manager highlighted that informatives could be added to the consent drawing the applicant's attention to the concerns of residents and the Committees in relation to: a holistic approach to the wider site; disabled parking, cycle storage and the accessibility of the lifts. The Committee agreed to add informatives to this affect.
- (16) A vote was taken by the 12 Members present at the meeting and the Officer recommendation that permission be granted was carried on a vote of 11 in support with 1 abstention.
- 106.5 **RESOLVED** - That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in section 11 of the report and the policies and guidance in section and resolves to **GRANT** planning permission subject to the conditions and informatives in section 11, and the additional informatives below:

Additional Informatives:

- i. Planning Committee have noted that there appear to be a lack of cycle and disabled parking across the estate and urge the owner to consider sufficient provision.
- ii. The owner is urged to ensure that sufficient provision is made for the lifts on site to be wheelchair friendly
- iii. Planning Committee have noted that multiple and separate applications have been submitted over time by the same applicant within this estate. These applications and the way they have been submitted mean that it has been difficult for the LPA to assess impacts arising from proposals on the wider estate. This approach is not consistent with the interests of proper planning.

F BH2015/02562 - 107 Boundary Road, Hove - Full Planning - Demolition of existing house and erection of four storey building to form 7no two bedroom flats (C3) with associated parking.

- (1) The Planning Manager, Major Applications (Paul Vidler) introduced the application and gave a presentation with reference to plans, photographs and elevational drawings; reference was also made to information contained in the late list. He also noted that the applicant had highlighted inaccuracies in the report and updated the Committee with the correct size of the disabled bay; Officers did not consider any of the other points raised to be matters of inaccuracy. The application sought permission for the demolition of the existing building and the construction of a four-storey block of flats. In 2008 permission was granted at appeal for a block of flats and this was renewed in 2012; an application was refused in June this year for a four storey block of flats; the scheme was refused due to the adverse impact of the neighbouring properties from the car park at the rear as well as the scale and bulk. The main differences in this application were the reduction in height of the outer gable end features, and repositioning of the rear car-parking. Whilst Officers were of the view the car-parking no longer warranted a reason for refusal, following assessment by Officers in Environmental Health, the reason for refusal in relation to the scale and bulk remained. The application was recommended for refusal for the reasons set out in the report.

Speaker(s) and Questions

- (2) Fred Dyer spoke against the scheme in his capacity as a local resident; he stated that he had concern in relation to fumes from the rear car park which would be directly under the window of his neighbouring property.
- (3) John Coleman spoke in support of the scheme as the architect; he stated that the scheme was reworked and was acceptable for the street scene in Boundary Road as the existing building was of little architectural merit. The current application would provide step free access and the objections to the design were based on the perceived bulk of the building as the footprint was identical to the previously approved scheme – there were properties in the immediate vicinity that were also bulky. The proposal would sit comfortable in the street scene; the scheme constituted a net gain of 6 dwellings and a disabled car parking space. The scheme was supported by one of the local Ward Councillors; as well backed up, in policy terms, by the NPPF.
- (4) In response to Councillor Inkpin-Leissner the speaker confirmed that the building had been raised up so flat access could be gained to the front door.
- (5) In response to Councillor Miller the speaker confirmed that the current scheme was for 7 two-bedrooms flats.

Questions for Officers

- (6) It was confirmed for Councillor Hamilton that there was ramped access to the front door.
- (7) It was confirmed for Councillor Gilbey that there was no longer an objection from Environmental Health.

- (8) In response to Councillor O’Quinn it was confirmed that each flat had its own private amenity space, as well as a communal garden.
- (9) It was confirmed for Councillor Inkpin-Leissner that there was one parking space to the rear of the proposal.

Debate and Decision Making Process

- (10) Councillor Inkpin-Leissner stated that the scheme proposed too much on the site; he felt the agreed 2008 scheme was more appropriate.
- (11) Councillor Hamilton noted there were already traffic problems at the bottom of the road and the additional traffic generated by the scheme would add to this; he stated he would support the Officer recommendation.
- (12) A vote was taken and the Officer recommendation that permission be refused was carried unanimously.

106.6 **RESOLVED** – That the Committee has taken into consideration the recommendation and agrees with the reasons for the recommendation set out in section 11 and resolves to **REFUSE** permission for the reasons set out below:

Reasons for Refusal

- i. The proposed development by virtue of its scale, bulk and design would result in an incongruous development that would appear overly dominant within the context of the immediate Boundary Road street scene and would detract significantly from the character and appearance of the site and the wider surrounding area. The proposal is therefore contrary to policies QD1, QD2, and QD3 of the Brighton & Hove Local Plan.

Informatives:

- ii. 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.

G BH2014/03826 - The Wardley Hotel, 10 Somerhill Avenue, Hove - Full Planning -
Internal alterations to facilitate increased number of bed spaces from 40 to 51 rooms.
(Part Retrospective)

- (1) The Planning Manager, Major Applications (Paul Vidler) introduced the application and gave a presentation with reference to plans, photographs and elevational drawings. The application site sought permission to increase the number of bedrooms from 40 to 51, but did not propose an external alterations; the applicant had submitted the application for the intensification of the use and requested the Council to determine it.

The operators sought to move to a business orientated management model and had removed existing dining and communal space to provide the additional bedrooms. The application had generated a number of objections from residents; however, no objection had been raised by either Sussex Police or Environmental Health. The application was recommended for approval for the reasons set out in the report.

Questions for Officers

- (2) In response to Councillor Wares it was confirmed that there was no change of use and the permission did not cover any HMO use.
- (3) The Committee expressed some concern about the inconsistency of wording in relation to the kitchen/catering facilities provided in the rooms, and agreed to undertake a site visit to clarify the matter.

106.7 **RESOLVED** – That the application be deferred to allow a site visit to take place.

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

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

Application:	Requested by:
BH2014/03826 The Wardley Hotel, 10 Somerhill Avenue, Hove BN3 1RJ	All Committee Members

108 INFORMATION ON PRE APPLICATION PRESENTATIONS AND REQUESTS

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

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

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

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

[Note 2: A list of representations received by the Council after the Plans List reports had been submitted for printing was circulated to Members on the Friday preceding the meeting. Where representations are received after that time they should be reported to

the Chairman and Deputy Chairman and it would be at their discretion whether they should in exceptional circumstances be reported to the Committee. This is in accordance with Resolution 147.2 of the then Sub Committee on 23 February 2006.]

110 LIST OF NEW APPEALS LODGED WITH THE PLANNING INSPECTORATE

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

111 INFORMATION ON INFORMAL HEARINGS/PUBLIC INQUIRIES

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

112 APPEAL DECISIONS

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

The meeting concluded at 6.38pm

Signed

Chair

Dated this

day of

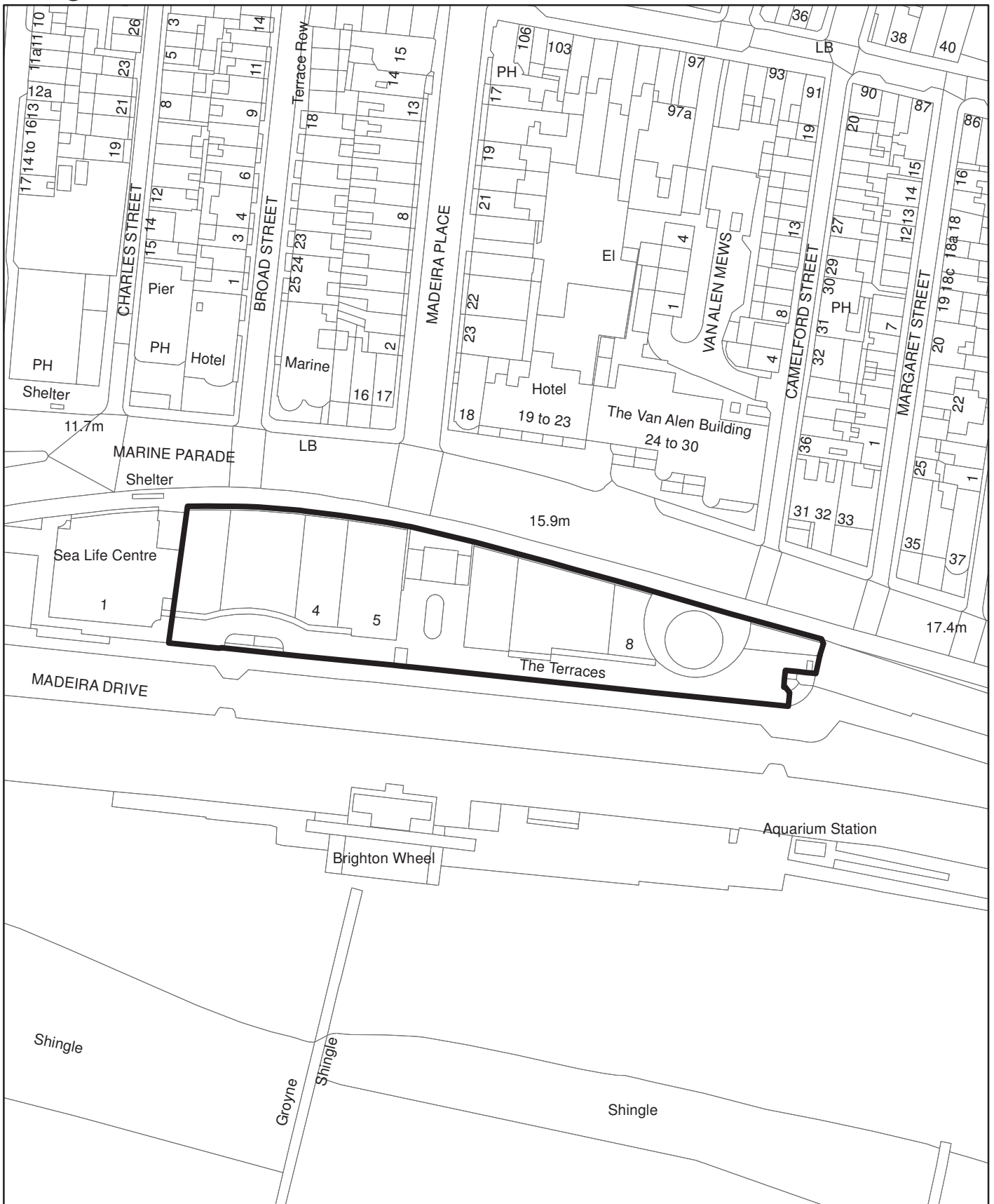
ITEM A

**Units 2-8, The Terraces, Madeira Drive,
Brighton BN2 1AY**

**BH2015/02443
Full Planning**

9 December 2015

BH2015/02443 Units 2-8, The Terraces, Madeira Drive, Brighton



**Brighton & Hove
City Council**



Scale: 1:1,250

<u>No:</u>	BH2015/02443	<u>Ward:</u>	QUEEN'S PARK
<u>App Type:</u>	Full Planning and Demolition in a Conservation Area		
<u>Address:</u>	Units 2-8 The Terraces Madeira Drive Brighton		
<u>Proposal:</u>	Demolition and replacement of existing oval glass pavilion on lower tier level to form new café (A3). Demolition of existing circular building on upper tier level. Change of use of units 6-8 on lower tier level from restaurants (A3) to Members Club (SG) together with construction of two new pavilions above at upper tier level consisting of restaurant and bar (A3/A4) with indoor and outdoor seating, open air plunge pool with changing facilities and terraced area with sunbeds solely for the use of the Members Club (SG). Alterations and refurbishment of existing public restaurants (A3) at lower tier units 2-5 including revised fenestration. Other associated works including the external and internal refurbishment of the existing 1920s pavilion.		
<u>Officer:</u>	Sue Dubberley Tel 293817	<u>Valid Date:</u>	11 August 2015
<u>Con Area:</u>	East Cliff	<u>Expiry Date:</u>	10 November 2015
<u>Listed Building Grade:</u>	Grade II		
<u>Agent:</u>	Stiles Harold Williams, 69 Park Lane Croydon CR0 1BY		
<u>Applicant:</u>	Brighton Seafront Regeneration Ltd, Mr Richard Franklin 150 St Johns Street London EC1V 4UD		

1 RECOMMENDATION

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

2 SITE LOCATION & DESCRIPTION

- 2.1 The application relates to The Terraces which are located on Madeira Drive and consist of 7 vacant units constructed in the 1990's all formerly in A3 restaurant use. Units 2 to 7 are single storey with unit 8 (formerly The Terraces bar and Grill) being two storeys with a round glass building at the upper level. To the north of the site is Marine Parade.
- 2.2 This property lies within the East Cliff Conservation Area and is within the setting of a number of listed buildings, notably the Aquarium, and is bounded on the north side by listed cast iron seafront railings, and on the South side by the walls piers railings and lamps associated with the Aquarium.

In the wider area opposite the site is the beach, the Volk's Railway terminus, the Brighton Wheel, a crazy golf course and linked fish and chip shop. Opposite and to the west is The Palace Pier.

3 RELEVANT HISTORY

Units 6-8

BH2014/02654 Demolition of existing circular building on upper tier level and demolition of existing oval glass pavilion on lower tier level. Part change of use of unit 8 on lower tier level from restaurant (A3) to Members Club (SG). Alterations and refurbishment of existing public restaurants (A3) on lower tier units 6, 7 and part 8 with shared kitchen facilities and revised fenestration to units 6-8. Removal of existing roof over units 6-8 on lower tier level to enable construction of new storey and entrance at upper tier level consisting of restaurant and bars (A3/A4) with indoor and outdoor seating, open air plunge pool with changing facilities and terraced area with sunbeds solely for the use of the Members Club (SG). Other works include the external and internal refurbishment of the existing 1920s pavilion to facilitate a new kitchen service route and general improvements for public access to the terraces. **Withdrawn** 14/04/2015.

BH2014/03135 Removal of railings to create a new entrance to Units 6-8. Infilling of existing entrance with new railings to match existing. **Withdrawn** 14/04/2015.

Unit 2 & 3 The Terraces

BH2010/00759 - Change of use from amusement arcade (sui generis) to spa and fitness studio with ancillary cafe/restaurant – **Approved** 16/06/2010.

BH2007/01942 - Change of use from gambling hall to restaurant including a take-away area – **Withdrawn** 16/07/2007.

BH2001/02825/FP - Proposed change of use from retail (A3) to amusement arcade (SG) and alterations to elevations – **Approved** 05/04/2002.

Unit 5 The Terraces

BH2010/00329 - New facades to South and East elevations, demolition of existing disabled ramp to allow for extension of existing terrace incorporating disabled lift and storage under, demolition of glass pavilion and installation of decking over vacant space. Refurbishment of 1920's pavilion including new doors and alterations to the layout to create new service access – **Approved** 30/04/2010.

Unit 9 The Terraces

BH2003/03677/FP - Change of use of ground and basement levels to a mixed use scheme for a Bar and a Club – **Approved** 12/01/2004.

The Terraces

BH2010/00330 (CAC) - Demolition of glass pavilion situated between units 5 and 6 The Terraces – **Approved** 30/04/2010.

Brighton Aquarium Upper and Lower Terraces

BH1998/00263/FP- Redevelopment of terraces comprising demolition of the Concord Bar, Tivoli Cafe and structures between; erection of single storey structures on upper and lower terraces, with 3/4 storey structure at eastern end

of upper terrace, to form 7 restaurants (A3), one leisure (D2) unit and one bar/restaurant. **Approved 29/06/1998.**

BH1998/00266/LB Redevelopment of terraces comprising demolition of the Concord Bar, Tivoli Cafe and structures between; erection of single storey structures on upper and lower terraces, with 3/4 storey structure at eastern end of upper terrace, to form 7 restaurants (A3), one leisure (D2) unit and one bar/restaurant. **Approved 29/06/1998.**

4 THE APPLICATION

- 4.1 Planning permission is sought for the demolition and replacement of the existing oval glass pavilion on lower tier level to form new café (A3). Demolition of existing circular building on upper tier level. Change of use of units 6-8 on lower tier level from restaurants (A3) to Members Club (SG) together with construction of two new pavilions above at upper tier level consisting of restaurant and bar (A3/A4) with indoor and outdoor seating, open air plunge pool with changing facilities and terraced area with sunbeds solely for the use of the Members Club (SG). Alterations and refurbishment of existing public restaurants (A3) at lower tier units 2-5 including revised fenestration.
- 4.2 The existing historic pavilions, balustrading and iron railings are retained in the scheme and repairs and the reinstatement of elements of these are included in the proposals.
- 4.3 The new buildings on the upper tier would be in the form of two single storey flat roofed curved pavilions with large areas of glazing on the south elevation, with open air terraces in front of the buildings and a plunge pool. A glass balustrade is proposed. The north elevation would be more solid in appearance with render punctuated by windows. A green roof is proposed on both buildings.
- 4.4 The refurbishment of the existing units on the lower tier would consist of the replacement of the current windows and doors with a more simplified glazing pattern to give a more modern appearance. The surrounding stonework which is currently damaged and badly weather would be repaired and refurbished.

5 PUBLICITY & CONSULTATIONS

External

- 5.1 **Neighbours: Thirty five (35)** letters of representation have been received from **Flats 1, 2 , 12, 13(x2), 15, 17(x2), 18, 22, 26, 29 (x2), 38, The Van Alen Building, Marine Parade, 15 Powis Square (freeholder of 17 Marine Parade), 1 Van Alen Mews, 13, 23, Camelford Street, Amsterdam Hotel 11-12, Legends Hotel 31-34, 35, Marine Parade, 19(x2) Madeira Place, 19 West Drive, Outwood House, Outwood Lane, Outwood, Surrey, 94 President House, King Square London, 42 Trafalgar Avenue, Peckham, 14 Winnipeg Drive, Orpington Kent (x2) 63 Cudham Lane North, Orpington Kent (x4), 20b Oatfield Road, Tadworth , surrey (1 email no address given) objecting the application for the following reasons:**

- Out of character with Marine Parade

PLANNING COMMITTEE LIST- 09 December 2015

- Will block sea views, the sea view along Marine Parade which is one of Brighton's biggest treasures.
- Will destroy the panorama or sea and pier.
- Strategic sea views will be lost.
- Loss of views to the whole City and its thousands of visitors.
- Members only section would be restricted to those able to pay and other facilities are food outlets. Brighton does not lack restaurants.
- Marine Parade will be reduced to a dingy back street.
- Air pollution will exceed acceptable limits.
- This is as private night club and should be assessed against policy SR13.
- No good reason to set a precedent for development east of the Palace Pier which could go higher than on floor above street level.
- Development conflicts with local plan policies.
- Does not provide public sports facilities.
- Historically it has been the practise to refuse buildings above road level on the seaward side of Marine Parade and Kings Road. Preservation of sea view has been paramount; the new buildings will block sea views.
- No more development should be allowed above road level. Previous applications in 1998 felt it was important to keep the main part of the metal roof below the level of the railings on Marine Parade (BH1998/00263FP).
- The wall above road level will inevitably be graffiti covered.
- Will block beach users views of Regency and modern architecture along Marine Parade.
- Devaluation of properties.
- Applicant has not filed accounts with Companies House since 2011 and it is not possible to be certain who the applicants are.
- Appearance and size of the new building is inappropriate and will fundamentally change the character of the area.
- Contemporary style is out of character with the historic seafront.
- No justification for a discordant structure in a conservation area.
- The development would appear overbearing.
- Area is overcrowded and congested, it could adversely affect the safety of other road users or pedestrians.
- The proposed development will block a public right of way.
- The area is the subject of noise pollution from busy and traffic congested seafront, with inadequate parking for existing amenities and another amenity will exacerbate the problem. Marine Parade is already becoming an unauthorised taxi rank.
- Loss of amenity for Legends Hotel as rooms are priced in accordance with the view with sea views at a premium.
- Marine Parade is unique with the raised seafront promenade and complements the lower promenade Madeira Drive, the new buildings will exceed the level of the road and Marine Parade will effectively be 'boxed in'.

- The 5 metre gap that has now been put in will have little impact and none for motorists and travelling in from the eastern side.
- Members of the club would obviously enjoy a view which would then be denied to many.
- Two buildings will create a wind tunnel which elitist members will then want to fill.
- No mention of servicing and deliveries.
- No mention of refuse bins and collection.
- Will there be a condition concerning the hygienic storage and disposal/collection of food waste?
- No contextual drawings and lack of detail.
- As lift is shown on the plans may be further plant on the roof.
- The regeneration is meant to be for everyone and not a private club. The beach and promenade is for everyone and should not be an exclusive club for exclusive people in a prime location.
- The duck egg blue railings start near the Marina and end at Hove Lagoon and are protected and are our doorway to the beach and we should not allow anyone to build in front of them setting a precedent for other high buildings.
- Increase in noise and disturbance particularly from open terrace and swimming pool.
- Loss of amenity for hotel (Legends) where rooms are priced according to the view.
- The new buildings will cause sound to bounce between buildings. The noise from existing pubs, clubs and bars will be reflected back into residential homes as well as noise from the new members club.
- Noise and disturbance from construction itself.
- Health and safety risk to residents as new building will prevent sea winds taking away the dust particles from the dusty road due to the reduction in free airflow.

5.2 **Neighbours: Six (6)** letters of representation have been received from **flat 5, The Van Alen Building, 18, 36, Marine Parade, 14 Charles Street, 20 Park Avenue, Woodford Green Essex (1 email no address given)** Supporting the application for the following reasons:

- Would be great to see a much neglected area regenerated.
- Sure that the new facilities would benefit the whole area.
- Support the project and its sensitive approach to the new building within the existing.
- Was previously against the proposals and live in the Van Alen building but new proposals has eliminated any doubts.
- Soho House would be fantastic for Brighton and regeneration of the Terraces area which is in a poor state of repair.
- While some of the project is a members club, there are also restaurants open to the public.

5.3 **Kingscliffe Society: Objection** :

- Main problem affecting the economic use of the site is its exposed nature which means it is hard to trade 4 to 6 months of the year. Application contributes nothing to the viability and well-being of Brighton residents and businesses alike.
- Application does not provide any social amenity for the local residents and visitors alike, as it is a private members club.
- Object to loss of this vista of Brighton seafront.
- Elevations are of a very poor design particularly the north elevation which has no architectural merit and pays no respect to the conservation area.
- Development does not meet the requirements of sustainable development.
- Brighton's iconic views of the seafront are of world class importance and recognition of this should form the basis of any planning application.
- Object to the works to be carried out on the listed building.
- No demolition drawings.
- Object to demolition works in the Aquarium which will require its closure and moving of livestock in and out of their tanks causing them stress.
- Object to the heights and the dune roofs will not be visible from the top of a double decker bus let alone the public from the pavement.
- Object to the lack of structural information. Concerned that the roof will be too heavy with concrete floor slabs and shingle and dune roof.
- Concerned about the pool safety protection and structural loading.
- No information on gym on ground floor.
- Gap between the two buildings will not provide an open visual brake between the structures as there are shrubs, table and chairs sun loungers and parasols shown on the plans.
- Possible failure of mechanical equipment on the roof from dune roof construction being blown and sucked down during dry weather conditions.
- Object to any closure of public right of way across the Terraces.

5.4 Brighton Society Objection:

- Primary objection relates to the proposed buildings on the top level of the development. Key viewpoints looking to the sea, Brighton Pier and western seafront will be affected. Currently views are only restricted by the circular pavilion at the eastern end of the site. The principle of the insertion of buildings between Marine Parade and the sea should not be permitted. To permit buildings would change the character of that section of Marine Parade to that of any other street inland from the seafront.
- The public interest has to be the main criteria and the proposal appears to close off the intermediate levels to the public on the eastern section to which people currently do have access and it is unclear if the restriction applies to the western section.
- Recognise that the current situation is not satisfactory and views would be retained if the pavement were extended over the site to form viewing decks much as the current application proposes but without the

buildings. Small cafes and sheltered seating could be included as long as they were small and transparent as possible to retain views.

5.5 Regency Society: Objection:

- Seafront views are the City's most important asset and should be protected. Should be a presumption against new buildings which obscure the views from seafront roads.
- This is a sensitive location where A23 meets seafront and the pier.
- Views from Marine Parade from the east are important. The new building will interrupt these views and will have a detrimental impact on the East Cliff Conservation Area. The provision of a small gap will do little to mitigate this undesirable effect.
- At present the terraces area public open space accessible to all. The proposal for a private member's club will reduce the ability of the public to explore this part of the conservation area.

5.6 Councillors Barford and Chapman Objection: The letter is attached to this report in full as an appendix.

5.7 CAG: Objection: The Group repeat their comments on the previous application (insofar as they are relevant) as follows:

5.8 'Group recommend REFUSAL of the application, on the grounds that the proposal will cause a loss of views of the sea and Brighton Pier from Marine Parade. The Group are, in principle, against any structure which rises above Marine Parade. It is recommended that a planning brief is prepared for the site, to give clear guidance to developers which CAG could review before it is finalised. The Group requests that the application is decided by the Planning Committee and views from the north side of Marine Parade, Brighton Pier and the Royal Albion should be provided to assist committee members. The Group feel the proposed trees would be inappropriate and would not survive in such weather conditions. The Group feel that a condition should be added to any approved application, that any missing bronze lights and standards should be reinstated on the Madeira Drive frontage.'

5.9 The Group note that the sea views from Marine Parade are universally recognised as some of the best in the country, and feel that the scheme represents a disservice to the public due to loss of significant views to the seafront, pier and sea and the loss of public access to what is currently a public area. The Group recall a number of changes to the site in the last century, all of which have preserved views to the sea. The Group request that if the application is recommended for approval, it should be heard at Planning Committee.

5.10 County Archaeologist: Comment: Although the proposed development is not currently situated within an Archaeological Notification Area it is located within a Conservation Area and contains a number of designated and non-

designated historic buildings. Recommend a condition requiring an archaeological works programme.

- 5.11 **County Ecologist:** Support: The proposed development is unlikely to have any significant impacts on biodiversity and can be supported from an ecological perspective. The site offers opportunities for enhancement that will help the Council address its duties and responsibilities under the NPPF, the Natural Environment and Rural Communities (NERC) Act 2006 and SPD 11.
- 5.12 **East Sussex Fire and Rescue Service:** Comment: Access for fire appliances and fire fighting is satisfactory.
- 5.13 **Environment Agency:** Comment: No objection to the development as proposed.
- 5.14 **Historic England:** Comment: Do not wish to comment in detail, but offer the following general observations. We are aware that this proposal differs from the previous one in that a gap has been created between the two upper pavilions in order to provide a partial view through to the seafront. We urge you to ensure that the proper consideration on the setting of the listed buildings is taken into account, in particular in relation to the impact of this taller development on the outlook of sea facing buildings on Marine Parade and on the open seafront character of this part of the conservation area. Any harm should be balanced against public benefits associated with the proposal including that associated with enlivenment of this area by bringing back into use units which have been empty for a number of years and repairs to listed structures.
- 5.15 **Southern Water:** Comment: A formal application is required for a connection to the public sewer. Request an informative to this effect.
- 5.16 **Sussex Police:** Comment: Doors and windows should be checked to ensure they are adequate and fit for purpose. The applicant should consider having access control on entry gates/doors to the restricted member's area. Ask that any A3 restaurant is conditioned to ensure that alcohol is ancillary to foods. Concerned that the site lies within the designated Cumulative Impact Zone of the City and the late night opening will impact on Police resources.
- 5.17 **UK Power Networks:** Comment: No objection to the proposed works.

Internal:

- 5.18 **Aboriculturist:** No objection subject to a suitable condition being attached to any planning consent granted.
- 5.19 **Economic Development:** Support: The senior economic development officer has no adverse economic development comments to make regarding this application and fully supports the proposal. An Employment & Training Strategy to be submitted for approval before commencement and a contribution of £32,080 to be made towards the Local Employment Scheme.

- 5.20 **Environmental Health:** Support: Approve with condition regarding noise from plant.
- 5.21 **Flood Risk Management Officer:** Comment: The Lead Local Flood Authority (LLFA) has no objection to the development proposal provided no development shall take place until a detailed design and associated management and maintenance plan of surface water drainage for the site using sustainable drainage methods has been submitted to and approved in writing by the Local Planning Authority.
- 5.22 The approved drainage system shall be implemented in accordance with the approved detailed design prior to the use of the building commencing. This is to ensure that the principles of sustainable drainage are incorporated into this proposal.
- 5.23 **Heritage:** Support: It is considered that the harm is less than substantial and is outweighed by the public benefits, and therefore the principle of the development as proposed is acceptable. More information is required on detailing and materials; all elements essential to the success of the design.
- 5.24 **Planning Policy:** Support:
Comments dated 2/09/2015
The need for a high quality and sensitive regeneration of The Terraces is recognised alongside the opportunity for public realm improvements. The proposed retention and refurbishment of Units 2-5 for A3 use and the amalgamation and change of use of units 6-8 from A3 to a Sui Generis A4/D2/A3 members club focused at the creative industries in the city would not raise policy concerns. However the proposal creates an additional 903 sq m of A3, D2 and A4 uses. Given the sites edge of centre location, a sequential site assessment is required in accordance with the NPPF paragraph 24.
- 5.25 Comments dated 19/11/2015
The applicant has submitted a sequential site assessment (dated 30th October 2015). It is considered that the proposed application has established that there are no sequentially preferable locations in the city centre and St James Street District Centre owing to unsuitability in site size or availability. It is considered that the sequential test is passed in accordance with the NPPF and CP6.1 of the Submission City Plan Part 1.
- 5.26 **Sustainability:** Comment: In order to ensure the scheme complies with local policy, it is recommended that a standard BREEAM condition be applied for major development requiring BREEAM 'very good' be achieved.
- 5.27 **Sustainable Transport:** Support:
Comments dated (27/10/15)
The Highway Authority has no objections in principle to the proposed application and the comments are similar to those from a similar previous application (BH2014/02654). However, prior to determination the applicant should provide clarification on the following matters:

Disabled access through the site - It is not apparent from the submission whether a lift is provided from Marine Parade down to the lower tier level between units 5 and 6. The applicant should provide clarification on this matter and ideally provide a continuous route to all levels for disabled people. This would require the installation of a lift at Marine Parade level down to lower tier level between units 5 and 6.

The applicant should also confirm whether they intend to provide the lift adjacent to the steps in front of unit 5 to the middle level; as indicated on the proposed lower tier plan. Currently the plan states potential new lift position but the applicant must confirm that they are going to provide this lift.

These lifts are necessary to provide access to the development for all irrespective of their disability.

Cycle Parking - the applicant should provide clarification as to the location of cycle parking for all units and for both customers and staff.

Should the Highway Authority be in a position to recommend approval following submission of this information the Highway Authority are likely to recommend the need for conditions to be included on any permission granted and the need to enter into a S106 agreement.

5.28 Comments dated (17/11/15)

Disabled access through the site:

The applicant has confirmed that no lift will be provided from Marine Parade down to the lower tier level of the development between units 5 and 6. There are alternative routes from Marine Parade to the development in front of the Harvester pub and down the ramp to the east of the site.

- 5.29 The applicant has stated that they are willing to accept a condition requiring further details of the proposed lifts to provide access between the two different tiers. A suggested condition is detailed below. The Highway Authority accepts the proposed lift adjacent to unit 5 is an improvement on the current situation but also saw this development as an opportunity to provide an enhanced provision with a lift from Marine Parade.

5.30 Cycle parking:

Plan number 12076/SHG/101 (Proposed Lower Tier Plan units 2-5) shows a staff cycle store. The proposed cycle store is likely to be able to accommodate 8-10 cycle parking spaces. As part of SPG04 this development should provide a minimum of 13 cycle parking spaces. Additional visitor cycle parking could be provided with the agreed S106 contribution within the local vicinity of the site.

6 MATERIAL CONSIDERATIONS

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

made in accordance with the plan unless material considerations indicate otherwise.”

6.2 The development plan is:

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

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

6.4 Due weight should be given to relevant policies in the development plan according to their degree of consistency with the NPPF.

6.5 The Brighton & Hove City Plan Part One (submission document) is an emerging development plan. The NPPF advises that weight may be given to relevant policies in emerging plans according to their stage of preparation, the extent to which there are unresolved objections to relevant policies and the degree of consistency of the relevant policies to the policies in the NPPF.

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

7 RELEVANT POLICIES & GUIDANCE

The National Planning Policy Framework (NPPF)

Brighton & Hove Local Plan:

TR1	Development and the demand for travel
TR2	Public Transport accessibility and parking
TR4	Travel Plans
TR5	Sustainable transport corridors and bus priority routes
TR7	Safe development
TR8	Pedestrian routes
TR13	Pedestrian network
TR14	Cycle access and parking
TR15	Cycle network
TR18	Parking for people with a mobility related disability
TR19	Parking standards
SU2	Efficiency of development in the use of energy, water and materials
SU3	Water resources and their quality
SU4	Surface water run-off and flood risk
SU5	Surface water and foul sewage disposal infrastructure
SU7	Development within the coastal zone

SU9	Pollution and nuisance control
SU10	Noise nuisance
SU14	Waste management
SU15	Infrastructure
QD1	Design – quality of development and design statements
QD2	Design – key principles for neighbourhoods
QD3	Design – efficient and effective use of sites
QD4	Design – strategic impact
QD6	Public Art
QD7	Crime prevention
QD15	Landscape design
QD17	Protection and integration of nature conservation features
QD25	External lighting
QD27	Protection of Amenity
QD28	Planning obligations
SR12	Large Use Class A3 (food and drink) venues and Use Class A4
SR18	Seafront recreation
HE3	Development affecting setting of a listed building
HE6	Development within or affecting setting of conservation areas
NC4	Sites of Nature Conservation Importance

Supplementary Planning Guidance:

SPGBH4 Parking Standards

Supplementary Planning Documents:

SPD07 Advertisements

Brighton & Hove City Plan Part One (submission document)

SS1	Presumption in Favour of Sustainable Development
SA1	The Seafront
CP4	Retail provision
CP5	Culture and Tourism
CP8	Sustainable Buildings
CP11	Managing Flood risk
CP12	Urban Design
CP15	Heritage

8 CONSIDERATIONS & ASSESSMENT

- 8.1 Matters relating to property devaluation, loss of a view and the finances of the applicant are not material planning considerations. The main considerations in the determination of this application relate to the proposed use, design, impact on the East Cliff Conservation Area, impact on adjoining listed buildings and railings, impact upon neighbouring amenity, transport and sustainability.

Background

- 8.2 Soho House was founded in London in 1995 and is an experienced provider of private members clubs with 13 houses located around Europe and North America, including the UK, Berlin, New York, West Hollywood, Miami, Chicago, Toronto and Istanbul. Membership is focused on the creative industries and a

large proportion of members work in film, fashion, advertising, music, art and media.

- 8.3 The current application has been submitted following the withdrawal of an earlier application (BH2014/02654) for the demolition of the existing circular building on upper tier level and demolition of existing oval glass pavilion on lower tier level. Part change of use of unit 8 on lower tier level from restaurant (A3) to Members Club (SG). Alterations and refurbishment of existing public restaurants (A3) on lower tier units 6, 7 and part 8 with shared kitchen facilities and revised fenestration to units 6-8. Removal of existing roof over units 6-8 on lower tier level to enable construction of new storey and entrance at upper tier level consisting of restaurant and bars (A3/A4) with indoor and outdoor seating, open air plunge pool with changing facilities and terraced area with sunbeds solely for the use of the Members Club (SG). Other works include the external and internal refurbishment of the existing 1920s pavilion to facilitate a new kitchen service route and general improvements for public access to the terraces.
- 8.4 Although the application is not an amendment to the previously withdrawn scheme given the similarities, it is considered worth setting out the main differences between the previously approved scheme and that now proposed, namely;
- Two smaller separate buildings now proposed at upper floor level rather than one large building.
 - 10m gap introduced between the two new buildings.
 - The new buildings are now set into the site and have been moved away from the listed railings on Marine Parade.
 - The alteration and refurbishment of units 2-5 is now included in the application.

Planning Policy and principle of development:

- 8.4 Brighton & Hove's Seafront is of vital importance to the economy of the city and it also plays an anchor role for city's tourism economy which contributes an estimated £732 million to the city's economy each year and sustains 17,500 jobs (13,000 FTEs). Key strategic development sites along the seafront are identified through the City Plan and other council and city and sub-regional documents. The purpose of these strategic development sites are to act as catalysts for the wider renewal and regeneration of the city's seafront.
- 8.5 A strategic objective of the council reflected in the City Plan (SO17) is to enhance the seafront as a year round place for sustainable tourism, leisure, recreation and culture whilst protecting and enhancing the quality of the coastal and marine environment. Taking account material representations Part A sets out a number of priorities applicable to the whole seafront and

specific priorities for East of Palace Pier to the Marina are set out at Part B. which relate to the regeneration of Madeira Drive as a centre for sports and family based activities. There are no site specific priorities for The Terraces.

- 8.6 The supporting text to SA1 The Seafront at 3.118 recognises the role of the (emerging) Seafront Strategy in ensuring an integrated approach to improvement and regeneration. The draft Seafront Strategy sets a vision to *'Create attractive, sustainable, high quality environments for residents, businesses and visitors throughout the year'; the importance of the 'potential to broaden and enhance the main draw of the tourism appeal both spatially (wider than the prime location between the piers) and in time (with an extended all year round season)'*. One of the objectives is to: *'attract a diverse mix of independent businesses to achieve a unique vibrant Seafront'*.
- 8.7 It is considered that the policy framework supports a need for a high quality and sensitive refurbishment of The Terraces alongside the opportunity for public realm improvements. The proposed retention and refurbishment of Units 2-5 for individual restaurant/ café A3 units is welcomed.
- 8.8 Policy SR12 also applies. However, it is noted that the units 2 to 5 are existing restaurants serving food and provide seating to customers and it is only the members club which includes a bar area.
- 8.9 However Planning Policy raised the issue that the proposal creates an additional 903 sq m of retail and leisure floorspace which are considered to be town centre uses. Paragraph 24 of the NPPF sets out that the sequential test should be applied to applications for main town centre uses which are not in an existing centre and are not in accordance with an up-to-date Local Plan. This requires applications for such uses to be located in town centres, then in edge of centre locations and only if suitable sites are not available should out of centre sites be considered. The Terraces are in an accessible edge of centre location to both Brighton Regional Shopping Centre and St James Street District Centre. In accordance with Paragraph 24 of the NPPF a sequential site assessment is therefore required.
- 8.10 In response to policy comments the applicant has now prepared a sequential site assessment. It is considered that the assessment has established that there are no sequentially preferable locations in the city centre and St James Street District Centre owing to the unsuitability in site size or availability. It is considered that the sequential test is passed in accordance with the NPPF and CP6.1 of the Submission City Plan Part 1.
- 8.11 Economic Development supports the application and have commented that the Terraces are located in a key seafront location but the various units have suffered from long periods of vacancy impacting on the general environment and vibrancy of the wider seafront around Brighton Pier, the Wheel and the Sealife Centre, a main area of focus for visitors to the city. The proposal to redevelop The Terraces will enhance the visitor offer in this area as well as bringing an up-market private members club to the area. It is indicated that

205 jobs will be created from the redevelopment which is welcomed by Economic Development.

- 8.12 An Employment and Training Strategy would be required to include a commitment to using an agreed percentage of local labour. In addition to the Employment and Training Strategy, the Senior Economic Development Officer has requested a contribution through a S106 agreement for the payment of £32,080 towards the Local Employment Scheme in accordance with the Developer Contributions Guidance. The applicants have agreed to both a commitment to using local labour and to pay the contribution towards the Local Employment Scheme.

Design and Impact on the East Cliff Conservation Area and setting of a listed buildings

- 8.13 Policies QD1 and QD5 relate to the design of proposed development, it confirms that alterations must be of an appropriate scale and height, use quality materials and ensure visual interest at street level.
- 8.14 Policy HE6 will only permit development within a conservation area which will preserve or enhance its character and appearance.
- 8.15 Policy HE3 relates to development affecting the setting of a listed building and confirms that development will not be permitted where it would have an adverse impact on its setting, through factors such as its siting, height, bulk, scale, materials, layout, design or use.
- 8.16 The proposals for the new frontages for units 2-8 and the restoration of the historic structures in and around the site are welcomed. Due to the proposed positioning of the new pavilion buildings on the upper tier being above the level of Marine Parade and the stepping back of their position from Madeira Drive, it is considered that the main impact of the proposal for units 6-8 would be from the north.
- 8.17 An important element of the character of this part of the East Cliff Conservation Area is the openness of the sea views along Marine Parade. The East Cliff Conservation Area Study and Enhancement Plan acknowledges this stating:

The relationship of the built environment to the sea is still an essential element of the area's character and public views of the sea are very important.

And

The southern side of Marine Parade remains a broad promenade overlooking the Madeira Terrace, Madeira Drive and the wide shingle beaches with the only significant built development being the Aquarium Terraces at the far western end..... The expanse of open beaches is an integral element of the setting of the buildings.

- 8.18 Currently the foreground in the view of Madeira Drive and the beach across the site from Marine Parade is affected by the roofs of the commercial units, and the appearance of these areas is not a positive element in the street scene.

The Heritage Officer has commented that the revised form of the new upper floor, following concerns expressed on the previous (withdrawn) scheme is welcome. The overall design approach is now considered acceptable and the relationship to its setting and remaining structures is complimentary.

- 8.19 There was an initial concern from the Heritage Officer that there would be a significant area of unrelieved façade on the north elevation of the Easternmost building and it was therefore considered that window openings should be included to reduce this effect, in the same way as has been achieved on the Western building. These amendments have now been received and the elevation with the addition of window openings is now considered acceptable.
- 8.20 There was also a concern that there may be additional height from plant and lift housing and this has also been raised by some of the objectors. Confirmation has been received from the applicant that the plant will be in the form of flush grilles over service areas extraction system as shown on the plans and detailed in the Design and Access Statement. It has also been confirmed that the internal lifts proposed would be a 'platform' lift which does not have roof top plant associated with it and manufacturer's details have been provided.
- 8.21 The application initially proposed the use of trees in the landscaping proposal which was not considered reflective of this part of the conservation area and these have now been removed from the application.
- 8.22 The impact of the development of the upper tier on sea views has been raised by many of the objections to the application. It is acknowledged that the original development of The Terraces sought to retain sea view from Marine Parade and this has also been raised by some objectors. However the existing structures above the level of Marine Parade already punctuate the sea view at the Western end of Marine Parade, and one of these the existing circular building on upper tier, is to be removed as part of the scheme. This proposal for two separate structures provides a break in the development which will allow a view through the site. It is further considered that the curved design of the buildings at this gap would allow the view to emerge earlier to passing traffic and pedestrians, and will increase the effectiveness of this view-point.
- 8.23 It is acknowledged that the proposed new structures on the site would have an impact on the openness of the site and this would affect the identified character of the conservation area at this point. However due to the presence of existing structures at this level on the site, and the more developed nature of this end of Marine Parade, terminated by the Sealife Centre entrance, it is considered that the harm that would be caused to the character of the conservation area as experienced from Marine Parade is less than substantial, and that there would be no harm to the conservation area as viewed from

Madeira Drive. Due to its relative scale it is not considered that the new building will have a harmful impact on the setting of the buildings on the north side of Marine Parade, namely numbers 13, 14, 17 and 18 Marine Parade.

- 8.24 In regard to the impact on the setting of the listed Aquarium, as stated earlier the main impact would be from the north rather than the south and the new development is also located some 100m away from the Aquarium, therefore it is considered that the setting of the listed Aquarium would not be affected by the proposals.
- 8.25 Paragraph 134 of the NPPF requires that if the harm is less than substantial the public benefits of the scheme should be considered to outweigh the harm in order for a proposal to be acceptable. The heritage benefits to the public from the development of this underused and deteriorated structure are the repairs to the historic masonry balustrade, the filling of the gap in the railings and improvements to the façade treatment of units 2 – 5 and the existing lower level of units 6-8.
- 8.26 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that, in exercising its powers under the planning Acts in respect of buildings or other land within a conservation area, the local authority shall pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area. 'Preserving' means doing no harm. There is therefore a statutory presumption, and a strong one, against granting permission for any development which would cause harm to a conservation area. This presumption can be outweighed by material considerations powerful enough to do so. Where the identified harm is limited or less than substantial, the local planning authority must nevertheless give considerable importance and weight to the preservation or enhancement of the conservation area.
- 8.27 It is considered that in this case the harm is less than substantial and is outweighed by the public benefits, and therefore the development as proposed is considered to be acceptable in regard to design, impact on the East Cliff Conservation Area and setting of listed buildings.

Impact on Amenity:

- 8.28 Policy QD27 relates to amenity issues and confirms that permission will not be granted for proposals which cause material nuisance and loss of amenity to adjacent, existing or proposed occupiers.
- 8.29 The application has the potential to cause amenity issues due to the proposed uses and also the external restaurant area. However, the closest residential properties are located on the opposite side of Marine Parade which is a busy heavily trafficked main route into the City Centre and therefore it is considered that no significant detrimental impact would occur as a result of the development. Environmental Health has also raised no concerns in respect of residential amenity.

- 8.30 It is noted that some objectors who live in the Van Alen building on the opposite side of Marine Parade considered that the new buildings may magnifying noise levels and increasing road dust particles for residents. Environmental Health has responded stating that the increase in above ground structures will cause some reflection back of any sound along Marine Parade. However, any increase in noise levels at residencies along Marine Parade, will not be high and will not be noticeable by local residents.
- 8.31 The noise assessment submitted with the application shows that noise levels, even overnight are currently very high for this part of Brighton. Environmental Health have commented that currently, it would be necessary for the average resident to keep any bedroom windows facing Marine Parade shut, in order to achieve a good night sleep. With noise levels this high, it is also highly likely that any windows facing Marine Parade will be kept shut during the day and if opened for some purge ventilation, they are probably not open for long. Additionally, they are likely to be double glazed due to the high noise levels. As this is a very noisy area, to reflect all of the noise back, so that residents will notice a change in noise levels, would require a very high, entirely continuous above ground structure. In contrast the proposed above ground structures are low level, have rounded corners and are not continuous. Therefore, much of the sound energy from traffic and other activities, will bend around and over the structures and be dissipated by the rounded corners, even though some, will of course be reflected back. However, not enough sound energy will reflect back from the new structures to make much difference to the already high noise levels. For residents on the street and particularly inside their homes, there will be no perceivable difference at all.
- 8.32 Environmental Health has also commented that there is insufficient information with which to make a judgement about the plant noise and have recommended a condition that a noise assessment of plant is to be undertaken prior to any plant being introduced into the development.
- 8.33 It is considered that the application is acceptable in regard to its impact on amenity.

Sustainable Transport:

- 8.34 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.
- 8.35 Policy TR2 relates to public transport accessibility and parking and confirms that permission will only be granted where the development proposal has been assessed to determine the level of accessibility to public transport.

Pedestrian & Mobility Impaired Access

- 8.36 The application proposes the closing off the pedestrian route in front of the Terraces between Madeira Drive and Marine Parade at lower tier level. The Highway Authority has commented that the land is private land and not adopted highway however in recent years the public have been allowed

access. The closure of this route does reduce pedestrian permeability through the site however as there are still alternative routes retained which do not add inconvenience to pedestrian movements between Madeira Drive and Marine Parade and access is to be enhanced via a lift, therefore the Highway Authority do not consider this a reason for refusal.

8.37 The remaining existing pedestrian routes through the site between Marine Parade and Madeira Drive are retained which is welcomed by the Highway Authority. The applicant is also proposing a lift at lower tier level which is welcomed. While no lift will be provided from Marine Parade down to the lower tier level of the development between units 5 and 6, there are alternative routes from Marine Parade to the development in front of the Harvester pub and down the ramp to the east of the site.

8.38 Furthermore the applicant has stated that they are willing to accept a condition requiring further details of the proposed lifts to provide access between the two different tiers. The Highway Authority have commented that while it is accepted that the proposed lift adjacent to unit 5 is an improvement on the current situation they also saw this development as an opportunity to provide an enhanced provision with a lift from Marine Parade.

Cycle Parking

8.39 A staff cycle store is shown on the plans which could accommodate 8-10 cycle parking spaces. In accordance with SPG04 the development should provide a minimum of 13 cycle parking spaces. However the Highway Authority has raised no objection commenting that additional visitor cycle parking could be provided with the agreed S106 contribution within the local vicinity of the site.

Disabled Parking

8.40 In accordance with SPG04 one disabled space should be provided. The Highway Authority as commented that unfortunately due to site constraints it is not possible to provide any level of disabled car parking on-site. There are however opportunities, in the form of on-street parking bays for disabled people to park when visiting the site by car on Madeira Drive. Blue Badge holders are also able to park, where it is safe to do so, on double yellow lines for 3 hours. Therefore in this instance the Highway Authority would not consider the lack of on-site disabled car parking to be a reason for refusal.

Servicing

8.41 The Transport Statement submitted with the application forecasts that there is likely to be between 5 and 8 deliveries per day. The nature of these delivery vehicles will range from transit vans to 7.5 tonne trucks. There are servicing opportunities in the form of marked loading bays on Madeira Drive. This level of provision is considered adequate to serve the development.

The Transport Statement also states that the deliveries will be planned to avoid more than 1 delivery taking place at the same time. The Highway Authority considers that further details of how this will be achieved and other measures to mitigate the impact of servicing can be secured via a condition requiring a Delivery and Servicing Management Plan to be submitted.

Car Parking

- 8.42 The applicant is not proposing any on-site car parking spaces. The maximum car parking standard for an A3 bar/restaurant use is 1 space per 5m² of public area plus 1 space per 4 full time staff. Therefore the proposed level of car parking is in line with these standards. Given the central and sustainable location of the site the lack of any on site car parking is deemed acceptable. The site benefits from good levels of public transport accessibility and should people wish to drive to the site, city centre car parks are in close proximity to the site.

Trip Generation/Highway Impact

- 8.43 The Transport Statement does not include any trip generation forecasts however; the Highway Authority considers that based on the increase in floor area there is likely to be an increase in total person trips above existing permitted levels.

S106 Developer Contribution

- 8.44 The Highway Authority considers that the applicant should enter into a S106 to contribute £50,000 towards public transport infrastructure (accessible bus stop kerbs and Real Time Information signs), footway and cycle parking improvements in the local area. These improvements will be focussed on the following public transport infrastructure:
- 8.45 Bus stop opposite New Steine – Real Time Passenger Information sign and accessible kerb
Bus stop adjacent New Steine – Real Time Passenger Information sign and accessible kerb
Bus stop sealife centre (Stop L) – Real Time Passenger Information sign
- 8.46 The S106 must also include the need to enter into a walkways agreement under section 35 of the Highways Act 1980. This is to agree a means of access and management of the existing pedestrian route between Marine Parade and Madeira Drive.

Other Comments

- 8.47 The Highway Authority has also commented that the proposals do not appear to be affecting the retaining wall which supports the adopted highway on Marine Parade. However, the applicant should be advised that if any works are planned on or that affect the retaining wall they must contact the Highway Authority. An informative is included advising the applicants of this.

Sustainability:

- 8.48 Local Plan policy SU2 seeks to ensure that development proposals are efficient in the use of energy, water and materials; proposals are required to demonstrate that issues such as the use of materials and methods to minimise overall energy use have been incorporated into siting, layout and design. Policy CP8 of the further modified City Plan (June 2015) also seeks to ensure that new developments are efficient in the use of energy, water and materials.

- 8.49 In accordance with policy CP8 major non-residential development is expected to achieve BREEAM 'excellent' and non-major development is expected to achieve BREEAM 'very good'. The threshold for non-major retail development as defined as 151-999sq/m. In this case the Sustainability Officer has commented that while the development floor area as whole would come within the definition of a major, the new build floor area itself is 953 sm and would fall into the non-major category, therefore in this case it is considered reasonable to require that BREEAM 'very good' is achieved.
- 8.50 The Sustainability Officer has noted that the application itself makes just one reference to sustainability policy in relation to Policy SU2 'efficiency of development in the use of energy, water and materials'. In response to policy SU2, the Design and Access Statement refers to factors such as the large area of glazing allowing natural light into the internal floorspace, and the sliding doors allowing natural ventilation. There is no reference to achievement of BREEAM standards. Therefore In order to ensure the scheme complies with policy, the Sustainability Officer has recommended that a condition be applied for requiring BREEAM 'very good' to be achieved. This condition forms part of the recommendation.

Ecology/Nature Conservation:

Ecology

- 8.51 The County Ecologist has commented that the site currently comprises hard standing and buildings/structures and is thus of relatively low ecological value. It is considered unlikely that the site supports any protected species and therefore no specific mitigation is required. If protected species are encountered during demolition/construction, work should stop and advice should be sought from an ecologist on how to proceed.
- 8.52 In regard to the proposed grass roof, the ecologist has stated that given the site's proximity to the Volk's Railway Local Wildlife Site (LWS aka Site of Nature Conservation Importance) which is designated for its coastal vegetated shingle, it is recommended that vegetated shingle species are used for the green roof. A condition requiring further details of the grass roof therefore forms part of the recommendation.

Trees

- 8.53 The Arboriculturist has commented that are no trees or vegetation on the terraces themselves, however, on the public footpath beneath The Terraces are some fine Cordylines that are thriving considering their exposed coastal location.
- 8.54 The Arboricultural has commented that the trunks of these specimens are protected during the course of the development (wooden framework clad in marine ply or similar) in order to ensure they do not suffer from the demolition or building works in such close proximity. A condition requiring details of tree protection during construction works forms part of the recommendation.

Other Considerations:

Flood Risk

- 8.55 NPPF states when considering major development, as defined in the Town and Country Planning (Development Management Procedure) (England) Order 2015, sustainable drainage systems should be provided unless demonstrated to be inappropriate.
- 8.56 The Flood Risk Officer has commented that as the application is proposing a green roof it is likely that the peak run off rate will decrease for the proposed development. It is recommended that the applicant illustrate this using a simple comparison of the existing and proposed. Further details are therefore required by condition.

Archaeology

- 8.57 Although the proposed development is not currently situated within an Archaeological Notification Area it is located within a Conservation Area and contains a number of designated and non-designated historic buildings.
- 8.58 The County Archaeologist has commented that in the light of the potential for loss of heritage assets on this site resulting from the development, the area affected by the proposals should be the subject of a programme of archaeological works. This will enable any archaeological deposits and features, disturbed during the proposed works, to be adequately recorded.
- 8.59 It is considered that this in this case a condition requiring a programme of archaeological works is not necessary given that the only demolition is of a 1990's modern structure at the upper tier level of the Terraces and there is another modern structure below.

9 CONCLUSION

- 9.1 The proposed development on the site would provide two modern buildings of an acceptable scale, mass and design and the refurbishment of existing restaurant units. The proposed use is considered to be appropriate for the location and consistent with Development Plan policies.
- 9.2 The proposed new structures on the site would have an impact on the current openness and this would affect the identified character of the conservation area at this point. However it is considered that the harm that would be caused to the character of the conservation area as experienced from Marine Parade is less than substantial, and that there would be no harm to the conservation area as viewed from Madeira Drive. Due to its relative scale it is not considered that the new building will have a harmful impact on the setting of the buildings on the north side of Marine Parade. Paragraph 134 of the NPPF requires that if the harm is less than substantial the public benefits of the scheme should be considered to outweigh the harm in order for a proposal to be acceptable. The heritage benefits to the public from the development of this underused and deteriorated structure are the repairs to the historic masonry balustrade, the

filling of the gap in the railings and improvements to the façade treatment of units 2 – 5 and the existing lower level of units 6-8.

- 9.3 There is not considered to be any significant impact on residential amenity. The traffic impact of the development is acceptable. The building would meet BREEAM 'very good'.

10 EQUALITIES

The new members club would have flush entrances, disabled toilets and contain internal lifts. Two public lifts are proposed between the upper and lower tier terraces.

11 PLANNING OBLIGATION / CONDITIONS / INFORMATIVES

11.1 S106 Heads of Terms

- A sustainable transport contribution of £50,000. This will be allocated towards:
Public transport infrastructure (accessible bus stop kerbs and Real Time Information signs), footway and cycle parking improvements in the local area. These improvements will be focussed on the following public transport infrastructure:
 - Bus stop opposite New Steine – Real Time Passenger Information sign and accessible kerb
 - Bus stop adjacent New Steine – Real Time Passenger Information sign and accessible kerb
 - Bus stop sealife centre (Stop L) – Real Time Passenger Information sign
- A walkways agreement under section 35 of the Highways Act 1980. This is to agree a means of access and management of the existing pedestrian route between Marine Parade and Madeira Drive.
- A contribution of £32,080 towards the Local Employment Scheme.
- The provision of an Employment and Training Strategy.

11.2 Regulatory Conditions:

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

Plan Type	Reference	Version	Date Received
Site plan	12076/MBA/001	P	09/07/2015

PLANNING COMMITTEE LIST- 09 December 2015

Existing and proposed block plan	12076/MBA/002	P	09/07/2015
Lower Tier Plan (Units 2 to 5)	12076/MBA/010	P	09/07/2015
Existing Upper Tier Plan (units 6-8)	12076/MBA/011	P	09/07/2015
Existing roof plan (units 6-8)	12076/MBA/012	P	09/07/2015
Existing sections AA and BB (units 6-8)	12076/MBA/013	P	09/07/2015
Existing south elevations (units 6-8)	12076/MBA/014	P	09/07/2015
Existing North and West elevations 1 and 2 (Unit 6-8)	12076/MBA/015	P	09/07/2015
Existing lower tier plan (Units 2 to 5)	12076/SHG/010	P	09/07/2015
Existing sections 1 and south elevation (units 2-5)	12076/SHG/011	P	09/07/2015
Existing south elevations	12076/SHG/012	P	09/07/2015
Proposed lower Tier Plan (Unit 2 to 5)	12076/SHG/100	Rev P1	10/11/15
Proposed Upper Tier Plan (units 6-8)	12076/MBA/101	Rev P1	10/11/15
Proposed roof plan (units 6 to 8)	12076/MBA/102	P	09/07/15
Proposed Lower Tier Plan (Units 2 to 5)	12076/SHG/101	Rev P1	10/11/15
Proposed Lower Tier Plan (Units 6 to 8)	12076/MBA/100	P	09/07/15
Proposed Advertisement on Awning (Units 2 to 5)	12076/SHG/201	Rev P	10/11/15
Proposed South elevation (units 2 to 5)	12076/SHG/201	P	09/07/15
Proposed North and West Elevations 1 and 2 (Unit 6 to 8)	12076/MBA/301	Rev P1	10/11/15
Existing and Proposed East elevations (Units 6 to 8)	12076/MBA/304	Rev P1	10/11/15
Proposed South elevations (Units 6 to 8)	12076/MBA/300	P	09/07/15
Proposed South elevations (Units 2 to 8)	12076/MBA/302	P	09/07/15
Proposed North elevations (Units 2-8)	12076/MBA/303	P	01/09/15
Detailed Elevation and Section (Unit 6 to 8)	12076/MBA/400	Rev P1	10/11/15
Proposed section 1 façade and	12076/SHG/	P	09/07/15

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awning (Units 2 to 5)	103		
Proposed sections AA and BB (Units 6 to 8)	12076/MBA/200	P	09/07/15
Façade and awning proposed	12076/SHG/200	P	09/07/15
Existing and Proposed Railing plan (units 6 to 8)	12076/MBA/401		09/07/15
Existing and Proposed Railing plan at new entrance (units 6 to 8)	12076/MBA/402	P	09/07/15
Existing and Proposed Railing Elevation at Existing Entrance	12076/MBA/403	Rev P1	10/11/15
Existing and Proposed Railings (Unit 6 to 8)	12076/MBA/404	Rev P1	10/11/15
Existing and Proposed Railing Elevation at Existing Entrance(Unit 6 to 8)	12076/MBA/405	P	09/07/15
Existing and Proposed Railing Elevation at new Entrance(Unit 6 to 8)	12076/MBA/405	P	09/07/15

3. The Private members club(units 6-8) hereby permitted shall not be open to customers between the hours of 02.00 and 07.00. **Reason:** To safeguard the amenities of the locality and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.

4. The A3 restaurants (units 2-5) shall not be open to customers between the hours of midnight and 07.00.

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

Pre-Commencement Conditions:

5. No development 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 policy HE6 of the Brighton & Hove Local Plan.

6. No development of any part of the development hereby permitted shall take place until details of the construction of the green roofs have been submitted to and approved in writing by the Local Planning Authority. The details shall include a cross section, construction method statement, the seed mix, and a maintenance and irrigation programme. The roofs shall then be constructed in accordance with the approved details and shall be retained as such thereafter.
Reason: To ensure that the development contributes to ecological enhancement on the site and in accordance with policy QD17 of the Brighton & Hove Local Plan.
7. No development or other operations shall commence on site in connection with the development hereby approved (including any demolition works, soil moving, temporary access construction and or widening, or any operations involving the use of motorised vehicles or construction machinery) until a detailed Arboricultural Method Statement for the protection of the adjacent on-street Cordylines trees in Madeira Drive has been submitted to and approved in writing by the Local Planning Authority. No development or other operations shall take place except in complete accordance with the approved Method Statement. **Reason:** As this matter is fundamental to protecting the Cordylines on-street trees 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.
8. Prior to the installation of plant into the development, an acoustic report shall be submitted for approval to the Local Planning Authority. This must show that the cumulative 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators), that will be incorporated into the development, when operating at its noisiest, shall not at any time exceed a value of 10 dB below the minimum external background noise, at a point 1 metre outside any window of the nearest residential or other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90,15mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqT, and shall be representative of the plant operating at its maximum. **Reason:** To safeguard the amenities of the occupiers of neighbouring properties and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.

11.3 Pre-Occupation Conditions:

9. Prior to first occupation of the development hereby permitted, details of secure cycle parking facilities for the staff of, and visitors to, the development shall have been submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be fully implemented and made available for use prior to the first occupation of the development and shall thereafter be retained for use at all times.

Reason: To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than private motor

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

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

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

11. Prior to first occupation of the development hereby permitted, details of how both the proposed lifts as detailed on the Proposed Upper Tier Plan units 6-8 (drawing number 12076/MBA 101 revision P1) will operate 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 access to and from the development is provided for all and to comply with policy TR1, TR8 and TR13 of the Brighton & Hove Local Plan.

12. The reinstatement of the listed railings fronting Marine Parade shall be completed and Units 2 to 5 shall be refurbished and fitted out in accordance with the plans hereby approved and ready for occupation before the private members club is brought into use. **Reason:** To ensure a satisfactory appearance to the development and to comply with policy HE6 of the Brighton & Hove Local Plan.

13. Unless otherwise agreed in writing by the Local Planning Authority, the non-residential development hereby approved shall not be occupied until a BREEAM Building Research Establishment issued Post Construction Review Certificate confirming that the non-residential development built has achieved a minimum BREEAM rating of 'Very Good' has been submitted to, and approved in writing by, the Local Planning Authority.

Reason: To ensure that the development is sustainable and makes efficient use of energy, water and materials and to comply with policy SU2 of the Brighton & Hove Local Plan and policy CP8 of the Submission City Plan Part One.

11.4

Informatives:

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

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

- (ii) for the following reasons:-
The proposed development on the site would provide two modern buildings of an acceptable scale, mass and design and the refurbishment of existing restaurant units. The proposed use is considered to be appropriate for the location and consistent with Development Plan policies.

The proposed new structures on the site would have an impact on the current openness and this would affect the identified character of the conservation area at this point. However it is considered that the harm that would be caused to the character of the conservation area as experienced from Marine Parade is less than substantial, and that there would be no harm to the conservation area as viewed from Madeira Drive. Due to its relative scale it is not considered that the new building will have a harmful impact on the setting of the buildings on the north side of Marine Parade. Paragraph 134 of the NPPF requires that if the harm is less than substantial the public benefits of the scheme should be considered to outweigh the harm in order for a proposal to be acceptable. The heritage benefits to the public from the development of this underused and deteriorated structure are the repairs to the historic masonry balustrade, the filling of the gap in the railings and improvements to the façade treatment of units 2 – 5 and the existing lower level of units 6-8.

There is not considered to be any significant impact on residential amenity. The traffic impact of the development is acceptable. The building would meet BREEAM 'very good'.

3. The applicant is reminded that a further application for listed building consent is required for the proposed works to the listed railings.
4. The applicant is advised that if any of the proposed works affect the retaining wall on Marine Parade the applicant must contact the Highway Authority, prior to the commencement of any construction works. Please contact the Structures Team in the Council's Highway Engineering & Projects Team for further information (01273 294 570).
5. The applicant is advised that details of the BREEAM assessment tools and a list of approved assessors can be obtained from the BREEAM websites (www.breeam.org). Details about BREEAM can also be found in Supplementary Planning Document SPD08 Sustainable Building Design, which can be accessed on the Brighton & Hove City Council website (www.brighton-hove.gov.uk).

Planning Dept.
Brighton and Hove City Council
Kings House
Grand Avenue
Hove
BN3 2LS

21st October 2015

Objection to the Planning Application: BH2015/02443 (Aquarium Terraces)

We are writing to object to the planning application referenced above. Whilst we feel strongly that the site needs redevelopment, we cannot support the current planning application for the following reasons:

- The application proposes to increase the height of the present buildings, which are currently level with Marine Parade. This would be out of character with existing buildings in the presently iconic seafront conservation area.
- Whilst we understand that there is no right to a general view when determining planning applications, we feel that this application will impact on the iconic vista of the City and sea, as described in Policy QD4 Design – Strategic Impact, which states ‘In order to preserve or enhance strategic views, important vistas, the skyline and the setting of landmark buildings, all new development should display a high quality of design. Development that has a detrimental impact on any of these factors and impairs a view, even briefly, due to its appearance, by wholly obscuring it or being out of context with it, will not be permitted’.
 - From the sea, beach and pier, the stunning view of the terraced elevation on Marine Parade will be affected
 - The iconic view of the sea and pier from Marine Parade would be lost, affecting not only residents but the tourist alike.
- The proposal for a private members club will restrict the use of the area and not allow the general public to benefit from the development. This could also have a negative effect the businesses located in Madeira Drive to the east of the development as it would not encourage through footfall.

We therefore urge you to reject this planning application on the basis of the above reasons.

Yours sincerely



Karen Barford
Councillor, Queen’s Park Ward
Brighton and Hove City Council



Daniel Chapman
Councillor, Queen’s Park Ward
Brighton and Hove City Council

ITEM B

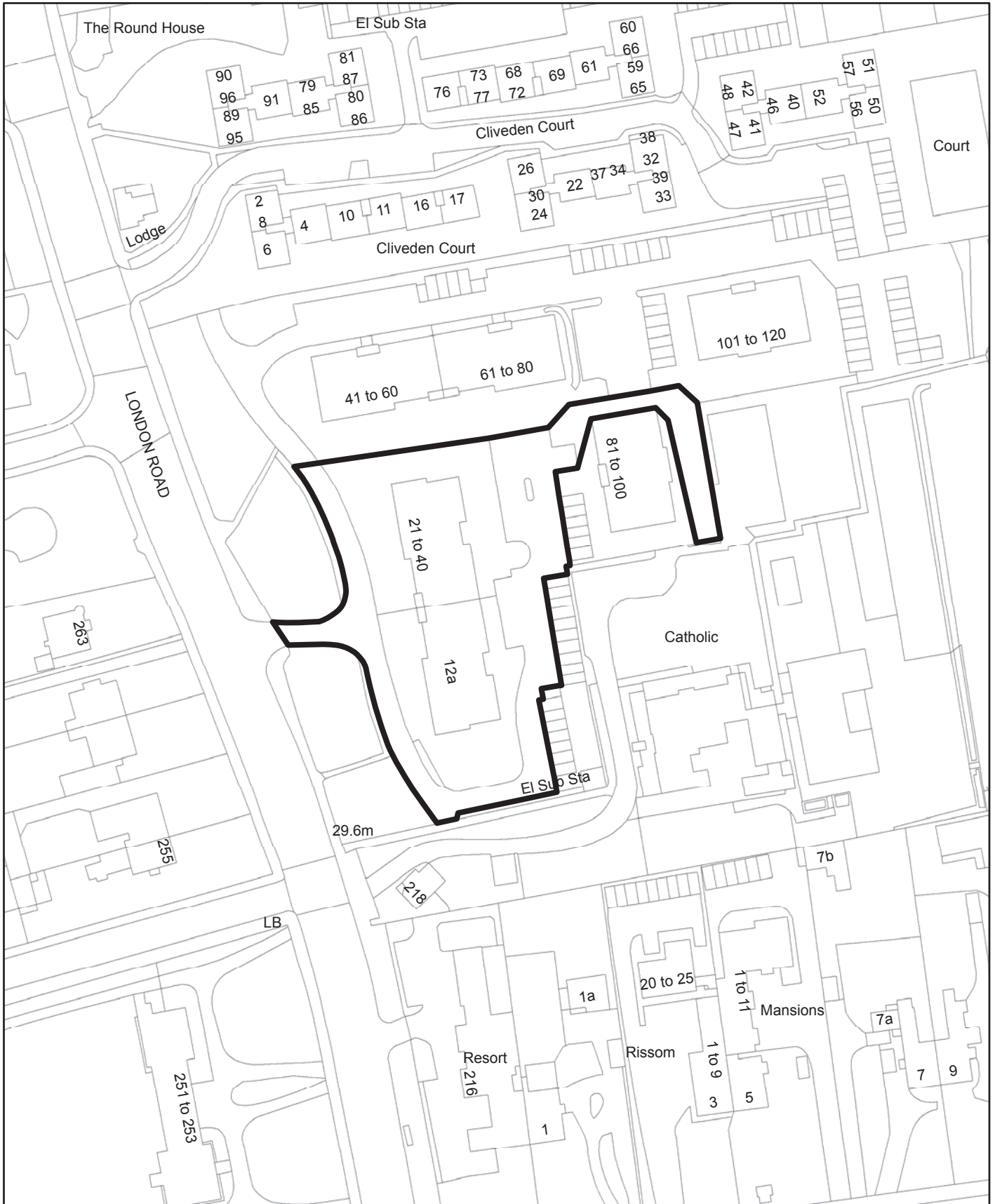
121 – 123 Davigdor Road, Hove BN3 1RE

BH2015/02917

Full Planning

9 December 2015

BH2015/02917 121-123 Davigdor Road, Hove



**Brighton & Hove
City Council**



Scale: 1:1,250

<u>No:</u>	BH2015/02917	<u>Ward:</u>	GOLDSMID
<u>App Type:</u>	Full Planning		
<u>Address:</u>	121-123 Davigdor Road Hove		
<u>Proposal:</u>	Demolition of existing building and erection of a new part five, six, seven and eight storey (plus basement) building comprising a total of 47 one, two and three bedroom residential units (C3) with balconies, roof terraces (2 communal) to storeys five and seven, community space on the ground floor (D1) together with associated parking, cycle storage, recycling facilities and landscaping.		
<u>Officer:</u>	Adrian Smith Tel 290478	<u>Valid Date:</u>	21 August 2015
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	20 November 2015
<u>Listed Building Grade:</u>	N/A		
<u>Agent:</u>	Savills (UK) Ltd, 74 High Street Sevenoaks Kent TN13 1JR		
<u>Applicant:</u>	Crest Nicholson South, c/o Savills (UK) Ltd 74 High Street Sevenoaks Kent TN13 1JR		

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 relates to a modern three storey plus basement building located on the north side of Davigdor Road at the junction with Lyon Close. The building includes adjacent car parking for 26 vehicles, part of which is occupied by a hand car wash business. Access is via Lyon Close to the rear. The building is occupied by a charity and comprises a series of basement studios for fitness classes with 26 bedrooms to the upper floors, all of which share basement communal facilities. The units are let on a short term emergency accommodation basis.
- 2.2 The site is bordered to the east by a two storey office building and car park which has planning permission to be redeveloped into a mixed use building comprising 68 flats and 700sqm of office space. Further to the east is the seven storey P&H office building and three storey Preece House.

- 2.3 A number of single storey retail warehouses and trade counters sit across Lyon Close to the rear, with the mainline railway beyond. The Charter Medical Centre sits opposite to the south, along with a mix of two, three and four storey residential flats. A car park and a three storey office building sit across Lyon Close to the west. The site is not designated for any purpose in the proposals map for either the Brighton & Hove Local Plan or the Submission City Plan Part One.

3 RELEVANT HISTORY

BH2014/01439- Permanent use of land as hand car wash with associated parking. (Retrospective) Approved 01/09/2014

BH2013/02141- Installation of canvas canopy. (Part-retrospective) Refused 16/08/2013

BH2012/04042- Change of Use of part of car park to hand car wash. (Retrospective) Approved 01/05/2013

BH2012/01054- Change of use of lower ground and ground floors from offices (B1) to community centre (D1). Change of use of first and second floors from community centre (D1) and offices (B1) to residential accommodation for supported living (C2) incorporating 26no bedrooms. Approved 13/07/2012

BH2011/00521- Change of use of first floor from offices (B1) to natural health treatment rooms (D1) Approved 18/05/2011

113-119 Davigdor Road

BH2014/02308- Demolition of existing building and construction of a new part 4no, part 5no, part 7no and part 8no storey building providing 700sqm of office space (B1) at ground floor level and 68no residential units (C3) to upper levels. Creation of basement level car and cycle parking, landscaping, boundary treatments and other associated works. Approved 05/11/2015

P&H House 106-122 Davigdor Road

BH2014/03006- Prior Approval for change of use from offices (B1) to residential (C3) to form 57 flats. Prior Approval is required and is approved 20/10/2014.

4 THE APPLICATION

- 4.1 Planning permission is sought for the demolition of the existing building and the erection of a part five, six, seven and eight storey building comprising a total of 47 residential units (16 one-bedroom flats, 26 two-bedroom flats and 5 three-bedroom flats).
- 4.2 The proposal includes basement parking for 15 vehicles accessed from Lyon Close to the rear, and two communal roof terraces at sixth and seventh floor

level. A 115sqm community room is proposed at ground floor level. The application details that 17% (8) of the units would comprise affordable housing, of which 75% (6) would be for affordable rent and 25% (2) shared ownership.

- 4.3 The proposals have been the subject of pre-application review by the Design Council and a pre-application presentation has been made to Members. The scheme has evolved to take into consideration the feedback received.

5 PUBLICITY & CONSULTATIONS

External

Neighbours:

- 5.1 **Twenty Five (25)** letters of representation have been received from **59, 64, 71 Addison Road; 26 (x2), Flat 4 30, Garden Flat 40, First Floor Flat 40, 56, 62 (x2), 66, 84 Lyndhurst Road; 4, 26 Bodiam House 90-98 Davigdor Road; Montefiore House, Montefiore Road (x3); 24 Petworth House, Davigdor Road; 15 Nizells Avenue; 14 Chiddingly House; savehove (x2); and Unknown (x2), objecting to the application for the following reasons:**

- The building is not in a tall building node or corridor. Eight storeys is too tall
- Height out of scale with surrounding buildings, and does not take into consideration their scale
- Rear elevation not treated as well as front
- Too many balconies
- 47 flats is an overdevelopment
- The building takes its cues from an unbuilt development adjacent
- Balconies onto a main road is inappropriate and represents a poor quality of life for occupants
- The site should remain in commercial use
- Inappropriate for residential use given position at entrance to industrial estate and lack of services
- Insufficient GP services and school places
- Insufficient local services
- Insufficient delivery points
- Insufficient parking spaces
- Noise disturbance from deliveries to warehouses
- Loss of employment space
- Insufficient infrastructure
- Introduction of dense high rise development in a low rise area
- Increased traffic and pollution leading to dangerous roads, including the Lyon Close junction
- Cumulative impact on services and traffic with the conversion of P&H offices to housing and the development of 113-119 adjacent, a total of 172 additional units
- Environmental pollution from demolition and possible asbestos removal
- Overlooking and loss of privacy
- Overshadowing and loss of sunlight
- Looming and bulky impact

- Loss of views
 - Construction disturbance
 - Hemming in of the main road from tall development
 - Insufficient landscaping
 - Impact on feeling of space within St Ann's Wells Gardens
 - Detrimental impact on potential development of industrial sites to rear
 - There are already community uses in the area
- 5.2 **One (1)** letter of representation has been received from **78 Lyndhurst Road**, supporting to the application for the following reasons:
- Provision of much needed housing, particularly if affordable
- 5.3 **Regency Society** comment that the provision of housing is welcome and that the height and form of the building is acceptable. Further consideration should be had to the use of materials, particularly the use of black brick. A masterplan for the area should be produced.
- 5.4 **District Valuation Service: No objection**
Based on a 75% Affordable Rent and 25% shared ownership tenure the proposed scheme is able to support 8 affordable units. If the tenure is split 55% Affordable Rent and 45% shared ownership the DVS are of the opinion that the proposed scheme can provide 9 affordable units without affecting the viability of the scheme. This includes the proposed re-provision of community floorspace, for which the DVS have identified significant demand.
- 5.5 **County Archaeology: No objection**
- 5.6 **UK Power Networks: No objection**
- 5.7 **East Sussex Fire & Rescue: No objection**
- 5.8 **Environment Agency: No objection**
- 5.9 **Southern Water: No objection**
- 5.10 **Sussex Police: No objection**
- Internal:**
- 5.11 **Education: No objection**
- 5.12 **Environmental Health: No objection**
The demolition and rebuilding of the site has the potential to cause noise and dust to the surrounding residents and businesses, therefore a Construction Environmental Management Plan should be devised. This might be secured through the section 106 process and would also contain the requirement for a

developer to apply for a section 61 agreement under the Control of Pollution Act 1990.

- 5.13 The site was used for pharmaceutical manufacturing and bulk storage of fuel oils. The site is also surrounded by contaminative uses, notably the railway land. The proposed development includes a basement, therefore a contaminated land assessment should be sought.
- 5.14 The acoustic report submitted should be extended to include the noise impact from the forced ventilation that is likely to be needed as well as the noise from plant equipment e.g. the lift motor. The proposed housing is on a night bus route and surrounded by existing units that require deliveries in large lorries where the timings are not necessarily restricted. The scheme is mixed use, so there is the potential for noise from the ground floor commercial uses to interfere with the enjoyment of those living immediately above. Bin store units should not be stored immediately underneath bedrooms and living areas. A condition may be applied to secure sound insulation improvements beyond Part E of the Building Regulations. The application also includes some balcony spaces, some of which would overlook Davigdor Road. The noise levels predicted are above the levels in the WHO guidance of 55dB for the onset of annoyance. This requires careful interpretation, as the WHO guidelines are not enforceable.
- 5.15 The community uses may have plant, although at this stage it is unclear as to the type and location. For this reason it is suggested that a condition may be applied to control plant noise levels which it is suggested should be 10dB(A) below background, as per BS4142:2014. Given the commercial and residential mix, conditions are necessary in terms of servicing and opening hours, as these are currently not known. No servicing of the premises shall be carried out, outside of the hours.
- 5.16 **Planning Policy: Comment**
The provision of 47 residential units is welcomed as a contribution towards the city's significant unmet housing need, as set out in Policy CP1 of the Submission City Plan, as modified.
- 5.17 However the level of affordable housing proposed falls well below the 40% level required by Local Plan Policy HO2. The applicant states that a higher level of provision would not be viable, however independently scrutinised viability evidence should be submitted to demonstrate this before an exception to policy can be considered.
- 5.18 Local Plan Policy HO20 recognises the importance of retaining community facilities such as that housed in the existing building on the site, and it is therefore welcomed that a replacement facility will be provided in the new development, albeit with a 26m² net loss of floorspace (a reduction from 141m² to 115m²).

5.19 Sustainable Transport: No objection

Car Parking

Fifteen (15) car parking spaces are proposed in the form of a basement level car park, equating to 0.32 spaces per dwelling. This level of provision is considered acceptable in an area where there is a good accessibility by sustainable means and the presence of a Controlled Parking Zone will constrain opportunities for overspill car parking. The applicant has undertaken calculations to estimate the level of overspill parking based on 2011 car ownership levels for the Goldsmid ward, adjusting these for occupants of flats. They have also indicated through on-street car parking surveys that there is capacity for cumulative overspill from the proposed development and that consented at 113-119 Davigdor Road to be accommodated.

5.20 No consideration has been given to P&H House at 106-112 Davigdor Road which also has prior approval to be converted to residential; however, with parking provision in excess of one per unit, the Highway Authority would consider that levels of overspill parking associated with P&H House are likely to be limited, especially considering the surrounding Controlled Parking Zone. Therefore, the overspill and existing capacity calculations included within the submitted Transport Statement for 121-123 Davigdor Road do not appear to be unreasonable.

5.21 A S106 contribution of £27,150 is requested in accordance with policies TR1 and QD28 of the Brighton & Hove Local Plan and the council's standard contributions methodology. This will be allocated to the following:

- Upgrade of westbound Lyons Close bus stop to provide a shelter and real time passenger information; and/or
- Pedestrian crossing between the proposed development and the southern side of Davigdor Road to cater for pedestrians moving between the development site and Sommerhill Road and the westbound bus stop; and/or
- Improvements to pedestrian routes between the development site and local amenities including, but not limited to, St Anne's Well Gardens, via Nizells Avenue, and local primary schools.

5.22 In addition, it is recommended that two years' car club membership (as part of a residential travel pack) per household be provided. This is in order to ensure that the development provides for the demand for travel it generates and encourages a sustainable travel strategy in accordance with Brighton & Hove Local Plan policies TR1 and TR4 respectively.

5.23 Housing: No objection

This scheme currently proposes to provide 47 residential units, with 8 (17%) provided as affordable housing. This assessment of affordable viability has been confirmed by an independent valuation report by the DV (District Valuer). In this instance the offer is a proposed split of 75% affordable rented and 25% shared

ownership accommodation which is acceptable. The site is a central and level access location. Affordable rented accommodation is particularly welcome.

5.24 **Economic Development:** No objection

5.25 **Ecology:** No objection

5.26 **City Clean:** No objection

5.27 **Sustainable Drainage:** No objection

5.28 **Sustainability:** No objection

5.29 **Arboriculture:** No objection

5.30 **Access:** No objection

6 MATERIAL CONSIDERATIONS

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

6.2 The development plan is:

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- 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.

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

6.4 Due weight should be given to relevant policies in the development plan according to their degree of consistency with the NPPF.

6.5 The Brighton & Hove City Plan Part One (submission document) is an emerging development plan. The NPPF advises that weight may be given to relevant policies in emerging plans according to their stage of preparation, the extent to which there are unresolved objections to relevant policies and the degree of consistency of the relevant policies to the policies in the NPPF.

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

7 RELEVANT POLICIES & GUIDANCE

The National Planning Policy Framework (NPPF)

Brighton & Hove Local Plan:

TR1	Development and the demand for travel
TR2	Public transport accessibility and parking
TR4	Travel plans
TR7	Safe development
TR8	Pedestrian routes
TR14	Cycle access and parking
TR19	Parking standards
SU2	Efficiency of development in the use of energy, water and materials
SU13	Minimisation and re-use of construction industry waste
QD1	Design – quality of development and design statements
QD2	Design – key principles for neighbourhoods
QD3	Design – efficient and effective use of sites
QD4	Design – strategic impact
QD6	Public art
QD15	Landscape design
QD16	Trees and hedgerows
QD17	Protection and integration of nature conservation features
QD18	Species protection
QD20	Urban open space
QD27	Protection of Amenity
QD28	Planning obligations
HO2	Affordable housing- ‘windfall sites’
HO3	Dwelling type and size
HO4	Dwelling densities
HO5	Provision of private amenity space in residential development
HO6	Provision of outdoor recreation space in housing schemes
HO7	Car free housing
HO13	Accessible housing and lifetime homes
EM1	Identified employment sites (industry and business)
EM3	Retaining the best sites for industry
EM5	Release of redundant office floorspace and conversions to other uses

Supplementary Planning Guidance:

SPGBH4	Parking Standards
SPGBH15	Tall Buildings

Supplementary Planning Documents:

SPD03	Construction & Demolition Waste
SPD06	Trees & Development Sites
SPD11	Nature Conservation & Development

Brighton & Hove City Plan Part One (submission document)

SS1	Presumption in Favour of Sustainable development
CP1	Housing delivery
CP12	Heritage
CP14	Housing density
CP16	Open space
CP19	Housing mix
CP20	Affordable housing

8 CONSIDERATIONS & ASSESSMENT

- 8.1 The main considerations in the determination of this application relate to the principle of development, the design of the proposed building and its impacts on the surrounding area, the standard of accommodation to be provided, the impact of the development on neighbouring amenity, and transport, ecology and sustainability issues.
- 8.2 At present, there is no agreed up-to-date housing provision target for the city against which to assess the five year housing land supply position. Until the City Plan Part 1 is adopted, with an agreed housing provision target, appeal Inspectors are likely to use the city's full objectively assessed need (OAN) for housing to 2030 (estimated to be 30,120 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.

Principle of Development:

- 8.4 The site is not designated for employment use or any other use within either the Brighton & Hove Local Plan or the Submission City Plan Part One. As existing the site accommodates a former office building that has been converted into 26 units of supported living accommodation with associated communal rooms and a separate community space. The supported living accommodation falls within the C2 use class however there are no specific policies within either the Brighton & Hove Local plan or Submission City Plan Part One that would resist its loss. The applicants have identified that the supported living units would be re-accommodated within emerging proposals for the 'Flexer Sacks' site in Portslade however this carries little weight given the absence of any live planning application or permission. In any case, it is considered that the benefit of the proposal in providing 47 residential units to meet the city's overall identified housing needs carries significant weight and overrides any harm afforded by the loss of the unprotected supported housing.

- 8.5 A hand car wash facility and burger van currently operate from the car park, the loss of which would be contrary to policy EM6. In this instance, given the nature of the employment use which employs a small number of people and can readily be moved to an alternative site, this loss is not considered harmful when balanced against the significant housing benefits of the development.
- 8.6 Accordingly the residential re-development on the site is considered acceptable in principle, subject to all other material considerations set out below.

Design and Appearance:

- 8.7 The site is currently occupied by a modern three storey plus basement building of a cube design that makes an inefficient use of the site. Given the presence of the taller P&H building to the east and the permission recently granted for a building up to 8 storeys in height on the adjacent plot at 113-119 Davigdor Road, it is considered that a taller building that makes a better and more effective use of the site can be supported in principle.
- 8.8 The proposed building would be formed of three main elements set on a rectangular footprint square to Davigdor Road and Lyon Close. The main frontage would follow the general building line to the north side of Davigdor Road, broadly aligning with the approved development at 113-119 and the existing building at Preece House beyond to the east. In terms of scale, the building would sit five storeys in height fronting Davigdor Road stepping up to a central seven storey element and rear eight storey element. The five storey street frontage would broadly align with the front element to the approved development at 113-119 and the main body of Preece House. This 'shoulder height', in combination with the building line, would serve to significantly improve the continuity of the built frontage along the north side of Davigdor Road, which is currently disjointed and of a poor townscape quality.
- 8.9 The eight storey height of the building (24.5m) constitutes a 'tall building' as defined in SPGBH15 'Tall Buildings'. The site falls outside of the specific nodes and corridors for tall buildings identified in the SPG, however this does not necessarily preclude a tall building if local context dictates otherwise and the tests of SPG15 have been met. As required by the SPG, the applicants have submitted a Tall Buildings Statement within the Design & Access Statement to help justify the scale of building proposed in the local and wider city context.
- 8.10 The key test of the SPG is whether the proposed building is deemed 'significantly taller' than the mean height of surrounding development within a 100m radius. If deemed 'significantly taller' and not within an identified tall buildings node or corridor, such buildings will normally be judged contrary to policies QD1, QD2 & QD4 of the Local Plan.
- 8.11 In this instance the surrounding townscape comprises a mix of single storey retail warehouses and trade counters, 2-4 storey residential buildings, and 2 to 7 storey commercial buildings of between 7m and 28.8m in height. This

variance in scale, which is most pronounced on the northern side of Davigdor Road, is such that a building that meets the mean height of all surrounding development (approximately 18m) would be lower than the P&H building (max 28.8m) but taller than the adjacent office building at 113-119 (7m) and warehouses to the rear (approximately 8-10m). Given that a building of greater overall height and massing has been approved on the adjacent site at 113-119, and given the presence of the scale and massing of the P&H building beyond, it is considered that a building of broadly similar height, whilst taller than the mean height of all surrounding development, would not necessarily be 'significantly taller' such that policies QD1, QD2 & QD4 of the Brighton & Hove Local Plan would be compromised.

- 8.12 The submitted visuals detail that the building would not be readily visible or dominant in views from Dyke Road Park to the north and St Anns Well Gardens to the south, and confirm that the lower massing to the front of the building would continue the general four-five storey built form to the north side of Davigdor Road. The overall scale and massing of the building would be most noticeable from the north, in particular from the railway bridge to the west. However, against the backdrop of P&H house, the approved development at 113-119, and the retail warehouses to the foreground, this impact is not considered so harmful as to warrant refusal.
- 8.13 The proposals have been through Design Review, with the aim to seek independent opinion on the scale and height of the building and its overall design and detailing, amongst other matters. The Design Council considered the overall heights, design approach and stepped arrangement to be acceptable within this street scene context, but suggested that improvements to the treatment of the north elevation and ground floor layouts could be made to improve privacy and light to these flats and introduce a greater number of dual aspect and family units.
- 8.14 The submitted design has responded positively to these recommendations, with a new five storey wing to the rear appropriately breaking up the otherwise sheer eight storey rear street façade fronting Lyon Close. This improvement has also allowed for the provision of more family units and dual aspect units.
- 8.15 In terms of materials, the application proposes a two-tone brick finish with large grey aluminium windows. The main brickwork to the front and eight storey elements would comprise a buff multi-stock intended to closely match that approved at 113-119 and help bring a more consistent material finish to this part of Davigdor Road. A darker grey brick would be used for the central seven storey element and rear five storey wing to help further articulate the different sections of the building. To bring further articulation to the building, the brickwork to the east and west elevations would be corbelled, with timber panelling adjacent to the main windows and dark grey metal balustrading. Subject to a condition to secure final samples of these materials, the building would appear well considered and articulated, thereby helping to strengthen the appearance of this section of Davigdor Road.

- 8.16 Access into the residential part of the building would be via a small landscaped courtyard and undercroft entranceway to the east side, with access to the community space via an undercroft on the Davigdor Road/Lyon Close corner junction. This is considered an acceptable arrangement.
- 8.17 For these reasons it is considered that the building maximises the potential of the site whilst respecting the scale and massing of the adjacent buildings and improving the general rhythm and character of the street. The building would be an appropriate addition to the street in accordance with policies QD1, QD2 & QD4 of the Brighton & Hove Local Plan and the tall buildings guidance within SPGBH15.

Landscaping and ecology:

- 8.18 The site as existing is hard landscaped with onsite parking and minimal planting. Two trees (Sycamore and Birch) are to be removed to facilitate the development however these are poor quality specimens of limited amenity value and the arboriculturalist has raised no objection accordingly. A condition is attached to secure appropriate protection of the street Elm tree fronting the site during construction works.
- 8.19 The proposed building would consume the majority of the site with the remaining areas hard surfaced. The landscaping plans show new areas of planting at ground, fifth and seventh floor levels, including the provision of 10 new trees, climbers and hedges. This represents an improvement on existing and will help soften the appearance of the building in the street scene. Final details of all hard and soft landscaping and boundary treatments are secured by condition, along with a condition to secure a scheme to enhance the nature conservation interest of the site to accord with policy QD17.

Affordable Housing:

- 8.20 The application proposes 47 residential flats, of which 17% (8) would be affordable units. The affordable units would comprise 6 one-bed units and 2 two-bed units, of which 6 would be for affordable rent and 2 for shared ownership units. This provision falls short of the 40% affordable housing requirements set out in policy HO2 of the Brighton & Hove Local Plan and policy CP20 of the Submission City Plan Part One, and the tenure mix set out in the accompanying Affordable Housing Brief.
- 8.21 To justify this shortfall the applicants have submitted a Development Viability Report which contends that the provision of additional affordable housing units on this site is unviable. This case has been forwarded to the District Valuation Service who have agreed that the full 40% affordable provision could not be viably provided on this site. The DVS have fully assessed the applicants case and agreed that the proposed 17% (8 unit) provision is the maximum the scheme could viably provide.

- 8.22 The DVS has noted that the 75/25% affordable rent/shared ownership split differs from the 55/45% split preferred in the Affordable Housing Brief. The DVS has calculated that if the 55/45% split was used an extra unit of affordable housing could be provided. This split would though result in one fewer affordable rent units and 2 additional shared ownership units. In this instance it is considered that the applicants proposal, which maximises the affordable rent provision, should be secured. This conclusion is supported by Housing officers.
- 8.23 Final details of the numbers, type, tenure and location on the site of the affordable housing and its management by a suitable RSL are secured within the s106 heads of terms. Accordingly the proposal is considered appropriate having regard policies HO2 & HO3 of the Brighton & Hove Local Plan and policies CP19 & CP20 of the Submission City Plan Part One.

Standard of Accommodation:

- 8.24 The size and layout of each unit is generally considered acceptable, with all rooms having good access to natural light and ventilation and each flat having access to a private balcony as well as the communal roof terraces at fifth and seventh floor levels. Although not all units meet the minimum recommended in the Nationally Described Space Standards, their size and layout still remains of an acceptable standard. It is noted that a large number of units exceed the national standards and have dual aspect outlooks, thereby ensuring a good standard of accommodation throughout the building.
- 8.25 Given the tight constraints of the site no further amenity space is possible other than the 267sqm of communal roof terrace to provide the necessary open space and outdoor recreation space within the site to comply with the requirements of policy HO6. To offset this shortfall a contribution of £101,106 is sought within the s106 Heads of Terms to improve local amenity and recreational facilities in the vicinity of the site. This contribution would go towards improving facilities at St Anns Wells Gardens to the south of the site and Dyke Road Park to the north, as well as improving other recreational facilities in the area.
- 8.26 A Noise Impact Assessment has been submitted to address potential disturbance from traffic movements along Davigdor Road and Lyon Close, and from the rail line. The Assessment calculates the likely noise levels on each façade of the proposed building based on existing recorded levels, and concludes that enhanced double glazing will be required to all 'sensitive' rooms (living rooms, bedrooms etc) on all elevations, with standard double glazing to all remaining windows. The Assessment notes that triple glazing is proposed which would exceed these requirements. Acoustic ventilation is also recommended for all main rooms to avoid the need for open windows. These measures are secured by condition and will ensure a satisfactory standard of accommodation for future occupiers. A restriction on the hours of operation for the community use is also secured by condition to protect adjacent residents, as recommended by the Environmental Health officer.

- 8.27 Policy HO13 requires all new residential units to be Lifetime Homes compliant, with 5% of all units in large scale schemes such as this to be wheelchair accessible. This would require 2 units to be wheelchair accessible in this instance. No information has been submitted with the application to clarify that wheelchair accessible units will be provided in the scheme, however this can be addressed by condition in the event permission is granted.
- 8.28 The requirement to meet Lifetime Homes has now been superseded by the accessibility and wheelchair housing standards within the national Optional Technical Standards. Step-free access to the building is achievable therefore in the event permission is granted conditions can be attached to ensure the development complies with Requirement M4(3) of the optional requirements in Part M of the Building Regulations for the two wheelchair accessible units, and Requirement M4(2) for all other units.

Impact on Amenity:

- 8.29 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.
- 8.30 The nearest residential properties are located opposite Davigdor Road to the south either side of the Charter Medical Centre, and along Lyndhurst Road to the north. Residents have raised concerns over loss of amenity from the proposed building. The applicants have submitted a daylight/sunlight assessment calculated in accordance with the Building Research Establishment (BRE) guide 'Site Layout Planning for Daylight and Sunlight: a guide to good practice' and BS8206-2.
- 8.31 To the north, the properties along Lyndhurst Road are set at a minimum separation of approximately 100m from the rearmost part of the proposed building. This separation across the roofs of the warehouses on Lyons Close and the railway line beyond is sufficient to ensure that views from the rear terraces would not be significant or invasive. Further, the separation is sufficient to ensure that the building would not be excessively enclosing or dominating of outlook and would not result in an appreciable loss of daylight or sunlight.
- 8.32 To the south, the site sits directly opposite the Charter Medical Centre, with Somerhill Road to the east of the Medical Centre and flats at Bodiam House to the west. Given the offset position of Bodiam House and the inset layout to the roof terraces at 5th and 7th floor levels, it is not considered that any significant loss of privacy would occur. Likewise any overlooking from the front windows and balconies would not be significant given the separation across a main road.
- 8.33 Although the proposed building would have a greater and more dominating impact on outlook to these flats than the existing building, given the separation

of 20m across a main road to the north and the set back of the main bulk of the building, this harm is not considered excessive. The daylight/sunlight report confirms that daylight and sunlight levels for the development both individually and cumulatively with 113-119 adjacent would meet the BRE test and would not result in significant harm.

- 8.34 The adjacent office building at 113-119 Davigdor Road would not be unduly impacted given its separation. The replacement building includes south facing residential windows at first to fourth floor level close to the western boundary with the application site. Although breaking a 45 degree line, the proposed building is set at a suitable distance and orientation such that daylight, sunlight and outlook would not be unduly restricted.
- 8.35 On this basis no significant harm to the amenities of residents in the vicinity of the site or occupiers of adjacent buildings would arise and the development would comply with policy QD27 of the Brighton & Hove Local Plan. A Construction and Environmental Management Plan is required within the s106 to ensure that disruption to adjacent businesses and residents is suitably minimised.

Sustainable Transport:

- 8.36 Brighton & Hove Local Plan policy TR1 requires all new development to provide for the travel demand it creates, whilst policy TR14 requires that new development should provide covered and secured cycle parking facilities for residents.
- 8.37 The application proposes 15 parking spaces at basement level of which 2 would be disabled spaces. This level of general parking provision falls within the maximum standards set out in SPG4, however there is a shortfall of 2 disabled parking bays. Sustainable Transport officers have requested two additional disabled parking at the expense of the remaining 13 general parking bays, however given the constraints of the basement level, no such spaces could be provided that comply with the necessary standards without substantially reducing the remaining provision. Given that two wheelchair accessible units are secured in the development and that street parking for blue badge holders is possible in parking bays in the local area, the provision of two onsite disabled parking bays is considered acceptable in this instance.
- 8.38 The site is located in a Controlled Parking Zone (Zone O) with double yellow lines restricting parking along Davigdor Road to the front and Lyons Close to the rear. Whilst the CPZ restricts parking during the day, evening and overnight parking is not restricted. Residents have raised concern that the overall level of parking provision is insufficient to cater for the development, and will lead to increased parking pressure in the wider area given the new residential units approved at 113-119 and P&H House.
- 8.39 To address this potential impact, the applicants have undertaken surveys of parking availability on surrounding streets and calculated levels of overspill

parking likely to be generated based on 2011 Census data for the Goldsmid ward. These calculations include the demand likely to be generated by the approved development at 113-119. The calculations show a total of 27 cars from both developments overspilling into the local area during the evening and overnight when parking controls are not in force. This compares favourably to the identified 75-88 spaces free each night in the local area. Sustainable Transport officers agree with the findings that there is sufficient capacity for cumulative overspill in the local area, should this arise. It is noted that demand from the residential occupation of P&H house has not been considered. This is on the basis that the on-site parking capacity of P&H house is at a level of more than one space per unit. As such it is not considered that the conversion of P&H house to residential will likely generate significant overspill parking.

- 8.40 The site is also in a sustainable location along bus routes and within a 15-20min walk from both Brighton & Hove Stations and the city centre. As such occupiers would not be solely reliant on car travel to meet their day-to-day needs. On this basis, and having regard the location of the development within a CPZ, the overall level of parking is considered acceptable. This view is supported by Sustainable Transport officers, who raise no objection to the proposals.
- 8.41 Given the sustainable location of the development and the identified capacity for evening and overnight overspill parking in the local area, it is not considered necessary to require that the development be car-free.
- 8.42 In terms of cycle parking, 48 spaces are proposed at basement level with a further 26 spaces at ground floor level. This level of provision meets that required under SPG4 and is appropriate for a development of this scale. Final details are secured by condition.
- 8.43 Sustainable Transport officers have requested that a continuous footway be introduced along the Lyon Close frontage to link to the adjacent site at 113-119 to improve connectivity around the site. The applicants have agreed to this alteration, with final details to be secured by condition. It is noted that this would require alteration to the position of three trees proposed along the northern site boundary, however this can be suitably managed via the landscape condition.
- 8.44 Give the uplift in trips generated by the development a contribution of £27,150 is sought to improve sustainable transport infrastructure in the vicinity of the site, in particular to provide a pedestrian zebra crossing fronting the site, an improved west bound bus stop, and improved dropped kerbs and tactile paving to junctions in the area. The zebra crossing in particular would assist residents safely crossing the street to St Anns Well Gardens to the south and when walking to the town centre. Subject to this contribution secured in the s106 heads of terms the proposal would meet the transport demand it would generate in accordance with policies TR1, TR2, TR4, TR7, TR8 & TR14 of the Brighton & Hove Local Plan. It is noted that this contribution mirrors that sought for 113-119 adjacent therefore in the event the adjacent development commences development first, Sustainable Transport officers have confirmed

that the contribution would be spent on further pedestrian upgrades in the vicinity of the site.

Sustainability:

- 8.45 Policy SU2 of the Brighton & Hove Local Plan and CP8 of the submission City Plan Part One (proposed further modification September 2015) require new development to demonstrate a high level of efficiency in the use of water and energy. Policy CP8 requires new residential development to achieve 19% above Part L for energy efficiency, and to meet the optional standard for water consumption. It also requires the non-residential element to meet BREEAM 'very good'. The Energy and Sustainability Statements submitted with the application state that the scheme will include measures to improve energy performance including photovoltaic panels, mechanical heat recovery and waste water heat recovery. In the event permission is granted conditions can be attached to ensure the above energy and water standards set out in policy CP8 are met.
- 8.46 Refuse and recycling facilities appropriate to the scale of the development are proposed within the northern section of the building fronting Lyon Close. This provision can be secured by condition. For these reasons, and subject to the recommended conditions, the proposed development is considered to reach the sustainability standards required by policies SU2 and CP8.

Other Considerations:

- 8.47 The application includes a Site Investigation Report to address possible land contamination. The Report identifies that the site has a history of uses that is likely to have resulted in potentially contaminated land. The Environmental Health officer has agreed with the report and its recommendation that further investigation works are required. This is secured by condition.
- 8.48 The Economic Development officer has raised no objection to the proposed development, subject to a contribution of £23,500 towards the Local Employment Scheme and the provision of an Employment and Training Strategy with the developer committing to using 20% local employment during the demolition and construction works. This is secured via the s106 heads of terms.
- 8.49 Residents have raised concern that there are insufficient schools places in the area to meet the uplift in demand this development would create. In line with the methodology set out in the Developer Contributions paper, a contribution of £76,391 is sought towards the cost of providing primary and secondary educational infrastructure for the school age pupils this development would generate. In terms of other supporting infrastructure, whilst a pressure on doctors surgeries has been identified by residents, there is no evidence that local services would be unable to cater for occupants of this development.

9 CONCLUSION

- 9.1 The proposed development is of a suitable scale and design that would make a more efficient and effective use of the site without harm to the surrounding townscape. The development would provide suitable mix of additional housing, including affordable housing without significant harm to the amenities of adjacent occupiers and without resulting in an unacceptable increase in parking pressure. Subject to conditions and the s106 agreement the development would accord with development plan policies.

10 EQUALITIES

- 10.1 The development is required to provide two wheelchair accessible units that meet Requirement M4(3) of the optional requirements in Part M of the Building Regulations, with Requirement M4(2) to be met for all other units.

11 PLANNING OBLIGATION / CONDITIONS / INFORMATIVES

11.1 S106 Heads of Terms

- An Employment and Training Strategy that includes a commitment to at least 20% local labour during construction of the project.
- Contribution of £27,150 towards improving sustainable highway infrastructure in the vicinity of the site, as set out in the report.
- Contribution of £101,106 towards Open Space, Sport and Recreation in the area, as set out in the report.
- Contribution of £76,391 towards education provision.
- Contribution of £23,500 towards the Local Employment Scheme
- Construction and Environmental Management Plan
- Scheme for affordable housing

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	ZZ-DR-A-4_02-001	D0-2	21/08/2015
Site block plan	ZZ-DR-A-4_02-002	D0-1	07/08/2015
Existing roof plan	08-DR-A-4_03-002	D0-1	13/08/2015
Existing north and east elevations	ZZ-DR-A-4_05-010	D0-1	13/08/2015

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Existing south and west elevations	ZZ-DR-A-4_05-011	D0-1	13/08/2015
Proposed basement plan	B1-DR-A-4_03-001	D0-1	13/08/2015
Proposed ground floor plan	00-DR-A-4_03-001	D0-1	13/08/2015
Proposed first floor plan	01-DR-A-4_03-001	D0-1	13/08/2015
Proposed second floor plan	02-DR-A-4_03-001	D0-1	13/08/2015
Proposed third floor plan	03-DR-A-4_03-001	D0-1	13/08/2015
Proposed fourth floor plan	03-DR-A-4_03-001	D0-1	13/08/2015
Proposed fifth floor plan	05-DR-A-4_03-001	D0-1	13/08/2015
Proposed sixth floor plan	06-DR-A-4_03-001	D0-1	13/08/2015
Proposed seventh floor plan	07-DR-A-4_03-001	D0-1	13/08/2015
Proposed roof plan	08-DR-A-4_03-001	D0-1	13/08/2015
Proposed north elevation	ZZ-DR-A-4_05-001	S0-1	13/08/2015
Proposed east elevation	ZZ-DR-A-4_05-002	D0-1	13/08/2015
Proposed south elevation	ZZ-DR-A-4_05-003	D0-1	13/08/2015
Proposed west elevation	ZZ-DR-A-4_05-004	D0-1	13/08/2015
Proposed north and east street elevations	ZZ-DR-A-4_05-005	D0-1	13/08/2015
Proposed south and west street elevations	ZZ-DR-A-4_05-006	D0-1	13/08/2015
Proposed soft landscape	L-500	C	21/08/2015
Proposed hard landscape	L-200	C	21/08/2015
Landscape plan- 5 th floor	L-120	C	21/08/2015
Landscape plan- 7 th floor	L-140	C	21/08/2015
Tree constraints plan	8818/01	-	13/08/2015
Proposed section AA	ZZ-DR-A-4_04-001	D0-1	13/08/2015
Proposed section BB	ZZ-DR-A-4_04-002	D0-1	13/08/2015
Proposed section CC	ZZ-DR-A-4_04-003	D0-1	13/08/2015
Proposed section DD	ZZ-DR-A-4_04-004	D0-1	13/08/2015

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Proposed section EE	ZZ-DR-A-4_04-005	D0-1	13/08/2015
Proposed section FF	ZZ-DR-A-4_04-006	D0-1	13/08/2015

- 3) No cables, wires, aerials, pipework (except rainwater downpipes as shown on the approved plans), meter boxes or flues shall be fixed to any elevation facing a highway.
Reason: To safeguard the appearance of the building and the visual amenities of the locality and to comply with policies QD1 and QD27 of the Brighton & Hove Local Plan.
- 4) 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. Rating Level and existing background noise levels to be determined as per the guidance provided in BS 4142:2014. In addition, there should be no significant low frequency tones present.
Reason: To safeguard the amenities of the occupiers of neighbouring properties and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.
- 5) Other than the dedicated balconies to each flat and the communal roof terraces at fifth and seventh floor levels detailed on the approved plans, access to the flat roofs over the building hereby approved shall be for maintenance or emergency purposes only and the flat roofs shall not be used as a roof garden, terrace, patio or similar amenity area.
Reason: In order to protect adjoining properties from overlooking and noise disturbance and to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.
- 6) The Party Walls/Floors between the community use and the residential units directly above and adjacent, between the substation/plant and the residential units directly above, and between the lift shaft and residential units directly adjacent, shall be designed to achieve a sound insulation value of 5dB better than Approved Document E performance standard, for airborne sound insulation for floors of purpose built dwelling-houses and flats.
Reason: To safeguard the amenities of the occupiers of the development and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.
- 7) All hard surfaces hereby approved within the development site shall be made of porous materials and retained thereafter or provision shall be made and retained thereafter to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the site.

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

- 8) The community use hereby permitted shall not be open except between the hours of 07:00 to 22:00 hours Monday to Friday and 08:00 to 22:00 Saturdays, 10:00-18:00 Sundays and not at anytime on Bank or Public Holidays.

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

- 9) The development hereby permitted shall provide a minimum two wheelchair accessible residential units, to be completed in compliance with Building Regulations Optional Requirement M4(3)(2b) (wheelchair user dwellings) prior to first occupation and retained as such thereafter. All other residential units hereby permitted shall be completed in compliance with Building Regulations Optional Requirement M4(2) (accessible and adaptable dwellings) prior to first occupation and shall be retained as such thereafter. Evidence of compliance shall be notified to the building control body appointed for the development in the appropriate Full Plans Application, or Building Notice, or Initial Notice to enable the building control body to check compliance.

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

11.3 Pre-Commencement Conditions

- 10) No development, including demolition, shall commence until fences for the protection of the street Elm tree fronting the site have been erected in accordance with a scheme which has been submitted to and approved in writing by the Local Planning Authority. The fences shall be erected in accordance with BS5837 (2012) and shall be retained until the completion of the development and no vehicles, plant or materials shall be driven or placed within the areas enclosed by such fences.

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

- 11) No development other than demolition works shall commence until details of the proposed means of foul and surface water sewerage disposal have been submitted to and approved in writing by the Local Planning Authority. The drainage works shall be completed in accordance with the details and timetable agreed.

Reason: As this matter is fundamental to the acceptable delivery of the permission to prevent the increased risk of flooding and to prevent pollution of controlled waters by ensuring the provision of a satisfactory

means of surface water disposal and to comply with policy SU3 of the Brighton & Hove Local Plan.

- 12) No development other than demolition works shall take place until the following details have been submitted to and approved in writing by the Local Planning Authority.

- Detailed drawings showing the design of the ramp to the basement car park, including kerb positioning;
- Detailed drawings and information to demonstrate that the proposed retaining wall to the basement car park and access ramp will be able to withstand highway loading;
- Full details and drawings of any shutter and traffic management control system, including details of any signal locations and road markings/signage that may be required to manage the safe passage of vehicles in the site and ensure that vehicles entering the site have priority and do not reverse out onto the highway.

The development shall be carried out in accordance with the approved details and made available for use prior to the occupation of the development hereby approved and shall thereafter be retained for use at all times.

Reason: To improve visibility and awareness of vehicles entering and exiting the site via the access ramp, in the interest of highway safety and to comply with policy TR7 or the Brighton & Hove Local Plan.

- 13) (i) No works pursuant to this permission shall commence until there has been submitted to and approved in writing by the local planning authority:

(a) A desk top study documenting all the previous and existing land uses of the site and adjacent land in accordance with national guidance as set out in Contaminated Land Research Report Nos. 2 and 3 and BS 10175:2011+A1:2013 - Investigation of Potentially Contaminated Sites - Code of Practice;

and, unless otherwise agreed in writing by the Local Planning Authority, if the desk top study identifies potentially contaminant linkages that require further investigation then,

(b) a site investigation report documenting the ground conditions of the site and incorporating chemical and gas analysis identified as appropriate by the desk top study in accordance with BS 10175:2011+A1:2013;

and, unless otherwise agreed in writing by the Local Planning Authority, the results of the site investigation are such that site remediation is required then,

(c) a detailed scheme for remedial works and measures to be undertaken to avoid risk from contaminants and/or gases when the site is developed and proposals for future maintenance and monitoring. Such a scheme shall include nomination of a competent person to oversee the implementation of the works.

- (ii) The development hereby permitted shall not be occupied or brought into use until there has been submitted to the local planning authority

verification by a competent person approved under the provisions of condition (i)c that any remediation scheme required and approved under the provisions of condition (i)c has been implemented fully in accordance with the approved details (unless varied with the written agreement of the local planning authority in advance of implementation). Unless otherwise agreed in writing by the local planning authority such verification shall comprise:

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

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

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.

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

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

11.4 Pre-Ground floor Slab Level Conditions

- 15) No development above ground floor slab level of any part of the development hereby permitted shall take place until a written scheme on how and where ventilation will be provided to the various flats including specifics of where the clean air is drawn from and that sufficient acoustic protection is built into the system to protect end users of the development has been submitted to and agreed in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved scheme.

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

- 16) No development above ground floor slab level of any part of the development hereby permitted shall take place until a detailed design and associated management and maintenance plan of surface water drainage for the site using sustainable drainage methods has been submitted to and approved in writing by the Local Planning Authority. The approved

drainage system shall be implemented in accordance with the approved detailed design prior to the use of the building commencing.

Reason: To ensure that the principles of sustainable drainage are incorporated into this proposal and to comply with policy SU3 of the Brighton & Hove Local Plan.

- 17) 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,
 - b) samples of all cladding to be used, including details of their treatment to protect against weathering
 - c) samples of all hard surfacing materials
 - d) samples of the proposed window, door and balcony treatments
 - e) samples of all other materials to be used externally

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

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

11.5 Pre-Occupation Conditions

- 18) Prior to first occupation of the development hereby permitted, details of secure cycle parking facilities for the occupants of, and visitors to, the development shall have been submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be fully implemented and made available for use prior to the first occupation of the development and shall thereafter be retained for use at all times.
- Reason:** To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than private motor vehicles and to comply with policy TR14 of the Brighton & Hove Local Plan.

- 19) Prior to first occupation of the development hereby permitted, a scheme for landscaping shall have been submitted to and approved in writing by the Local Planning Authority. The scheme shall include the following:
- a. details of all hard surfacing;
 - b. details of all boundary treatments;
 - c. details of all proposed planting, including numbers and species of plant, and details of size and planting method of any trees.

All hard landscaping and means of enclosure shall be completed in accordance with the approved scheme prior to first occupation of the development. All planting, seeding or turfing comprised in the approved scheme of landscaping shall be carried out in the first planting and seeding seasons following the first occupation of the building or the completion of the development, whichever is the sooner; and any trees or

plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

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

- 20) Prior to first occupation of the development hereby permitted, a scheme to introduce a continuous footway along the northern site boundary fronting Lyon Close shall have been submitted to and approved in writing by the Local Planning Authority. The approved scheme, which shall include dropped kerbs and tactile paving to the new vehicular access, shall be constructed prior to the first occupation of the development hereby permitted and retained as such thereafter.

Reason: In the interests of highway safety and to comply with policies TR1, TR7 and TR8 of the Brighton & Hove Local Plan.

- 21) None of the residential units hereby approved shall be occupied until each residential unit built has achieved an energy efficiency standard of a minimum of 19% CO2 improvement over Building Regulations requirements Part L 2013 (TER Baseline).

Reason: To ensure that the development is sustainable and makes efficient use of energy to comply with policy SU2 of the Brighton & Hove Local Plan and policy CP8 of the Brighton & Hove Submission City Plan Part One (Proposed Further Modifications September 2015).

- 22) None of the residential units hereby approved shall be occupied until each residential unit built has achieved a water efficiency standard using not more than 110 litres per person per day maximum indoor water consumption.

Reason: To ensure that the development is sustainable and makes efficient use of water to comply with policy SU2 of the Brighton & Hove Local Plan and policy CP8 of the Brighton & Hove Submission City Plan Part One (Proposed Further Modifications September 2015).

- 23) Prior to first occupation of the development hereby permitted a scheme to enhance the nature conservation interest of the site shall have been submitted to and agreed in writing by the Local Planning Authority. The scheme shall accord with the standards described in Annex 6 of SPD 11 and shall be implemented in full prior to the first occupation of the development hereby approved.

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

- 24) Unless otherwise agreed in writing by the Local Planning Authority, the non-residential development hereby approved shall not be occupied until a BREEAM Building Research Establishment issued Post Construction Review Certificate confirming that the non-residential development built has achieved a minimum BREEAM New Construction rating of 'Very Good' has been submitted to, and approved in writing by, the Local Planning Authority.
Reason: To ensure that the development is sustainable and makes efficient use of energy, water and materials and to comply with policy SU2 of the Brighton & Hove Local Plan and policy CP8 of the Submission City Plan Part One (Proposed Further Modifications September 2015).
- 25) The development hereby approved shall not be occupied until the refuse and recycling storage facilities indicated on the approved plans have been fully implemented and made available for use. These facilities shall thereafter be retained for use at all times.
Reason: To ensure the provision of satisfactory facilities for the storage of refuse and recycling and to comply with policy QD27 of the Brighton & Hove Local Plan.
- 26) The residential units hereby permitted shall not be occupied until the measures to minimise road traffic noise disturbance set out in paragraphs 5.10-5.13 of the Noise Impact Assessment received on 13 August 2015 as a minimum have been fully implemented. The measures shall thereafter be retained as such.
Reason: To safeguard the amenities of the occupiers of the development and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.
- 27) Within 3 months of first occupation of the development hereby approved, the developer or owner shall submit to the Local Planning Authority for approval in writing, a detailed Travel Plan (a document that sets out a package of measures and commitments tailored to the needs of the development, which is aimed at promoting safe, active and sustainable travel choices by its users (carers, staff, visitors, residents & suppliers).
Reason: To ensure the promotion of safe, active and sustainable forms of travel and comply with policies TR1 and TR4 of the Brighton & Hove Local Plan.
- 28) No external lighting shall be installed until full details 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.

- 29) No photovoltaic panels shall be installed until full details have been submitted to and approved in writing by the Local Planning Authority. The installation shall be carried out in accordance with the approved details and thereafter retained as such.

Reason: To ensure a satisfactory appearance to the development and to comply with policies QD1 & QD2 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 is of a suitable scale and design that would make a more efficient and effective use of the site without harm to the surrounding townscape. The development would provide suitable mix of additional housing, including affordable housing without significant harm to the amenities of adjacent occupiers and without resulting in an unacceptable increase in parking pressure. Subject to conditions and the s106 agreement the development would accord with development plan policies.
2. The applicant is advised that a formal connection to the public sewerage system and water supply is required in order to service this development. Please contact Atkins Ltd, Anglo St James House, 39A Southgate Street, Winchester, SO23 9EH (tel: 01962 858688) or www.southernwater.co.uk
3. The applicant is advised that in order to provide policy compliant cycle parking the Highway Authority's preference is for the use of Sheffield Stands spaced in line with the guidance contained within the Manual for Streets section 8.2.22.
4. The applicant should note that no works can commence on the adopted highway until all details have been agreed and approval to work on the highway has been granted by the Highway Authority. Although in this case the majority of proposed works would be within the site boundary,

associated works would need to take place on the adopted footway of Lyons Close

5. The applicant is advised that this planning permission does not override the need to go through the Approval in Principle (AIP) process for the necessary works adjacent to the highway, prior to the commencement of any construction works. The applicant must contact the Council's Highway Engineering & Projects Team for further information.
6. The applicant is advised that accredited energy assessors are those licensed under accreditation schemes approved by the Secretary of State (see [Gov.uk website](#)); two bodies currently operate in England: National Energy Services Ltd; and Northgate Public Services. The production of this information is a requirement under [Part L1A 2013](#), paragraph 2.13.
7. The water efficiency standard required under condition 22 is the 'optional requirement' detailed in [Building Regulations Part G Approved Document \(AD\) Building Regulations \(2015\)](#), at Appendix A paragraph A1. The applicant is advised this standard can be achieved through either: (a) using the 'fittings approach' where water fittings are installed as per the table at 2.2, page 7, with a maximum specification of 4/2.6 litre dual flush WC; 8L/min shower, 17L bath, 5L/min basin taps, 6L/min sink taps, 1.25L/place setting dishwasher, 8.17 L/kg washing machine; or (b) using the water efficiency calculation methodology detailed in the [AD Part G Appendix A](#).
8. The applicant is advised that the details required by Condition 17 are to be delegated for agreement to the Planning and Building Control Applications Manager in consultation with the Chair, Deputy Chair and the Opposition Spokesperson.

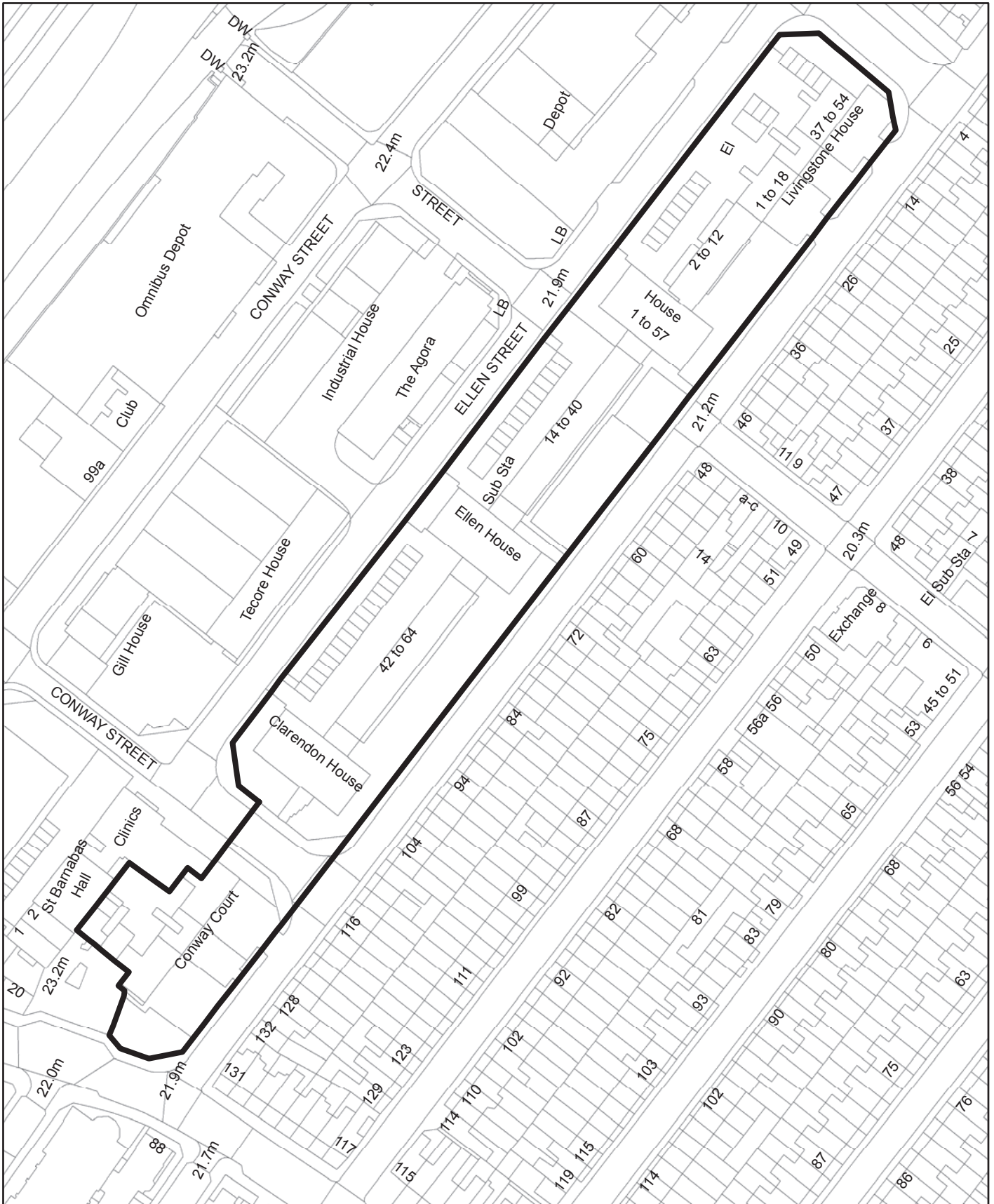
ITEM C

Clarendon House, Conway Court, Ellen House, Livingstone House & Goldstone House, Clarendon Road, Hove BN3 3WR

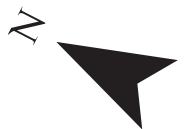
**BH2015 /03586
Council Development**

9 December 2015

BH2015/03586 Clarendon House, Conway Court, Ellen House, Livingstone House & Goldstone House, Clarendon Road, Hove



**Brighton & Hove
City Council**



Scale: 1:1,500

<u>No:</u>	BH2015/03586	<u>Ward:</u>	GOLDSMID
<u>App Type:</u>	Full Planning		
<u>Address:</u>	Clarendon House, Conway Court, Ellen House, Livingstone House & Goldstone House Clarendon Road Hove		
<u>Proposal:</u>	Replacement of existing windows and doors with double glazed UPVC units to residential dwellings.		
<u>Officer:</u>	Jonathan Puplett Tel. 292525	<u>Valid Date:</u>	20 October 2015
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	15 December 2015
<u>Listed Building Grade:</u>	N/A		
<u>Agent:</u>	Pod LLP Unit 313 Metal Box Factory 30 Great Guildford Street London SE1 0HS		
<u>Applicant:</u>	Brighton & Hove City Council Ms Gill Thompson Unit 1 Fairway Trading Estate Eastergate Road Brighton BN2 4QL		

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 the residential development situated on the northern side of Clarendon Road. The development consists of 5 multi-storey flatted blocks (Conway Court, Clarendon House, Ellen House, Goldstone House, Livingstone House), with two storey link buildings, single storey garages, boundary walls, trees and planting. The development's primary frontage is on to Clarendon Road, Ellen Road to the rear of the site is a secondary frontage.
- 2.2 The southern side of Clarendon Road is characterised by terraced residential dwellings of traditional design and appearance. To the north of the site there are a number of commercial buildings.
- 2.3 To the east of the site, the boundary of Hove Station runs along the rear of the properties which front on to Goldstone Villas. The Grade II Listed Hove Station is to the north east of the site. To the west of the site, the Grade II* St Barnabas Church is situated on the southern corner of the junction of Sackville Road and Coleridge Street.
- 2.4 Scaffolding and portakabins have been erected at the application site, it is understood that these items are being utilised in association with repair and maintenance works, and will also be utilised in association with the works proposed under the current application should permission be granted.

3 RELEVANT HISTORY

BH2015/01472: Installation of insulated rendering to all elevations, new coverings to roof and replacement of existing windows and doors with double glazed UPVC units. Installation of windows and louvered smoke vents to existing open stairwells to Clarendon House, Ellen House and Goldstone House and alterations including repair and remedial works. Refused 16/07/2015.

BH2014/03485: Installation of insulated rendering to all elevations, new coverings to roof and replacement of existing windows and doors with double glazed UPVC units. Installation of windows and louvered smoke vents to existing open stairwells to Clarendon House, Ellen House and Goldstone House and alterations including repair and remedial works. Refused 05/03/2015.

4 THE APPLICATION

- 4.1 The application seeks planning permission for the replacement of external doors and windows to the buildings across the site. The proposed replacement windows and doors are white UPVC framed units.

5 PUBLICITY & CONSULTATIONS

External:

- 5.1 **Neighbours: Eleven (11)** Letters of representation have been received from the occupiers of : **14 West Hill Place, 34 Ellen House, 37 and 39 Goldstone House, 13 and 52 Clarendon House, Leaseholder of 25 Clarendon House, 7 and 54 Conway Court, 36 Livingstone House, and ‘Simon Rogers’** (address not provided) objecting to the application on the following grounds:
- It is not clear how closely the proposed windows and doors will match the design and dimensions of the existing windows and doors.
 - If some of the flat owners do not agree to their windows and doors being replaced, replacing some of the windows and doors but not all will result in a disjointed appearance.
 - No details of the planned future maintenance of the proposed windows and doors have been provided.
 - The proposed double glazed windows will provide a similar level of thermal efficiency to the existing double glazed windows. The works will not deliver a substantial improvement in this regard.
 - Some of the existing windows are in good condition and do not require replacement; only minor repairs are required. A detailed survey to establish the condition of the existing windows has not yet been carried out.
 - It is not reasonable to expect leaseholder owners to fund the replacement of windows which may not in fact require replacement.
 - The submitted information does not include all details, e.g. the locks and handles of the windows and door are not confirmed.
 - The way the scaffolding has been erected will in some cases make it difficult to install the proposed replacement windows and doors.
 - The application address is incorrect.

- No details of waste storage are provided.
- The submitted information does not set out how trees and planting on site will be protected during works. Trees have already been trimmed by the contractors.
- The proposed works have already started.
- The capital carbon cost of replacing the windows with obviate any savings which the new windows would provide. The scheme as a whole will have a negative impact in sustainability terms.
- Insufficient written information has been submitted in support of the application.
- No Heritage Statement has been submitted. The estate is adjacent to the Grade II* listed St. Barnabus Church to the western end of the site and the Grade II listed Hove Station to the eastern end of the site.
- There is no way my windows need replacing it is a total waste of money. I am not prepared to pay for something which clearly does not need doing.
- The lift in my building needs replacing; the works proposed under this application should not take priority.

Five (5) letters of representation have been received from the occupiers of: **31 Livingstone House, 22 Ellen Street and 45, 54 and 55 Conway Court** supporting the application for the following reasons:

- Some of the existing windows allow draughts in and the flats are therefore cold in winter months
- Some windows leak and have mould / damp issues. Some do not close properly, some almost fall off their hinges.
- The proposed windows will make the flats warmer, more cost efficient and will improve the health of residents.
- Replacing the windows will improve the insulation and sustainability of the building. As a tenant I'll be saving on energy bills and so will the Council.
- The frame / cills of the windows are in a poor state of repair. I hope these parts will be replaced too.

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

Internal:

Arboriculture: No objection subject to tree / shrub protection measures being secured by planning condition.

Heritage: No objection.

6 MATERIAL CONSIDERATIONS

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

made in accordance with the plan unless material considerations indicate otherwise.”

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

7 RELEVANT POLICIES & GUIDANCE

The National Planning Policy Framework (NPPF)

Brighton & Hove Local Plan:

SU2	Efficiency of development in the use of energy, water and materials
SU13	Minimisation and re-use of construction industry waste
QD14	Extensions and alterations
QD27	Protection of Amenity

Supplementary Planning Documents:

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

Brighton & Hove City Plan Part One (submission document)

SS1	Presumption in Favour of Sustainable Development
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8 CONSIDERATIONS & ASSESSMENT

- 8.1 The main considerations in the determination of this application relate to the resultant appearance of the proposed development (visual impact) and impact

upon the setting of heritage assets in the vicinity of the site, impact on amenity, and environmental sustainability.

- 8.2 The proposed works consist of the replacement of windows and balcony doors to Conway Court, Clarendon House, Ellen House, Goldstone House and Livingstone House. Integral ventilation systems are proposed to kitchen window units.
- 8.3 At the time of the previous applications BH2014/03485 and BH2015/01472 external insulation and rendering of all buildings was proposed. It was considered that this would have resulted in an unduly prominent appearance which would have had a negative impact upon the setting of heritage assets in the vicinity of the site (St. Barnabus Church, Hove Station and the Hove Station Conservation Area). The current proposal would have a much less significant visual impact. It is now proposed that, in conjunction with repair works which are underway at present, the UPVC windows and balcony doors to the five main blocks would be replaced with new units, of a similar design and appearance.
- 8.4 It is considered that the proposed replacement of windows and balcony doors would result in an acceptable appearance of a very similar character to the existing appearance. The setting of the heritage assets in the vicinity of the site would not be harmed.

Amenity:

- 8.5 A number of objections have been raised in relation to the proposed development. These primarily relate to questioning whether the proposed works are actually necessary at this time, and the sustainability and cost implications which are related to this query. The practical implications of construction works are also raised as a concern. The level of detail in the information submitted in respect of the proposed works is questioned by residents. These concerns are noted, it is however considered that the information submitted is of an acceptable level of detail, and overall it is considered that the proposed works would not cause significant harm to the amenity of occupiers of the application buildings, and neighbouring amenity would not be harmed.

Sustainability:

- 8.6 The proposed replacement windows and doors would improve the thermal efficiency of the residential units within the application buildings. Some representations raise concern as some of the window may not in fact require replacement at this time and therefore their replacement may not be a sustainable proposal. These concerns are noted, it is not however considered that this issue warrants the refusal of planning permission.

Trees / landscaping:

- 8.7 There are trees and areas of planting within the site. The erection of scaffolding and the movement of supplies and window and door units within the site could potential cause harm to these trees and areas of planting. It is therefore recommended that a condition be applied to secure a scheme of protection measures which must be submitted and agreed in writing, with all measures

erected prior to works associated with the replacement windows and doors taking place.

9 CONCLUSION

9.1 The proposed replacement windows and doors would result in a similar appearance to the existing. The setting of the heritage assets in the vicinity of the site would not be harmed. No significant harm to amenity would be caused and the protection of trees and planted areas can be secured by planning condition. The application is recommended for approval.

10 EQUALITIES

10.1 The proposed replacement windows and doors will have a neutral impact in respect of accessibility.

11 PLANNING OBLIGATION / CONDITIONS / INFORMATIVES

11.1 Regulatory Conditions:

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

Plan Type	Reference	Version	Date Received
Site Location Plan	1107/OS		06/10/2015
Existing Elevations and Roof Plan	1107/01		06/10/2015
Existing Elevations and Roof Plan	1107/02		06/10/2015
Existing Elevations and Roof Plan	1107/03		06/10/2015
Existing Elevations and Roof Plan	1107/04		06/10/2015
Existing Elevations and Roof Plan	1107/05		06/10/2015
Existing Elevations and Roof Plan	1107/06		06/10/2015
Existing Elevations and Roof Plan	1107/07		06/10/2015
Existing Elevations and Roof Plan	1107/08		06/10/2015
Existing Elevations and Roof Plan	1107/09		06/10/2015
Existing Elevations and Roof Plan	1107/10		06/10/2015

PLANNING COMMITTEE LIST – 9 DECEMBER 2015

Existing Elevations and Roof Plan	1107/11		06/10/2015
Existing Elevations and Roof Plan	1107/12		06/10/2015
Existing Elevations and Roof Plan	1107/13		06/10/2015
Proposed Elevations and Roof Plan	1107/14		06/10/2015
Proposed Elevations and Roof Plan	1107/15		06/10/2015
Proposed Elevations and Roof Plan	1107/16		06/10/2015
Proposed Elevations and Roof Plan	1107/17		06/10/2015
Proposed Elevations and Roof Plan	1107/18		06/10/2015
Proposed Elevations and Roof Plan	1107/19		06/10/2015
Proposed Elevations and Roof Plan	1107/20		06/10/2015
Proposed Elevations and Roof Plan	1107/21		06/10/2015
Proposed Elevations and Roof Plan	1107/22		06/10/2015
Proposed Elevations and Roof Plan	1107/23	A	06/10/2015
Proposed Elevations and Roof Plan	1107/24		06/10/2015
Proposed Elevations and Roof Plan	1107/25	A	06/10/2015
Proposed Balcony Elevation	1107/BA		06/10/2015
Window and Door Specification	REHAU S706/REHA U-Edge		06/10/2015
Window glazing patterns and elevation details x34			06/10/2015
Ventilator specification			06/10/2015

- 2) No development shall commence until measures for the protection of trees and planting across the site have been erected in accordance with a scheme which has been submitted to and approved in writing by the Local Planning Authority. The measures shall be erected in accordance with BS5837 (2012) and shall be retained until the completion of the development and no vehicles, plant or materials shall be driven or placed within the areas enclosed by such fences.

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

11.2 **Informatives:**

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

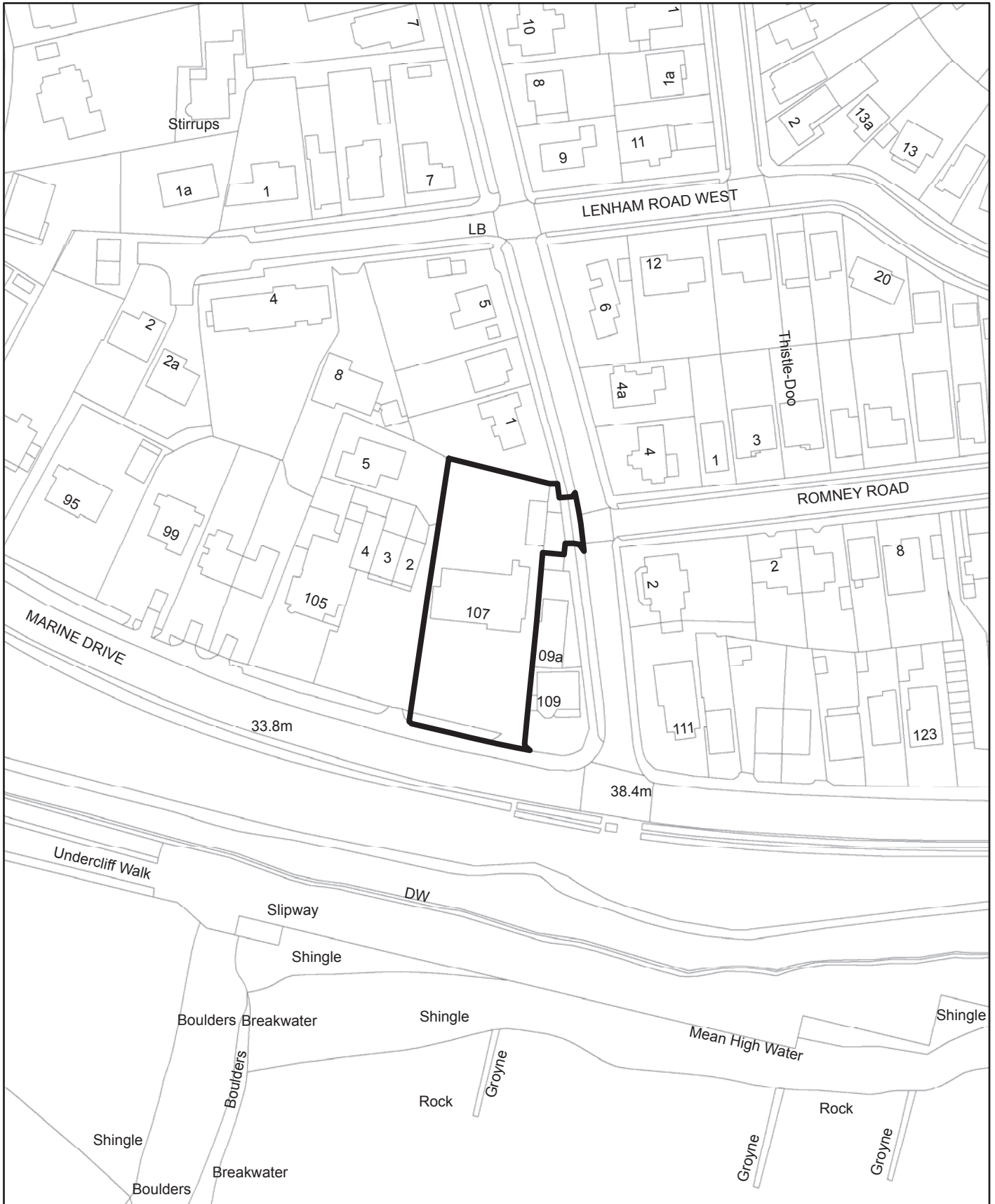
The proposed replacement windows and doors would result in a similar appearance to the existing. The setting of the heritage assets in the vicinity of the site would not be harmed. No significant harm to amenity would be caused and the protection of trees and planted areas is secured by planning condition.

ITEM D

**107 Marine Drive, Rottingdean, Brighton
BN2 7GE**

**BH2015 /01745
Full Planning**

9 December 2015



<u>No:</u>	BH2015/01745	<u>Ward:</u>	ROTTINGDEAN COASTAL
<u>App Type:</u>	Full Planning		
<u>Address:</u>	107 Marine Drive Rottingdean Brighton		
<u>Proposal:</u>	Demolition of existing dwelling and outbuildings and erection of a three storey building with additional lower ground floor entrance to provide 7no flats and erection of 2no semi-detached houses accessed from Chailey Avenue with associated landscaping, parking, cycle and bin storage.		
<u>Officer:</u>	Wayne Nee Tel 292132	<u>Valid Date:</u>	26 May 2015
<u>Con Area:</u>	n/a	<u>Expiry Date:</u>	21 July 2015
<u>Listed Building Grade:</u>	n/a		
<u>Agent:</u>	Morgan Carn Partnership, Blakers House 79 Stanford Avenue Brighton BN1 6FA		
<u>Applicant:</u>	PVJ Developments Ltd, C/O Morgan Carn Partnership Blakers House 79 Stanford Avenue Brighton BN1 6FA		

1 RECOMMENDATION

- 1.1 That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in section 11 and the policies and guidance in section 7 and resolves to be **MINDED TO GRANT** planning permission subject to a s106 agreement and the Conditions and Informatives set out in section 11.

2 SITE LOCATION & DESCRIPTION

- 2.1 The application relates to a plot of land located on the northern side of Marine Drive, close to the junction with Chailey Avenue. The pre-existing detached property (now demolished) was of chalet bungalow style that had been substantially extended in the past, at the rear and at roof level. The site has boundaries fronting Marine Drive and Chailey Avenue, but the actual corner itself comprises two adjacent dwellings outside of the site boundary (nos. 109 and 109A Marine Drive). Vehicular access to the site is from Marine Drive.
- 2.2 No. 109 Marine Drive is set to the east of the application site. This neighbouring property has limited space to the side and rear of the dwelling. No. 109A is located immediately to the north of 109 and abuts the boundary with 107.
- 2.3 The site is elevated above Marine Drive and as a result the property has a wall at the pavement edge to address the level change. The related part of Marine Drive is sited on a slight west to east gradient, which is reflected in the heights of the properties. In addition the application site is located at a significantly

higher level than that related to no. 105 to the west. No. 1 Chailey Avenue to the north is located at a higher level than the site due to the presence of a slight south to north gradient.

- 2.4 An established hedge and fencing is located along the western and northern boundaries of the site. The southern most section of the eastern boundary adjoins nos. 109 and 109A Marine Drive and comprises walls of various heights whilst the northern section faces directly onto Chailey Avenue and comprises fencing, the height of which reflects the slight north to south gradient.
- 2.5 Development along the related section of Marine Drive is characterised by large scale, single and two storey, residential properties, set within generous plots. Exceptions to this are the block of flats located on the corner of Marine Drive and Newlands Road, no.105 Marine Drive which comprises both flats and dwellings, and 109 and 109A Marine Drive which have significantly smaller plots.

3 RELEVANT HISTORY

107 Marine Drive

BH2014/04169 Demolition of existing dwelling and outbuildings and erection of three storey building to provide 9no flats accessed from Chailey Avenue with associated landscaping, parking, cycle and bin storage – Refused 31/03/2015

BH2012/02416 Demolition of existing dwelling, with associated B&B facilities and erection of new building to provide 6no 2 bed flats and 1no 1 bed flat. Erection of 1no detached 4 bed house accessed via Chailey Avenue – Approved 05/04/2013.

BH2006/01287 Demolition of existing house. Construction of 3 terraced three-bedroom town houses and 6 linked houses comprising 3 three-bedroom, 2 four-bedroom and 1 two-bedroom units. Provision of 10 car-parking spaces. Refused 26/07/2006.

BH2004/01680/FP Demolition of existing building (C1/C3 use) and erection of two/three storey building (with cycle parking and car parking) to provide 14 (two-bedroom) residential units. Refused 12/08/2004. Appeal Dismissed.

Land at 105 & 107 Marine Drive

BH2007/03898 Demolition of existing buildings and erection of 6 one-bedroom; 15 two-bedroom; and 10 three-bedroom apartments, together with associated access, car parking and landscaping. Refused 28/01/2008. Appeal Dismissed.

105 Marine Drive

BH2011/01827 Erection of single storey 2 bed dwelling. Approved 20/03/2012.

BH2010/03444 Conversion of existing building to create eight unit residential development comprising 3no two storey houses and 5no flats. Demolition of single storey extension to North, creation of dormer to South elevation and associated altered fenestration and landscaping. Approved 09/02/2011.

4 THE APPLICATION

- 4.1 Planning permission is sought for the demolition of existing dwelling and outbuildings and erection of a three storey building with additional lower ground floor entrance to provide 7no flats and erection of 2no semi-detached houses accessed from Chailey Avenue with associated landscaping, parking, cycle and bin storage.
- 4.2 During the process of the application, amendments to the scheme were made, including the reduction in width of the proposed building fronting onto Marine Drive, alterations to materials to the building and the boundary treatment, and alterations to the proposed entrance gates.

5 PUBLICITY & CONSULTATIONS

External

- 5.1 **Neighbours: Eleven (11)** letters of representation have been received from the occupiers of: **1(x2), 2, 3(x2), 4a, 6 Chailey Avenue, 14 Knole Road, 109A Marine Drive, 20(x2) Lenham Road West** objecting to the application for the following reasons:
- Overdevelopment of the site;
 - Concerns over parking and new vehicle entrance onto Chailey Avenue which is already congested;
 - Design is out of context;
 - Inappropriate height, size and bulk of building;
 - Loss of light and loss of privacy to no. 109A Marine Drive and 1 Chailey Avenue;
 - Effect on foundations of no. 109a Marine Drive;
 - Increased noise and disturbance.

A petition of **89 signatures** has been received objecting to the application for the following reasons:

- Overdevelopment;
- Inappropriate size;
- Noise and disturbance;
- Overshadowing and loss of privacy;
- Concerns over new vehicle entrance, traffic congestion and air quality.

Internal

- 5.2 **Transport: no objection**

The Highway Authority has no objections to the proposals subject to the inclusion of the necessary conditions on any permission granted and that the applicant enters into a s106 or UU for a contribution of £6750 towards sustainable transport measures in the vicinity of the site. These would specifically relate to public transport improvements at the bus stops opposite and adjacent to Chailey Avenue and/or footway improvements in the local area.

5.2 Trip Generation

The trip generation is forecast to increase slightly above existing levels. The proposals comprise of 9 residential units (7 flats and 2 houses). Currently on-site there is a single residential property. Therefore the proposals are likely to increase trips above existing levels. However, subject to the suggested mitigation this increase in trips is not considered to warrant a reason for refusal.

5.3 Car Parking

The applicant is proposing 12 car parking spaces, 8 garages for the flats and 2 car parking spaces each for the houses. SPG04 states that the maximum car parking standard for a house outside of a CPZ is 1 space per dwelling plus 1 car space per 2 dwellings for visitors. Therefore for this development of 9 residential units the maximum car parking standard is 9 spaces for residents and a maximum of 5 visitors' spaces. Therefore the proposed level of car parking is in line with the maximum standard quoted within SPG04 and is deemed acceptable.

5.4 A development of this size is likely to have 13 vehicles associated with it. Therefore the proposed level of car parking is deemed acceptable and not likely to result in significant levels of overspill car parking which would warrant a reason for refusal.

5.5 Cycle Parking

SPG04 states that a minimum of 1 cycle parking space is required for every dwelling for residents and 1 space per 3 dwellings for visitors. For this development of 9 residential units the minimum parking standard is 9 cycle parking spaces for residents and 3 spaces for visitors. In order to be in line with Policy TR14 of the Brighton & Hove Local Plan 2005 cycle parking must be secure, convenient, well lit, well signed and wherever practical, sheltered. The Highway Authority's preference is for the use of Sheffield type stands spaced in line with the guidance contained within the Manual for Streets section 8.2.22.

5.6 The applicant intends to provide a cycles store for the flats but it is not apparent as to the nature of these stands or what provision there is for the 2 houses. Therefore further details should be secured via condition to ensure the cycle parking stands are policy compliant.

Pedestrian Access

5.7 Pedestrian accesses provided from Marine Drive for the flats and Chailey Avenue for the 2 houses. The Highway Authority has no objections to these pedestrian access arrangements. However, it is noted that the pedestrian access to the flats is through the parking area which is not the most attractive route. The Highway Authority would look for further details as to how this route will be delineated to reduce conflict between pedestrians and vehicles.

Vehicular Access

5.8 The applicant is intending to retain the existing vehicular access point to the site, from Marine Drive. The number of vehicles likely to use this access is the same as a previous approval and therefore deemed acceptable. Due to the

width of the access in order to ensure vehicles do not reverse back out onto the highway the Highway Authority would look for details of road safety signage within the site that states priority should be given to vehicles entering the site.

- 5.9 The applicant is also proposing 2 new vehicle crossover to access the 2 properties on Chailey Avenue. The Highway Authority has no objections in principle to these. It is recommended that the standard new vehicle crossover condition is included on any permission granted.

Developer Contribution

- 5.10 To comply with the Brighton and Hove Local Plan 2005 policies TR1 and QD28 and the Council Interim Guidance on Developer Contributions approved by Cabinet on the 17th February 2011 the applicant is expected to make a financial contribution of £5250.

- 5.11 Overall contribution of £6750 towards sustainable transport measures in the vicinity of the site. These would specifically relate to public transport improvements at the bus stops opposite and adjacent to Chailey Avenue and/or footway improvements in the local area

- 5.12 **Environmental Health:** No comment

- 5.13 **Access Officer:** no objection

The layouts mainly look acceptable. The inside size of the lift should be 1400mm x 1100mm but it appears on plan to be about 1400mm x 900mm.

6 MATERIAL CONSIDERATIONS

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

- 6.2 The development plan is:

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

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

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

7 RELEVANT POLICIES & GUIDANCE

The National Planning Policy Framework (NPPF)

Brighton & Hove Local Plan:

TR1 Development and the demand for travel
TR7 Safe development
TR14 Cycle access and parking
TR19 Parking standards
SU2 Efficiency of development in the use of energy, water and materials
SU13 Minimisation and re-use of construction industry waste
QD1 Design – quality of development and design statements
QD2 Design – key principles for neighbourhoods
QD3 Design – efficient and effective use of sites
QD4 Design – strategic impact
QD15 Landscape design
QD16 Trees and hedgerows
QD27 Protection of Amenity
HO3 Dwelling type and size
HO4 Dwelling densities
HO5 Provision of private amenity space in residential development
HO7 Car free housing
HO13 Accessible housing and lifetime homes

Supplementary Planning Guidance:

SPGBH4 Parking Standards

Supplementary Planning Documents:

SPD03 Construction & Demolition Waste
SPD06 Trees & Development Sites
SPD11 Nature Conservation & Development

Brighton & Hove City Plan Part One (submission document)

SS1 Presumption in Favour of Sustainable Development

8 CONSIDERATIONS & ASSESSMENT

- 8.1 The main considerations in the determination of this application relate to the principle of the development, the impact of the proposal upon the character and appearance of the area, the impact upon the living conditions of neighbouring properties, the standard of accommodation proposed, the impact upon the local highway network/parking and sustainability issues.

Background

- 8.2 A previous application (BH2014/04169) - for the demolition of existing dwelling and outbuildings and erection of three storey building to provide 9no flats accessed from Chailey Avenue – was refused for the following reasons:
- 8.3 *The development, by reason of its flat roofed design, would have significantly more mass and bulk at a higher level than the existing building and would have a materially greater visual impact on the street scene. The additional mass and bulk at first floor level in close proximity to the side boundaries of the site would result in a building which would not be in sympathy with nearby buildings. The development, by reason of its design, mass and bulk would appear an overly dominant and intrusive addition to the street scene and would be of detriment to the character and appearance of the street scene and surrounding area. The development would therefore fail to emphasise and enhance the positive qualities of the local neighbourhood. This harm outweighs the benefit provided by the proposal, which is contrary to Local Plan policies QD1, QD2, QD3 and QD5.*
- 8.4 *The development, by reason of its siting, mass and bulk, would be overbearing and result in a harmful loss of light for occupants of 109a Marine Drive. The off-street parking to the rear of the building would be in close proximity to residential gardens at 109 Marine Drive and 1 Chailey Avenue and would result in increased noise and disturbance for occupants of these adjoining properties, to the detriment of their residential amenity. This harm outweighs the benefit provided by the proposal, which is contrary to policy QD27 of the Brighton & Hove Local Plan.*
- 8.5 In this current application, the number of flats proposed within the building has been reduced to 7 (with 2 additional dwellings now proposed in a separate building to the north of the site), there has been a reduction in the width of the building, alterations to the materials, and the parking spaces are relocated to the south of the site.

Principle of development

- 8.6 At present, there is no agreed up-to-date housing provision target for the city against which to assess the five year housing land supply position. Until the City Plan Part 1 is adopted, with an agreed housing provision target, appeal Inspectors are likely to use the city's full objectively assessed need (OAN) for housing to 2030 (estimated to be 30,120 units) as the basis for the five year supply position.

- 8.7 The Local Planning Authority is unable to demonstrate a five year supply against such a high requirement. As such, applications for new housing development need to be considered against paragraphs 14 and 49 of the NPPF. These paragraphs set out a general presumption in favour of sustainable development unless any adverse impacts of development would significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework taken as a whole. The merits of the proposal are considered below.
- 8.8 The pre-existing two storey dwelling and attached single storey annexe has recently been demolished on site. Historically this building had bed and breakfast facilities, however according to the applicant this use of the building had ceased, and before demolition there was no evidence on site of bed and breakfast facilities. It is not clear the extent to which the B&B function of the premises operated and if it was incidental to a primary residential use. This is not though considered a key determining issue as the building has now been demolished and so the previous use has been lost. The application site is outside the core area boundary, as outlined in SR15 and emerging City Plan policy, and there would be no objection to its loss. The principle of residential development on the site is therefore considered acceptable.

Design

- 8.9 Policies QD1, QD2, QD3 and QD5 set out the design criteria for applications of this nature. These policies require proposals to make an efficient and effective use of the site, contributing positively to the visual quality of the environment, addressing key principles for the neighbourhoods in terms of height, scale, bulk and design whilst providing an interesting and attractive street frontage where appropriate.
- 8.10 The pre-existing building on the application site was a single storey property with accommodation located within the hipped roof. The property included a large dormer window within the front roofslope, with an associated terrace area and a large rear dormer window. A single storey hipped roof annexe extended to the north at the rear of the property, on the eastern side.
- 8.11 The proposal is for the erection of a replacement three-storey building, which also includes a lower ground floor, containing 7 flats. The proposed building would have a similar siting to the previous but with a longer footprint at the rear. The proposed excavation to enable a lower ground floor would mean that the height of the proposed development would not exceed that of the pre-existing dwelling. Therefore the ridge of the proposed property would remain located just below that related to no. 109A Marine Drive.
- 8.12 The immediate part of Marine Drive is characterised by a wide range of properties generally set back from the street. There are many dwellings with a traditional appearance with traditional pitched roofs with red/brown concrete tiles and dormers. Many properties are fully rendered, some have brickwork or a mix of both. There are also examples of more modern design buildings

including the flat roof design of 93 Marine Drive which includes rendered walls, extensive glazing, balconies and metal cladding.

- 8.13 The proposed flat roof design of the building with a metal clad top floor and glass balustrades would contrast somewhat with the more traditional dwellings to either side of the application site. In the appeal decision for proposed apartments at 105 & 107 Marine Drive in 2008 (BH2007/03898), the Inspector stated that the contrasting design set well back from the road could be regarded as acceptable in this seafront location.
- 8.14 It is accepted that the proposed building would have more mass and bulk at a higher level than the existing building, and that it would have a greater visual impact on the street scene. However the bulk at upper floor level has been significantly reduced from the previously refused application (BH2014/04169). In this application the building has been amended to be reduced further in width, and so the mass and bulk at first floor level has now been set further away from the side boundaries of the site. The external materials include a combination of render and facing brick which relates to the form and rhythm of the building, and would break down the horizontal emphasis of the building.
- 8.15 The proposed pair of semi-detached dwellings would front onto Chailey Avenue. This street scene, within the immediate vicinity of the site, comprises a mix of 1 and 2 storey detached houses of various sizes, style, designs, building forms and with various roof rooms. However one common characteristic is the presence of large dominant roofslopes, a characteristic which the proposed dwellings would replicate.
- 8.16 The proposed dwellings would be sited on a similar footprint to that of the detached dwelling approved under BH2012/02416. It is acknowledged that the proposed dwellings would be set at an angle and so would not truly reflect the common building line formed by the properties to the north on the western side of Chailey Avenue. However the built form of the proposed building could not replicate this common building line due to the restrictions of the orientation and shape of the related plot. It is not considered that the failure to respect the existing building line would have a detrimental impact upon the visual amenities of Chailey Avenue and the wider area given that nos. 109 and 109A, which are also viewed with the Chailey Avenue street scene, have a staggered eastern building line.
- 8.17 The proposed ridge height and form of the dwellings would be comparable to the approved detached dwelling under BH2012/02416. The eaves height of the proposed detached dwelling would respect the south to north gradient presence within Chailey Avenue as it would be located higher than that of the eaves related to nos. 109A Marine Drive, but would be lower than that related to no. 1 Chailey Avenue.
- 8.18 Currently a large visual gap is located between the roof forms of nos. 1 Chailey Avenue and 109A Marine Drive. The proposed building fronting Chailey Avenue would result in this gap between roof forms reducing, however

it is considered that the proposal would retain a significant gap between the roof form no. 109A Marine Drive, and as a result it is not considered that the proposal would have a harmful impact upon the amenities of the Chailey Avenue street scene or appear as a cramped form of development.

- 8.19 It is recommended that a condition is attached requiring samples of the proposed external finish materials to be submitted and approved by the Local Planning Authority. Overall it is considered that the design, scale and style of the proposed buildings would integrate well within the existing street scenes and therefore will not be of detriment to the visual amenities of the Marine Drive or Chailey Avenue street scenes or the wider area.

Standard of Accommodation

- 8.20 In general the proposed dwellings would benefit from acceptable levels of natural light, outlook and privacy. Policy HO13 requires all new residential dwellings to be built to Lifetime Homes standards whereby they can be adapted to meet people with disabilities without major structural alterations. The requirement to meet Lifetime Homes has now been superseded by the accessibility and wheelchair housing standards within the national Optional Technical Standards. Step-free access to the dwellings is achievable therefore in the event permission is granted conditions can be attached to ensure the development complies with Requirement M4(2) of the optional requirements in Part M of the Building Regulations.
- 8.21 Local Plan policy HO5 requires the provision of private and useable external amenity space with new residential development. Each flat would benefit from a private outdoor terrace. A communal outdoor amenity space is also shown to the south. The proposed semi-detached pair would have access to private outdoor gardens. Overall the size of the proposed outdoor amenity space is considered acceptable given the scale of the development.
- 8.22 Policies TR14 and SU2 require all new residential developments to have secure, covered cycle storage and refuse and recycling storage. The proposal makes provision for refuse storage and cycle storage in purpose built stores at the south of the site. These are considered acceptable in principle subject to further details required via condition. The proposed cycle storage and refuse storage of proposed semi-detached properties does not appear on the drawing, however this could be accommodated on the site and details of this can be conditioned.

Impact on Amenity

- 8.23 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.

The proposed ground and first floor of the building facing Marine Drive would be in close proximity to the rear garden of no. 109a Marine Drive to the east. The distance between the proposed building and the boundary line of this

neighbouring property would be approximately 2.2m at ground floor level and 3m at first floor. The development would be more visible for the occupiers of this neighbouring property which has a relatively small rear garden area. However the building would now be set at a distance away that would mean that the impact of loss of light, overshadowing and sense of enclosure would not be so significant as to warrant refusal of the application.

- 8.24 To the west, the proposed building would have greater bulk toward the western boundary with no. 105 Marine Drive, which is a flatted development. However, due to the retained distances between the buildings it is considered that the overbearing nature of the proposed building would not be so significant or harmful as to warrant refusal of the application.
- 8.25 The new building would include upper floor south facing balcony areas. These external amenity areas would create views overlooking the front communal garden and beyond towards Marine Drive. The proposed upper floor windows on the side elevations would be obscure glazed apart from 3 east facing windows that would face directly toward the blank side elevation of no. 109A Marine Drive. Due to the oblique nature of the views from the balconies towards neighbouring properties and the use of obscure glazing it is considered that the proposal would not have a significant adverse impact upon the amenities of neighbouring properties from overlooking and a loss of privacy. Views from windows to the northern elevation of the proposed development would be towards the semi-detached properties with a level of overlooking that would be expected in this circumstance.
- 8.26 It is not considered that the provision of 9 dwellings within an established residential area, and the intensification of the use of the site, would have a significant adverse impact upon the amenities of neighbouring properties by way of increased noise or disturbance.
- 8.27 The proposed semi-detached properties would be located approximately 1.2m from the boundary with no. 1 Chailey Avenue. It is noted that this neighbouring property comprises two windows within the southern elevation at first floor level. This northern neighbouring property is located at a slight angle onto Chailey Avenue and as a result a minimum distance of approximately 2.5m would be located between the northern elevation of the proposed house and the southern most elevation of no. 1 Chailey Avenue which relates to the attached side garage. A minimum distance of approximately 4.8m would be located between the northern elevation of the development and the main elevation of no. 1 which comprises south facing windows. Overall it is not considered that the construction of the proposed semi-detached properties would have a significant adverse impact upon the amenities of the northern neighbouring property, no. 1 Chailey Avenue, with regards to loss of light/sunlight or having an overbearing impact.
- 8.28 Windows are proposed within the northern elevation of the proposed new house. The proposed north facing first floor windows would be obscure glazed and fixed shut and so would not have a significant adverse impact upon the

amenities of no. 1 with regards to loss of privacy or overlooking. Furthermore it is not considered that views from the glazed openings within the front and rear elevation of the dwellinghouse would have a significant adverse impact upon the amenities of neighbouring properties given the distance between neighbouring properties, the development's orientation in respect of no 1 Chailey Avenue and the oblique views which would be provided.

Sustainable Transport

- 8.29 Policy TR1 requires new development to address the demand for travel which the proposal will create and requires the design of the development to promote the use of sustainable modes of transport on and off site, so that public transport, walking and cycling are as attractive as use of a private car. Policy TR7 requires that new development does not increase the danger to users of adjacent pavements, cycle routes and roads. Policy TR14 requires the provision of cycle parking within new developments, in accordance with the Council's minimum standards as set out in SPGBH4. Policy TR19 requires development to accord with the Council's maximum car parking standards, as set out in SPGBH4.
- 8.30 The site is not within a Controlled Parking Zones (CPZ) and as a result uncontrolled on-street parking is available within the vicinity of the site. The future occupiers of the proposed flats would have use of 12 parking spaces located to the south of the site, accessed via Marine Drive. SPG04 sets out the maximum parking standards for developments and as a result the provision of parking spaces accords with SPG04.
- 8.31 The proposed cycle store would provide spaces for the flats, however further details by condition would be required with regard to the type of cycling parking proposed as well as details of the cycle storage for the houses.
- 8.32 The development would result in an increased demand for travel and the transport team has identified off-site improvements which would be required to facilitate the development. An agreement would be required for the developer to either carry out the identified works or to provide a contribution towards the improvements being carried out by the Council.

Sustainability:

- 8.33 Policy SU2 of the Brighton & Hove Local Plan and CP8 of the submission City Plan Part One (proposed further modifications September 2015) require new development to demonstrate a high level of efficiency in the use of water and energy. Policy CP8 requires new development to achieve 19% above Part L for energy efficiency, and to meet the optional standard for water consumption. This is secured by condition.

9 CONCLUSION

- 9.1 For the reasons set out above it is concluded that proposed development would make efficient and effective use of the site. The height, design and bulk of the proposed buildings would relate well to that of other properties within the vicinity of the site and would not compromise the quality of the local environment. The

standard of accommodation provided is considered acceptable and adequate private usable amenity space provided.

Subject to the compliance with the attached conditions the scheme would comply with the requirements for sustainability, parking standards and refuse and recycling storage. In addition it is deemed that the development would not have a significant adverse impact upon the amenities of neighbouring properties.

10 EQUALITIES

10.1 The development would need to comply with Requirement M4(2) of the optional requirements in Part M of the Building Regulations.

11 PLANNING OBLIGATION / CONDITIONS / INFORMATIVES

11.1 S106 Heads of Terms

- A contribution of £6750 towards sustainable transport measures, specifically relating to public transport improvements at the bus stops opposite and adjacent to Chailey Avenue and/or footway improvements in the local area.

11.2 Regulatory Conditions:

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

Plan Type	Reference	Version	Date Received
Site location plan	1486-P-200	P1	27 October 2015
Proposed block plan	1486-P-201	P1	27 October 2015
Proposed site plan_ground floor	1486-P-204	P2	27 October 2015
Proposed site plan_lower ground level	1486-P-205	P1	27 October 2015
Lower ground floor plan	1486-P-206	P1	27 October 2015
Ground floor plan	1486-P-207	P1	27 October 2015
First floor plan	1486-P-208	P1	27 October 2015
Second floor plan	1486-P-209	P1	27 October 2015

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Roof plan	1486-P-210	P2	27 2015	October
Site sections 1	1486-P-211	P2	27 2015	October
Site sections 2	1486-P-212	P2	27 2015	October
South elevation	1486-P-213	P2	27 2015	October
North elevation	1486-P-214	P1	27 2015	October
North elevation indicating proposed garden fence	1486-P-215	P1	27 2015	October
East elevation	1486-P-216	P2	27 2015	October
West elevation	1486-P-217	P2	27 2015	October
Marine Drive boundary elevation	1486-P-219	P1	27 2015	October
Marine Drive vehicular access elevation	1486-P-220	P1	27 2015	October
Chailey Avenue elevation – existing and proposed	1486-P-224	P1	27 2015	October
Proposed 'figure & ground' plan	1486-P-226		27 2015	October
Proposed site plan key to sections	1486-P-227	P2	27 2015	October
Site sections 1 overlay of existing building	1486-P-228	P1	27 2015	October
Site sections 2 overlay of existing building	1486-P-229	P1	27 2015	October
South elevation overlay of existing building	1486-P-230	P1	27 2015	October
North elevation overlay of existing building	1486-P-231		27 2015	October
Marine Drive boundary elevation – existing	1486-P-218			12 May 2015
Proposed house floor plans	1486-P-221			12 May 2015
Proposed house elevations	1486-P-222			12 May 2015
Proposed house elevations 2	1486-P-223			12 May 2015
Site survey	1486-P-202	P1	27 2015	October
Existing plans and elevations	1486-P-203			12 May 2015

3. The hard surface hereby approved shall be made of porous materials and retained thereafter or provision shall be made and retained thereafter to

direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the properties.

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

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no extension, enlargement or other alteration of the dwellinghouse other than that expressly authorised by this permission shall be carried out without planning permission obtained from the Local Planning Authority.
Reason: The Local Planning Authority considers that further development could cause detriment to the amenities of the occupiers of nearby properties and to the character of the area and for this reason would wish to control any future development to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.
5. The upper floor windows indicated as obscure glazed on the drawings hereby permitted shall be obscure glazed and non-opening, unless the parts of the window/s which can be opened are more than 1.7 metres above the floor of the room in which the window is installed, and thereafter permanently retained as such.
Reason: To safeguard the privacy of the occupiers of the adjoining property and to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.
6. The new/extended crossover and access shall be constructed prior to the first occupation of the development hereby permitted.
Reason: In the interests of highway safety and to comply with policies TR1 and TR7 of the Brighton & Hove Local Plan.
7. All planting, seeding or turfing comprised in the approved scheme of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation. All hard landscaping and means of enclosure shall be completed before the development is occupied.
Reason: To enhance the appearance of the development in the interest of the visual amenities of the area and to comply with policies QD1 and QD15 of the Brighton & Hove Local Plan.
8. The dwelling(s) hereby permitted shall be completed in compliance with Building Regulations Optional Requirement M4(2) (accessible and adaptable dwellings) prior to first occupation and shall be retained as such

thereafter. Evidence of compliance shall be notified to the building control body appointed for the development in the appropriate Full Plans Application, or Building Notice, or Initial Notice to enable the building control body to check compliance.

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

9. None of the residential units hereby approved shall be occupied until each residential unit built has achieved an energy efficiency standard of a minimum of 19% CO2 improvement over Building Regulations requirements Part L 2013 (TER Baseline).

Reason: To ensure that the development is sustainable and makes efficient use of energy to comply with policy SU2 of the Brighton & Hove Local Plan and policy CP8 of the Brighton & Hove Submission City Plan Part One (Proposed Further Modifications September 2015).

10. None of the residential units hereby approved shall be occupied until each residential unit built has achieved a water efficiency standard using not more than 110 litres per person per day maximum indoor water consumption.

Reason: To ensure that the development is sustainable and makes efficient use of water to comply with policy SU2 of the Brighton & Hove Local Plan and policy CP8 of the Brighton & Hove Submission City Plan Part One (Proposed Further Modifications September 2015).

Pre-commencement conditions

11. No development above ground floor slab level of any part of the development hereby permitted shall take place until full details of existing and proposed ground levels (referenced as Ordinance Datum) within the site and on land and buildings adjoining the site by means of spot heights and cross-sections, proposed siting and finished floor levels of all buildings and structures, have been submitted to and approved by the Local Planning Authority. The development shall then be implemented in accordance with the approved level details.

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

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

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

13. Notwithstanding the information submitted, no development above ground floor slab level of any part of the development hereby permitted shall take place until a detailed scheme for the landscaping of the site has been submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall include details of hard landscaping, planting plans, written specifications (including cultivation and other operations associated with tree, shrub, hedge or grass establishment), schedules of plants noting species, plant sizes and proposed numbers / densities and an implementation programme. The scheme shall include indications of existing hedgerows on the land together with measures for their protection during the course of the development.

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

14. No development above ground floor slab level of any part of the development hereby permitted shall take place until details of a scheme of works to provide a segregated footway in the car park area to the new residential access have been submitted to and approved in writing by the Local Planning Authority. The works shall be completed prior to the occupation of the development hereby permitted and shall thereafter be retained.

Reason: In the interest of highway safety and to comply with policies TR1, TR7 and TR8 of the Brighton & Hove Local Plan.

Pre-occupation

15. Prior to first occupation of the development hereby permitted, details of appropriate signage to the access, to ensure vehicles entering the site have priority 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 improve visibility and awareness of vehicles and other users entering and exiting the site via the access, and to comply with policy TR7 or the Brighton & Hove Local Plan.

16. 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.

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

development shall have been submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be fully implemented and made available for use prior to the first occupation of the development and shall thereafter be retained for use at all times.

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

11.3 Informatives:

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

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

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

(ii) for the following reasons:-

For the reasons set out above it is concluded that proposed development would make efficient and effective use of the site. The height, design and bulk of the proposed buildings would relate well to that of other properties within the vicinity of the site and would not compromise the quality of the local environment. The standard of accommodation provided is considered acceptable and adequate private usable amenity space provided.

Subject to the compliance with the attached conditions the scheme would comply with the requirements for sustainability, parking standards and refuse and recycling storage. In addition it is deemed that the development would not have a significant adverse impact upon the amenities of neighbouring properties.

3. The applicant is advised to contact the Council's Network Co-ordination team and obtain the necessary license prior to any works commencing on the adopted highway and that they are liable for all the associated costs including the relocation of the street lighting.

4. The planning permission granted includes a vehicle crossover which requires alterations and amendments to areas of the public highway. All necessary costs including any necessary amendments to a Traffic Regulation Order (TRO), the appropriate license and application fees for the crossing and any costs associated with the movement of any existing street furniture will have to be funded by the applicant. Although these

works are approved in principle by the Highway Authority, no permission is hereby granted to carry out these works until all necessary and appropriate design details have been submitted and agreed. The crossover is required to be constructed under licence from the Head of Asset and Network Management. The applicant must contact the Streetworks Team (01273 293 366) prior to any works commencing on the public highway.

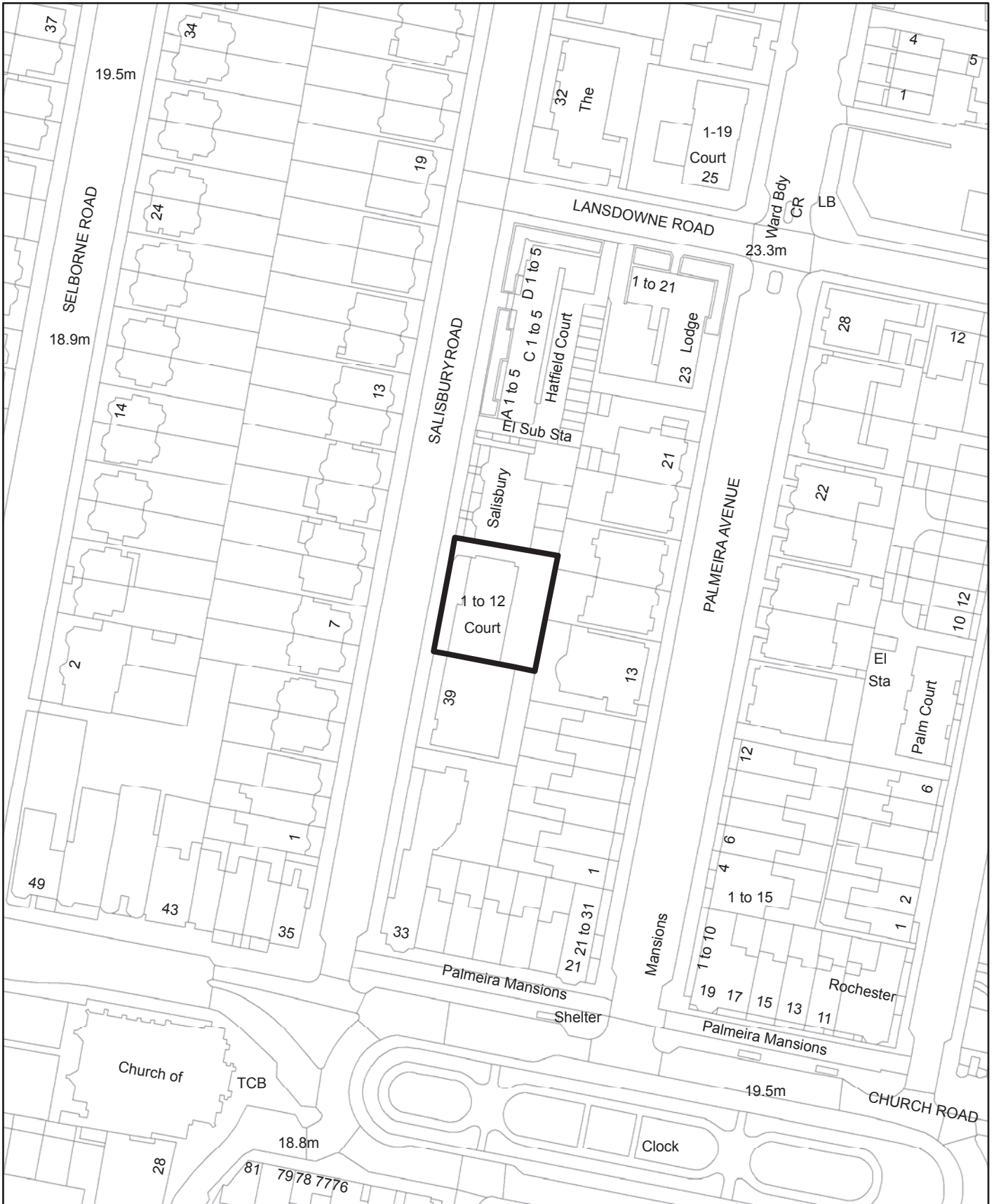
5. The applicant is advised that accredited energy assessors are those licensed under accreditation schemes approved by the Secretary of State (see Gov.uk website); two bodies currently operate in England: National Energy Services Ltd; and Northgate Public Services. The production of this information is a requirement under Part L1A 2013, paragraph 2.13.
6. The water efficiency standard required under condition 13 is the 'optional requirement' detailed in Building Regulations Part G Approved Document (AD) Building Regulations (2015), at Appendix A paragraph A1. The applicant is advised this standard can be achieved through either: (a) using the 'fittings approach' where water fittings are installed as per the table at 2.2, page 7, with a maximum specification of 4/2.6 litre dual flush WC; 8L/min shower, 17L bath, 5L/min basin taps, 6L/min sink taps, 1.25L/place setting dishwasher, 8.17 L/kg washing machine; or (b) using the water efficiency calculation methodology detailed in the AD Part G Appendix A.

ITEM E

**Amber Court, 38 Salisbury Road,
Hove BN3 3AA**

**BH2015 /01237
Full Planning**

9 December 2015



**Brighton & Hove
City Council**



Scale: 1:1,250

<u>No:</u>	BH2015/01237	<u>Ward:</u>	BRUNSWICK AND ADELAIDE
<u>App Type:</u>	Full Planning		
<u>Address:</u>	Amber Court 38 Salisbury Road Hove		
<u>Proposal:</u>	Creation of additional floor at fourth floor level to form 2no two bedroom flats with terraces to rear.		
<u>Officer:</u>	Clare Simpson Tel 292321	<u>Valid Date:</u>	29 April 2015
<u>Con Area:</u>	Adj Willett Estate	<u>Expiry Date:</u>	24 June 2015
<u>Listed Building Grade:</u>	n/a		
<u>Agent:</u>	BPM Architectural Services Ltd, 33 Stoneleigh Avenue Brighton BN1 8NP		
<u>Applicant:</u>	Griston Lahaise Cross, 11 Church Hill Brighton BN1 8YE		

1 RECOMMENDATION

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

2 SITE LOCATION & DESCRIPTION

- 2.1 The application site relates to a flat-roofed purpose built three-storey block of 12 flats on the eastern side of Salisbury Road, with parking at basement level to the rear for up to 12 vehicles. The parking spaces to rear (excluding the garage spaces) and front are all used for commercial purposes (privately owned pay and display spaces). The building features extensive brickwork with UPVC windows and includes a small front extension with a stepped entrance. The block of flats dates from the 1960's.
- 2.2 The eastern side of Salisbury Road is predominantly relatively recent flatted development. The western side of Salisbury Road is predominately historic semi-detached houses (some converted in to flats) which lie within the Willett Estate Conservation Area. The application site is not within a Conservation Area.

3 RELEVANT HISTORY

There is an extensive planning history for the application site.

BH2012/01263 Change of use of part of basement level of block of flats to commercial office (B1) with associated external alterations including new access ramp and cycle storage to front elevation – approved 30/04/2014.

BH2010/03843 Creation of additional floor at fourth floor level to form 2no two bedroom flats with terraces to rear – approved 22nd March 2011 for the following reason: *The proposed development has addressed the Inspector's concerns*

raised in the previous appeal and the proposal would not have an adverse impact on the character and visual amenity of the host building or surrounding area. Subject to planning conditions, the scheme would have no material detriment on the amenity of adjacent properties and is appropriate in terms of sustainability, transport measures, lifetime homes and refuse and recycling facilities. The development would be in accordance with the policies of the adopted local plan.

BH2008/03885: Formation of additional storey to create 2 no. 2 bed flats Refused 26/02/2009 for the following reasons:

1. The development by reason of an overly dominant front stairwell and discordant fenestration would relate poorly to the remainder of the building and appear an incongruous feature detrimental to the character and appearance of the building and surrounding area. The proposal is therefore contrary to policies QD1, QD2 and QD14 of the Brighton & Hove Local Plan.
2. There is insufficient information to demonstrate that the proposed development will not result in harmful loss of light and overshadowing of adjoining gardens to the rear of the application site on Palmeira Avenue. The proposal is therefore contrary to policies QD14 and QD27 of the Brighton & Hove Local Plan which seeks to protect residential amenity.

This decision was appealed by the applicant and the appeal was dismissed in December 2009 (appeal ref: APP/Q1445/A/09/2105147). The Inspector's reason for refusal related to the unacceptable harm the fenestration of the scheme would have on the character and appearance of the building and surrounding area. Notably, the planning Inspector did not uphold the concern regarding impact on amenity.

4 THE APPLICATION

- 4.1 Planning permission is sought for the creation of additional floor at fourth floor level to form 2no two bedroom flats with terraces to rear.
- 4.2 The application follows an approval for an identical scheme which was approved in 2011. This permission was not implemented and has since expired hence the need for the current application. The proposed drawings for this submission are identical to the drawing approved in 2011. An updated sunlight and daylight study accompanies this application.

5 PUBLICITY & CONSULTATIONS

External

- 5.1 **Neighbours: Twenty Three (23)** letters of representation have been received from **GFF 8 Salisbury Road, FFF 8(x2) Salisbury Road, Flat 12 37 Salisbury Road, GFF 3 Palmeira Avenue (x2), Flat 2, 3 Palmeira Avenue, Flat 5 7 Palmeira Avenue, 9a Palmeira Avenue, 9E Palmeira Avenue, 11B Palmeira Avenue, 11 Palmeira Avenue, Flat 2 11 Palmeira Avenue, FFF 11 Palmeira Avenue, Flat 1 Palmeira Avenue, 13 Palmeira Avenue, Flat 1 13 Palmeira Avenue (x2), Flat 2 13 Palmeira Avenue, Flat 4 13 Palmeira**

Avenue, Flat 5, 13 Palmeira Avenue, Flat 3 15 Palmeira Avenue, Flat 5 Palmeira Lodge 17 Palmeira Avenue objecting to the application for the following reasons:

- Loss of light and overshadowing of neighbouring properties and adjoining gardens,
- Loss of privacy and overlooking,
- Strain on car parking spaces,
- The block is poorly maintained and does not look like it could take the extension,
- It would look out of place architecturally,
- The building at 39 Salisbury Road has planning restrictions in place on the use of the balconies,
- Standards of living have already been affected by Salisbury Court and new extension to 39 Salisbury Road
- Noise from the use of outdoor amenity space from additional residents,
- Overcrowding of central Hove,
- Overbearing impact of the development
- Disturbance and noise impact through construction,
- The details in the plans are not sufficient to determine the 25 degree test under BRE,
- The light study report shows that over 50% of windows to the rear of the site will fall below the 27% for Vertical Sky Component
- Windows at the rear of the properties on Palmeira Avenue have a common law 'right to light'
- Bad experience from the construction of the site next door,
- Concerns over the lack of consultation,
- The flats should be reduced in size and moved forward to allow more light to the rear.

Internal:

5.2 **Environmental Health:** No comment

5.3 **Sustainable Transport:** No objections subject to the following:
The development shall not be occupied until cycle parking areas have been provided in accordance with the approved details and thereafter retained.

5.4 **Councillor Ollie Sykes** Objects to the proposal. A copy of the letter is Attached to this report

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

Brighton & Hove Local Plan:

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

Brighton & Hove City Plan Part One (submission document)

SS1 Presumption in favour of Sustainable Development

CP14 Housing Density

8 CONSIDERATIONS & ASSESSMENT

8.1 The main issues of consideration in the determination of this application are the impact of the additional storey on the character and appearance of the building and surrounding area including the adjacent Conservation Area and residential amenity for occupiers of adjoining properties; the standard of accommodation created by the development; and transport and sustainability issues.

8.2 Background

The previously approved application is a material consideration in the determination of this application. This previous application was informed by an appeal that was dismissed and a subsequent approved scheme. These decisions were both made before the adoption of the NPPF and before the City Plan Part One submission document; however the Local Plan Policy context remains the same.

8.3 At present, there is no agreed up-to-date housing provision target for the city against which to assess the five year housing land supply position. Until the City Plan Part 1 is adopted, with an agreed housing provision target, appeal Inspectors are likely to use the city's full objectively assessed need (OAN) for housing to 2030 (estimated to be 30,120 units) as the basis for the five year supply position.

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

8.5 Character and appearance

The design and appearance of the proposal is identical to the previous submission which received consent.

8.6 The proposed additional storey is flat roofed and set back from the main outside walls of the building. On the front elevation, the main accommodation would be set back 1.1 metres. The stairwell would come further forward being set back just 0.3 metres from the front elevation. To the rear the additional storey would be set back 3 metres from the existing rear façade. Inset balconies with glazed

balustrades are proposed for the flat roof area to the rear of the flats. A balcony privacy screen would be set back 0.8 metres from the rear elevation.

- 8.7 The design of the additional storey is simple. The rendered appearance for the upper floor would contrast with the brick façade below, but this approach would generally reduce the overall visual impact compared to an additional storey of brick finish to match the rest of the building. It also represents a fairly common approach to creating additional stories on blocks of flats of this nature. The design is identical to the previously approved application for the site and previous to that, the overall design was supported by the Planning Inspectorate.
- 8.8 Since this approval of the previous application the planning permission for the additional storey at 39 Salisbury Road has been implemented. Amber Court is approximately a storey lower than the immediately adjoining buildings to the north, Salisbury Court and to the south 39 Salisbury Road. The proposed development would give the application site a height comparable to those on adjacent properties. The additional storey on Amber Court would be slightly higher than that of 39 Salisbury Road and slightly lower than the property to the north no. 40 Salisbury Road. The scale of the proposal would be acceptable when viewed in the context of the street scene
- 8.9 For the reasons outlined above, it is considered that the impact of the proposal on the character and appearance of the neighbourhood, in terms of increased density would not result in significant harm to the visual amenities of the area. The proposal is considered to comply with Local Plan policies QD1, QD2 and QD3. Furthermore, given the scale of development is considered appropriate for the setting, the development is not considered to harm the character of the adjacent Conservation area in accordance with policy HE6 of the Brighton & Hove Local Plan.
- 8.10 Impact on neighbouring 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.
- 8.11 *Adjoining occupiers*
The scale of the development is identical to that of the previous application. There is only limited separation between Amber Court and adjoining buildings on Palmeira Avenue. Historically the Local Planning Authority raised concern that the flats would result in a loss of light and overshadowing of the adjoining gardens to the rear of the application site on Palmeira Avenue. However such concerns were not upheld by The Planning Inspectorate who stated the following in the assessment of application BH2008/03885:

'A number of interested parties from Palmeira Avenue have expressed concern about overshadowing, privacy and a loss of light, indeed I viewed the appeal site from a number of flats in Palmeira Avenue. Policy QD14 of the Brighton & Hove Local plan requires account to be taken of sunlight and

daylight factors, together with orientation, slope, overall height relationships and how overbearing the proposal would be.

While I note that the levels shown on the drawings are not representative of the actual levels, I was able to visit a number of the adjacent properties and was able to make a full assessment of the proposal taking into consideration the actual ground levels. I saw that garden levels in Palmeira Avenue were significantly higher than those at the appeal site and at the time of my visit I saw that properties in Palmeira Avenue were not being overshadowed by Amber Court.

- 8.12 A number of neighbouring occupiers have expressed concern regarding the impact of the development. Notwithstanding the Inspector's observations above, which are a material planning consideration, and the previous approval for the site, an additional light and overshadowing report was requested and submitted during the course of the application. An updated study was considered necessary because, since the last proposal material changes have occurred in the vicinity of the site. The neighbouring property to the south 39 Salisbury Road has had an additional storey constructed and this clearly affects the amount light that reaches the properties to the rear of this application site and was considered appropriate to form part of the updated study.
- 8.13 Three separate assessments were made based upon the BRE Guidance document 'Site layout planning for daylight and Sunlight, a Guide to Good Practice. The study demonstrates that in regard to the Vertical Sky Component, the development would not cause a demonstrable reduction in visible sky to the properties at the rear. The proposed values exceed 80% of the existing values meaning that any reduction in levels would not be significantly felt by the adjacent occupiers. Annual Probable Sunlight Hours (APSH) have also been assessed. 1 of 41 windows assessed fails to meet the criteria. The window in question, serving a first floor flat in no.17 Palmeira Avenue only fails by a reduction of 2.56% which, taking the development as a whole, is considered acceptable. It is notable that this window already fails the suggested BRE APSH value. Lastly a shadow model was run which shows a small increase in overshadowing of neighbouring gardens but the BRE Guidance for overshadowing is met.
- 8.14 It is noted that residents to the rear of the site remain concerned regarding impact and the findings of the report. However the report is comprehensive and finds that the effect of additional storey would have a minimal impact on the properties to the rear. Nevertheless Daylight/Sunlight Analysis forms one element of a wider assessment of the impact of a development on neighbours, which is considered below.
- 8.15 Notwithstanding the conclusions made by the survey report, the separation distances between the rear of the additional storey and the properties in Palmeira Avenue are considered fairly typical for the separation in the central areas of the city. While some increased sense of enclosure to the properties to the rear would be caused by the additional storey to Amber Court this is not

considered to be so significant to warrant refusal of the application. Again this relationship was considered appropriate in the previous applications.

- 8.16 In regard to the noise and disturbance of the proposed terraces at the rear of the building, the amenity areas are not particularly expansive and would be located a sufficient distance from neighbouring occupiers to prevent significant noise and disturbance to properties at the rear. It is also important to acknowledge this element of the scheme is the same as previously approved.
- 8.17 In regard to privacy, the application remains the same as previously approved and a privacy screen is to be installed to the rear of the terrace to prevent overlooking and loss of privacy to the properties at the rear. This screen was considered sufficiently high and an acceptable approach for the locality. A planning condition would be required to ensure this is in place prior to occupation.
- 8.18 It is acknowledged that a similar arrangement of rear terraces was recently proposed for the top floor of 39 Salisbury Road. This was refused permission due to the prominence of the height of screening when viewed in conjunction with projecting lower levels. The staggered arrangement to the rear of 39 Salisbury Road is different to that of the application site and the visual impacts of the two proposals are not directly comparable. This was acknowledged by the Planning Inspector when assessing the proposal at 39 Salisbury Road and for this reason, the refusal to allow planning permission for balconies on 39 Salisbury Road is not considered to carry significant weight in the assessment of the balconies on application site.
- 8.19 For the reasons outlined above, it is not considered that any loss of light or overshadowing to neighbouring occupiers would be so significant as to warrant refusal of the application on these grounds and the development would not be significantly overbearing or result in significant loss of privacy. It is considered the development accords with policy QD27 of the Brighton & Hove local Plan.
- 8.20 *For future occupiers*
The proposal would form two additional units of accommodation with the layout identical to that approved previously for the site. The rooms are considered to be of an adequate size throughout and comparable to that existing at lower levels of the building. The top floor would be accessed from the stairwell which would offer some restriction to general access, however circulation space is considered to be reasonable. The proposed flats would have access to private amenity space in the form of rear roof terraces. The scheme is therefore considered appropriate in terms of the standard of accommodation.
- 8.21. Transport and Impact on the Highway network.
Amber Court has limited parking for residents with the car parking spaces to the rear and front being managed through a pay and display system. Some neighbours have expressed concerns over a lack of car parking provision. Although it is likely the development will create an increase demand for parking in the area, there is no evidence to suggest the development would be

significantly harmful in terms of additional vehicular movements or the creation of highway hazards or dangers to justify refusal. The Sustainable Transport Team have not objected to the proposal and have requested an imposition of a condition to secure the cycle parking.

8.22 Sustainability

Policy SU2 of the Brighton & Hove Local Plan and CP8 of the submission City Plan Part One (proposed further modifications September 2015) require new development to demonstrate a high level of efficiency in the use of water and energy. Policy CP8 requires new development to achieve 19% above Part L for energy efficiency, and to meet the optional standard for water consumption. This is secured by condition.

8.23 Other matters

Noise and disturbance through construction is not a material planning consideration. Some residents have concerns regarding other aspects of the build which do not form material considerations for the planning application.

9 CONCLUSION

9.1 The development would provide two additional residential units and make efficient and effective use of land within the built up area boundary without detriment to the prevailing character and appearance of the site and wider surrounding area. The development would provide a good standard of accommodation for future occupants and would not result in significant harm to neighbouring amenity or highway safety.

10 EQUALITIES

10.1 None identified

11 PLANNING OBLIGATION / CONDITIONS / INFORMATIVES

11.1 Regulatory Conditions

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

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

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

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

Plan Type	Reference	Version	Date Received
Existing third floor/site plan and location and block plans	1299/01		9 th April 2015
Existing Elevations	1299/02		9 th April 2015
Proposed site, third and roof plans	1299/03		9 th April 2015
Proposed elevations	1299/04		9 th April 2015

11.2 Pre-commencement conditions

- 3) No development 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 render and tiling (including details of the colour of render/paintwork to be used)
 - b) samples of the proposed window, door and balcony treatments
 - c) samples of all other materials to be used externally

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

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

11.3 Pre-Occupation Conditions:

- 4) The screening for the approved terraces, as indicated on drawing nos. 1299/03 and 1299/04 shall be obscure glazed to all sides and installed before the flats are occupied. The screens shall be retained as such thereafter. **Reason:** In order to protect adjoining properties from overlooking and noise disturbance and to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.
- 5) 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
- 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) The dwelling(s) hereby permitted shall be completed in compliance with Building Regulations Optional Requirement M4(2) (accessible and adaptable dwellings) prior to first occupation and shall be retained as such thereafter. Evidence of compliance shall be notified to the building control body appointed for the development in the appropriate Full Plans Application, or Building Notice, or Initial Notice to enable the building control body to check compliance. **Reason:** To ensure satisfactory provision of homes for people with disabilities and to meet the changing needs of households and to comply with policy HO13 of the Brighton & Hove Local Plan.

- 8) None of the residential units hereby approved shall be occupied until each residential unit built has achieved an energy efficiency standard of a minimum of 19% CO2 improvement over Building Regulations requirements Part L 2013 (TER Baseline). **Reason:** To ensure that the development is sustainable and makes efficient use of energy to comply with policy SU2 of the Brighton & Hove Local Plan and policy CP8 of the Brighton & Hove Submission City Plan Part One (Proposed Further Modifications September 2015).
- 9) None of the residential units hereby approved shall be occupied until each residential unit built has achieved a water efficiency standard using not more than 110 litres per person per day maximum indoor water consumption. **Reason:** To ensure that the development is sustainable and makes efficient use of water to comply with policy SU2 of the Brighton & Hove Local Plan and policy CP8 of the Brighton & Hove Submission City Plan Part One (Proposed Further Modifications September 2015).

Informatives:

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

The development would provide two additional residential units and make efficient and effective use of land within the built up area boundary without detriment to the prevailing character and appearance of the site and wider surrounding area. The development would provide a good standard of accommodation for future occupants and would not result in significant harm to neighbouring amenity or highway safety. The development would be in accordance with the national and local planning policy.
3. The applicant is advised that accredited energy assessors are those licensed under accreditation schemes approved by the Secretary of State (see Gov.uk website); two bodies currently operate in England: National Energy Services Ltd; and Northgate Public Services. The production of this information is a requirement under Part L1A 2013, paragraph 2.13.

4. The water efficiency standard required under condition 9 is the 'optional requirement' detailed in Building Regulations Part G Approved Document (AD) Building Regulations (2015), at Appendix A paragraph A1. The applicant is advised this standard can be achieved through either: (a) using the 'fittings approach' where water fittings are installed as per the table at 2.2, page 7, with a maximum specification of 4/2.6 litre dual flush WC; 8L/min shower, 17L bath, 5L/min basin taps, 6L/min sink taps, 1.25L/place setting dishwasher, 8.17 L/kg washing machine; or (b) using the water efficiency calculation methodology detailed in the AD Part G Appendix A.

From: Ollie Sykes
Sent: 08 June 2015 14:45
To: Planning Applications
Subject: Objection to planning application BH2015/01237

Dear Clare

I wish to object to planning application BH2015/01237 concerning the construction of an additional floor at Amber Court, 38 Salisbury Road Hove BN3 3AA.

The reasons for my objection are as follows:

1. Overshadowing. Recently-constructed buildings on Salisbury Road have resulted in overshadowing of properties on the adjacent road Palmeira Avenue and caused substantive loss of light to those properties and rear gardens. On the basis of submitted plans the overshadowing effect of the proposed development at Amber Court on properties and gardens on Palmeira Avenue is likely to be even greater in scale and this would contravene local planning policy QD27 which seeks to protect residential amenity.
2. Overlooking. The development proposes balconies at the rear of the fourth floor addition. These balconies would directly overlook gardens and rear rooms in properties on Palmeira Avenue.

For these reasons I consider the proposed development should not be given planning permission based on existing drawings and plans. It may be that mitigation of the concerns residents and I have raised is available, based on recent experience with neighbouring buildings.

With kind regards

Clr Ollie Sykes

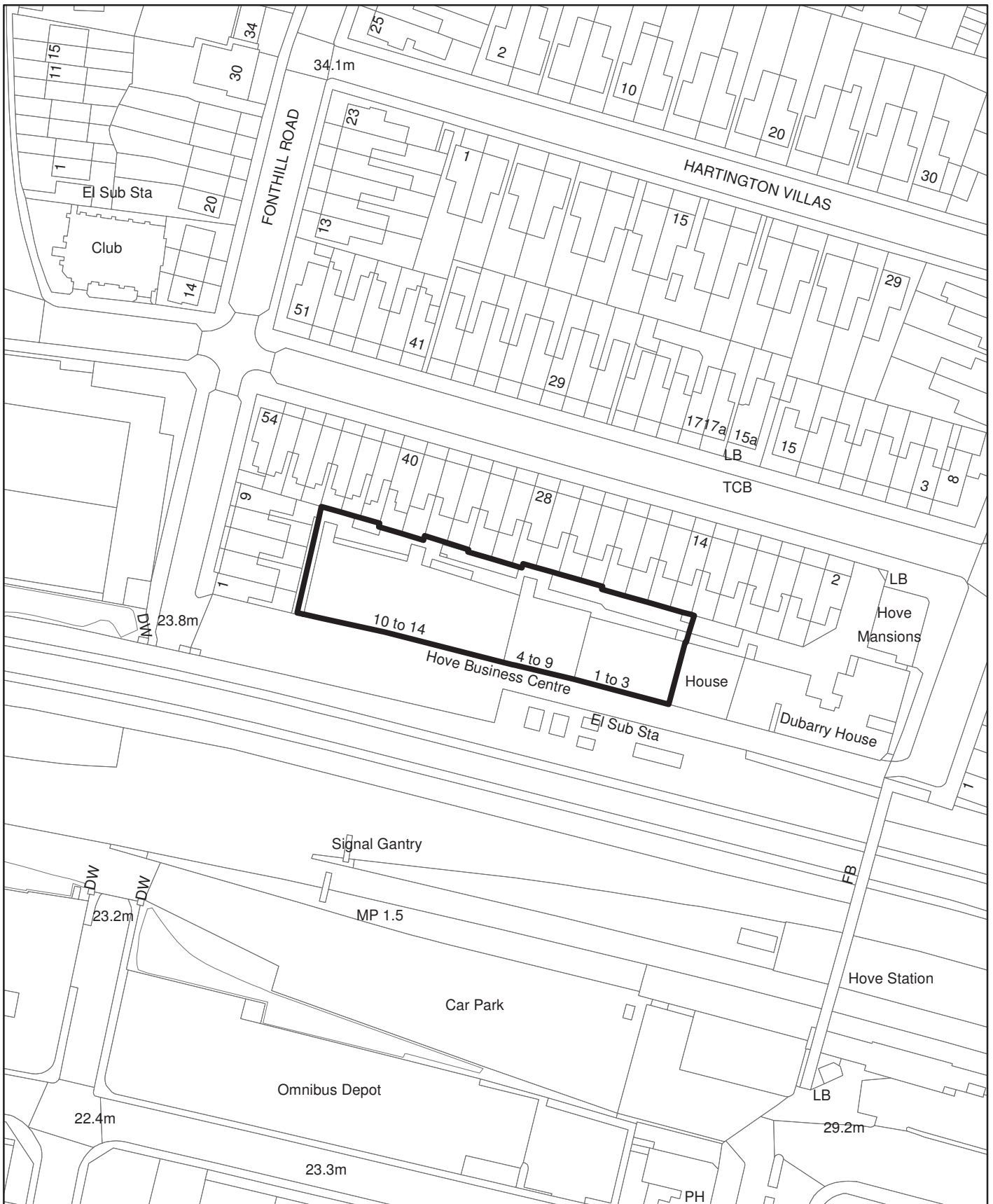
ITEM F

**Hove Business Centre, Fonthill Road, Hove
BN3 6HA**

**BH2014 /03742
Full Planning**

9 December 2015

BH2014/03742 Hove Business Centre, Fonthill Road, Hove



**Brighton & Hove
City Council**



Scale: 1:1,250

<u>No:</u>	BH2014/03742	<u>Ward:</u>	GOLDSMID
<u>App Type:</u>	Full Planning		
<u>Address:</u>	Hove Business Centre Fonthill Road Hove		
<u>Proposal:</u>	Creation of 4no one bedroom flats, 4no two bedroom flats and 1no three bedroom flat on existing flat roof incorporating revised access and associated works.		
<u>Officer:</u>	Adrian Smith Tel 290478	<u>Valid Date:</u>	06 November 2014
<u>Con Area:</u>	adjacent Hove Station	<u>Expiry Date:</u>	01 January 2015
<u>Listed Building Grade:</u>	N/A		
<u>Agent:</u>	Lewis McMillan Architects, 7 Queen Square, Brighton BN1 3FD		
<u>Applicant:</u>	Pearl & Coutts, c/o Lewis McMillan Architects, 7 Queen Square Brighton BN1 3FD		

This application was deferred from 18 February 2015 Committee following the submission of new material information. The report has been updated following new noise impact surveys.

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 relates to the Hove Business Centre, a part three part four storey building comprising a mix of seventeen B1, B8, D1 and D2 units. The Business Centre forms part of the former Dubarry Perfumery complex and is attached to Microscape House to the east. Access and parking is via Fonthill Road to the west.
- 2.2 Residential properties abut the site to the north and west, with further business units within Microscape House to the west. The mainline railway fronts the site to the south with Hove Station and the Hove Station Conservation Area to the southeast. The former Dubarry Perfumery building, which also comprises Microscape House and Dubarry House to the east, has been designated as a building of local interest.

3 RELEVANT HISTORY

BH2014/01981- Creation of 4no one bedroom flats, 4no two bedroom flats and 1no three bedroom flat on existing flat roof incorporating revised access and associated works. Withdrawn

BH2012/00021- Change of use of Unit 2 from offices (B1) to performing arts college (D1). Refused 05/09/2012

BH2003/02016/FP- Change of use of Unit 9 (top floor) from B1 (business use) to yoga studio (D2). Approved 23/07/2003

BH2000/02021/FP- Change of use of Unit 1 from B8 (Storage/warehousing) to B1 (Information Centre/Offices) and form new disabled access door to front elevation. Block up window at rear and install new fire doors. Approved 12/09/2000

BH1998/02008/FP- Change of use of Unit 8 from B1/B8 to D2 (Health & Fitness Club). Retrospective application for change of use of units 7 and 7A from B1/B8 to D2. Approved 01/12/1998

4 THE APPLICATION

- 4.1 Planning permission is sought for the addition of nine residential flats at roof level, accessed via an internal walkway along the rear of the roof. The additional floor would be metal/zinc clad with balconies to the south side. No onsite parking is to be provided.

Additional Information

- 4.2 New information submitted includes Noise survey and a clarified Sunlight / Daylight report.

5 PUBLICITY & CONSULTATIONS

5.1 External

Neighbours:

Eighty Three (83) letters of representation have been received from **6, 12, 16, 18, Ground floor flat 20, Ground floor flat 22 (x2) Upper Maisonette 22, 24, 32, 34 (x2), 36 (x2), 38b, 40 (x2), 44, 46 & 48 Newtown Road; savehove; Unit 6, 7/7A (x3), 8, 11 (x29) Hove Business Centre; 11 Woodland Court Dyke Road Avenue; Unit 8 Studio Gobo; 6 Wilbury Avenue; 22 Hove Park Villas; 10 Hartington Villas; 5 Burton Villas; savehove; 81 Vale Avenue; 3a Bembridge Street; F7 Stretton Court 66 Rutland Gardens; 8 Shoreham Road; 137 Montgomery Street; The Fusebox Level 4 North New England House; and Unknown (x15), objecting to the application for the following reasons:**

- The Dubarry Perfume factory is an iconic building and should be protected. It is loved and admired by residents
- The building will lose its unique identity
- The development would not be in keeping with the distinctive historic building and its setting
- Flats and associated paraphernalia on the roof would spoil the iconic image of the building and its skyline
- The design of the flats is not in keeping with the Victorian houses and Dubarry building
- The existing extension above Microscape House is an eyesore, the development would be worse
- Impact on setting of Hove Station Conservation Area and the Grade II listed Hove Station

PLANNING COMMITTEE LIST- 09 December 2015

- The building is now under consideration to be listed
- Cramming in a high density area
- Potential loss of businesses in the building to residential in the future
- Increased security risks to businesses and adjacent residents from use of the rear alleyway for cycle parking
- Disruption to existing businesses in the building during 6-9 month construction works. Businesses will likely need to move out during works to avoid damaging noise, dirt and dust. This includes Crunch who employ over 150 people.
- Businesses will look to leave the building, likely to other cities given the lack of suitable alternative office stock in the city, resulting in loss of local jobs.
- Running a business will be impossible during works
- Loss of business space leading to reputational damage to the city
- Loss of skylight will reduce quality of office accommodation in unit 6
- Sharing of access lifts between businesses and residents will be detrimental to business operations
- Loss of daylight and sunlight, particularly in winter, spring and autumn. The height of the existing building results in no sunlight for the majority of the year
- Overshadowing and overbearing impact. Gardens to Newtown Road are already overshadowed so any reduction in sunlight would have a significant impact. 20% loss of sunlight to 19 houses on Newtown Road and 4 on Fonthill Road is significant
- Most windows to Newtown Road do not currently meet the BRE daylight criteria. 35 houses would be affected.
- Gardens would become unusable and dangerous in winter months
- Overlooking
- Increased noise and disturbance to neighbouring residents
- Noise disturbance from rain falling on the metal roof
- Noise complaints will be received from residents against the dance studio within the building. Existing noise levels from the studio are very high and cause disturbance to residents. To suggest future residents will not be disturbed is absurd
- The noise surveys were carried out when the dance studio was on half term and therefore cannot be relied on
- Loss of views and sky views
- Light and noise pollution from use of the access walkway.
- Decreased quality of life
- 40-50 family homes on Newtown Road will suffer for the benefit of 9 flats
- The building is not currently used at weekends. Residential use will change its relationship with the properties adjacent
- The flats are ideal to be used for parties
- Insufficient detail of how the barriers to the front would appear and impact on the decorative parapets
- Loss of house value
- There is insufficient parking in the area to cater for new residents, especially in the evenings after 7pm

- A car-free development cannot be enforced
- Inaccurate plans
- Conflict between residential and business use of the lifts
- Construction noise and disturbance
- The lighting survey is not credible, with incorrect numbering, and incorrect plans including incorrect window positions
- The building may not be safe to add an additional storey to
- The only beneficiaries will be the developer
- Loss of light will have a detrimental impact on the quality of life of a deaf resident of Newtown Road
- The development is for money only
- The development will result in the building being steadily converted into flats
- The landlord has a history of cutting corners and poor maintenance
- The roof has been poorly maintained following water ingress and cannot support the proposed 9 flats. The roof has blown off twice before in high winds. Nb a survey report dated 20 February 2014 has been submitted to demonstrate this.
- Insufficient school places

5.2 **One (1) letter** has been received on behalf of the occupiers of **10, 12, 18, 24, 34, 36, 38b, 40 and 42 Newtown Road, and Unit 6 of Hove Business Centre** objecting to the proposed development on the following grounds:

- The development would harm the character of the building, introducing a modern and incongruous form of development rising above the parapet line and highly visible from Hove Station.
- The rear fenestration pattern is unsympathetic to the symmetry of the fenestration to the building, and the metal cladding gives the proposal a modern and incongruous appearance
- The introduction of residential paraphernalia to the amenity areas would detract from the visual quality of the building
- The proposal would unbalance the building in views from the site entrance off Fonthill Road
- The proposal would fail to sustain or enhance the setting of the Hove Station Conservation Area
- Similar applications for development to the roof of the Dubarry building have been refused by the Council and then by the Inspectorate on two occasions, the most recent on the grounds that the penthouse would seriously and unacceptably harm the appearance of the building and its setting
- Loss of daylight, particularly on evenings and in winter months, to Newtown Road and Fonthill Road properties
- The daylight/sunlight report is confusing and inaccurate. It shows properties fail the BRE tests contrary to policy QD27
- The loss of the skylight and disturbance from building works and
- Use of the terraces would impact on working conditions within the businesses below
- The alterations to the ground floor would preclude delivery of large items to the businesses

- The development constitutes town cramming
- Insufficient parking

5.3 **Councillor Jarrett** has objected. Copy of letter attached.

5.4 Following re-consultation following receipt of new Acoustic Report:
Sixteen (16) letters of representation have been received from 6, 12, 14b, 16, 18 (x2), 22, 24, 32, 34, 36, 38b, 40, 42, 44 & 48 Newtown Road; Unit 10 Hove Business Centre; 26 Montgomery Street, objecting to the application for the following reasons:

- Destruction of an important local building and historical site
- The building should be listed
- Development unsuitable for building and area. Not in keeping with building
- The revisions have not addressed concerns
- Loss of daylight and sunlight
- The daylight/sunlight report is inaccurate, with missing windows and inaccurate numbering
- The development will not be car free as the pay and display bays can still be used
- Parking is limited in the area
- Onsite parking should be provided to avoid overcrowding
- Light pollution from use of walkway
- Overlooking and loss of privacy
- Littering from roof
- Noise and disturbance from occupiers
- Increased traffic pollution
- Increase in petty theft and burglaries
- The dance studio will receive complaints and be forced to shut
- First step in converting building to flats
- Loss of house value
- The building's entire roof will need to be removed
- Businesses will be forced to move out

5.4 **Internal:**

Environmental Health: No objection

Noise

An acoustic report was submitted by 7th Wave Acoustics as part of this application, and there were a number of communications between Environmental Health and the author over its robustness. Ultimately, while concerns were put forward as to the introduction of residents into an area that already had established dance schools, and a nearby railway line, it was felt that the acoustic protection outlined in the report was sufficient to deal with the levels of noise found through site monitoring.

5.5 However, a number of last minute pieces of information came to light before the application went to committee. Of most concern was an undated letter from the Rox School of dance and Drama, which cast doubt over the acoustic report submitted. In particular, it appeared that the dance school was closed for 6 of the

9 days monitoring. Additionally, it was stated that the internal dance school measurements which were recorded to estimate the passage of sound through the ceiling into the new flats above, were not sufficient. The letter from the Dance School was indicative of the fact that much noisier classes happen, and that the report at the time was not representative of events held at the school.

- 5.6 It was also noted that there were a number of last minute representations from residents about the dance schools, which alleged a significant number complaints made in Summer 2013.
- 5.7 In examining the application regards was given to a number of factors, including the number of complaints and the types of complaints received. For clarity, the complaints to Environmental Health were as follows:

Brighton Academy of Dance- Unit 2

Date	Problem
11.7.2008	Fire escape doors open-punching noises and beeping from cross trainers
7.8.2009	Grunting and shouting and whistling noises from fight school

Rox School of Dance and Drama-Unit 3

Date	Address	Problem
28.6.2001	Newtown Road	Loud music and vocal instructions, tap dancing interferes with peoples enjoyment of their gardens.
28.6.2006	Newtown Road	They leave their windows open leading to a lot of noise for neighbours ie signing, live music, karaoke) during weekdays and weekends
15.8.2007	Newtown Road	Noise from dance school
8.5.2008	Newtown Road	Noise from loud music coming from the dance school
15.7.2009	Newtown Road	Noise from school tap class singing and dancing etc
27.5.2010	Newtown Road	Noise from classes-windows left open
13.9.2012	Microscape House	Dance school, noise caused by music, dancing, clapping etc
3.5.2013	Newtown Road	Excessive and annoying noise(tap dancing classes, music, shouting, singing)occurring for last 5 years and reported every year

- 5.8 It is worth noting a number of points about the complaints:
- The complaints including both Units were made from 2 single residential properties, with the exception being Microscape House.
 - Whilst representations made reference to 156 complaints having been made from a resident directly to the Dance School, the City Council can only consider information it has and as the tables indicate, complainants have not approached the City Council for some, the most recent complaint was in fact 2013.

- 5.9 Due to the dance schools letter, doubt was cast over the accuracy of the noise report and its ability to provide a representative account of the noise climate, which was being used to inform the levels of insulation needed. As such Environmental Health had to revise its comments to suggest that there was currently insufficient information.
- 5.10 Subsequently a new acoustic report by 7th Wave Acoustics (ref: R001.1062.01.NA.2.0), dated the 2nd October 2015 has been submitted. As part of this report, a new acoustic survey has carried out. For the avoidance of doubt, the Schools were contacted to ensure that any measurements taken would be representative, and Scott Castle, Senior Environmental Health Officer attended on site measurements.
- 5.11 It is worth noting that the onsite measurements were done with the windows to Rox School of Dance open, in order that a worst case scenario could be represented. Rox School of Dance advised that windows are usually closed, and that they have air conditioning in order to enable this.
- 5.12 Rox School of Dance also stated that the noise levels from Brighton Academy of Dance were unusually loud during the period when on site monitoring was carried out.
- 5.13 With regards to the floor separating the dance schools and the proposed residents, further sound insulation measures have been applied to this separating floor since the previous acoustic report. These measures provide a higher level of sound reduction and look to ensure that noise intrusion into the flats from the dance school is minimised as far as reasonably practicable.
- 5.14 The new monitoring showed a higher level of noise from the dance schools that previously reported. Taking these new levels, and the improved sound insulation into account, it is believed noise levels intruding into the proposed residential properties is likely to be around 4 dB LAeq,1 min. As a worst case scenario, the report has also shown levels of intrusion could possibly be as high as 25 dB LAeq,1min. While the noise from the studio may still be heard on occasion, it is significantly below the recognised criteria for an acceptable internal noise environment. Given the sites commercial nature there is a certain level of “buyer beware”.
- 5.15 This report also shows that standard double glazing should be sufficient for the proposed properties so long as ventilation is provided. This is because the noise criteria specified in British Standard 8233 and by the World Health Organisation can only be met with the window closed.
- 5.16 The type of ventilation used will need to be agreed with Environmental Health in order to ensure that it will meet acoustic requirements, and that it won't in itself cause a noise nuisance.
- 5.17 Contaminated land
Hove Business Centre has been prioritised under Part IIA of the Environmental Protection Act 1990, as it has been flagged as potentially contaminated land due

to multiple industrial uses at site. It is therefore prudent and appropriate in this instance to apply a full contaminated land condition. This condition is phased, and a robust desk top study (including site walkover), conceptual site model and risk assessment will be the minimum requirement.

5.18 **Construction Phase**

Aside from issues with noise and contaminated land, there are also concerns about how local residents will be affected during the construction of the proposed residential dwellings. Having been out to site, it appears that the proposed properties are in very close proximity to multiple existing residential and commercial businesses.

5.19 Construction by its very nature does have noisy phases and will inevitably be noticeable at various stages to various individuals throughout the build. This is why it is important to put the onus onto the developers to come up with a plan to minimise complaints, design their timetable with best practicable means in place, meet with residents, have complaint handling systems in place and generally be a good neighbour.

5.20 Therefore if the application was to proceed it is recommended that a Construction Environmental Management Plan be required, and that this necessitate the final developer signing up to a section 61 prior agreement. The CEMP may be secured through the Section 106 process, if applicable.

5.21 **Heritage: No objection**

This scheme will be visible from Hove Station but will not be seen from other vantage points in the setting of the station or of the conservation area, therefore these comments are provided having regard to the impact on the building its self which is included on the list of buildings of local interest. Inclusion on the local list requires that in considering planning applications affecting the building its 'special interest' will be taken into account.

5.22 The southern elevation of the proposed additional floor has been divided to reflect the window rhythm on the lower floors. The materials for these solid panels will need to be fully considered; it may be better that they reflect the brickwork below, however this will depend on the final choice of material for the panels, and the alternative dark cladding may be recessive enough behind the individual parapets.

5.23 The rear of this building is far more utilitarian than the front and has also been more affected by alterations and fire escapes. The additional height resulting from the proposed walkway roof lights gives top-heavy proportions in elevation, however the set-back will diminish this effect in reality. The largely unbroken frontage line and uniform material does not reflect the individual sections of this building and as a result could appear an over dominant, linear element of the building.

5.24 **Sustainable Transport: No objection**

No objection subject to a contribution of £6,750 towards sustainable transport infrastructure and details of a scheme to provide a segregated footway within the car park for pedestrians to reach the residential access. Based on census data the development would likely generate additional parking demand for 5 vehicles. This should be mitigated by the inclusion of a Residential Travel Pack for occupiers that includes 2 years membership of the Car Club.

5.25 **Housing:** No objection

5.26 **Access:** No objection

6 MATERIAL CONSIDERATIONS

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

6.2 The development plan is:

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

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

6.4 Due weight should be given to relevant policies in the development plan according to their degree of consistency with the NPPF.

6.5 The Brighton & Hove City Plan Part One (submission document) is an emerging development plan. The NPPF advises that weight may be given to relevant policies in emerging plans according to their stage of preparation, the extent to which there are unresolved objections to relevant policies and the degree of consistency of the relevant policies to the policies in the NPPF.

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

7 RELEVANT POLICIES & GUIDANCE

The National Planning Policy Framework (NPPF)

Brighton & Hove Local Plan:

- TR1 Development and the demand for travel
- TR7 Safe development

TR14	Cycle access and parking
TR19	Parking standards
SU2	Efficiency of development in the use of energy, water and materials
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
QD4	Design-strategic impact
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 development
HO13	Accessible housing and lifetime homes
HE3	Development affecting the setting of a listed building
HE6	Development within of affecting the setting of conservation areas
HE10	Buildings of local interest

Supplementary Planning Guidance:

SPGBH4 Parking Standards

Supplementary Planning Documents:

SPD03 Construction & Demolition Waste

Brighton & Hove City Plan Part One (submission document)

SS1	Presumption in Favour of Sustainable Development
DA6	Hove Station Area
CP8	Sustainable Buildings
CP15	Heritage

8 CONSIDERATIONS & ASSESSMENT

- 8.1 The main considerations in the determination of this application relate to the principle of adding an additional floor comprising residential flats to the locally listed building, its impact on the appearance of the building and the setting of the adjacent Hove Station Conservation Area, its impact on neighbouring amenity, the standard of accommodation to be provided, and sustainability and transport issues. Also relevant is the potential impact of the residential accommodation on the existing business units within the building.
- 8.2 At present, there is no agreed up-to-date housing provision target for the city against which to assess the five year housing land supply position. Until the City Plan Part 1 is adopted, with an agreed housing provision target, appeal Inspectors are likely to use the city's full objectively assessed need (OAN) for housing to 2030 (estimated to be 30,120 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.
- 8.3 Principle of Development:**
The site is located outside the northern boundary of the Hove Station Area Development Area identified within policy DA6 of the emerging Submission City Plan Part One. Policy DA6 generally seeks to maintain and strengthen employment provision within the area as well as providing for residential uses. It is not considered that the proposal runs contrary to these aims.
- 8.4 Hove Business Centre is located within the former Dubarry Perfumery building and comprises a mix of B1, B8, D1 & D2 uses. The Perfumery was built in the 1920's and is formed of six linked buildings, with the Business Centre located in the four westernmost buildings. The remaining part of the Perfumery is formed of office units within Microscape House adjacent and by residential flats within Dubarry House beyond at the far east of the site. The building is notable for its ornate parapet roofline and original mosaic signage retained on the southern elevation. The building falls within the setting of the Hove Station Conservation Area to the southeast, and to the Grade II listed Hove Station buildings and footbridge which lie approximately 60m to the southeast across the railway line. Residents have identified that the building is under consideration to be listed however no application has been made to English Heritage. The building has been formally adopted as a building of local interest by reason of its ornate southern elevation and its historical position and use within the Hove Station Area.
- 8.5 Locally listed buildings are categorised as 'non-designated heritage assets' within the NPPF and NPPG. Paragraph 135 of the NPPF requires Planning Authorities to take into account the effect of an application on the significance of a non-designated heritage asset, and reach a balanced judgement as to the scale of any harm or loss and the significance of the asset.
- 8.6 In this instance the significance of the building is most borne out by its southern elevation and parapet roofline. This is most visible from the station platforms opposite and from the footbridge overpass to the east of the site. The parapet roofline, which is different on each section of the building, is silhouetted against the sky when viewed from the station platforms, but is set more amongst rooftop clutter when viewed from the public footbridge to the east. The original roof form of the building has been eroded by the addition of an additional storey on Microscape House to the east which, although set back from the parapet, appears as a detracting piecemeal addition, and by stairwell, railing and rooflight upstands along the main roof.

- 8.7 The application proposes to continue the general scale and footprint of the Microscape House addition west across the entire roof to the building. This would serve to remove much of the rooftop clutter and provide a cleaner, more unifying form behind the parapet. Subject to the agreement of the final materials by condition to ensure a suitably recessive appearance, this approach would serve to preserve the appearance and visual dominance of the historic parapet roofline.
- 8.8 On balance, having regard its local listing, the extent of its public visibility, and the absence of a five year housing land supply, it is considered that a roof top addition in the manner proposed would not in principle be so harmful to the significance of the building as to justify withholding permission. Nor would it have a significantly harmful impact on the setting of the Hove Station Conservation Area, or the setting of the Grade II listed Hove Station buildings and footbridge given its subordinate scale and separation from these heritage assets. This view is subject to the acceptability of all other material planning considerations as set out below.
- 8.9 Objectors have identified that previous applications for additional storeys on Dubarry House have been refused on account of harm to the appearance of the building. Dubarry House is a largely residential building on the eastern side of the linked complex. It is four storeys in height with an ornate frontage to Hove Park Villas. The applications for an additional storey were refused as the proposals added to the tallest part of the site and failed to visually link to the elevations below. The current proposal is on the lower three storey section of the complex where an additional storey would relate more appropriately to the building below and be generally less disruptive to the overly scale of the complex. As such the refusals for development on top of the tallest building within the Dubarry complex do not automatically preclude appropriate additions elsewhere on the lower sections.
- 8.10 Design and Appearance:
The additional storey would be inset between 2m and 2.7m from the front parapet roofline and be completed in a dark grey metal/zinc finish with windows of matching appearance. This would give the additional a recessive appearance and assist in retaining the primacy of the existing elevations and parapets. The design of the additional storey links appropriately with the vertical division across the building, with suitable visual breaks between each building type and windows aligning with those below. The final details of materials and windows are secured by condition and, if appropriately treated, would serve to ensure that the additional storey forms a suitably unifying and subordinate crown to the building.
- 8.11 To the rear, the building is of lesser visual significance. The additional storey would be set variously between 2m and 3.1m from the rear elevation, and be completed in solid dark grey metal/zinc walls as per the front elevation. No windows would be in this rear elevation, with the massing regularly punctuated by insets aligning with the windows in the elevation below. Angled rooflights would project 0.5m above the rear part of the roof to provide natural light into the rear walkway access. The general position, scale and elevational treatment of the rear elevation is considered acceptable in design terms, providing a suitably articulated elevation inset appropriately from the main rear elevation such that it

would appear a subordinate addition when viewed from the properties along Newtown Road to the rear. Subject to final details of materials, the proposed rooftop extension is considered an appropriately scaled and design addition that would unify the roof of the building without significantly harming its heritage significance, in accordance with policies QD1, QD2, QD14 & HE6 of the Brighton & Hove Local Plan.

8.12 To the front, a new curved entrance canopy to the residential lift and stairwell is proposed. This is a lightweight addition that would not detract from the appearance of the building.

8.13 Standard of Accommodation:

The nine units would comprise four one-bedroom flats, four two-bedroom flats, and one two/three-bedroom flat. The general size and layout of each flat is acceptable, with each room having good access to natural light and ventilation. Each unit would have a private south facing balcony to comply with policy HO5.

8.14 Policy HO13 requires all new residential units to be Lifetime Homes compliant. The requirement to meet Lifetime Homes has now been superseded by the accessibility and wheelchair housing standards within the national Optional Technical Standards. The building is accessible step-free to all levels therefore a condition is attached to ensure the development complies with Requirement M4(2) of the optional requirements in Part M of the Building Regulations.

8.15 A noise survey has been submitted which calculates that noise disturbance from the railway line can be suitably mitigated through the use of measures such as standard double glazing and alternative ventilation means for all front facing rooms. Such measures are secured by condition.

8.16 Impact on Amenity:

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

8.17 The main concern is the impact of the development on the amenities of adjacent occupiers, particularly those to the rear along Newtown Road. Also of concern is the potential impact of noise from the business uses within the building on the amenities of future occupiers, and the risk such noise may result in noise complaints from future residents.

8.18 Residential amenity

As existing, Hove Business Centre is set between 11m and 13.5m from the properties on Newtown Road, and approximately 6m from their rear gardens. The building is three storeys in height with a basement level to the west side, and has large windows facing towards the Newtown Road properties. The scale and proximity of the building dominates the outlook to these properties, whilst the facing windows result in night-time light pollution and a strong sense of overlooking. This impact is somewhat alleviated by the business use of the building, with little or no weekend activity.

- 8.19 Residents of Newtown Road have raised significant concerns over the impact of the additional storey and its residential occupancy. The bulk and massing of the additional storey would be set between 2m and 3.1m from the rear elevation of the building and would undoubtedly have some impact on light and outlook to these properties, with section drawings through the building indicating that the main body of the extension would be visible above the existing roofline from the rear ground floor doors to the properties along Newtown Road. From the site visit it was clear that the additional storey would indeed be visible from the ground floor windows and gardens to properties on both Newtown Road and Fonthill Road.
- 8.20 However, given the 2m-3.1m inset of the additional storey, and its separation of between 14m and 16.4m from the properties along Newtown Road, its degree of visibility from ground level would be somewhat limited. As such it is not considered that it would have a significantly oppressive impact or result in a significant loss of light or outlook. Whilst its visibility would be considerably greater from upper floor windows and terraces, this would be set against broader sky views such that it would not be significantly oppressive or harmful to light or outlook.
- 8.21 The original daylight/sunlight assessment contained many inaccuracies in its assessment of the numbering, form and fenestration of the properties along Newtown Road, and has now been superseded. The new assessment contains the correct numbering and upper floor window patterns, but continues to omit several of the rear ground floor doors and windows to the Newtown Road properties. This weakens the robustness of the report. Notwithstanding these omissions, sufficient data is available for other ground floor doors and windows in the terrace which sit on the same plane and in the same proximity to the building to ascertain the likely reduction in light levels that would result from this development.
- 8.22 The assessment identifies that all adjacent properties would experience some loss of daylight, however no window tested would fail the BRE guidance tests. The degree of lost light would be variously between 1% and 10%, significantly below the 20% drop that the BRE guidance suggests would be appreciable and potentially harmful. The most significant loss of light would be to the ground floor windows in the rear outriggers, however in this instance a maximum 10% loss of light is not considered significant. This modest loss of light adds weight to the conclusion that loss of daylight would not be so significant as to warrant the withholding of permission.
- 8.23 In terms of sunlight, the report identifies that three recessed ground floor windows at 20, 22 & 28 Newtown Road would fail 2 of the 3 criteria for assessing sunlight within the BRE guidance. The other 112 windows identified in the report would comply with 2 or more of the 3 criteria. It is clear from the site visit that an additional storey would increase the massing of the building and result in some loss of winter sunlight reaching ground floor windows and garden areas. This loss of winter sunlight is borne out in the data within the sunlight assessment. Notwithstanding this, the rear ground floor windows within the adjacent properties

would retain direct sunlight for more than six months of the year, with the angle of the development rising from 29 degrees currently to 35 degrees post-development (Nb the angle of the midday sun at the March/September equinox is 39.4 degrees). Given that the rear elevations of Newtown Road are south facing, these properties would retain similar levels of sunlight throughout much of the year. Consequently the degree of harm would not be so significant as to warrant the withholding of permission

- 8.24 To the west, the extension would be inset 3m from the west elevation. This setback is sufficient to ensure minimal amenity impact on the rear gardens and windows to nos.1-9 Fonthill Road, with the extension part disguised behind an existing stair tower.
- 8.25 There are no windows proposed in the rear elevation therefore the proposal would not result in overlooking of properties along Newtown Road or Fonthill Road. The rooflights are orientated to the south with blank rear upstands. This is sufficient to ensure no significant light spillage to the rear. The complete enclosure of the walkway access is sufficient to ensure minimal potential noise disturbance from residents accessing their properties.
- 8.26 On balance, the inset position of the additional storey is such that it would not have an excessively oppressive or enclosing impact when viewed from the gardens and ground floor windows along Newtown Road, would not result in loss of privacy, and would not result in a significant loss of daylight or sunlight.
- 8.27 Impact on existing businesses:
A large number of objections have been received from employers and employees of the building concerned that construction noise and disturbance will be intolerable and would necessitate business moving out of the building and likely away from the city. Several of the representations refer to poor maintenance of the roof and the likely need for it to be replaced to accommodate the additional storey.
- 8.28 Construction works would undoubtedly create noise and inconvenience for existing businesses in the building, however such impact is not irregular in this instance and not grounds in itself to withhold permission. To ensure impact on the amenities of businesses and adjacent occupiers is protected as far as is reasonably possible, a condition is attached requiring the submission of a Construction Environment Management Plan. The mitigation of any harm caused by development works that falls beyond the scope of the Plan would be a private matter for the building's owners to agree with current occupiers, either through the terms of their leases or otherwise. Similarly, any need for a roof replacement or repair to accommodate the development would be a matter for the Building Regulations to address.
- 8.29 Concern has been raised that the addition of residential units above existing businesses may give rise to noise complaints that ultimately prejudice the abilities of the businesses in the building to function as normal. Concern has also been raised that the loss of a rooftop skylight would have a harmful impact on the quality of office accommodation below. A new Planning Noise Assessment (7

October 2015) has been submitted following concerns over the robustness of the Assessment originally submitted. The new Assessment includes new recorded data of noise generated by businesses within the building, as well as noise from the adjacent rail line.

- 8.30 The building is occupied by a mix of B1 office units, B8 storage units, and D2 leisure uses. The B8 uses are mainly at ground floor level and as such would not result in significant noise disturbance, whilst the nature of B1 office uses is such that disturbance is highly unlikely, and more so particularly outside of working hours. There are however yoga and dance studios in the building that by their nature likely to generate significant potential for noise disturbance. The dance studios in particular are located at third floor level, immediately below the proposed flats.
- 8.31 The new noise assessment was carried out in two phases, from front and rear recorders on the roof of the building from Wednesday 3 June 2015 continuously to Sunday 7 June 2015, and then from front and rear recorders directly above the Rox dance studio from Monday 22 June 2015 to Monday 29 June 2015. The updated noise report confirms noise levels on the roof to be near identical to those from the original surveys. The report calculates that noise levels in the new flats with the windows shut would fall comfortably within the criteria set by BS8233 and the WHO. Noise levels with windows open would exceed the recommended standard however the report recommends that this can be suitably addressed by providing alternative means of ventilation so windows can stay shut if necessary. This is not an irregular arrangement in an urban environment such as this and is secured by condition.
- 8.32 New noise surveys have been also carried out from within the Rox dance studio, with worst case recordings taken between 19:00 and 20:00hrs on Wednesday 3 June 2015. The recordings were taken with the windows open (usually they are shut) and during class that Rox advised was one of their loudest. The recordings showed noise levels to range between 73db and 90db, with averages of 85db. The report models the sound performance of the proposed new floor above, which is predicted to achieve 70-74db sound insulation. This would equate to noise levels transmitting into the proposed flats of between 4db and 25db, well within the 35db recommended in BS8233. The report concludes that worse case noise levels from the dance studio would be highly unlikely to cause concern and could well be inaudible.
- 8.33 The Environmental Health team are satisfied that noise transference through the roof of the building and around its façade would not likely result in harmful noise disturbance for future residents above, or result in complaints against the dance studio below even if their windows are open.
- 8.34 Subject to the recommended conditions to secure the sound insulation between the floors and the alternative means of ventilation, the application is considered to accord with policies SU10 and QD27 of the Brighton & Hove Local Plan.
- 8.35 With regard the loss of the skylight, this would undoubtedly impact on the existing quality of accommodation within the business below, however its loss would not

prevent future business use of the unit. The unit and the building as a whole would retain large windows regularly positioned on the north and south elevations providing good natural light and outlook to all floors.

- 8.36 The proposed canopy to the front would include a single door access in place of large open shutters. This reduced access arrangement would likely impact on the ability of the business units to readily accept or distribute large and bulky goods in the manner to which they are accustomed. A condition is attached seeking revised details of the new access door arrangement to ensure appropriate accessibility is maintained for all users of the building.
- 8.37 For these reasons the proposed development would not result in a significant or harmful loss of amenity to existing residents or businesses, in accordance with policy QD27 of the Brighton & Hove Local Plan.
- 8.38 Sustainable Transport:**
Policies TR1 and TR7 aim to ensure that proposals cater for the demand in traffic they create, and do not increase the danger to users of adjacent pavements, cycle routes and roads.
- 8.39 The site is within Controlled Parking Zone T, in a sustainable location adjacent to Hove Station and public transport routes. The proposal will provide no onsite parking for the residential units, with the existing provision to be retained for the existing business occupiers. SPGBH4 identifies that this scale of development would require a maximum provision of 14 parking spaces, whilst 2011 census data suggests that 9 flats would likely generate demand for five parking spaces. As the application proposes no parking provision the sustainable transport officer has requested a Residential Travel Information Pack be secured by way of a s106 agreement. The pack would include measures to promote sustainable transport usage and 2 years membership to the Car Club. A s106 agreement would also be needed to secure a contribution of £6,750 towards sustainable transport infrastructure in the Fonthill Road, Conway Street, Clarendon Road area. Although in a CPZ it is not considered appropriate in this instance to require that occupiers be made ineligible for parking permits as the edge of the CPZ is a short distance to the northwest. If made car-free, residents would likely park on the streets outside the CPZ increasing parking pressure in these areas. Consequently making the development car-free would be counter-productive to reducing parking pressure.
- 8.40 Bicycle storage for 24 bicycles is proposed in an existing rear storage building. This is above that required by SPGBH4 and is secured by condition. The Sustainable Transport officer has also requested a pedestrian footway be delineated within the site and this could be secured by condition to minimise risk of pedestrian and vehicle collision.
- 8.41 If the application were approved conditions and s106 measures would ensure the proposal accords with policies TR1, TR7, TR14 & TR19 of the Brighton & Hove Local Plan.

8.42 Sustainability:

Policy SU2 of the Brighton & Hove Local Plan and CP8 of the submission City Plan Part One (proposed further modification September 2015) require new development to demonstrate a high level of efficiency in the use of water and energy. Policy CP8 requires new residential development to achieve 19% above Part L for energy efficiency, and to meet the optional standard for water consumption. It also requires the non-residential element to meet BREEAM 'very good'. This is secured by condition. Acceptable refuse and recycling facilities are detailed in an enclosure within the front car park, and are also secured by condition.

9 CONCLUSION

- 9.1 On balance, the impact of the proposed additional storey on the appearance of this non-designated heritage asset is considered acceptable having regards the nature of the significance of the building and the public benefits of providing additional housing units given the absence of a five year housing supply. Whilst the additional storey would impact on the amenities of residents to the rear along Newtown Road, the degree of loss of daylight and sunlight would not be sufficiently significant as to warrant the refusal of permission. Subject to conditions the amenities of future occupiers would be sufficiently protected from existing activities in the building. Accordingly the development complies with development plan policies.

10 EQUALITIES

- 10.1 The development is required to meet Requirement M4(2) of the optional requirements in Part M of the Building Regulations for all units.

11 PLANNING OBLIGATION / CONDITIONS / INFORMATIVES

11.1 S106 Heads of Terms

- A contribution of £6,750 towards sustainable transport infrastructure
- A Residential Travel Information Pack to promote sustainable transport usage and include 2 years membership to the Car Club

11.2 Regulatory Conditions:

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

Plan Type	Reference	Version	Date Received
Site plan	13-113-01	A	06/11/2014
Existing block plan	13-113-02	A	06/11/2014
Proposed block plan	13-113-03	B	06/11/2014
Existing ground and roof plans	13-113-04	A	06/11/2014

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Existing south, north and west elevations and section A-A	13-113-05	A	06/11/2014
Proposed ground and roof plans	13-113-06	D	06/11/2014
Proposed south, north and west elevations and section A-A	13-113-07	C	06/11/2014
Proposed roof plan/flat layouts	13-113-08	C	06/11/2014
Part front elevation	13-113-09	B	06/11/2014
Part rear elevation	13-113-10	B	06/11/2014
Proposed section A-A	13-113-11	C	06/11/2014
Existing and proposed front elevation	13-113-12	B	06/11/2014

- 3) Other than amenity spaces to the front of the building as detailed on drawing nos 13-113-06 rev.D and 13-113-08 rev.C received on 06 November 2014, access to the flat roof to the building shall be for maintenance or emergency purposes only and the flat roof shall not be used as a roof garden, terrace, patio or similar amenity area.
Reason: In order to protect adjoining properties from overlooking and noise disturbance and to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.
- 4) The window in the west side elevation of the development hereby permitted shall be obscure glazed and non-opening, and thereafter permanently retained as such.
Reason: To safeguard the privacy of the occupiers of the adjoining property and to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.
- 5) All glazing within the residential units hereby permitted shall achieve a minimum performance of 33dB Rw, and shall be retained as such thereafter.
Reason: To safeguard the amenities of the occupiers of the development and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.

11.3 Pre-Commencement Conditions:

- 6) No development shall take place until samples of the following materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority:
 - a) samples of the cladding and roofing materials
 - b) samples of the proposed window and door treatments
Development shall be carried out in accordance with the approved details.
Reason: To ensure a satisfactory appearance to the development and to comply with policies QD1 and QD14 of the Brighton & Hove Local Plan.

- 7) No development shall take place until full details of the design, materials and finishes for the balcony screens and railings, and their relationship with the parapet roofline, have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
Reason: To ensure a satisfactory appearance to the development and to comply with policies QD1 and QD14 of the Brighton & Hove Local Plan.
- 8) No development shall take place until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include:
a) a scheme of how the contractors will liaise with local residents to ensure that residents are kept aware of site progress and how any complaints will be dealt with reviewed and recorded (including details of any considerate constructor or similar scheme)
b) a scheme of how the contractors will minimise complaints from neighbours regarding issues such as noise and dust management vibration site traffic and deliveries to and from the site
c) details of hours of construction including all associated vehicular movements
d) details of the construction compound
e) a plan showing construction traffic routes
The construction shall be carried out in accordance with the approved CEMP.
Reason: In the interests of amenity and highway safety, to comply with policies QD27, SU10, SR18, SU9 and TR7 of the Brighton & Hove Local Plan.
- 9) Notwithstanding the submitted details, the ground floor entrance doors shall not be installed until a revised opening arrangement that allows for access for larger goods and deliveries has been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details and retained as such thereafter.
Reason: as the existing door does not provide suitable access for the existing business units within the building and to comply with policies QD14 & QD27 of the Brighton & Hove Local Plan.
- 10) Prior to development commencing, the applicant shall submit a written scheme for approval to the local planning authority on how and where ventilation will be provided to the various flats including specifics of where the clean air is drawn from and that sufficient acoustic protection is built into the system to protect end users of the development. The scheme shall ensure compliance with Building Regulations as well as suitable protection in terms of air quality.
Reason: To safeguard the amenities of the occupiers of the development and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.
- 11) No development shall commence until details of a scheme of works to provide a segregated footway within the Hove Business Centre car park

from Fonthill Road to the new residential access has been submitted to and approved in writing by the Local Planning Authority. The works shall be completed prior to the first occupation of the development hereby permitted and shall thereafter be retained.

Reason: In the interest of highway safety and to comply with policies TR1, TR7 and TR8 of the Brighton & Hove Local Plan.

- 12) (i) No works pursuant to this permission shall commence until there has been submitted to and approved in writing by the local planning authority:
- (a) A desk top study documenting all the previous and existing land uses of the site and adjacent land in accordance with national guidance as set out in Contaminated Land Research Report Nos. 2 and 3 and BS 10175:2011+A1:2013 - Investigation of Potentially Contaminated Sites - Code of Practice;
and, unless otherwise agreed in writing by the Local Planning Authority, if the desk top study identifies potentially contaminant linkages that require further investigation then,
 - (b) a site investigation report documenting the ground conditions of the site and incorporating chemical and gas analysis identified as appropriate by the desk top study in accordance with BS 10175:2011+A1:2013;
and, unless otherwise agreed in writing by the Local Planning Authority, the results of the site investigation are such that site remediation is required then,
 - (c) a detailed scheme for remedial works and measures to be undertaken to avoid risk from contaminants and/or gases when the site is developed and proposals for future maintenance and monitoring. Such a scheme shall include nomination of a competent person to oversee the implementation of the works.
- (ii) The development hereby permitted shall not be occupied or brought into use until there has been submitted to the local planning authority verification by a competent person approved under the provisions of condition (i)c that any remediation scheme required and approved under the provisions of condition (i)c has been implemented fully in accordance with the approved details (unless varied with the written agreement of the local planning authority in advance of implementation). Unless otherwise agreed in writing by the local planning authority such verification shall comprise:
- a) as built drawings of the implemented scheme;
 - b) photographs of the remediation works in progress;
 - c) certificates demonstrating that imported and/or material left in situ is free from contamination.

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

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

11.4 Pre-Occupation Conditions:

- 13) Prior to first occupation of the residential units hereby permitted, an acoustic report shall have been submitted and approved in writing by the local planning authority indicating that an assessment has taken place to determine whether the soundproofing measures between the dance studio and the flats above has achieved a minimum performance of 70dB Rw. If the levels are not met, the report shall provide information on further mitigation measures needed and a timeline within which these will be carried out to ensure that the levels are achieved. The flats shall not be brought into use until the minimum performance of 70dB Rw has been reached and agreed in writing by the local planning authority.
Reason: To safeguard the amenities of the occupiers of adjoining properties and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.
- 14) None of the residential units hereby approved shall be occupied until each residential unit built has achieved an energy efficiency standard of a minimum of 19% CO2 improvement over Building Regulations requirements Part L 2013 (TER Baseline).
Reason: To ensure that the development is sustainable and makes efficient use of energy to comply with policy SU2 of the Brighton & Hove Local Plan and policy CP8 of the Brighton & Hove Submission City Plan Part One (Proposed Further Modifications September 2015).
- 15) None of the residential units hereby approved shall be occupied until each residential unit built has achieved a water efficiency standard using not more than 110 litres per person per day maximum indoor water consumption.
Reason: To ensure that the development is sustainable and makes efficient use of water to comply with policy SU2 of the Brighton & Hove Local Plan and policy CP8 of the Brighton & Hove Submission City Plan Part One (Proposed Further Modifications September 2015).
- 16) The development hereby approved shall not be occupied until the refuse and recycling storage facilities indicated on the approved plans have been fully implemented and made available for use. These facilities shall thereafter be retained for use at all times.
Reason: To ensure the provision of satisfactory facilities for the storage of refuse and recycling and to comply with policy QD27 of the Brighton & Hove Local Plan.
- 17) The development hereby permitted shall not be occupied until the cycle parking facilities shown on the approved plans have been fully implemented and made available for use. The cycle parking facilities shall thereafter be retained for use by the occupants of, and visitors to, the development at all times.
Reason: To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than private motor vehicles and to comply with policy TR14 of the Brighton & Hove Local Plan.

- 18) The new dwellings hereby permitted shall be completed in compliance with Building Regulations Optional Requirement M4(2) (accessible and adaptable dwellings) prior to first occupation and shall be retained as such thereafter. Evidence of compliance shall be notified to the building control body appointed for the development in the appropriate Full Plans Application, or Building Notice, or Initial Notice to enable the building control body to check compliance.

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

11.5 Informatives:

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

On balance, the impact of the proposed additional storey on the appearance of this non-designated heritage asset is considered acceptable having regards the nature of the significance of the building and the public benefits of providing addition housing units given the absence of a five year housing supply. Whilst the additional storey would impact on the amenities of residents to the rear along Newtown Road, the degree of loss of daylight and sunlight would not be sufficiently significant as to warrant the refusal of permission. Subject to conditions the amenities of future occupiers would be sufficiently protected from existing activities in the building. Accordingly the development complies with development plan policies.
3. The applicant is advised that accredited energy assessors are those licensed under accreditation schemes approved by the Secretary of State (see [Gov.uk website](#)); two bodies currently operate in England: National Energy Services Ltd; and Northgate Public Services. The production of this information is a requirement under [Part L1A 2013](#), paragraph 2.13.
4. The water efficiency standard required under condition 15 is the 'optional requirement' detailed in [Building Regulations Part G Approved Document \(AD\) Building Regulations \(2015\)](#), at Appendix A paragraph A1. The applicant is advised this standard can be achieved through either: (a) using the 'fittings approach' where water fittings are installed as per the table at 2.2, page 7, with a maximum specification of 4/2.6 litre dual flush

PLANNING COMMITTEE LIST- 09 December 2015

WC; 8L/min shower, 17L bath, 5L/min basin taps, 6L/min sink taps, 1.25L/place setting dishwasher, 8.17 L/kg washing machine; or (b) using the water efficiency calculation methodology detailed in the AD Part G Appendix A.

Planning Application - BH2014/03742

I object to the Planning Application

Sender's details

Cllr Rob Jarrett
C/o kings house, grand avenue, hove
Bn3 2ls

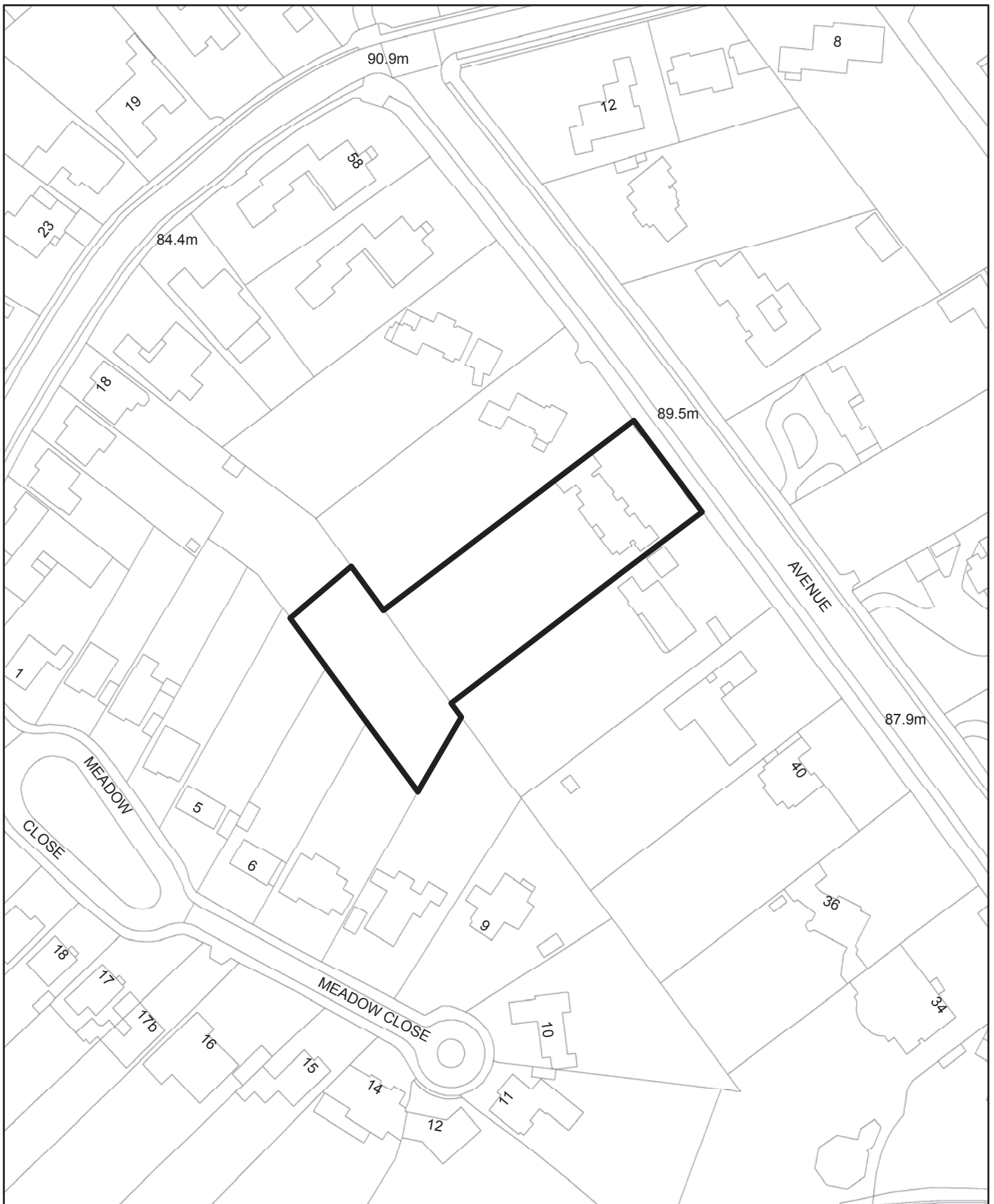
ITEM G

46 Tongdean Avenue, Hove BN3 6TN

BH2015/03341

Full Planning & Conservation Area Consent

9 December 2015



**Brighton & Hove
City Council**



Scale: 1:1,250

<u>No:</u>	BH2015/03341	<u>Ward:</u>	HOVE PARK
<u>App Type:</u>	Full Planning		
<u>Address:</u>	46 Tongdean Avenue Hove		
<u>Proposal:</u>	Demolition of existing single dwelling and erection of three storey six bedroom single dwelling.		
<u>Officer:</u>	Kate Brocklebank Tel 292454	<u>Valid Date:</u>	15 September 2015
<u>Con Area:</u>	Tongdean Conservation Area	<u>Expiry Date:</u>	10 November 2015
<u>Listed Building Grade:</u>	N/A		
<u>Agent:</u>	Morgan Carn Partnership, Blakers House 79 Stanford Avenue Brighton BN1 6FA		
<u>Applicant:</u>	Mr & Mrs Phoon, 46 Tongdean Avenue Hove BN3 6TN		

1 RECOMMENDATION

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

2 SITE LOCATION & DESCRIPTION

- 2.1 The site is situated within the low density residential street of Tongdean Avenue and is within the Tongdean Conservation Area which is characterised by impressive individual large houses, imposing boundary walls and extensive mature greenery.
- 2.2 The existing property is typical of the individually-designed large houses in this area dating mainly from early 20th century. It has a prominent pitched clay tiled roof which is a common feature of this conservation area and sits on a generous plot with a boundary which is well defined by tree planting behind a wall. It has been substantially altered and extended the past including the addition of two storey pilasters to either side of the front entrance and facadist style gable additions to the front elevation.

3 RELEVANT HISTORY

BH2015/02180 - Demolition of existing single dwelling and erection of three storey six bedroom single dwelling. Refused 11/8/2015.

BH2005/02275 – Alterations to north east elevation. (Resubmission of refused BH2005/01202/FP). Approved 28/4/2006.

4 THE APPLICATION

- 4.1 The application seeks permission to demolish the existing dwelling and erect a three storey six bedroom dwelling with basement level accommodation containing leisure facilities and associated plant room.
- 4.2 The palette of materials is a combination of brick and render to the elevations and slate to the main roof. The fenestration and front door will be constructed in grey painted timber. The front boundary will be formed of rendered walling with railings over and painted metal open railing style double gates.
- 4.3 This application follows refusal of a similar scheme and has been amended to address three previous reasons for refusal relating to impact on neighbouring amenity and lack of information relating to impact on trees and the proposed front boundary treatment.

5 PUBLICITY & CONSULTATIONS

External

- 5.1 **Neighbours: *Eight (8)*** letters of representation have been received from the occupants of **One The Conifers, 36, 40, 48, 50, 59, 61 and 63 Tongdean Avenue** objecting to the application for the following reasons:
- The existing house is adequate and should be refurbished rather than demolished, it fits in with the character of the conservation area.
 - The proposal is contrary to the Tongdean Conservation Area Character Study.
 - Loss of daylight/sunlight/overshadowing.
 - Overbearing.
 - Plant noise is of concern.
 - Overlooking/loss of privacy.
 - Noise from car-port over garage will be significant.
 - The 'Lanterns' development is completely out of keeping with the area and built too high - concerns are raised that this scheme will be the same.
 - The existing house has been left in a very poor state of repair.
 - Out of scale – negatively impacting on the character of the conservation area.
 - Carbon footprint is much worse by demolishing rather than refurbishing.
 - The application appears largely unaltered to the refused scheme.
 - Overbearing to neighbouring properties.
 - Out of character.
- 5.2 **CAG:** *(comments made on previous application BH2015/02180)* Recommend approval. The Group consider that the building is more in keeping with the original style of the properties in the area.

Internal:

5.3 **Environmental Health:** Awaited

Heritage: Comment

5.4 The proposal would have much the same impact as the previously proposed scheme with the exception of the boundary treatment for which details have now been provided. It is not considered that the architectural design of the existing property is such that its demolition should be resisted, subject to a suitable replacement building being approved.

5.5 Regarding the proposed development; its positioning within the site, scale, massing and general design approach is considered acceptable and would accord with the existing character of the conservation area. However, the proposal to roof the property in slate would not be in accordance with the established materials in the conservation area and would be seen as a harmful erosion of the predominant roof character that should be respected in order to preserve and enhance the conservation area as required by primary legislation. In the Tongdean Conservation Area Character Statement brick and clay roof tiles are identified as the predominant materials in the area, and the retention of original roof materials is stated to be particularly important in the area due to the prominence of the roofs. The statement goes on to say that cumulative further loss of original materials would be harmful to the area.

5.6 The impact of the slate roofs on the site at the corner of Tongdean Road and Tongdean Avenue is identified in the Character Statement for the conservation area as providing a 'distinct visual contrast', and the use of slate on the neighbouring property to the south east (which formally had deeply profiled green tiles) has had a significant impact on the character of the roof-scape. It is not considered that these examples should be seen as justification for further use of slate for new or replacement roofs in the conservation area.

5.7 The information on the proposed materials for the property is generally vague and more information on the materials and their locations is required for consideration. The application states that the front boundary wall is to be replaced however no elevations or details are provided, and due to the stated importance of the boundaries in this conservation area this information is required for consideration.

Mitigations and Conditions:

5.8 Amendments should be sought for the scheme to include clay tile rather than slate for the pitched roofs.

5.9 **Sustainable Transport:** Support – Net decrease in bedrooms therefore it is not considered there will be a significant uplift in trips.

5.10 Integrated cycle parking is considered acceptable.

5.11 Access to the property, which is currently served by two vehicle crossovers, will remain largely as existing, though it is noted that these will be widened. Any

works to widen the existing accesses and on the public highway would be subject to a license being granted by the council's Network Coordination team.

- 5.12 **Arboricultural Services: Support** – subject to conditions regarding Construction Specification/Method Statement and tree protection measures. The Arboricultural report submitted is comprehensive and the Arboricultural section is in full agreement with the content.
- 5.13 The proposal would involve the loss of two trees, a Silver Birch ('C' Grade tree) and a Lime ('U' grade tree) which is in an advanced state of decline and should be removed regardless.
- 5.14 The proposal includes widening of the access entrances in the front boundary, of which the northern-most one could have an adverse impact on the Beech tree in the garden. The access should therefore be widened by a maximum of 0.75m and the inner curb/driveway by a maximum of 0.5m adjacent to the tree.

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)

TR1	Development and the demand for travel
TR7	Safe development
TR14	Cycle access and parking
TR19	Parking standards
SU2	Efficiency of development in the use of energy, water and materials
SU13	Minimisation and re-use of construction industry waste
QD1	Design – quality of development and design statements
QD2	Design – key principles for neighbourhoods
QD3	Design – efficient and effective use of sites
QD15	Landscape design
QD16	Trees and hedgerows
QD17	Protection and integration of nature conservation features
QD27	Protection of Amenity
HO13	Accessible housing and lifetime homes
HE6	Development within or affecting the setting of conservation areas

Supplementary Planning Guidance:

SPGBH4 Parking Standards

Supplementary Planning Documents:

SPD03 Construction & Demolition Waste

SPD06 Trees and Development Sites

SPD11 Nature Conservation & Development

Brighton & Hove City Plan Part One (submission document)

SS1 Presumption in Favour of Sustainable Development

8 CONSIDERATIONS & ASSESSMENT

8.1 The proposal is to redevelop the site by demolishing the existing house and forming a new detached dwelling in its place. As such the main considerations in the determination of this application relate to the design and appearance of the development and the impact on the character and appearance of the area and that of the Tongdean Conservation Area, the impact of the development on the residential amenity of neighbouring properties, the standard of accommodation, sustainability, transport and highway considerations along with impacts on trees.

Design and impact on the conservation area

8.2 The proposal is for a quasi-traditional form to the front elevation with significant sloping catslide roofs to the side elevations with a pitched roof slate over the main bulk of the dwelling. The rear of the property is however more modern in design with a projecting central element with a flat roof form with three distinct floors of accommodation.

Demolition in the conservation area:

8.3 The existing dwelling has been somewhat altered from its original form most notably with the central gable and pilasters and it is not considered that the

architectural design of the property is such that the demolition should be resisted, subject to a suitable replacement building being approved; this view is supported by the Heritage Officer.

Design:

- 8.4 The proposed design approach, positioning in the site, scale and massing are generally acceptable in this location and would generally accord with the existing character of the conservation area. It is noted that the significant catslide roofs would be quite dominant in views of the property along Tongdean Avenue and the rear flat roofed elements are likely to be glimpsed in some views in conjunction with the sloping roof which is a little jarring. However given that this is likely to only be glimpsed from the street and due to the property being set back from the street by some way, it is not considered that the impact is significant enough to warrant refusal in this instance.
- 8.5 The Heritage Team have raised no objection to the proposed design overall however have objected to the proposed use of slate on the roof. The objection is supported by the Tongdean Conservation Area Character Statement which identifies brick and clay roof tiles as the dominant materials in the area, and the retention of original materials is stated to be particularly important due to the prominence of the roofs. The statement continues referring to further loss of original materials being harmful to the area noting that the properties on the corner of Tongdean Road and Tongdean Avenue (two properties further north the site) are a '*distinct visual contrast*'. The view of the Heritage Team is supported in principle however, given that three out of the six properties along this stretch of Tongdean Road (nos 44, 56 and 58) have slate roofs, and number 44 was given approval very recently (4/1/2012) it is not considered reasonable to refuse planning permission on this basis.
- 8.6 An informative is however recommended to encourage the use of red clay tiles over slate and red/brown brick for the elevations in order to tie the development in to the character of the Tongdean Conservation Area along with a condition to secure samples of any materials to ensure the quality of the development overall.

Impact on trees

- 8.7 The Arboricultural Section has considered the proposal and supporting Arboricultural Statement and agrees with the content. The loss of two trees on site is supported on the basis that the Silver Birch is of low arboricultural value and the Lime tree is in an advanced state of decline and should be removed in any event. The applicant has clarified that the widening of the access point in the front walling and the internal area of hardstanding adjacent to the Beech tree in the north east portion of the front garden will meet the suggested parameters given by the Arboricultural Section. Conditions to secure a Construction Specification/Method Statement and tree protection measures are recommended.

Impact on amenity

- 8.8 The previous application (BH2015/02180) was refused primarily on the basis of the impacts of overlooking and loss of privacy to the adjoining neighbour number 48 Tongdean Avenue. The proposal included a number of additional windows in the side elevation and numerous balconies at first and second storey level, this

coupled with the orientation of number 48 towards the shared boundary with the site meant that the proposal would have resulted in significant levels of overlooking and loss of privacy.

- 8.9 The proposal has since been amended and at second storey level only a Juliette balcony is proposed to the master bedroom, the doors have been removed from the dressing room and been replaced with a window and the area of flat roof formally proposed as a balcony will have access for maintenance only. In addition, the rooflight and second window at this level have been removed and the corner glazing has been reduced to 0.4m in depth. The plans state that this element will be obscure glazed and as such the impacts of the second floor in respect of overlooking have been addressed.
- 8.10 On the southern side at second storey level a balcony off the dressing room remains. However, number 44 Tongdean Avenue have a substantial rear extension which abuts this boundary and as such any overlooking from this boundary would be on to the roof of the extension and the far end of the garden and therefore not harmful; in addition the boundary is lined with significant and mature trees which will further limit any overlooking.
- 8.11 At first storey level, access to the formally proposed balcony off the third bedroom (on the north side of the property) has been removed and windows are now proposed instead of doors and the flat roof area adjacent will also only be accessed for maintenance purposes. The largest of the balconies off bedroom 4 in the middle of the dwelling now proposes full height obscure glazed privacy screens to either end. These amendments have also addressed issues relating to overlooking allowing views into the garden of the site and the far end of neighbouring gardens only which is similar to the views gained from the existing inset balcony at the property. The balcony off bedroom 5 on the southern side as with the balcony above would not give rise to adverse overlooking.
- 8.12 The overall scale and bulk of the proposal has not changed since the previous refusal and as previously noted there are some improvements in respect of bulk and massing of the development in particularly in relation to the removal of the existing garage and accommodation to the north side of the dwelling which is proposed to be replaced with a single storey carport and low sloping catslide roof. On the southern side of the dwelling a very low catslide roof is proposed however it also includes an increase in the footprint at this point but given the scale and nature of development at number 44 it is not considered this will give rise to any harm to their amenity.
- 8.12 The main increase in bulk and massing is in the central area of the proposal at second storey level where currently the existing property has a small dormer. This results in the dwelling having the appearance of a full additional storey when compared with the existing dwelling, however, it is not considered that this increase will give rise to adverse additional overshadowing/loss sunlight/daylight which could justify refusal of planning permission. In addition, the scheme overall is considered to maintain sufficient distances between neighbouring development to prevent any adverse overbearing impacts.

- 8.13 In relation to the car port, an objection has been raised regarding the impact of the use of such a structure when compared to a garage. However the use as a domestic car port which is to be used in conjunction with a garage on the southern side of the property along with the large driveway parking area is not considered to be of a scale and nature that would be likely to give rise to adverse noise or fumes that could warrant refusal of planning permission.
- 8.14 The proposed plans depict the outline of the existing dwelling in relation to the proposed replacement dwelling. A levels survey for the existing site has been submitted however none for the neighbouring sites or the proposed development have been provided. It is therefore recommended that a condition be imposed to secure a detailed existing and proposed levels survey for the site and neighbouring development would be sought prior to any development commencing to ensure the heights are accurately assessed particularly as the proposal includes basement accommodation.
- 8.15 The proposal is considered to adequately address reason for refusal 1 in relation to overlooking/loss of privacy however given the potential for overlooking/perceived overlooking it is considered appropriate to impose a condition to restrict the properties Permitted Development Rights to ensure that no additional window openings or dormer window extensions could be inserted in the side elevations without the need for a planning permission.

Standard of Accommodation and Sustainability

- 8.16 Policy HO13 requires all new residential dwellings to be built to Lifetime Homes standards whereby they can be adapted to meet people with disabilities without major structural alterations. The requirement to meet Lifetime Homes has now been superseded by the accessibility and wheelchair housing standards within the national Optional Technical Standards. Step-free access to the dwelling is achievable therefore conditions can be attached to ensure the development complies with Requirement M4(2) of the optional requirements in Part M of the Building Regulations. The proposal is acceptable in this regard.
- 8.17 Natural light and ventilation would be provided to habitable rooms and the development seeks to reach Code for Sustainable Homes Level 4 which accords with Policy SU2 of the Brighton & Hove Local Plan and as a single dwelling goes beyond the levels which could be secured by policy CP8 in the emerging City Plan which requires development to achieve 19% above Part L for energy efficiency, and to meet the optional standard for water consumption. An appropriately worded condition is therefore recommended in this regard.

Sustainable Transport team

- 8.18 The proposal includes off-street car parking and cycle parking. A large cycle store is provided at basement level with a lift provided whilst vehicle access will remain as existing although slightly widened.
- 8.19 The Sustainable Transport Team have not raised an objection to the proposal. Given that the proposed dwelling replaces an existing house and there will be a net increase of only two bedrooms, it is not considered that the proposals will result in a significant uplift in trips.

8.20 An informative has been recommended to ensure the widened crossovers are constructed under license with the Highway Authority.

9 CONCLUSION

The proposed replacement dwelling would result in the acceptable loss of the existing much altered dwelling and replacement with a dwelling of an acceptable design, which with the imposition of conditions to secure appropriate details will have an acceptable impact on the character of the surrounding conservation area. The proposal will not give rise to adverse impacts on neighbouring amenity.

10 EQUALITIES

None identified.

11 PLANNING OBLIGATION / CONDITIONS / INFORMATIVES

Regulatory Conditions:

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

Plan Type	Reference	Version	Date Received
Location Plan and Site Survey	001	A	15 September 2015
Proposed Block Plan and Site Plan	004	C	15 September 2015
Existing Elevations	003	B	15 September 2015
Proposed Elevations	006	E	18 November 2015
Proposed Plans	005	D	15 September 2015
Architects Impression	007	B	5 November 2015
Street Boundary Treatment	009	B	17 November 2015

- 3) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no windows, dormer windows, rooflights or doors other than those expressly authorised by this permission shall be constructed side elevations of the dwelling hereby approved without planning permission obtained from the Local Planning Authority.
Reason: To safeguard the amenities of the occupiers of nearby properties and to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.

Pre-Commencement Conditions:

- 4) The works of demolition hereby permitted shall not be begun until documentary evidence is produced to the Local Planning Authority to show that contracts have been entered into by the developer to ensure that building work on the site the subject of this consent is commenced within a period of 6 months following commencement of demolition in accordance with a scheme for which planning permission has been granted.
Reason: As this matter is fundamental to the acceptable delivery of the permission to prevent premature demolition in the interests of the character and appearance of the Conservation Area and to comply with policy HE8 of the Brighton & Hove Local Plan.

- 5) No development or other operations shall commence on site in connection with the development hereby approved, (including any tree felling, tree pruning, demolition works, soil moving, temporary access construction and/or widening, or any operations involving the use of motorised vehicles or construction machinery) until a detailed Construction Specification/Method Statement for the replacement boundary walling, crossover and hardstanding has been submitted to and approved in writing by the Local Planning Authority. This shall provide for the long-term retention of the trees. No development or other operations shall take place except in complete accordance with the approved Construction Specification/Method Statement.
Reason: As this matter is fundamental to protecting the trees which are to be retained on the site during construction works in the interest of the visual amenities of the area and to comply with policies QD1 and QD16 of the Brighton & Hove Local Plan.

- 6) No development shall commence until fences for the protection of trees to be retained have been erected in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority. The fences shall be erected in accordance with BS5837 (2012) and shall be retained until the completion of the development and no vehicles, plant or materials shall be driven or placed within the areas enclosed by such fences.
Reason: As this matter is fundamental to protecting the trees which are to be retained on 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.

- 7) No development shall commence until full details of existing and proposed ground levels (referenced as Ordinance Datum) within the site and on land and buildings adjoining the site by means of spot heights and cross-sections, proposed siting and finished floor levels of all buildings and structures, have been submitted to and approved by the Local Planning Authority. The development shall then be implemented in accordance with the approved level details.
Reason: As this matter is fundamental to the acceptable delivery of the permission to safeguard the amenities of nearby properties and to safeguard the

character and appearance of the area, in addition to comply with policies QD2 and QD27 of the Brighton & Hove Local Plan.

- 8) Notwithstanding the approved drawings, 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:

- a) samples of all brick, render and tiling (including details of the colour of render/paintwork to be used)
- c) samples of all hard surfacing materials
- d) samples of the proposed window, door and balcony treatments

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

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

- 9) Notwithstanding the approved drawings, no development above ground floor slab level of any part of the development hereby permitted shall take place until full details at a minimum scale of 1:20 of the proposed front boundary treatment has been submitted to and approved in writing by the Local Planning Authority. The boundary shall then be erected in accordance with the approved details prior to first occupation.

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

Pre-Occupation Conditions:

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

- a. details of all hard surfacing;
- b. details of all boundary treatments;
- c. details of all proposed planting, including numbers and species of plant, and details of size and planting method of any trees.

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

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

- 11) The obscure glazed privacy screens to the balcony at first floor level accessed off bedroom 4 as shown on drawing no 006 revision E received on 18 November

2015 shall be erected in full accordance with the approved details prior to first occupation and retained as such thereafter.

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

- 12) The dwelling(s) hereby permitted shall be completed in compliance with Building Regulations Optional Requirement M4(2) (accessible and adaptable dwellings) prior to first occupation and shall be retained as such thereafter. Evidence of compliance shall be notified to the building control body appointed for the development in the appropriate Full Plans Application, or Building Notice, or Initial Notice to enable the building control body to check compliance.
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.
- 13) None of the residential units hereby approved shall be occupied until each residential unit built has achieved a water efficiency standard using not more than 110 litres per person per day maximum indoor water consumption.
Reason: To ensure that the development is sustainable and makes efficient use of water to comply with policy SU2 of the Brighton & Hove Local Plan and policy CP8 of the Brighton & Hove Submission City Plan Part One (Proposed Further Modifications September 2015).
- 14) None of the residential units hereby approved shall be occupied until each residential unit built has achieved an energy efficiency standard of a minimum of 19% CO2 improvement over Building Regulations requirements Part L 2013 (TER Baseline).
Reason: To ensure that the development is sustainable and makes efficient use of energy to comply with policy SU2 of the Brighton & Hove Local Plan and policy CP8 of the Brighton & Hove Submission City Plan Part One (Proposed Further Modifications September 2015).
- 15) 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.
- 16) 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.

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:-

With the imposition of recommended conditions the development is of an acceptable design and would not detract from the character and appearance of the Tongdean Conservation Area. There would be no significant impact on residential amenity of neighbouring occupiers.
3. The applicant is advised in relation to condition 6 that the use of clay tiles on the roof and red/brown brick on the elevations are encouraged which would be in accordance with the Tongdean Conservation Area Character Statement.
4. The planning permission granted includes a vehicle crossover which requires alterations and amendments to areas of the public highway. All necessary costs including any necessary amendments to a Traffic Regulation Order (TRO), the appropriate license and application fees for the crossing and any costs associated with the movement of any existing street furniture will have to be funded by the applicant. Although these works are approved in principle by the Highway Authority, no permission is hereby granted to carry out these works until all necessary and appropriate design details have been submitted and agreed. The crossover is required to be constructed under licence from the Head of Asset and Network Management. The applicant must contact the Streetworks Team (01273 293 366) prior to any works commencing on the public highway.
5. The applicant is advised that accredited energy assessors are those licensed under accreditation schemes approved by the Secretary of State (see [Gov.uk website](#)); two bodies currently operate in England: National Energy Services Ltd; and Northgate Public Services. The production of this information is a requirement under [Part L1A 2013](#), paragraph 2.13.
6. The water efficiency standard required under **condition XX** is the 'optional requirement' detailed in [Building Regulations Part G Approved Document \(AD\)](#) Building Regulations (2015), at Appendix A paragraph A1. The applicant is advised this standard can be achieved through either: (a) using the 'fittings

PLANNING COMMITTEE LIST- 09 December 2015

approach' where water fittings are installed as per the table at 2.2, page 7, with a maximum specification of 4/2.6 litre dual flush WC; 8L/min shower, 17L bath, 5L/min basin taps, 6L/min sink taps, 1.25L/place setting dishwasher, 8.17 L/kg washing machine; or (b) using the water efficiency calculation methodology detailed in the [AD Part G](#) Appendix A.

ITEM H

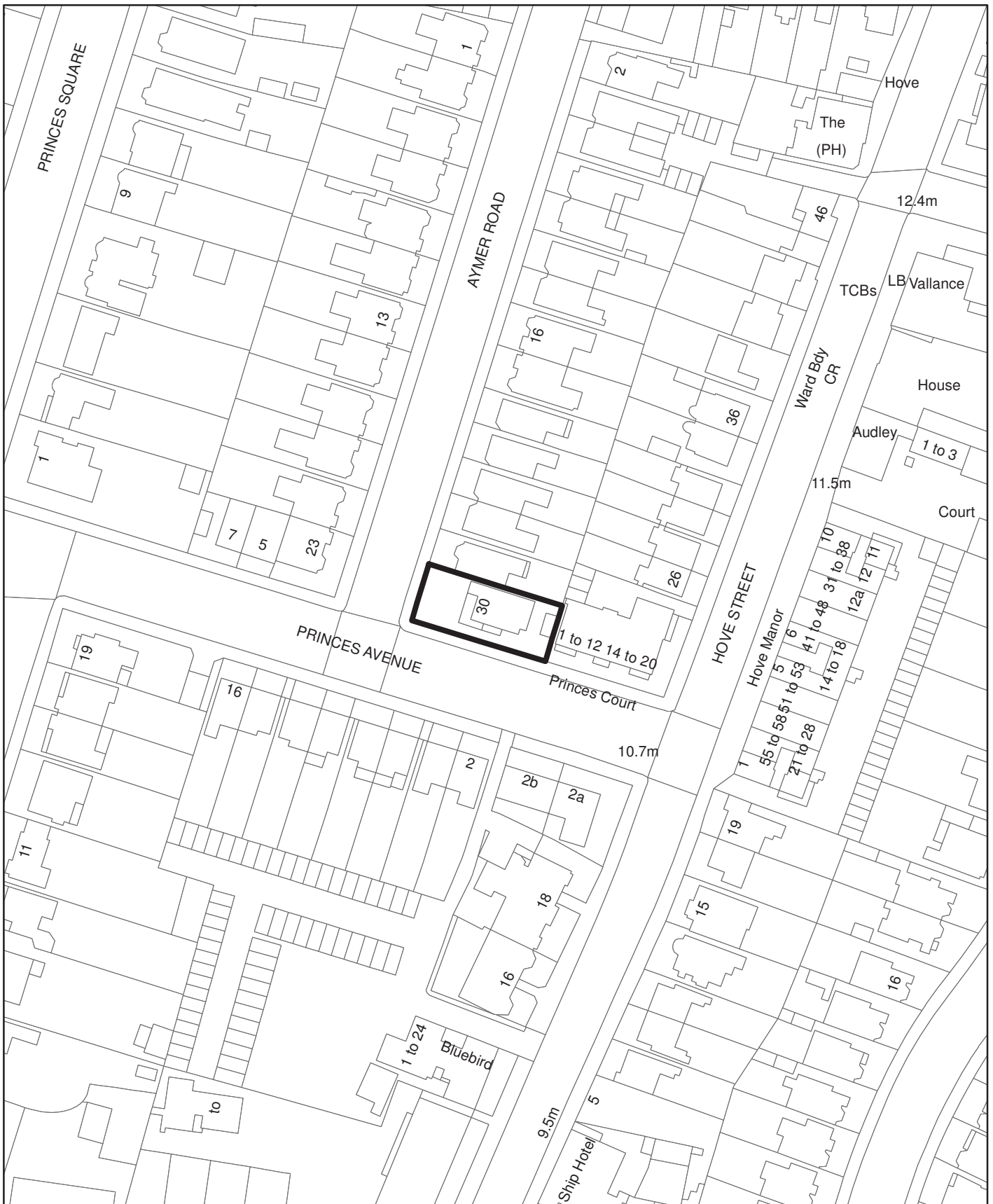
30 Aymer Road, Hove BN3 4GA

BH2015 / 03132

Householder Planning Consent

9 December 2015

BH2015/ 03132 30 Aymer Road, Hove



**Brighton & Hove
City Council**



Scale: 1:1,250

<u>No:</u>	BH2015/03132	<u>Ward:</u>	WESTBOURNE	
<u>App Type:</u>	Householder Planning Consent			
<u>Address:</u>	30 Aymer Road Hove			
<u>Proposal:</u>	Erection of detached garage to replace existing (Retrospective).			
<u>Officer:</u>	Laura Hamlyn Tel 292205	<u>Valid Date:</u>	28	September
			2015	
<u>Con Area:</u>	Pembroke and Princes	<u>Expiry Date:</u>	23	November
			2015	
<u>Listed Building Grade:</u>	N/A			
<u>Agent:</u>	Lewis and Co Planning SE Ltd, 2 Port Hall Road Brighton BN1 5PD			
<u>Applicant:</u>	Mr Jeremy Hoye, 30 Aymer Road Hove BN3 4GA			

1 RECOMMENDATION

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

2 SITE LOCATION & DESCRIPTION

- 2.1 The application relates to a detached single storey garage to the rear of a single storey detached dwelling on the east side of Aymer Road. The site is a corner plot at the junction between Aymer Road and Princes Avenue. Access to the garage is off Princes Avenue. To the east of the site is Princes Court, a five storey purpose built block of flats. The application site is located in the Pembroke and Princes Conservation area.

3 RELEVANT HISTORY

BH2010/03264- Erection of new build double garage to replace existing and widening of existing crossover and dropped kerb. Approved 17/12/2010

5 applications, for both planning permission and for conservation area consent, have been refused prior to 2007 for the demolition of the chalet bungalow and garage. The main reason for refusal is that the proposals represented an overdevelopment of the site.

4 THE APPLICATION

- 4.1 Retrospective planning permission is sought for the erection of a detached garage to replace the existing. Permission had been granted in 2010 for a garage 6.74m deep, 5.16m wide and 2.73m high. The garage as built is 7.24m deep, 5.16m wide and plans show 2.94m high, with a decorative stepped parapet to the front elevation which reaches 3.88 m high.

5 PUBLICITY & CONSULTATIONS

External

Neighbours:

- 5.1 **Nine (9)** letters of representation have been received from **29 Palmeira Avenue, Flats 1, 4, 9 & 17 Princes Court**, the **Princes Court Hove Management Company Ltd** and the **Surveyor and Managing Agent** for Princes Court Management Ltd objecting to the application for the following reasons:
- Unacceptable loss of light to the window of Flat 1.
 - Roof of the garage too tall and ornate.
 - Garage in use as auto business and associated noise

Internal:

- 5.2 **Heritage: Objection**

Changes to the permitted design have eroded the subservient relationship with the principal residential building, and the introduction of the tall, stepped parapet increases the visual massing and prominence of the garage development within the site and it now conflicts with the existing bungalow. The odd design has resulted in the development appearing as a jarring and visually discordant addition to the conservation area.

- 5.3 **County Archaeology: Comment**

Although this application is situated within an Archaeological Notification Area, it is not considered that any significant archaeological remains are likely to be affected by these proposals.

6 MATERIAL CONSIDERATIONS

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

- 6.2 The development plan is:

- Brighton & Hove Local Plan 2005 (saved policies post 2007);
- East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (Adopted February 2013);
- East Sussex and Brighton & Hove Minerals Local Plan (November 1999); Saved policies 3,4,32 and 36 – all outside of Brighton & Hove;

- East Sussex and Brighton & Hove Waste Local Plan (February 2006); Saved Policies WLP 7 and WLP8 only – site allocations at Sackville Coalyard and Hangleton Bottom and Hollingdean Depot.

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

7 RELEVANT POLICIES & GUIDANCE

The National Planning Policy Framework (NPPF)

Brighton & Hove Local Plan:

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

Supplementary Planning Documents:

- | | |
|-------|---|
| SPD09 | Architectural Features |
| SPD12 | Design Guide for Extensions and Alterations |

Brighton & Hove City Plan Part One (submission document)

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

8 CONSIDERATIONS & ASSESSMENT

- 8.1 The main considerations in the determination of this application relate to the impact of the development on the appearance and character of the building, the wider street scene, the Pembroke and Princes Conservation Area. The amenities of adjacent occupiers and resulting impact on highway safety and sustainable transport are also considerations.

Design:

- 8.2 The garage approved under application BH2010/03264 was considered to be of a similar style and appearance as the pre-existing garage on the site. Whilst a larger structure was proposed, it was considered that this would not significantly alter the appearance of this part of the street scene. In terms of the current scheme, the design incorporates a steeped parapet and there are differences in the footprint and overall heights compared to the approved

scheme. Heritage comments on the 2010 approval relate mostly to the stepped parapet that was not part of the permitted design. Whilst it is accepted that the stepped parapet would add to the visual prominence of the garage, it is not considered to dominate the scale and character of the existing bungalow. Furthermore the garage is not considered to conflict with the existing bungalow and it is not considered to be a discordant addition to the Pembroke and Princes Conservation Area. Whilst the concerns of the Heritage Team are noted, the alterations from the previous approval to the current scheme are not significant to warrant revision of the application.

Impact on Amenity:

- 8.3 The main amenity impact would be on Flat 1 Princes Court to the east. There are three windows to the east elevation of Princes Court at ground floor level to provide light to Flat 1. The positioning of a change in design and the introduction of a garage adjacent to Princes Court remains the same although there is a slight increase in the depth of the garage projecting further than 6.7m as approved, to 7.2m as proposed. The additional height of the stepped parapet to the front elevation will affect light to the south and centre windows, but the impact is not considered to be significant that would warrant refusal of the application.
- 8.4 The increased depth of the garage from the permitted 6.74m to 7.24m as built will reduce light to the north window of Flat 1 Princes Court. However the existing approx. 1.6m high boundary wall is sited within 1.4m of the east elevation of Princes Court, and this will have blocked a substantial portion of light. The additional impact of the increased depth of the garage is not considered to cause significant additional harm to the amenity of Flat 1 Princes Court.
- 8.5 The increased depth also means that the rear of the garage is set closer to the boundary with 28 Aymer Road. However it not considered that this will harm neighbouring amenity.

9 CONCLUSION

- 9.1 The proposed alterations to the approved garage are not considered to have a detrimental impact on the surrounding area.
- 9.2 The increased depth of the garage is not considered to significantly harm neighbouring amenity, in accordance with policy QD27.

10 EQUALITIES

- 10.1 The enlarged garage would facilitate improved access for disabled users.

11 PLANNING OBLIGATION / CONDITIONS / INFORMATIVES

- 11.1 Regulatory Conditions:

- 1) The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.
Reason: To ensure that the Local Planning Authority retains the right to review unimplemented permissions.

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

Plan Type	Reference	Version	Date Received
Site Location and Block Plan	A.03	P1	25/08/2015
Pre-existing Garage Plan and Elevations	D.04	A	28/09/2015
Garage Approved and As Built Plans and Elevations	D.01	B	28/09/2015

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 alteration to the approved garage are not considered to have a detrimental impact on the existing dwelling, wider street scene and the Pembroke and Princes Conservation Area

The increased depth of the garage is not considered to significantly harm neighbouring amenity, in accordance with policy QD27.

ITEM I

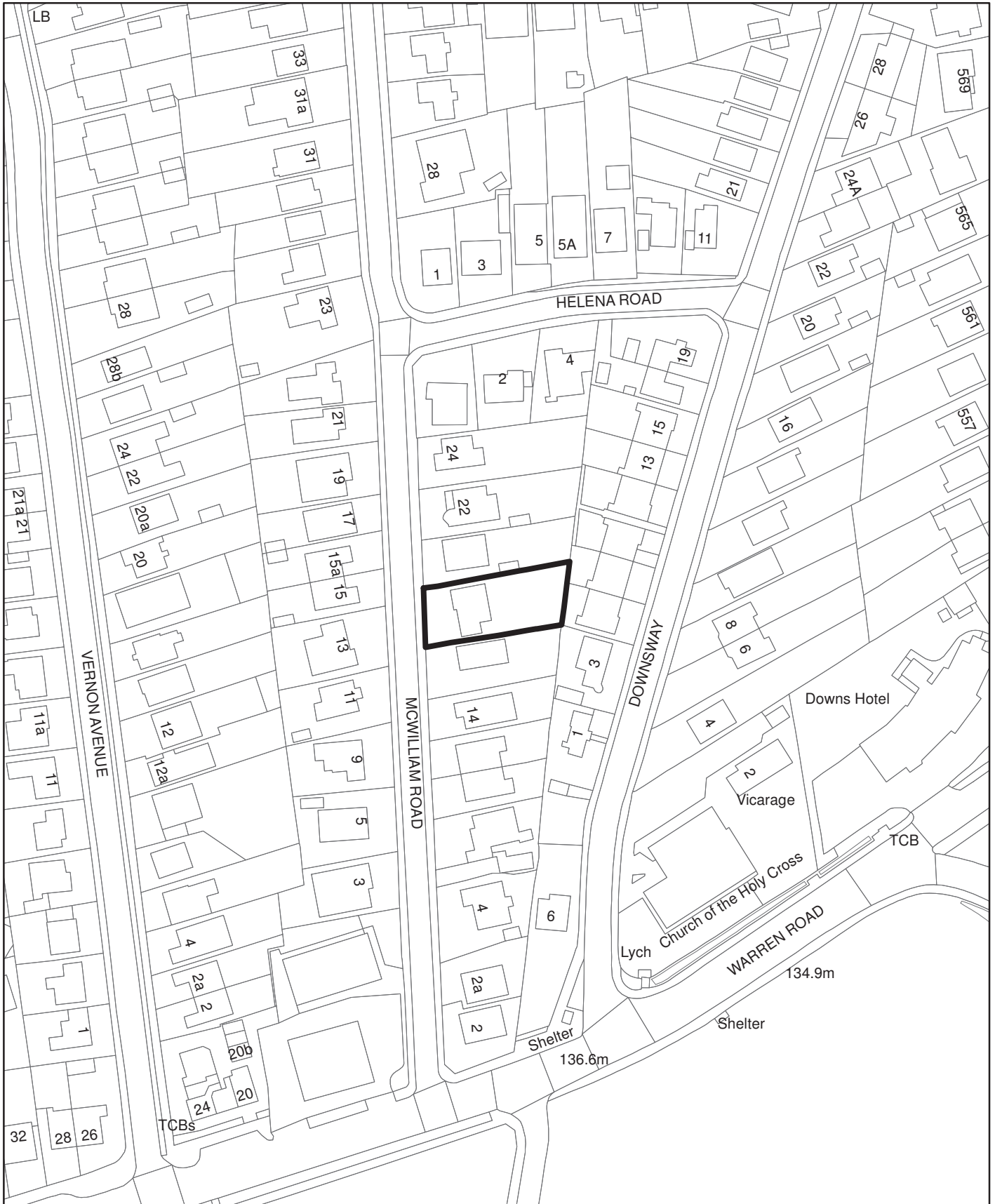
18 McWilliam Road, Brighton BN2 6BE

BH2015/03422

Householder Planning Consent

9 December 2015

BH2015/03422 18 McWilliam Road, Hove



**Brighton & Hove
City Council**



Scale: 1:1,250

<u>No:</u>	BH2015/03422	<u>Ward:</u>	WOODINGDEAN
<u>App Type:</u>	Householder Planning Consent		
<u>Address:</u>	18 McWilliam Road Brighton		
<u>Proposal:</u>	Hip to gable roof extensions, creation of rear dormers and insertion of front rooflights.		
<u>Officer:</u>	Rebecca Fry Tel 293773	<u>Valid Date:</u>	30 September 2015
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	25 November 2015
<u>Listed Building Grade:</u>	N/A		
<u>Agent:</u>	Malcolm Lewis, 18 Brgy Narra San Manuel Pangasinan 2438		
<u>Applicant:</u>	Mr Ryan Kendall, 18 McWilliam Road Brighton BN2 6BE		

1 RECOMMENDATION

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

2 SITE LOCATION & DESCRIPTION

- 2.1 The application relates to a detached bungalow on the east side of McWilliam Road. The surrounding area is residential in nature, predominantly comprising of detached hipped roofed bungalows and chalet bungalows particularly on the east side.

3 RELEVANT HISTORY

- 3.1 **BH2015/01959:** Hip to gable roof extensions, creation of rear dormer and insertions of front rooflights. **Refused** 10/09/2015 for the following reason:
- The proposed roof extensions and rear dormer, by virtue of their scale and form, represents an unduly bulky roof form which would give the recipient property a top heavy appearance that fails to respect the character and appearance of the recipient property or the continuity of the scale and bulk of roofs within the McWilliam Road streetscape, contrary to policy QD14 of the Brighton & Hove Local Plan and SPD12: Design guide for extensions and alterations.
- Appeal** (ref: APP/Q1445/D/15/3134936). This decision was appealed by the applicant, a decision is awaited.

4 THE APPLICATION

Planning permission is sought for a revised scheme for roof alterations comprising hip to barn end gable roof extensions and the erection of two rear dormers and installation of three front rooflights.

5 PUBLICITY & CONSULTATIONS

External

5.1 **Neighbours:** None received.

5.2 **Councillor Simson**, Conservative Member for Woodingdean Ward supports the scheme. Letter attached.

6 MATERIAL CONSIDERATIONS

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

6.2 The development plan is:

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

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

6.4 Due weight should be given to relevant policies in the development plan according to their degree of consistency with the NPPF.

6.5 The Brighton & Hove City Plan Part One (submission document) is an emerging development plan. The NPPF advises that weight may be given to relevant policies in emerging plans according to their stage of preparation, the extent to which there are unresolved objections to relevant policies and the degree of consistency of the relevant policies to the policies in the NPPF.

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

7 RELEVANT POLICIES & GUIDANCE

The National Planning Policy Framework (NPPF)

Brighton & Hove Local Plan:

QD14 Extensions and alterations
QD27 Protection of Amenity

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 main considerations in the determination of this application relate to the impact of the proposed development on the character and appearance of the recipient building and street scene, as well as the impact on the amenity of neighbouring residents.

Planning Policy:

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

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

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

8.4 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.

Design:

8.5 Design of the Scheme:

This application follows the refusal of a previous scheme (BH2015/01959) which sought hip to gable roof extensions and one rear dormer and three front roof lights. The refusal was appealed by the applicant and a decision from the Planning Inspectorate is awaited. The current application is seeking planning permission for a revised scheme for roof alterations.

8.6 This application seeks to address the concerns raised in the previous refusal. When compared with the previous refused scheme, the current proposal

would include small barn end hips to the proposed gable extensions and two dormers which would cover slightly less of the rear roof slope than the previously refused rear dormer. The three proposed front rooflights remain the same.

- 8.7 The existing building incorporates a hip roof to the main building with pitched roof front projection with gable facing the street. Similar to the previous refused scheme the proposed barn end gables would retain the existing ridge height and would both measure 4.1 metres in depth. The newly proposed inclusion of barn ends would hip approximately 0.9m off the proposed ridge extension. The barn ends do not introduce a significant hip and do little to address the previous concerns raised in respect of increased bulk that would be uncharacteristically top heavy in the street scene.
- 8.8 The height and placement of the proposed dormers within the rear roof slope is similar to the dormer in the previously refused scheme. The proposed flat roof of the dormers would be 0.5 metres below the roof ridge and the base of the dormers would be 0.7 metres above the eaves height and would have a height of 2m. However, the current scheme would reduce the width of the roof slope to be covered from 9m to approximately 6.8m. The dormers would not be of equal widths, one would be approximately 2.6m wide and the other 4.2m, both with 0.85m set backs (please note the proposed first floor/roof plan fails to accurately show the two proposed dormers).
- 8.9 It is considered the roof alterations would conflict with good design principles as set out in SPD12. The formation of gables with a minor hip detail by virtue of the proposed barn ends, would still alter the basic shape of the roof and result in an unsympathetic bulky alteration to the recipient building within the street. Despite the reduction in width and increase in set back the proposed dormers are not considered to be modest in scale and would form significant features. The size of dormers proposed would not be possible on the existing roof. They would consume much of the extended rear roofspace, have poor window alignment with the building below and have excessive areas of cladding. This runs contrary to the design guidance within SPD12, which specifically identifies box dormers such as this which consume the majority of the width and/or height of a roof slope as being inappropriate. There are no circumstances within the immediate vicinity of the site that would reasonably justify a departure from this guidance.
- 8.10 The previous refusal did not include a reason relating to the three proposed front rooflights. Whilst it is acknowledged the proposed rooflights do not align with fenestration below and add undue clutter within the roof it is not considered appropriate to introduce this as a reason for refusal.
- 8.11 For the reasons detailed above the resultant roof form would significantly change the balance of the property, from one with a low profile roof to one which would result in the property having a top-heavy appearance out of keeping with the character of the street. If permitted, the rhythm and continuity of the rooflines within the street scene would be detrimentally affected, by virtue of the scale and bulk of the proposed roof alterations. As such, and for

the above reasons, the proposal represents a harmful over extension of the roof of the recipient property resulting in harm to the street scene contrary to policy QD14 and SPD12 guidance.

- 8.12 It is acknowledged inappropriate alterations to the roof could be carried out under permitted development rights, indeed there are examples of unsympathetic roof alterations in the street, however, this does not set a precedent or justification for accepting further incongruous, bulky and unsympathetic alterations.

Design in Context:

- 8.13 It is acknowledged that opposite the application site are side gable ended semi-detached bungalows with rooflights to the front, however, the gable ends form part of the bungalows original design. Other than these properties hip roofs prevail within the surrounding area, in particular there are similar bungalows to the application site immediately adjacent along the east side of the street.

Impact on Amenity:

- 8.14 The application property is set sufficiently away from neighbouring properties so that the additional bulk at the property would not result in significantly harmful overshadowing, loss of outlook or increased sense of enclosure to neighbouring properties. No side facing windows are proposed. The rooflights to the front elevation would have an aspect which would prevent significantly harmful overlooking and loss of privacy to neighbouring properties. The proposed windows in the dormers would increase overlooking to the rear. However the properties at the rear have small rear gardens and are set down on lower ground thus the impact would be negligible on these properties. The increased depth of the properties to the south and north would negate much of the impact of overlooking it is not therefore considered, also taking into account the existing dormer windows in the area and permitted development rights, that the resultant overlooking would be sufficiently harmful as to warrant a reason for refusal.

9 CONCLUSION

- 9.1 The proposed development, by virtue of the scale of the roof extensions and dormers, represents an unduly bulky roof form which would give the recipient property a top heavy appearance that fails to respect the character and appearance of the recipient property or the continuity of the scale and bulk of roofs within the McWilliam Road streetscape, contrary to policy QD14 of the Brighton & Hove Local Plan and SPD12: Design guide for extensions and alterations.

10 EQUALITIES

None identified.

11 REASON FOR REFUSAL / INFORMATIVES

11.1 Reasons for Refusal:

1. The proposed roof extensions and rear dormers, by virtue of their scale, positioning, form and excessive areas of cladding, represents an unduly bulky roof form which would give the recipient property a top heavy and incongruous appearance that fails to respect the character and appearance of the recipient property or the continuity of the scale and bulk of roofs within the McWilliam Road streetscape, contrary to policy QD14 of the Brighton & Hove Local Plan and SPD12: Design guide for extensions and alterations.

11.2 Informatives:

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

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

Plan Type	Reference	Version	Date Received
Location and block plan			22/09/2015
Existing floor and sections plan	1201 01		22/09/2015
Existing elevations plan	1201 02		22/09/2015
Proposed ground floor plan	1201 03		30/09/2015
Proposed first floor plan <i>(nb. this states in error roof plan and does not accurately show the two dormers)</i>	1201 04	A	30/09/2015
Proposed elevations plan	1201 05	A	22/09/2015



PLANNING COMMITTEE LIST
9 DECEMBER 2015

COUNCILLOR REPRESENTATION

COUNCILLOR DEE SIMSON
Chair of Overview & Scrutiny

Brighton & Hove City Council
King's House
Grand Avenue
Hove BN3 2LS

Rebecca Fry
Planning Department
Brighton & Hove City Council

20 October 2015

Re: 18 McWilliam Road, Woodingdean
BH2015/03422

Dear Ms Fry

I have been contacted by Mr Kendall of 18 McWilliam Road regarding their planning application for roof extensions, rear dormers and rooflights.

I am very familiar with this road which is a mixture of many property designs, some houses, some bungalows and some which have already extended their buildings in a similar way. In fact there are very few similar properties as the road was developed on a very ad-hoc basis.

Neighbours are not objecting to this development and bearing in mind the mixed nature of the road, it would not appear to be against planning policy to approve this application to create a family size home which is much needed.

The design, whilst different to its neighbouring properties, is sympathetic and balanced and would not have a detrimental impact on the street scene.

If you are minded to refuse this application, I would ask that the final decision is made by the Planning Application Sub Committee following a site visit. This will allow them to see for themselves the diversity of the buildings in the vicinity.

Regards

Dee Simson

Conservative Member for Woodingdean Ward

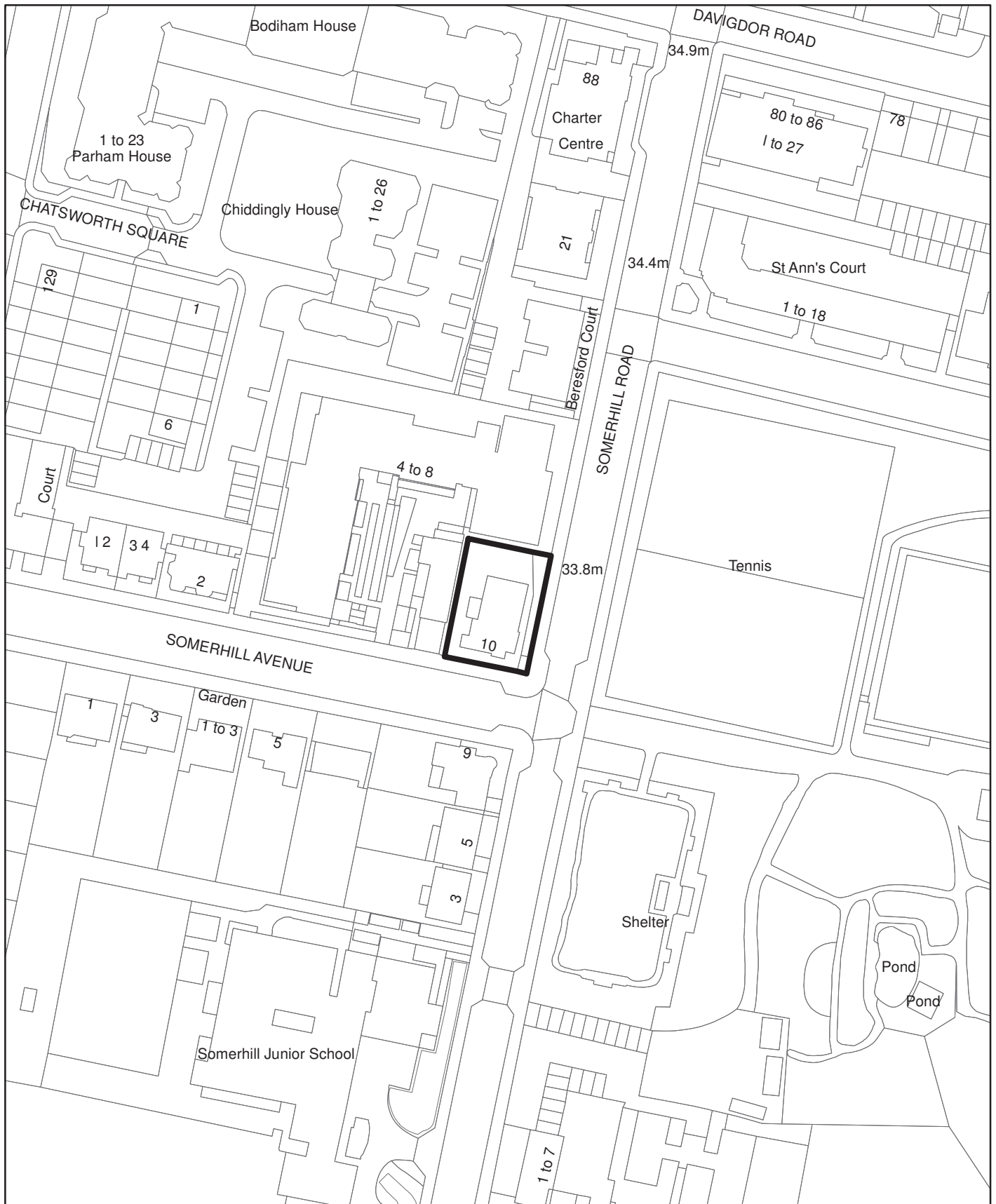
ITEM J

**The Wardley Hotel, 10 Somerhill Avenue,
Hove BN3 1RJ**

**BH2014/03826
Full Planning**

9 December 2015

BH2014/03826 The Wardley Hotel, 10 Somerhill Ave, Hove, BN3 1RJ



**Brighton & Hove
City Council**



Scale: 1:1,250

<u>No:</u>	BH2014/03826	<u>Ward:</u>	GOLDSMID
<u>App Type:</u>	Full Planning		
<u>Address:</u>	The Wardley Hotel 10 Somerhill Avenue Hove		
<u>Proposal:</u>	Internal alterations to facilitate increased number of bed spaces from 40 to 51 rooms. (Part Retrospective)		
<u>Officer:</u>	Guy Everest Tel 293334	<u>Valid Date:</u>	13 November 2014
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	08 January 2015
<u>Listed Building Grade:</u>	N/A		
<u>Agent:</u>	Dowsett Mayhew Planning Partnership, Pelham House 25 Pelham Square Brighton BN1 4ET		
<u>Applicant:</u>	Mr Najafi, c/o Dowsett Mayhew Planning Partnership Pelham House 25 Pelham Square Brighton BN1 4ET		

The application was deferred at the last meeting on 18 November 2015 for a site visit.

1 RECOMMENDATION

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

2 SITE LOCATION & DESCRIPTION

- 2.1 The application site comprises a detached three / four storey building (over lower ground floor) on a corner plot at the junction between Somerhill Road and Somerhill Avenue, opposite St. Ann’s Well Gardens. The building is currently in a hotel use and undergoing extensive external repairs / maintenance. The surrounding area is predominantly residential of varying form and density.

3 RELEVANT HISTORY

BH2010/04017 – Non Material Amendment to BH2007/04685 for the correction of ground, first, second and third floor plans to accord with approved elevations (south west corner). Correction of third floor layout to accord with approved elevation (missing dormer window to store on south side). Substitution of matching window for external door to rear (north elevation) at ground floor level. Retention of door to east elevation and ramping of existing stepped path to provide disabled access. Replacement of ground floor external door with matching window to west elevation. Approved 21 January 2011.

BH2007/04685: Rear extension to northern elevation over four floors (basement, ground, first and second), together with additional accommodation at roof level, to allow increased provision of 15 bedrooms (total of 40). New dining room accommodation and lift shaft. Approved 02/05/2008.

BH1998/02447/FP: Extensions, alterations and change of use from hotel to 11 no. residential units. Approved 07/07/1999.

M/10348/63: Conversion of 3 flats into private hotel (13 bedrooms). Approved 05/03/1964.

M/10327/63: Change of use to guest house. Approved 05/03/1964.

4 THE APPLICATION

- 4.1 Planning permission is sought for internal alterations to facilitate the creation of an additional 11 bedrooms within the hotel (5 at ground floor level, 2 at first floor level, 1 at second floor level and 3 at third floor level). The bedrooms would be created in place of a ground floor dining room approved under BH2007/04685 and as a result of internal reconfigurations at other levels of the building. The application does not include any external alterations. The application has been submitted because of the intensification of use of the property.

5 PUBLICITY & CONSULTATIONS

External:

- 5.1 **Neighbours:** **Twenty-three (23)** letters of representation have been received from **Flats 3, 10, 12, 15, 16, 20, 22, 24, 36, 37, 39, 40, 41, 43, 46, 62 Southdown House (4-8 Somerhill Avenue); 115 Holland Road; 1 and 3 South View, Somerville Avenue; 3 Somerhill Road; 5 Beresford Court, Somerhill Road; and No Address (x2) objecting** to the application for the following reasons:-

- Used as Council temporary housing for the homeless and are too small for families;
- The proposal would affect the balance of the social mix of residents in the neighbourhood;
- It is an overdevelopment of the site to increase the number of rooms by more than 25%;
- The site is not in the hotel core area and there is no need for additional hotel accommodation in this area;
- Poorer located lower quality accommodation should be allowed to leave the market;
- The building is an eyesore and should be demolished;
- The existing hotel use results in anti-social behaviour with regular police and ambulance attendance;
- Impact on amenity through noise disturbance, overshadowing and loss of light;
- Impact on parking and obstructions to adjoining pavements and crossovers;
- No management presence outside office hours.

A petition containing **14 signatures** has been received stating:-

“We the undersigned request that the Council rejects the above planning application for the following reasons:-

- 1. It would create an over development of a restricted site which if approved would increase the current number of rooms by over 25% (from 40 to 51). The result will create overcrowding with a minimum of 51 occupiers living together in small rooms. There will be no communal dining room and no amenity space.*
- 2. In recent years many of the residents in the hotel have been the most vulnerable people in society which has created some anti-social behaviour. The local Police and Ambulance services have been in attendance at the property on a number of occasions.*

The predominant mix of properties in the area consists of some family homes but mainly purpose built flats. The proposed increase in the number of rooms in one building and therefore the number of occupiers will adversely affect the current normal everyday living quality of neighbours in close proximity to the hotel and create an unwanted rise in anti-social behaviour.

It will be inappropriate to accommodate a minimum of 51 people in one building (many of them vulnerable) so close to Somerhill Junior School and Davigdor Infants School both within 150 yards of the hotel and Hove Junior School within 350 yards. There is a home for disadvantaged children immediately opposite the hotel. The entrance to St. Ann’s Well Gardens is within 50 yards of the hotel and is used by children and adults of all ages. Many people use it just for peaceful enjoyment of the surroundings.”

5.2 **Sussex Police:** No objection, make the following comments:-

- The property has been totally refurbished over the last year. All of the rooms have been updated and furnished to a high quality, all having their own bathrooms and kitchenettes.
- Since expansion there has not been an increase in calls to police, believed due to an increase in security and staffing levels.
- Previously the premises only had a day time manager working 9am – 5pm Monday to Friday. This has now been supplemented by an evening shift manager until midnight, with cover now including weekends. There is an on-call system operating between midnight and 9am.
- A new CCTV system covering the whole property has been installed.
- Calls to police tend to be associated with domestic incidents and anti-social behaviour. However, problematic residents are not tolerated and are evicted.

In view of this it seems the premises management maintain good contact with their local PCSO and have taken steps to update and improve their staffing levels and security. As this application is mostly retrospective and the increase in

numbers has been gradual over a number of months, there are no concerns that approval will impact on the provision of policing in this area.

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

5.4 **Southern Gas Networks:** No objection.

5.5 **Southern Water:** No objection.

Internal:

5.6 **Environmental Health:** No objection. The application is to make internal alterations including changing room sizes and removing the dining area to accommodate more bedrooms. The hotel has been used as a homeless hostel for many years and is currently licensed under a Mandatory HMO Licensing scheme for premises consisting of three or more storeys occupied by 5 or more persons (not related) who share one or more of the basic amenities. The Licence expires this year (2015) and will not need to be renewed as the hotel will consist of studio type rooms. There will be no sharing of any facilities following the recent renovation and extension works. Each room has basic but useable kitchen facilities.

5.7 **Head of Temporary Accommodation and Allocations:** The property is used as short-term emergency accommodation but does not take people off the Housing Register as the register is for permanent social housing (council housing).

5.8 **Sustainable Transport:** No objection. The proposal is not considered to significantly increase trip generation to the site above existing levels. However, in order to mitigate potential increased trips and to promote sustainable travel a Travel Plan is sought through condition.

5.9 SPGBH4 requires a minimum of 1 cycle space per 10 staff. While no details of cycle parking have been provided there is sufficient space within the curtilage of the site and further details are required by condition.

5.10 **Planning Policy:** No objection. Hotel uses are a town centre use as set out in the NPPF, and the Submission City Plan has, in line with the recommendations of the Hotel Futures Study (2007) reduced the hotel core zone to cover those parts of the city centre where visitor accommodation is best concentrated due to the proximity of the cultural and retail core of the city including conference facilities and major public transport links. Policy CP6 of the Submission City Plan can be afforded more weight than Local Plan policy on this subject.

5.11 For the expansion of an existing hotel, CP6.4 and paragraph 4.68 apply, and these are supportive and not restricted only to hotels in the Hotel Core Zone. However, there is a caveat regarding the size of the proposed expansion/comprehensive nature of the redevelopment, which might mean that the proposal would not be considered to be an extension to an existing hotel.

6 MATERIAL CONSIDERATIONS

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

7 RELEVANT POLICIES & GUIDANCE

The National Planning Policy Framework (NPPF)

Brighton & Hove Local Plan:

TR1	Development and the demand for travel
TR7	Safe development
TR14	Cycle access and parking
TR19	Parking standards
SU2	Efficiency of development in the use of energy, water and materials
SU13	Minimisation and re-use of construction industry waste

QD14	Extensions and alterations
QD27	Protection of Amenity
SR14	New hotel and guest accommodation

Supplementary Planning Guidance:

SPGBH4	Parking Standards
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Supplementary Planning Documents:

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

Brighton & Hove City Plan Part One (submission document)

SS1	Presumption in Favour of Sustainable Development
CP6	Visitor Accommodation

8 CONSIDERATIONS & ASSESSMENT

- 8.1 The main considerations in the determination of this application relate to the principle of development; the impact on sustainable transport; and the impact on neighbouring amenity.

Background

- 8.2 The application site has a long standing planning permission for hotel use and it is apparent that this has been the lawful use for an extended period of time. There are no conditions attached to existing planning permissions on the site restricting the nature of the hotel use.
- 8.3 It is understood that some of the hotel rooms are used by the Council's Head of Temporary Accommodation and Allocations as emergency short-term accommodation while more permanent solutions are found. Although some rooms are used in this manner, when the need arises, there is no permanent arrangement for such occupation. The rooms are offered (and charged for) on a nightly basis and there is no contract / tenancy in place for either long-term or permanent accommodation. The hotel provides en-suite rooms with basic tea / coffee facilities; the rooms are not self-contained and do not provide kitchen facilities for hotel guests.
- 8.4 A hotel, within Use Class C1, can be defined as a proprietorial establishment offering short stay accommodation for a fee to those requiring it in the course of holidaymaking or travelling. It is apparent that the existing building / use exhibits these characteristics and can be considered as a hotel. While services, such as the provision of drinks and meals, are not currently provided their absence does not exclude the establishment from a hotel definition. The Wardley Hotel incorporates a staffed reception area and in this respect the use is not dissimilar to the business model of a 'Travelodge'.

Additional hotel accommodation

- 8.5 The application site is within the Hotel Core Area as defined by Local Plan policy SR14. This policy permits new hotel accommodation provided, amongst

other criteria, it would not result in a reduction in residential units and would not result in the loss of industrial / business floorspace. The proposal would result in the change of use of ancillary hotel accommodation which would not be contrary to this aspect of SR14.

- 8.6 Policy CP6 of the submission City Plan states that extensions to existing hotels will be supported where this is required to upgrade existing accommodation to meet changing consumer demands. The proposal would provide additional and upgraded hotel accommodation on the site which is considered to meet the aims of policy CP6.
- 8.7 In principle the expansion of the hotel to provide additional bedrooms can be supported by existing and emerging planning policy. The amenity and transport impacts of the proposal are considered in subsequent sections of the report.

Sustainable Transport

- 8.8 Local Plan policy TR1 requires development to meet the demand for travel it creates; with policy TR7 seeking to ensure that development does not increase the danger to users of adjacent pavements, cycle routes and roads.
- 8.9 The proposal would result in an additional 11 bedrooms within the hotel, creating a total of 51 bedrooms. The Council's Transport Team has advised that the additional vehicular impact can be accommodated in the existing highway network and no improvements have been identified as necessary to make the development acceptable. In terms of demand for on-street parking the site is within a controlled parking zone and it is considered the existing availability of pay and display bays would effectively manage demand. It is though noted that there is spare capacity within visitor pay and display parking bays throughout the day. A Travel Plan is sought through condition in order to encourage and promote the use of sustainable modes of transport.
- 8.10 The Council's adopted standards for cycle parking, outlined in SPGBH4, require 1 secure cycle space per 10 staff. There is sufficient space within the curtilage of the site to provide cycle parking facilities and further details are required through condition.

Impact on neighbour amenity

- 8.11 Policy QD27 of the Brighton & Hove Local Plan states that planning permission for any development or change of use will not be granted where it would cause material nuisance and loss of amenity to the proposed, existing and/or adjacent users, residents, occupiers or where it is liable to be detrimental to human health.
- 8.12 An increase in hotel rooms, from 40 to 51, would intensify the use of the site and more people would come and go from the site. However, there are a relatively large number of flats adjacent to the application site and the increased intensity of the use of the land is not considered to be out of character with the locality.

- 8.13 The proposals do not include any enlargement of the building or alterations to the external elevations and the reconfigured layout would utilise existing window openings. It is not considered that the proposal would therefore result in significant levels of overlooking for occupants of adjoining properties.
- 8.14 A number of representations have been received raising concerns in relation to noise and disturbance emanating from the site. Sussex Police have though commented on the application and have advised that the applicant has maintained good contact with their local PCSO and has undertaken steps to update and improve staffing levels and security. The Police have advised that the retrospective element of the proposal has not resulted in an increased recording of anti-social behaviour, with this believed to be a result of improved premises management.
- 8.15 It is considered that the additional hotel accommodation would not as a matter of course lead to significant harm to neighbouring amenity, as a result of increased noise and disturbance. While it is acknowledged that there have been historical problems associated with the hotel on the basis of the Sussex Police representation these have been largely resolved. While there is always potential for disturbance to occur it is considered that future complaints would be most effectively addressed through separate, non-planning, legislation. It is therefore considered that refusal of the application on the basis of noise and disturbance could not be justified.
- 8.16 In view of this, the proposal is not considered likely to be detrimental to residential amenity. There are no conditions attached to the existing planning permissions on the site for a hotel and none are therefore considered necessary or reasonable in connection with the 11 additional bedrooms proposed by this application. It should be noted that planning permission would be required for any hostel-type use of the building, with hostels being a *sui generis* use and therefore constituting a material change of use from a hotel.

9 CONCLUSION

- 9.1 The proposal would provide additional guest accommodation to an existing hotel without resulting in significant harm to neighbouring amenity or highway safety.

10 EQUALITIES

- 10.1 As part of the recent refurbishment works a ramped access to the hotel has been created off Somerhill Road and a lift, to all levels of the building, has been installed.

11 PLANNING OBLIGATION / CONDITIONS / INFORMATIVES

11.1 Regulatory Conditions:

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

PLANNING COMMITTEE LIST – 9 DECEMBER 2015

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

Plan Type	Reference	Version	Date Received
Location Plan	189/P/01		12 Nov 2014
Block Plan	189/P/01		12 Nov 2014
Proposed Lower Ground Floor Layout	189/P/02	A	12 Nov 2014
Proposed Ground Floor Layout	189/P/03	A	12 Nov 2014
Proposed First Floor Layout	189/P/04	A	12 Nov 2014
Proposed Second Floor Layout	189/P/05	A	12 Nov 2014
Proposed Third Floor Layout	189/P/06	A	12 Nov 2014
Lower Ground Floor Layout (<i>pre-existing</i>)	189/P/02		12 Nov 2014
Ground Floor Plan (<i>pre-existing</i>)	189/P/03		12 Nov 2014
First Floor Plan (<i>pre-existing</i>)	189/P/04		12 Nov 2014
Second Floor Plan (<i>pre-existing</i>)	189/P/05		12 Nov 2014
Third Floor Plan (<i>pre-existing</i>)	189/P/06		12 Nov 2014
South Elevation	189/P/07		12 Nov 2014
East Elevation	189/P/08		12 Nov 2014
West Elevation	189/P/09		12 Nov 2014
North Elevation	189/P/10		12 Nov 2014

- 2) Within 3 months of the date of this decision details of secure cycle parking facilities for staff of the development shall be submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be fully implemented and made available for use within 1 month of such approval being given and shall thereafter be retained for use at all times.

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

- 3) Within three months of the date of first occupation, a Travel Plan for the development shall have been submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall thereafter be fully implemented in accordance with the approved details.

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

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 proposal would provide additional guest accommodation to an existing hotel without resulting in significant harm to neighbouring amenity or highway safety.

PLANNING COMMITTEE	Agenda Item 120 Brighton & Hove City Council
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Information on upcoming Pre-application Presentations and Requests

Date	Address	Ward	Proposal
08 December 2015	251- 253 Preston Road, Brighton	Withdean	Demolition of non-original two storey link building. Erection of new three storey link building and conversion, extension and refurbishment works to existing buildings to facilitate creation of 22no apartments (C3). Erection of 6no single dwelling houses (C3) to rear of site to provide a total of 28no residential units, incorporating provision of new car parking, cycle parking and refuse stores, landscaping, planting and other associated works.
08 December 2015	Former Texaco Garage, Kingsway, Hove	Central Hove	Circa 50 flats set out over 7 storeys with basement car parking accessed off St Aubyns South, circa 400sqm retail floorspace on the ground floor with associated surface parking accessed off Kingsway.

Previous presentations

Date	Address	Ward	Proposal
17 th November 2015	University of Sussex	Hollingdean and Stanmer	Reserved matters application for approximately 2000 new student accommodation bedrooms.
27 th October 2015	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.
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.

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.

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 2015	Land bound by Blackman Street Cheapside and Station Street, Brighton	St Peter's and North Laine	Proposed part nine, part seven storey building to provide office and student accommodation for Bellerby's College.
2 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 9 DECEMBER 2015**BRIGHTON & HOVE CITY COUNCIL LIST OF APPLICATIONS DETERMINED
BY THE HEAD OF PLANNING & PUBLIC PROTECTION FOR EXECUTIVE
DIRECTOR ENVIRONMENT, DEVELOPMENT & HOUSING UNDER
DELEGATED POWERS OR IN IMPLEMENTATION OF A PREVIOUS
COMMITTEE DECISION****PATCHAM****BH2015/01280****1 Old London Road Brighton**

Erection of single storey rear extension.

Applicant: Mr P Newman

Officer: Mark Thomas 292336

Approved on 02/11/15 DELEGATED

BH2015/02332**15 Lomond Avenue Brighton**

Demolition of existing garage and erection of single storey side extension with pitched roof incorporating rooflights.

Applicant: Mr Spencer Mears

Officer: Chris Swain 292178

Approved on 10/11/15 DELEGATED

BH2015/02682**12 Church Close Brighton**

Certificate of lawfulness for proposed front porch and loft conversion incorporating hip to gable roof extension and rear dormer.

Applicant: Mr & Mrs Nunn

Officer: Ryan OSullivan 290480

Approved on 17/11/15 DELEGATED

BH2015/02776**50 Sanyhills Avenue Brighton**

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

Applicant: Steve Rowlands

Officer: Ryan OSullivan 290480

Approved on 17/11/15 DELEGATED

BH2015/03345**45 Woodbourne Avenue Brighton**

Certificate of Lawfulness for proposed loft conversion incorporating hip to gable

Report from 29/10/2015 to 18/11/2015

roof extension, front rooflights and rear dormer.

Applicant: Mr & Mrs Dunmore
Officer: Allison Palmer 290493
Approved on 10/11/15 DELEGATED

BH2015/03386**22 Greenfield Crescent Brighton**

Certificate of Lawfulness for proposed roof alterations incorporating hip to gable extension, creation of enlarged rear dormer, insertion of front rooflight and erection of single storey side extension.

Applicant: Mr Simon Kelly
Officer: Luke Austin 294495
Approved on 17/11/15 DELEGATED

BH2015/03425**21 Craignair 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 3.4m, and for which the height of the eaves would be 3m.

Applicant: Jason Martin
Officer: Charlotte Bush 292193
Prior approval not required on 30/10/15 DELEGATED

BH2015/03486**5 Stoneleigh 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 3.14m, for which the maximum height would be 2.88m, and for which the height of the eaves would be 2.62m.

Applicant: Niran Nori
Officer: Justine Latemore 292138
Prior approval not required on 09/11/15 DELEGATED

BH2015/03539**94 Graham 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 5.6m, for which the maximum height would be 2.5m, and for which the height of the eaves would be 2.5m.

Applicant: Mr Heiner Eisenbarth
Officer: Justine Latemore 292138
Prior approval not required on 09/11/15 DELEGATED

BH2015/03550**11 Solway Avenue Brighton**

Prior approval for the erection of a single storey rear extension, which would

extend beyond the rear wall of the original house by 6m, for which the maximum height would be 3.5m, and for which the height of the eaves would be 2.6m.

Applicant: Mr & Mrs Cullen

Officer: Justine Latemore 292138

Prior approval not required on 09/11/15 DELEGATED

BH2015/03593**65 Baranscraig 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 6.0m, for which the maximum height would be 3.159m, and for which the height of the eaves would be 2.959m.

Applicant: Mr & Mrs Buss

Officer: Charlotte Bush 292193

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

PRESTON PARK**BH2015/01135****143 Ditchling Road Brighton**

Conversion of first and second floor maisonette into a two bedroom and a one bedroom flat and the insertion of a rooflight into lean to roof.

Applicant: Millmead Properties Ltd

Officer: Liz Arnold 291709

Approved on 30/10/15 DELEGATED

BH2015/01225**Basement 82 Beaconsfield Road Brighton**

Conversion of basement level from ancillary storage (A1) to 1no one bedroom flat (C3) with alterations including installation of patio doors to replace window to rear elevation.

Applicant: Mr R Ganpatsingh

Officer: Kate Brocklebank 292454

Refused on 03/11/15 DELEGATED

BH2015/01360**10 Preston Park Avenue Brighton**

Application for Approval of Details Reserved by Condition 5 of application BH2010/00220.

Applicant: Mr P Franks

Officer: Wayne Nee 292132

Approved on 30/10/15 DELEGATED

BH2015/01837**Top Flat 8 Florence Road Brighton**

Insertion of rooflights to front and rear roofslopes.

Applicant: Mr Ugo De Gaudio

Officer: Luke Austin 294495

Approved on 02/11/15 DELEGATED

BH2015/02295

41 & 41A Port Hall Road Brighton

Installation of insulated render cladding to side and rear elevations.

(Retrospective)

Applicant: Mr Laurence Hill

Officer: Chris Swain 292178

Approved on 16/11/15 DELEGATED

BH2015/02372

Garage to Rear of 77 Springfield Road Brighton

Demolition of garage and erection of 1no three bedroom dwelling (C3).

Applicant: Mrs Susan Davis

Officer: Adrian Smith 290478

Approved on 06/11/15 DELEGATED

BH2015/02459

99 Chester Terrace Brighton

Erection of single storey side extension.

Applicant: Caroline Whitehead

Officer: Ryan OSullivan 290480

Approved on 16/11/15 DELEGATED

BH2015/02736

Flat C2 Belvedere 152-158 Dyke Road Brighton

Installation of 3no replacement UPVC windows to rear ground floor flat.

Applicant: Mr Matthew Nottage

Officer: Rebecca Fry 293773

Approved on 02/11/15 DELEGATED

BH2015/02856

Land between 117 & 119 Lowther Road Brighton

Demolition and erection of storage building with alterations to front boundary and hardstanding.

Applicant: Mr R Mistry

Officer: Charlotte Bush 292193

Approved on 16/11/15 DELEGATED

BH2015/03012

116 & 116A Springfield Road Brighton

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

Applicant: Mr David Frayne

Officer: Justine Latemore 292138

Approved on 06/11/15 DELEGATED

BH2015/03025

Report from 29/10/2015 to 18/11/2015

54 Grantham Road Brighton

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

Applicant: Mr Sawyer

Officer: Charlotte Bush 292193

Refused on 10/11/15 DELEGATED

BH2015/03213**45C Dyke Road Drive Brighton**

Erection of two storey rear extension.

Applicant: Mr Graham Holder

Officer: Clare Flowers 290443

Approved on 05/11/15 DELEGATED

BH2015/03346**156 Osborne Road Brighton**

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

Applicant: Mr & Mrs Salt

Officer: Justine Latemore 292138

Split Decision on 10/11/15 DELEGATED

BH2015/03440**72 Chester Terrace Brighton**

Erection of a single storey rear extension, creation of rear dormer and installation of rooflights to front and rear.

Applicant: Mr Nick Bengé

Officer: Allison Palmer 290493

Refused on 09/11/15 DELEGATED

BH2015/03465**59B Springfield Road Brighton**

Replacement of existing timber patio doors and windows with UPVC to rear.

Applicant: Mrs Joan Yeates

Officer: Emily Stanbridge 292359

Approved on 18/11/15 DELEGATED

BH2015/03466**25 Beaconsfield Villas Brighton**

Erection of extensions to rear at basement and ground floor levels.

Applicant: Mr Martin Cole

Officer: Emily Stanbridge 292359

Approved on 13/11/15 DELEGATED

BH2015/03563**59 Hamilton Road Brighton**

Prior approval for the erection of a single storey rear extension, which would

extend beyond the rear wall of the original house by 4.625m, for which the maximum height would be 3.225m, and for which the height of the eaves would be 2.460m.

Applicant: Will Nahum

Officer: Justine Latemore 292138

Prior approval not required on 09/11/15 DELEGATED

REGENCY

BH2014/03164

Basement Flat 74 Montpelier Road Brighton

Certificate of lawfulness for existing UPVC windows and door to rear elevation at basement level.

Applicant: Mrs Therese Maitland

Officer: Guy Everest 293334

Approved on 16/11/15 DELEGATED

BH2015/01438

49 West Street Brighton

Change of use from bank (A2) to ground floor shop (A1) and 4no flats (C3) on first and second floor, incorporating new shopfront, first and second floor rear extensions with balconies and associated alterations.

Applicant: Mr Essy Sharanizadeh

Officer: Christopher Wright 292097

Approved on 04/11/15 DELEGATED

BH2015/01498

Unit 11-13 Churchill Square Brighton

Display of 2no internally illuminated fascia signs.

Applicant: H&M Hennes & Mauritz UK Ltd

Officer: Helen Hobbs 293335

Approved on 03/11/15 DELEGATED

BH2015/01666

39 Borough Street Brighton

Extensions and alterations to rear including demolition of existing outbuildings, two storey extension, first floor extension and installation of PV panels and rooflights. Alterations to front including removal of door, insertion of lowered wide front door and creation of 2no light wells to basement level.

Applicant: Mr Jason Mladek

Officer: Christopher Wright 292097

Refused on 16/11/15 DELEGATED

BH2015/01802

32-33 Western Road Brighton

Display of internally illuminated fascia and projecting signs.

Applicant: Hotter Shoes
Officer: Wayne Nee 292132
Approved on 09/11/15 DELEGATED

BH2015/01813**First Floor Flat 32 Bedford Square Brighton**

Remedial and repair works to front first floor balcony.

Applicant: Ms Jacqueline Sinclair
Officer: Mark Thomas 292336
Refused on 16/11/15 DELEGATED

BH2015/01814**Ground First & Second Floor Flats 32 Bedford Square Brighton**

Remedial and repair works to front first floor balcony and front bay structure.

Applicant: Ms Jacqueline Sinclair
Officer: Mark Thomas 292336
Refused on 16/11/15 DELEGATED

BH2015/02062**51 Ship Street Brighton**

Application for Approval of Details Reserved by Condition 5 of application BH2014/01390.

Applicant: Veerose Ltd
Officer: Christopher Wright 292097
Approved on 16/11/15 DELEGATED

BH2015/02634**6 Montpelier Street Brighton**

Erection of a single storey rear extension.

Applicant: Mr Jonathan Wrigley
Officer: Ryan OSullivan 290480
Approved on 02/11/15 DELEGATED

BH2015/02635**6 Montpelier Street Brighton**

Erection of single storey rear extension.

Applicant: Mr Jonathan Wrigley
Officer: Ryan OSullivan 290480
Approved on 02/11/15 DELEGATED

BH2015/02740**Grand Hotel 97 Kings Road Brighton**

Replacement of existing windows and doors to South elevation with timber framed double glazed units.

Applicant: Kew Green
Officer: Sonia Gillam 292265
Approved on 09/11/15 DELEGATED

Report from 29/10/2015 to 18/11/2015

BH2015/02741**Grand Hotel 97 Kings Road Brighton**

Replacement of existing windows and doors to South elevation with timber framed double glazed units.

Applicant: Kew Green

Officer: Sonia Gillam 292265

Approved on 09/11/15 DELEGATED

BH2015/02783**17 - 18 Dukes Lane Brighton**

Display of non-illuminated fascia and projecting signs.

Applicant: Toast

Officer: Luke Austin 294495

Approved on 10/11/15 DELEGATED

BH2015/02868**Royal York Buildings 41-42 Old Steine Brighton**

Internal alterations incorporating installation of bi-parting glass door fitted to existing timber screen in main entrance hall (retrospective).

Applicant: YHA (England & Wales)

Officer: Tim Jefferies 293152

Approved on 18/11/15 DELEGATED

BH2015/03139**Flat 5 Westmoreland Court Goldsmid Road Hove**

Replacement of existing timber windows with UPVC.

Applicant: Dr Florian Kern

Officer: Joanne Doyle 292198

Approved on 18/11/15 DELEGATED

BH2015/03347**Units 1-3 Churchill Square Brighton**

External alterations including installation of double height shop fronts, raising of roof height of part of first floor, reconfiguration of retail units and associated works.

Applicant: Kleinwort Benson (Channel Islands)

Officer: Clare Simpson 292321

Approved on 18/11/15 DELEGATED

ST. PETER'S & NORTH LAINE**BH2014/02612****Corn Exchange Church Street & Studio Theatre 29 New Road Brighton**

Refurbishment and alterations to Corn Exchange, Studio Theatre and 29 New Road. Works include demolition of existing single storey link building and erection of three storey infill extension to West of Corn Exchange, incorporating new foyers, bar, box office, WCs, production space, public stairs and lifts. Renovation

Report from 29/10/2015 to 18/11/2015

of existing café, to be opened to New Road and Royal Pavilion gardens. Installation of new plant equipment, alterations to entrances on New Road and Church Street and associated alterations.

Applicant: BDFL

Officer: Sonia Gillam 292265

Approved after Section 106 signed on 10/11/15 DELEGATED

BH2014/04087

55 Lewes Road Brighton

Application for approval of details reserved by conditions 5, 6, 8, 11 and 12 of application BH2014/00501.

Applicant: Hope Homes Ltd

Officer: Guy Everest 293334

Approved on 10/11/15 DELEGATED

BH2015/00374

89-90 London Road Brighton

Application for approval of details reserved by conditions 7, 8, 9, 12, 13 and 14 of application BH2015/00412.

Applicant: Ebury Estates

Officer: Guy Everest 293334

Approved on 30/10/15 DELEGATED

BH2015/01315

Ground Floor Flat 66 Buckingham Road Brighton

Certificate of lawfulness for existing use of ground floor as a self contained residential unit.

Applicant: Marindia Traders Ltd

Officer: Chris Swain 292178

Approved on 05/11/15 DELEGATED

BH2015/01492

Block K City View, 103 Stroudley Road Brighton

Application for Approval of Details Reserved by Conditions 2ii, 3ii, 6, 11 and 17 of application BH2008/01148.

Applicant: McAleer & Rushe Limited

Officer: Maria Seale 292175

Approved on 16/11/15 DELEGATED

BH2015/01942

97 North Road Brighton

Installation of extract duct to rear elevation. (Retrospective).

Applicant: Burger Brothers

Officer: Jonathan Puplett 292525

Approved on 13/11/15 DELEGATED

BH2015/02307

17 Alexandra Villas Brighton

Erection of replacement garden wall to front and side. (Part-Retrospective)

Applicant: Mr James Bennett

Officer: Joanne Doyle 292198

Approved on 18/11/15 DELEGATED

BH2015/02322

52 Ditchling Rise Brighton

Conversion of single dwelling house to 1no. three bedroom maisonette and 1no. one bedroom flat (C3). (Retrospective).

Applicant: Mrs Sandra Farchy

Officer: Liz Arnold 291709

Approved on 30/10/15 DELEGATED

BH2015/02510

10 Oxford Street Brighton

Display of externally-illuminated fascia sign and internally-illuminated projecting sign.

Applicant: Bestway Group

Officer: Mark Thomas 292336

Approved on 02/11/15 DELEGATED

BH2015/02587

3 Wakefield Road Brighton

Change of use from a 5 bedroom small house in multiple occupation (C4) to a 7 bedroom house in multiple occupation (Sui Generis) with associated erection of single storey rear extension to basement level and loft conversion with rear dormer and front and rear rooflights.

Applicant: Mrs Diane Culligan

Officer: Liz Arnold 291709

Refused on 04/11/15 DELEGATED

BH2015/02647

58-62 Lewes Road Brighton

Display of 2no internally illuminated fascia signs, 1no internally illuminated hanging sign and 1no internally illuminated free standing LED poster sign.

Applicant: Papa Johns

Officer: Mark Thomas 292336

Approved on 10/11/15 DELEGATED

BH2015/02759

14a-16 Oxford Place & 23 Ditchling Road Brighton

Erection of 3 storey college building (D1) fronting 14a-16 Oxford Place and erection of replacement garage fronting Oxford Place associated with 23 Ditchling Road.

Applicant: Zise Ltd

Officer: Adrian Smith 290478

Approved on 09/11/15 DELEGATED

BH2015/02763

Report from 29/10/2015 to 18/11/2015

Flat 2 100A Trafalgar Street Brighton

Raising of roof height, creation of 2no rear dormers and insertion of front rooflight.

Applicant: Mr Chris Farmileo

Officer: Justine Latemore 292138

Approved on 04/11/15 DELEGATED

BH2015/02840**11B (Former Ice Rink) and 11 Queen Square Brighton**

Application for approval of details reserved by conditions 19, 21 and 27 of application BH2012/00782.

Applicant: The Light Brighton LLP

Officer: Sue Dubberley 293817

Approved on 02/11/15 DELEGATED

BH2015/02883**5 Roundhill Crescent Brighton**

Replacement of existing windows and door with timber sash windows to first floor front elevation. Erection of link bridge from ground floor to rear garden and replacement of window with timber door and associated alterations.

Applicant: Simon & Katie Goodall

Officer: Justine Latemore 292138

Refused on 09/11/15 DELEGATED

BH2015/02884**5 Roundhill Crescent Brighton**

Internal alterations to layout of house. Replacement of existing windows and door with timber sash windows to first floor front elevation. Erection of link bridge from ground floor to rear garden and replacement of window with timber door with associated alterations and repair work.

Applicant: Mr Neil Bryant

Officer: Justine Latemore 292138

Refused on 09/11/15 DELEGATED

BH2015/03010**11B (Former Ice Rink) & 11 Queen Square Brighton**

Application for Approval of Details Reserved by Condition 13, 14 and 15 of application BH2012/00782

Applicant: The Light Brighton LLP

Officer: Sue Dubberley 293817

Approved on 06/11/15 DELEGATED

BH2015/03339**64 Crescent Road Brighton**

Installation of rooflight to front.

Applicant: Mr David Wurtzel

Officer: Ryan OSullivan 290480

Approved on 09/11/15 DELEGATED

BH2015/03670

Chapel Royal 164 North Street Brighton

Application for Approval of Details Reserved by Condition 16 of application BH2014/00843

Applicant: Mrs J Thompson & Mr M Thompson

Officer: Liz Arnold 291709

Refused on 16/11/15 DELEGATED

WITHDEAN**BH2015/00822****2 Blackthorn Close Brighton**

Remodelling of existing dwelling including roof extension to create first floor with balcony to front, conversion of integral garage into habitable accommodation, creation of lower ground floor garage, landscaping and associated alterations.

Applicant: Mrs Ghodsi Norouz-Mazandarani

Officer: Helen Hobbs 293335

Refused on 10/11/15 DELEGATED

BH2015/02145**9 Shepherds Croft Brighton**

Erection of two storey rear extension at lower ground and ground floor levels with alterations to existing raised timber decking.

Applicant: Penny Fox

Officer: Clare Flowers 290443

Approved on 09/11/15 DELEGATED

BH2015/02412**38 Withdean Road Brighton**

Application for Approval of Details Reserved by Conditions 4, 6, 7, 8, 11, 14 and 19 of application BH2014/01091.

Applicant: Mr R Lazaro-Silver

Officer: Joanne Doyle 292198

Approved on 17/11/15 DELEGATED

BH2015/02482**10 Clermont Terrace Brighton**

Erection of a single storey rear extension with associated alterations.

Applicant: Ms Nanette Hoogslag

Officer: Mark Thomas 292336

Approved on 10/11/15 DELEGATED

BH2015/02702**13 Colebrook Road Brighton**

Erection of single storey side extension.

Applicant: Mr Gary Turner

Officer: Christopher Wright 292097

Approved on 16/11/15 DELEGATED

BH2015/02710

45 Glen Rise Brighton

Remodelling of existing bungalow incorporating roof extensions and alterations including raising of ridge height to allow creation of first floor level, erection of single storey rear and side extensions with other associated works.

Applicant: Mr Robin Lloyd

Officer: Luke Austin 294495

Refused on 09/11/15 DELEGATED

BH2015/02719

63 Wayland Avenue Brighton

Certificate of lawfulness for proposed installation of roofing tiles and face brickwork to replace existing.

Applicant: Mr Malcolm Hance

Officer: Ryan OSullivan 290480

Approved on 17/11/15 DELEGATED

BH2015/03022

29 Green Ridge Brighton

Certificate of lawfulness for proposed demolition of existing single bay garage and erection of 3 bay garage with associated alterations to driveway.

Applicant: Mr Jeff Blundell

Officer: Emily Stanbridge 292359

Refused on 10/11/15 DELEGATED

BH2015/03061

36 Robertson Road Brighton

External alterations including alterations to fenestration and excavation works following prior approval application BH2015/01705 for change of use from offices (B1) to residential (C3) to form 2no four bedroom houses and 1no two bedroom house.

Applicant: Mr Gerard Maye

Officer: Liz Arnold 291709

Approved on 16/11/15 DELEGATED

BH2015/03062

20 Tongdean Lane Brighton

Erection of single dwelling to rear incorporating demolition of existing buildings and provision of parking and associated works.

Applicant: KLAS Properties

Officer: Adrian Smith 290478

Refused on 09/11/15 DELEGATED

BH2015/03074

Report from 29/10/2015 to 18/11/2015

37 Tivoli Road Brighton

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

Applicant: Jason & Sarbjit Singh

Officer: Laura Hamlyn 292205

Approved on 10/11/15 DELEGATED

BH2015/03323**81 Valley Drive Brighton**

Roof alterations including hip to barn end extensions, raising of ridge height, front dormer and rooflights to rear. Erection of single storey rear extension, new entrance steps and associated works.

Applicant: Roger Turner Smith

Officer: Joanne Doyle 292198

Approved on 05/11/15 DELEGATED

BH2015/03403**68 Mill Rise Brighton**

Installation of two front dormers and new window to side elevation.

Applicant: Mr Owen Svoboda

Officer: Laura Hamlyn 292205

Approved on 16/11/15 DELEGATED

BH2015/03564**25 Loder Road Brighton**

Prior approval for the erection of a single storey rear extension, which would extend beyond the rear wall of the original house by 5.85m, for which the maximum height would be 3.08m, and for which the height of the eaves would be 2.03m.

Applicant: James Buckle

Officer: Laura Hamlyn 292205

Prior Approval is required and is refused on 09/11/15 DELEGATED

BH2015/03827**42 Green Ridge Brighton**

Application for approval of details reserved by condition 4 of application BH2015/01687.

Applicant: Mr Andrew Marriner

Officer: Adrian Smith 290478

Approved on 16/11/15 DELEGATED

EAST BRIGHTON**BH2015/01338****32 Sudeley Street Brighton**

Erection of single storey rear infill extension.

Applicant: Mr M Irwin & Ms T O'Hara

Officer: Wayne Nee 292132

Approved on 09/11/15 DELEGATED

BH2015/02006**Co-Operative Whitehawk Road Brighton**

Display of externally illuminated fascia sign, internally illuminated projecting sign and 2no non-illuminated wall mounted signs.

Applicant: Co-Operative Food Group

Officer: Chris Swain 292178

Approved on 18/11/15 DELEGATED

BH2015/02941**Former Whitehawk Library site Findon Road/Whitehawk Road Brighton**

Construction of 2no residential blocks to provide a total of 57 self-contained flats incorporating creation of vehicular access points from Whitehawk Road and Findon Road, car parking spaces, refuse facilities, landscaping and other associated works. (Amended Scheme)

Applicant: Brighton & Hove City Council

Officer: Clare Simpson 292321

Approved after Section 106 signed on 13/11/15 COMMITTEE

BH2015/02991**40 Princes Terrace Brighton**

Erection of detached garage with study to rear.

Applicant: Mrs Kate Parker

Officer: Justine Latemore 292138

Refused on 05/11/15 DELEGATED

BH2015/03064**26 Manor Road Brighton**

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

Applicant: Mrs Ali

Officer: Charlotte Bush 292193

Approved on 16/11/15 DELEGATED

BH2015/03659**96A St Georges Road Brighton**

Non Material Amendment to BH2008/01901 for amendment to eaves to provide parapet box gutter detail.

Applicant: Mr Gavin Henderson

Officer: Liz Arnold 291709

Approved on 05/11/15 DELEGATED

HANOVER & ELM GROVE**BH2015/01121****119 Lewes Road Brighton**

Demolition of existing buildings and erection of a part 3/part 4 storey building (plus basement) comprising 51 self-contained studio flats for (sui generis use class) student occupation, plant room, communal areas, cycle parking, recycling/refuse facilities and associated works.

Applicant: McLaren (119 Lewes Road) Ltd

Officer: Mick Anson 292354

Approved after Section 106 signed on 06/11/15 COMMITTEE

BH2015/01637

93 Bentham Road Brighton

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

Applicant: Mrs Julia Witt

Officer: Joanne Doyle 292198

Approved on 11/11/15 DELEGATED

BH2015/02270

146 Islingword Road Brighton

Application for variation of condition 2 of application BH2013/03755 allowed on appeal (Demolition of existing shop (A1) and erection of a three storey dwelling house (C3)) to facilitate a flat roof with photovoltaic panels and an air source heat pump and associated alterations to materials and detailing throughout.

Applicant: NH Developments

Officer: Chris Swain 292178

Refused on 05/11/15 DELEGATED

BH2015/02272

146 Islingword Road Brighton

Application for variation of condition 2 of application BH2013/03755 allowed on appeal (Demolition of existing shop (A1) and erection of a three storey dwelling house (C3)) to facilitate a change to the design of the building.

Applicant: Mr Nigel Hughes

Officer: Chris Swain 292178

Refused on 05/11/15 DELEGATED

BH2015/02368

First Floor Flat 10 Whippingham Road Brighton

Replacement of existing UPVC windows to front and rear.

Applicant: Mr J Cramer

Officer: Ryan OSullivan 290480

Refused on 04/11/15 DELEGATED

BH2015/02524

114 Islingword Road Brighton

Application for Approval of Details Reserved by Conditions 1 (i) a, b, c (ii) a, b, c and 2 of application BH2014/02348.

Applicant: Mr Iain Boyle

Officer: Joanne Doyle 292198

Approved on 02/11/15 DELEGATED

BH2015/02531

24A Totland Road Brighton

Installation of dormers to rear elevation.

Applicant: Sharon Wilson
Officer: Justine Latemore 292138
Refused on 18/11/15 DELEGATED

BH2015/02603
24 and Part of 26 Lincoln Street Brighton
Erection of single storey rear extension.
Applicant: Mrs Charlotte Baxter
Officer: Luke Austin 294495
Approved on 09/11/15 DELEGATED

BH2015/02636
9C Pankhurst Avenue Brighton
Formation of dormer and installation of rooflight to rear.
Applicant: Mr Trevor May
Officer: Jonathan Puplett 292525
Approved on 02/11/15 DELEGATED

BH2015/02835
5 Hanover Crescent Brighton
Demolition of existing rear conservatory and erection of new rear conservatory extension.
Applicant: Mr Peter Clarke
Officer: Luke Austin 294495
Approved on 10/11/15 DELEGATED

BH2015/03080
10 Quebec Street Brighton
Erection of single storey rear extension.
Applicant: Mr & Mrs Juliet & Alistair Oxbury & Taylor
Officer: Justine Latemore 292138
Approved on 02/11/15 DELEGATED

BH2015/03119
5 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 3.900m, for which the maximum height would be 3.150m, and for which the height of the eaves would be 2.550m.
Applicant: Mrs Freya Powell
Officer: Justine Latemore 292138
Prior Approval is required and is refused on 12/11/15 DELEGATED

BH2015/03411
9 Down 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 5m, for which the maximum height would be 2.8m, and for which the height of the eaves would be 2.5m.
Applicant: Abdul Khalik

Officer: Justine Latemore 292138

Prior approval not required on 30/10/15 DELEGATED

BH2015/03517

27 Seville Street Brighton

Certificate of Lawfulness for proposed rear dormer to replace existing.

Applicant: Richard Knight & Bev Patterson

Officer: Allison Palmer 290493

Approved on 17/11/15 DELEGATED

BH2015/03534

17 Bernard Road Brighton

Change of Use from residential dwelling (C3) to House in Multiple Occupation (C4). (Part retrospective)

Applicant: Millhouse Enterprises Limited

Officer: Robin Hodgetts 292366

Refused on 13/11/15 DELEGATED

HOLLINGDEAN & STANMER

BH2014/01637

Land 54 Hollingdean Road & 46 Freehold Terrace and 52 Hollingdean Road Brighton

Demolition of all buildings at 54 Hollingdean Road and erection of a part 3, 4, 5 and 6 storey building (plus basement) to form 205 student rooms (181 cluster bedrooms, 19 studios and 5 accessible rooms) with kitchen and common room facilities, cycle storage and refuse facilities. Associated works include photovoltaic panels on the roof of 6th storey, roof gardens on 3rd, 4th and 5th storeys and general planting and landscaping of grounds. Demolition of 46 Freehold Terrace and erection of a 4 storey building comprising 8 affordable housing units. Change of use and refurbishment of 52 Hollingdean Road from A1 retail with residential above to form an associated management suite including reception, offices, toilets, laundry facilities and staff kitchen.

Applicant: Hollingdean Road (No 1) LLP

Officer: Mick Anson 292354

Approved after Section 106 signed on 06/11/15 COMMITTEE

BH2015/01763

8 Mountfields Brighton

Erection of part single, part two storey rear extension. (Part retrospective)

Applicant: Dr Lars Schuy

Officer: Christopher Wright 292097

Refused on 16/11/15 DELEGATED

BH2015/02113

94 Stanmer Park Road Brighton

Conversion of existing four bedroom house into 2no two bedroom flats with creation of rear dormer and insertion of 3no rooflights.

Applicant: Mr D Hossack
Officer: Christopher Wright 292097
Refused on 16/11/15 DELEGATED

BH2015/02628**7 Coldean Lane Brighton**

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

Applicant: Mr Vincent Lane
Officer: Ryan OSullivan 290480
Approved on 17/11/15 DELEGATED

BH2015/02731**26 Waverley Crescent Brighton**

Certificate of lawfulness for proposed loft conversion incorporating hip to gable roof extension and insertion of window to rear. Erection of a single storey rear extension and erection of a single storey front porch extension. Insertion of new window to side elevation, replacement of garage door and associated works.

Applicant: Mr S Nevill
Officer: Ryan OSullivan 290480
Split Decision on 10/11/15 DELEGATED

BH2015/03182**20 Hollingdean Terrace Brighton**

Erection of timber stairs to garden to replace existing rear access stairs and alterations to rear fenestration.

Applicant: Mrs Julie Archer
Officer: Rebecca Fry 293773
Approved on 02/11/15 DELEGATED

BH2015/03200**35 Hollingbury Park Avenue Brighton**

Certificate of lawfulness for proposed single storey rear extension and loft conversion incorporating rear dormer and 3 no. front rooflights.

Applicant: Mr & Mrs I Thompson
Officer: Justine Latemore 292138
Approved on 10/11/15 DELEGATED

BH2015/03203**1 Hollingdean Lane Brighton**

Application for Approval of Details Reserved by Conditions 10, 11, 12, 13 14, and 15 of application BH2014/02022.

Applicant: Mrs Janet O'Byrne
Officer: Jonathan Puplett 292525
Split Decision on 04/11/15 DELEGATED

BH2015/03417**162 Saunders Hill Brighton**

Erection of part single, part two storey extension to front, side and rear and

erection of detached outbuilding to front.

Applicant: Mark Deedman

Officer: Emily Stanbridge 292359

Refused on 17/11/15 DELEGATED

BH2015/03950

40A Beatty Avenue Brighton

Application for approval of details reserved by condition 13 of application BH2014/01223.

Applicant: Mr Shaun Malins

Officer: Jonathan Puplett 292525

Approved on 16/11/15 DELEGATED

MOULSECOOMB & BEVENDEAN

BH2015/00972

Land to Rear of 10 Auckland Drive Brighton

Erection of 1no two bedroom dwelling (C3) (Retrospective).

Applicant: Mr & Mrs Van Rensburg

Officer: Helen Hobbs 293335

Approved on 06/11/15 DELEGATED

BH2015/02732

126 Newick Road Brighton

Change of use from single dwelling house (C3) to three bedroom small house in multiple occupation (C4).

Applicant: Dr James Bockhart

Officer: Luke Austin 294495

Refused on 02/11/15 DELEGATED

BH2015/03603

Falmer Sports Centre University of Brighton Village Way Brighton

Prior approval for the installation of PV solar panel equipment to roof of buildings.

Applicant: Sunstruck Energy Ltd

Officer: Ryan OSullivan 290480

Prior Approval is required and is approved on 10/11/15 DELEGATED

QUEEN'S PARK

BH2014/00771

Brighton College Eastern Road Brighton

Partial removal of existing roof structure and erection of clock tower above existing second floor level and associated works. (Part retrospective).

Applicant: Brighton College

Officer: Jonathan Puplett 292525

Approved on 09/11/15 DELEGATED

BH2014/00777

Brighton College Eastern Road Brighton

Application for variation of condition 2 of application BH2012/02016 (Partial

removal of existing roof structure and erection of clock tower above existing second floor level and associated works) to permit installation of rooflights to flat roof area.

Applicant: Brighton College
Officer: Jonathan Puplett 292525
Approved on 09/11/15 DELEGATED

BH2015/02187**Sea Life Centre Madeira Drive Brighton**

Internal alterations and refurbishment.

Applicant: Sea Life Centre
Officer: Jonathan Puplett 292525
Approved on 02/11/15 DELEGATED

BH2015/02228**Brooke Mead Albion Street Brighton**

Application for variation of condition 2 of application BH2013/02152 (Demolition of existing buildings and erection of a part 6no storey and part 5no storey building providing 45 Extra Care residential units, with associated communal spaces, landscaping works, cycle and scooter parking and community facilities) to vary the approved plans to allow design changes to the central atrium, increased plant floor area, revised floor layouts and various other minor internal alterations. Variation of conditions 6, 10, 11, 12, 16, 18, 20, 21 and 22 to relax the timeframe for submission of requested details.

Applicant: Brighton & Hove City Council Estate Regeneration Team
Officer: Adrian Smith 290478
Approved on 13/11/15 DELEGATED

BH2015/02403**Brighton College Eastern Road Brighton**

Demolition of existing Sports Hall, Chowen building and Blackshaw building and Pavilion to facilitate erection of a new 4 storey (including lower ground) Sports and Sciences building together with associated works. Removal of a section of the boundary wall facing Sutherland Road to create new car park entrance with car lift to underground parking area.

Applicant: Brighton College
Officer: Adrian Smith 290478
Approved on 04/11/15 COMMITTEE

BH2015/03389**12A Richmond Parade Brighton**

Application for Approval of Details Reserved by Condition 11 of application BH2014/00864

Applicant: Mr Ed Derby
Officer: Sonia Gillam 292265
Approved on 04/11/15 DELEGATED

ROTTINGDEAN COASTAL

Report from 29/10/2015 to 18/11/2015

BH2015/01885**Cavendish The Green Rottingdean Brighton**

Conversion of existing four bedroom single dwelling into 1no two bedroom house, 1no one bedroom flat and 1no two bedroom flat with alterations to fenestration.

Applicant: Mr & Mrs Amin

Officer: Mark Thomas 292336

Approved on 09/11/15 DELEGATED

BH2015/01886**Cavendish The Green Rottingdean Brighton**

Conversion of existing four bedroom house into 1no two bedroom house, 1no one bedroom flat and 1no two bedroom flat with alterations to fenestration.

Applicant: Mr & Mrs Amin

Officer: Mark Thomas 292336

Approved on 09/11/15 DELEGATED

BH2015/02171**Asda Filling Station Brighton Marina Village Brighton**

Display of internally illuminated fascia signs.

Applicant: Asda Stores Ltd

Officer: Chris Swain 292178

Approved on 10/11/15 DELEGATED

BH2015/02172**Asda Filling Station Brighton Marina Village Brighton**

Installation of goalpost frame to shopfront, creation of three additional parking spaces and installation of above ground tanker filling pump.

Applicant: Asda Stores Ltd

Officer: Chris Swain 292178

Approved on 10/11/15 DELEGATED

BH2015/02597**Between Pontoons 6&7 Western Concourse Brighton Marina**

Application for Approval of Details Reserved by Condition 9 of application BH2014/02336

Applicant: West Quay Developments

Officer: Sarah Collins 292232

Approved on 09/11/15 DELEGATED

BH2015/02779**18 Saltdean Drive Brighton**

Certificate of Lawfulness for proposed loft conversion incorporating front rooflights and rear dormer and replacement of existing rear window with bi-folding doors.

Applicant: Mr David Bevan

Officer: Ryan OSullivan 290480

Report from 29/10/2015 to 18/11/2015

Approved on 17/11/15 DELEGATED**BH2015/02987****21 Withyham Avenue Saltdean Brighton**

Erection of single storey rear extension, stairs to garden and alterations including changes to fenestration.

Applicant: Graeme Savage

Officer: Allison Palmer 290493

Approved on 16/11/15 DELEGATED**BH2015/03078****2 Bazehill Road Brighton**

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

Applicant: Mr Greg Ford

Officer: Allison Palmer 290493

Approved on 30/10/15 DELEGATED**BH2015/03184****71 Lenham Avenue Brighton**

Certificate of lawfulness for proposed hip to gable roof extension, creation of dormer and installation of rooflights.

Applicant: Mr Mark Howell

Officer: Justine Latemore 292138

Approved on 17/11/15 DELEGATED**BH2015/03192****68 Greenbank Avenue Saltdean Brighton**

Extension and conversion of existing garage into habitable living space and erection of first floor extension with alterations to roof, rear dormer, 3no front rooflights and other associated works.

Applicant: Mrs Elif Kose-Feest

Officer: Justine Latemore 292138

Refused on 05/11/15 DELEGATED**BH2015/03210****Flat 1 38 Sussex Square Brighton**

Internal alterations incorporating creation of opening to kitchen and waterproofing works to basement flat.

Applicant: Mrs S Jasinski

Officer: Tim Jefferies 293152

Approved on 02/11/15 DELEGATED**BH2015/03270****12 Grand Crescent Rottingdean Brighton**

Erection of single storey rear and side extension.

Applicant: Mr Ray Tanner

Officer: Emily Stanbridge 292359

Approved on 02/11/15 DELEGATED

BH2015/03340**41 Lustrells Vale Saltdean Brighton**

Certificate of lawfulness for proposed demolition of garage and erection of a single storey side extension.

Applicant: Ms Beatrice Pryor

Officer: Justine Latemore 292138

Approved on 09/11/15 DELEGATED

BH2015/03629**27 Little Crescent Rottingdean Brighton**

Installation of rooflights to north and south elevations.

Applicant: Mr Kevin Moran

Officer: Emily Stanbridge 292359

Approved on 18/11/15 DELEGATED

BH2015/03680**151 & 151A Marine Drive Saltdean Brighton**

Application for Approval of Details Reserved by condition 10 of application BH2014/03110.

Applicant: Allbeck Homes Ltd

Officer: Jonathan Puplett 292525

Approved on 16/11/15 DELEGATED

BH2015/03706**24 Chichester Drive East Saltdean Brighton**

Prior approval for the erection of a single storey rear extension, which would extend beyond the rear wall of the original house by 7.9m, for which the maximum height would be 3m, and for which the height of the eaves would be 3m.

Applicant: Ms K Milne

Officer: Emily Stanbridge 292359

Prior approval not required on 17/11/15 DELEGATED

WOODINGDEAN**BH2015/02514****13 Warren Way Brighton**

Display of internally illuminated fascia sign and projecting sign.

Applicant: Bestway Group

Officer: Mark Thomas 292336

Approved on 02/11/15 DELEGATED

BH2015/02798**1 & 2 Hunns Mere Way Brighton**

Installation of air conditioning units to North, East and West elevations.

Applicant: Lighthouse Financial Advice Ltd

Officer: Rebecca Fry 293773

Approved on 02/11/15 DELEGATED

BH2015/03304**90 Warren Road Brighton**

Erection of timber decking and balustrading to front.

Applicant: Johnys Wares

Officer: Rebecca Fry 293773

Refused on 06/11/15 DELEGATED

BH2015/03520**38 Vernon 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 3.6m, for which the maximum height would be 3.4m, and for which the height of the eaves would be 2.35m.

Applicant: Jackie Lees

Officer: Justine Latemore 292138

Prior approval not required on 09/11/15 DELEGATED

BH2015/03689**71 The Ridgway Brighton**

Prior approval for the erection of a single storey rear extension, which would extend beyond the rear wall of the original house by 6, for which the maximum height would be 3.27m, and for which the height of the eaves would be 2.32m.

Applicant: Chris Browning

Officer: Ryan OSullivan 290480

Prior Approval is required and is refused on 17/11/15 DELEGATED

BH2015/03791**21 Warren Avenue Brighton**

Prior approval for the erection of a single storey rear extension, which would extend beyond the rear wall of the original house by 6m, for which the maximum height would be 3.65m, and for which the height of the eaves would be 2.6m.

Applicant: Mr M Naeem

Officer: Emily Stanbridge 292359

Prior Approval is required and is refused on 17/11/15 DELEGATED

BRUNSWICK AND ADELAIDE**BH2014/00386****Flat 3 94 Lansdowne Place Hove**

Internal and external alterations including alterations to layout of flat, relocation of entrance door and installation of ventilation grilles to side and rear elevations.

Applicant: Mr D Buttery

Officer: Helen Hobbs 293335

Approved on 03/11/15 DELEGATED

BH2015/01832**Flat 5 8 Brunswick Square Hove**

Report from 29/10/2015 to 18/11/2015

Application for Approval of Details Reserved by Condition 2 of application BH2014/02896.

Applicant: Mr Adam Davis
Officer: Christopher Wright 292097
Approved on 30/10/15 DELEGATED

BH2015/02911**Brighton & Hove Progressive Synagogue 6 Lansdowne Road Hove**

Non material amendment to BH2014/00330 to allow for installation of 2no high level louvres for extraction and intake of air for heat recovery unit to west elevation.

Applicant: Ms Myra Bianco
Officer: Christopher Wright 292097
Refused on 30/10/15 DELEGATED

BH2015/03023**21B First Avenue Hove**

Replacement of existing timber patio doors with UPVC, removal of existing raised patio area and other associated alterations.

Applicant: Mr Thomas May
Officer: Rebecca Fry 293773
Approved on 05/11/15 DELEGATED

BH2015/03332**Flat 7 16 Palmeira Square Hove**

Internal alterations to layout of flat. (Part Retrospective)

Applicant: Mrs Lisa Orme
Officer: Tim Jefferies 293152
Approved on 18/11/15 DELEGATED

CENTRAL HOVE**BH2014/03996****4A Blatchington Road Hove**

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

Applicant: Basilico Ltd
Officer: Mark Thomas 292336
Approved on 03/11/15 DELEGATED

BH2015/01289**Goldstone Business Centre 2 Goldstone Street Hove**

External alterations including removal of shop front and installation of bay window, rear dormer and rear rooflights following prior approval application BH2014/03656 for change of use from offices (B1) to form 9no residential units (C3).

Applicant: Perth Securities
Officer: Christopher Wright 292097
Approved on 17/11/15 DELEGATED

BH2015/01762**62 Connaught Road Hove**

Replacement of existing bay window to UPVC to front at ground floor level.

Applicant: Miss Lewis

Officer: Helen Hobbs 293335

Refused on 09/11/15 DELEGATED

BH2015/02785**1 Sussex Road Hove**

Removal of part of pitched roof to facilitate creation of roof terrace with associated alterations to rear elevation.

Applicant: Mr John Whelan

Officer: Mark Thomas 292336

Refused on 18/11/15 DELEGATED

BH2015/03008**Flat 16 1 Grand Avenue Hove**

Replacement of existing double glazed UPVC windows and door with triple glazed UPVC.

Applicant: Mr Scott Sweeney

Officer: Laura Hamlyn 292205

Approved on 03/11/15 DELEGATED

BH2015/03399**30 Vallance Gardens Hove**

Erection of single storey rear extension.

Applicant: Mr Ross Paterson

Officer: Allison Palmer 290493

Approved on 13/11/15 DELEGATED

GOLDSMID**BH2014/02308****113-119 Davigdor Road Hove**

Demolition of existing building and construction of a new part 4no, part 5no, part 7no and part 8no storey building providing 700sqm of office space (B1) at ground floor level and 68no residential units (C3) to upper levels. Creation of basement level car and cycle parking, landscaping, boundary treatments and other associated works.

Applicant: Hyde Newbuild

Officer: Adrian Smith 290478

Approved after Section 106 signed on 05/11/15 COMMITTEE

BH2015/01776**55 Cromwell Road Hove**

Conversion of existing dwelling (C3) into 2no. two bedroom flats (C3) with associated alterations.

Applicant: Mr Philip Duncombe

Officer: Helen Hobbs 293335

Report from 29/10/2015 to 18/11/2015

Approved on 09/11/15 DELEGATED**BH2015/02425****28 Wolstonbury Road Hove**

Certificate of lawfulness for proposed loft conversion incorporating front rooflights and rear dormer.

Applicant: Mr Mark Seccombe

Officer: Charlotte Bush 292193

Refused on 09/11/15 DELEGATED

BH2015/02639**Flat 3 63 The Drive Hove**

Internal alterations to layout of flat (Retrospective).

Applicant: Mr Amit Arora

Officer: Tim Jefferies 293152

Approved on 09/11/15 DELEGATED

BH2015/02726**38 Wilbury Avenue Hove**

Certificate of lawfulness for proposed loft conversion incorporating hip to barn end extension, front rooflights, side window and rear dormer.

Applicant: Mr David Harrison

Officer: Ryan OSullivan 290480

Approved on 17/11/15 DELEGATED

BH2015/02801**24B Cambridge Grove Hove**

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

Applicant: Mr Jason Gibbons

Officer: Mark Thomas 292336

Approved on 10/11/15 DELEGATED

BH2015/02860**21 Shirley Street Hove**

Non material amendment to BH2014/03977 to allow for change to approved roof to go from glazed roof to a solid roof with 3no velux windows.

Applicant: David Hannant

Officer: Christopher Wright 292097

Refused on 30/10/15 DELEGATED

BH2015/02921**39 Osmond Road Hove**

Erection of single storey side extension.

Applicant: Mr & Mrs Heywood

Officer: Charlotte Bush 292193

Refused on 02/11/15 DELEGATED

BH2015/03079

Report from 29/10/2015 to 18/11/2015

84-86 Denmark Villas Hove

Application for approval of details reserved by conditions 6, 7, 8, 9, 10, 11 and 13 of application BH2012/03968.

Applicant: Mrs N Blencowe

Officer: Guy Everest 293334

Approved on 09/11/15 DELEGATED

BH2015/03222**Ground Floor Flat 11 Bigwood Avenue Hove**

Removal of existing lean-to conservatory and erection of single storey rear extension.

Applicant: Ms Aliscia Cavallo

Officer: Rebecca Fry 293773

Approved on 02/11/15 DELEGATED

BH2015/03228**15 The Upper Drive Hove**

Demolition of existing dwelling and erection of 4no one bedroom flats and 4no two bedroom flats (C3).

Applicant: Mr Rabbi Efune

Officer: Clare Simpson 292321

Refused on 11/11/15 DELEGATED

BH2015/03275**Flat 14 65 The Drive Hove**

Internal alterations to layout of flat to create en-suite bathroom.

Applicant: Karen Plastics

Officer: Tim Jefferies 293152

Approved on 18/11/15 DELEGATED

BH2015/03322**Flat 4 10 Cromwell Road Hove**

Internal alterations to layout of flat.

Applicant: Mr T Samandi

Officer: Tim Jefferies 293152

Approved on 18/11/15 DELEGATED

BH2015/03533**24 Davigdor Road Hove**

Application for Approval of Details Reserved by Conditions 7, 8, 9 and 11 of application BH2014/04191.

Applicant: Mrs Carol Taplin

Officer: Jason Hawkes 292153

Approved on 02/11/15 DELEGATED

HANGLETON & KNOLL**BH2015/01901**

Report from 29/10/2015 to 18/11/2015

Land To The Rear Of 374 Old Shoreham Road Hove

Erection of single storey store building.

Applicant: Mr Cesar Zarate & Mrs Helen Zarate

Officer: Wayne Nee 292132

Refused on 30/10/15 DELEGATED

BH2015/02239**86 Dale View Hove**

Erection of a single storey rear extension.

Applicant: Mr O'Hara

Officer: Joanne Doyle 292198

Approved on 02/11/15 DELEGATED

BH2015/02586**95 Rowan Avenue Hove**

Variation of conditions 9, 11, 12, 13, 14 and 16 of application BH2013/00848 (Construction of 5no four bedroom houses and access road off Rowan Avenue with associated works including car parking.). Wording of conditions 9, 11, 12, 13 and 14 amended to require details to be provided prior to first occupation. Condition 16 amended to require Code for Sustainable Homes rating of Code level 4.

Applicant: Birch Restorations Ltd

Officer: Guy Everest 293334

Approved on 06/11/15 DELEGATED

BH2015/03113**31 Broad Rig Avenue Hove**

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

Applicant: Mr & Mrs Almada

Officer: Laura Hamlyn 292205

Refused on 10/11/15 DELEGATED

BH2015/03159**Land to Rear of Harmsworth Crescent Hardwick Road Hove**

Variation of condition 2 of application BH2014/02489 (Erection of 4no three bedroom houses.) to allow amendments to the approved drawings to permit changes to floor levels and internal layout.

Applicant: Ms Janie Jolly

Officer: Clare Simpson 292321

Approved on 17/11/15 DELEGATED

BH2015/03198**171 Nevill Avenue Hove**

Certificate of lawfulness for proposed loft conversion incorporating hip to barn end roof extension and creation of rear dormer.

Applicant: Mrs Caroline Pye

Officer: Laura Hamlyn 292205

Report from 29/10/2015 to 18/11/2015

Approved on 10/11/15 DELEGATED**BH2015/03434****10 Meads Avenue Hove**

Erection of a single storey extension.

Applicant: Mrs Helen Rendall

Officer: Laura Hamlyn 292205

Refused on 09/11/15 DELEGATED**BH2015/03455****39 Florence Avenue Hove**

Prior approval for the erection of a single storey rear extension, which would extend beyond the rear wall of the original house by 6m, for which the maximum height would be 3m, and for which the height of the eaves would be 2.8m.

Applicant: Mr Hani Hakeem

Officer: Laura Hamlyn 292205

Prior Approval is required and is refused on 06/11/15 DELEGATED**BH2015/03714****31 Applesham Avenue Hove**

Prior approval for the erection of a single storey rear extension, which would extend beyond the rear wall of the original house by 5.1m, for which the maximum height would be 3.8m, and for which the height of the eaves would be 2.7m.

Applicant: Mr & Mrs Portas

Officer: Emily Stanbridge 292359

Prior approval not required on 17/11/15 DELEGATED**NORTH PORTSLADE****BH2015/02027****14 Southdown Road Portslade**

Creation of raised timber decking to rear garden.

Applicant: Mr Marc Farrell

Officer: Joanne Doyle 292198

Refused on 16/11/15 DELEGATED**BH2015/03104****1 Hazel Close Portslade**

Erection of single storey side extension.

Applicant: Ms Sally Macrae

Officer: Laura Hamlyn 292205

Approved on 02/11/15 DELEGATED**BH2015/03299****18 Anvil Close Portslade**

Erection of two storey side extension.

Applicant: Mr Dan Eaton

Officer: Clare Flowers 290443

Approved on 17/11/15 DELEGATED**BH2015/03574****39 Bush Farm Drive Portslade**

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

Applicant: Mr R Bothwell

Officer: Laura Hamlyn 292205

Approved on 10/11/15 DELEGATED

SOUTH PORTSLADE**BH2015/01242****56A Trafalgar Road Portslade**

Removal of existing rear extension and erection of single storey side extension.

Applicant: Downside Developments (Btn) Ltd

Officer: Joanne Doyle 292198

Approved on 17/11/15 DELEGATED

BH2015/02755**88 Church Road Portslade**

Erection of single storey side extension.

Applicant: Gill Watson

Officer: Mark Thomas 292336

Refused on 09/11/15 DELEGATED

BH2015/02949**Portslade Health Centre Church Road Portslade**

Display of non-illuminated fascia signs and information signs.

Applicant: Bestway Group

Officer: Mark Thomas 292336

Approved on 02/11/15 DELEGATED

BH2015/03147**53 Station Road Portslade**

Change of use of ground floor from restaurant (A3) to 1 no. studio flat (C3) at rear with single storey side extension and retail unit (A1) at front, with removal of extract flue and associated alterations. (Part Retrospective).

Applicant: Mr David Lia

Officer: Liz Arnold 291709

Approved on 02/11/15 DELEGATED

BH2015/03240**29 Fairway Crescent Portslade**

Erection of single storey rear extension and steps to rear garden.

Applicant: Mr Scales

Officer: Rebecca Fry 293773

Approved on 10/11/15 DELEGATED

BH2015/03400**31 Hillside Portslade**

Certificate of lawfulness for proposed side and rear dormers.

Applicant: Matt & Joanne Adams

Officer: Laura Hamlyn 292205

Approved on 10/11/15 DELEGATED

HOVE PARK**BH2014/02331****59 Hill Drive Hove**

Erection of detached single storey residential dwelling to rear incorporating landscaping and access. (Amended plans)

Applicant: Miss Natasha Church

Officer: Guy Everest 293334

Approved on 04/11/15 DELEGATED

BH2014/03413**Hove Park Depot The Drove Way Hove**

Application for Approval of Details Reserved by Conditions 11, 12, 13, 14, 15, 16, 17, 18, 19, 21, 22, 24 (a) (b) (c) and 25 of application BH2014/00922.

Applicant: Kier Plc

Officer: Jonathan Puplett 292525

Approved on 09/11/15 DELEGATED

BH2015/00372**Hove Park Depot The Drove Way Hove**

Application for approval of details reserved by conditions 8, 9 and 10 of application BH2014/00922.

Applicant: Kier Plc

Officer: Jonathan Puplett 292525

Approved on 09/11/15 DELEGATED

BH2015/01847**Croft House 29 Tredcroft Road Hove**

Certificate of lawfulness for proposed erection of single storey rear extension, roof extension with side and rear dormers and side rooflights, extension of garage roof, revised fenestration and other associated alterations.

Applicant: Mr Peter Zussman

Officer: Joanne Doyle 292198

Refused on 09/11/15 DELEGATED

BH2015/01891**1 Meadow Close Hove**

Erection of single storey rear extension.

Applicant: Dr Robert Pugh

Officer: Mark Thomas 292336

Refused on 02/11/15 DELEGATED

BH2015/02195**8 Shirley Drive Hove**

Erection of two storey front, side and rear extension, timber posted front porch and attached side garage.

Applicant: Mr & Mrs Therani

Officer: Rebecca Fry 293773

Approved on 16/11/15 DELEGATED

BH2015/02553**8 Hill Drive Hove**

Erection of single storey rear extension.

Applicant: Mr Ghar San Cheung

Officer: Mark Thomas 292336

Approved on 10/11/15 DELEGATED

BH2015/02594**7 & 8 Sandringham Close Hove**

Erection of two storey extensions and lower ground and ground floor level.

Applicant: Mr D Russell & Mrs C Russell

Officer: Luke Austin 294495

Refused on 09/11/15 DELEGATED

BH2015/02706**5 Mallory Road Hove**

Remodelling of existing dwelling including hip to barn end roof extension, raising of eaves height and installation of rooflights. Erection of first floor extension over existing ground floor extension, erection of a single storey side extension, creation of new entrance porch to side, revised fenestration and associated works.

Applicant: Mr N Patel

Officer: Mark Thomas 292336

Refused on 09/11/15 DELEGATED

BH2015/03054**41 Amherst Crescent Hove**

Creation of a rear raised patio. (Retrospective).

Applicant: Mr Colin Dawson

Officer: Rebecca Fry 293773

Approved on 02/11/15 DELEGATED

BH2015/03057**65 Dyke Road Avenue Hove**

Remodelling of existing house incorporating front and rear extensions and rear terrace. Replacement of existing roof with extension to create second floor level. Erection of new perimeter wall and front boundary wall rendered with timber panels.

Applicant: Mr Joseph Prince

Officer: Liz Arnold 291709

Report from 29/10/2015 to 18/11/2015

Approved on 13/11/15 DELEGATED**BH2015/03083****Hove Park Depot The Drove Hove**

Non Material Amendment to BH2014/00922 to allow for different solar panels to be installed on roof.

Applicant: Mr Richard Etherington

Officer: Jonathan Puplett 292525

Approved on 09/11/15 DELEGATED**BH2015/03118****10 Lullington Avenue Hove**

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

Applicant: Mrs Alison Holmes

Officer: Charlotte Bush 292193

Approved on 09/11/15 DELEGATED**BH2015/03314****14 Deanway Hove**

Certificate of Lawfulness for proposed single storey rear extension.

Applicant: Mr Zambon

Officer: Allison Palmer 290493

Approved on 16/11/15 DELEGATED**BH2015/03459****149 Shirley Drive Hove**

Creation of front dormer.

Applicant: Mr Brian Steele

Officer: Emily Stanbridge 292359

Approved on 18/11/15 DELEGATED**BH2015/03608****47 Woodland Avenue Hove**

Prior approval for the erection of a single storey rear extension, which would extend beyond the rear wall of the original house by 5m, for which the maximum height would be 4m, and for which the height of the eaves would be 3m.

Applicant: Mr Clarke

Officer: Laura Hamlyn 292205

Prior approval not required on 09/11/15 DELEGATED**BH2015/03654****27 Hill Brow Hove**

Application for Approval of Details Reserved by Condition 4 of application BH2015/01781

Applicant: Mrs Jayne Bennett

Officer: Wayne Nee 292132

Approved on 30/10/15 DELEGATED

WESTBOURNE**BH2015/01628****14 Princes Square Hove**

Certificate of lawfulness for proposed installation of flue and extract terminal to rear flat roof.

Applicant: Ms Natalie Barb

Officer: Helen Hobbs 293335

Approved on 10/11/15 DELEGATED

BH2015/02572**Top Floor Flat 13 Wordsworth Street Hove**

Insertion of rooflights to front and rear elevations.

Applicant: Kriston Reid

Officer: Ryan OSullivan 290480

Approved on 17/11/15 DELEGATED

BH2015/03105**191 Kingsway Hove**

Application for variation of condition 2 of application BH2014/00703 (variation of condition 2 of application BH2011/03956) (Original permission for Demolition of existing building and construction of nine residential flats) to permit amendments to the approved drawings including roof alterations and omission of Juliet balconies on North elevation.

Applicant: Spences Two LLP

Officer: Adrian Smith 290478

Approved on 02/11/15 DELEGATED

BH2015/03452**61 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 3.51m, for which the maximum height would be 3m, and for which the height of the eaves would be 3m.

Applicant: Ms Steph Harding

Officer: Charlotte Bush 292193

Prior Approval is required and is refused on 05/11/15 DELEGATED

WISH**BH2015/00914****17 Marmion Road Hove**

Demolition of existing building and erection of 5no three bedroom dwelling houses.

Applicant: YMCA Downslink Group

Officer: Jason Hawkes 292153

Approved on 03/11/15 COMMITTEE

BH2015/01581

Report from 29/10/2015 to 18/11/2015

50 Coleman Avenue Hove

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

Applicant: Mr Peter Anning

Officer: Joanne Doyle 292198

Approved on 10/11/15 DELEGATED

BH2015/02808**5 Portland Avenue Hove**

Erection of two storey rear extension and installation of rear rooflights and side dormer.

Applicant: Coastal Management Ltd

Officer: Joanne Doyle 292198

Refused on 11/11/15 DELEGATED

BH2015/02852**Former Gala Bingo Hall 193 Portland Road Hove**

Application for approval of details reserved by condition 19 of application BH2011/02263.

Applicant: Affinity Sutton Homes

Officer: Clare Simpson 292321

Approved on 16/11/15 DELEGATED

BH2015/03003**Portslade Railway Station Portland Road Hove**

Internal and external alterations including erection of new shelter to platform 1 to house ticket gates, new ticket gates to booking hall, enlarged arched opening onto platform, relocation of cycle shelter, new gate to side entrance, new ticket vending machine and associated works.

Applicant: Govia Thameslink Railway Limited

Officer: Joanne Doyle 292198

Approved on 06/11/15 DELEGATED

BH2015/03075**33A Boundary Road Hove**

Erection of first floor rear extension with extension to roof above.

Applicant: Mr Daniel Barker

Officer: Clare Flowers 290443

Approved on 10/11/15 DELEGATED

BH2015/03134**193 New Church Road Hove**

Demolition of rear conservatory and erection of single storey rear extension and first floor rear extension. Roof alterations including extensions, installation of dormer to side, rooflights to front, side and rear and associated works.

Applicant: Kier Tyrer

Officer: Laura Hamlyn 292205

Approved on 17/11/15 DELEGATED

BH2015/03205**32 Roman Road Hove**

Certificate of lawfulness for proposed single storey rear and side extensions.

Applicant: Mr John Osborne

Officer: Laura Hamlyn 292205

Approved on 10/11/15 DELEGATED

BH2015/03235**19 Woodhouse Road Hove**

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

Applicant: Ms Catherine Bergwerf

Officer: Allison Palmer 290493

Approved on 10/11/15 DELEGATED

BH2015/03316**Ground Floor Flat 9 Roman Road Hove**

Erection of single storey rear extension.

Applicant: Mr Phil Sheehan

Officer: Laura Hamlyn 292205

Approved on 02/11/15 DELEGATED

BH2015/03327**33 Derek Avenue Hove**

Erection of single storey rear extension with decking area to replace existing conservatory.

Applicant: Ms Dominique Osorio

Officer: Laura Hamlyn 292205

Approved on 16/11/15 DELEGATED

BH2015/03387**10 Marine Avenue Hove**

Creation of 2no dormers to front elevation.

Applicant: Mrs Susan Sheftz

Officer: Emily Stanbridge 292359

Refused on 13/11/15 DELEGATED

BH2015/03450**13 Woodhouse Road Hove**

Erection of single storey rear extension.

Applicant: Mr Gareth Griffiths

Officer: Emily Stanbridge 292359

Approved on 18/11/15 DELEGATED

BH2015/03485**47 Brittany Road Hove**

Certificate of lawfulness for proposed loft conversion incorporating hip to gable extension, rear dormer and front rooflights and single storey rear/side extension.

Applicant: Mr Ian Waddingham

Report from 29/10/2015 to 18/11/2015

Officer: Laura Hamlyn 292205
Split Decision on 10/11/15 DELEGATED

Withdrawn Applications**BH2015/03837****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 4.5, for which the maximum height would be 3.8m, and for which the height of the eaves would be 2.15m.

Applicant: Mr Mike Harwood

Officer: Charlotte Bush 292193

WITHDRAWN ON 10/11/15

PLANS LIST 09 December 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.****PATCHAM****Application No: BH2015/03691****51 Old London Road, Brighton**

1no Ash - reduce height by 4 metres and the radial spread by 4 metres.

Applicant: Mr S Middleton

Approved on 05 Nov 2015**PRESTON PARK****Application No: BH2015/03918****Ground Floor Flat, 117 Havelock Road, Brighton**

Fell 1no Yew

Applicant: Charlotte Sturdy

Approved on 06 Nov 2015**REGENCY****Application No: BH2015/03728****23 Vernon Terrace, Brighton**

Fell 1no Poplar T1 (Minimal public visibility and not sustainable in its location)

Applicant: Mr Richard Tompsett

Approved on 05 Nov 2015**ST. PETER'S & NORTH LAINE****Application No: BH2015/03369****33 Cheltenham Place, Brighton**

Fell 1no Sycamore

Applicant: Mr Steve Griffiths

Approved on 05 Nov 2015**Application No: BH2015/03391****69 Princes Crescent, Brighton**

1no Sycamore - Crown lift the tree to 5-6m. Remove lateral branches overhanging adjoining property.

Applicant: Mr Matthew Haynes

Approved on 05 Nov 2015

WITHDEAN**Application No: BH2015/03783****19 Harrington Road, Preston Park, Brighton**

Fell 5 Fir Trees (Trees have very limited public visibility and do not meet criteria for TPO)

Applicant: Mrs Angela Hammond

Approved on 05 Nov 2015**EAST BRIGHTON****Application No: BH2015/03560****12 Chichester Place, Brighton.**

Fell 1no Cherry T1 (Although has some public amenity value; it is not sustainable for the long term in its location)

Applicant: Mr Stewart Sharp

Approved on 05 Nov 2015**BRUNSWICK AND ADELAIDE****Application No: BH2015/03842****57 York Road, Hove**

1no Ash T1 - Reduce height by 4m and reduce radial growth by 4m.

Applicant: Mr S Duance

Approved on 05 Nov 2015**CENTRAL HOVE****Application No: BH2015/03841****28 Vallance Gardens, Hove**

Fell 1no Griselinia T1 (Does not warrant a TPO)

Applicant: Mr Stephen Duance

Approved on 05 Nov 2015

NEW APPEALS RECEIVED

WARD

APPEAL APP NUMBER
ADDRESS
DEVELOPMENT DESCRIPTION

APPEAL STATUS
APPEAL RECEIVED DATE
APPLICATION DECISION LEVEL

WESTBOURNE

BH2015/01411
 24 Westbourne Villas Hove
 Demolition of existing conservatory and erection of single storey extensions, creation of 3 no dormers to the rear and installation of 3 no rooflights to front.

APPEAL LODGED
 02/11/2015
 Delegated

WARD

APPEAL APP NUMBER
ADDRESS
DEVELOPMENT DESCRIPTION

APPEAL STATUS
APPEAL RECEIVED DATE
APPLICATION DECISION LEVEL

PRESTON PARK

BH2015/02178
 146 Waldegrave Road Brighton
 Creation of dormer to rear (Retrospective).

APPEAL LODGED
 03/11/2015
 Delegated

WARD

APPEAL APP NUMBER
ADDRESS
DEVELOPMENT DESCRIPTION

APPEAL STATUS
APPEAL RECEIVED DATE
APPLICATION DECISION LEVEL

HANOVER & ELM GROVE

BH2015/02082
 146 Hartington Road Brighton
 Erection of two storey side extension.

APPEAL LODGED
 04/11/2015
 Delegated

WARD

APPEAL APP NUMBER
ADDRESS
DEVELOPMENT DESCRIPTION

APPEAL STATUS
APPEAL RECEIVED DATE
APPLICATION DECISION LEVEL

WISH

BH2015/01148
 2 Stoneham Road Hove
 Change of use from retail (A1) to cookery club (D1). (Part retrospective)

APPEAL LODGED
 05/11/2015
 Delegated

WARD

APPEAL APP NUMBER
ADDRESS
DEVELOPMENT DESCRIPTION

APPEAL STATUS
APPEAL RECEIVED DATE
APPLICATION DECISION LEVEL

HANOVER & ELM GROVE

BH2015/01408
 Garage adjacent to 2A Shanklin Road Brighton
 Alterations to existing garage incorporating increased roof height. (Part-retrospective)

APPEAL LODGED
 04/11/2015
 Delegated

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

BH2015/01071

45 McWilliam Road Brighton

Erection of detached three bedroom dwelling.

APPEAL LODGED

05/11/2015

Delegated

WARD**APPEAL APP NUMBER****ADDRESS****DEVELOPMENT DESCRIPTION****APPEAL STATUS****APPEAL RECEIVED DATE****APPLICATION DECISION LEVEL****MOULSECOOMB & BEVENDEAN**

BH2015/01047

10 Canfield Road Brighton

Demolition of existing garages and erection of three storey three bedroom dwelling.

APPEAL LODGED

11/11/2015

Delegated

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

BH2015/00628

63 Bramble Rise Brighton

Demolition of existing garage and store and erection of 1no three bedroom dwelling (C3).

APPEAL LODGED

11/11/2015

Delegated

WARD**APPEAL APP NUMBER****ADDRESS****DEVELOPMENT DESCRIPTION****APPEAL STATUS****APPEAL RECEIVED DATE****APPLICATION DECISION LEVEL****ST. PETER'S & NORTH LAINE**

BH2014/03012

70-71 Rose Hill Terrace Brighton

Change of use from Public House (A4) to form two residential units (C3). Reinstatement of railings and basement level window to front elevation and associated alterations.

APPEAL LODGED

11/11/2015

Planning (Applications) Committee

**INFORMATION ON HEARINGS / PUBLIC INQUIRIES**
9th December 2015**Brighton & Hove**
City Council

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:	6 th January 2016
Location:	Brighton Town Hall

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Appeal Decision

Site visit made on 27 October 2015

by Cullum J A Parker BA(Hons) MA MRTPI AIEMA

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

Decision date: 3 November 2015

Appeal Ref: APP/Q1445/W/15/3035801

First Floor Flat, 40 Lyndhurst Road, Hove, Brighton and Hove, BN3 6FB

- 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 Padraig Hodges against the decision of Brighton & Hove City Council.
 - The application Ref BH2015/00647, dated 25 February 2015, was refused by notice dated 30 April 2015.
 - The development proposed is described as 'loft conversion'.
-

Decision

1. The appeal is allowed and planning permission is granted for the installation of rooflights to front and rear elevations at the First Floor Flat, 40 Lyndhurst Road, Hove, Brighton and Hove, BN3 6FB in accordance with the terms of the application, Ref BH2015/00647, dated 25 February 2015, 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: PBP0224/01, PBP0224/02 and PBP0224/03.
 - 3) The single rooflight in the rear elevation facing No 42 Lyndhurst Road shall be fitted with obscured glass and shall be permanently retained in that condition.

Procedural Matters

2. The original application form gives the description used in the above header. Both the appeal form and the Council's decision notice use the description 'Installation of rooflights to front and rear elevations.' As this appears to be what is shown on the submitted drawings and detailed in the written submission I have proceeded on the basis that this is what permission is sought for. Furthermore, the Council raises no issues with the rooflights in the front roof slope or the single rooflight in the two storey rear projection. Given their location and appearance, I see no reason not to concur with this position.

Main Issue

3. The main issue is the effect of the proposed development on the character and appearance of the host building and street scene.

Reasons

4. The appeal building is a mid terrace two storey house, located within a residential area of Hove. Three of the rear rooflights would consist of a cluster in an 'L shaped' opening. This cluster is considered by the Council to be excessive and not sensitively sited. In support the Council points to *SPD12: Design guide for extensions and alterations* (the SPD) and the section on Dormers and Rooflights (page 17). The SPD indicates that roof lights, particularly to street elevations, should be kept as few as possible and should relate well to the scale and proportions of the elevations below. It also states that; '*Irregular rooflight sizes and positioning should be avoided, and in particular will be resisted on street elevations*'.
5. The cluster of three rooflights on the rear roof slope would not be readily visible from the public realm, with only fleeting glances from afar. When seen from afar the rooflights would be seen in the context of the other roof slopes, which have a variety of alterations such as dormers and rooflights. The size of the rooflights proposed in this case are not dissimilar to those proposed elsewhere on the roof. What is more, the appeal site is not located within a conservation area, or other similarly designated area, and the rooflights would not be easily visible from the public realm.
6. The National Planning Policy Framework (the Framework) is clear in that planning decisions should not attempt to impose architectural styles or particular tastes. The fact that the specific rooflights at issue are not on street elevations and there is no indication that they would be detrimental to local distinctiveness, leads logically to the position that the proposed rooflights would not be materially harmful to the character or appearance of the host building or the street scene.
7. I therefore conclude that the proposed development would not be detrimental to the character and appearance of the host building or the street scene. It would therefore accord with Policy QD14 of the Brighton and Hove Local Plan 2005, as supported by the SPD, and the policies set out in the Framework, which, amongst other aims, seek to ensure that development is well designed, sited and detailed in relation to the property to be extended, adjoining properties and to the surrounding area.

Conditions

8. I have had regard to the Planning Practice Guidance and Paragraph 206 of the Framework in terms of the use of planning conditions. A condition requiring the proposal to be carried out in accordance with the submitted drawings is necessary for the avoidance of doubt and in the interests of proper planning. A condition requiring the single rooflight in the rear elevation facing No 42 to be obscured glazed is necessary in the interest of protecting the privacy of the occupiers of that dwelling.

Conclusion

9. For the reasons given above I conclude that the appeal should be allowed.

Cullum J A Parker

INSPECTOR



Appeal Decision

Site visit made on 3 November 2015

by J Dowling BA(Hons) MPhil MRTPI

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

Decision date: 09/11/2015

Appeal Ref: APP/Q1445/D/15/3131750
42 Goldstone Crescent, Hove BN3 6BA

- 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 J Sterry against the decision of Brighton & Hove City Council.
 - The application Ref BH2015/00961, dated 12 March 2015, was refused by notice dated 20 May 2015.
 - The development proposed is a side extension.
-

Decision

1. This appeal is allowed and planning permission is granted for the erection of a side extension at 42 Goldstone Crescent, Hove BN3 6BA in accordance with the terms of the application ref BH2015/00961, dated 12 March 2015 subject to the following conditions:
 - 1) The development hereby permitted shall begin no later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: existing details @ 42 Goldstone Crescent and proposed details @ 42 Goldstone Crescent.
 - 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.

Procedural matter

2. The address on the application form does not include a postcode. However, the appeal form includes this information and for clarity I have amended the site address in the banner heading accordingly.

Main Issue

3. The main issue is the effect of the development on the character and appearance of the host property and the wider area.

Reasons

4. Goldstone Crescent is a pleasant residential suburban street that is characterised by a mix of two storey semi detached and detached properties. Although built in the same period I note from my site visit that whilst a similar palette of materials was used there are a variety of different house designs. Many of the properties have been the subject of alterations and extensions.

5. No 42 is located in a group of semi detached houses between Neville Way and Goldstone Close. These properties are characterised by having a space between the side wall and the mutual boundary with the neighbouring property. From my site visit I noted that whilst originally these gaps formed part of the character and rhythm of the street many have been filled in with a variety of structures including garages, gates and garden walls.
6. The Council's Supplementary Planning Document 12 – Design Guidance for Extensions and Alterations (2013) (SPD12) advocates that side extensions should normally be no wider than half of the frontage; set back 0.5m from the front and the roof form should compliment that of the main building.
7. The property has an existing single storey detached garage which is located on the mutual boundary with No 40. The proposal would replace the garage with a single storey flat roofed extension that would extend across the full width of the gap.
8. I note that the Council considers that the proposal would project beyond the main front elevation. However, from visiting the site I observed that the property has a stepped frontage and that the two storey section where the front door is located has a small cat slide roof and projects forward of the rest of the front elevation to line through with the bay window. Consequently, I consider that whilst the proposal would have a greater forward projection than the current garage when viewed from the street it would still appear to be set back from the front elevation.
9. Whilst the proposal would not accord with SPD12 as it would be wider than half the frontage, have a flat roof and would be set back less than the 0.5m advocated the adjoining semi, No 44, has a single storey flat roofed garage that extends up to the boundary with No 46 and lines through with the front elevation of the property. As a result I consider that the proposed extension has been designed to reflect and respect the host property and would restore the symmetry of the pair of units of which it forms part.
10. Furthermore I note from my site visit that there are a number of neighbouring properties that have full width side extensions a number of which have flat roofs and therefore I consider that the proposal would not be out of character with the surrounding area.
11. Consequently I conclude that whilst the proposal would not accord with the guidance contained within SPD12 it would not detrimentally affect the character and appearance of No 42 or the surrounding area. As a result there would be no conflict with policy QD14 of the Brighton and Hove Local Plan (2005) (the Local Plan) which seeks to ensure that development is well designed, sited and detailed in relation to the property to be extended. The purpose of this policy is consistent with the National Planning Policy Framework (the Framework) which seeks among other things to secure good quality design.
12. Paragraph 206 of the Framework sets out a number of tests that conditions need to meet. I have considered the conditions suggested by the Council and judge that they meet these tests. In addition to the standard time limit, for clarity and in the interests of the character and appearance of the surrounding area, a condition requiring the use of matching external materials has been attached. For the avoidance of doubt and in the interests of proper planning, I

have also imposed a condition requiring that the development be carried out in accordance with the approved plans.

Conclusion

13. For the reasons set out above, this appeal is allowed.

Jo Dowling

INSPECTOR



Appeal Decision

Site visit made on 20 October 2015

by Geoff Winslow BSc (Hons.) MA MRTPI

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

Decision date: 10 November 2015

Appeal Ref: APP/Q1445/W/15/3129491

Flat 2, 5 Princes Avenue, Hove, Brighton & Hove BN3 4GW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mrs Kate Heath against the decision of Brighton & Hove City Council.
 - The application Ref BH2015/00527, dated 17 February 2015, was refused by notice dated 15 April 2015.
 - The development proposed is a balcony.
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether or not the proposed balcony would preserve the character or appearance of the Pembroke and Princes Conservation Area.

Reasons

3. The Pembroke and Princes Conservation Area is a tightly defined designated heritage asset. In the north, the Pembroke Crescent and Pembroke Avenue area comprise the only large group of Victorian and Edwardian red brick developments in Hove. The area around New Church Road and Aymer Road typically comprise red brick, red tile and white painted wooden exterior features. This contrasts with the area around Princes Avenue which is dominated by a later, inter-war design of mock timber framed houses with tiled roofs. Moving further south, Princes Crescent and Princes Square typically comprise more inter-war houses presenting a mix of designs with steep, tiled, hipped roofs with brick, half-timbered and rendered elevations. As a whole, the character and appearance of the Conservation Area is cohesively defined by a series of wide sweeping streets of residential properties exhibiting uniform building styles and materials that correspond to the specific era within which they were built.
4. The appeal site – 'Flat 2' is situated within No. 5 Princes Avenue which, along with No. 7 forms a continuous extension to No. 23 Aymer Road. Together the buildings occupy what would have been the rear garden of No. 23 Aymer Road and are of a broadly similar height to the host property and hence do not appear subservient in any way. Although attached to No. 23, they are an

integral and prominent element of the street scene of Princes Avenue and, when viewed in context, are read as such.

5. The appellant appears uncertain as to whether Nos. 5 and 7 Princes Avenue specifically form part of the Conservation Area for the purposes of the designation. However, from the information before me it is abundantly evident that they are firmly embedded within it, with no indication on the 'Conservation Fact File' map to the contrary. Although a more recent addition to the area, they reflect their immediate surroundings in terms of fenestration (spacing, regularity and appearance), materials (red tiles and red brick) and incorporation of bay windows. They therefore add to the overall narrative that describes the significance of the heritage asset in terms of the demonstration of building styles and ages throughout the Conservation Area.
6. The proposed development would involve the removal of an upper floor window and replacement with a balcony and new glazed doors. The balcony would be constructed in steel and painted black. The replacement doors would be the same width as the existing window, but longer in terms of overall length. In terms of appearance, the proposed balcony would effectively span the full width of the southern elevation between the two existing first floor bays that project from Flat 2. As such, it would be a distinctive and conspicuous addition to the street scene of Princes Avenue when read within the context of its surroundings.
7. I note the proposed balcony would be similar in form to that which was permitted back in 2005, but never erected (Ref BH2005/01466/FP). However, since that permission was granted the Council have adopted Supplementary Planning Document 12 (SPD12)¹. SPD12 clearly states that unless the character of an area dictates otherwise, balconies will not be considered acceptable. During my site inspection I noted no such features adorning the traditionally styled houses that define the character of Princes Avenue.
8. The balcony of the adjoining property – No. 23 Aymer Road is constructed of black painted metal. However, the appearance of this structure is completely at odds with the preponderance of white painted wooden balconies that are key architectural feature of the properties in Aymer Road and, as such, help define the character of that part of the Conservation Area.
9. Moreover, with an overall depth of approximately 700 millimetres, the proposed balcony would bear no resemblance to the predominant and uniform design of the significantly deeper, more utilitarian balconies exhibited on Aymer Road; and the tower block developments between Princes Avenue and Kingsway on the edge of the Conservation Area. Indeed, by way of stark contrast, the overall appearance of the proposed balcony would be somewhat cosmetic and ornamental.
10. I note the appellant would be prepared to construct the proposed balcony with timber balusters. However, this would do nothing to lessen its impact, particularly when viewed in a street scene bereft of this features, as is the case in Princes Avenue. So, irrespective of the materials used, the proposed structure would be distinctly at odds with the uniform design of houses on Princes Avenue. Hence, it would serve to erode and harm, rather than preserve and enhance the heritage significance of the Conservation Area.

¹ Supplementary Planning Document 12 - design guide for extensions and alterations, adopted 20 June 2013.

11. The National Planning Policy Framework (the Framework) at paragraphs 17 and 132 places great weight on the conservation of heritage assets. I have found that the proposed development would be harmful to the significance of the Conservation Area. However, in the context of paragraphs 133 and 134 of the Framework, I would quantify the extent of this harm as being less than substantial.
12. I accept that a larger opening in the southern elevation of Flat 2 might offer more daylight, ventilation and a modest amount of outdoor space for its occupants, thus being a tangible benefit to them. However, this may not in my view be recognised as a 'public benefit' as anticipated by paragraph 134 of the Framework to weigh against any harm identified. Even if they could be, it would not be sufficient to outweigh the harm to the Conservation Area I have identified.
13. The proposed development would fail to preserve the character or appearance of the Conservation Area, contrary to the requirements of section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. It would also therefore conflict with Policies HE6 and QD14 of the Brighton & Hove Local Plan 2005 (saved policies post 2007) which seek *inter alia* to protect and enhance the character and appearance of the Conservation Area and address matters in relation to the design.
14. Consequently, for the reasons set out above and having considered all other matters raised, I conclude the appeal should be dismissed.

Geoff Winslow

INSPECTOR



Appeal Decision

Site visit made on 27 October 2015

by Cullum J A Parker BA(Hons) MA MRTPI AIEMA

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

Decision date: 13 November 2015

Appeal Ref: APP/Q1445/W/15/3130622

Gemini Business Centre, 136-140 Old Shoreham Road, Hove BN3 7BD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Schedule 2, Part 3, Class O of The Town and Country Planning (General Permitted Development)(England) Order 2015.
 - The appeal is made by Glenhazel Limited against the decision of Brighton & Hove City Council.
 - The application Ref BH2015/01682, dated 1 May 2015, was refused by notice dated 2 July 2015.
 - The development proposed is a change of use of the existing building from Class B1(a) offices to Class C3 residential use to create 35 residential units comprising of 5x studio, 22x 1 bed and 8x2 bed units, with ancillary refuse storage, cycle parking and car parking.
-

Decision

1. The appeal is dismissed as the proposed change of use is not permitted by the Town and Country Planning (General Permitted Development) Order 2015.

Application for costs

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

Main Issues

3. The main issue is whether or not the change of use for which prior approval is sought is prohibited by Article 3(4) of The Town and Country Planning (General Permitted Development)(England) Order 2015 (the GPDO).

Reasons

4. The appeal site consists of a large building attached to 142 Old Shoreham Road. The building faces onto the highway, with parking between the front elevation and the pavement, and also provided internally. Neither party contests that the building is occupied in practice as offices, with the associated items such as desks, PC and associated paraphernalia present. However, the Council raises concerns in terms of the existing lawful use of the building as 'B1(a) offices' in planning terms. At present, there is no certificate of lawfulness that establishes the existing lawful use of the building. It is open to the appellant to seek such clarity, but such matters are a separate one for the Council to consider and beyond the scope of this appeal.

5. The GPDO sets out in Article 3(1) that it grants planning permission *'for classes of development described as permitted development in schedule 2'*. However this is subject to the provisions of the Order. Schedule 2, Part 3, Class O, of the GPDO permits, in certain circumstances, the change of use of a building to a use falling within Class C3 (dwellinghouse) from a use falling within Class B1a (offices). However, the change of use to a dwellinghouse is not permitted if the building was not used for a use falling within Class B1a (offices) immediately before 30 May 2013 or, if the building was not in use immediately before that date, when it was last used. Article 3(4) of the GPDO states that *'nothing in this Order permits development contrary to any condition imposed by any other planning permission granted or deemed to be granted under Part III of the Act otherwise than by this Order.'*
6. The Council have directed me to an earlier planning permission relating to the site for *'Demolition of existing workshop & erection of two storey building to form and extension of existing offices and workshop'* (ref M/16075/71). Condition 10 of that permission states that: *'The premises shall not be used for any other purpose other than for light engineering, within Use Class III of the schedule to the Town and Country Planning (Use Classes) Order 1963. The office and storage areas shall be ancillary to such use.'* Accordingly, this poses a question as to whether Article 3(4) of the Order prevents the permits development rights to be utilised in this case.
7. There is no cogent evidence that this condition does not relate to the building subject to this appeal, or that the condition has been removed, altered or revoked since its imposition. The condition goes beyond what was originally granted in terms of the description of development, and the term *'shall not be used for any other purpose'* appears clear and unambiguous, and implicitly restricts development to that set out in the condition. It therefore stands to restrict the use of the building to *'light engineering'* (with ancillary offices and storage) and is a condition that is relevant under Article 3(4) of the GPDO, which would prevent the utilisation of permitted development rights under the GPDO.
8. The appellant suggests that later changes to the Use Classes Order mean that changes within the B1 use class are permitted development. However, the condition imposed restricts the use to light engineering, rather than a specific use class. In doing so, it is precise and its intent is to ensure that the building remains available for that specific use. Moreover, the precision in the original wording would mean that the reasonable reader would understand that the use is restricted to light engineering, with offices and storage as ancillary only. I also note the appellant's concern that this was not raised in an earlier scheme for the site, but this does not alter my assessment of the present scheme, which I have considered on the basis of the evidence before me.
9. As such, the approval sought in this case would be development contrary to Condition 10 of M/16075/71. As such, planning permission is required as the evidence before me indicates that the building was not lawfully used within a use falling within Use Class B1(a) offices on or immediately prior to 30 May 2013, and therefore the proposal cannot benefit from the provisions of Class O of the GPDO as it is prohibited by Article 3(4) of the GPDO. On this basis the appeal fails.

Cullum J A Parker INSPECTOR



Costs Decision

Site visit made on 27 October 2015

by Cullum J A Parker BA(Hons) MA MRTPI AIEMA

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

Decision date: 13 November 2015

Costs application in relation to Appeal Ref: APP/Q1445/W/15/3130622 Gemini Business Centre, 136-140 Old Shoreham Road, Hove BN3 7BD

- 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 Glenhazel Limited for a full award of costs against Brighton & Hove City Council.
 - The appeal was against the refusal to grant prior approval under Schedule 2, Part 3, Class O of The Town and Country Planning (General Permitted Development)(England) Order 2015 (the GPDO) for a change of use of the existing building from Class B1(a) offices to Class C3 residential use to create 35 residential units comprising of 5x studio, 22x 1 bed and 8x2 bed units, with ancillary refuse storage, cycle parking and car parking.
-

Decision

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

Reasons

2. The application for costs was made and responded to on the basis of the Planning Practice Guidance (the Guidance). The Guidance, advises that costs may only be awarded against a party who has behaved unreasonably and this has directly caused another party to incur unnecessary or wasted expense in the appeal process.
3. The appellant considers that the Council acted unreasonably by raising the issue of whether the building's existing lawful use was B1(a) on the day the decision was intended to be made. This was despite an earlier scheme on the site where this was not raised as an issue. The result being that the appellant had insufficient time to prepare the necessary evidence and therefore had to appeal the refusal in this case. Furthermore, the appellant considers that through the documents submitted with the appeal they have clearly demonstrated the lawful use of the property is B1(a).
4. To the contrary the Council point to the fact that the onus is on the appellant to prove existing lawful use. Furthermore, whilst the additional information could have been requested earlier, it is not unreasonable for the local planning authority to determine applications on the basis of the originally submitted information. The Council's position, that the B1(a) use is unlawful, means that the application had to be refused, in accordance with the GPDO.
5. In considering the case and response put forward, I am mindful that it is open to the appellant to apply for a Lawful Development Certificate (LDC) which

would have confirmed the lawful use of the building; however this has not occurred. Moreover, the nature of the prior approvals process is that the Council only has 56 days to determine whether permission is required or not and whether the conditions set out in the order are met or not rather than the 8 or 12 weeks for application for full planning permission. There is no onus on the Council to accept or seek further information in terms of the appeal scheme; although it would have been helpful to have informed the appellant earlier. This would have allowed them time to consider withdrawing the application and either submitting a more detailed scheme or applying for a LDC. These were options open to the appellant, who has a built environment professional as an agent, and they could have been exercised to avoid the appeal being submitted.

6. However, this does not, in itself, does not constitute unreasonable behaviour by the local planning authority, who had a duty to determine the application within the 56 days period. It is also important to appreciate that the large amount of paperwork and evidence submitted at the appeal stage by the appellant to support their case, (which was not submitted at the application stage) would have cost the LPA time in its consideration. Again, had this been submitted earlier, as it was in the scope of the appellant to do, it may have saved time for all involved. Nonetheless, I do not find that any unreasonable behaviour occurred as a result of or during the appeal process.

Conclusion

7. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense has not been demonstrated.

Cullum J A Parker

INSPECTOR



Appeal Decision

Site visit made on 10 November 2015

by Patrick Whelan BA(Hons) Dip Arch MA MSc ARB RIBA RTPI

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

Decision date: 17 November 2015

Appeal Ref: APP/Q1445/W/15/3128736

19 Hollingbury Park Avenue, Brighton BN1 7JG

- 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 Barrett against the decision of Brighton & Hove City Council.
 - The application Ref BH2014/01429, dated 1 May 2014, was refused by notice dated 13 March 2015.
 - The development is described as the change of use from C3 Dwelling house to C4 Shared Dwelling house.
-

Decision

1. The appeal is allowed and planning permission is granted for the change of use from Class C3 (dwelling house) to Class C4 (six bedroom, small house in multiple occupation) at 19 Hollingbury Park Avenue, Brighton BN1 7JG in accordance with the terms of the application, Ref BH2014/01429, dated 1 May 2014, and the plans submitted with it, subject to the following condition:
 - 1) The development hereby permitted shall be carried out in accordance with the following approved plans: 05.14.001 Site location Plan; 01 Existing and Proposed plans.
 - 2) Within three months of the date of this decision, details of secure cycle parking facilities shall have been submitted for the written approval of the local planning authority. These facilities shall be provided within three months of the details being agreed and shall thereafter be kept available for the parking of bicycles.

Preliminary Matter

2. The planning application form states that the change of use has been effected. I could see at my site visit that the house appeared no longer in Class C3 use. The ground floor front room was fitted-out as a bedroom, albeit unoccupied. For the avoidance of doubt, my determination of the appeal is based on the proposed plan as submitted, for six bedrooms, with the living room separate from the kitchen/dining room, and not on the arrangement as fitted-out at the time of my visit.
3. The description of development in the header above is taken from the planning application form. In the interests of clarity, I have adapted the description of development in the formal decision section above, to be similar to that provided by the Council, as partially repeated by the appellant in the appeal form.

Main Issue

4. The main issue is the effect of the development on the living conditions of the occupants of the appeal property having particular regard to the size of bedrooms and the provision of shared facilities.

Reasons

5. The house the subject of this appeal is a two-storey, bay-fronted, terraced house with a roof conversion and a ground floor, rear extension. It stands in an area of the city covered by an Article 4 Direction which removes permitted development rights for a change of use from Class C3 Dwelling House to Class C4 House in Multiple Occupation (HMO). This Direction gives the Council the power to control the location of HMOs through the planning system.
6. The Council is concerned that the size of the bedrooms is inadequate and the shared facilities are insufficient for the number of occupants, contrary to Policy QD27 of the Brighton and Hove Local Plan 2005 (LP) which seeks to prevent changes of use which would be detrimental to human health or which would cause loss of amenity to proposed residents.
7. From my inspection of the house, I could see nothing unacceptable in the size of the bedrooms or in the adequacy of the facilities. Each bedroom is provided with a bed, a wardrobe, a chest of drawers and a desk. Each has a good level of privacy, daylight and outlook, as well as a radiator for heating, a window for ventilation, and wall mounted electrical and media services. Most bedrooms have generous floor to ceiling heights, and those on the ground and first floors have wash hand basins. The space in each room is adequate for sleeping, dressing, relaxing, and studying.
8. I agree that the front attic room feels small; of all the bedrooms it has the least floor area and the slope of the ceiling, which covers a large part of the room, restricts movement. However, it has a number of qualitative factors which offset its size. The wardrobe is built into the roof space; there is additional storage within the eaves of the room; the layout maximises the available headroom; and, the large, east-facing skylight provides a good level of daylight and morning sunlight with an outlook over the rooftops of the city. Taking into account these compensating factors, I find this an acceptable bedroom.
9. The shared facilities of the house include two bathrooms, each with a toilet, as well as a separate toilet. The kitchen has two windows, and the dining area has a window and a door which leads to a small, hard-surfaced, west-facing back garden, sufficient in size for the residents to sit outside. The kitchen is well served with counter space and cupboards and sufficient in size for more than one person to use at a time. It leads to a dining area with a table and chairs which can seat six people. Together with the separate, front living room shown on the proposed floor plan, I consider the shared facilities of the house are sufficient for the number of residents.
10. I note the Council's statement refers to limited amenity space and overcrowding, however, I find the shared areas including the living room separate from the kitchen/dining area together with the back garden provides sufficient amenity space for the occupants. The occupation of the house by six residents does not lead to overcrowding.

11. I therefore conclude that the living conditions of the occupants of the appeal property with particular regard to the size of bedrooms and the provision of facilities is satisfactory and in accordance with Policy QD27 of the LP, as well as one of the core planning principles of the Framework (paragraph 17); that planning should seek to ensure a good standard of amenity for future occupants of land and buildings.

Other Matters

12. I note the representations from local residents and Councillors including the effect of the proposal on a mixed and balanced community, parking pressure, noise, refuse storage and overlooking.
13. The Committee Report indicates that of the 70 properties within a 50m radius of the site, 4 of them, or as a proportion, 5% of them, are in Class C4 use. Though the City Plan Part One has not yet been adopted and therefore carries limited weight, I note that the Council considers that the proposal would be in accordance with policy CP21 of that Plan, which has a threshold of 10%, above which planning permission may not be granted for applications similar to this one. The proportion of Class C4 use resulting from this change of use does not materially harm the character of the area with regard to the balance and mix of households.
14. The rooms of the house are well contained and there is space to store refuse and bicycles in the back garden. There is no evidence that the Class C4 use would result in a material increase in overlooking over the Class C3 use. Whilst the intensity of use of the house is greater in Class C4 use than in its use in Class C3, it would not have an adverse impact on the living conditions of surrounding occupiers, nor would it exacerbate parking pressures in the surrounding streets.
15. I note the concerns of neighbours over the planning history of the site and issues of neighbourliness, however, the Council's reason for refusal is clearly focused on the living conditions of the occupants of the appeal property, and this is the basis upon which the appeal has been made.

Conditions

16. The appeal being allowed, in addition to the standard time commencement condition, I attach a condition requiring that the development be carried out in accordance with the plans hereby approved in the interests of sound planning. Given the limited size of the garden, together with the number of residents and the likelihood that they would use bicycles, I consider it reasonable to apply a condition requiring the provision of bicycle storage to details for approval by the Council.

Conclusion

17. For the reasons given above, and taking into account all matters raised, I conclude that the appeal should succeed.

Patrick Whelan

INSPECTOR

