



**Brighton & Hove  
City Council**

# Plans List

## **PLANNING COMMITTEE**

**2.00PM, WEDNESDAY, 7 APRIL 2010**

**COUNCIL CHAMBER, HOVE TOWN HALL**



**BRIGHTON & HOVE CITY COUNCIL  
ENVIRONMENT**

**PLANS LIST  
PLANNING COMMITTEE  
Date: 7<sup>th</sup> April 2010**

**TREES - Recommendations** -

**TREES**

**Delegated Powers or implementation of a previous Committee Decision**

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**SUBSTANTIAL OR CONTROVERSIAL DEVELOPMENT OR DEPARTURES FROM POLICY**

	<b>Application Number</b>	<b>Area</b>	<b>Ward</b>	<b>Address</b>	<b>Proposal</b>	<b>Recommendation</b>	<b>Page</b>
<b>A</b>	BH2009/ 03154	West	Wish	Gala Bingo Hall & Adjacent Car Park, 193 Portland Road	Demolition of existing building. Redevelopment of site to provide new GP surgery at part ground floor level and part first floor level, new D1/D2 unit at ground floor level and 35 residential units above in part 2, 3, 4 and 5 storey building to include 14 affordable units. Provision of surface parking for 18 cars, cycle parking and landscaping.	Minded to Grant	<b>9</b>

**MINOR APPLICATIONS**

	<b>Application Number</b>	<b>Area</b>	<b>Ward</b>	<b>Address</b>	<b>Proposal</b>	<b>Recommendation</b>	<b>Page</b>
<b>B</b>	BH2009/02741	West	Withdean	7 Station Road	Erection of two storey outhouse, incorporating double garage and parking bay to ground floor and home office to first floor (roofspace) over.	Grant	<b>42</b>
<b>C</b>	BH2009/02158	East	Rottingdean Coastal	Land rear of 11 Longhill Road, Ovingdean	Erection of detached 2 storey, 4 bed dwelling	Grant	<b>52</b>

<b>D</b>	BH2009/02955	West	Regency	45-46 North Street	Conversion of existing residential unit into 3 self-contained flats and 5 bedsit units together with extension to third floor. Minor alterations to existing shopfront to allow access to flats above. (Part Retrospective).	Refuse	<b>63</b>
<b>E</b>	BH2010/00258	West	Withdean	Land adjacent 29 Surrenden Holt	Construction of one and two storey residential dwelling.	Refuse	<b>73</b>
<b>F</b>	BH2010/00316	East	St Peters & North Laine	36 Gloucester Road	Application for variation of condition 2 of application BH1999/00436/FP to allow opening hours 8am to 10pm Monday to Saturday.	Grant	<b>81</b>

**Determined Applications:**

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PLEASE NOTE IN LINE WITH THE DECISION OF THE SUB-COMMITTEE TAKEN AT ITS MEETING ON 27 APRIL 2005, copies of "Determined Applications" items are now available as hard copies at public inspection points or may be downloaded from the Council website. Copies of these papers are emailed to individual Committee Members.

**PLANS LIST 07 April 2010**

**BRIGHTON AND HOVE CITY COUNCIL**

**LIST OF APPLICATIONS DETERMINED BY THE DIRECTOR OF ENVIRONMENTAL SERVICES UNDER DELEGATED POWERS OR IN IMPLEMENTATION OF A PREVIOUS COMMITTEE DECISION**

**PATCHAM**

**Application No: BH2010/00202**  
**All Saints Church, Church Hill**

2 x Sycamores - repollard.

Applicant: Mr J Hatch  
**Approved on 04 Mar 2010**

**PRESTON PARK**

**Application No: BH2010/00012**  
**65 - 67 Springfield Road**

Fell - 1 x dead tree.

Applicant: Mrs C Hurle  
**Approved on 04 Mar 2010**

**Application No: BH2010/00013**  
**65 - 67 Springfield Road**

3 x Ash - crown reduce by one third. 1 x Cherry - crown reduce by one third. 1 x Elm - crown reduce by one third. 1 x Bush - trim off property. 1 x Laurel - crown reduce by one third. Bush leaning over neighbour's garden - cut back and reduce. 1 x Tree (o/s patio area) - prune.

Applicant: Mrs C Hurle  
**Approved on 04 Mar 2010**

**Application No: BH2010/00594**  
**Elm Court, 192 Dyke Road**

1 x Hornbeam - max 30% crown reduction, max 30% crown thin. 1 x Sycamore - max 30% crown reduction, max 30% crown thin.

Applicant: Mrs P Hays  
**Approved on 22 Mar 2010**

### **ST. PETER'S & NORTH LAINE**

**Application No: BH2010/00643**  
**42 Dyke Road**

1 x Privet - remove and grub-up. Fell - 3 x Trees and grub up roots (causing actual structural damage).

Applicant: Peter Overill Associates  
**Approved on 22 Mar 2010**

### **WITHDEAN**

**Application No: BH2010/00550**  
**21 Hazeldene Meads**

1 x Yew - 30% crown reduction.

Applicant: Mr H Mason  
**Approved on 09 Mar 2010**

**Application No: BH2010/00554**  
**Varndean Park Estate**

1 x Sycamore - remove epicormic growth to 7m, strip ivy. 1 x Sycamore - 20% crown reduction by volume. 1 x Horse Chestnut - 20% crown reduction by volume. 1 x Lime - thin canopy by up to 20%. 1 x Horse Chestnut - reduce 1 x low limb over Withdean Court by up to 50%, reduce crown by up to 20%. 1 x Horse Chestnut - reduce crown by up to 20% volume.

Applicant: Mr J Cox  
**Approved on 04 Mar 2010**

**Application No: BH2010/00724**  
**10 Withdean Crescent**

4 x Lime - 30% crown reduction. 1 x Beech - 30% crown reduction. 1 x Horse Chestnut - 30% crown reduction. 1 x Prunus pissardii - 40% crown reduction. 2 x Holly - cut back to boundary line (as per Highways Dept instruction).

Applicant: Mr J Roseblade  
**Approved on 19 Mar 2010**

**Application No: BH2010/00781**  
**8 Withdean Crescent**

3 x Yew - 10% crown reduction, 10% crown thin, reshape.

Applicant: Mr J Roseblade  
**Approved on 19 Mar 2010**

**HOLLINGDEAN & STANMER**

**Application No: BH2009/03020**  
**6 Hollingbury Copse**

1 x Elm - cut the crown back to the points it was cut to in 1995.

Applicant: Mr H Mason  
**Approved on 11 Mar 2010**

**Application No: BH2010/00545**  
**Rear of 7 - 16 Stanmer Village**

Woodland maintenance to include thinning and pruning etc.

Applicant: Mr P Martin  
**Approved on 04 Mar 2010**

**MOULSECOOMB & BEVENDEAN**

**Application No: BH2009/02776**  
**14,15,16 Tenantry Road**

4 x Sycamores (R.O 16) - crown reduce by one third and sever ivy. 3 x Sycamores (R.O 15) - crown reduce by one third. 2 x Sycamores (R.O 14) - crown reduce by one third and sever ivy.

Applicant: Mrs Cheryl Hurle  
**Approved on 11 Mar 2010**

## **QUEEN'S PARK**

**Application No: BH2010/00804**  
**Tarnerland Nursery School, St Johns Place**

4 x trees over classrooms - crown lift and remove deadwood. 8 x sycamore stems over grass area - crown lift and remove 2 stems. 2 x holly - light shape. 2 x Cherry - shape (formative pruning).

Applicant: Mr R Green

**Approved on 22 Mar 2010**

**Application No: BH2010/00805**  
**Tarnerland Nursery School, St Johns Place**

Fell - 1 x Sycamore (in decline).

Applicant: Mr R Green

**Approved on 22 Mar 2010**

## **ROTTINGDEAN COASTAL**

**Application No: BH2010/00555**  
**25c Sussex Square**

1 x Sycamore - reduce by approx 35%.

Applicant: Mr D Armstrong

**Approved on 22 Mar 2010**

## **BRUNSWICK AND ADELAIDE**

**Application No: BH2010/00551**  
**50 York Road**

1 x Pittosporum - reduce height by 15ft and reshape crown to match new height.

Applicant: Mr N Thompson

**Approved on 05 Mar 2010**



**Application No: BH2010/00552**  
**27 First Avenue**

2 x Sycamore - reduce by 25%. 1 x Sycamore - reduce height by up to 3m.

Applicant: Mr D Armstrong  
**Approved on 05 Mar 2010**

**Application No: BH2010/00553**  
**7b Brunswick Road**

1 x Sycamore - reduce by 30% and thin by 15-20%.

Applicant: Mr C Irving  
**Approved on 04 Mar 2010**

**Application No: BH2010/00558**  
**12 Holland Road**

T.1 - 1 x Birch - Reduce leader overhanging client's property back to boundary. T.2 - 1 x Birch - Reduce in height to match T.3. Prune back to boundary any lateral branches overhanging property.

Applicant: Mr M Seaton  
**Approved on 05 Mar 2010**

## **HANGLETON & KNOLL**

**Application No: BH2010/00593**  
**Benfield Valley Golf Course**

Mixed species (Ash, Elm, Hawthorn, Sycamore) - reduce height by 30 - 40%.

Applicant: Mr T Fellows  
**Approved on 09 Mar 2010**

## **WESTBOURNE**

**Application No: BH2010/00546**  
**39 Sackville Gardens**

1 x Fig - hard prune / coppice. 1 x Plum - 30% reduction. Group of sycamore poles - repollard.

Applicant: Miss Natasza Beresford-Meurer  
**Approved on 05 Mar 2010**

**Application No: BH2010/00547**  
**39 Sackville Gardens**

Group of sycamore poles - fell 1 - 2 poles.

Applicant: Miss Natasza Beresford-Meurer  
**Approved on 05 Mar 2010**

**Application No: BH2010/00548**  
**34 New Church Road**

Fell - 17 x Leyland Cypress (hedge). Fell - 2 x Leyland Cypress. Fell - 1 x Eucalyptus (inappropriate species, no public amenity value).

Applicant: Mr E Hine  
**Approved on 15 Mar 2010**

**Application No: BH2010/00549**  
**34 New Church Road**

1 x Lime - prune.

Applicant: Mr E Hine  
**Approved on 15 Mar 2010**

**SUBSTANTIAL OR CONTROVERSIAL DEVELOPMENT OR DEPARTURES  
FROM POLICY**

<b><u>No:</u></b>	<b>BH2009/03154</b>	<b><u>Ward:</u></b>	<b>WISH</b>
<b><u>App Type:</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>Gala Bingo Hall &amp; Adjacent Car Park, 193 Portland Road, Hove</b>		
<b><u>Proposal:</u></b>	<b>Demolition of existing building. Redevelopment of site to provide new GP surgery at part ground floor level and part first floor level, new D1/D2 unit at ground floor level and 35 residential units above in part 2, 3, 4 and 5 storey building to include 14 affordable units. Provision of surface parking for 18 cars, cycle parking and landscaping.</b>		
<b><u>Officer:</u></b>	<b>Clare Simpson, tel: 292454</b>	<b><u>Valid Date:</u></b>	<b>11/01/2010</b>
<b><u>Con Area:</u></b>	<b>N/A</b>	<b><u>Expiry Date:</u></b>	<b>12 April 2010</b>
<b><u>Agent:</u></b>	<b>Robinson Escott Planning, Downe House, 303 High Street, Orpington Kent</b>		
<b><u>Applicant:</u></b>	<b>Downland Housing Association, Martello House, 315 Portland Road Hove</b>		

**1 RECOMMENDATION**

That the Planning Committee has taken into consideration and agrees with the reasons for the recommendation set out in paragraph 8 of this report and resolves it is **MINDED TO GRANT** planning permission subject to the applicant entering into a Section 106 Agreement and to the following Conditions and Informatives:

**S106**

- 40% affordable housing;
- £35,000 toward the improvement of open space in the vicinity of the site. These improvements have been identified for Stoneham Park. Reconfigure and upgrade toddler and junior playspace (including sand play and replacement units);
- £73,750 to be used for the following; Olive Road” bus stop eastbound – accessible bus stop , real time bus info sign & react box; “Olive Road” bus stop westbound – accessible bus stop, real time bus info sign & react box; “School Road” bus stop westbound – real time bus info sign & react box; “Westbourne Street” bus stop westbound – real time bus info sign & react box;
- £50,000 for the provision of education capacity.

**Conditions**

1. BH01.01 Full Planning Permission.
2. The first and second floor bedroom windows in the northern elevation of the building hereby permitted facing the external walkways shall be fitted

with obscured glazing up to a minimum height of 1800mm above the walkway level in accordance with the details shown on drawing no. P21 and shall thereafter be so retained.

**Reason:** To protect the amenities of the occupiers of these units and to comply with policy QD27 of the Brighton & Hove Local Plan.

3. BH02.07 Refuse and recycling storage (facilities).
4. BH03.01 Samples of Materials Non-Cons Area (new buildings).
5. BH04.01A Lifetime Homes.
6. BH05.01B Code for Sustainable Homes – Pre-Commencement (New build residential) (Code Level 3, Code 4 wheelchair units).
7. BH05.02B Code for Sustainable Homes – Pre-Occupation (New build residential) (Code Level 3, Code 4 wheelchair units).
8. BH05.05A BREEAM – Pre-Commencement (New build non-residential) (excellent).
9. BH05.06A BREEAM – Pre-Occupation (New build non-residential) (excellent).
10. BH11.01 Landscaping / planting scheme.
11. BH11.02 Landscaping / planting (implementation / maintenance).
12. Prior to occupation of corresponding flats, the screen detail for the external walkways shall be implemented as detailed on drawing numbers P12 and P20 and shall be retained in place thereafter.  
**Reason:** To prevent overlooking to properties in Marmion Road and to comply with policy QD27 of the Brighton & Hove Local Plan.
13. The ground and first floor areas indicated on drawing P07 and P08 as a “surgery” shall only be used for the purposes of providing a medical practice and for no other purpose (including any other purpose in Class D1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).  
**Reason:** The Local Planning Authority would wish to retain control over any subsequent change of use of these premises in the interests of safeguarding the amenities of the area and to comply with policy QD27 of the Brighton & Hove Local Plan.
14. Prior to development commencing, a full report comprising of investigation of the capacity of the existing surface water drainage system, and how the drainage system can accommodate the increase flows caused by the proposed development of the site, shall be submitted to and approved by the Local Planning Authority in writing. Works shall be carried out in accordance with the approved details and retained as such thereafter.  
**Reason:** As insufficient information has been submitted and to comply with policies SU4 and SU5 of the Brighton & Hove Local Plan
15. No demolition of the existing building shall take place until a program of building survey and recording has been carried out in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority.  
**Reason:** To ensure satisfactory recording of the building and to comply

- with policy QD1 and QD2 of the Brighton & Hove Local Plan.
16. The development shall not be occupied until the parking areas have been provided in accordance with the approved plans and approved in writing by the Planning Authority and the areas shall thereafter be retained for that use and shall not be used other than for the parking of motor vehicles. The disabled user spaces shall at all times be allocated for use by disabled residents of the site.  
**Reason:** To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway and to comply with policies TR1 and TR19 of the Brighton & Hove Local Plan
  17. The development shall not be occupied until cycle parking areas have been provided in accordance with the approved plans and approved in writing by the Planning Authority and the areas shall thereafter be retained for that use and shall not be used other than for the parking of cycles.  
**Reason:** In order that the development site is accessible by non-car modes and to meet the objectives of sustainable development and to comply with policies TR1 and TR14 of the Brighton & Hove Local Plan.
  18. Prior to the commencement of development on site, detailed drawings, including levels, sections and constructional details of the proposed access road, surface water drainage, street lighting and off site highway works to be provided, shall be submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied until the approved works have been fully implemented in accordance with the agreed details.  
**Reason:** To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway and to comply with policies TR1 and TR19 of the Brighton & Hove Local Plan
  19. Within 6 months of the occupation of the medical centre, a travel plan for medical centre staff and visitors shall be submitted to and agreed in writing by the Local Planning Authority. The plan should include a travel survey of staff and patients and include measures to encourage travel by sustainable modes of transport. The travel plan shall be reviewed annually and submitted and agreed in writing by the Local Planning Authority and thereafter implemented as agreed.  
**Reason:** To comply with policies TR1, TR2, TR4 and TR7 of the Brighton & Hove Local Plan.
  20. The medical clinic hereby permitted shall not be open to patients and clients except between the hours of 0730 and 1930 on Mondays to Fridays and 0900 and 1230 on Saturdays and not at anytime on Sundays, Bank or Public Holidays.  
**Reason:** To safeguard the amenities of the locality and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan
  21. The DI/D2 unit hereby permitted shall not be open to customers except between the hours of 0730 and 1930 on Mondays to Fridays and 0900 and 12.30 on Saturdays and not at anytime on Sundays, Bank or Public Holidays.  
**Reason:** To safeguard the amenities of the locality and to comply with

policies SU10 and QD27 of the Brighton & Hove Local Plan

Informatives:

1. This decision is based on drawing no P03, P04, P05, P06, P07, P08, P09, P10, P11, P12, P13, P14, P15, P16, P17, P18, P20, P21, and design and access statement and sustainability checklist received on 23<sup>rd</sup> December 2009 and drawing numbers P01A and P02A received on the 11<sup>th</sup> January 2010.

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

(i) having regard to the policies and proposals in the Brighton & Hove Local Plan set out below, including Supplementary Planning Guidance:

Planning Policy Statements:

PPS1: Delivering Sustainable Development

PPS3: Housing

Planning Policy Guidance:

PPG13: Transport

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
TR9	Pedestrian priority areas
TR14	Cycle access and parking
TR16	Potential rail freight depot
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 sewerage disposal infrastructure
SU9	Pollution and nuisance control
SU10	Noise nuisance
SU11	Polluted land and buildings
SU13	Minimisation and re-use of construction industry waste
SU15	Infrastructure
QD1	Design – quality of development and design statements
QD2	Design – key principles for neighbourhoods
QD3	Design – efficient and effective use of sites
QD4	Design – strategic impact
QD5	Design – street frontages
QD6	Public art
QD7	Crime prevention through environmental design
QD15	Landscape design

QD16	Trees and hedgerows
QD25	External lighting
QD27	Protection of amenity
QD28	Planning obligations
HO2	Affordable housing – ‘windfall sites’
HO3	Dwelling type and size
HO4	Dwelling densities
HO5	Provision of private amenity space in residential development
HO6	Provision of outdoor recreation space in housing schemes
HO7	Car free development
HO13	Accessible housing and lifetime homes
HO20	Retention of community facilities
SR21	Loss of indoor recreation facilities
<u>Supplementary Planning Guidance:</u>	
SPGBH4	Parking Standards
SPGBH9	A guide for Residential Developers on the provision of recreational space
<u>Supplementary Planning Document:</u>	
SPD03:	Construction and Demolition Waste
SPD06:	Trees and Development Sites
SPD08:	Sustainable Building Design
<u>Planning Advisory Notes</u>	
PAN03	Accessible housing and Lifetime Homes; and

(ii) for the following reasons:-

The proposed scheme would re-develop this vacant site providing a suitable level of affordable housing units, market housing and community facilities. The scheme would not result in a significant loss light or overlooking to neighbouring properties and would not be overbearing. The design approach for the site is considered to be generally acceptable and would also result in an acceptable frontage to Portland Road. Furthermore the development provides a suitable level of car parking and cycle parking for residents. Car parking for the doctor’s surgery would be located on Portland Road and School Road through a rationalisation of existing on-street facilities. The proposal is thereby considered to be in accordance with relevant development plan policies.

## **2 THE SITE**

The application relates to site of the former Gala bingo hall on the north side of Portland Road at the corner with School Road. It is understood that the building has been vacant since 2003.

Residential properties along Marmion Road adjoin the site to the north. This comprises of two storey terraced housing. Commercial premises with residential uses above adjoin to the east of the site and are located opposite on the southern side of Portland Road. West Hove Infant School is located immediately to the west of the site.



### 3 RELEVANT HISTORY

**BH2008/02586:** Most recently, an application was submitted in September 2008 for the demolition of existing building and redevelopment of site to provide a new GP surgery at part ground, part first floor a new D1/D2 unit at ground floor and 38 residential units above in part 3, part 4 and part 5 storey building, including 16 affordable units (40%) with surface car parking and landscaping at rear. Resubmission of withdrawn application BH2008/00600.

This application was refused on the 14<sup>th</sup> November 2008 for the following reasons:

1. The development by reason of scale, bulk, height and mix of uses is considered to represent an overdevelopment of the site. The proposal is therefore contrary to policies QD1, QD2, QD3, QD27, HO3, HO4, HO5 and HO6 of the Brighton & Hove Local Plan.
2. The proposed development, by reason of its form, bulk, scale, height and positioning in the site, would be out of keeping with surrounding development and represents an incongruous feature that fails to respect the context of its setting. The proposal is therefore contrary to policies QD1, QD2, QD3, QD5, of the Brighton & Hove Local Plan.
3. Policy SR21 of the Brighton & Hove Local Plan resists the loss of indoor recreation facilities except where it can be demonstrated that there is an excess of provision within the catchment area, the facilities are to be replaced by improved facilities and that replacement facilities are in a location which is equally accessible to the users by a choice of transport modes as the existing facilities. Insufficient justification has been made to address these issues, including inadequate marketing of the premises for a similar use thereby failing to adequately account for the loss of such a facility, to the detriment of the amenities of the local population and contrary to policy SR21.
4. Policy HO20 of the Brighton & Hove Local Plan resists the loss of community facilities except where it can be demonstrated that the use is incorporated or replaced in the new development, is relocated to a location which improves its accessibility to users, nearby facilities are to be improved or the site is not needed, not only for its existing use but also for other types of community use. Insufficient information has been made for the loss of this element of the facility, contrary to the policy, and to the detriment of the amenities of the local population.
5. The proposal would result in an unsatisfactory level of private amenity space which would be to the detriment of the living conditions of any future residents of the scheme and is contrary to policies HO5 and QD27 of the Brighton & Hove Local Plan.
6. Policy HO6 of the Brighton & Hove Local Plan requires the provision for outdoor recreation space. Where it is not practicable or appropriate for all or part of the space-requirement to be provided on-site, contributions to their provision on a suitable alternative site may be acceptable. The proposed communal amenity space would not be accessible for all of the residents of the development. It would be appropriate and practicable for a proportion of the outdoor recreation space to be



provided on-site in this location. The proposal would thereby be contrary to the policy, to the detriment of the amenities of the future occupiers of the properties

7. The proposed development would by reason of its height, scale and positioning in close proximity to the northern boundary of the site lead to a significant overbearing effect and increased sense of enclosure to neighbouring properties to the detriment of the living conditions of existing occupiers. The proposal would therefore be contrary to planning policies QD1, QD2 and QD27 of the Brighton & Hove Local Plan.
8. The proposed development would by reason of the external walkways along the north elevation lead to a significant level of overlooking and consequential loss of privacy to the occupiers of adjoining properties to the detriment of neighbouring residential amenity. Furthermore, the linked walkways by reason of the positioning of windows serving habitable rooms would have a detrimental impact on the amenity of future occupiers by reason of overlooking and noise and disturbance. The proposal would therefore be contrary to planning policies QD1, QD2 and QD27 of the Brighton & Hove Local Plan.
9. The car parking, by reason of its positioning in close proximity to the northern boundary of the site, together with the potential for frequent trips during the day in connection with the use of the Doctors Surgery will lead to a significant level of noise and disturbance for neighbouring occupiers to the north and future occupiers of the proposed development. The proposal would therefore be contrary to planning policies SU10 and QD27 of the Brighton & Hove Local Plan.
10. The application proposes internal bathrooms throughout the development which would be reliant on artificial lighting and mechanical ventilation to an unacceptable level. The proposed development is therefore contrary to policy SU2 of the Brighton & Hove Local Plan.
11. Notwithstanding inaccuracies between the accompanying plans and the supporting documentation, the applicant has failed to demonstrate that the introduction of a 161 square metres of A1 floor space would not have a detrimental impact on the existing town and local centres in order to ensure that the vitality and viability is not compromised. The development is therefore considered contrary to PPS 6 and policies SR1 and SR2 of the Brighton & Hove Local Plan.

This refusal was the subject of an appeal hearing on the 1<sup>st</sup> and 2<sup>nd</sup> July 2009. The Planning Inspector did not uphold all of the Council's reasons for refusal, but in dismissing the appeal the Inspector found the scheme unacceptable for three reasons:

- an inefficient site layout resulting in an inadequate and poorly located recreation facilities for residents also resulting in the car park area giving poor outlook for the flats;
- the 4 storey height of the development adjacent to the boundaries of 82 and 80 Marmion Road harming the outlook of these properties and maintaining unacceptable daylight restrictions to these dwellings;
- the rear elevation of four-storey Portland Road block, facing Marmion

Road, which would have a top-heavy appearance and would result in an oppressive outlook for residents in Marmion Road.

**BH2008/00600:** An application was withdrawn in May 2008 for the demolition of existing building and redevelopment of site to provide new GP Surgery at part ground floor, part first floor, new A1/A2/D1/D2 units at ground floor and 38 residential units above in part 3, part 4 and part 5 storey building, including 16 affordable units. Surface car parking and landscaping at rear.

**BH2005/00335/FP:** Planning permission was refused in April 2005 for the demolition of the bingo hall and construction of a range of three to six storey building of 54 private and affordable flats and 34 car parking spaces. The reasons for refusal related to the loss of indoor recreation and community facilities, design height and scale of the development, impact on neighbouring properties, to the detriment of the amenities of the local population, lack of open space, failure to meet lifetime homes and sustainability criteria, and lack of completed s106 details.

**BH2003/02020/FP:** Planning permission was refused in November 2003 for the demolition of the bingo hall and associated car park and construction of 50 Sheltered Apartments (Category II) and House Manager's accommodation, communal facilities, landscaping and 14 car parking spaces. The reasons for refusal related to the loss of community facilities, lack of affordable housing, sustainability concerns, and an absence of public art.

**M/18392/74:** The site has been occupied by the current building since 1933, when it was constructed as a Granada Cinema. In 1968 planning permission was granted for the change of use of the premises to indoor squash courts, followed by a mixed cinema/sports hall use and indoor games use. In 1974, a further planning application was granted for a Bingo Social Club, under which the premises were most recently in operation. There have since been numerous minor applications in association with the Bingo Hall use, the most recent being a disabled access ramp to the front entrance doors, granted in August 2000 (ref: **BH2000/01467/FP**).

#### **4 THE APPLICATION**

Full planning permission is sought for the redevelopment of site to provide new GP surgery (1081m<sup>2</sup>) a new D1/D2 use (115m<sup>2</sup>) and 35 residential units in part 2, 3, 4 and 5 storey buildings. 14 affordable units of accommodation would be provided (40%).

The building would provide a continual frontage along Portland Road and School Road, however, three distinct blocks are proposed. Block 1 is sited on the corner of Portland Road and School Road and rises from 2storeys in height adjacent to Marmion Road to 5 storeys at the junction of Portland Road and School Road. Nine residential units would be located in this block with the ground floor and first floor proposed as a surgery. Block 2 along Portland Road rises to four storeys and would contain 18 units of accommodation above the ground floor surgery. Block 3 along Portland Road is separated from block two by gated vehicle access. This block would be 3 storeys in high comprising of 8 units above ground floor level. The ground floor would provide a new D1/D2 unit.

The proposal represents a density of around 129 dwellings per hectare, although it is acknowledged that the surgery would be in addition to this.

The proposal includes 18 residential car parking spaces, 4 designated as disabled bays. Doctor's car parking is proposed in the form of designated bays on the highway.

All of the units would benefit from private amenity space in the form of balconies and terraces. An area of shared amenity space, including some outdoor recreation space is provided behind Block 2 with further amenity space provided on a communal terrace on the roof of Block 1 and above the vehicle access between Blocks 2 and Block 3

#### Pre-Application Discussions

The revised proposal has been developed through pre-application discussion with officers focusing on the Inspector's decision under BH2008/02586 and has sought to address all of the outstanding areas of concern. The developers made a presentation to members of both Planning Committee and ward Councillors on the 24<sup>th</sup> November 2009. A public consultation was undertaken on the 14<sup>th</sup> December 2009 with an exhibition held at West Hove Infant School.

## **5 CONSULTATIONS**

### **External:**

**Neighbours:** A petition of support has been submitted with a total of **357** signatures.

**5** letters of support have been received. The addresses of the supporters are listed in Appendix A. Reasons for supporting the scheme are as follows:

- well considered scheme which uses high quality materials;
- it would result in a positive addition to the area;
- scale respecting the context of the area while adding worthwhile regeneration;
- the 5-storey elements gives Portland Road a better sense of scale;
- affordable housing should be welcomed;
- there are excellent transport links;
- this scheme addresses the points raised at the appeal;
- it would remove the existing building which is an eyesore;
- the site needs to be redeveloped.

A total of **476** letters of objection in the form of a standard letter have been received. The addresses of the objectors are listed in Appendix A.

**12** individual letters of objection have been received, the addresses of the objectors are listed in Appendix A.

Reasons for objecting to the scheme are as follows:

### General

- the scheme is an overdevelopment of the site;

- only minor changes have made to the scheme which was refused previously, and the appeal dismissed;
- family houses would be a suitable alternative;
- the site should become open space;
- the scheme would set a dangerous precedent;
- this scheme puts profit before people.

Design & Scale:

- the size of the new building will be significantly bigger than the existing building;
- the scale of development is inappropriate for the area;
- the design is unsuitable for the area;
- the existing building is an attractive building of historical importance to the local area;
- the building extends well beyond the building line in School Road;
- all other blocks of flats nearby in Portland Road are set back from the pavement and stand in their own ground, the proposal is out of keeping with this standard;
- balconies overhanging the pavements are excessive;
- the development bulges out on to School Road;
- three storey development is typical for the area.

Use:

- the site will be vastly overdeveloped;
- 35 dwellings is excessive;
- the loss of a large community space and the social amenity that was enjoyed by local residents;
- loss of open space in form of the car park;
- the scheme fails to address the needs of the local area for elderly sheltered housing;
- the use of the surgery is wholly inappropriate on the grounds that it will generate more traffic in an already busy and potentially dangerous area;
- the residents of Marmion Road do not want a surgery;
- there is a current desire to create more affordable family housing within the area.

Impact on amenity:

- the increased site coverage will have an overbearing impact on neighbouring properties to the north;
- the development will result in loss of light to neighbouring occupiers;
- the development will result in overlooking and loss of privacy, the open walkways will result in noise and disturbance;
- open decked walkways have proved historically to result in anti-social behaviour;
- air quality problems exist in the area;
- a Doctor's surgery is built on the site there will be a huge increase in noise and disturbance.

Standard of accommodation

- the flats would have poor outlook;
- children will not play unsupervised in the amenity areas,
- the amenity space would be dark and un-used;
- rear windows would be obscured glass and offer no outlook,
- the flats would suffer from fumes from increased traffic movements,
- this is not good quality housing.

Transport:

- the parking provision is totally inadequate for the area;
- how will patients park in the vicinity?
- increased traffic flows will impact on child road safety;
- there are road safety problems in the area and the proposed scheme will increase the problems;
- the existing car park is not used to the same extent as the proposed car park;
- the council should conduct travel surveys;
- the controlled parking zone in Marmion Road is not properly enforced at peak times, parking problems will increase as a result of the development;
- increased traffic will increase air pollution;
- the surgery will increase parking congestion in the surrounding area, particularly at school times;
- the parking surveys submitted with the application are misleading.

8 letters of comment have been received. The addresses of the respondents are listed in Appendix A. The reasons for commenting were as follows

- no objection to the proposal,
- need to get the development moving,
- suggestion for more car parking,
- the garage owners to the east should be consulted as there is a right of way on the east boundary of the site,
- bus service data in the traffic statement is inaccurate in relation to the no.7 service which calls east bound only in the morning.

A letter has been received from **Celia Barlow MP** commenting

- only moderate changes have been made to the previous scheme which was refused by Planning Committee and dismissed by the Planning Inspector
- it would result in a huge increase in noise and disturbance from the development and additional traffic,
- inadequate car parking is proposed,
- parking for patients has not been considered,
- road safety concern and impact on air quality,
- adjoining residents would suffer from overlooking and a loss of privacy
- future residents would suffer from overlooking and a loss of privacy.

**EDF energy:** No Objection

**Sussex Police:** No objection:

**Primary Care Trust:** The Primary Care Trust has identified the need for a large Primary care development in central / west Hove. The PCT are in discussions with three local practices seeking to relocate to more suitable premises. The PCT is supportive in principle but can offer no commitment to the site.

**Southern Water:** There is currently inadequate capacity in the local network to provide full foul and surface water sewage disposal to service the proposed development. It is possible that by removing some of the existing surface water entering the sewer additional foul flows could be accommodated i.e. No net increase in flow, or improvements to the existing infrastructure can be made by the developer. Further details are required by condition.

**Councillor Ted Kemble** objects to the application. A copy of his email is attached to this report.

**Internal:**

**Planning Policy** The general principle of redeveloping this site for mixed use comprising GP surgery, D1/D2 unit and residential was accepted by the Inspector who considered a similar scheme last year. Whilst the reduction in the community facility floorspace is disappointing it is not felt sufficiently significant to raise a policy objection, however evidence should be submitted to demonstrate the amended size of unit is viable. If there is no identified user of the D1/D2 unit then it is recommended a S106 should have appropriate clauses to secure the use should it remain unlet for 1 year i.e. suggested fall back position is for the Housing Association to take on the booking, maintenance etc of the unit. It is felt the shortfall in outdoor recreation space should be addressed via a financial contribution.

The calculated contribution is £56,904.00.

**Education Team:** The proposed development contains 21 market units and 14 affordable units in a mixture of 1, 2 and 3 bed sizes. The reason for seeking a financial contribution is the impact that this development will have on the need for school places in the primary, secondary and sixth form sectors.

A contribution for £67,248 is sought.

**Access officer** No objection We would normally be looking for access to the wheelchair accessible units via two lifts rather than one but, bearing in mind that the units are only one floor above entrance level and that our colleagues in Housing seem to be content to accept a single lift, this is acceptable.



**Sustainable Transport: No objection**

The proposed on site provision for residential car parking spaces is acceptable.

Insufficient information about staff numbers at the surgery has been provided to form a clear opinion on the overall level of required parking as set out in SPG4. The submitted car parking report was drafted using a standard methodology agreed in advance with the Highway Authority includes a section of the provision of parking for the surgery. Based on these surveys a worst case scenario in term of the use of the surgery would mean that the total parking demand would be for 47 car parking spaces.

The submitted car parking report makes it clear that the provision of 18 car parking spaces would meet the demand generated by the residential element of the proposal. It also shows that there is sufficient on-street car parking space available within a reasonable walking distance of the site to accommodate the demand created by the surgery element of the proposal.

As a part of this planning application there are a number of proposed improvements and alterations to the adopted highway adjacent to the site that will need to be designed and secured to ensure that the interests of the Council acting in its capacity as the Highway Authority are protected. This is usually achieved via the inclusion of a condition as to link the works directly to the application and ensure that a s278 agreement of the Highways Act 1980 is entered into

To comply with policies TR1 QD28 the Applicant will be expected to make a financial contribution in-line with the scale of the development to help finance off-site highway improvement schemes, in particular for sustainable modes of transport. The level of this contribution is set at £200 per person-trip.

The existing bingo hall had capacity for 300 people and is estimated to have resulted in significant trip generation which would need to be discounted from the proposal.

The required contribution for the development would be £73,750. The contribution would be spent on Olive Road” bus stop eastbound – accessible bus stop , real time bus info sign & react box; “Olive Road” bus stop westbound – accessible bus stop, real time bus info sign & react box; “School Road” bus stop westbound – real time bus info sign & react box; “”Westbourne Street” bus stop westbound – real time bus info sign & react box.

**Housing Strategy: Support**

Housing Strategy strongly support this planning application on this underused brownfield site which will provide a scheme of mixed tenure including 14 units of much needed affordable housing in addition to a new doctor’s surgery.

As per policy HO2 we welcome the fact that the scheme will provide 40% affordable housing which equates to 14 units.

Across the City and based on the Housing Needs Survey 2005, the Council generally seeks a tenure mix of 55% of the affordable units for rent and 45% for shared ownership. For individual sites the exact tenure split will be guided by up to date assessments of local housing need and site neighbourhood characteristics. This scheme will provide a tenure mix of 57% of the affordable units for rent and 43% for shared ownership and we are happy with this mix. In the event of the RSL being unable to obtain public subsidy for the rented affordable units, the units will revert to 100% affordable home ownership (shared ownership). The RSL would need to demonstrate that that public subsidy is not available for this scheme.

The affordable housing should be owned and managed by a Registered Social Landlord approved by the City Council and who has entered into a nomination agreement with the council. The council will expect 100% nomination rights in the first instance to the affordable housing units. In this instance Downland Housing Association own the site.

For the City as a whole the preferred affordable housing mix in terms of unit size and type to be achieved is 40% one bedroom units, 50% two bedroom units and 10% three bedroom and or larger.

We note the overall mix is 29% 1 bed units, 64% 2 bed units and 7 % 3 bed units. Given the location this mix is acceptable. We note that the scheme meets English Partnerships' Quality Standards and therefore comply with our minimum space standards

**City Clean:** No objection.

**Public Art:** The appropriate level of contribution would be to the value of £25,000. As ever, the final contribution will be a matter for the case officer to test against requirements for s106 contributions for the whole development in relation to other identified contributions.

**Environmental Health:** No objection.

The development does not include plant and machinery. I am assured that the soundproofing between the commercial elements of the scheme and the new residential dwellings would be adequate. In addition the proposed opening hours for the surgery appears to be acceptable. Core hours for GP's - 8am to 6.30pm with some likely morning and evening clinics offered.

**Sustainability:** The scheme falls short of the expected overall sustainability standards for this size and type of development. The recommended standards in SPD08 are Code for Sustainable Homes level 4 (CSH4) for residential aspects and BREEAM Healthcare 'excellent' with 60% in energy and water sections for the GP surgery. It was initially predicted that the



residential score would be Code level 3.

However, during the course of the application, the applicant has sought to improve the scheme to meet these standards as far as feasibly possible and have given justification where these are not met.

The residential development is predicted to meet Code for Sustainable Homes level 3 in 31 of the residential units, and the higher standard of Code level 4 in the 4 disabled units.

Through use of ground source heat pumps, the surgery is predicted to achieve energy and carbon savings gaining 60% credits in the BREEAM energy section, meeting the council's requirements for this challenging section. Evidence is also provided to indicate achieving 60% in the water section. The GP surgery overall BREEAM score will be conditioned to achieve 'excellent' but this score has not been confirmed prior to acquisition.

According to Energy Saving Trust guidance, Code level 4 could feasibly be achieved on this scheme by further improvements to thermal performance. Reasons given by the applicant for not making these improvements are that consultation with the architect have thrown up issues that increasing thermal performance would require for example increasing wall thicknesses and thus reducing internal space.

Considering the applicant has attempted to exhaust possibilities for realising a Code level 4 score across the site, and have given reasonable financial and technical justification why the expected standards cannot be met, the proposals are considered acceptable in relation to overall sustainability standards in the residential element.

## **6 PLANNING POLICIES**

### Planning Policy Statements / Guidance:

PPS1: Delivering Sustainable Development  
PPS3: Housing  
PPG13: Transport

### 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  
TR9 Pedestrian priority areas  
TR14 Cycle access and parking  
TR16 Potential rail freight depot  
TR18 Parking for people with a mobility related disability  
TR19 Parking standards

## PLANS LIST – 7 APRIL 2010

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 sewerage disposal infrastructure
SU9	Pollution and nuisance control
SU10	Noise nuisance
SU11	Polluted land and buildings
SU13	Minimisation and re-use of construction industry waste
SU15	Infrastructure
QD1	Design – quality of development and design statements
QD2	Design – key principles for neighbourhoods
QD3	Design – efficient and effective use of sites
QD4	Design – strategic impact
QD5	Design – street frontages
QD6	Public art
QD7	Crime prevention through environmental design
QD15	Landscape design
QD16	Trees and hedgerows
QD25	External lighting
QD27	Protection of amenity
QD28	Planning obligations
HO2	Affordable housing – ‘windfall sites’
HO3	Dwelling type and size
HO4	Dwelling densities
HO5	Provision of private amenity space in residential development
HO6	Provision of outdoor recreation space in housing schemes
HO7	Car free development
HO13	Accessible housing and lifetime homes
HO20	Retention of community facilities
SR21	Loss of indoor recreation facilities

### Supplementary Planning Guidance:

SPGBH4 Parking Standards

SPGBH9 A guide for Residential Developers on the provision of recreational space

### Supplementary Planning Document:

SPD03: Construction and Demolition Waste

SPD06: Trees and Development Sites

SPD08: Sustainable Building Design

### Planning Advisory Notes

PAN03: Accessible housing and Lifetime Homes

## 7 **CONSIDERATIONS**

The determining issues in respect of this application relate to the principle of whether the proposed development is acceptable, the scale and design of the

proposed development, the impact on neighbouring residents, the standard of accommodation proposed, impact on traffic and parking, and sustainability objectives.

This submission follows the refusal of a similar scheme in November 2008 which was the subject of an appeal (see planning history). Weight must therefore also be given to how these scheme responds to the reasons for the appeal decision which in itself is a material consideration.

#### Principle of Development

The established use of the site is as a bingo hall which provided indoor recreation facilities (use class D1). Policy SR21 refers to loss of indoor recreation facilities and advises that “planning permission for development proposals resulting in a reduction or loss of indoor recreation or sporting facilities will not be permitted unless it can be demonstrated that there is an excess of provision within the catchment area of the facility; the facilities are to be replaced by improved facilities that meet the aims of the City Council’s sport and recreation strategy; and replacement facilities are in a location as close as is practicable to existing and potential users, and readily accessible by a choice of transport modes.

As a bingo hall, the site also provides a community facility. Policy HO20 of the Brighton & Hove Local Plan seeks to retain community facilities and states planning permission will not be granted for development proposals that involve the loss of community facilities unless replaced within a new development; or the community use is relocated to a location which improves its accessibility to its users; or existing nearby facilities are to be improved to accommodate the loss; or it can be demonstrated that the site is not needed, not only for its existing use but also for other types of community use.

Representations from neighbours clearly indicate some public concern over the loss of community facilities. The previous application was refused for providing inadequate justification for the loss of this facility. However at the appeal, the Inspector concluded that the Council had been unreasonable for refusing the planning application on these grounds. He found the loss of the bingo hall was justified given the provision of a modern hall elsewhere in the city and under policy SR21 there was no specific requirement to consider the needs of other indoor recreation facilities for this site.

In regard to HO20 the Inspector was satisfied that the provision of a doctor’s clinic would provide a suitable replacement community facility both in size and use. For these reasons, the general principle of redeveloping this site for mixed use comprising GP surgery, D1/D2 unit and residential units was accepted by the Inspector who considered a similar scheme last year. As with the previous application, the amount of non-residential floorspace is approximately 50% of the existing community floorspace. Whilst the reduction in the community facility floorspace compared with the existing use is regrettable, it is not felt so significant to raise a policy objection given the

Inspectors comments. There remains a concern that proposed independent D1/D2 use has no defined end-user. Again this was not a concern shared by the Planning Inspector.

The development is thereby considered acceptable in principle subject to compliance with other development plan policies and material considerations.

Standard of accommodation

Notwithstanding the needs for a community facility on the site, there has been an assumption in favour of securing residential accommodation in accordance with both the national policy (PPS1 and PPS3) and local policies. Policy QD3 and HO4 in particular seek to ensure the maximum use of sites, whilst avoiding town cramming and providing suitable design and quality of spaces between the buildings.

The site is owned by the Registered Social Landlord Affinity Sutton (Downland Housing Association). Policy HO2 of the Brighton & Hove Local Plan refers to affordable housing on windfall sites and states “where a proposal is made for residential development, capable of producing 10 or more dwellings, the Local Planning Authority will negotiate with developers to secure a 40% element of affordable housing”. The scheme proposes 35 residential units in total which is a decrease of three units from the previous submission. Of the 35 proposed residential units, the scheme would provide 14 units of affordable housing, which equates to 40%; (comprising 8 units for social rent and 6 units for shared ownership).

In terms of the affordable housing provision policy HO3 of the Local Plan seeks to ensure that the development would incorporate a mix of dwelling types and sizes that reflects and responds to Brighton & Hove’s housing needs. The Housing Needs Study 2005 provides an indication of the mix of units required to meet housing needs in the city. An appropriate mix would include 30% one bedroom units, 40%three bedroom units and 30%three bedroom units. Housing Strategy Team have indicated that for the City as a whole, the preferred affordable housing mix in terms of unit size and type to be achieved is 40% one bed units, 50% two bed units and 10% three bed units or larger. The proposed development would provide an overall mix of 29% one bed, 64% two bed units and 7% three bed units. Therefore the development could be accused of offering a disproportionate amount of 2 bed units. Nevertheless the Housing Strategy Team has stated that this mix is acceptable and supports the proposal. For this reason the mix is considered appropriate to the location and as such, the proposal is in accordance with the broad objectives of Policy HO3.

In accordance with the requirements of Local Plan Policy HO5, all residential units within the development would be provided with a private balcony area.

Policy HO6 of the Brighton & Hove Local Plan requires the provision of outdoor recreation space within schemes. Such provision must be split

appropriately between children's equipped play space, casual/ informal play space and adult and youth outdoor sports facilities. In this scheme communal landscaped areas including a dedicated informal children's play space would be provided to the north of the main block and provide 457m<sup>2</sup> of amenity space for residents. Previously 124m<sup>2</sup> was proposed in the north east corner of the site.

This recreation area would be laid out with grass, planting, seating and play areas. This is a significant improvement on the size and quality of outdoor recreation space proposed in the previous scheme which was insufficiently sized and only accessed by crossing the car park. This was a specific issue identified by the Inspector in dismissing the appeal. In addition, whilst not providing any play-space, further shared spaces are provided on the roof of Block 1 (168m<sup>2</sup>) and a roof terrace of Block 2 (75m<sup>2</sup>) with both areas providing pergola, hard and soft landscaping and a "brown roof".

The amended scheme is considered to overcome the Inspectors criticism of the last scheme which was considered to have an inefficient and disproportionate allocation of land for car parking at the expense of casual play space.

The improvements compared to the appeal scheme are noted. There remains, however, a shortfall in the amount of recreation space which is provided for residents. Under policy HO6, it may be acceptable in some circumstances to seek contributions for outdoor recreation space improvements in the vicinity of the application site. In assessing the previous scheme, the Local Planning Authority advised that if the Inspector was minded to allow the appeal, a financial contribution should be sought for improvements to local recreation spaces which would be secured through a S106 Agreement. In considering this request, the Inspector found that in the absence of an audit of local facilities and in the absence of any current proposals to upgrade local parks, the council could not demonstrate a need for the contribution, or in any case, a program to remedy any deficiency.

Since the appeal hearing, the Council have completed the Open Space Sport and Recreation Study which is a city wide audit of existing facilities. In addition, an accessibility audit has been undertaken for Stoneham Park which is close to the application site and this has identified some deficiencies and areas for improvement. In light of these studies, and in accordance with local plan policies HO6 and QD28, it is considered justifiable to seek a financial contribution for open space improvements in respect of this development.

Policy HO13 of the Local Plan requires new residential development to comply with Lifetime Homes Standards. The Design & Access Statement indicates that the development would comply with these standards providing accessible off-street parking, level threshold access, appropriate circulation space, entrance arrangement and doorway widths. The Council's Access Officer has not objected to the scheme. Four fully wheelchair accessible flats

would be provided which comply with the Councils standards as set out in PAN 03- Lifetime Homes & Accessible Housing. Notwithstanding this, a condition should be imposed to secure compliance.

### Design

The application proposes relatively minor changes to the design of the previous scheme. In his assessment of the previous proposal, the Inspector commented that the proposal would have an acceptable effect on the character and appearance of the area and describes the external elevations to Portland Road and School Road as having a high standard of design. The previous scheme was also supported by the Regional Design Panel and the Council's Urban Designer.

Whilst supportive of the general design approach of the previous scheme, the Inspector considered that some elements of the design would harm the residential amenity of neighbouring occupiers. Therefore the design issues raised in respect of the appeal decision need to be fully addressed in this revised application.

There are no significant changes proposed to the Portland Road elevation. The scheme proposes a continual frontage to Portland Road, rising from three storeys to the east to five storeys to the west where it would provide a strong corner feature at the visually important junction with School Road. The three storey element corresponds to the scale of the existing buildings in this section of Portland Road which are generally two-storey with accommodation in the roof space. Block 2 rises to four storeys with the top floor set back. The red brick and metal cladding would result in a modern appearance which is considered appropriate to its setting. The proposed building would be comparable to the main building line of the existing bingo hall although the balconies would extend forward giving added prominence in the street. The principal entrance to the residential units would be on Portland Road.

In terms of the School Road elevation the changes affect the lower part of the block adjoining the rear of Marmion Road. This has been reduced to two storeys in height with a pitched roof. This change is a direct response to the Inspector's comment on the previous application that it would be normal for the flank of a two storey house to rise in this location. As a result the scale of the development in this location generally responds to this comment, and now represents a two-storey development with accommodation in the roof space. A similar approach has been taken for the three storey element of this building.

The outcome, in design terms, is that an area incorporating pitched roofs is now proposed on a block which is otherwise characterised by flat roof. Whilst this relationship is not ideal given the Inspector's positive assessment of the overall design approach on the previous scheme, the changes to this part for the building are not considered to significantly harm the design of the overall scheme which is now considered broadly acceptable in the form and massing



presented to Portland Road and School Road. The pitched roof element would also not be “read” with the rest of the block.

Changes have been incorporated to the rear of the scheme, which although would not be visible from public vantage points the rear provides the outlook for Marimon Road residents. The main change is to the rear of Block 2. The roof of this property would slope back and incorporate dormer windows which would reduce the impact on this property. Small dormer windows are proposed which are suitable in terms of size and positioning and would be suitable for the locality. The impact of these changes for neighbouring residents are discussed in the following section of the report.

With regards to landscaping, a proposed garden plan has been submitted as part of this application. A combination of trees, shrubs, and a lawn area are proposed. This would give the benefit of improved outlook from the proposed flats and the existing residential units in Marmion Road. The boundary to the north and east which runs alongside the twitten to the rear gardens of Marmion Road will be 2 m high timber high panels. The surface level car park will be laid to a mix of paved and permeable materials with pedestrian routes marked with contrast paving. Planters are proposed to be placed along the rear surgery windows.

Trees are proposed outside the buildings which are viewed as a positive design feature. These will be secured as part of a package of highway works which would be secured through the legal agreement.

#### Impact on amenity

The previous application was refused for having a significant overbearing impact and an increased sense of enclosure to neighbouring occupiers. The Inspector was also concerned about the impact of the new building, but was specific in identifying the scheme would have an oppressive outlook for residents in Marmion Road, and as subsidiary reason, restricting levels of daylight.

The existing bingo hall rises close to the rear boundaries of 82-68 Marmion Road. The bulk, form and massing of the existing building encloses and already severely restricts daylight to these properties. The rear elevation of Block 1 which was previously proposed as four stories in height rising close to the boundary with 82 and 80 Marmion Road was criticised for harming the occupiers of these properties in much the same way as the existing building, thus conflicting with policy QD27 of the Local Plan.

With the rear gardens of 80 and 82 Marmion Road and the rear twitten about 10metres in length, the Inspector remarked it would be usual for a two storey dwelling to rise in this location. As a result, the bulk of this part of the scheme has been significantly reduced in this location. As discussed above, this would be now two storeys in height with a pitched roof and dormer windows. Block 1 still rises to 5 storeys but in a stepped manner, and this reduction in the scale

is considered to result in an acceptable outlook for 80 and 82 Marmion Road. In addition, the proposed building (Block 1) has been moved away from the northern boundary by 1.2 metres which further reduces the sense of enclosure on these properties and provides a far more acceptable separation distance.

In regard to the outlook presented to Marmion Road, the appeal decision made specific reference to the 4-storey rear elevation of Block 2. The Inspector commented that the design and detailing of the top floor, specifically 'metal cladding in conjunction with windows wider than those on the floors below' resulted in this element of the scheme having a top-heavy appearance which gave an oppressive outlook for the properties at the rear.

The rear elevation of Block 2 has now been altered in an attempt to respond to this criticism. Whilst the scale and positioning of this part of the building, relative to Marmion Road, remains comparable to the previous scheme, the design and detailing of the top floor is much improved. This now incorporates a pitched roof with dormer accommodation resulting in a more domestic appearance to this part of the scheme. The inclusion of dormer windows are appropriate in design and positioning. The overall impact of these changes is that the top floor of this part of the scheme now feels subservient to rest of the rear elevation and much less oppressive.

Loss of light did not form a specific reason for refusal for the previous scheme, however the Inspector found that the impact of the previous development created 'inadequate daylighting conditions' to certain properties in Marmion Road and found this to be a 'contributory' reason for dismissing the appeal scheme. In drawing his conclusions the Inspector identified that there were locations where the existing outcome would not be acceptable by current standards and should not be replicated by new development.

Daylight studies have since been carried out for the proposed revised development. Windows on the rear of properties 82-65 Marmion Road were the subject of a daylight study. The daylighting information relies on the amount of unobstructed sky that can be seen from the centre of the window under consideration and a comparison between existing and proposed. The study demonstrates that all the windows would be within the BRE standards for the vertical sky component (VSC). The BRE guidelines states that "if the vertical sky component, with the new development in place is both less than 27% and less than 0.8 times its former value, then occupants of the existing building will notice the reduction in the amount of skylight." The scheme represents an overall improvement in daylight levels for the surveyed properties in Marmion Road.

Focusing on the properties which would be impacted most by the development, these properties would receive improved levels of daylight above that which currently exists. All 7 windows will benefit from an improvement in vertical sky component from existing results. No 82 Marmion



Road currently has 3 windows which fall below the 27% of Vertical Sky Component as a result of the existing Bingo Hall building. The scheme would reduce this to one ground floor window. For 80 Marmion Road, four windows currently fall below the 27% and this would be reduced to only 2 ground floor windows.

In addition to the VSC, shadow diagrams have been submitted with the application which show improvement for Marmion Road residents for much of the year compared to the existing daylight levels caused by the Bingo Hall. The exception is an increased shadowing at 12.00 and 15.00 on the 21<sup>st</sup> June where some gardens in Marmion Road would experience a small amount of additional shade.

Given that loss of light and overshadowing did not constitute a reason for refusing the last scheme, and given the improvements which have been made to the outlook for neighbours, the minor improvements particularly to the ground floor windows at 80 and 82 Marmion Road, are considered acceptable. Loss of light and overshadowing are not considered to cause significant harm to the occupiers of neighbouring properties. The decrease in the scale of the building would result in improvements to level of light received by 80 and 82 Marmion Road when compared with the current situation and the previous scheme. For this reason the scheme is considered to offer an adequate response to the appeal decision and complies with policy QD27 in this regard.

With regard to loss of privacy and overlooking to the properties in Marmion Road, the proposed walkways which provide the entrances to the flats at the rear for the previous scheme remain in this proposal. This was a concern in the previous application but not supported by the Planning Inspector when assessing the previous application. During the appeal hearing, the privacy screens were presented to the Inspector as a method of addressing overlooking to the properties in the rear in Marmion Road. The Inspector found this to be an acceptable solution to prevent mutual overlooking between the rear of the proposed development and rear of houses in Marmion Road.

Furthermore, the bedroom windows which face the external walk ways would be half-glazed with obscured glass. This is not generally considered to be a suitable approach for the principal window of the bedroom. Nevertheless, given the conclusions of the Inspector on the previous application, this is not considered to warrant a significant opposition to the development. The above elements would however need to be secured by condition to protect privacy.

Lastly a significant improvement for some residents in Marmion Road is the revised site layout now presented. In the previous submission, the surgery parking was proposed run alongside the majority of the rear boundary of the site, adjacent to the gardens of 76- 60 Marmion Road. This caused concern due to a potential for noise and disturbance; however, this concern was not shared by the Planning Inspector.

In this revised proposal, the car parking would run along a smaller proportion of the rear boundary to the eastern section of the site adjoining residential boundaries at 64-56 Marmion Road. However by rationalising the car parking to this area, where the separation distances between the buildings are at the greatest, the potential impact is minimised.

In conclusion, the changes to the bulk, form and massing of Block 1, the changes to the design of Block 2, and improved site layout are considered to represent significant improvements to the previous scheme. In addition, given the comments of the Planning Inspector, loss of privacy is not considered to be an issue. The development would still invariably have some impact on residents in Marmion Road, however on balance, the scheme is considered to be acceptable in terms of its impact on residential amenity.

Some residents have raised concerns that the proposal would result in noise and disturbance to future and adjoining occupiers. The Environmental Health Officer is satisfied that the building would be adequately soundproofed and it is confirmed through the sustainability statements that the building would be passively ventilated resulting in no requirement for plant and machinery. In addition it should be noted that such concerns did not form a reason for the appeal scheme being dismissed.

#### Sustainability

In the previous scheme the development was expected to meet Code Sustainable Homes Level 3 which was the standard approach taken by officers at this time. However, since August 2008, when the previous application was submitted, the adopted policy framework has changed. Despite the similarities with the previous scheme, it is considered the application must now be assessed against the criteria of Supplementary Planning Document on Sustainable Building Design SPD08 which has been adopted by the council. The suggested criteria outlined for this type of development is that the residential element should reach Code for Sustainable Homes (CSH) Level 4 with the commercial element achieving a BREEAM rating of 'Excellent'.

The residential element of the scheme falls slightly short of the expected standards, meeting Code for Sustainable Homes Level 3. This is regrettable. However through consultation with the councils Sustainability Consultant, significant improvements have been made during the course of the application to improve the standards of energy performance for the residential element of the scheme. The wheelchair units would now meet Code 4 and the other residential units are not far off.

A BREEAM pre-assessment has been submitted with the application indicating that BREEAM 'Excellent' rating is achievable for the surgery with the use of ground source heat pumps. It is noted, however, that the internal layout has not been established at this time. Nevertheless the development is anticipated to meet this target, which is welcomed.

The scheme still relies on a large proportion of internal bathrooms which was a concern in the previous application and formed a reason for refusing that scheme. However, this was not supported by the Planning Inspector who considered that the reliance on artificial light and mechanical ventilation would not be inconsistent with policy SU2 of the Local Plan. The number of rooflights has increased from the last proposal. A specific challenge for this site was the desire to provide natural light and ventilation where possible and also use the roof space for renewable energy technologies.

Overall, energy performance of the scheme has been much improved from the previous application, which the Inspector considered acceptable. Although the scheme falls slightly short of the recommended levels outlined in the Supplementary Planning Document, the scheme is considered to meet the broad objectives of policy SU2 of the Local Plan and meets some of the criteria as outlined in SPD08.

#### Traffic and travel demand and Car Parking

The development proposes 18 residents parking bays within the site but no car parking provision for visitors to the surgery. Parking for doctors would be provided through 6 spaces which would be created through modifications to the existing highway layout via a Traffic Regulation Order.

The demand for travel associated with this development has been a cause of concern for many local residents. School Road is congested during peak times associated with pick-up drop-off of children attending West Hove Infant School. This congestion can also be felt on Marmion Road as vehicles move around the vicinity.

It is important to note that the Sustainable Transport Team have not raised any objections to the proposal and when considering the previous scheme, the Planning Inspector agreed with officers, that subject to conditions and a contribution to highway improvements, the demand associated with the development was acceptable. It was therefore not refused for this reason.

Taking into account the 6 spaces proposed to be allocated to specifically to doctors, this proposal provides more car parking than the previous scheme. The application has also been accompanied by a parking survey and transport assessment. The methodology and findings of this survey are not disputed by the Sustainable Transport Team.

The spaces allocated on site are to be allocated to residents, rather than to the surgery, which was the case in the previous application. Whilst in principle, the car-free development previously proposed was acceptable, it would have resulted in demand placed on existing residents bays from occupiers of the flats. As now proposed, 18 residential spaces would be incorporated within the application site. The Councils adopted parking standard (SPG4) sets the required number of disabled parking facilities for residential developments at 1 space per 10 dwelling units. The scheme

includes 35 dwelling units and therefore it should provide 4 dedicated blue badge holder parking bays. This requirement has been met by the proposed on-site provision.

The provision of residential bays on the site is to detriment of car-parking facilities for the surgery which would be displaced on to the local roads. Nevertheless it must be acknowledged the increased demand from the surgery would only be experienced within the surgery opening hours.

It is anticipated that a doctor's surgery of this size would create a demand for 6 car parking spaces. This figure has been identified through surveys of other surgeries in the city. It is proposed that [these spaces are] incorporated within the Highway immediately adjacent to the site. The doctor's parking would not be required for outside surgery operating hours. The proposals would result in the loss of two controlled parking spaces during surgery opening hours but bring a net gain of three spaces during evenings and weekends when the demand for residential car parking is generally higher.

Such alterations lie outside the red-line of the application site and cannot be secured within the legal agreement. Nevertheless, the proposed improvements and alterations to the adopted highway adjacent to the site that will need to be designed and secured to ensure that the interests of the Council acting in its capacity as the Highway Authority are protected. This is usually achieved via the inclusion of a condition as noted above (4) to link the works directly to the application and ensure that a s278 agreement of the Highways Act 1980 is entered into. This would be secured by condition 18

It is evident that this development would increase the level of on-street car parking demand in the vicinity of the site. Residents maintain that the impact would be unacceptable. As a vacant site, there is no travel demand currently associated with the site however, the previous use of the site as a Bingo Hall and the fallback position have also to be taken into consideration. The submitted surveys present results which have been agreed with the by the Highway Authority. Based on these surveys, the total parking demand for the surgery would be for 47 car parking spaces with existing on-street provision. Furthermore, the site lies in a highly accessible location for the local bus network. The Sustainable Transport Team acknowledge that they are not in receipt of anticipated staffing levels for the GP surgery. This is because there is no end-user committed to the site to date. For this reason, should the proposal be considered acceptable, it is felt that a Travel Plan for the surgery would be required to encourage staff to reduce reliance on private car use for journeys to works. This would be secured by condition.

A contribution to Sustainable Transport Infrastructure is expected in accordance with adopted policies TR1 SU15 and QD28 of the Brighton & Hove Local Plan. A contribution of £73,750 is sought through a S106 agreement. The level of contribution will go towards enhancements to the public transport facilities along Portland Road. The provision of improved bus

stop and cycling facilities on Portland Road will directly contribute towards achieving several of the targets contained in Brighton & Hove's Second Local Transport Plan (LTP2).

Concerns have been raised about the increased use of blue badge holder parking facilities in the vicinity of the site if this application is approved. It should be noted that blue badge holder parking bays are not (and can never be) dedicated to the exclusive use of an individual by virtue of the fact that they are located on the publicly adopted highway. Blue Badge holders visiting the surgery may park on single or double yellow lines for up to three hours in England and Wales, except where there is a ban on loading or unloading. Badge holders may also park for free and for as long as they need to at on-street parking meters and pay-and-display machines, unless there is a traffic sign specifying a time limit for holders of Blue Badges.

#### Public Art

The Inspector did recognise and accept the appropriateness of a contribution for public art under the terms of policy QD6. However, since that time the additional evidence with respect to open space requirements has emerged and strengthened the case in that respect. This has resulted in a negotiated position with respect to both the open space contribution and the public art contribution. In discussion with the applicant it has been agreed that a contribution to secure the provision of public art would not be sought given the recognised needs in the local area for the upgrade of existing open space facilities and the fact that the Inspector had considered the overall financial level of contributions with respect to this site in detail. On that basis, whilst the overall contribution levels have not changed they have been prioritised.

#### Conclusion

The proposal represents a re-submission of a refused scheme which was subject to an appeal in July 2009. The scheme still proposes a significant amount of residential development thereby making a valuable contribution to needs within the city, and with changes to the design, massing and site layout, it is considered that this scheme adequately responds to Inspectors observations on the previous application.

The proposed scheme would re-develop this vacant site and represents an efficient use of land providing a suitable level of affordable housing units, market housing and community facilities. The scheme would not result in a significant loss light or overlooking to neighbouring properties and would not be overbearing. The design approach for the site is considered acceptable and would also result in an acceptable frontage to Portland Road. Furthermore the development provides a suitable level of car parking and cycle parking for residents. Car parking for the doctors surgery would be located on Portland Road and School Road through a rationalisation of existing on-street facilities.

Subject completion of a satisfactory legal agreement, the development would

not put undue pressure on local infrastructure.

**8 REASONS FOR RECOMMENDATION TO GRANT PERMISSION**

The proposed scheme would re-develop this vacant site providing a suitable level of affordable housing units, market housing and community facilities. The scheme would not result in a significant loss light or overlooking to neighbouring properties and would not be overbearing. The design approach for the site is considered to be generally acceptable and would also result in an acceptable frontage to Portland Road. Furthermore the development provides a suitable level of car parking and cycle parking for residents. Car parking for the doctor's surgery would be located on Portland Road and School Road through a rationalisation of existing on-street facilities. The proposal is thereby considered to be in accordance with relevant development plan policies.

**9 EQUALITIES IMPLICATIONS**

Lifetime Homes standards would be met for all the residential units and wheelchair accessible housing is also provided.



# BH2009/03154 Gala Bingo Hall & adjacent car park, 193 Portland Road



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Date: 23/03/2010 01:19:42

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Appendix A BH2009/03154

Addresses of respondents to public consultation:

**Letters of objection**

313	Kingsway,
1a, 46, 54, 72 (x4) 74, 82	Marmion Road
248A	Portland Road,

**Letters of objection received from standard letter**

4, 6 (x2), 10, 14, 16 19, 20, 21(x2), 23, 26, 28, 31, 35 (x2) 38A (x2)	Alpine Road
2, 3, 6 (x2), 8 (x2), 9, 11,12, 14 (x2), 15, 20 (x2), 21,22, 23, 25, 34, 37, 39, 41, 46, 52 (x3) 53,54, 57 (x2), 59 (x2) 60, 63, 66, 67 (x2), 69 (x2) 71, 73 (x2), 77, 79 (x2), 81	Bolsover Road
56	Broomfield Drive
1	Connaught Road
11	Crowborough Road
F4 and F2 4, 4, 8(x2), 10, 12, 1 Avon Court, 15, 2 Derwent Court, 3 Derwent Court (x3) 4 Hadley Court (x2) 4 Hadley Court, Flat 5, 3, Flat 1, 4 (x2) Flat 3, 40, Flat 3 Dudley Court, Flat 2 Avon Court, 12 , Flat 1 18, Flat 4 18, 2 Derwent Court, 1	Dallington Road
262	Ditching Road
46	Elm Drive
2, 6, 12. 16, 18(x2) 21( x2), 24, 28 (x2), 36a, 38, 41(x2), 45 (x2), 47, 51, 55, 60, 62, 67, 86,	Grange Road
17, 20 (x2), 22 (x3), 24(x2), 28(x2) 29(x2)30(x2)31, 32 (x2), 33, 34, 35, 36(x2) 36a, 37 (x2), 38, 39 (x2), 40, 41, 42 (x2) 48 (x4), 50 (x2), 52(x2), 56(x2), 58(x2), 60	Hogarth Road
10	Holland Road
1, 7, 8, 11,12, 14, 15, 18, 20, 23, 28, 31, 33, 34	Kendal Road
1 The Forge, 4, 8, 10	Kingsthorpe Road
3, 5, 8, 9, 13(x2), 15(x2), 16, 18, 20, 22, 24, 25, 28, 30, 32, 35	Lennox Road
3, 12, 20, 21, 28, 31, 33, 38	Linton Road
5	Luther Street
4	Mainstone Road



1A, 2 (x2), 3, 6, 8, 18(x2), 21,22, 23 (x2), 22A, 26(x2), 28 (x2), 31(x2), 27(x2), 29 (x3), 33 (x2) 34 (x2) 35(x2), 36 (x3) 37(x2) 41 (x2) 43, 45 (x2)	Marmion Road
3, 7, 8, (x2), 15, 16, 19, 21,	Milnthorpe Road
1, 3, 7, 9, 13, 18, 24, 34, 37, 25, 26 27(x3)	Modena Road
18, 20	Molesworth Street
127, 131	Montgomery Street
2 Mortimer Mews, 12, 14, 17, 18	Mortimer Road
14 1A, 2, 15, 16, 27, 34, 37A, 39, 42, 66, 75, 87	Payne Avenue
34	Portland Avenue
Flat 3 166, 207, 254a, 270, Westbourne Motors	Portland Road
3, 7, flat2 17, 17 (x2), TFF 20, 21, 22, 24 28, 31, 33, 34, 38,	Raphael Road
3, 6 (x2), 8, 10, 11, 12, 21 (x2), 25,	Reynolds Road
5	Ruskin Place
5, 9, 8, TFF10, FF10, 13, 14, 17, 19, 21, 23, 25, 26, 27, 29, 30, 32, TFF 41	Ruskin Road
31	Rutland Road
2 (x2), Unit 2 Cliffords, Cliffords, Tyre Express, A.J Autospray	School Road
2 (x) 5, 6, 9, 11, 12,	Scott Road
5, 7, 12, 19, 23, 26, 29, 30, 35, 41 (x2) 41a,	Shelley Road
3, 8, 11, 12, 16	St Heliers Avenue
16D	Station Road
20, 23, 25, 27 (x2), 29a, 29b, 31, 34, 40(x2), 60 (x2), 78, 1 The Old Sweet Factory (x2), house 3, 80, flat 3 80, 5 Maynard Sweet Factory, 80	Stoneham Road
13, 15, 20, 24(x2), 26, 30,	Suffolk Street
78	Tamworth Road
5, 9, 11,12, 13 (x2), 17, 21, 41, 48, 54, 55(x2), 56, 59, 60, 61, 66, 104, 33, 37, 67, 82, 84, (x2) 86, 92(x2), 100	Tamworth Road
5, 12, 14, 28, 29, FFF 34, 37, Flat 3, 40	Titan Road
11	Victoria Road
63	Westbourne Gardens

**Letters of support**

262	Ditchling Road,
61	Grange Road
104	Hallyburton Road
29	Landseer Road,
236	Portland Road,

**Letters of comment**

22	Aldrington Avenue,
15 (x2)	Bellingham Crescent
3	Hallyburton Road
29	Landseer Road
36	Marmion Road
7	Orchard Avenue
248	Portland Road
34	Portland Avenue



## Brighton & Hove City Council

PLANS LIST – 7 APRIL 2010

### COUNCILLOR REPRESENTATION

**From:** Ted Kemble [mailto:Ted.Kemble@brighton-hove.gov.uk]

**Sent:** 10 February 2010 13:39

**To:** Clare Simpson

**Cc:** Garry Peltzer Dunn;

**Subject:** BH2009/03154 Gala Bingo

Clare

I write to register to the above planning application on the following grounds.

- 1 The density, design height and scale form an over development of the site.
- 2 Inadequate and unusable casual play space.
- 3 Loss of community facilities.
- 4 Increase in traffic levels.

These are a number of other reasons I could use as objections but will bring these to the planning committee's attention when it goes before them.

Would you please note that I wish to address the planning committee when the application comes to committee

Regards  
Cllr Ted Kemble

**LIST OF MINOR APPLICATIONS**

<b><u>No:</u></b>	<b>BH2009/02741</b>	<b><u>Ward:</u></b>	<b>WITHDEAN</b>
<b><u>App Type</u></b>	<b>Householder Planning Consent</b>		
<b><u>Address:</u></b>	<b>7 Station Road, Brighton</b>		
<b><u>Proposal:</u></b>	<b>Erection of two storey outhouse, incorporating double garage and parking bay to ground floor and home office to first floor (roofspace) over.</b>		
<b><u>Officer:</u></b>	Charlotte Hughes tel: 292321	<b><u>Valid Date:</u></b>	17/11/2009
<b><u>Con Area:</u></b>	Adjoining Preston Park	<b><u>Expiry Date:</u></b>	12 January 2010
<b><u>Agent:</u></b>	Arch-angels Architects, 128 Edward Street, Brighton, BN2 0JL		
<b><u>Applicant:</u></b>	Mr Marc Whiteside, The Denes, 7 Station Road, Brighton, BN1 6SF		

This application was deferred at the last meeting on 17/03/10 for a Planning Committee site visit. This report has been amended to reflect further representations.

**1 RECOMMENDATION**

That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in paragraph 8 of this report and resolves to **GRANT** planning permission subject to the following Conditions and Informatives:

Conditions

1. BH01.01 Full planning permission.
2. BH03.02 Samples of materials.
3. The garage building hereby permitted shall not be used for any purpose other than as a private and domestic garage and home office, incidental to the enjoyment of the associated house.  
**Reason:** To safeguard to amenities of neighbouring properties and to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.
4. No development shall take place until fences for the protection of trees to be retained have been erected in accordance with the details specified in Section 5 of the accompanying Arboricultural Report. The fences shall be retained until the completion of the development and no vehicles, plant or materials shall be driven or placed within the area enclosed by such fences.  
**Reason:** To protect the trees which are to be retained on the site in the interest of the visual amenities of the area and to comply with policies QD1 and QD16 of the Brighton & Hove Local Plan.
5. Any excavation work within the existing crown spread of the trees to be retained shall be carried out only by hand. Any roots over 40 mm in diameter shall not be severed without the prior agreement of the Local Planning Authority.

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

6. The soil levels within the root protection area of the trees to be retained shall not be raised or lowered without the prior written approval of the Local Planning Authority.

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

7. The driveway shall either be constructed of porous materials or provision shall be made to direct run-off water from the hard surface to a permeable or porous area or surface within the cartilage of the dwellinghouse, details of which are to be submitted to and approved in writing by the Local Planning Authority prior to development commencing on site. The works shall be implemented in strict accordance with the agreed details and maintained as such thereafter.

**Reason:** To prevent the increased risk of localised flooding and to comply with policy SU4 of the Brighton & Hove Local Plan.

Informatives:

1. This decision is based on drawing no. 0911P01a and the Arboricultural Report received on 4 February 2010 and drawing no. 0911POZ and the Waste Minimisation Statement received on 12 November 2009.
2. This decision to grant Planning Permission has been taken:
  - i) having regard to the policies and proposals in the Brighton & Hove Local set out below:
    - QD1 Design – quality of development and design statements
    - QD2 Design – key principles for neighbourhoods
    - QD14 Extensions and alterations
    - QD16 Trees and hedgerows
    - QD27 Protection of amenity
    - SU4 Surface water run-off and flood-risk; and
  - ii) for the following reasons:

The proposed development is considered to be acceptable in terms of its design and visual impact on the surrounding area. Furthermore it would not have a significant detrimental impact on neighbouring residential amenity and it is considered that the development can be implemented without causing harm to trees which are to be retained on the site. The proposal would therefore be in accordance with development plan policies.

## 2 THE SITE

The site comprises the dwelling and grounds of a large 2-storey detached house in the suburban area of Preston Park. The house is served by a drive from Station Road to the west. The site borders the Preston Park

Conservation Area on its north, east and southern sides. A pair of semi-detached modern houses lie to the west at a higher ground level and the rear gardens of these properties back onto the application site. A block of flats – Robin Lodge - is situated to the north west. There is also a detached house lying on the plot to the south of the access drive. The land slopes upward from east to west. Along the northern boundary is a line of Leylandii with one Sycamore tree in the line, which is covered by an Area Tree Preservation Order 1975 (16).

**3 RELEVANT HISTORY**

**BH2008/03078:** Demolition of existing dwelling and erection of 7 new houses. Refused 7<sup>th</sup> January 2009.

**4 THE APPLICATION**

The application seeks full planning permission for the construction of an outbuilding which incorporates a double garage and parking bay to the ground floor and a home office within the roof space over.

The outbuilding would be sited to the west of the main house and would be accessible via the drive which leads off Station Road. The building would measure some 5.2m in height, 8.3m in width and 5.2m in depth. It would be set away from the northern boundary by 7m and the western boundary by 1.1m. Furthermore the outbuilding would be sunk into the ground by 1m at its western end. Detailed drawings showing existing and proposed ground levels have been submitted.

The outbuilding would have a barn-end roof, three dormer windows facing south, a traditional timber frame clad with sweet chestnut and clay tiles to the roof.

**5 CONSULTATIONS**

**EXTERNAL:**

**Neighbours:**

3 letters of objection from **5 & 6 Station Road:**

- Our home and that of our neighbour at 6 is orientated so that the main living area is to the rear of the house, facing east, overlooking our modest garden and the proposed development at no.7.
- We believe that an outbuilding that is two stories high – 5.2m according to the plans – with the gable so close to our boundary will result in overshadowing of our living area and garden.
- We believe that if a two-storey outbuilding is required then this should and could be located within the extensive grounds in a way that would have little impact on the amenity of neighbouring properties.
- We believe that any building on the current proposed location should be restricted to single storey.
- The current application by virtue of proximity and being two stories high does dominate and overshadow with increased sense of enclosure, loss of light and outlook.

- No.6 would be directly impacted, causing us to lose privacy in various parts of our house and garden including the two back bedrooms that currently enjoy no direct line of sight from neighbours and stunning views over a natural landscape.

1 letter of objection from **8 Station Road**:

- We do not object to the erection in principle of new garages but the plans presented are for a building that is too large.
- A smaller proposal would be more acceptable.

1 letter of objection from **1 Robinia Lodge, Station Road**:

- The planned building is too large for the given space and compromises the neighbouring properties in terms of outlook and light.
- Two storeys is excessive for the situation making the land surrounding to the north, east and west of it overcrowded.

Following an amendment to the proposal an additional letter of objection has been received from the occupiers of **5 Station Road** reiterating their objection to the scheme on the basis that the proposed repositioning of the development further south would have an even more severe impact on their property in terms of outlook, loss of light and overshadowing.

**Councillor Pat Drake:** Objects (comments attached).

**CAG:** The group agreed with the comments from the Preston & Old Patcham Society and welcomed the retention of the house and agreed the affect the proposal would have on views along the road would be minimal. The group requested it be conditioned that the hard standing be permeable paving to avoid runoff adding to flood risks. Subject to this condition the group agreed to raise no objection to this application.

**INTERNAL:**

**Conservation & Design:** The site is just outside the conservation area boundary and the outhouse as proposed would have only very limited visibility from within the conservation area in Station Road. The footprint and scale of the building would be subservient to the main house and would preserve the suburban grain of the area. The form and materials of the building would ensure that the building sits comfortably in its context, preserving the setting of the conservation area.

The new area of block paving appears to be larger than necessary and the introduction of some soft landscaping would be desirable.

**Sustainable Transport:** No objection. There is no material concern in terms of highway safety. So acting as Highway Authority we would not wish to raise an objection.

**Arboriculturist:** Trees at this location are covered by an Area Order Tree



Preservation Order 1975. To the north of the proposed development, in the garden of no.7, is a line of Leylandii (old hedge not maintained) with one sycamore in the line. In the neighbouring garden (number 5) there are 2 mature trees that are not covered by the TPO and are not within a conservation area. All of the above trees may be affected by the proposed development.

The ideal would be for a tree survey to be carried out that calculates the root protection areas of all the trees, then puts the footprint of the garage outside this area, at least for the neighbouring trees if not for the sycamore and leylandii.

## **6 PLANNING POLICIES**

Brighton & Hove Local Plan:

- QD1 Design – quality of development and design statements
- QD2 Design – key principles for neighbourhoods
- QD14 Extensions and alterations
- QD16 Trees and hedgerows
- QD27 Protection of amenity
- SU4 Surface water run-off and flood-risk

## **7 CONSIDERATIONS**

The main issues are considered to be whether the proposed development is acceptable in terms of its design, its visual impact on the host property and the surrounding conservation area, and whether it would have a detrimental impact on neighbouring residential amenity or the health of existing trees within close proximity to the site.

During the course of the application amended plans and a tree survey were submitted on 4<sup>th</sup> February 2010. The following alteration was made:

- The location of the garage has been moved 6.4m to the south, to take the footprint of the garage outside of the root protection zone of the nearest trees.

Design/Visual impact

Policy QD2 requires that development be designed to emphasise and enhance the positive qualities of the local neighbourhood by taking into account local characteristics. Policy HE6 states that those proposals within or affecting the setting of a conservation area should preserve or enhance the character and appearance of that area.

The proposed garage is traditional in appearance and would be constructed from good quality materials, subject to samples being submitted for approval which can be dealt with via a condition. The design, scale and form of the garage building are considered satisfactory and it would clearly be subservient to the main dwelling.

Concern has been expressed that the structure is too large, however the

ridge height of the garage would be no higher than the eaves height of the main house and furthermore the 1<sup>st</sup> floor accommodation would be contained with the roof structure and it would be dug into the ground at its western end.

It is considered that in its context, when viewed against 7 Station Road which is a large detached dwelling, the proposed garage would not appear oversized and visually dominant. Only glimpses of the proposed garage would be visible from along Station Road and while it is noted that the applicant intends to remove the Leylandii hedge along the northern boundary (which does not require consent to be removed) and consequently the proposal would have a greater visibility from views to the north, this could be softened by appropriate landscaping.

The 1<sup>st</sup> floor of the garage is proposed to be used as a home office and it is considered that an appropriately worded condition would ensure its use remains incidental to that of the main house. There is an existing garage on the site, which is integrated into the main house at its southern end, however it is understood that this would become part of the main house should this application be approved.

No objection has been raised by the Conservation Officer. In terms of its design and visual impact the proposed development is considered to be acceptable and it therefore would preserve the character and appearance of the adjoining conservation area in accordance with policies QD2 and HE6 of the Local Plan.

#### Amenity

Policies QD14 and QD27 require that developments must not result in significant noise disturbance or loss of privacy, outlook, daylight/sunlight or amenity to neighbouring occupiers.

Concern has been expressed by the residents of 5 and 6 Station Road, which back onto the site from the west, that the development would cause harm to their amenity in terms of loss of light/overshadowing and loss of outlook.

The revised position of the garage as now proposed would mean that the structure would sit relatively equally across both gardens now, rather than being sited across the bottom of No's 5 rear garden alone.

The garden area of No.7 is proposed to be excavated to accommodate the garage and it would therefore be sited 1m below existing ground level at its western end. Detailed plans and sections showing both existing and proposed ground levels have been submitted to illustrate this. The rear gardens of 5&6 Station Road are marked by a 1.8m high panel close board fence and the properties themselves are sited at a higher ground level than 7 Station Road due to the natural gradient of the land which slopes down

from west to east. The south elevation of the proposed garage would be approximately 2.2m higher than the height of the boundary fence; however the garage incorporates a barn hip meaning that at a height of 1.3m above the fence line the roof of the garage will slope away from the neighbouring property for the remaining 0.9m thereby lessening its impact.

The rear gardens of 5 & 6 are approximately 11m in length which means that the garage will be sited over 10m away from rear windows in the western elevation of these properties. This distance together with the changes in levels is considered to be sufficient to prevent any material overshadowing or loss of light to these houses. The development would also not result in material harm by reason of loss of outlook or creating an overbearing presence.

With regard to potential overlooking, the dormer windows would face south and due to the revised location of the garage it is considered that only oblique views into the garden of No 6 would be possible. Furthermore there is already a considerable amount of mutual overlooking possible between 7 Station Road and No's 5 & 6 Station Road and it is therefore considered that the proposed garage would not be considered unacceptable on these grounds.

Concern has also been expressed that the garage would overshadow the garden areas of 5 & 6 Station Road. Due to the orientation of the Sun, any shade from the garage is likely to be cast at the eastern end of the garden of No.5 during the morning period. However this end of the garden lies within the canopy of two fairly large trees and it is therefore considered that this area would already experience overshadowing from these trees, particularly in the summer months when the garden is more likely to be in use and when the trees would be in leaf.

For these reasons it is considered that the garage would not result in a significant detrimental impact on neighbouring residential amenity in terms of overshadowing and furthermore the removal of the Leylandii hedge is likely to improve the levels of light to the area in question.

Finally with regard to loss of outlook, now that the location of the garage has been revised, none of the properties would have a full side elevation at the bottom of their garden.

#### Trees

There are several trees within close proximity to the development and a Tree Survey was therefore requested. This has confirmed (paragraph 6.3) that the trees at no.5 would not be affected by the proposed development as the garage would be in excess of 10m away and the changes in levels between the largest tree and the location of the garage would render the construction area unavailable for associated root development.

As a result of the findings of the Tree Survey, the garage has been moved outside of the root protection zone of the Sycamore tree along the northern boundary of 7 Station Road. Nevertheless it would be prudent to impose suitable conditions to ensure that the health of this tree would not be jeopardised during the construction of the development.

#### Sustainability

The application is accompanied by a Waste Minimisation Statement which, having regard to the scale of the proposed development, is considered sufficient to demonstrate construction and demolition waste will be minimised in an effective manner.

#### Conclusion

The proposed garage is considered to be of an appropriate scale, traditional design and entirely acceptable in terms of its visual impact on the surrounding area. The impact of the development on neighbouring residential amenity has been carefully assessed, however it is considered that it would not result in an unacceptable impact in terms of loss of light, overshadowing, loss of privacy or outlook. Likewise the impact on trees within the site and those at the neighbouring property has also been considered; the location of the garage has been revised accordingly and it is considered that the development can be implemented without causing a detrimental impact to the health of these trees.

The proposal is therefore considered to be in accordance with the development plan and is recommended for approval.

### **8 REASONS FOR RECOMMENDATION TO GRANT PERMISSION**

The proposed development is considered to be acceptable in terms of its design and visual impact on the surrounding area. Furthermore it would not have a significant detrimental impact on neighbouring residential amenity and it is considered that the development can be implemented without causing harm to trees which are to be retained on the site. The proposal would therefore be in accordance with development plan policies.

### **9 EQUALITIES IMPLICATIONS**

None identified.

# BH2009/02741 7 Station Road



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## Brighton & Hove City Council

PLANS LIST – 7 APRIL 2010

### COUNCILLOR REPRESENTATION

**From:** Pat Drake [Pat.Drake@brighton-hove.gov.uk]  
**Sent:** 18 December 2009 12:18  
**To:** Charlotte Hughes  
**Subject:** Application Number BH2009/02741 The Denes, 7 Station Road, Preston

Dear Charlotte

This major extension will have a detrimental impact on the neighbouring properties at numbers 5 and 6 station Road and in these circumstance I support their objection to the height and overshadowing that this will occasion. It will clearly be detrimental to the enjoyment of the gardens of neighbouring property. A single storey development might be acceptable but two storeys have too great an impact so close to the boundaries. If such a major development is pursued it could be sited closer to the existing house at number 7 where it would not impact in the same manner on neighbours.

Kind regards  
Pat Drake  
Councillor Withean ward



<b><u>No:</u></b>	<b>BH2009/02158</b>	<b><u>Ward:</u></b>	<b>ROTTINGDEAN COASTAL</b>
<b><u>App Type</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>Land to rear of 11 Longhill Road, Ovingdean</b>		
<b><u>Proposal:</u></b>	<b>Erection of detached 2 storey, 4 bed dwelling house.</b>		
<b><u>Officer:</u></b>	Ray Hill, tel: 293990	<b><u>Received Date:</u></b>	09 September 2009
<b><u>Con Area:</u></b>	N/A	<b><u>Expiry Date:</u></b>	20 November 2009
<b><u>Agent:</u></b>	Bold Architecture Design, The Cottage, 104 Hallyburton Road, Hove		
<b><u>Applicant:</u></b>	Ms Helen Sywak, 11 Longhill Road, Hove		

This application was deferred at the last meeting on 17/03/10 for a Planning Committee site visit.

## 1 RECOMMENDATION

That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in paragraph 8 of this report and resolves to **GRANT** planning permission subject to the following Conditions and Informatives:

### Conditions

1. BH01.01 Full Planning.
2. BH02.03 No permitted development (extensions) (amenity & character).
3. BH02.07 Refuse and recycling storage (facilities).
4. The two windows in the 'Proposed North Elevation' shown on drawing no. 05 Rev. B submitted on 1 March 2010, shall not be glazed otherwise than with obscured glass and thereafter permanently retained as such.  
**Reason:** To safeguard the privacy of the occupiers of the adjoining property and to comply with policy QD27 of the Brighton & Hove Local Plan.
5. BH03.01 Samples of materials Non-Cons Area (new buildings).
6. BH04.01 Lifetime Homes.
7. Unless otherwise agreed in writing by the Local Planning Authority, no residential development shall commence until:
  - (a) evidence that the development is registered with the Building Research Establishment (BRE) under the Code for Sustainable Homes and a Design Stage Assessment Report showing that the development will achieve Level 3 of the Code for Sustainable Homes for the residential unit has been submitted to the Local Planning Authority; and
  - (b) a BRE issued Design Stage Certificate demonstrating that the development will achieve an Interim Code for Sustainable Homes Certificate demonstrating that the development will achieve at least Code Level 3 for the residential unit has been submitted to, and approved in writing by the Local Planning Authority.

A completed pre-estimator will not be acceptable.

**Reason:** To ensure that the development is sustainable and makes



efficient use of energy, water and materials and to comply with policy SU2 of the Brighton & Hove Local Plan and Supplementary Planning Document SPD08 Sustainable Building Design.

8. Unless otherwise agreed in writing by the Local Planning Authority, the residential unit hereby approved shall not be occupied until a Building Research Establishment issued Post Construction Review Certificate or Final Code Certificate confirming that the residential unit built has achieved a Code for Sustainable Homes rating of level 3 has been submitted to, and approved in writing by the Local Planning Authority  
**Reason:** To ensure that the development is sustainable and makes efficient use of energy, water and materials and to comply with policy SU2 of the Brighton & Hove Local Plan and Supplementary Planning Document SPD08 Sustainable Building Design.
9. Unless otherwise agreed in writing by the Local Planning Authority, the measures for the recovery and re-use of demolition and construction waste shall be implemented in strict accordance with the Waste Minimisation Statement submitted on 9 September 2009.  
**Reason:** To ensure that the development would include the re-use of limited resources, to ensure that the amount of waste for landfill is reduced and to comply with policy WLP11 of the East Sussex & Brighton & Hove Waste Local Plan, policy SU13 of the Brighton & Hove Local Plan and Supplementary Planning Document 03 Construction & Demolition Waste.
10. BH06.01 Retention of parking area.
11. BH06.04 Sustainable transport measures.
12. BH06.03 Cycle parking facilities to be implemented.
13. Unless otherwise agreed in writing, no development shall commence until details of the construction of the brown roofs has been submitted to and approved in writing by the Local Planning Authority. The details shall include a cross section, construction method statement and the seed mix. The scheme shall then be carried out in accordance with the approved details.  
**Reason:** To ensure that the development contributes to ecological enhancement on the site and in accordance with policy QD17 of the Brighton & Hove Local Plan.
14. Unless otherwise agreed in writing with the Local Planning Authority, the landscaping scheme shall be implemented fully in accordance with the landscaping details shown on plan numbered 02 Rev A submitted on 12 November 2010.  
**Reason:** To enhance the appearance of the development in the interest of the visual amenities of the area and to comply with policies Qd1 and Qd15 of the Brighton & Hove Local Plan.
15. BH11.02 Landscaping/ planting (implementation/ maintenance).

Informatives:

1. This decision is based on drawing nos. 041/01 Design & Access Statement, Biodiversity Checklist, Waste Minimisation Statement and Ecohomes Pre-Assessment submitted on 9 September 2009, drawing no's

06 & 07 submitted on 25 September 2009, drawing no's 041/02A submitted on 12 November 2009 and drawing no's 041/03A, 04A & 05B submitted on 1 March 2010.

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

i) having regard to the policies and proposals in the Brighton & Hove Local Plan set out below, including Supplementary Planning Guidance and Supplementary Planning Documents:

Brighton & Hove Local Plan

TR1	Development and the demand for travel
TR7	Safe development
TR14	Cycle access and parking
TR19	Parking standards
SU9	Pollution and nuisance control
SU2	Efficiency of development in the use of energy, water and materials
SU10	Noise nuisance
SU13	Minimisation and re-use of construction industry waste
SU15	Infrastructure
QD1	Design-quality of development and design statements
QD2	Design-key principles for neighbourhoods
QD3	Design-efficient and effective use of sites
QD15	Landscape design
QD27	Protection of amenity
QD28	Planning obligations
HO4	Dwelling densities
HO5	Provision of private amenity space in residential development
HO13	Accessible housing and lifetime homes

East Sussex and Brighton & Hove Waste Local Plan

WLP11 Construction industry waste

Supplementary Planning Guidance

SPGBH4 Parking Standards

Supplementary Planning Documents

SPD03 Construction and Demolition Waste

SPD08 Sustainable Building Design; and

ii) for the following reasons:

The proposed development would have a satisfactory appearance and would have no adverse impact on the character and visual amenity of the area. There would be no material detriment to the amenities of adjoining and nearby residential occupiers. Parking and access arrangements are satisfactory and sustainability measures are acceptable subject to condition.

3. IN04.01 Lifetime Homes.

4. IN05.02 Code for Sustainable Homes.

5. The applicant is advised that the requirements of Condition 11 may be satisfied by the completion of a Unilateral Undertaking or Agreement under s106 of the Town and Country Planning Act 1990, to provide £2,000 to fund improved sustainable transport infrastructure in the vicinity.
6. The Council's Sustainable Transport team advises that the crossover should be constructed in accordance with the Council's approved Manual for Estate Roads and under licence from the Highways Operations Manager prior to the commencement of the development.

## 2 THE SITE

The application site is located on the north-eastern side of Ainsworth Avenue 100 metres to the north-west of its junction with Longhill Road. It is roughly rectangular in shape with a frontage width of 19 metres to Ainsworth Avenue, a maximum depth of 23 metres and an area of 315 square metres (0.0315 ha). The site previously formed part of the rear garden of a two storey detached house fronting Longhill Road (No.11). Land levels within the site rise steeply from south-west to north-east following the prevalent topography of the area.

The surrounding area is wholly residential in character comprising detached two storey houses and bungalows of a variety of styles and designs, set within relatively spacious plots.

## 3 RELEVANT HISTORY

**BH2006/01584:** In August 2006, planning permission was granted for the erection of a three bedroom house fronting Ainsworth Avenue (Resubmission of withdrawn application BH2006/00082).

**BH2006/00082:** A planning application was submitted and subsequently withdrawn in March 2006 for the erection of a three bedroom house fronting Ainsworth Avenue.

**BH2003/01877/FP:** In August 2003, planning permission was granted for the erection of a double garage with handrail on roof to enclose patio, with access from Ainsworth Avenue.

**BH2000/03049/FP:** In September 2001, planning permission was refused for the erection of a dwelling with off-street parking.

**BN/90/1461/F:** In December 1990, planning permission was refused for the erection of a detached bungalow with basement garage. A subsequent appeal against the Council's decision to refuse planning permission was dismissed.

## 4 THE APPLICATION

The application seeks full planning permission for the erection of a detached part two storey/ part single storey four bed dwelling house.

The proposed dwelling would have a width of 12.3m and a maximum depth of 9.6m. The two storey element of the building, which would be set in 2m from

the north-western boundary of the site with No.53 Ainsworth Avenue, would have a maximum eaves height of 5.4m and a ridge height of 6.2m, whilst the single storey element would be set in 1.5m from the south-eastern boundary with no.9 Longhill Road and have a maximum height to ridge of 3.9m. The dwelling would have a staggered front building line set in from the back edge of the footway on Ainsworth Avenue by a maximum of 8.5m and a minimum of 2.8m.

The proposed house would be of contemporary design with white painted rendered elevations, front facing timber balustraded balconies and extensive areas of full height glazing surmounted by a shallow pitched green roof.

There would be a 5.5m deep rear garden comprising a patio with raised terrace laid to lawn. One parking space would be provided on the frontage accessed from Ainsworth Avenue.

The application has been amended during the course of its consideration, a blue profiled metal roof being replaced with a green/ sedum roof.

## 5 CONSULTATIONS

### External:

**Neighbours:** Seventeen letters have been received from the occupiers of **42, 44, 50, 52, 54, 56 and 68 Ainsworth Avenue, 7, 9(x2), 13, 17 and 24(x2) Longhill Road, The Hames Ovingdean Road and Field End (x2 un-numbered)** objecting to the application on the following grounds:

- bulk/scale/design (particularly the blue corrugated roof) out of character;
- increased traffic;
- increased noise/ disturbance;
- overlooking/ loss of privacy;
- loss of light/ overshadowing;
- overbearing;
- would appear overly dominant/ incongruous in street scene;
- overdevelopment;
- plot size smaller than the original planning permission;
- planning permission for a smaller property on the site has been refused;
- approval would be inconsistent with recent planning decisions;
- garden too small;
- insufficient space for any meaningful landscaping/ planting;
- residential use would be intensified because originally approved scheme had 3 bedrooms and the current submission 4 bedrooms;
- bio-diversity statement inaccurate; and
- like 11 Longhill Road it could be used as a holiday let resulting in noise and disturbance.

One letter has been received from the **Ovingdean Residents and Preservation Society** objecting to the application on the following grounds:-

- design and plot size out of character with the area;

- plot size smaller than the original planning permission;
- inadequate landscaping provision;
- loss of boundary screening;
- building would be overbearing in the street scene.

**Internal:**

**Sustainable Transport:** No objections subject to conditions to secure the provision of parking facilities, appropriate crossover construction and a financial contribution of £2,000 towards the provision of sustainable transport improvements.

**6 PLANNING POLICIES**

Brighton & Hove Local Plan:

TR1	Development and the demand for travel
TR7	Safe development
TR14	Cycle access and parking
TR19	Parking standards
SU2	Efficiency of development in the use of energy, water and materials
SU9	Pollution and nuisance control
SU10	Noise nuisance
SU13	Minimisation and re-use of construction industry waste
SU15	Infrastructure
QD1	Design-quality of development and design statements
QD2	Design-key principles for neighbourhoods
QD3	Design-efficient and effective use of sites
QD15	Landscape design
QD27	Protection of amenity
QD28	Planning obligations
HO4	Dwelling densities
HO5	Provision of private amenity space in residential development
HO13	Accessible housing and lifetime homes

East Sussex and Brighton & Hove Waste Local Plan

WLP11 Construction industry waste

Supplementary Planning Guidance

SPGBH4 Parking Standards

Supplementary Planning Documents

SPD03 Construction and Demolition Waste

SPD08 Sustainable Building Design

**7 CONSIDERATIONS**

The main considerations in the determination of this application are:-

- The principle of the proposed development;
- Design and visual impact on the locality;
- The impact on the amenities of neighbouring occupiers;
- The amenities of future occupiers;

- Highways and parking; and
- Sustainability.

The principle of the proposed development

Planning permission was granted (BH2006/01584) in August 2006 for the erection of a dwelling house on the site. That permission has expired, but remains relevant. At that time the Local Plan was adopted and with respect to the principle of development the policy framework has not changed significantly. PPS 3: Housing encourages the re-use of previously developed land, (including residential gardens), for housing, on that basis there are no objections in principle to the proposed development. However, the proposal is subject to the considerations highlighted below.

Design and visual impact on the locality

Brighton & Hove Local Plan policies QD1, QD2 and QD3 require a new development to make efficient and effective use of the site, reflect the key principles of the neighbourhood in terms of height, scale and bulk, and exhibit a high standard of design that makes a positive contribution to the visual quality of the environment.

Although the depth of the application site has been reduced by between 1.5 and 3 metres, the siting, height, bulk and massing of the proposed building is comparable to that previously approved in August 2006 (BH2006/01584). The proposed house would occupy a central position within the site. It would be set well back from the front boundary with Ainsworth Avenue (i.e. between 2.8m and 8.5m compared to 2.3m and 7.9m as originally approved) with 2m and 1.5m separations to the north-western and south eastern site boundaries respectively (as originally approved). This arrangement would be in keeping with the staggered front building line established by the properties immediately to the north-west on Ainsworth Avenue and satisfactorily reflect the prevalent spacing characteristics of the street scene.

As with the previously approved scheme, the proposed house would have a comparable frontage width to the properties to the north-west and a height and massing which will take into account the changes in ground level, with the two storey part of the building being located on the lowest part of the site so that it would sit comfortably below the ridge level of No.53 Ainsworth Avenue by some 0.4m. Accordingly, it is considered that the proposed house, with the siting, height and form would compare satisfactorily to the previously approved scheme and would be in keeping with the character of the area.

Although the properties in the immediate locality are generally traditional in design, they are varied in terms of their sizes, external finishes and architectural detailing. In its consideration of the previously approved scheme, the Council acknowledged that the modern design and in particular the shallow pitched profiled metal roof, would differ from the local vernacular but considered that this would not detract from the character or visual amenity of the area. Relatively minor alterations to the elevations of the building have



been made, which include the re-positioning of fenestration, modified entrance arrangement, the formation of an additional front facing terrace at raised ground floor level and the replacement of the asymmetric profiled metal roof with a symmetrical green/sedum structure. It is considered that the contemporary design principles have been maintained and the external appearance of the building would significantly improve upon that which was previously approved. Therefore, the scheme is considered to be acceptable and in accordance with the design policies of the Local Plan.

The impact on the amenity of adjoining occupiers

Policy QD27 of the Local Plan seeks to ensure that new development does not adversely affect the amenities of adjoining and nearby properties.

Given that the properties to the rear of the site fronting Longhill Road are set at a significantly higher ground level than that of the proposed dwelling, the development would have no material impact in terms of overshadowing, and loss of light or outlook. One window serving a habitable room would be included at first floor level in the rear elevation of the property compared to two in the approved scheme. It is considered that any potential overlooking would be commensurate with a suburban area such as this, and would be satisfactorily ameliorated by the land level variations. In respect of the properties to the south-east of the site on the opposite side of Ainsworth Avenue, building to building separations of some 30 metres would be achieved, which is sufficient to preclude any overlooking/ loss of privacy from the proposed front facing balconies.

It was noted by the Council in its consideration of the previously approved scheme that the most likely property to be affected would be No.53 Ainsworth Avenue. However, it was concluded that due to the position of the proposed dwelling in relation to No.53 (i.e. 2m to the boundary and a building to building separation of 4m) and the fact that the only windows proposed for the north-west facing flank elevation would be obscure glazed, there would be no significant harm to the amenity of the occupiers in terms of overshadowing, loss of light or privacy. The only material difference between the current application and the previous approval is that the proposed house would project 4.7m beyond the rear elevation of No.53 rather than 4.3m. The applicant has satisfactorily demonstrated that this increased rearward projection of 0.4m would not prejudice light or outlook from the nearest rear facing window of No.53. It is also considered that this would not result in any significant increase in overshadowing or visual intrusion to an extent that would warrant refusal. An obscure glazing condition is recommended in relation to the two windows that would face No. 53.

The amenities of the future occupiers

The proposed development would provide a satisfactory standard of living accommodation for the future occupiers in terms of room sizes, light, outlook and privacy in accordance with policy QD27 of the Local Plan.



Policy HO13 of the Local Plan requires new residential development to comply with Lifetime Homes Standards. The Design and Access Statement indicates that the development would comply with Lifetime Homes Standards providing accessible off-street parking, level threshold access and appropriate circulation space and doorway widths. Notwithstanding this, a condition should be imposed to secure compliance.

Owing to a reduction in the plot size, the level of private amenity space provision has been reduced compared to the previously approved scheme. The rear garden would now have a maximum depth of 5.5m with an area of approximately 68 sqm rather than a depth of 8m and an area of 117 sqm. Although this would constitute a significant reduction in the size of the rear garden, it is considered that it would still be of sufficient size to serve the recreational needs of the future occupiers and to accord with policy HO5 of the Local Plan.

#### Highways and parking

Policy TR1 of the Local Plan requires applicants to provide for the travel demands that their proposal creates and to maximise the use of public transport, walking and cycling.

The parking arrangements are identical to that previously approved providing one forecourt space which is capable of use by disabled persons. In addition, two covered secure cycle parking spaces would be provided in the rear garden in accordance with policy TR14. It is recommended that a condition be imposed to secure the provision and retention of these arrangements.

Although the Sustainable Transport Team have no objections to the development, a financial contribution of £2,000 towards the provision of improved sustainable transport infrastructure in the vicinity of the site has been requested. It is recognised that this was not a requirement of the previous permission which was approved in August 2006. However, the contributions methodology has been in use by the Council since February 2008, and therefore it is considered reasonable to now require improvements for sustainable transport infrastructure, and this condition is now recommended.

It is considered that the access and parking arrangements are acceptable and the proposal would not be of detriment to the local highway network nor would it jeopardise highway safety.

#### Sustainability

Policy SU2 of the Local Plan requires all new development to be efficient in the use of energy, water and materials and with regard to small-scale new build residential development such as this, Supplementary Planning Document 08 Sustainable Building Design requires applicants to submit a completed Sustainability Checklist and recommends that the development achieves a minimum rating of Level 3 of the Code for Sustainable Homes.

The Applicant has submitted a satisfactory Sustainability Checklist and has indicated that the development would incorporate energy efficiency measures with regard to lighting, hot water heating, insulation and water consumption reduction measures by means of low flow sanitary ware, WCs and rainwater harvesting. The Applicant has confirmed that the original scheme was registered with the BRE and that an Ecohomes Pre-Assessment rating of 'Very Good' achieved. The condition relating to the submission of EcoHomes details in relation to the existing planning permission has been discharged.

It should be noted that the "Very Good" Ecohomes rating referred to above is equivalent to Level 3 of the Code for Sustainable Homes. However, given that Ecohomes is no longer applicable to new build development, it is recommended that a condition be imposed to secure compliance with the Code for Sustainable Homes as required by SPD08.

**8 REASONS FOR RECOMMENDATION TO GRANT PERMISSION**

The proposed development would have a satisfactory appearance and would have no adverse impact on the character and visual amenity of the area. There would be no material detriment to the amenities of adjoining and nearby residential occupiers. Parking and access arrangements are satisfactory and sustainability measures are acceptable subject to condition.

**9 EQUALITIES IMPLICATIONS**

The proposed dwelling should comply with Part M of the Building Regulations and has been conditioned to meet Lifetime Homes Standards.

# BH2009/02158 Land rear of 11 Longhill Road



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<b><u>No:</u></b>	<b>BH2009/02955</b>	<b><u>Ward:</u></b>	<b>REGENCY</b>
<b><u>App Type:</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>45-46 North Street, Brighton</b>		
<b><u>Proposal:</u></b>	<b>Conversion of existing residential unit into 3 self-contained flats and 5 bedsit units together with extension to third floor. Minor alterations to existing shopfront to allow access to flats above. (Part Retrospective).</b>		
<b><u>Officer:</u></b>	Guy Everest, tel: 293334	<b><u>Valid Date:</u></b>	18/12/2009
<b><u>Con Area:</u></b>	Old Town	<b><u>Expiry Date:</u></b>	12 February 2010
<b><u>Agent:</u></b>	Mr Malcolm Lewis, 25 St Nicholas Lodge, Church Street, Brighton		
<b><u>Applicant:</u></b>	Mr M Sanidad, c/o 25 St Nicholas Lodge		

## 1 RECOMMENDATION

That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in this report and resolves to **REFUSE** planning permission for the following reasons:

### Reasons:

1. The proposed flats by reason of their number, limited size, design, layout and absence of adequate private amenity space would represent an overdevelopment of the site and provide a cramped and unsatisfactory standard of residential accommodation, which would fail to meet the likely needs of future occupiers and 'Lifetime Home' standards. The proposal is thereby contrary to policies QD27, HO3, HO4, HO5 and HO13 of the Brighton & Hove Local Plan.
2. The scale and proportioning of the third floor extension to 46 North Street, together with the detailing and proportions of the fenestration treatment within the building, would result in the loss of the building's descending order of scale at upper floor levels. This would adversely impact on the existing architectural hierarchy of the building which, as a result, would appear top heavy and out of scale. The proposals would therefore be detrimental to the character and appearance of the host building and the wider street scene and fail to preserve or enhance the character or appearance of the Old Town Conservation Area. The proposal is thereby contrary to policies QD14 and HE6 of the Brighton & Hove Local Plan and to advice contained within PPG15 'Planning and the Historic Environment.'

### Informatives:

- 1) This decision is based on a Design & Access Statement and accompanying supporting information, and drawing nos. A863 01, 02, 03, 04, 06A, 07 & 08A submitted 1<sup>st</sup> December 2009; and drawing no. A836 40 and accompanying supporting information submitted 18<sup>th</sup> December 2009.
- 2) Notwithstanding this decision please be advised that there are strong

concerns regarding the structural stability of the front elevation of 46 North Street. Should the applicant be minded to submit a revised application for a similar development to that currently proposed it should be accompanied by a structural survey or statement to demonstrate the extent of the alterations / rebuilding on the fabric of the existing building, which is an important feature of the Old Town Conservation Area. If the applicant has concerns regarding the short-term structural stability of 46 North Street please contact the Council's Building Control Team (tel: 01273 292030).

- 3) 46 North Street makes a positive contribution to the character and appearance of the Old Town Conservation Area. There are significant concerns regarding the potential demolition and reconstruction of this building, and should the applicant be minded to submit a revised scheme for a similar development this issue should be fully addressed as part of the application.

## 2 THE SITE

The application site relates to the upper floors of a mid-terraced property, comprising two adjoining buildings, on the southern side of North Street within the Old Town Conservation Area. The ground floor of the property is in commercial use with upper floors seemingly vacant.

## 3 RELEVANT HISTORY

**BH2009/01439:** Conversion of existing residential unit into 3 self-contained flats and 6 bedsit units, together with extension to third floor. Minor alterations to existing shopfront to allow access to flats above. Refused in 2009 for the following reasons:-

1. *The proposed flats by reason of their size, design, layout and absence of adequate private amenity space would be an overdevelopment of the site and provide a cramped and unsatisfactory standard of residential accommodation, which would fail to meet the likely needs of future occupiers and 'Lifetime Home' standards. The proposal is thereby contrary to policies QD27, HO3, HO4, HO5 and HO13 of the Brighton & Hove Local Plan.*
2. *The form of the proposed development, and in particular the scale and proportioning of the third floor extension to 46 North Street - together with the detailing and proportions of the fenestration treatment within the building - would result in the loss of the building's descending order of scale at upper floor levels, thereby adversely impacting on its existing architectural hierarchy and making the building appear top heavy and out of scale. The proposals would be detrimental to the character and appearance of the host building and the wider street scene. The proposed development would fail to preserve or enhance the character or appearance of the Old Town Conservation Area and is thereby contrary to policies QD14 and HE6 of the Brighton & Hove Local Plan, the provisions of Supplementary Planning Guidance Note 1*

*(Roof Alterations and Extensions), and to advice contained within PPG15 'Planning and the Historic Environment.'*

This decision is subject of an appeal, a decision on which is expected shortly.

Planning permissions were granted in 2009 for a change of use at ground and basement levels from a building society office (A2) to a restaurant (A3) and a restaurant / take-away with new shopfront (ref: **BH2009/00908** & **BH2009/02209**).

#### **4 THE APPLICATION**

The application seeks consent for a third floor extension to no. 46 and conversion at first, second and third floor levels to form 8 self-contained residential units (3 no. one-bedroom flats and 5 no. studio flats). The existing shopfront would be altered to form a new access to the proposed flats.

The application is part retrospective as internal works to subdivide the units and install bathroom fittings have taken place. The applicant has, though, ceased works, on the advice of the Planning Department, whilst the application and appeal are considered.

#### **5 CONSULTATIONS**

##### **External:**

**Neighbours:** 5 (five) letters have been received from the following businesses, **Intensive School of English** (34 Duke Street); **Parsons, Son & Basley** (32 Queens Road); **Me Old China Restaurant & Personal Selection Recruitment** (46 West Street); and **Prominence** (property services) (124 Western Road); and 2 (two) letters have been received from the owner / occupiers of **9 Charis Court, Eaton Road; 20-24 (flat 54) Montpelier Road** supporting the application for the following reasons:-

- there is a shortage of single occupancy accommodation in the centre of Brighton;
- the prices of larger 2 and 3 bedroom flats in the centre of town makes smaller accommodation more attractive for those who prefer living centrally;
- properties in central Brighton attract people looking for short term tenancy rather than those looking for permanent accommodation.

**Brighton Archaeological Society:** Unaware of any archaeological implications regarding this planning application.

**County Archaeologist:** Although the site is situated in an Archaeologically Sensitive Area do not believe that any remains are likely to be affected by the proposals.

##### **Internal:**

**Conservation and Design:** The additional storey on No. 46 alters the proportions and scale of the building in a manner that radically alters its



character. The ceiling height of the second floor is raised and the new third floor would also have a high ceiling. The window heights would be the same on the second and third floors as the first. All of this results the loss of the existing building's descending order of scale of the upper storeys and loss of its hierarchy. This makes the building appear top-heavy and out of scale.

The raising of the height of this building results in a leveling up of the building heights in the street and a loss of its character of varying heights. The style of the new windows is late Victorian style plain sliding sash window without glazing bars, which is also out of character with the building's period and style and they should be small paned sashes without horns to match the originals.

In view of this, the proposal would neither preserve nor enhance the character of the conservation area but would detract from it and from the character of the building is contrary to Local Plan policies QD14 and HE6 and Supplementary Planning Guidance Note SPGBH01 – Roof Alterations and Extensions.

Moreover there are concerns about this fragile old building being able to take the weight of an additional storey. Before considering the acceptability of an additional storey, a structural survey and report should be prepared to demonstrate that the building can support the additional load and that the scheme would not result in its demolition and rebuilding, as so often happens in these circumstances.

**Planning Policy:** In principle there is support for empty properties above shops to be converted to housing but it should not be at the expense of the shopping use and it is not clear (from the information with this application) how the first and other floors were involved with the retail use, given the apparent need for storage and the provision of WCs on the first floor.

The proposal does not directly address the policy framework and in particular the need for housing suitable a range of needs including families, accommodation that is readily adaptable in the event of disablement nor the requirement for usable private open space per dwelling. Sustainability, including recycling and waste as well as energy and water efficiency; travel; and recreation needs generated by the proposal require to be addressed.

**Sustainable Transport:** Do not anticipate the potentially increased parking demand created by the development would have a material impact on the highway. Recommend conditions relating to the provision of cycle parking and details of a scheme to provide sustainable transport infrastructure to support the demand for travel generated by the development.

## 6 PLANNING POLICIES

### Brighton & Hove Local Plan:

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



TR14 Cycle access and parking  
TR19 Parking standards  
SU2 Efficiency of development in the use of energy, water and materials  
SU9 Pollution and nuisance control  
SU10 Noise nuisance  
SU13 Minimisation and re-use of construction industry waste  
QD1 Design - quality of development and design statements  
QD2 Design - key principles for neighbourhoods  
QD3 Design - efficient and effective use of sites  
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  
SR4 Regional shopping centre  
HE6 Development within or affecting the setting of conservation areas  
HE12 Scheduled ancient monuments and other important archaeological sites

Supplementary Planning Guidance

BH1 Roof Alterations and Extensions

Supplementary Planning Documents

BH03 Construction and Demolition Waste

BH08 Sustainable Building Design

**7 CONSIDERATIONS**

The main issues of consideration in the determination of this application relate to the proposed standard of residential accommodation at upper floor levels and its resulting impact on the character and appearance on the conservation area, residential amenity, and transport issues.

Existing use

The Design & Access Statement suggests the previous use of the upper floors of the building was residential which has more recently remained empty due to the commercial use at ground floor level. However, on the basis of previous planning applications at the site and Council Tax and Business Rate records it is instead considered that historically the upper floor levels have been used as ancillary accommodation to the main commercial use. There is no evidence to suggest that the upper floors have been used as residential or independently from the ground floor, which was last used as a Building Society.

The proposal would therefore result in the loss of accommodation ancillary to the ground floor commercial unit which, following the granting of planning application BH2009/00908, could be occupied within Use Class A2 or A3. It

is considered that the self-containment of the upper floors would not prejudice the future vitality or viability of the commercial unit, which lies within the regional shopping centre, and sufficient commercial floorspace would remain at ground and basement levels. The conversion would therefore not conflict directly with local plan policy SR4.

#### Additional storey

##### *Design*

The application site lies within the Old Town Conservation Area where development proposals should preserve or enhance the character or appearance of the area.

The southern side of North Street is characterised by a variety of building heights and styles and this diversity is an important element of the character of this part of the conservation area. This is reflected in supplementary planning guidance note 1, on roof alterations and extensions advises, which that *'where a street has developed with buildings of varying height and scale and where a varied roof-line is an important aspect of its character, this should be respected, and any tendency to level up buildings to a uniform height will be resisted.'*

The proposed additional storey (at third floor level) to no. 46 would result in some leveling up of the building heights in the street: and as such there would be some impact on the character of varying roof heights in this section of North Street. However, despite the additional storey there would still be some variation of building and parapet heights.

Whilst there is no objection in principle to the increased height there are concerns relating to the detailing and proportions of the additional storey, which result in the loss of the existing building's descending order of scale of the upper storeys and its architectural hierarchy; making the building appear top-heavy and out of scale, and detrimentally affect the appearance of the building. This detailing and resulting appearance is considered contrary to policies QD1, QD2, QD14 and HE6 of the Brighton & Hove Local Plan, and would fail to preserve or enhance the character or appearance of the Old Town Conservation Area.

During a site visit it became apparent that the front wall of no. 46 comprises mainly timber and render which is in a poor state of repair and provides limited support for internal floors. It is possible that in order to accommodate the additional storey the front elevation would need to be rebuilt. This is not however referenced in the submitted plans or supporting information, and there is a concern that demolition and subsequent rebuilding of the existing building would harm the character and appearance of the conservation area. An informative is recommended to advise the applicant that as part of any revised application additional information would be expected in relation to the front façade of no. 46.

The shopfront alterations were approved as part of a preceding change of use application (see section 3) and no objection is therefore raised in this regard.

*Impact on amenity*

There are no window openings directly adjoining the proposed additional storey. Whilst Wenlock House, to the rear, has window openings fronting the application site these are considered a sufficient distance from the site to ensure any loss of light or outlook does not result in undue harm to occupants of this property.

Proposed use

*Standard of accommodation*

The proposed conversion at first, second and third floor levels (as extended) would create a total of 8 self-contained residential units; 3 no. one-bedroom flats and 5 no. studio flats.

The proposed units throughout the conversion are limited in size with the living space within the proposed studio flats measuring between approximately 12 and 16 sq metres. Throughout the development a feature of their limited size is kitchens integral to the main living space and internal bathrooms with no natural light or ventilation. The usable living space within these units is also restricted by circulation associated with the main entrance doorway and bathroom access.

The existing roof terrace area to no. 46 also features a number of air conditioning units, which were advised on the site visit as still operational and used in association with the ground floor. There is considerable potential for noise and disturbance from these units for the bedsit overlooking this space and this further brings into question the standard of accommodation that would be created by the proposal.

For the reasons outlined it is considered the conversion would create cramped accommodation which would fail to meet the likely needs of future occupants. It is appreciated that the existing staircase and the height difference between 45 & 46 have influenced the proposal and it is difficult to achieve linkages across the two properties and between the front and rear of no. 45. However, within this there is considered to be scope for amendments to the layout that would create a more preferable size and mix of unit.

There is an extant permission for a restaurant and take-away at ground and basement levels of the building which has potential to cause noise disturbance for occupants of the proposed flats. However, if necessary a suitable condition could require the submission and approval of soundproofing measures within the building, and particularly between ground and first floor levels. It is also noted that the consent for the restaurant use includes conditions relating to soundproofing, odour control equipment and the soundproofing of such equipment (conditions 2, 3 & 4 of approvals BH2009/00908 and BH2009/02209). This is considered sufficient to protect

future occupants from such disturbance and if necessary any future complaints could be handled under separate Environmental Health legislation.

#### *Lifetime Homes*

As a conversion of an existing building the proposal should incorporate lifetime home standards into the design wherever practicable. In this instance given the communal staircase to first floor level is proposed as part of the application it is considered reasonable that units at first floor level allow for adequate access and circulation to and within the units. However, the limited space of the units constrains their scope to achieve Lifetime Home standards in the proposed layout and it is apparent that bathrooms would not allow for ease of access to the bath, WC or wash basin; or turning circles and circulation space within habitable rooms.

There is no reason to expect that such small units would only be occupied by younger or more transient occupants and the limited size of the proposed units constrains their scope to achieve Lifetime Home standards. It has not been clearly demonstrated that a number of standards could be achieved and it is therefore considered this could not be overcome through condition.

#### *Amenity Space*

Local plan policy HO5 requires the provision of amenity space where appropriate to the scale and character of the development. The development proposes 8 self-contained flats, none of which have access to private amenity space. Whilst the provision of amenity space in conversions is difficult it remains desirable. In this instance the building incorporates two flat roofed areas at first floor level which could be readily adapted to form a roof terrace area for future occupants of the development. However, no plans or information relating to the precise use or enclosure of these areas have been provided and there is no indication that such a feature has been considered as part of the conversion strategy. The absence of any external space, however modest, further heightens the poor standard of accommodation that would be created by the proposal.

#### Transport

Policy TR1 of the Brighton & Hove Local Plan requires that development provide for the travel demand they create and maximise the use of public transport, walking and cycling.

There is no opportunity for on-street residents parking in the vicinity of the application site: with the site located within a controlled parking zone where there is currently an 11 month waiting list for resident permits. The Sustainable Transport Team have commented that given the nature of the development the potentially increased parking demand would not have a material impact on the highway.

The absence of off-street parking means the demand for travel created by the development could only be met through the provision of sustainable transport

infrastructure in the vicinity of the site. Whilst no details of such provision have been submitted with the application there are no reasons why a suitable condition could not overcome this omission if the Council were minded to permit the development. The same condition (or a planning obligation) could ensure the development contributes to off-site cycle parking facilities, which cannot realistically be provided on-site, for future occupants.

#### Sustainability

Policy SU2 requires that development proposals demonstrate a high standard of efficiency in the use of energy, water and materials. Further guidance within supplementary planning document 08, sustainable building design, recommends that for a development of this scale involving conversion of existing buildings the application should achieve no net annual CO<sub>2</sub> emissions and EcoHomes for refurbishment and include a completed Sustainability Checklist.

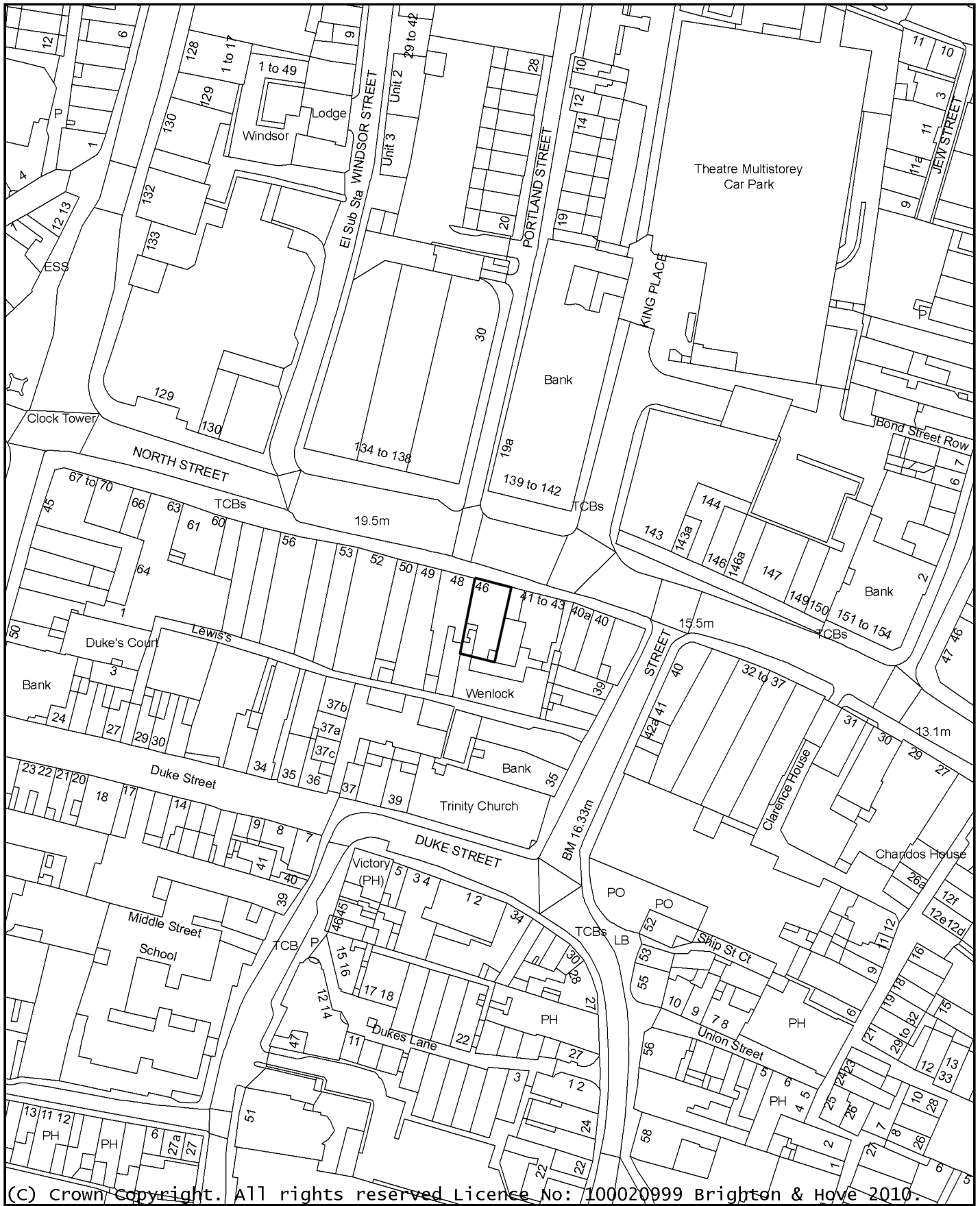
Whilst the application is accompanied by a Sustainability Checklist there is extremely limited information outlining how efficiency in the use of resources will be achieved by the development and this is a concern. However, on balance it is considered that if necessary, a suitable condition could require the submission and subsequent approval of further details in this regard.

A waste management statement has been submitted which sufficiently demonstrates that construction and demolition waste could be minimised in an effective manner.

### **8 EQUALITIES IMPLICATIONS**

The development should incorporate 'Lifetime Home' standards in the design wherever practicable but fails to do so, as detailed in refusal reason 1.

**BH2009/02955 45-46 North Street**



**Date: 23/03/2010 11:21:36**

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<b><u>No:</u></b>	<b>BH2010/00258</b>	<b><u>Ward:</u></b>	<b>WITHDEAN</b>
<b><u>App Type:</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>Land adjacent 29 Surrenden Holt</b>		
<b><u>Proposal:</u></b>	<b>Construction of one and two storey residential dwelling.</b>		
<b><u>Officer:</u></b>	Guy Everest, tel: 293334	<b><u>Valid Date:</u></b>	17/02/2010
<b><u>Con Area:</u></b>	N/A	<b><u>Expiry Date:</u></b>	14 April 2010
<b><u>Agent:</u></b>	N/A		
<b><u>Applicant:</u></b>	Mrs Christine Ponsonby, 29 Surrenden Holt, Brighton		

## 1 RECOMMENDATION

That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in this report and resolves to **REFUSE** planning permission for the following reasons:

### Reasons:

1. The proposal by reason of its siting, bulk, design and detailing constitutes a cramped form of development that would appear incongruous in relation to surrounding development and result in a harmful loss of openness in this section of Surrenden Road. The proposal would therefore fail to respect or enhance the local context and the positive qualities of the local neighbourhood, contrary to policies QD1, QD2 and QD3 of the Brighton & Hove Local Plan.
2. The proposal would result in harmful overlooking to a bedroom window of 1 Whittingehame Gardens, to the detriment of amenity for occupants of this property. The proposal is therefore contrary to policy QD27 of the Brighton & Hove Local Plan.

### Informatives:

1. This decision is based on a Design & Access Statement, Waste Minimisation Statement, Sustainability Checklist and drawing nos. 01, 02, 03, 04, 05, 06, 07, 08, 09, 10, 11, 12, 13, 14, 15, 16, 17, 18 & 19 submitted 1<sup>st</sup> February 2010; and additional supporting information submitted 17<sup>th</sup> February 2010.

## 2 THE SITE

The application site relates to the garden curtilage of a building on the eastern side of Surrenden Holt, a residential cul-de-sac comprising flatted buildings designed to appear as semi-detached dwellings. The site currently provides amenity space in connection with an adjoining ground floor flat, and is appreciably higher than street level to Surrenden Holt and Surrenden Road. There is an electricity sub-station located on the site.

## 3 RELEVANT HISTORY

None relevant to this application.



#### 4 THE APPLICATION

The application seeks consent for the erection of a two-storey dwelling on the site. The ground floor would be excavated into the site with first floor level broadly corresponding to ground floor level of adjoining properties on Surrenden Holt. The main access to the dwelling, for pedestrians only, would be from Surrenden Road. The sub-station would be relocated within its existing compound.

#### 5 CONSULTATIONS

##### External:

**Neighbours:** 24 letters have been received from **311 Ditchling Road; 1, 4, 5, 6, 9, 10, 11, 12, 16, 17, 18, 20, 21, 22, 25, 27, 28 & 30 Surrenden Holt; 80 Surrenden Road; 1, 2 & 4 Whittingehame Gardens** and **1 letter of no address objecting** to the proposal for the following reasons:-

- the proposed building is completely out of character with existing buildings;
- the loss of a garden area would ruin a green area and lead to further urbanisation;
- the development would set a precedent for other owners;
- the reinstatement of an entrance onto Surrenden Road would go against the unity of Surrenden Holt as a community and eliminate individual owner access;
- loss of privacy;
- loss of daylight;
- disruption during building works and upon occupation of the dwelling;
- concern over recent removal of trees on the application site;
- there are existing access and parking problems in Surrenden Holt which the proposal would worsen;
- the excavation and new access of Surrenden Road may lead to the relocation of the existing bus stop, which would be unacceptable;
- question the ownership of 29 & 30 Surrenden Holt and how the applications relates to this building (a ground floor flat and a first floor flat);
- the application should be determined on its own merits rather than in connection with existing occupation of the adjoining property;
- garden decking has already been built in preparation for the dwelling, and an associated shed restricts light to an adjoining property;
- question why a site notice was not displayed;
- restrictive covenants prevent further building;
- loss of property value.

**Cllr Drake objects** – letter attached.

**10** letters have been received from **49a Bates Road (x2); 63 Braybon Avenue; 135 Ditchling Road; 28 Petworth Road; 51 Preston Drive; 81 St Leonards Road; 28 & 29 Surrenden Road; 78 Vale Avenue** and **Holly Trees, Underhill Lane, Ditchling supporting** the application for the following reasons:-

- the corner plot is not used by the present owners and the development would provide housing for a family;
- the contemporary design would enhance the area, where there is no particular style;;
- the development would not restrict views or harm the amenity of existing residents;
- the lowered height overcome noise issues from the road;
- the development is eco-friendly;
- the nearby bus stop would encourage the use of public transport.

The owner / occupier of **96 Carden Avenue** has no objections to the proposal.

A letter has been received from **5 Cornwall Gardens** commenting that the historic wall on the Surrenden Road side is a worthwhile feature and should be protected and repaired; it is crumbling in places and proposed to be altered to allow a new pedestrian access to the house. The grass verges in Surrenden Road are a valuable amenity and should be protected.

**Internal:**

**Transport:** No objection subject to the submission of further details of the development and retaining structures; the provision of cycle parking area; and a contribution towards sustainable transport infrastructure in the area of the site.

**6 PLANNING POLICIES**

Brighton & Hove Local Plan:

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

Supplementary Planning Guidance:

- 04 Parking Standards

Supplementary Planning Document:

03 Construction and Demolition Waste

08 Sustainable Building Design

**7 CONSIDERATIONS**

The key issues of consideration in the determination of this application relate to the visual impact of a dwelling in this location, and its impact on neighbouring amenity and transport; and sustainability issues.

Character and appearance

The eastern side of Surrenden Road is partly characterised by buildings set well back from the main road. This creates a substantial broad green corridor having the appearance of a pleasant mature landscape with significant trees. The Urban Characterisation Study recognises this tree-lined appearance as an important townscape feature of the Surrenden neighbourhood. The proposed dwelling would be sited between the first end- building fronting Surrenden Holt and Surrenden Road and appear a highly prominent addition to the area; particularly due to the first floor section which broadly corresponds to the raised ground floor level of adjoining properties.

The proposed dwelling by reason of this siting and visible bulk would appear discordant in relation to the prevailing pattern and layout of surrounding development; and in conjunction with the introduction of a compact building form into a garden setting would result in the significant reduction of visually important open space at the entrance to Surrenden Holt and fronting Surrenden Road. The proposed dwelling would therefore harm the existing character and appearance of the area.

There are also concerns relating to the design and detailing of the proposed dwelling, particularly in relation to the large areas of unrelieved render to the most visible elevations; and to the north-west and north-eastern elevations a disjointed window arrangement, which, fronting Surrenden Holt comprises conflicting horizontal and vertical elements. These features would exacerbate the contrast with the prevailing style and form of the surrounding area.

It is acknowledged that national (PPS3) and local planning policy favours providing additional housing on previously developed land in sustainable locations. However, such development must pay proper regards to its context and to local character, and for the reasons outlined it is considered that the proposed development would fail to make a positive contribution to the visual quality of the environment or retain existing open space in an effective way. The proposed development would therefore be harmful to the character and appearance of the area in conflict with policies QD1, QD2 and QD3.

The personal circumstances of the applicant and their desire for a dwelling on the site are noted but are not considered to outweigh the identified harm that would result from the proposal.

Standard of accommodation

Notwithstanding the design concerns outlined above the development would create a 4/5 bedroom dwelling suitable for family occupation with adequate room sizes, natural light and ventilation throughout. The dwelling allows for usable amenity space at lowered ground and existing ground floor levels, and this is considered to be appropriate. There are no reasons why the dwelling could not be built to lifetime home standards and if Members were minded to grant permission this could be required by condition.

The adjoining property, 29 Surrenden Road, would retain private amenity space comparable with that enjoyed by adjoining properties and appropriate to the scale and character of this dwelling.

Impact on amenity

The sound insulation of the development would be secured through Building Regulations; and there are no reasons to believe that the outdoor amenity areas, which adjoin similar outdoor areas to adjoining properties, would lead to undue levels of noise or disturbance for occupiers of adjoining properties.

*Surrenden Holt*

The ground floor element would have no impact on light for adjoining properties. The first floor section would affect a window to the ground floor flat of the adjoining building. However, the affected room (a bedroom) is double aspect and the larger north facing window would be unaffected by the proposal. The proposed building is below cill level of windows to the first floor flat which would therefore be unaffected. The dwelling would not cause loss of privacy to this property due to the nature of window openings to the eastern (side) elevation and boundary treatment separating the outdoor amenity areas.

*Whittingehame Gardens*

There is considered to be sufficient distance between the dwelling and properties on Whittingehame Gardens, which are in any case to the south of the application site, to ensure no harmful loss of light.

Folding doors to a study / bedroom within the proposed dwelling would front an existing first floor bedroom window to no. 1 Whittingehame Gardens at a distance of approximately 13.5 metres. The relative heights of these windows coupled with the limited separation would create mutual overlooking from each property. Whilst it is noted that properties elsewhere on Whittingehame Gardens and Surrenden Holt back onto each other at comparable, although slightly larger, distances this an established relationship which the occupants would have been aware of. The introduction of a new window opening fronting an existing property over a relatively short distance would create a new source of overlooking for occupiers of the existing property to the detriment of their amenity and contrary to local plan policy QD27.

### Transport

The development provides no off-street parking and the dwelling is likely to generate an additional parking demand for 1-2 vehicles. There have been a large number of representations from adjoining residents concerned that this additional demand would create problems for access into and along Surrenden Holt.

The existing properties on Surrenden Holt have garage accommodation at the eastern end of the cul-de-sac and at the time of a site visit on-street parking was available along the southern side of Surrenden Holt; with sufficient space for vehicle movement along the remaining roadway. The Sustainable Transport Team has advised that the predicted level of additional on-street parking would not be considered as having a material affect on the local highway that would support a reason for refusal and there are no reasons to dispute these conclusions. The absence of off-street parking would not therefore create a safety hazard or a harmful demand for on-street parking.

The recommendations of the Sustainable Transport Team relating to the provision of compensatory sustainable transport infrastructure and details of excavation in relation to the retained boundary wall (adjoining the highway) could, if necessary, be incorporated within conditions.

### Sustainability

Policy SU2 requires proposals demonstrate a high standard of efficiency in the use of energy, water and materials. Further guidance within supplementary planning document 08, sustainable building design, recommends that a development of this scale incorporates a sustainability checklist and meets Level 3 of the Code for Sustainable Homes (CSH).

The application is accompanied by a sustainability checklist which indicates an aim to achieve at least Level 4 of the CSH; and in excess of the Level 3 rating currently required by policy. Whilst no further details have been submitted to outline how this will be achieved it is considered that for a development of this scale if necessary further details could be required by condition(s).

A Waste Minimisation Statement (WMS) has been submitted demonstrating that there are no reasons why waste cannot be minimised during construction works and whilst only limited information has been submitted in relation to excavations works if necessary further details could be required by condition.

## **8 EQUALITIES IMPLICATIONS**

The development should be built to lifetime home standards, whereby the units can be adapted to meet the needs of people with disabilities without major structural alterations.

# BH2010/00258 Land adjacent 29 Surrenden Holt



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## Brighton & Hove City Council

PLANS LIST – 7 APRIL 2010

### COUNCILLOR REPRESENTATION

**From:** Pat Drake [Pat.Drake@brighton-hove.gov.uk]  
**Sent:** 13 March 2010 16:41  
**To:** Guy Everest  
**Subject:** BH2010/00258

Dear Guy

I wish to object to this application.

The design of the proposed building appears to me to be totally out of character with the surrounding homes and will detract from the unity of the area, rather than enhance it.

The positioning of the proposed building will be significantly out of the existing building line in Surrenden Road and will have an undue influence on its surroundings for this reason.

Kind regards

Pat

Pat Drake  
Councillor Withdean ward



<b>No:</b>	<b>BH2010/00316</b>	<b>Ward:</b>	<b>ST. PETER'S &amp; NORTH LAINE</b>
<b>App Type:</b>	<b>Removal or Variation of Condition</b>		
<b>Address:</b>	<b>36 Gloucester Road, Brighton</b>		
<b>Proposal:</b>	<b>Application for variation of condition 2 of application BH1999/00436/FP to allow opening hours 8am to 10pm Monday to Saturday.</b>		
<b>Officer:</b>	Anthony Foster, tel: 294495	<b>Valid Date:</b>	19/02/2010
<b>Con Area:</b>	North Laine	<b>Expiry Date:</b>	16 April 2010
<b>Agent:</b>	N/A		
<b>Applicant:</b>	Seasons Cafe, Mr Ken Handley, 48B Ventnor Villas, Hove		

## 1 RECOMMENDATION

That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in paragraph 8 of this report and resolves to **GRANT** planning permission subject to the following Conditions and Informatives:

### 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 premises shall not be open or in use except between the hours of 08.00 to 22.00 Monday to Saturdays and between the hours of 10.00 to 18.00 on Sundays.  
**Reason:** To safeguard the amenity of adjacent residents and occupants especially with regard to noise and to comply with policies SU9, SU10 and QD27 of the Brighton & Hove Local Plan.
3. The area of outside seating shall not be used except between the hours of 08.00 and 20.00 Monday to Saturdays and between 10.00 and 18.00 Sundays.  
**Reason:** To safeguard the amenity of adjacent residents and occupants especially with regard to noise and to comply with policies SU9, SU10 and QD27 of the Brighton & Hove Local Plan.
4. Amplified music or other entertainment noise from within the premises shall not be audible from any adjacent residential property at anytime.  
**Reason:** To safeguard the amenity of adjacent residents especially with regard to noise and to comply with policies SU9, SU10 and QD27 of the Brighton & Hove Local Plan.
5. The external door adjacent to 24 Queens Gardens is to be used as an emergency exit and for the collection of refuse only and kept shut at all other times. Deliveries shall take place via the main door only, and only between the hours of 8am and 6 pm Monday to Saturday only and at no time on Sundays.  
**Reason:** To safeguard the amenity of adjacent residents and occupants

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

Informatives:

1. This decision is based on Site Location Plan and Supporting Documentation submitted on 8 February 2010.
2. This decision to grant Planning Permission has been taken:
  - i) having regard to the policies and proposals in the Brighton & Hove Local Plan set out below:
    - SU9 Pollution and nuisance control
    - SU10 Noise nuisance
    - QD27 Protection of amenity; and
  - ii) for the following reasons:

The proposed development, subject to compliance with the above conditions, would not lead to loss of amenity or cause harm to the occupiers of adjoining properties. The proposed development is considered to be in accordance with development plan policies.

## 2 THE SITE

The application site is a ground floor café located on the corner of Gloucester Road and Queen's Gardens within the North Laine conservation area, above which is a residential unit. The site received planning permission in 1999 for the change of use from a retail unit to a café.

Queen's Gardens, which runs along the side of the application site, is predominantly residential. There are residential units located above a number of the commercial units fronting onto Gloucester Road.

## 3 RELEVANT HISTORY

**BH2009/00898:** Application for variation of Condition 2 of application (BH1999/00436/FP) to read; The premises shall not be open or in use except between the hours of 08.00 to 20.00 from Monday to Saturday, and between 10.00 to 18.00 on Sundays. Remove Condition 5 in order to allow the preparation and sale of hot food on the premises. Approved at Planning Committee 10/06/09.

**BH2008/03950:** Application for variation of condition 2 of application (BH1999/00436/FP) in order to allow opening hours between 8am to 8pm Monday to Saturday, and removal of condition 5 in order to allow the preparation and sale of hot food on the premises. Refused at Planning Committee 14/04/2009 on the following grounds:

*The applicant has failed to adequately demonstrate that the proposal would not detrimentally impact on the amenities of neighbouring properties, by reason of odours as such the proposal is contrary to policies QD27 and SU9 of the Brighton & Hove Local Plan.*

**BH2007/02900:** Variation of condition 2 (BH1999/00436/FP) and subsequent

application (BH2005/05697) to change opening hours. Proposed internal opening hours to be 6.30am-10.00pm Monday to Saturday and 9.00am-10.00pm Sundays. (Resubmission following refusal of BH2007/01756). Refused at Planning Committee 15/10/2007.

**BH2007/01756:** Variation of condition 2 (BH1999/00436/FP) and subsequent application (BH2005/05697) to change opening hours. Proposed opening hours to be 8am - 11pm Monday to Saturday and 9am - 10pm Sundays. Refused 28/06/2007.

**BH2007/01339:** To remove condition 5 of BH1999/00436/FP limiting/restricting the sale of beverages and cold and microwavable food only. Approved by Planning Applications Sub-Committee 06/06/2007. Conditions relating to which required the submission of details for measures to ensure odour control and adequate ventilation within a month of the permission. Sufficient details were not submitted within this time period.

**BH2007/00987:** Variation of condition 11 (BH1999/00436/FP) to allow the sale of hot food for consumption off the premises. Refused 31/05/2007.

**BH2005/05697:** Variation of condition 2 (BH1999/00436/FP) to change opening hours from 6pm closing to 10pm closing (indoors) and 9pm closing (outdoors). A temporary 1 year permission was granted at Planning Applications Sub-Committee 16/01/2006.

**BH2003/03927/FP:** Installation of new doorway and timber sliding sash window to west elevation and replace ventilation openings. Refused 22/07/2004.

**BH1999/00436/FP:** Change of use from retail (class A1) to café (class A3). Approved 28/07/1999.

#### 4 THE APPLICATION

The applicant seeks consent for the variation of condition 2 of planning permission reference BH1999/00436/FP. This condition has been amended under planning permission reference BH2009/00898 to read:

*“The premises shall not be open or in use except between the hours of 0800 and 2000 Monday to Saturday, 1000 and 1800 on Sunday.*

*Reason: To safeguard the amenities of the locality”*

The proposed variation of condition 2 will allow for the premises to open from 08.00 to 22.00 Monday to Saturday and from 10.00 to 18.00 on Sundays.

#### 5 CONSULTATIONS

**External:**

**Neighbours:** Four objections have been received from different individuals at **36A Gloucester Road** (Three letters from three different individuals), **2 Tidy Street** (Two letters from one individual), on the grounds that the proposed development would result in an unacceptable increase in levels of noise and disturbance later into the night. Unacceptable disturbance to the flat above the café making it necessary to keep the windows closed. The premises already have consents for serving alcohol, extended hours and sale of hot food. Apart from two public houses, other premises close by 18.00. Pollution

caused by smoking. The proposal would undermine the community nature of this residential part of North Laine. The café blocks the pavement. If granted, can use of the pavement be restricted?

One letter of comment has been received from the occupants of **35 Gloucester Road**. This states that they have no objection in principle, but that if the noise is excessive they will complain.

Three letters of support have been received from Nos. **28 Queens Gardens, 37 Gloucester Road, 15a Millers Road, Flat F Ocean Building Frederick Street, 28 Foundry Street**. The letters state that Seasons Café is an asset to the area, is a quiet café/restaurant and that increased opening hours would contribute to the trading environment.

**North Laine Community Association:** Object to the scheme due to the potential noise and disturbance within the area, particularly as the variation would allow customers to be served food and alcohol until 9pm in the outside seating area. Would have a damaging effect on the conservation area. Concerns about more outlets serving alcohol outside, creating a 'drinking quarter.'

**Cllr Ian Davey:** Requests to address the Planning Committee and objects to the application (email attached to this report).

**Sussex Police:** No objection.

**Internal:**

**Sustainable Transport:** No objection.

**Environmental Health:** No objection to the proposed change of opening hours. No recent complaints about noise since the new owners took over. Mange Tout and Nia Café (nearby businesses that the applicant has identified as competitors) are licensed until 23.00.

Environmental Health have confirmed that the premises licence hours are:  
Sunday 12.00 – 16.00  
Monday – Saturday 12.30 – 16.30 and 17.30 – 21.30.

## **6 PLANNING POLICIES**

Brighton & Hove Local Plan:

SU9 Pollution and nuisance control

SU10 Noise nuisance

QD27 Protection of amenity

## **7 CONSIDERATIONS**

The proposal seeks to increase the opening hours of the café by an additional two hours in the evenings from Monday to Saturday. The principal consideration is whether the proposal would result in any adverse impact to

residential amenity to occupiers of adjacent properties.

There has been a long history of problems resulting from previous occupiers of the site. There have been a number of investigations by both the Planning Enforcement and Investigations team and Environmental Health. The present owner appears to have sought to ensure that use of the café does not cause further harm to the amenity of the neighbouring residents, particularly in terms of odours. Officers can confirm that condition 4 attached to the permission reference BH2009/00898 relating to the odour neutraliser has been adhered to.

Policies SU9, SU10 and QD27 of the Brighton & Hove Local Plan seek to minimise the impact of noise on the occupiers of neighbouring properties and the surrounding environment. The Environmental Health Officer has raised no objection to the increase in opening hours.

PPG24 deals with noise issues associated with development, this includes an extension of opening hours. PPG24 identifies residential dwellings as noise sensitive development. Paragraph 12 of PPG24 indicates that noise sensitive development should not be permitted during the hours of 23:00 to 07:00, when people are normally sleeping. It is clear that the additional opening hours sought as part of this application would not intrude into what are considered to be normal sleeping hours and in this respect it is not considered that significant additional noise or disturbance would occur.

At the time of the site visit it was noted that the opening hours of other A3, A4 and A5 premises within the vicinity are staggered, ranging from 5pm to 11pm. For this reason, it is not considered that the proposed extension to the opening hours would be out of keeping with the North Laine area, which is comprised of a mix of commercial and residential properties.

The proposed extended hours from 18.00 to 22.00 Monday to Saturday and 10.00 to 18.00 on Sundays, would fall within the guidelines published within PPG24. It is therefore considered that the proposed extension in opening hours adheres to Local Plan Policies SU10 and QD27.

The applicant originally stated within the submitted design and access statement that last orders for outside seating will be at 9pm. The applicant has subsequently confirmed that the hours for outdoor seating will remain at 7.30pm as currently operated. The recommended conditions for the current application would therefore allow an increase in hours of operation within the building, but no change in hours for the external seating area.

## **8 REASONS FOR RECOMMENDATION TO APPROVE PERMISSION**

The proposed development, subject to compliance with the above conditions, would not lead to a significant loss of amenity or cause harm to the occupiers of adjoining properties. The proposed development is considered to be in accordance with development plan policies.

**9 EQUALITIES IMPLICATIONS**

None identified.





Date: 23/03/2010 11:51:33

Scale 1:1250

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**Brighton & Hove  
City Council**

PLANS LIST – 7 APRIL 2010

COUNCILLOR REPRESENTATION

**From:** Ian Davey [Ian.Davey@brighton-hove.gov.uk]  
**Sent:** 15 March 2010 09:42  
**To:** Anthony Foster  
**Subject:** BH2010/00316

Dear Anthony

I would like to object to this application for extended hours at this premises as I am concerned about the impact upon residential amenity as I know are many local residents.

I would like to request that should you be minded to recommend that this application be granted that it be considered for decision by the planning application committee.

I would also like to register my wish to speak to the committee.

Regards

Ian Davey  
Green Party Councillor for St Peters & North Laine Ward  
Green Group Deputy Convenor  
Green Spokesperson on Transport  
Tel: 01273 296430

**BRIGHTON & HOVE CITY COUNCIL**  
**LIST OF APPLICATIONS DETERMINED**

**PATCHAM**

**BH2009/02705**

**101 Braeside Avenue Brighton**

Replacement of existing conservatory with single storey rear extension.

**Applicant:** Mr Edward Manning

**Officer:** Chris Swain 292178

**Approved on 02/03/10 DELEGATED**

**1) BH01.01**

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

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

**2) BH02.04**

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 window, dormer window, rooflight or door other than those expressly authorised by this permission shall be constructed without planning permission obtained from the Local Planning Authority.

*Reason: To safeguard the amenities of the occupiers of nearby properties and to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.*

**3) BH02.09**

Access to the flat roof over the extension hereby approved shall be for maintenance or emergency purposes only and the flat roof shall not be used as a roof garden, terrace, patio or similar amenity area.

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

**4) BH03.03**

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

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

**BH2009/02975**

**11 Brangwyn Court Brangwyn Way Brighton**

Replacement of timber windows and door with UPVC. (Part Retrospective)

**Applicant:** Miss Cristine Gledhill

**Officer:** Chris Swain 292178

**Approved on 10/03/10 DELEGATED**

**1) BH01.01**

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

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

**BH2010/00164**

**40 Beechwood Avenue Brighton**

Certificate of Lawfulness for proposed single storey rear extension.

**Applicant:** Heidi Whitby-Thomas

**Officer:** Chris Swain 292178

**Approved on 17/03/10 DELEGATED**

**1) UNI**

The development is permitted under Schedule 2, Part 1, Class A of the Town & Country Planning (General Permitted Development) Order 1995 as amended.

**PRESTON PARK**

**BH2009/02615**

**Windlesham School 190 Dyke Road Brighton**

Alterations to existing classroom including removal of 1no roof-light and lowering of the East section of the building with new mono-pitched roof.

**Applicant:** Windlesham School Trust Ltd

**Officer:** Kate Brocklebank 292175

**Approved on 02/03/10 PLANNING COMMITTEE**

**1) BH01.01**

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

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

**2) BH11.01**

No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme for landscaping, which shall include hard surfacing, means of enclosure, planting of the development, indications of all existing trees and hedgerows on the land and details of any to be retained, together with measures for their protection in the course of development.

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

**3) BH11.02**

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

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

**4) UNI**

The development hereby approved shall not be in use except between the hours of 8.30 to 16.00 Monday to Friday and shall not be in use at any time on Saturdays, Sundays and Bank Holidays.

*Reason: To safeguard the amenities of the occupiers of adjoining properties and to comply with policies SU9 and QD27 of the Brighton & Hove Local Plan.*

**5) UNI**

The development hereby approved shall only be used as a classroom until 20th

May 2012. Unless otherwise agreed in writing by the Local Planning Authority, after 20th May 2012 the development may only be used as storage space ancillary to the school use of the site.

*Reason: To safeguard the amenities of the occupiers of adjoining properties and to comply with policies SU9 and QD27 of the Brighton & Hove Local Plan.*

**BH2009/02797**

**106 Waldegrave Road Brighton**

Erection of bicycle shelter to front of property.

**Applicant:** Dr Matthew Adams

**Officer:** Jonathan Puplett 292525

**Refused on 02/03/10 PLANNING COMMITTEE**

**1) UNI**

The proposal, by reason of its materials, size and siting in a small, elevated front garden area, would be prominent and visually intrusive. Views of the front elevation and bay window of the existing property would be obscured and the proposal would appear as an incongruous and inappropriate feature, harming the character and appearance of the existing property, and the surrounding street scene and Preston Park Conservation Area. The proposal is therefore contrary to Policies HE6, QD1, QD2, and QD14 of the Brighton & Hove Local Plan.

**BH2009/02932**

**269 Preston Drove Brighton**

Replacement of existing 2no. air conditioning units with 2 new units and construction of door to rear of store at first floor level to provide access to roof. Installation of a metal cantilevered platform with access ladder and metal handrail to perimeter of flat roof. Installation of 2no. extracts on western elevation at ground floor level. (Retrospective).

**Applicant:** Co-operative

**Officer:** Chris Swain 292178

**Approved on 02/03/10 DELEGATED**

**1) UNI**

Within 28 days of the date of this permission the hereby approved platform with associated ladder and perimeter railings shall be painted/powdercoated black and retained as such thereafter.

*Reason: To ensure a satisfactory appearance to the development and to comply with policies QD2 and QD14 of the Brighton & Hove Local Plan.*

**2) UNI**

Access to the flat roof 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.*

**BH2009/03042**

**83 Beaconsfield Villas Brighton**

Construction of side entrance porch to provide private access to basement flat.

**Applicant:** Brighton & Hove City Council

**Officer:** Sonia Kanwar 292359

**Approved on 17/03/10 DELEGATED**

**1) BH01.01**

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

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

*unimplemented permissions.*

**2) BH03.03**

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

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

**BH2009/03053**

**353 Ditchling Road Brighton**

Erection of a two storey side extension.

**Applicant:** Mr Anthony Connelly

**Officer:** Aidan Thatcher 292265

**Approved on 10/03/10 DELEGATED**

**1) BH01.01**

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

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

**2) BH03.03**

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

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

**3) UNI**

No development shall commence until full details of the rear (west) facing first floor windows to the dressing and en suite rooms confirming that these shall be glazed with obscured glass together with the details of restricted openings have been submitted to and approved in writing by the Local Planning Authority. The windows shall be installed in strict accordance with the approved details and thereafter be permanently retained as such.

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

**BH2009/03124**

**2 & 5 Copper Beeches Rookery Close Brighton**

Loft conversion to flats 2 and 5, incorporating rooflights to existing flat roof.

**Applicant:** Mr Nic Beric

**Officer:** Chris Swain 292178

**Approved on 12/03/10 DELEGATED**

**1) BH01.01**

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

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

**BH2009/03129**

**3 Lovers Walk Brighton**

External alterations and refurbishment, including replacement sash windows to front, rear and side (South) elevations, installation of 2no. solar thermal panels to front and rear roof slopes, extension of roof eaves at rear, and external insulation and acrylic render to walls.

**Applicant:** Mr Mischa Hewitt

**Officer:** Anthony Foster 294495

**Approved on 25/02/10 DELEGATED**

**1) BH01.01**

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

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

**2) BH12.01**

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

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

**3) UNI**

Before works commence a sample of the proposed acrylic render, demonstrating the surface finish and through-colour, must be submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in strict accordance with the approved details.

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

**4) UNI**

Before works commence section details at no less than 1:5 scale showing the treatment and detailing of the south-east and north-east corners of the building's walls must be submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in strict 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.*

**5) UNI**

Notwithstanding the submitted details, the new double-glazed sash windows to the front elevation must match the external dimensions, profiles and detailing of the existing windows. Before works commence 1:1 scale joinery details of the existing and proposed windows must be submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in strict 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.*

**BH2009/03152**

**Greenacres 13-17 Preston Park Avenue Brighton**

Replacement of louvre windows to north and south elevations with double glazed uPVC frames and replacement uPVC louvre windows to plant rooms.

**Applicant:** Greenacres Brighton Ltd

**Officer:** Sonia Kanwar 292359

**Approved on 25/02/10 DELEGATED**

**1) BH01.01**

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

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

**BH2010/00042**

**19a Shaftesbury Place Brighton**

Demolition of courtyard garage complex and erection of three town houses.

**Applicant:** Mr Peter Bradford

**Officer:** Aidan Thatcher 292265

**Refused on 17/03/10 DELEGATED**

**1) UNI**

The submitted drawings are inadequate. No detail is provided of the ground floor front (north) elevation, resulting in insufficient information to consider the design detailing of the this part of the proposal, contrary to Policies QD1, QD2 and QD3 of the Brighton & Hove Local Plan.

**2) UNI2**

The proposed development by reason of its design, height, bulk, massing and elevational treatment is an overdevelopment of the site that would relate poorly to development in the surrounding area including the adjoining Preston Park Conservation Area and would appear overly dominant and incongruous in the street scene. As such the proposal is contrary to policies QD1, QD2, QD3 and HE6 of the Brighton & Hove Local Plan.

**3) UNI3**

The proposed development, by reason if its design, bulk, siting, height and massing, would have a detrimental impact on the amenities of the neighbouring residents by virtue of overlooking, loss of privacy and the creation of an overbearing impact and as such the proposal is contrary to policy QD27 of the Brighton & Hove Local Plan.

**4) UNI4**

The proposed development would increase the risk to users of the public highway from the increased demand for car parking on the highway and as such would be contrary to policies TR1 and TR7 of the Brighton & Hove Local Plan.

**5) UNI5**

The proposed development would result in a harmful impact on the amenities of the future occupiers by virtue of noise and disturbance from the existing timber workshop which adjoins the site to the west and the Brighton to Lewes Railway line to the North. As such the development would be contrary to policy QD27 and SU10 of the Brighton & Hove Local Plan.

**6) UNI6**

The applicant has failed to demonstrate that the internal layout of the proposed residential units would fully comply with Lifetime Homes Standards and as such the development is contrary to policy HO13 of the Brighton & Hove Local Plan and Planning Advisory Note 03 'Accessible Housing and Lifetime Homes'.

**BH2010/00149**

**37 Cleveland Road Brighton**

Installation of 1no. roof-light on front roof slope and porthole window in front gable.

**Applicant:** Mr Jesse Marshall

**Officer:** Helen Hobbs 293335

**Approved on 16/03/10 DELEGATED**

**1) BH01.01**

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

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

**2) BH12.05**

The rooflights in the approved development shall be of 'conservation style' fitted flush with the adjoining roof surface and shall not project above the plane of the



roof.

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

### **BH2010/00192**

#### **4 Highcroft Mews Highcroft Villas Brighton**

Demolition of existing rear extension and erection of replacement single storey rear extension with balcony above.

**Applicant:** Mr Daniel McHenry

**Officer:** Steven Lewis 290480

**Approved on 09/03/10 DELEGATED**

##### **1) BH01.01**

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

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

##### **2) BH03.02**

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

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

##### **3) UNI**

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no window, dormer window, rooflight or door, other than those expressly authorised by this permission, shall be constructed in the walls or roof of the extension hereby permitted without first obtaining planning permission from the local planning authority.

*Reason: To safeguard the amenities of the occupiers of nearby properties and to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.*

##### **4) UNI**

Other than the balcony area indicated on the approved plans, access to the remainder of the flat roof over the extension hereby approved shall be for maintenance or emergency purposes only and 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.*

### **REGENCY**

#### **BH2008/03631**

##### **62 Preston Street Brighton**

Conversion of maisonette to form 1 flat and 1 maisonette including construction of 2 dormers to side elevation (amended description).

**Applicant:** Mr Nilkanth Patel

**Officer:** Jason Hawkes 292153

**Finally Disposed of on 01/03/10 DELEGATED**

**BH2009/02332**

**Brighton Square and 19-21 Meeting House Lane Brighton**

Replacement of existing crittal windows and doors with aluminium windows and doors, replacement of timber weatherboard with fibre cement weatherboard and replacement of timber fascia with painted UPVC fascia.

**Applicant:** Mr Derek Hunnisett

**Officer:** Christopher Wright 292097

**Approved on 15/03/10 DELEGATED**

**1) BH01.01**

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

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

**2) UNI**

The replacement fascia board and bay window cladding hereby permitted shall not be installed until samples of each material have been provided on site prior to works commencing, and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out and retained in accordance with the approved samples.

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

**3) UNI**

The replacement windows and doors hereby permitted shall not be installed until sample windows of each style to be used have been provided and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out and retained in accordance with the approved details.

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

**4) UNI**

The replacement windows and doors hereby permitted shall not be installed until full details of trickle vents have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out and retained in accordance with the approved details.

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

**5) UNI**

The replacement fascia board hereby permitted shall not be installed until full details of strip lengths and the method by which each strip of fascia board will be joined to another have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out and retained 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.*

**BH2009/03016**

**137 Kings Road Brighton**

Display of 1 No. Internally illuminated static fascia sign and 1 No. Internally illuminated static wall sign.

**Applicant:** Holiday Inn

**Officer:** Mark Thomas 292336

**Approved on 04/03/10 DELEGATED**

**1) BH10.01**

This consent shall expire 5 years from the date of this notice whereupon the signage shall be removed and any damage repaired unless further consent to

display has been given by the Local Planning Authority.

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

**2) BH10.02**

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

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

**3) BH10.03**

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

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

**4) BH10.04**

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

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

**5) BH10.05**

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

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

**6) BH10.07**

The illumination of the advertisement shall be non-intermittent.

*Reason: To safeguard the appearance and character of the area in accordance with policy QD12 of the Brighton & Hove Local Plan.*

**BH2009/03030**

**10 Bartholomew Square Brighton**

Display of 3no. internally illuminated fascia signs.

**Applicant:** Subway Realty Ltd

**Officer:** Steven Lewis 290480

**Refused on 03/03/10 DELEGATED**

**1) UNI**

The signs by reason of their scale, raised contoured box sign design, and boxed halo lit method of illumination would harm the character and appearance of the area and fail to take into account and would harm the historical appearance and setting of the adjacent listed building and conservation area. This is contrary to policies HE9 and QD12 of the Brighton & Hove Local Plan and Supplementary Planning Document 07 - Advertisements.

**BH2009/03061**

**First Floor Front Flat 22 Norfolk Square Brighton**

Insertion of softwood doors and fanlights to the front of the property

**Applicant:** Mrs Marie-Anne Diedhiou-Roy

**Officer:** Mark Thomas 292336

**Approved on 10/03/10 DELEGATED**

### **1) BH01.01**

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

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

### **2) UNI**

The new door and fanlight window frames hereby approved shall be of painted softwood in a colour to match the existing French doors and shall be glazed with crown glass on the external faces of the double glazed sealed units and shall not have trickle vents.

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

### **3) UNI**

Notwithstanding the details of the doors and fanlights submitted, no development shall take place until full details of the proposals have been submitted to and approved by the local authority in writing, including; 1:20 elevations and sections, and 1:1 sectional profiles of the existing and new French doors and fanlights; and the works shall be implemented in strict accordance with the agreed details and maintained as such thereafter.

*Reason: Having regard to the lack of clarity of the submitted drawings and photographs, to ensure the satisfactory preservation of this listed building and to comply with policy HE1 of the Brighton & Hove Local Plan.*

## **BH2009/03062**

### **First Floor Flat 22 Norfolk Square Brighton**

Insertion of soft wood doors and fanlights to the front of the property.

**Applicant:** Mrs Marie-Anne Diedhiou-Roy

**Officer:** Mark Thomas 292336

**Approved on 15/03/10 DELEGATED**

### **1) BH01.05**

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

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

### **2) UNI**

The new door and fanlight window frames hereby approved shall be of painted softwood in a colour to match the existing French doors and shall be glazed with crown glass on the external faces of the double glazed sealed units and shall not have trickle vents.

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

### **3) UNI**

Notwithstanding the details of the doors and fanlights submitted, no development shall take place until full details of the proposals have been submitted to and approved by the local authority in writing, including; 1:20 elevations and sections, and 1:1 sectional profiles of the existing and new French doors and fanlights; and the works shall be implemented in strict accordance with the agreed details and maintained as such thereafter.

*Reason: Having regard to the lack of clarity of the submitted drawings and photographs, to ensure the satisfactory preservation of this listed building and to comply with policy HE1 of the Brighton & Hove Local Plan.*

**BH2009/03071**

**193 Western Road Brighton**

Display of 1 No. Non-Illuminated fascia sign (retrospective).

**Applicant:** Mr Neil Adams

**Officer:** Adrian Smith 01273 290478

**Approved on 25/02/10 DELEGATED**

**1) BH10.01**

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

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

**2) BH10.02**

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

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

**3) BH10.03**

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

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

**4) BH10.04**

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

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

**5) BH10.05**

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

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

**6) BH10.06**

No advertisement shall be sited or displayed so as to-

- (a) endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military);
- (b) obscure, or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air; or
- (c) hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.

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

**BH2009/03094**

**14 East Street Brighton**

Replacement of existing projecting sign on front elevation.

**Applicant:** Aura-Soma Products Ltd

**Officer:** Jason Hawkes 292153

**Refused on 11/03/10 DELEGATED**

**1) UNI**

Policy QD12 of the Brighton & Hove Local Plan states that sensitively designed and located signs which contribute to the visual amenity of the area will be permitted, signs which are detrimental to visual amenity will not be allowed. Policy HE9 states that advertisements and signs within conservation areas will only be allowed where they would not have an adverse effect on the character and appearance of the conservation area and its setting. Supplementary Planning Document 7 on Advertisements further outlines the Councils design guidelines for appropriate signs in conservation areas. The proposed sign (1000mm by 760mm) is significantly larger than the existing sign (720mm by 600mm) and this increase in size would result in an unsympathetic, oversized and unduly prominent addition which would detract from the character and appearance of the host building and surrounding conservation area. The scheme is therefore contrary to the abovementioned policies and guidance.

**BH2010/00021**

**6 Montpelier Crescent Brighton**

Conversion of first floor flat to create new one bedroom flat and a self contained studio flat. External alterations to rear extension.

**Applicant:** Mr Harwood Properties Ltd

**Officer:** Jason Hawkes 292153

**Refused on 08/03/10 DELEGATED**

**1) UNI**

Policy QD27 of the Brighton & Hove Local Plan states that planning permission will not be granted for any development 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 conversion to provide 2 no. residential units would result in a poor layout for the rear studio flat with insufficient sized living areas. The self-contained studio flat would represent a poor standard of accommodation and the proposal would result in a cramped and confined internal environment that would provide substandard living conditions for future occupiers. The proposal is therefore contrary to the provisions of Brighton & Hove Local Plan policy QD27. Whilst it is acknowledged that the proposed development may lead to some minor physical improvements to this Grade II listed building, these considerations are not sufficient to outweigh the harm that would result for the reasons as set out above.

**BH2010/00032**

**77 West Street Brighton**

Application for approval of details reserved by condition 2 of application BH2009/01724.

**Applicant:** Inventive Leisure

**Officer:** Christopher Wright 292097

**Approved on 01/03/10 DELEGATED**

**BH2010/00085**

**Upper Promenade South Of East Street Kings Road Brighton**

Installation of temporary display boards for art and photographic exhibition and temporary structure to house retail outlet along upper promenade for 6 month period.

**Applicant:** Brighton & Hove City Council

**Officer:** Adrian Smith 01273 290478

**Approved on 04/03/10 DELEGATED**

**1) UNI**

The retail unit and exhibition stands hereby permitted shall be removed and the land restored to its condition immediately prior to the development authorised by this permission commencing on or before the 30th September 2010.

*Reason: The building hereby approved is not considered suitable as a permanent form of development to safeguard the character and appearance of the seafront and its strategic setting, and to comply with policies QD1, QD2, QD4 and HE6 of the Brighton & Hove Local Plan.*

**BH2010/00389**

**Car Park Site Clifton Hill Brighton**

Non material amendment to BH2007/03022 for addition of external basement light wells to 2 no units. Adjustment of external ground level behind boundary wall to Powis Grove to create extended light well/garden area. Minor adjustment to window configuration to north and south elevations. Reconfiguration of basement plan (no impact at ground level).

**Applicant:** Mr Dave Savin

**Officer:** Paul Earp 292193

**Approved on 15/03/10 DELEGATED**

**ST. PETER'S & NORTH LAINE**

**BH2008/03683**

**The Old Courtroom 118 Church Street Brighton**

Installation of sign to south elevation and hanging sign to west elevation.

**Applicant:** Ms Jemma Treweek

**Officer:** Sonia Kanwar 292359

**Approved on 09/03/10 GOVERNMENT OFFICE FOR THE WEST MIDLANDS**

**1) 01.05AA**

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

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

**BH2009/02330**

**45 Gloucester Street Brighton**

Conversion of garage to office (B1) and external alterations.

**Applicant:** Fintilly Properties LLP

**Officer:** Jonathan Puplett 292525

**Approved on 25/02/10 DELEGATED**

**1) BH01.01**

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

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

**2) UNI**

The infill of the garage and access doors hereby approved shall be finished to



match in material, colour, style, bonding and texture of the existing walls alongside.

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

**BH2009/02494**

**Land Rear of 24 Dyke Road Brighton**

Demolition of existing garages and associated extensions and construction of a detached 2 storey building containing 2 no. one bedroom flats.

**Applicant:** Thornton Properties Ltd

**Officer:** Anthony Foster 294495

**Refused on 01/03/10 DELEGATED**

**1) UNI**

The proposed development, by reason of scale and layout, is considered to be an overdevelopment of the site, that provides inadequate separation to the site boundaries, and fails to provide adequate private external amenity space for future occupiers, contrary to Brighton & Hove Local Plan policies QD1, QD2, QD3, QD27, HO4 and HO5.

**2) UNI2**

The proposed development would result in an increased sense of enclosure and loss of outlook for the adjoining occupiers of 24 Dyke Road, contrary to Brighton & Hove Local Plan policies QD3, QD27 and HO4.

**3) UNI3**

The proposed development, by reason of its design and scale, would relate poorly to the neighbouring properties, resulting in an incongruous appearance within the street scene which would be detrimental to the character and appearance of the surrounding area and the West Hill Conservation Area, contrary to Brighton & Hove Local Plan policies QD1, QD2, QD3 and HE6.

**4) UNI4**

The proposal fails to meet the requirements of car free developments. The Local Planning Authority would expect an amendment to the existing Traffic Regulation order (TRO) for the residential proposal to be car free. In the absence of an agreement in this respect, the scheme is contrary to policies TR1, TR19, SU15, QD28 and HO7 of the Brighton & Hove Local Plan and Supplementary Planning Guidance Note 4 'Parking Standards'.

**BH2009/02495**

**Land Rear of 24 Dyke Road Brighton**

Demolition of existing garages and associated extensions.

**Applicant:** Thornton Properties Ltd

**Officer:** Anthony Foster 294495

**Refused on 01/03/10 DELEGATED**

**1) UNI**

The Local Planning Authority is not prepared to permit the demolition of the existing buildings in the absence of an acceptable replacement scheme for the site, as this could result in the creation of an unsightly area of land that would be detrimental to the character and appearance of the West Hill conservation area, which would be contrary to policy HE8 of the Brighton & Hove Local Plan.

## **BH2009/02713**

### **114 Church Street Brighton**

Change of use of existing retail storage area (A1) at first floor level to allow for flexible use as holiday accommodation (C1) and retail display area (A1).

**Applicant:** Mr John Harrington

**Officer:** Kate Brocklebank 292175

**Approved on 11/03/10 DELEGATED**

#### **1) BH01.01**

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

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

#### **2) BH05.09**

The development hereby permitted shall not be commenced until details of sustainability measures have been submitted to and approved in writing by the Local Planning Authority. These details shall demonstrate how the development would be efficient in the use of energy, water and materials. The development shall be carried out in strict accordance with the approved details.

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

#### **3) UNI**

No development shall take place until details of a scheme to provide sustainable transport infrastructure including cycle parking for residents and visitors, to support the demand for travel generated by the development has been submitted to and approved in writing by the Local Planning Authority. This shall include a timetable for the provision to be made and shall be carried out in accordance with the approved details.

*Reason: To ensure that the proposed development addresses the travel demand arising from the intensification of use on the site in accordance with Brighton & Hove Local Plan policies SU15, TR1, TR14, TR19 and QD28 of the Brighton & Hove Local Plan.*

#### **4) UNI**

This permission shall endure for the sole benefit of the applicant Mr John Harrington, and shall be for the period during which the premises are occupied by the applicant, after which time the change of use hereby approved shall cease and the premises shall revert to its former use as A1 (retail).

*Reason: To protect and retain retail floorspace and individual shops in accordance with policy SR8 of the Brighton & Hove Local Plan.*

## **BH2009/02794**

### **11 London Road Brighton**

Conversion of first and second storeys of retail unit to 5 no. bedroom dwelling. Erection of first floor rear conservatory and steel staircase for rear access. Reinstatement of front windows to first and second floors.

**Applicant:** Derando Investment Partners Limited Partnership

**Officer:** Jonathan Puplett 292525

**Refused on 02/03/10 DELEGATED**

#### **1) UNI**

The applicant has failed to demonstrate that the proposal would address, in a sustainable manner, the travel demand that it would generate and as such the proposal is contrary to policy TR1 of the Brighton & Hove Local Plan.

#### **2) UNI**

The proposed timber fencing/screens to the rear and front roof terraces by reason

of their elevated position and materials, would appear as uncharacteristic and incongruous features within the London Road and Providence Place street scenes. As such they would be of detriment to the character and appearance of the existing building and surrounding area. As such the proposal is contrary to policy QD2 and QD14 of the Brighton & Hove Local Plan.

### **3) UNI**

The proposed rear extension, by reason of its elevated position, footprint and scale, roof design and the design and proportions of the windows and doors, would result in an extension that was out of character with the existing building and would appear incongruous within the rear street scene. As such the proposal would be of detriment to the character and appearance of the existing building and surrounding area, contrary to policies QD2 and QD14 of the Brighton & Hove Local Plan.

## **BH2009/02883**

### **22-23 London Road Brighton**

Display of 2 no. internally and externally illuminated fascia signs, 1 no. internally illuminated fascia sign and 1 no. internally illuminated projecting sign.

**Applicant:** Caskade Caterers Ltd

**Officer:** Helen Hobbs 293335

**Approved on 01/03/10 DELEGATED**

#### **1) BH10.01**

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

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

#### **2) BH10.02**

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

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

#### **3) BH10.03**

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

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

#### **4) BH10.04**

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

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

#### **5) BH10.05**

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

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

## **6) BH10.06**

No advertisement shall be sited or displayed so as to-

- (a) endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military);
- (b) obscure, or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air; or
- (c) hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.

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

## **7) BH10.07**

The illumination of the advertisement shall be non-intermittent.

*Reason: To safeguard the appearance and character of the area in accordance with policy QD12 of the Brighton & Hove Local Plan.*

## **BH2009/02972**

### **67 Queens Road Brighton**

New shopfront.

**Applicant:** Mr H Hattwm

**Officer:** Chris Swain 292178

**Refused on 25/02/10 DELEGATED**

#### **1) UNI**

The proposal, by reason of design and proposed materials would be an unsympathetic and incongruous alteration that fails to represent an improvement in the design of the existing shopfront and is detrimental to the character and appearance of the existing property, the Queens Road street scene and the surrounding area within the West Hill conservation area. As such the proposal is contrary to policies QD1, QD2, QD14 and QD10 of the Brighton & Hove Local Plan and Supplementary Planning Document on Shop Front Design (SPD02).

## **BH2009/02990**

### **95 Trafalgar Street Brighton**

Installation of new shop front and relocation of ATM cash machine. (Part-Retrospective).

**Applicant:** Bankmachine Ltd

**Officer:** Jonathan Puplett 292525

**Approved on 17/03/10 DELEGATED**

#### **1) BH01.01**

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

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

#### **2) UNI**

The shopfront and fascia hereby approved shall be of painted timber.

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

#### **3) UNI**

The shop windows hereby approved shall not be obscured, blanked out or covered over with plastic films, paint or other materials without the prior written permission of the local planning authority.

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

#### **4) UNI**

Notwithstanding the approved details, no works shall take place until the following details have been submitted to and approved in writing by the Local Planning Authority:

- i) 1:1 scale external joinery sections,
- ii) a 1:10 scale plan of the layout of the proposed tile paving to the entrance recess,
- iii) a 1:10 scale reverse ceiling plan of the entrance recess soffit,
- iv) details of the roller shutter, which shall be of an open lattice type.

Works shall be carried out in strict accordance with the approved details and maintained as such thereafter.

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

#### **BH2009/03051**

##### **99 Buckingham Road Brighton**

Erection of conservatories at rear to ground and lower floor flats, creation of roof terrace to first floor flat above existing garage, removal of stairs to the rear of the building and relocated to the rear of the garden. Replacement of existing double doors to rear of ground floor flat with new windows.

**Applicant:** Mr Satish Kainth

**Officer:** Anthony Foster 294495

**Approved on 03/03/10 DELEGATED**

##### **1) BH01.01**

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

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

##### **2) UNI**

All new and replacement rainwater goods, soil and other waste pipes shall be in cast iron and painted to match the colour of the background walls.

*Reason: To ensure a satisfactory appearance to the development and to comply with policies QD14 and HE6 of the Brighton & Hove Local Plan.*

##### **3) UNI**

No development shall take place until the following details have been submitted to and approved by the Local Planning Authority in writing:

- i) 1:50 scale elevations, plans and sections of the basement level rear extension and conservatory,
- ii) 1:20 scale sample elevations of all new external windows and doors,
- iii) 1:1 scale sectional profiles of the external joinery including the windows and doors, their cills, reveals, thresholds and steps,
- iv) A 1:1 scale section of the jointing of the lead roof sheets, which should be lead "broom-handle" joints, and of the eaves and fascia details of the basement level rear extension.
- v) a 1:5 scale sample elevation and section of balustrading above the single storey side extension,
- vi) a 1:50 scale elevation and plan of the new steps,
- vii) details and samples of the materials for the new steps, and the works shall be carried out and completed in strict accordance with the approved details and maintained as such thereafter.

*Reason: To ensure a satisfactory appearance to the development and to comply with policies QD14 and HE6 of the Brighton & Hove Local Plan.*

##### **4) UNI**

No furniture, plants, garden structures, trellises or fences, ornaments or other objects shall be erected, positioned or stored on the flat roof of the single storey

side extension in a position that would be visible from Buckingham Road.

*Reason: Such items or structures would be incongruous and out of character at roof level and in order to preserve the character of the building and the conservation area in accordance with Brighton & Hove Local Plan Policy HE6.*

**5) UNI**

The stone treads and risers of the existing steps that are to be demolished shall be salvaged and reused for the treads and risers of the new steps.

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

**6) UNI**

The new conservatory and the windows and doors of the basement level rear extension shall be of painted timber and constructed using traditional joinery details and shall not have visible trickle vents.

*Reason: To ensure a satisfactory appearance to the development and to comply with policies QD14 and HE6 of the Brighton & Hove Local Plan.*

**7) UNI**

The new balustrading, plinth walls of the conservatories and the blocking up of the doorway and works of making good to the walls shall be carried out externally in smooth render in a cement/lime/sand render mix down to ground level. The walls shall be lined out with ashlar joint lines to match the original building and shall not have bell mouth drips above the damp proof course or above the window, door and archway openings. The render work shall not use metal or plastic expansion joints, corner or edge render beads and shall be painted in a smooth masonry paint to match the existing building and retained as such thereafter.

*Reason: To ensure a satisfactory appearance to the development and to comply with policies QD14 and HE6 of the Brighton & Hove Local Plan.*

**BH2009/03179**

**5 West Hill Street Brighton**

Alterations to front elevation incorporating replacement of existing UPVC windows with new timber sash windows including new mouldings and cills, reconstruction of parapet over first floor bay window and existing concrete roof tiles to be replaced with grey slate.

**Applicant:** Mr Tony Harris

**Officer:** Helen Hobbs 293335

**Approved on 15/03/10 DELEGATED**

**1) BH01.01**

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

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

**2) BH12.04**

The railings shown on the approved plans shall be painted black prior to the occupation of the development hereby permitted and shall be retained as such.

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

**3) UNI**

The profiles of all the mouldings shall match those at No. 7 West Hill Street.

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

**BH2010/00113**

**41 Bond Street Brighton**

Conversion and extension of existing retail unit to create 1 no. two bedroom maisonette, 1 no. self-contained one bedroom flat and 1 no. live/work unit by the addition of 2 new floors with mansard roof, a rear extension and alterations to existing elevations.

**Applicant:** Mr George Georgio

**Officer:** Ray Hill 293990

**Refused on 15/03/10 DELEGATED**

**1) UNI**

The addition of two extra storeys to the building would be out of keeping with the variations of building heights and the varied skyline of Bond Street and as such, would be detrimental to the character and historic skyline and roofscape of this part of the North Laine Conservation Area contrary to policies QD1, QD2 and HE6 of the Brighton & Hove Local Plan and Supplementary planning Guidance Note No.1 Roof Extensions and Alterations.

**2) UNI2**

The proposed second floor balcony and fourth floor rear facing roof terrace, by virtue of their siting and design, would result in overlooking, loss of privacy and potential noise and disturbance, adversely affecting the amenities of the occupiers of the residential properties on the upper floors of No's 39-40 Bond Street, contrary to policies QD27 and SU10 of the Brighton & Hove Local Plan.

**WITHDEAN**

**BH2005/06702**

**214 Preston Road Brighton**

Demolition of 5 existing garages.

**Applicant:** Trafalgar Estates

**Officer:** Jason Kaye 293990

**Finally Disposed of on 05/03/10 DELEGATED**

**BH2009/02936**

**54 Eldred Avenue Brighton**

Erection of single storey rear extension.

**Applicant:** Miss Vanessa Woods

**Officer:** Christopher Wright 292097

**Approved on 03/03/10 DELEGATED**

**1) BH01.01**

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

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

**2) BH02.09**

Access to the flat roof over the extension hereby approved shall be for maintenance or emergency purposes only and the flat roof shall not be used as a roof garden, terrace, patio or similar amenity area.

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

**3) BH03.03**

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

*Reason: To ensure a satisfactory appearance to the development in the interests of the visual amenities of the area and to comply with policies QD1 and QD14 of*



*the Brighton & Hove Local Plan.*

**4) BH06.02**

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

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

**BH2009/02937**

**54 Eldred Avenue Brighton**

Variation of condition 3 of application BN89/0506/f in order to allow two dental practitioners and support staff to operate at the premises.

**Applicant:** Ms Vanessa Woods

**Officer:** Christopher Wright 292097

**Approved on 03/03/10 DELEGATED**

**1) UNI**

This permission shall endure for the benefit of two dental practitioners and support staff only.

*Reason: To restrict the intensity of the use of the property in the interests of the amenity of the area.*

**BH2009/03083**

**68 Peacock Lane Brighton**

Erection of single storey extension to front and rear. Loft conversion incorporating 2no front & 1no side dormers, raised roof height, roof-lights and associated works.

**Applicant:** Mr & Mrs Clark

**Officer:** Jason Hawkes 292153

**Approved on 25/02/10 DELEGATED**

**1) BH01.01**

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

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

**2) BH03.03**

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

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

**3) UNI**

The proposed side windows facing east hereby approved shall be obscure glazed and non-opening unless any parts of the windows which can be opened are more than 1.7 metres above the floor of the room in which the window is installed and thereafter retained as such, unless otherwise agreed with the local planning authority in writing.

*Reason: To safeguard the amenity of the occupiers of nearby adjacent properties and to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.*

**BH2009/03149**

**Land Adjacent to 1 Woodside Avenue Brighton**

Erection of 4no storey dwelling with basement and rear garden terraces.

**Applicant:** Mr Derek Levy

**Officer:** Clare Simpson 292454

**Refused on 04/03/10 DELEGATED**

**1) UNI**

The proposed development, by virtue of its bulk, form and massing, including site coverage, is excessive for this prominent plot in an elevated position. When viewed in context with neighbouring properties and local surroundings, the development would appear unduly dominant. The proposal is considered discordant with the established built form and topography of the area and harmful to the character and appearance of its surroundings. The development would thereby be contrary to policies QD1, QD2, QD3 and HO4 of the Brighton & Hove Local Plan.

**2) UNI2**

The provision of a four storey house in an elevated position within close proximity to the boundaries with of neighbouring properties is considered to be intrusive and un-neighbourly, detrimental to the residential amenity of neighbouring occupiers. The development is contrary to policy QD27 of the Brighton & Hove Local Plan.

**BH2010/00038**

**36a Dyke Road Avenue Brighton**

Application for approval of details reserved by conditions 2 and 8 of application BH2008/02113.

**Applicant:** Mr M De Bruxelles

**Officer:** Jason Hawkes 292153

**Approved on 01/03/10 DELEGATED**

**BH2010/00055**

**8 Compton Road Brighton**

Erection of decking in garden to rear.

**Applicant:** Miss Saskia Harden

**Officer:** Steven Lewis 290480

**Approved on 26/02/10 DELEGATED**

**1) BH01.01**

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

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

**2) UNI**

The development hereby permitted shall be carried out in strict accordance with the Site Waste Management Plan submitted with the application and received on 08/01/2010.

*Reason: To ensure that the development would include the re-use of limited resources, to ensure that the amount of waste for landfill is reduced and to comply with policies SU13 of the Brighton & Hove Local Plan, W10 of the East Sussex and Brighton & Hove Waste Local Plan and Supplementary Planning Document 03 (Construction and Waste Minimisation).*

**3) UNI**

The proposed decking and balustrade shall be constructed of timber and the proposed rear facing retaining wall shall be faced in render and painted to match that of the existing dwelling, and shall thereafter be retained.

*Reason: to ensure a satisfactory finish to the development and in the interest of the visual amenity of the area, to accord with policies QD1 and QD14 of the Brighton & Hove Local Plan.*

**BH2010/00056**

**76 Dyke Road Avenue Brighton**

Two storey rear extension. Single storey side extension with 2no. roof-lights.

**Applicant:** Mr T P Milligan

**Officer:** Wayne Nee 292132

**Refused on 05/03/10 DELEGATED**

**1) UNI**

Policies QD1 and QD2 of the Brighton & Hove Local Plan seek to ensure that developments demonstrate a high standard of design which take into account the height, scale, and bulk of existing buildings. Policy QD14 of the Brighton & Hove Local Plan requires that all extensions and alterations are well designed, sited and detailed in relation to the property to be extended, adjoining properties and to the surrounding area. The proposed extension, by virtue of its scale, height, massing, and projection close to the road frontage, would result in an unduly obtrusive and imposing feature that would be detrimental to the street scene of Tongdean Lane. The proposal is therefore contrary to policies QD1, QD2 and QD14 of the Brighton & Hove Local Plan.

**BH2010/00106**

**28 Bankside Brighton**

Raised timber decking with patio doors to rear elevation.

**Applicant:** Mr Charles Davies

**Officer:** Steven Lewis 290480

**Approved on 08/03/10 DELEGATED**

**1) BH01.01**

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

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

**BH2010/00132**

**36A Dyke Road Avenue Brighton**

Application for approval of details reserved by conditions 6, 12, 14 and 16 of application BH2008/02113.

**Applicant:** Mr Mathew de Bruxelles

**Officer:** Jason Hawkes 292153

**Split Decision on 10/03/10 DELEGATED**

**1) UNI**

GRANT approval of the details reserved by conditions 6, 12 & 16 of planning application BH2008/02113 subject to the informatives:

**1) UNI**

The Local Planning Authority is not in a position to discharge condition 14 because drawing no. 276/10 received on the 18 January 2010 indicates a revised layout to that approved under planning permission reference BH2008/02113. The drawing includes an amended and re-sited vehicular entrance resulting in the loss of a Holly tree, together with an amended parking layout. The removal of the Holly tree and the amended access and parking layout do not form part of the approved scheme for which planning permission was granted on 7 October 2008. The revisions result in significant and material alterations to the approved development, not least to the landscaping of the proposal, which should be fully considered under a new planning application to assess their potential impacts on,

inter alia, visual and residential amenity, and highway safety, in the interests of good planning.

**BH2010/00303**

**8a Colebrook Road Brighton**

Non material amendment to BH2008/02252 for alterations to front bay roof and changing of store door to window.

**Applicant:** Ms Laura Street

**Officer:** Clare Simpson 292454

**Approved on 01/03/10 DELEGATED**

**1) BH03.03**

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

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

**2) UNI**

The proposed pitched roof for the front bay and change the side access door to a window does not result in significant changes to the design and appearance of the development or have an impact on neighbouring occupiers. The works do not take the development beyond the scope of the original planning permission.

**BH2010/00366**

**8 Friar Crescent Brighton**

Non material amendment to BH2009/01467 to move wall from boundary to accommodate gutter.

**Applicant:** Mr Gary Pattison

**Officer:** Clare Simpson 292454

**Approved on 10/03/10 DELEGATED**

**EAST BRIGHTON**

**BH2009/02103**

**1 Rock Street Brighton**

Installation of new air-conditioning unit with external wall mounted condenser to side (Retrospective).

**Applicant:** Alliance Boots

**Officer:** Helen Hobbs 293335

**Approved on 08/03/10 DELEGATED**

**1) UNI**

Noise associated with plant and machinery (specifically, the external condenser unit required for the new air conditioning) shall be controlled such that the Rating Level, measured or calculated at 1-metre from the façade of the nearest existing noise sensitive premises, shall not exceed a level 5dB below the existing LA90 background noise level. Rating Level and existing background noise levels to be determined as per the guidance provided in BS 4142:1997.

*Reason: To safeguard the amenities of the occupiers of adjoining properties and to comply with policies SU9, SU10 and QD27 of the Brighton & Hove Local Plan.*

**2) UNI**

The air conditioning unit shall only be in use between 08.00hrs to 19.00hrs Monday to Saturday, with no use on Sundays or Bank Holidays.

*Reason: To safeguard the amenities of the locality and to comply with policies SU9, SU10 and QD27 of the Brighton & Hove Local Plan.*

**BH2009/03137**

**Peter Pan Adventure Golf Course Madeira Drive Brighton**

Remodelling of adventure golf course including 6 new holes, replacement security fencing and replacement caddy hut.

**Applicant:** Mr Roy Morris

**Officer:** Helen Hobbs 293335

**Approved on 17/03/10 DELEGATED**

**1) BH01.01**

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

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

**2) UNI**

The fence shown on the approved drawings shall be painted gray and shall be retained as such.

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

**3) UNI**

The caddy hut shown on the approved drawings shall be painted green before being brought into use and shall be retained as such.

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

**HANOVER & ELM GROVE**

**BH2009/01775**

**154-155 Lewes Road Brighton**

Replacement UPVC windows.

**Applicant:** Mr Paul Foreman

**Officer:** Helen Hobbs 293335

**Approved on 08/03/10 DELEGATED**

**1) BH01.01**

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

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

**BH2009/03036**

**126 Lewes Road Brighton**

Change of use of basement (storage) to form one 1no. bedroom flat and creation of front access.

**Applicant:** Mr Gary Ablewhite

**Officer:** Aidan Thatcher 292265

**Refused on 15/03/10 DELEGATED**

**1) UNI**

The proposed basement studio unit would be largely enclosed and would receive inadequate natural light and a poor outlook and would therefore fail to provide an acceptable residential environment for future occupiers, contrary to Brighton & Hove Local Plan policy QD27.

**2) UNI2**

The location of the proposed cycle parking space is largely inaccessible, due to its location at basement level, and particularly having regard to the constrained, narrow staircase access which would render the space unusable and thus would be contrary to Brighton & Hove Local Plan policy TR14.

**BH2009/03097**

**39 Scotland Street Brighton**

Certificate of Lawfulness for a proposed loft conversion incorporating rear dormer and rooflights to front elevation.

**Applicant:** Mrs Mary Saunders

**Officer:** Sonia Kanwar 292359

**Approved on 15/03/10 DELEGATED**

**BH2009/03098**

**39 Scotland Street Brighton**

Erection of single storey rear extension.

**Applicant:** Mrs Mary Saunders

**Officer:** Helen Hobbs 293335

**Approved on 15/03/10 DELEGATED**

**1) BH01.01**

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

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

**2) BH03.02**

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

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

**BH2010/00059**

**20 Hanover Crescent Brighton**

Provision of new railings to North and West boundaries of front garden, including new gate, refurbishment of existing railings to South boundary and retiling of stone path and steps with black and white tiles.

**Applicant:** Mr Neil Smith

**Officer:** Chris Swain 292178

**Approved on 05/03/10 DELEGATED**

**1) BH01.05**

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

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

**2) UNI**

The external surfaces of the front garden walls shall be rendered and painted to match the external surfaces of the existing building.

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

**3) UNI**

The hereby approved railings and associated gate on the western and northern boundaries; should be cast iron, painted black and match exactly the design and dimensions of the existing railings to the southern boundary and retained as such thereafter.

**4) UNI**

No works shall take commence until samples of the Ennerdale tiles and marble nosing to be used in the construction of the path and steps hereby approved have been submitted to and approved in writing by the Local Planning Authority. The

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

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

**5) UNI**

No works shall commence until a scale 1:5 floor plan of a sample section of the stone path and steps, has been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in strict accordance with the approved details and retained as such thereafter.

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

**6) UNI**

No works shall commence until a scale 1:5 drawing of the finial, the profile of the top rail and a section through the upright of the railings hereby approved has been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in strict accordance with the approved details and retained as such thereafter.

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

**BH2010/00082**

**25 Ryde Road Brighton**

Application for approval of details reserved by condition 2 of application BH2009/02500.

**Applicant:** Mr Philip Shrimpton

**Officer:** Helen Hobbs 293335

**Approved on 25/02/10 DELEGATED**

**BH2010/00112**

**14 Richmond Terrace Brighton**

Certificate of Lawfulness for proposed change of use from dentist surgery (D1) to Jewish Student Centre (D1).

**Applicant:** Mr Z. Lewis

**Officer:** Ray Hill 293990

**Approved on 09/03/10 DELEGATED**

**HOLLINGDEAN & STANMER**

**BH2009/02413**

**Engineering 1 University Of Sussex North South Road Brighton**

Installation of 3 no. chiller units at ground level within new enclosures and retaining wall.

**Applicant:** University Of Sussex

**Officer:** Liz Arnold 291709

**Approved on 09/03/10 DELEGATED**

**1) BH01.05**

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

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

**2) UNI**

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

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



**BH2009/02762**

**40 Waverley Crescent Brighton**

Replacement of single storey rear extension and creation of rear timber decking and stairs down to garden (retrospective).

**Applicant:** Miss Sarah Balmforth

**Officer:** Helen Hobbs 293335

**Approved on 12/03/10 DELEGATED**

**1) BH02.04**

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 window, dormer window, rooflight or door other than those expressly authorised by this permission shall be constructed without planning permission obtained from the Local Planning Authority.

*Reason: To safeguard the amenities of the occupiers of nearby properties and to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.*

**2) UNI**

Within 3 months of the date of this decision, the extension should be painted white and shall be maintained as such thereafter.

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

**BH2009/02911**

**Roedale Burstead Close Brighton**

Demolition of residential home and the development of a 5 storey building containing twenty four affordable flats with 24 parking spaces.

**Applicant:** Downland Housing Association

**Officer:** Ray Hill 293990

**Approved on 11/03/10 PLANNING COMMITTEE**

**1) BH01.01**

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

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

**2) BH02.07**

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

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

**3) BH03.01**

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

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

**4) BH04.01**

The new dwelling[s] shall be constructed to Lifetime Homes standards to the satisfaction of the Local Planning Authority.

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

#### **5) BH05.01**

Unless otherwise agreed in writing by the Local Planning Authority, no residential development shall commence until:

- (a) evidence that the development is registered with the Building Research Establishment (BRE) under the Code for Sustainable Homes and a Design Stage Report showing that the development will achieve Code level 4 for all residential units have been submitted to the Local Planning Authority; and
- (b) a BRE issued Interim Code for Sustainable Homes Certificate demonstrating that the development will achieve Code level 4 for all residential units has been submitted to, and approved in writing by, the Local Planning Authority.

A completed pre-assessment estimator will not be acceptable.

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

#### **6) BH05.02**

Unless otherwise agreed in writing by the Local Planning Authority, none of the residential units hereby approved shall be occupied until a Building Research Establishment issued Final Code Certificate confirming that each residential unit built has achieved a Code for Sustainable Homes rating of Code level 4 has been submitted to, and approved in writing by, the Local Planning Authority.

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

#### **7) BH05.07**

No development shall take place until a written Site Waste Management Plan, confirming how demolition and construction waste will be recovered and reused on site or at other sites, has been submitted to and approved in writing by the Local Planning Authority. The Plan shall be implemented in strict accordance with the approved details.

*Reason: To ensure that the development would include the re-use of limited resources, to ensure that the amount of waste for landfill is reduced and to comply with policies WLP11 of the East Sussex and Brighton & Hove Waste Local Plan and SU13 of the Brighton & Hove Local Plan and Supplementary Planning Document 03 Construction and Demolition Waste.*

#### **8) BH06.01**

The vehicle parking area shown on the approved plans shall not be used otherwise than for the parking of private motor vehicles belonging to the occupants of and visitors to the development hereby approved.

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

#### **9) BH06.02**

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

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

#### **10) BH11.01**

No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme for landscaping, which shall

include hard surfacing, means of enclosure, planting of the development, indications of all existing trees and hedgerows on the land and details of any to be retained, together with measures for their protection in the course of development.

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

**11) BH11.02**

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.*

**12) BH11.03**

No development shall commence until fences for the protection of trees to be retained 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 retained until the completion of the development and no vehicles, plant or materials shall be driven or placed within the areas enclosed by such fences.

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

**13) UNI**

Construction of the development shall not commence until details of the means of surface water disposal have been submitted to, and approved in writing by, the Local Planning Authority in consultation with Southern Water.

*Reason: To ensure that adequate surface water drainage is available prior to the development commencing and to comply with policy SU5 of the Brighton & Hove Local Plan.*

**14) UNI**

No development shall take place until details of the children's playground have been submitted to and approved in writing by the Local Planning Authority. The playground shall be implemented in full prior to the occupation of the development and permanently retained for use thereafter.

*Reason: To ensure the provision of satisfactory outdoor recreation space and to comply with policy HO6 of the Brighton & Hove Local Plan.*

**15) UNI**

If, during the development, contamination not previously identified is found to be present at the site then no further development, unless otherwise agreed by the Local Planning Authority shall be carried out until the developer has submitted, and obtained written approval from the local planning authority for, a method statement to identify, risk assess and address the unidentified contaminants.

*Reason: To ensure the safe development of the site and to comply with policy SU11 of the Brighton & Hove Local Plan.*

**16) UNI**

Prior to the commencement of the development, detailed drawings, including levels, sections and constructional details of the proposed road, surface water drainage, outfall disposal and street lighting to be provided, shall be submitted to

and approved in writing by the Local Planning Authority.

*Reason: In the interests of highway safety and for the benefit and convenience of the public and to comply with policy TR7 of the Brighton & Hove Local Plan.*

**17) UNI**

Construction of the development shall not commence until details of the proposed means of foul sewerage disposal have been submitted to, and approved in writing by, the Local Planning Authority in consultation with Southern Water.

*Reason: To ensure that adequate foul sewage drainage is available prior to the development commencing and to comply with policy SU5 of the Brighton & Hove Local Plan.*

**18) UNI**

No development shall take place until details of the green/ living wall on the eastern elevation of the building have been submitted to and approved in writing by the Local Planning Authority. The green/ living wall shall be implemented in full as approved and thereafter permanently retained.

*Reason: To enhance the appearance of the development and the bio-diversity of the area and to comply with policies QD1, QD2, QD17 and NC7 of the Brighton & Hove Local Plan.*

**19) UNI**

No development shall take place until details of the brown roof have been submitted to and approved in writing by the Local Planning Authority. The brown roof shall be implemented in full as approved and thereafter permanently retained.

*Reason: To enhance the appearance of the development and the bio-diversity of the area and to comply with policies QD1, QD2, QD17 and NC7 of the Brighton & Hove Local Plan.*

**20) UNI**

No development shall take place until details of the proposed bat and bird boxes are submitted to and approved in writing by the Local Planning Authority. The bat and bird boxes shall be implemented as approved and permanently retained thereafter.

*Reason: To enhance the bio-diversity of the area and to comply with policy QD17 of the Brighton & Hove Local Plan.*

**BH2009/02912**

**2 Freehold Terrace Brighton**

Demolition of existing dwelling house and erection of a block of 8 flats.

**Applicant:** Roche Barrett Estates

**Officer:** Ray Hill 293990

**Refused on 26/02/10 DELEGATED**

**1) UNI**

The proposed development by virtue of its height, bulk, massing and prominent siting, would result in an over-development of the site, appearing out of keeping with the character of the area and detrimental to the visual amenity of the street scene, contrary to policies QD1, QD2, QD3 and HO4 of the Brighton & Hove Local Plan.

**2) UNI**

The proposed development fails to meet the travel demands that it creates or helps to maximise the use of sustainable transport. The Local Planning Authority would expect the scheme to make an appropriate contribution towards local sustainable transport infrastructure. In the absence of such an agreement in that respect, the scheme is contrary to policies TR1, TR19, SU15 and QD28 of the Brighton & Hove Local Plan.

**3) UNI**

The proposed roof terraces would result in overlooking to the front and rear

gardens of No's 4 & 6 Freehold Terrace, adversely affecting the privacy of the occupiers contrary to policy QD27 of the Brighton & Hove Local Plan.

**BH2009/02941**

**Arts D & E Buildings University of Sussex Falmer**

Demolition of existing Arts D & E Buildings, removal of temporary Russell Building and construction of new 4no storey academic building, new 2no storey Lecture Theatre and associated landscaping.

**Applicant:** The University of Sussex

**Officer:** Anthony Foster 294495

**Approved on 11/03/10 PLANNING COMMITTEE**

**1) BH01.01**

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

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

**2) BH01.01**

The development hereby permitted shall be commenced before the expiration of three years from the date of this permission. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with. Any such amended strategy shall be carried out in strict accordance with the agreed details.

*Reason: To prevent the contamination of the underlying aquifer and to comply with policies SU3 and SU11 of the Brighton & Hove Local Plan.*

**3) BH02.08**

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

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

**4) BH11.02**

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

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

**5) UNI**

If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an amendment to the remediation strategy detailing how this unsuspected

contamination shall be dealt with. Any such amended strategy shall be carried out in strict accordance with the agreed details.

*Reason: To prevent the contamination of the underlying aquifer and to comply with policies SU3 and SU11 of the Brighton & Hove Local Plan.*

**6) UNI**

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

*Reason: To prevent the contamination of the underlying aquifer and to comply with policy SU3 of the Brighton & Hove Local Plan.*

**7) UNI**

No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters.

*Reason: To prevent the contamination of the underlying aquifer and to comply with policy SU3 of the Brighton & Hove Local Plan.*

**8) UNI**

Details relating to a scheme of improvements to the existing Bramber House bus stop are to be submitted to and approved in writing by the Local Planning Authority. The scheme of improvements shall be fully implemented in accordance with the approved details prior to occupation of the development hereby approved.

*Reason: To ensure satisfactory accessibility is provided for the users of the existing public transport network in accordance with policy TR2 of the Brighton & Hove Local Plan.*

**9) UNI**

No development shall take place until a detailed photographic record of Arts D and E has been undertaken by a person or body approved by the Local Planning Authority and in accordance with a written scheme submitted to and approved in writing by the Local Planning Authority.

*Reason: In order to provide a reasonable opportunity to record the history of the site and to comply with policy HE12 of the Brighton & Hove Local Plan.*

**10) UNI**

Unless otherwise agreed in writing by the Local Planning Authority, demolition work on Arts D shall only be carried out in the period from 1 September to 1 November.

*Reason: In the absence of full survey information, to ensure the protection of potential Bat roosts and to comply with policy QD18 of the Brighton & Hove Local Plan.*

**11) UNI**

Unless otherwise agreed in writing, no development shall commence until details of the construction of the biodiversity roof has been submitted to and approved in writing by the Local Planning Authority. The details shall include a cross section, construction method statement and the proposed seed mix. The scheme shall then be carried out in accordance with the approved details.

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

## **12) UNI**

Unless otherwise agreed in writing by the Local Planning Authority, no non-residential development shall commence until:

- a) evidence that the development is registered with the Building Research Establishment (BRE) under BREEAM (either a 'BREEAM Buildings' scheme or a 'bespoke BREEAM') and a Design Stage Assessment Report showing that the development will achieve an BREEAM rating of 60% in energy and water sections of relevant BREEAM assessment within overall 'Excellent' for all non-residential development have been submitted to the Local Planning Authority; and
- b) a BRE issued Design Stage Certificate demonstrating that the development has achieved a BREEAM rating of 60% in energy and water sections of relevant BREEAM assessment within overall 'Excellent' for all non-residential development has been submitted to, and approved in writing by, the Local Planning Authority.

A completed pre-assessment estimator will not be acceptable.

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

## **13) UNI**

Unless otherwise agreed in writing by the Local Planning Authority, none of the non-residential development hereby approved shall be occupied until a BREEAM Design Stage Certificate and a Building Research Establishment issued Post Construction Review Certificate confirming that the non-residential development built has achieved a BREEAM rating of 60% in energy and water sections of relevant BREEAM assessment within overall 'Excellent' has been submitted to, and approved in writing by, the Local Planning Authority.

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

## **14) UNI**

The development hereby approved shall be carried out in accordance with the details set out in the Flood Risk Assessment Supplementary Report dated August 2009.

*Reason: To prevent the increased risk of flooding and to prevent pollution of controlled waters by ensuring the provision of a satisfactory means of surface water disposal and to comply with policy SU3 of the Brighton & Hove Local Plan.*

## **15) UNI**

Prior to the commencement of development on site a Construction Environment Management Plan shall be submitted and approved in writing by the Local Planning Authority. The works upon site shall be carried out in strict accordance with the approved plan thereafter.

*Reason: To reduce construction traffic generation and the impact of construction vehicles using the surround vehicular network in accordance with policy TR1 of the Brighton & Hove Local Plan.*

## **16) UNI**

Prior to first occupation of the development a Travel Plan (a document setting out a package of measures tailored to the needs of the site and aimed at promoting sustainable travel choices and reduce reliance on the car) for the development shall be submitted to the Local Planning Authority. The Travel Plan shall be approved in writing prior to first occupation of the development and shall be implemented as approved thereafter. The Travel Plan shall include a process of annual monitoring and reports to quantify if the specified targets are being met,

and the council shall be able to require proportionate and reasonable additional measures for the promotion of sustainable modes if it is show that monitoring targets are not being met.

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

**17) UNI**

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

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

**18) UNI**

No development shall commence until fences for the protection of trees to be retained 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 retained until the completion of the development and no vehicles, plant or materials shall be driven or placed within the areas enclosed by such fences.

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

**19) UNI**

Notwithstanding the submitted drawings, the development hereby approved shall not be commenced until full details of the cycle parking layout have been submitted to and approved in writing by the Local Planning Authority. The cycle parking shall be implemented in full prior to first occupation in strict accordance with the approved details. A minimum of 42 cycle parking spaces shall be provided.

*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.*

**20) UNI**

The development shall be carried out in strict accordance with the approved Site Waste Management Plan dated 11 September 2009.

*Reason: To ensure that the development would include the re-use of limited resources, to ensure that the amount of waste for landfill is reduced and to comply with policies WLP11 of the East Sussex and Brighton & Hove Waste Local Plan and SU13 of the Brighton & Hove Local Plan and Supplementary Planning Document 03 Construction and Demolition Waste.*

**21) UNI**

Samples of the materials to be used in the construction of the hard landscaping of the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall be fully implemented in accordance with the approved details prior to occupation of the development hereby approved.

*Reason: To ensure a satisfactory appearance to the development and to comply with policies QD1 and QD15 of the Brighton & Hove Local Plan.*

**22) UNI**

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



with the approved details.

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

**23) UNI**

No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation, including a timetable for the investigation, which has been submitted to and approved in writing by the Local Planning Authority and the works shall be undertaken in accordance with the approved details.

*Reason: In order to provide a reasonable opportunity to record the history of the site and to comply with policy HE12 of the Brighton & Hove Local Plan.*

**MOULSECOOMB & BEVENDEAN**

**BH2009/03169**

**Falmer High School Lucraft Road Brighton**

Application for approval of details reserved by conditions 16, 18, 19, 23, 24 and 28 of application BH2009/01729.

**Applicant:** Brighton & Hove City Council

**Officer:** Kate Brocklebank 292175

**Split Decision on 15/03/10 DELEGATED**

**1) UNI**

GRANT approval of the details reserved by conditions 16, 18, 19 and 28 subject to full compliance with the submitted details.

**1) UNI**

Refuse approval of the details reserved by conditions 23 and 24 on the grounds of insufficient information.

**BH2010/00257**

**Stanmer Park Link Road Falmer Brighton**

Non material amendment to BH2001/02418/FP for realignment of link road.

**Applicant:** Brighton & Hove Albion Football Club Ltd

**Officer:** Mick Anson 292354

**Approved on 01/03/10 DELEGATED**

**QUEEN'S PARK**

**BH2009/01437**

**91 Queens Park Road Brighton**

Replacement shopfront, retention of and alterations to existing decked area.

**Applicant:** Wild Cherry Ltd

**Officer:** Jonathan Puplett 292525

**Approved on 01/03/10 DELEGATED**

**1) BH01.01**

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

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

**2) UNI**

No works shall take place until full details of the proposed shopfront, including 1:1 scale joinery profiles, have been submitted to and approved in writing by the Local Planning Authority. The works shall be implemented in strict accordance with the agreed details and maintained as such thereafter.

*Reason: As insufficient information has been submitted, to ensure a satisfactory appearance to the proposed shopfront and to comply with policy QD10 of the Brighton & Hove Local Plan and SPD02 - Shop Front Design.*

**3) UNI**

Notwithstanding the information stated on the application form, the window/door frames to the shopfront hereby approved shall be of timber construction and shall not be formed from powder coated aluminium.

*Reason: For clarification, to ensure a satisfactory appearance to the proposed shopfront in keeping with the character of the existing building and the surrounding area and to comply with policy QD10 of the Brighton & Hove Local Plan and SPD02 - Shop Front Design.*

**BH2009/02437**

**105 St Georges Road Brighton**

Installation of 1 no. air conditioning unit to rear of building (retrospective).

**Applicant:** Alliance Boots

**Officer:** Helen Hobbs 293335

**Refused on 12/03/10 DELEGATED**

**1) UNI**

The proposal, by reason of its appearance, location and visibility, would be unduly prominent within the street scene and would therefore detract from the appearance of the building and adversely affect the visual amenities enjoyed by neighbouring properties within the East Cliff Conservation Area. The proposal is therefore contrary to policies QD1, QD2 and QD14 and HE6 of the Brighton & Hove Local Plan.

**BH2009/02702**

**80B St James's Street Brighton**

Change of use of basement level from retail (A1) to tattoo studio (Sui Generis). (Part retrospective)

**Applicant:** Inka

**Officer:** Chris Swain 292178

**Approved on 16/03/10 DELEGATED**

**1) 01.01AA**

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

*Reason: To comply with Section 91 (as amended) of the Town and Country Planning Act 1990*

**2) UNI**

Access to the shared facilities, including adequate storage space at basement level of 80B St James's Street and the toilet facilities at the basement level of 80C St James's Street should be provided for the use of the A1 retail shop at ground floor level and retained as such thereafter at all times.

*Reason: To protect the viability of the ground floor A1 retail shop, No.80B St James's Street, in accordance with policy SR5 of the Brighton & Hove Local Plan.*

**3) UNI**

The basement level shall only be used as a tattoo studio. Upon cessation of the use hereby approved the premises shall be reinstated to the former retail use (Use Class A1).

*Reason: To protect the future vitality and viability of the local shopping centre, in accordance with policy SR4 of the Brighton & Hove Local Plan*

**4) UNI**

The premises shall not be open or in use except between the hours of 09.00 and 19.00 hours on Monday to Saturday, and between 11.00 to 17.00 hours on Sunday.

*Reason: To safeguard the amenities of the locality in accordance with policy QD27 of the Brighton & Hove Local Plan.*

**BH2009/02736**

**8 Marine Parade Brighton**

Display of internally illuminated fascia signs and poster frame and non-illuminated banner signs.

**Applicant:** Mitchells & Butler

**Officer:** Sonia Kanwar 292359

**Approved on 01/03/10 DELEGATED**

**1) BH10.01**

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

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

**2) BH10.02**

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

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

**3) BH10.03**

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

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

**4) BH10.04**

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

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

**5) BH10.05**

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

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

**6) BH10.06**

No advertisement shall be sited or displayed so as to-

- (a) endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military);
- (b) obscure, or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air; or
- (c) hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.

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

**7) BH10.07**

The illumination of the advertisement shall be non-intermittent.

*Reason: To safeguard the appearance and character of the area in accordance with policy QD12 of the Brighton & Hove Local Plan.*

**8) UNI**

Notwithstanding the submitted plans, the fascia signs hereby approved shall have individually halo or internally illuminated letters on an unlit fascia, or be externally spot-lit.

*Reason: To safeguard the character and appearance of the East Cliff Conservation Area and to comply with policy HE9 of the Brighton & Hove Local Plan.*

**9) UNI**

The banner signs hereby granted consent shall not be installed or erected until any existing flags and flag poles have been permanently removed from the building and the elevations made good.

*Reason: To safeguard the character and appearance of the East Cliff Conservation Area and to comply with policy HE9 of the Brighton & Hove Local Plan.*

**BH2009/02917**

**Land rear of 21 West Drive Brighton**

Application for removal of condition 7 of application BH2006/02010 approved on appeal which states that no development shall take place until arrangements have been agreed in writing with the local planning authority and put in place to ensure that, with the exception of disabled persons, no occupier of the proposal shall obtain a resident's parking permit within any residents' parking zone which may be in force in the area.

**Applicant:** Ms Kris Puryear

**Officer:** Aidan Thatcher 292265

**Approved on 08/03/10 DELEGATED**

**BH2009/03005**

**34 Down Terrace Brighton**

Loft conversion incorporating recessed roof terrace to rear and roof lights to front.

**Applicant:** Dr Uwe Dornbusch

**Officer:** Helen Hobbs 293335

**Approved on 11/03/10 DELEGATED**

**1) BH01.01**

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

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

**BH2009/03089**

**Units 3 4 5 6A 6B 7 Lower Promenade Madeira Drive Brighton**

Change of use to art studio (B1) with ancillary retail (A1) use

**Applicant:** Jane Pinnock

**Officer:** Liz Arnold 291709

**Approved on 09/03/10 DELEGATED**

**1) BH01.01**

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

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

## **2) UNI**

The shutters shown on the approved plans shall be painted cream, as stated on drawing no. 256770/05/03RevD submitted on the 20th January 2010, prior to the occupation of the units.

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

### **BH2009/03170**

#### **1 Burlington Street Brighton**

Replacement of railings at rear first floor extension terrace.

**Applicant:** Mr Anthony Hyde

**Officer:** Sonia Kanwar 292359

**Approved on 17/03/10 DELEGATED**

#### **1) BH01.05**

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

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

## **2) UNI**

The finish of the railings hereby approved shall match in colour the masonry on the rear façade.

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

### **BH2010/00138**

#### **98 Albion Hill Brighton**

Loft conversion incorporating rooflights to front and rear roofslopes. Replacement of existing front casement window with timber sash window. Insertion of timber sash window to front elevation and replacement of window with door to the rear.

**Applicant:** Ms Rachel Cooper

**Officer:** Chris Swain 292178

**Refused on 16/03/10 DELEGATED**

#### **1) UNI**

The proposed insertion of an additional first floor window to the front elevation would result in an incongruous feature that detracts from the appearance and character of the property and disrupts the uniform rhythm of the Albion Hill street scene to the detriment of the visual amenity of the surrounding area, contrary to policies QD1, QD2 and QD14 of the Brighton & Hove Local Plan.

### **ROTTINGDEAN COASTAL**

### **BH2009/01489**

#### **Ocean Heights Roedean Road Brighton**

Demolition of existing dwelling and construction of 7 residential apartments. (Part-retrospective).

**Applicant:** Mr Jerry Vasse

**Officer:** Ray Hill 293990

**Approved on 09/03/10 DELEGATED**

#### **1) BH02.07**

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.*

**2) BH04.01**

The new dwelling(s) shall be constructed to Lifetime Homes standards to the satisfaction of the Local Planning Authority.

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

**3) BH05.04**

Unless otherwise agreed in writing by the Local Planning Authority, none of the residential units hereby approved shall be occupied until an Ecohomes Design Stage Certificate and a Building Research Establishment issued Post Construction Review Certificate confirming that each residential unit built has achieved an Ecohomes rating 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 policies S1 of the East Sussex and Brighton & Hove Structure Plan 1991-2011 and SU2 of the Brighton & Hove Local Plan and Supplementary Planning Document SPD08 Sustainable Building Design.*

**4) BH06.01**

The vehicle parking area shown on the approved plans shall not be used otherwise than for the parking of private motor vehicles belonging to the occupants of and visitors to the development hereby approved.

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

**5) BH06.03**

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

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

**6) BH11.02**

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.*

**7) UNI**

That part of the flat roof at third floor level adjoining the north-western elevation of the building shall be used for maintenance purposes only as indicated on drawing no. 009/07A and shall not be used as a roof garden, terrace, patio, or similar amenity area.

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

### **8) UNI**

The windows in the south-eastern and north-western side elevations of the building shall not be glazed otherwise than with obscure glass and top hung with restricted ventilation opening only and thereafter permanently retained as such.

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

### **9) UNI**

The privacy screens to the balconies and terraces shall be installed prior to the occupation of the development and thereafter permanently retained.

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

### **BH2009/02634**

#### **8 Lewes Mews Arundel Place Brighton**

Erection of conservatory to rear.

**Applicant:** Mr Neville Barker

**Officer:** Helen Hobbs 293335

**Approved on 10/03/10 DELEGATED**

#### **1) BH01.01**

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

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

#### **2) BH03.02**

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

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

### **BH2009/02815**

#### **20 Bristol Gardens Brighton**

Erection of external fire escape stairway.

**Applicant:** Mr Luke Jobling

**Officer:** Chris Swain 292178

**Approved on 08/03/10 DELEGATED**

#### **1) BH01.05**

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

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

#### **2) UNI**

The hereby approved external fire escape staircase and associated access gate shall be painted black and retained as such thereafter.

*Reason: To ensure a satisfactory appearance to the development and to comply with policies HE1 and HE6 of the Brighton & Hove Local Plan.*

### **BH2009/02816**

#### **20 Bristol Gardens Brighton**

Erection of external fire escape stairway.

**Applicant:** Mr Luke Jobling

**Officer:** Chris Swain 292178

**Approved on 25/02/10 DELEGATED**

### 1) BH01.01

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

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

### 2) UNI

The proposed external fire escape staircase hereby approved shall only be used for emergencies and maintenance and for no other purpose whatsoever.

*Reason: To safeguard the amenities of the occupiers of the lower ground flat and to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.*

### 3) UNI

The hereby approved external fire escape staircase and associated access gate shall be painted black and retained as such thereafter.

*Reason: To ensure a satisfactory appearance to the development and to comply with policies HE1 and HE6 of the Brighton & Hove Local Plan.*

## **BH2009/02858**

### **4 Bishopstone Drive Brighton**

Loft conversion incorporating extension of the roofslope to the rear with dormers to both side elevations, erection of pitched roof with gable over existing flat roof extension at rear and velux rooflights to front roofslope.

**Applicant:** Mr L Phillips

**Officer:** Chris Swain 292178

**Refused on 08/03/10 DELEGATED**

### 1) UNI

The proposal, by reason of its size, height, design and materials would result in bulky and unsympathetic alterations that relate poorly to the existing building and form an incongruous and over dominant element within the street scene and are detrimental to the appearance and character of the building and the surrounding area, contrary to policies QD1, QD2 and QD14 of the Brighton & Hove Local Plan and the Supplementary Planning Guidance on Roof Alterations and Extensions.

## **BH2009/02884**

### **13 Mayfield Court Lustrells Vale Saltdean Brighton**

Replacement of all windows and doors with uPVC units (part retrospective).

**Applicant:** Ms Lynne Dodwell

**Officer:** Chris Swain 292178

**Approved on 12/03/10 DELEGATED**

### 1) BH01.01

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

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

## **BH2009/02904**

### **The Meadows 18 Roedean Way Brighton**

Demolition of existing house and construction of new 3 storey four bedroom dwelling with flat roof, second floor roof terrace, car parking and bin store and addition of swimming pool extension.

**Applicant:** Mr Dean Golding

**Officer:** Liz Arnold 291709

**Approved on 01/03/10 DELEGATED**

### 1) BH01.01

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



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

**2) BH02.01**

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(s) other than that expressly authorised by this permission shall be carried out without planning permission obtained from the Local Planning Authority.

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

**3) BH03.01**

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

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

**4) BH04.01A**

Unless otherwise agreed in writing by the Local Planning Authority, the new dwelling hereby permitted shall be constructed to Lifetime Homes standards prior to their first occupation and shall be retained as such thereafter.

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

**5) BH05.10**

The hard surface hereby approved shall be made of porous materials and retained thereafter or provision shall be made and retained thereafter to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the property.

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

**6) BH06.01**

The vehicle parking area shown on the approved plans shall not be used otherwise than for the parking of private motor vehicles belonging to the occupants of and visitors to the development hereby approved.

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

**7) BH06.03**

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

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

**8) BH07.07**

No development shall commence until a scheme for the suitable treatment of all plant and machinery against the transmission of sound and/or vibration has been submitted to and approved in writing by the Local Planning Authority. The measures shall be implemented in strict accordance with the approved details

prior to the occupation of the development and shall thereafter be retained as such.

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

**9) BH11.01**

No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme for landscaping, which shall include hard surfacing, means of enclosure, planting of the development, indications of all existing trees and hedgerows on the land and details of any to be retained, together with measures for their protection in the course of development.

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

**10) BH11.02**

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

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

**11) BH14.01**

No development shall take place within the application site until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority.

*Reason: In order to provide a reasonable opportunity to record the history of the site and to comply with policy HE12 of the Brighton & Hove Local Plan.*

**12) BH14.02**

No development shall take place within the application site until the applicant has secured the maintenance of an on-site watching brief by a suitably qualified and experienced archaeologist during construction work in accordance with written details which have been submitted to and approved in writing by the Local Planning Authority. In the event of important archaeological features or remains being discovered which are beyond the scope of the watching brief to excavate and record and which require a fuller rescue excavation, then construction work shall cease until the applicant has secured the implementation of a further programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority.

*Reason: In order to provide a reasonable opportunity to record the history of the site and to comply with policy HE12 of the Brighton & Hove Local Plan.*

**13) BH15.06**

No development approved by this permission shall be commenced until a scheme for the provision of surface water drainage works has been submitted to and approved in writing by the Local Planning Authority. The drainage works shall be completed in accordance with the details and timetable agreed to the satisfaction of the Local Planning Authority.

*Reason: To prevent the increased risk of flooding and to prevent pollution of controlled waters by ensuring the provision of a satisfactory means of surface water disposal and to comply with policy SU3 of the Brighton & Hove Local Plan.*

**14) UNI**

Unless otherwise agreed in writing with the Local Planning Authority the measures set out in the Waste Minimisation Statement submitted on the 25th November 2009 shall be implemented in strict accordance with the approved details.

*Reason: To ensure that the development would include the re-use of limited resources, to ensure that the amount of waste for landfill is reduced, to comply with policy WLP11 of the East Sussex and Brighton & Hove Waste Local Plan, policy SU13 of the Brighton & Hove Local Plan and Supplementary Planning Document 03 Construction and Demolition Waste.*

**15) UNI**

Before development commences and notwithstanding the details shown on the approved plans, revised details of the structural glass balustrade shown at second floor (top) level shall be submitted to and approved in writing by the Local Planning Authority. The revised details shall include the use of obscured glazing and shall increase the height of the screen to a minimum of 1.7m, unless otherwise agreed in writing by the Local Planning Authority. The scheme shall be implemented in strict accordance with the approved details and maintained as such thereafter.

*Reason: To ensure a satisfactory appearance to the development, to protect residential amenity and to comply with policies QD1, QD2, QD14 and QD27 of the Brighton & Hove Local Plan.*

**16) UNI**

Prior to the commencement of development on site, full details of the proposed photovoltaic cells and geothermal ground source heat pump shall be submitted to the Local Planning Authority and shall not be installed until approved in writing. The measures must be implemented in strict accordance with the approved details and thereafter maintained as such.

*Reason: To ensure a satisfactory appearance to the development, an efficient level of energy reduction and to comply with policies QD1, QD2 and SU2 of the Brighton & Hove Local Plan.*

**17) UNI**

No development shall commence until full details of existing and proposed levels and ridge heights within the site and on land adjoining the site (to include ground levels, spot heights and cross-sections; proposed and existing 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: To safeguard the amenities of nearby properties and to safeguard the character and appearance of the area, in addition to comply with policies QD2, QD14 and QD27 of the Brighton & Hove Local Plan.*

**18) UNI**

Access to the west facing side flat roof hereby approved shall be for maintenance or emergency purposes only and the flat roof shall not be used as a roof garden, terrace, patio or similar amenity area.

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

**19) UNI**

Unless otherwise agreed in writing by the Local Planning Authority, no residential development shall commence until:

- (a) evidence that the development is registered with the Building Research Establishment (BRE) or STROMA under the Code for Sustainable Homes and a Design Stage Report showing that the development will achieve Code level 3 for the residential unit have been submitted to the Local Planning Authority; and
- (b) a BRE or STROMA issued Interim Code for Sustainable Homes Certificate demonstrating that the development will achieve Code level 3 for the residential unit has been submitted to, and approved in writing by, the Local Planning Authority.

A completed pre-assessment estimator will not be acceptable.

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

#### **20) UNI**

Unless otherwise agreed in writing by the Local Planning Authority, none of the residential units hereby approved shall be occupied until a Building Research Establishment or STROMA issued Final Code Certificate confirming that the residential unit built has achieved a Code for Sustainable Homes rating of Code level 3 has been submitted to, and approved in writing by, the Local Planning Authority.

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

#### **21) UNI**

Notwithstanding drawing no. PL23 submitted on the 25th November 2009, the ground floor rear east facing window (to the room identified as office on drawing no. PL23) shall not be glazed otherwise than with obscured glass and fixed shut and thereafter permanently retained as such.

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

### **BH2009/02983**

#### **32 The Cliff Roedean Brighton**

Alterations and enlargement of existing dormers on front, rear and side elevations, construction of porch on front elevation and terrace to rear. (Part-retrospective)

**Applicant:** Mr Al-Kadi

**Officer:** Chris Swain 292178

**Refused on 09/03/10 DELEGATED**

#### **1) UNI**

The proposal, by reason of its size, proportions and design would result in bulky and unsympathetic alterations that relate poorly to the existing building and form an incongruous and over dominant element within the street scene and are detrimental to the appearance and character of the building and the surrounding area, contrary to policies QD1, QD2 and QD14 of the Brighton & Hove Local Plan and the Supplementary Planning Guidance on Roof Alterations and Extensions.

### **BH2009/03032**

#### **Grand Ocean Hotel Longridge Avenue Saltdean**

Application for variation of condition 4 of application BH2004/03555/FP to allow the gym to open between the hours of 06.00 - 22.00.

**Applicant:** Explore Living

**Officer:** K Haffenden 292361

**Approved on 26/02/10 DELEGATED**

#### **1) UNI**

The premises of the D1 and D2 use, except the gymnasium, shall not be open or in use except between the hours of 07.30 and 20.00 Mondays to Fridays, and between 08.00 and 18.00 on Saturdays and not at anytime on Sundays. The gymnasium shall not be open or in use except between the hours of 6.00 and 22.00 each day.

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

#### **2) UNI**

The gymnasium shall be for the sole use of the occupiers of the residential units within the development.

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

### **BH2009/03048**

#### **20 Rodmell Avenue Saltdean Brighton**

Erection of a two storey side extension incorporating a new hipped pitched roof.

**Applicant:** Mr Simon Barnard

**Officer:** Chris Swain 292178

**Approved on 08/03/10 DELEGATED**

#### **1) BH01.01**

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

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

#### **2) BH02.04**

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 window, dormer window, rooflight or door other than those expressly authorised by this permission shall be constructed without planning permission obtained from the Local Planning Authority.

*Reason: To safeguard the amenities of the occupiers of nearby properties and to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.*

#### **3) BH03.03**

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

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

### **BH2009/03066**

#### **1 Upper Cottages Ovingdean Road Ovingdean Brighton**

Demolition of existing dormer and side extension and erection of a two-storey extension to the West elevation.

**Applicant:** Ms M Thompson

**Officer:** Jonathan Puplett 292525

**Approved on 08/03/10 DELEGATED**

**1) BH01.01**

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

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

**2) BH12.02**

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

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

**3) UNI**

The eaves and soffits of the two storey extension shall match exactly the eaves of the existing dwelling.

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

**4) UNI**

The roof tiling of the two storey extension hereby approved, including the hip and ridge tiles, shall match exactly the tiles of the original house. All roof ventilation and extract outlets shall use flush, concealed slate or tile vents, to match the roof covering, and concealed ridge and eaves ventilators.

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

**5) UNI**

The walls of the two storey extension shall be smooth rendered and painted with smooth masonry paint to match the walls of the original building.

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

**6) UNI**

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no extension, enlargement or other alteration of the dwellinghouse(s) other than that expressly authorised by this permission shall be carried out without planning permission obtained from the Local Planning Authority.

*Reason: The Local Planning Authority considers that further development could cause detriment to the character of the area and for this reason would wish to control any future development to comply with policies QD14 and HE6 of the Brighton & Hove Local Plan.*

**7) UNI**

No development should take place until the following details have been submitted to and approved by the local planning authority in writing:

- i) 1:20 sample elevations and sections and 1:1 scale sectional profiles of the new windows and doors and their cills, reveals, thresholds and steps
- ii) 1:20 scale elevations of the single storey kitchen extension
- iii) 1:1 scale sections of the boarding of the walls
- iv) Details of materials, including the paving of the entrance porch;

Works shall be carried out in strict accordance with the approved details and maintained as such thereafter.

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

**BH2009/03147**

**3 Arundel Terrace Brighton**

Internal alterations and refurbishment to dwelling house (part retrospective).

**Applicant:** Mr Gary Whelan

**Officer:** Helen Hobbs 293335

**Refused on 16/03/10 DELEGATED**

**1) UNI**

Insufficient and inaccurate information has been provided with the application with regards to the ceilings, fireplaces, cornices and dado rails, to demonstrate that the works would ensure the satisfactory preservation of this listed building. The proposal therefore fails to comply with policy HE1 of the Brighton & Hove Local Plan.

**2) UNI2**

The spotlights and third floor cornice are inappropriate modern interventions to the listed structure and would have a harmful impact upon the historic character of the Grade I listed building and is therefore contrary to policy HE1 of the Brighton & Hove Local Plan and SPGBH 11.

**BH2010/00081**

**68-70 High Street Rottingdean Brighton**

Application for approval of details reserved by condition 14 of application BH2007/00617.

**Applicant:** The Denes Motors Ltd

**Officer:** Hamish Walke 292101

**Approved on 09/03/10 DELEGATED**

**BH2010/00122**

**4 Challoners Mews Rottingdean Brighton**

Alterations to existing projecting right dormer to rear elevation by creation of inset section in the roof and larger window.

**Applicant:** Mr Graham George

**Officer:** Sonia Kanwar 292359

**Approved on 15/03/10 DELEGATED**

**1) BH01.01**

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

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

**2) BH12.02**

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

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

**BH2010/00123**

**3 Challoners Mews Rottingdean Brighton**

Alterations to existing projecting left dormer to rear elevation by creation of inset section in the roof and larger window, incorporating repositioning of 2 no. roof-lights.

**Applicant:** Mrs Valerie Whittle

**Officer:** Sonia Kanwar 292359

**Approved on 15/03/10 DELEGATED**

**1) BH01.01**

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

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

**2) BH12.02**

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

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

**BH2010/00155**

**7 Lustrells Crescent Saltdean Brighton**

Erection of ground floor side extension.

**Applicant:** Mr David Roberts

**Officer:** Chris Swain 292178

**Approved on 17/03/10 DELEGATED**

**1) BH01.01**

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

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

**2) BH02.04**

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 window, dormer window, rooflight or door other than those expressly authorised by this permission shall be constructed without planning permission obtained from the Local Planning Authority.

*Reason: To safeguard the amenities of the occupiers of nearby properties and to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.*

**3) BH03.03**

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

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

**BH2010/00176**

**Flat 3 10 Sussex Square Brighton**

Application for approval of details reserved by condition 2 of application BH2009/01448.

**Applicant:** Miss Catherine Fisher

**Officer:** Helen Hobbs 293335

**Approved - no conditions on 17/03/10 DELEGATED**

**WOODINGDEAN**

**BH2009/03027**

**10 Downsview Avenue Woodingdean Brighton**

Loft conversion including new pitched roof, dormer to south, east facing gable end and associated works.

**Applicant:** Mr Steve Emery

**Officer:** Anthony Foster 294495

**Refused on 15/03/10 DELEGATED**

**1) UNI**

The proposed roof extension by virtue of its size, increased height, bulk and design would form an incongruous and unsightly feature, detrimental to the character and appearance of the building and the surrounding area. The



proposal is therefore contrary to policies QD1, QD2 and QD14 of the Brighton & Hove Local Plan and to Supplementary Planning Guidance Note SPGBH1: Roof Alterations and Extensions.

## **2) UNI2**

The proposed side dormer window, by virtue of its size, positioning and inappropriate design, would form incongruous and unsightly feature, detrimental to the character and appearance of the building and the surrounding area. The proposal is therefore contrary to policies QD1, QD2 and QD14 of the Brighton & Hove Local Plan and to Supplementary Planning Guidance Note SPGBH1: Roof Alterations and Extensions.

### **BH2010/00028**

#### **432 Falmer Road Brighton**

Certificate of lawfulness for a proposed development of two side dormers.

**Applicant:** Mr M Peters

**Officer:** Chris Swain 292178

**Approved on 02/03/10 DELEGATED**

### **BH2010/00054**

#### **93 The Ridgway Brighton**

Erection of conservatory to rear.

**Applicant:** Mr Jamie Tillett

**Officer:** Sonia Kanwar 292359

**Approved on 03/03/10 DELEGATED**

#### **1) BH01.01**

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

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

## **BRUNSWICK AND ADELAIDE**

### **BH2009/02938**

#### **Flat 6 34 Brunswick Terrace Hove**

Internal alterations to change layout of residential apartment. (Part-retrospective)

**Applicant:** Mr Philip Jeffrey

**Officer:** Charlotte Hughes 292321

**Approved on 25/02/10 DELEGATED**

#### **1) BH01.05**

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

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

### **BH2009/03041**

#### **49 Brunswick Road Hove**

Conversion of existing house in multiple occupation (HMO) to form 3 no. 1 bed self-contained flats and 4 no. self contained studio flats, replacement windows to rear elevation and erection of a single storey extension to existing lower ground floor flat. Alterations to front boundary wall.

**Applicant:** Harwood Properties Ltd.

**Officer:** Jason Hawkes 292153

**Approved on 01/03/10 DELEGATED**

**1) BH01.01**

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

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

**2) BH02.08**

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

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

**3) BH02.09**

Access to the flat roof over the extension hereby approved shall be for maintenance or emergency purposes only and the flat roof shall not be used as a roof garden, terrace, patio or similar amenity area.

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

**4) BH04.01A**

Unless otherwise agreed in writing by the Local Planning Authority, the new dwelling[\*s\*] hereby permitted shall be constructed to Lifetime Homes standards prior to their first occupation and shall be retained as such thereafter.

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

**5) BH05.03A**

Unless otherwise agreed in writing by the Local Planning Authority, no residential development shall commence until:

- (a) evidence that the development is registered with the Building Research Establishment (BRE) under Ecohomes and a Design Stage Assessment Report showing that the development will achieve an Ecohomes Refurbishment rating for all residential units have been submitted to the Local Planning Authority; and
- (b) a BRE issued Design Stage Certificate demonstrating that the development has achieved an Ecohomes Refurbishment rating for all residential units has been submitted to, and approved in writing by, the Local Planning Authority.

A completed pre-assessment estimator will not be acceptable.

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

**6) BH05.04A**

Unless otherwise agreed in writing by the Local Planning Authority, none of the residential units hereby approved shall be occupied until an Ecohomes Design Stage Certificate and a Building Research Establishment issued Post Construction Review Certificate confirming that each residential unit built has achieved an Ecohomes Refurbishment rating has been submitted to, and approved in writing by, the Local Planning Authority.

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

#### **7) BH06.02**

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

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

#### **8) BH13.11**

No cables, wires, aerials, pipework (except rainwater downpipes as shown on the approved plans), meter boxes or flues shall be fixed to any elevation fronting a highway.

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

#### **9) UNI**

No development shall take place until full details (including joinery profiles) of the new windows and doors to the rear extension have been submitted to and approved by the Local Planning Authority in writing. The scheme shall be implemented in strict accordance with the agreed details and maintained as such thereafter. The reinstatement of the original windows and doors in the approved extension will be deemed acceptable.

*Reason: As insufficient information has been submitted, to ensure the satisfactory preservation of this listed building and in accordance with policy HE1 of the Brighton & Hove Local Plan.*

#### **10) UNI**

No development shall take place until full details (including 1:50 sample elevations and materials) of the works to the front and rear elevations, re-roofing, front boundary wall and gate have been submitted to and approved by the Local Planning Authority in writing. The scheme shall be implemented in strict accordance with the agreed details and maintained as such thereafter.

*Reason: As insufficient information has been submitted, to ensure the satisfactory preservation of this listed building and in accordance with policy HE1 of the Brighton & Hove Local Plan.*

### **BH2009/03112**

#### **55 Western Road Hove**

Installation of new shop front, incorporating ATM. Installation of screened plant to rear of shop.

**Applicant:** Sainsbury's Supermarkets Limited

**Officer:** Adrian Smith 01273 290478

#### **Refused on 12/03/10 DELEGATED**

#### **1) UNI**

The proposed shopfront, by virtue of its sliding door with a thick-set frame and irregular glazing dimensions, fails to respect the style, proportions and detailing of the parent building and surrounding shopfronts. It would therefore be harmful to the continuity, character and appearance of the both the host building and the wider Brunswick Town conservation area, contrary to policies QD5, QD10 & HE6 of the Brighton & Hove local plan, SPD02 'shop front design', and PPG15 'Planning and the Historic Environment'.

#### **2) UNI2**

Notwithstanding the submitted application, the initial and revised plans do not accurately reflect the overall dimensions of the shopfront, and fail to accurately represent the fascia and glazing details of the adjacent shopfronts. Given such

inaccuracies it is not reasonably possible to make an accurate assessment of the design proposal within the context of the site and surrounds, having regard to policies QD5, QD10 & HE6 of the Brighton & Hove local plan, SPD02 'shop front design', and PPG15 'Planning and the Historic Environment'.

**BH2010/00215**

**Garden Flat 65 Lansdowne Place Hove**

Non-material amendment to BH2006/03580 for alterations to an existing window by reducing window head level by 250mm and clear single glazing replacing obscure glass.

**Applicant:** Mr Dean Peni

**Officer:** Christopher Wright 292097

**Approved on 11/03/10 DELEGATED**

**CENTRAL HOVE**

**BH2009/02373**

**Flat 2 7 Albany Villas Hove**

Erection of log cabin & decking to rear garden.

**Applicant:** Mr Gary Cissell

**Officer:** Steven Lewis 290480

**Refused on 09/03/10 DELEGATED**

**1) UNI**

There is insufficient information to fully assess the impact of the proposed decking. Notwithstanding the lack of information, the scale and coverage of the decking is not considered to preserve or enhance the historical character and appearance of the Cliftonville conservation area, contrary to policies HE6, QD1 and QD14 of the Brighton & Hove Local Plan.

**2) UNI2**

There is insufficient information to fully assess the impact of the proposed decking. Notwithstanding the lack of information, the scale and coverage of the decking is not considered to preserve or enhance the historical character and appearance of the Cliftonville conservation area, contrary to policies HE6, QD1 and QD14 of the Brighton & Hove Local Plan.

**BH2009/02760**

**Rear of unit 9 Hove Manor Hove Street Hove**

Change of use of redundant store at rear of hairdressing salon (A1) to create 1no. two bedroom flat (C3)

**Applicant:** Rimex Investments Limited

**Officer:** Paul Earp 292193

**Approved on 10/03/10 DELEGATED**

**1) BH01.01**

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

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

**2) BH04.01A**

Unless otherwise agreed in writing by the Local Planning Authority, the new dwelling[\*s\*] hereby permitted shall be constructed to Lifetime Homes standards prior to their first occupation and shall be retained as such thereafter.

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

### **3) BH05.09**

The development hereby permitted shall not be commenced until details of sustainability measures have been submitted to and approved in writing by the Local Planning Authority. These details shall demonstrate how the development would be efficient in the use of energy, water and materials. The development shall be carried out in strict accordance with the approved details.

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

### **4) BH06.03**

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.*

## **BH2009/02902**

### **4A Tisbury Road Hove**

Replacement of existing door with sash window and replacement of existing window with French doors to rear.

**Applicant:** Mr Jimmy James

**Officer:** Adrian Smith 01273 290478

**Approved on 25/02/10 DELEGATED**

### **1) BH01.01**

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

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

### **2) UNI**

Notwithstanding the details supplied in the application, the proposed infill walls of the lower kitchen doorway shall be made good to match the existing material, finish and colour of the building.

*Reason: To ensure the satisfactory preservation of the building and wider Willett Estate conservation area, and to comply with policy HE6 of the Brighton & Hove Local Plan.*

## **BH2009/02965**

### **Lower Ground Floor Flat Courtenay House Courtenay Terrace Hove**

Internal alterations and formation of French Doors on front elevation and alterations to windows and doors at rear.

**Applicant:** Mr Michael Grimwood

**Officer:** Jason Hawkes 292153

**Approved on 25/02/10 DELEGATED**

### **1) BH01.05**

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

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

### **2) UNI**

The seals of all new double glazing shall be white and thereafter retained as such.

*Reason: To preserve the appearance and character of the listed building and in accordance with policy HE1 of the Brighton & Hove Local Plan.*

**3) UNI**

The chimney breast / fireplace in the proposed en-suite bathroom (existing bedroom 2) shall be retained as indicated on drawing ADC315/04B.

*Reason: To preserve the plan form and character of the listed building and in accordance with policy HE1 of the Brighton & Hove Local Plan.*

**BH2009/03025**

**24 Fourth Avenue Hove**

Replacement white timber windows and door to match existing to front and rear elevations.

**Applicant:** Mr Graham Willis

**Officer:** Steven Lewis 290480

**Approved on 25/02/10 DELEGATED**

**1) 01.01AA**

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

*Reason: To comply with Section 91 (as amended) of the Town and Country Planning Act 1990*

**2) UNI**

Notwithstanding the approved plans, no works shall commence until satisfactory design details of the proposed replacement timber front door have been submitted to and approved in writing by the Local Planning Authority. The works shall be implemented in strict accordance with the agreed details and maintained as such thereafter.

*Reason: To ensure a satisfactory appearance to the development, to protect the historical character and appearance of The Avenues conservation area and to comply with policy HE6 of the Brighton & Hove Local Plan and Supplementary Planning Document 09 (Architectural Details).*

**3) UNI**

Notwithstanding the approved plans, the windows shall match those of the original in terms of their style, glazing pattern and method of opening.

*Reason: To ensure a satisfactory appearance to the development, to protect the historical character and appearance of The Avenues conservation area and to comply with policy HE6 of the Brighton & Hove Local Plan and Supplementary Planning Document 09 (Architectural Details).*

**BH2009/03034**

**Flat 28 4 Grand Avenue Hove**

Internal alterations to layout of flat.

**Applicant:** Mr Terry Varnfield

**Officer:** Jason Hawkes 292153

**Approved on 04/03/10 DELEGATED**

**1) 01.05AA**

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

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

**2) UNI**

The new cornices proposed shall be an exact match in terms of size, design and finish to the existing cornice in the property and shall be retained as such thereafter.

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

**BH2009/03096**

**35 Medina Villas Hove**

Proposed retention of basement W.C. reducing height of roof over. New French doors and enlarged window in lieu of existing windows to the lower ground floor rear and new roof-lights over second floor bathroom.

**Applicant:** Stuart Payton

**Officer:** Clare Simpson 292454

**Approved on 02/03/10 DELEGATED**

**1) BH01.01**

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

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

**2) UNI**

Notwithstanding the detail shown on drawing number TA451/33B received on the 10th February 2010, no works shall take place until full details of the proposed double doors including 1:20 scale elevations and scale drawings of joinery profiles have been submitted to and approved in writing by the Local Planning Authority. The works shall be implemented in strict accordance with the agreed details and maintained as such thereafter.

*Reason: As insufficient information has been submitted, to ensure the satisfactory preservation of this building and to comply with policy HE6 of the Brighton & Hove Local Plan.*

**BH2009/03108**

**113 to 119 Consecutive Blatchington Road Hove**

Display of 2no. internally illuminated fascia signs and 1no. externally illuminated projecting sign.

**Applicant:** Peacocks Stores Ltd

**Officer:** Steven Lewis 290480

**Approved on 10/03/10 DELEGATED**

**1) BH10.01**

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

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

**2) BH10.02**

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

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

**3) BH10.03**

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

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

**4) BH10.04**

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

amenity.

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

**5) BH10.05**

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

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

**6) BH10.06**

No advertisement shall be sited or displayed so as to-

- (a) endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military);
- (b) obscure, or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air; or
- (c) hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.

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

**7) BH10.07**

The illumination of the advertisement shall be non-intermittent.

*Reason: To safeguard the appearance and character of the area in accordance with policy QD12 of the Brighton & Hove Local Plan.*

**BH2009/03110**

**34 Medina Villas Hove**

Proposed external alterations to existing house.

**Applicant:** Mr & Mrs Richard Bianco

**Officer:** Clare Simpson 292454

**Approved on 08/03/10 DELEGATED**

**1) BH01.01**

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

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

**BH2010/00049**

**113 to 119 Consecutive Blatchington Road Hove**

Installation of new shop front, air conditioning units on roof (South) and associated works.

**Applicant:** Peacocks Stores Ltd

**Officer:** Steven Lewis 290480

**Approved on 15/03/10 DELEGATED**

**1) BH01.01**

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

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

**2) UNI**

Notwithstanding the details shown on the submitted plans, no works shall commence until satisfactory design details of the proposed replacement roller shutter to the lift entrance door upon the east facing elevation have been submitted to and approved in writing by the Local Planning Authority. The works shall be implemented in strict accordance with the agreed details and maintained as such thereafter.



*Reason: To ensure a satisfactory appearance to the development and to accord with policies QD1, QD10, QD14 and HE6 of the Brighton & Hove Local Plan and supplementary planning document 02 - Shopfronts.*

**BH2010/00152**

**Flat 6 4 Grand Avenue Hove**

Internal alterations to layout of flat.

**Applicant:** Mr & Mrs L Boden

**Officer:** Jason Hawkes 292153

**Approved on 08/03/10 DELEGATED**

**1) BH01.05**

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

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

**GOLDSMID**

**BH2009/03102**

**55 Fonthill Road Hove**

Certificate of lawfulness for proposed hip to gable roof extension, rear dormer, front rooflights and single storey rear extension.

**Applicant:** Stephanie Harding

**Officer:** Mark Thomas 292336

**Refused on 10/03/10 DELEGATED**

**1) UNI**

The proposed dormer extension is not permitted under Schedule 2, Part 1, Class B of the Town & Country Planning (General Permitted Development) Order 1995, as amended, in that the edge of the enlargement closest to the eaves of the original roof would be less than 20 centimetres from the eaves of the original roof and thereby fails to comply with Condition B.2 (b) of Class B of said Order.

**BH2009/03104**

**Land to the rear of 48 Old Shoreham Road Hove**

Erection of 1 No. four bedroom detached house.

**Applicant:** Mr G Khalil

**Officer:** Christopher Wright 292097

**Approved on 04/03/10 DELEGATED**

**1) BH01.01**

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

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

**2) BH02.03**

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(s) other than that expressly authorised by this permission shall be carried out without planning permission obtained from the Local Planning Authority.

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

### **3) BH06.01**

The vehicle parking area shown on the approved plans shall not be used otherwise than for the parking of private motor vehicles belonging to the occupants of and visitors to the development hereby approved.

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

### **4) BH06.02**

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

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

### **5) BH11.01**

No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme for landscaping, which shall include hard surfacing, means of enclosure, planting of the development, indications of all existing trees and hedgerows on the land and details of any to be retained, together with measures for their protection in the course of development.

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

### **6) BH11.02**

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.*

### **7) UNI**

No development shall commence until fences or other measures for the protection of trees to be retained within the application site have been erected or provided in accordance with a scheme which has been submitted to and approved in writing by the Local Planning Authority. The fences or other measures shall be retained until the completion of the development and no vehicles, plant or materials shall be driven or placed within the areas enclosed and protected.

*Reason: To protect the trees which are to be retained on the site in the interests of the visual amenities of the area and to comply with policies QD1, QD16 and QD27 of the Brighton & Hove Local Plan.*

### **8) UNI**

No development shall commence until the precise details of the method for laying the foundations of the dwelling hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The development shall thence be carried out in accordance with the approved details.

*Reason: To protect the trees which are to be retained on the site, in particular T6 (Ash), in the interests of the visual amenities of the area and to comply with policies QD1, QD16 and QD27 of the Brighton & Hove Local Plan.*

**9) UNI**

No development shall commence until a method statement for the laying out of the access driveway has been submitted to and approved in writing by the Local Planning Authority. The development shall thence be carried out in accordance with the approved details.

*Reason: To protect the trees which are to be retained on the site in the interests of the visual amenities of the area and to comply with policies QD1, QD16 and QD27 of the Brighton & Hove Local Plan.*

**10) UNI**

The hard surfaces hereby approved shall be made of porous materials and retained as such 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 application 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.*

**11) UNI**

Unless otherwise agreed in writing by the Local Planning Authority, none of the residential units hereby approved shall be occupied until a Building Research Establishment or STROMA issued Final Code Certificate confirming that each residential unit built has achieved a Code for Sustainable Homes rating of Code level 5 or above has been submitted to, and approved in writing by, the Local Planning Authority.

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

**12) UNI**

Unless otherwise agreed in writing by the Local Planning Authority, no residential development shall commence until:

- (a) evidence that the development is registered with the Building Research Establishment (BRE) or STROMA under the Code for Sustainable Homes and a Design Stage Report showing that the development will achieve a minimum of Code level 5 for all residential units have been submitted to the Local Planning Authority; and
- (b) a BRE or STROMA issued Interim Code for Sustainable Homes Certificate demonstrating that the development will achieve Code level 5 or above for all residential units has been submitted to, and approved in writing by, the Local Planning Authority.

A completed pre-assessment estimator will not be acceptable.

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

**13) UNI**

No development shall take place until samples of the materials (including the opaque glass on the southern elevation, 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. The development shall be carried out in accordance with the approved details.

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

**14) UNI**

Notwithstanding the drawings submitted, both the staircase glazing on the western flank elevation and the two windows on the eastern flank elevation of the dwelling hereby permitted shall be obscure glazed and/or fixed shut in a fashion to be submitted to and approved in writing by the Local Planning Authority, and retained as such thereafter.

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

**15) UNI**

No development shall take place until details of a scheme to provide sustainable transport infrastructure to support the demand for travel generated by the development has been submitted to and approved in writing by the Local Planning Authority. This shall include a timetable for the provision to be made and shall be carried out in accordance with the approved details.

*Reason: To ensure that the proposed development does not put undue pressure on existing on-street car parking in the city and improves sustainable transport infrastructure provision in the vicinity of the site in response to the additional person trips to and from the site brought about by the development and to comply with policies TR1, TR2, QD28 and SU15 of the Brighton & Hove Local Plan.*

**BH2010/00298**

**44 Wilbury Avenue Hove**

Certificate of Lawfulness for a proposed loft conversion incorporating rear dormer and rooflights to front and side.

**Applicant:** Ms Sarah Shaw

**Officer:** Steven Lewis 290480

**Approved on 09/03/10 DELEGATED**

**BH2010/00339**

**127 Sackville Road Hove**

Erection of wire/timber cat enclosure on existing flat roof to rear (Retrospective)

**Applicant:** Mr Jonathan Scott

**Officer:** Mark Thomas 292336

**Refused on 09/03/10 DELEGATED**

**1) UNI**

Policy QD14 of the Brighton & Hove Local Plan requires that all extensions and alterations are well designed, sited and detailed in relation to the property to be extended, adjoining properties and to the surrounding area. The development represents an incongruous and inappropriately bulky addition to the rear of the recipient property and results in unacceptable harm to the character and appearance of both the recipient building and the wider area. The proposal is therefore contrary to the abovementioned policy.

**BH2010/00359**

**Ground Floor Flat 78 Denmark Villas Hove**

Non-material amendment to BH2009/01798 to replace style of conservatory from glass room design to double-glazed UPVC conservatory.

**Applicant:** Mr Brian McClave

**Officer:** Wayne Nee 292132

**Refused on 10/03/10 DELEGATED**

## **BH2010/00376**

### **21 York Avenue Hove**

Non-material amendment to BH2009/02535 for re-sizing of proposed circular window to front dormer, with additional band of circular feature brickwork; raising of velux roof windows to front elevation; re-wording of waste minimisation statement.

**Applicant:** Ms Renate Eriksen

**Officer:** Adrian Smith 01273 290478

**Approved on 12/03/10 DELEGATED**

## **HANGLETON & KNOLL**

### **BH2009/03046**

#### **Mill View Hospital Nevill Avenue Hove**

Erection of single storey extension to the north elevation and refurbishment to the existing building, Pavilion Ward

**Applicant:** Sussex Partnership NHS Foundation Trust

**Officer:** Paul Earp 292193

**Approved on 04/03/10 DELEGATED**

#### **1) BH01.01**

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

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

#### **2) BH03.03**

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

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

#### **3) UNI**

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 4142:1997".

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

### **BH2009/03068**

#### **Knoll Recreation Ground Stapley Road Hove**

Installation of 4 no. floodlights to existing multi-sport area.

**Applicant:** Mr Rob Dumbrill

**Officer:** Paul Earp 292193

**Approved on 12/03/10 DELEGATED**

#### **1) BH01.01**

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

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

#### **2) UNI**

The floodlights shall not be illuminated except for between the hours of 08.00 and 22.00 hours on any day.

*Reason: To safeguard residential amenity and to comply with policies QD26 & QD27 of the Brighton & Hove Local Plan.*

**3) UNI**

Prior to the development hereby approved being brought into use, the floodlights shall be tested and adjusted to minimise light spillage and impact upon surrounding dwellings in consultation with the local planning authority. The lights shall be maintained in the approved position thereafter unless otherwise agreed in writing by the local planning authority. ]

*Reason: To safeguard residential amenity and to comply with policies QD26 & QD27 of the Brighton & Hove Local Plan.*

**BH2009/03091**

**The Martlets Hospice Wayfield Avenue Hove**

Erection of a single storey extension with dual pitched roof to north east elevation.

**Applicant:** Mrs Caroline Lower

**Officer:** Guy Everest 293334

**Approved on 01/03/10 DELEGATED**

**1) BH01.01**

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

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

**2) BH03.03**

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

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

**BH2010/00033**

**61 Hallyburton Road Hove**

Erection of front porch (amendment to approved application BH2009/02384)

**Applicant:** Mr & Mrs Jonathan Pons

**Officer:** Clare Simpson 292454

**Approved on 09/03/10 DELEGATED**

**1) BH01.01**

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

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

**2) BH03.03**

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

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

**BH2010/00046**

**11 Meads Avenue Hove**

Erection of single storey extension to side.

**Applicant:** Mr James Canham

**Officer:** Adrian Smith 01273 290478

**Refused on 25/02/10 DELEGATED**

### **1) UNI**

Policies QD1, QD2 & QD14 of the Brighton & Hove Local Plan require that all extensions and alterations are well designed, sited and detailed in relation to the property to be extended, adjoining properties and the surrounding area. The proposed front infill extension, by virtue of its juxtaposition with the main dwelling, represents a poorly designed addition to the recipient property that would be harmful to both the appearance of the building and the character of the surrounding area, contrary to the above policies.

### **BH2010/00107**

#### **Land Adjacent To The Bungalow 11 Hangleton Lane Hove**

Creation of new residential dwelling.

**Applicant:** Mr Jerjes Philips

**Officer:** Adrian Smith 01273 290478

#### **Refused on 17/03/10 DELEGATED**

### **1) UNI**

Policies QD1, QD2, QD3 and HE6 of the Brighton & Hove Local Plan seek to ensure that developments within conservation areas demonstrate a consistently high standard of design which takes into account the height, scale, and bulk of existing buildings, and the scale and character or appearance of the area. The proposed building, by virtue of its sunken position, raised boundary treatments, inappropriate design and its close proximity to historic buildings, has little regard to the scale, form, and character of the surrounding area. It would result in the overdevelopment of the site and would be an alien addition which would detract from the character and appearance of the street scene and the wider Hangleton conservation area. The scheme is therefore contrary to the above policies.

### **2) UNI2**

Policies HE1 and HE3 of the Brighton & Hove local plan state that development will not be permitted where it would have an adverse impact on the historic character of listed buildings and their setting, by way of siting, bulk, scale, materials, and layout. The application site forms part of the setting of the Grade II\* listed Hangleton Manor to the south, and falls within the curtilage of the Grade II listed Rookery Cottage to the east. The proposed development, by reason its sunken position, its close proximity to the listed grouping resulting in the loss of associated original garden space, and its inappropriate design, represents an overdevelopment of the site that would be harmful to the character and setting of the surrounding listed buildings, contrary to the above policies.

### **3) UNI3**

Policy QD27 of the Brighton & Hove Plan states that planning permission will not be granted where a development would cause material harm and loss of amenity to the residents of neighbouring properties. The proposed dwelling would, by virtue of its position and proximity, be overlooked by west facing windows to Rookery Cottage thereby resulting in a mutual loss of privacy and would, by virtue of its significantly raised northern boundary, result in the loss of light and outlook to the rear of No.11 Hangleton Lane. The proposal is therefore contrary to the above policy.

### **4) UNI4**

Notwithstanding the submitted application, the plans fail to adequately detail existing and proposed boundary treatments, whilst providing inconsistent and contradictory boundary lines with Rookery Cottage. Given such inaccuracies it is not reasonably possible to make an accurate assessment of the design proposal having regard to the context of the site, its surrounds, and its potential impact on the adjacent Grade II listed buildings and boundaries. Without such information the proposal conflicts with policies QD1, QD2, HE1 & HE6 of the Brighton & Hove local plan, and PPG15 'Planning and the Historic Environment'.

## **NORTH PORTSLADE**

### **BH2009/02868**

#### **2 Sefton Road Mile Oak Portslade Brighton**

Certificate of Lawfulness for a proposed loft extension incorporating the erection of a rear dormer.

**Applicant:** Mr Robin Birchley

**Officer:** Wayne Nee 292132

**Approved on 11/03/10 DELEGATED**

## **SOUTH PORTSLADE**

### **BH2008/03427**

#### **33 Mile Oak Road Brighton**

Demolition of non-original extensions to existing property and conversion with new extensions to 2 x three bedroom and 1 x two-bedroom houses. Erection of 2 x new three bedroom houses on same site - creation of new public footpath along Northern boundary of Mile Oak Road including repositioning of flint boundary wall (amended scheme).

**Applicant:** Mr Russell Pinsent

**Officer:** Clare Simpson 292454

**Approved on 09/03/10 PLANNING COMMITTEE**

#### **1) BH01.01**

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

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

#### **2) BH02.03**

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(s) other than that expressly authorised by this permission shall be carried out without planning permission obtained from the Local Planning Authority.

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

#### **3) BH02.04**

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 window, dormer window, rooflight or door other than those expressly authorised by this permission shall be constructed without planning permission obtained from the Local Planning Authority.

*Reason: To safeguard the amenities of the occupiers of nearby properties and to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.*

#### **4) BH02.07**

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.*



#### **5) BH05.01**

Unless otherwise agreed in writing by the Local Planning Authority, no residential development shall commence until:

- (a) evidence that the development is registered with the Building Research Establishment (BRE) under the Code for Sustainable Homes and a Design Stage Report showing that the development will achieve Code level 3 for all residential units have been submitted to the Local Planning Authority; and
- (b) a BRE issued Interim Code for Sustainable Homes Certificate demonstrating that the development will achieve Code level 3 for all residential units has been submitted to, and approved in writing by, the Local Planning Authority.

A completed pre-assessment estimator will not be acceptable.

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

#### **6) BH05.02**

Unless otherwise agreed in writing by the Local Planning Authority, none of the residential units hereby approved shall be occupied until a Building Research Establishment issued Final Code Certificate confirming that each residential unit built has achieved a Code for Sustainable Homes rating of Code level 3 has been submitted to, and approved in writing by, the Local Planning Authority.

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

#### **7) BH05.03**

Unless otherwise agreed in writing by the Local Planning Authority, no residential development shall commence until:

- (a) evidence that the development is registered with the Building Research Establishment (BRE) under Ecohomes and a Design Stage Assessment Report showing that the development will achieve an Ecohomes rating for all residential units have been submitted to the Local Planning Authority; and
- (b) a BRE issued Design Stage Certificate demonstrating that the development has achieved an Ecohomes rating for all residential units has been submitted to, and approved in writing by, the Local Planning Authority.

A completed pre-assessment estimator will not be acceptable.

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

#### **8) BH05.04**

Unless otherwise agreed in writing by the Local Planning Authority, none of the residential units hereby approved shall be occupied until an Ecohomes Design Stage Certificate and a Building Research Establishment issued Post Construction Review Certificate confirming that each residential unit built has achieved an Ecohomes rating 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 policies S1 of the East Sussex and Brighton & Hove Structure Plan 1991-2011 and SU2 of the Brighton & Hove Local Plan and Supplementary Planning Document SPD08 Sustainable Building Design.*

#### **9) BH05.07**

No development shall take place until a written Site Waste Management Plan, confirming how demolition and construction waste will be recovered and reused

on site or at other sites, has been submitted to and approved in writing by the Local Planning Authority. The Plan shall be implemented in strict accordance with the approved details.

*Reason: To ensure that the development would include the re-use of limited resources, to ensure that the amount of waste for landfill is reduced and to comply with policies WLP11 of the East Sussex and Brighton & Hove Waste Local Plan and SU13 of the Brighton & Hove Local Plan and Supplementary Planning Document 03 Construction and Demolition Waste.*

#### **10) BH06.03**

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

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

#### **11) BH06.04**

No development shall take place until details of a scheme to provide sustainable transport infrastructure to support the demand for travel generated by the development has been submitted to and approved in writing by the Local Planning Authority. This shall include a timetable for the provision to be made and shall be carried out in accordance with the approved details.

*Reason: To ensure that the proposed development provides for the demand for travel it creates and does not put undue pressure on existing on-street car parking in the city and to comply with policies TR1 and SU15 of the Brighton & Hove Local Plan.*

#### **12) UNI**

No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme for landscaping, which shall include hard surfacing, means of enclosure, planting of the development (including at least 5 replacement trees), indications of all existing trees and hedgerows on the land and details of any to be retained, together with measures for their protection in the course of development.

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

#### **13) UNI**

Prior to development commencing an Arboriculture Report shall be submitted to and approved by the Local Planning Authority in writing. The report shall survey all trees and shall include an Arboriculture Method Statement outlining suitable protection measures in accordance with BS 5837 - 2005 - Trees on Development Sites. All works on site shall be carried out in accordance with approved details for the duration of the construction works.

*Reason: To protect the existing trees on site and in accordance with policy QD16 of the Brighton & Hove Local Plan.*

#### **14) UNI**

Notwithstanding the details submitted for the ground floor of the semi-detached houses revised drawings shall be submitted showing accessible WC facilities on the ground floor and all the new dwellings shall be constructed to Lifetime Homes standards to the satisfaction of the Local Planning Authority. The development shall be carried out in strict accordance with the approved details.

*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.*

### **15) UNI**

Unless otherwise approved in writing by the Local Planning Authority, the development shall be carried out and completed strictly in accordance with approved drawings.

*Reason: in the interests of the character and appearance of the surrounding area in accordance with QD1 and HE10 of the Brighton & Hove Local Plan.*

### **16) UNI**

No development shall take place until the following details have been submitted to and approved by the local planning authority in writing:

- i) the treatment of the eaves,
- ii) samples and details of all materials, including paving,
- iii) 1:20 sample elevations and sections and 1:1 scale sectional profiles of the new dormers, windows and doors, their cills, reveals, thresholds and steps, and porches,
- iv) a detailed landscaping scheme for the front and rear gardens, including hard and soft landscaping, level changes, reinstated paths, new paths and hard paving areas, fences, walls and gates, and the works shall be carried out in strict accordance with the approved details and maintained as such thereafter.

*Reason: in the interests of the character and appearance of the surrounding area in accordance with QD1 and HE10 of the Brighton & Hove Local Plan.*

### **17) UNI**

Before the work commences, a sample panel of flintwork shall be constructed on the site and shall be approved by the Local Planning Authority in writing and the works shall be carried out and completed to match the approved sample flint panel.

*Reason: in the interests of the character and appearance of the surrounding area in accordance with QD1 and HE10 of the Brighton & Hove Local Plan.*

### **18) UNI**

All new flintwork shall match the original flint walls in the type of flints, coursing, density of stones, and the mortar's colour, texture, composition, lime content and method of pointing.

*Reason: in the interests of the character and appearance of the surrounding area in accordance with QD1 and HE10 of the Brighton & Hove Local Plan.*

### **19) UNI**

The existing flint wall along the north boundary of the site shall be retained and before the residential units are first occupied. A new flint wall shall be constructed to replace the existing wall on the south boundary on Mile Oak Road which is to be demolished details of which should be submitted to and agreed in writing with the Local Planning Authority prior to commencement of development. The replacement wall should thereafter be erected in accordance with the agreed details before any of the dwellings hereby permitted are occupied.

*Reason: in the interests of the character and appearance of the surrounding area in accordance with QD1 and HE10 of the Brighton & Hove Local Plan.*

### **20) UNI**

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

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

**21) UNI**

Prior to the commencement of development on site, detailed drawings, including levels, sections and constructional details of the proposed roadwork[s], surface water drainage, outfall disposal and street lighting to be provided, shall be submitted to the Planning Authority and be subject to its approval, in consultation with this Authority.

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

**BH2009/03049**

**20 Gladstone Road Portslade Brighton**

Erection of a single storey rear extension and installation of access ramp to side.

**Applicant:** Mr Rafael Girgis

**Officer:** Wayne Nee 292132

**Approved on 01/03/10 DELEGATED**

**1) BH01.01**

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

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

**2) BH02.09**

Access to the flat roof over the extension hereby approved shall be for maintenance or emergency purposes only and the flat roof shall not be used as a roof garden, terrace, patio or similar amenity area.

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

**3) BH03.03**

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

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

**BH2009/03058**

**7-17 Old Shoreham Road Portslade Brighton**

Application for approval of details reserved by conditions 2, 3, 4, 5, 6, 8, 9, 11, 14, 16, 23, 25, 27 & 28 of application BH2008/03440.

**Applicant:** Mr Jonathan Tate

**Officer:** Guy Everest 293334

**Approved - no conditions on 08/03/10 DELEGATED**

**BH2009/03113**

**88 Victoria Road Portslade Brighton**

Erection of a single storey extension to rear and alterations to vehicle access to front.

**Applicant:** Mr & Mrs A Hurst

**Officer:** Steven Lewis 290480

**Approved on 04/03/10 DELEGATED**

**1) BH01.01**

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

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

## **2) UNI**

The hard surface hereby approved shall either be made of porous or semi 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.*

## **HOVE PARK**

### **BH2009/00761**

#### **Sackville Road Trading Estate Sackville Road Hove**

Demolition of existing buildings with construction of new comprehensive development providing a mix of uses focusing around a new public square, including: an A1 food store, A1 non-food retailing, associated A2-A5 retailing, residential apartments, offices, underground car parking, associated infrastructure works including improved access, servicing and public realm improvements.

**Applicant:** Parkridge Developments

**Officer:** Nicola Hurley 292114

**Approved on 02/03/10 PLANNING COMMITTEE**

#### **1) BH01.01**

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

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

#### **2) BH02.06**

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.*

#### **3) BH02.08**

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

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

#### **4) BH03.01**

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

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

#### **5) BH04.01**

The new dwellings shall be constructed to Lifetime Homes standards to the satisfaction of the Local Planning Authority.

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

**6) BH06.03**

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) BH07.11**

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

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

**8) UNI**

The A1 retail floor space and food store shall not be open to customers except between the hours of 07:00 and 21:00 Monday to Fridays and 08:00 and 18:00 Saturdays, Sundays, Bank or Public Holidays.

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

**9) UNI**

The office accommodation shall not be open except between the hours of 07:00 to 19:00 Monday to Fridays and not at any time on Saturdays, Sundays, Bank or Public Holidays.

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

**10) UNI**

The A3/A4/A5 units hereby permitted shall not be open to customers except between the hours of 08:00 and 23:00 on any day.

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

**11) UNI**

The retail units shall not be subsequently sub-divided into smaller units without the consent of the Local Planning Authority.

*Reason: To ensure that the retail element does not prejudice the vitality and viability of the existing shopping centres and to comply with policy SR2 of the Brighton & Hove Local Plan.*

**12) UNI**

Notwithstanding the approved floor plans, the development hereby permitted shall not commence until details of securing natural light and ventilation to the main bathrooms and en suite bathroom areas. The development shall be carried out in strict accordance with the approved details.

*Reason: To ensure that measures to make the development sustainable and efficient in the use of energy, water and materials are included in the development, in accordance with policy SU2 of the Brighton & Hove Local Plan.*

**13) UNI**

No development 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 in consultation with Southern Water. The scheme shall be implemented in full accordance with the agreed details.

*Reason: To ensure that adequate surface water and foul sewerage drainage is available prior to the development commencing and to comply with policies SU4 and SU5 of the Brighton & Hove Local Plan.*

**14) UNI**

No development shall commence until details of the proposed water infrastructure plans have been submitted to and approved in writing by the Local Planning Authority in consultation with Southern Water.

*Reason: To ensure that there is capacity in the local network to provide a water supply to the scheme and to comply with policies SU2, SU4 and SU5 of the Brighton & Hove Local Plan.*

**15) UNI**

Prior to development commencing, a document shall be submitted to the Local Planning Authority, demonstrating how the arsenic and benzo-a-pyrene exceedances identified within the ground investigation report are to be dealt with to ensure that the development is fit for end use and that all significant pathways have been severed. These shall include building services and shall be submitted in writing to the Local Planning Authority for approval.

*Reason: Previous historical activities associated with this site may have potentially caused, or have the potential to cause, contamination of controlled waters and to ensure that the proposed site investigations and remediation will not cause pollution of controlled waters and in accordance with policies SU3 and SU11 of the Brighton & Hove Local Plan.*

**16) UNI**

If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with. The scheme shall be implemented fully with the agreed details.

*Reason: In order to protect controlled groundwater and to comply with policies SU3, SU4, SU5 and SU11 of the Brighton & Hove Local Plan.*

**17) UNI**

Prior to commencement of development a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It should also include any plan (a 'long-term monitoring and maintenance plan) for longer term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting to this to the Local Planning Authority.

*Reason: In order to protect controlled groundwater and to comply with policies SU3, SU4, SU5 and SU11 of the Brighton & Hove Local Plan.*

**18) UNI**

Development shall not begin until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall also include details of how the scheme shall be maintained and managed after completion.

*Reason: To prevent the increased risk of flooding, to improve and protect water quality and ensure future maintenance of the surface water drainage system and*

to comply with policies SU3, SU4, SU5 and SU11 of the Brighton & Hove Local Plan.

**19) UNI**

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

*Reason: In order to protect controlled waters (groundwater) and to comply with policies SU3, SU4, SU5 and SU11 of the Brighton & Hove Local Plan.*

**20) UNI**

All planting, seeding or turfing comprised in the Landscape and Public Realm Statement received on the 30th March 2009 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.*

**21) UNI**

No development shall commence until fences for the protection of trees identified to be retained have been erected in accordance with the submitted Tree Assessment received on the 30th March 2009 and in accordance with BS5837 Protection of Trees to be Retained. The fences shall be retained until the completion of the development and no vehicles, plant or materials shall be driven or placed within the areas enclosed by such fences.

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

**22) UNI**

Prior to development commencing the site shall be registered with the Considerate Constructors Scheme.

*Reason: To ensure that the development is undertaken in a sustainable manner and to comply with Supplementary Planning Document SPD08 Sustainable Building Design.*

**23) UNI**

The development shall provide a minimum of 330m<sup>2</sup> surface area of solar thermal collectors.

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

**24) UNI**

The rainwater harvesting scheme proposed shall be implemented in its entirety and available from use prior to first occupation of residential units.

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

**25) UNI**

Prior to commencement of development, evidence of the capacity for future



installation of PV panels on the roof shall be submitted to the Local Planning Authority. Evidence shall be submitted to the Local Planning Authority demonstrating that the potential locations are available to be utilised prior to first occupation of the residential units.

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

**26) UNI**

No public house, bar or other form of drinking establishment in the development hereby permitted shall have a standing public floor space which exceeds 150 square metres.

*Reason: To prevent noise, nuisance, disturbance and public disorder, to protect the amenities of the occupants of residential accommodation within the vicinity of the site and to comply with policies QD2, QD7, QD27 and SR12 of the Brighton & Hove Local Plan.*

**27) UNI**

No alcohol shall be sold or supplied in any café or restaurant which has a public floorspace in excess of 150 square metres within the development hereby permitted except to persons who are taking meals on the premises and who are seated at tables.

*Reason: To prevent noise, nuisance, disturbance and public disorder, to protect the amenities of the occupants of residential accommodation within the development and within the vicinity of the site and to comply with policies QD2, QD7, QD27 and SR12 of the Brighton & Hove Local Plan.*

**28) UNI**

Notwithstanding drawing no. 0336-PD-133-A, only one of the units identified as unit 11, 12 or 13 shall be operated as a drinking establishment (as defined by Class A4 of the Use Classes Order) at any one time.

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

**29) UNI**

No development shall take place until large scale constructional detail of all external features and samples of materials and finishes shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented fully in accordance with the agreed details.

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

**30) UNI**

No development shall take place until details of all roof top structures have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented fully in accordance with the agreed details.

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

**31) UNI**

No development shall take place until details of the Local Area of Play and Local Equipped Area of Play have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented fully in accordance with the agreed details, retained as such thereafter and maintained to the satisfaction of the Local Planning Authority thereafter.

*Reason: To ensure the satisfactory provision of children's equipped play space and to comply with policy HO6 of the Brighton & Hove Local Plan.*

### **32) UNI**

No development shall take place until full details of the communal recreational space to be provided at first floor level have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented fully in accordance with the agreed details, retained as such thereafter and maintained to the satisfaction of the Local Planning Authority thereafter.

*Reason: To ensure the satisfactory provision of causal/informal space and to comply with policy HO6 of the Brighton & Hove Local Plan.*

### **33) UNI**

No development shall take place until a revised car park layout plan has been submitted to and approved in writing by the Local Planning Authority. The revised car park layout shall include 4 electric vehicle charging points and 1 for 1 parking for the residential units.

*Reason: To ensure a satisfactory car parking layout and to comply with policies TR18 and TR19 of the Brighton & Hove Local Plan.*

### **34) UNI**

Other than the mezzanine floor space referred to in the accompanying submission and shown on drawing no. 0336-PD-134-A, no further sub-division or creation of mezzanine floor space is permitted without the express permission of the Local Planning Authority.

*Reason: To protect the vitality and viability of the existing shopping centres and to comply with policy SR2 of the Brighton & Hove Local Plan.*

### **35) UNI**

Prior to the commencement of development, plans, elevations and details of materials to be used in all gates, railing fences and other boundary treatments of the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved drawings and details.

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

### **36) UNI**

No development shall be commenced until full details of existing and proposed ground levels within the site and on land adjoining the site by means of spot heights and cross-sections; proposed siting and finished floor levels of all levels of the development and have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved level details.

*Reason: To safeguard the amenities of nearby properties and to safeguard the character and appearance of the area, in addition to comply with policies QD2, QD14 and QD27 of the Brighton & Hove Local Plan.*

### **37) UNI**

The employment/commercial building shall only be used for B1 use only and for no other purpose (including any other purpose in Class B2 or B8 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

*Reason: The Local Planning Authority would wish to retain control over any subsequent change of use of these premises in the interests of safeguarding the amenities of the area in accordance with policies SU9, SU10 and QD27 of the Brighton & Hove Local Plan.*

### **38) UNI**

No development shall take place until an accessibility statement has been submitted to and approved in writing by the Local Planning Authority. This would need to look at the layout and accessibility of the whole of the site including the

public square as well as the accessibility of individual buildings. The development shall be implemented fully in accordance with the details contained within the Accessibility Statement and retained as such thereafter.

*Reason: To ensure effective accessibility to the development and to comply with policies QD2 and HO13 of the Brighton & Hove Local Plan.*

#### **39) UNI**

No development shall take place until details of the stack height of the proposed biomass CHP have been submitted to and approved in writing by the Local Planning Authority. The stack height of the proposed biomass plant should be in accordance with the Chimney Height Memorandum and be a minimum of three metres above roof height. This emission flue will be no closer than 4.5 metres vertical distance to the nearest residential window. The scheme shall be implemented in strict accordance with the agreed details.

*Reason: To protect neighbouring residential amenity and to comply with policies SU9 and SU11 of the Brighton & Hove Local Plan.*

#### **40) UNI**

No development shall take place until details of the source of the biofuel for the CHP has been submitted to and approved in writing by the Local Planning Authority. The CHP shall be operated in accordance with the agreed details.

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

#### **41) UNI**

Notwithstanding details of the email dated 9 July 2009 confirming the scheme will be constructed in one phase, in the event of an introduction of a phased construction programme, no development shall commence until full details of the phased construction programme shall be submitted and agreed in writing by the Local Planning Authority. The scheme shall be implemented fully in accordance with the agreed details unless otherwise agreed in writing.

*Reason: So as to ensure the implementation of the entire scheme and to comply with policies TR1, TR2, TR4, TR7, TR14, TR18, TR19, SU2, QD1, QD2, QD3, QD4, QD5, QD6, QD15, QD16, HO2, HO3, HO4, HO5, HO6, HO13, EM3, SR1 and SR2 of the Brighton & Hove Local Plan.*

#### **42) UNI**

None of the commercial units or residential units shall be occupied until the public realm works or roof top gardens have been implemented.

*Reason: So as to ensure the implementation of the entire scheme and to comply with policies QD1, QD2, QD7 and HO6 of the Brighton & Hove Local Plan.*

#### **43) UNI**

No development shall take place until a construction traffic management plan has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented fully in accordance with the agreed details.

*Reason: To ensure the implementation of the development does not unduly affect the local road network in terms of traffic congestion and air quality and to comply with policies TR1, SU9 and SU11 of the Brighton & Hove Local Plan.*

#### **44) UNI**

No development shall commence until a scheme to enhance the nature conservation interest of the site has been submitted to and agreed in writing by the Local Planning Authority. The scheme shall be implemented in full prior to the occupation of the development hereby approved unless otherwise agreed in writing by the Local Planning Authority.

*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.*

#### **45) UNI**

A minimum of six units (four within the affordable accommodation and two within the market accommodation) are to be built to wheelchair standards to the satisfaction of the Local Planning Authority.

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

#### **46) UNI**

Unless otherwise agreed in writing by the Local Planning Authority, no residential development shall commence until:

- (a) evidence that the development is registered with the Building Research Establishment (BRE) under the Code for Sustainable Homes and a Design Stage Report showing that the development will achieve Code Level 4 for all residential units have been submitted to the Local Planning Authority; and
- (b) a BRE issued Interim Code for Sustainable Homes Certificate demonstrating that the development will achieve Code Level 4 for all residential units has been submitted to, and approved in writing by, the Local Planning Authority.

A completed pre-assessment estimator will not be acceptable.

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

#### **47) UNI**

Unless otherwise agreed in writing by the Local Planning Authority, none of the residential units hereby approved shall be occupied until a Building Research Establishment issued Final Code Certificate confirming that each residential unit built has achieved a Code for Sustainable Homes rating of Code Level 4 has been submitted to, and approved in writing by, the Local Planning Authority.

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

#### **48) UNI**

Unless otherwise agreed in writing by the Local Planning Authority, no non-residential development shall commence until:

- a) evidence that the development is registered with the Building Research Establishment (BRE) under BREEAM (either a 'standard' BREEAM or a 'bespoke' BREEAM) and a Design Stage Assessment Report showing that the development will achieve an BREEAM rating of 60% in energy and water sections of relevant BREEAM assessment within overall 'Excellent' for all non-residential development have been submitted to the Local Planning Authority; and
- b) a BRE issued Design Stage Certificate demonstrating that the development has achieved a BREEAM rating of 60% in energy and water sections of relevant BREEAM assessment within overall 'Excellent' for all non-residential development has been submitted to, and approved in writing by, the Local Planning Authority.

A completed pre-assessment estimator will not be acceptable.

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

#### **49) UNI**

Unless otherwise agreed in writing by the Local Planning Authority, none of the non-residential development hereby approved shall be occupied until a BREEAM Design Stage Certificate and a Building Research Establishment issued Post

Construction Review Certificate confirming that the non-residential development built has achieved a BREEAM rating of 60% in energy and water sections of relevant BREEAM assessment within overall 'Excellent' has been submitted to, and approved in writing by, the Local Planning Authority.

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

#### **50) UNI**

Notwithstanding the submitted Construction and Demolition Statement, no development shall take place until a written Site Waste Management Plan, confirming how demolition and construction waste will be recovered and reused on site or at other sites, has been submitted to and approved in writing by the Local Planning Authority. The Plan shall be implemented in strict accordance with the approved details.

*Reason: To ensure that the development would include the re-use of limited resources, to ensure that the amount of waste for landfill is reduced and to comply with policies WLP11 of the East Sussex and Brighton & Hove Waste Local Plan and SU13 of the Brighton & Hove Local Plan and Supplementary Planning Document 03 Construction and Demolition Waste.*

#### **51) UNI**

The office accommodation shall not be occupied until an operation plan is submitted and agreed in writing to the Local Planning Authority detailing how the office accommodation shall be serviced. This shall include details of frequency of deliveries and collections, times of deliveries and collections; associated areas/plant and vehicle types. The office accommodation shall operate in strict accordance with the operational plan agreed at all times.

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

#### **52) UNI**

No individual retail unit shall be occupied until an operation plan is submitted and agreed in writing to the Local Planning Authority detailing how the retail units shall be serviced. This shall include details of frequency of deliveries and collections, times of deliveries and collections, requirements of home delivery vehicles; associated areas/plant and vehicle types. The retail units shall operate in strict accordance with the operational plan agreed at all times.

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

#### **53) UNI**

Prior to occupation of the food store, an operation plan shall be submitted and agreed in writing to the Local Planning Authority detailing how the food store shall be serviced. This shall include details of frequency of deliveries and collections, times of deliveries and collections, requirements of home delivery vehicles; associated areas/plant and vehicle types. The food store shall operate in strict accordance with the operational plan agreed at all times.

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

#### **54) UNI**

No development shall take place until details of the acoustic screening to be installed along the perimeter of the roof top communal gardens at first floor level have been submitted to and approved in writing by the Local Planning Authority. The acoustic screening shall be implemented in strict accordance with the approved details prior to the occupation of the residential units and shall thereafter be retained as such.

*Reason: To safeguard the amenities of future occupiers and to comply with policy*

QD27 of the Brighton & Hove Local Plan.

**55) UNI**

The residential units shall be constructed as per the recommendations set out in the Noise and Vibration Report by Hann Tucker Associates (reference 14240/PPG24/1 dated 27 January 2009).

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

**56) UNI**

No individual unit shall be occupied until a scheme for the sound insulation of the odour control equipment referred to in the condition set out above has been submitted to and approved in writing by the Local Planning Authority. The measures shall be implemented in strict accordance with the approved details prior to the occupation of the development and shall thereafter be retained as such.

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

**57) UNI**

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

*Reason: To protect the amenity of neighbouring residential occupiers and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.*

**58) UNI**

No individual unit shall be occupied until a scheme for the fitting of odour control equipment to the building has been submitted to and approved in writing by the Local Planning Authority. The measures shall be implemented in strict accordance with the approved details prior to the occupation of the development and shall thereafter be retained as such.

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

**BH2009/03109**

**53 Hill Brow Hove**

Demolition of existing bungalow and erection of 2no. 3 storey dwelling houses.

**Applicant:** Mr Richard Lazaro-Silver

**Officer:** Clare Simpson 292454

**Approved on 01/03/10 DELEGATED**

**1) BH01.01**

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

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

**2) BH02.03**

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(s) other than that expressly authorised by this permission shall be carried out without planning permission obtained from the Local Planning Authority.

*Reason: The Local Planning Authority considers that further development could cause detriment to the amenities of the occupiers of nearby properties and to the character of the area and for this reason would wish to control any future*

*development to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.*

**3) BH02.04**

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 window, dormer window, rooflight or door other than those expressly authorised by this permission shall be constructed without planning permission obtained from the Local Planning Authority.

*Reason: To safeguard the amenities of the occupiers of nearby properties and to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.*

**4) BH02.08**

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

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

**5) BH03.01**

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

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

**6) BH04.01A**

Unless otherwise agreed in writing by the Local Planning Authority, the new dwelling[\*s\*] hereby permitted shall be constructed to Lifetime Homes standards prior to their first occupation and shall be retained as such thereafter.

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

**7) BH05.01A**

Unless otherwise agreed in writing by the Local Planning Authority, no residential development shall commence until:

- (a) evidence that the development is registered with the Building Research Establishment (BRE) or STROMA under the Code for Sustainable Homes and a Design Stage Report showing that the development will achieve Code level 3 for all residential units have been submitted to the Local Planning Authority; and
- (b) a BRE or STROMA issued Interim Code for Sustainable Homes Certificate demonstrating that the development will achieve Code level 3 for all residential units has been submitted to, and approved in writing by, the Local Planning Authority.

A completed pre-assessment estimator will not be acceptable.

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

**8) BH05.02A**

Unless otherwise agreed in writing by the Local Planning Authority, none of the residential units hereby approved shall be occupied until a Building Research Establishment or STROMA issued Final Code Certificate confirming that each residential unit built has achieved a Code for Sustainable Homes rating of Code

level 3 has been submitted to, and approved in writing by, the Local Planning Authority.

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

**9) BH06.03**

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.*

**10) BH06.04**

No development shall take place until details of a scheme to provide sustainable transport infrastructure to support the demand for travel generated by the development has been submitted to and approved in writing by the Local Planning Authority. This shall include a timetable for the provision to be made and shall be carried out in accordance with the approved details.

*Reason: To ensure that the proposed development provides for the demand for travel it creates and does not put undue pressure on existing on-street car parking in the city and to comply with policies TR1 and SU15 of the Brighton & Hove Local Plan.*

**11) BH11.01**

No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme for landscaping, which shall include hard surfacing, means of enclosure, planting of the development, indications of all existing trees and hedgerows on the land and details of any to be retained, together with measures for their protection in the course of development.

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

**12) BH11.02**

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.*

**BH2010/00115**

**41 Tongdean Road Hove**

Erection of single storey and two storey rear extension, single storey front extension and porch.

**Applicant:** Ms Sam Horsecroft

**Officer:** Steven Lewis 290480

**Approved on 15/03/10 DELEGATED**



### **1) BH01.01**

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

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

### **2) BH02.09**

Access to the flat roof over the extension hereby approved shall be for maintenance or emergency purposes only and the flat roof shall not be used as a roof garden, terrace, patio or similar amenity area.

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

### **3) BH03.03**

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

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

### **4) UNI**

The north east side facing first floor window shall not be glazed otherwise than with obscured glass and thereafter permanently retained as such.

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

### **5) UNI**

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no window, dormer window, rooflight or door, other than those expressly authorised by this permission, shall be constructed in the walls or roof of the extension hereby permitted without first obtaining planning permission 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.*

## **BH2010/00158**

### **8 Edward Avenue Hove**

Erection of single storey rear extension and roof conversion including hip to gable extension at rear, 2 side dormers and 3 no. rooflights.

**Applicant:** Mr Redovan Oirdighi

**Officer:** Steven Lewis 290480

**Refused on 08/03/10 DELEGATED**

### **1) UNI**

The proposed dormer extensions are considered poorly designed by reason of their siting, scale and boxy and bulky appearance. Due to the topography of the area and prominent siting of the dwelling, the dormers would form prominent unsympathetic roof alterations which would harm the character and appearance of the parent building and visual amenity of the area. This is contrary to policies QD1, QD2 and QD14 of the Brighton & Hove Local Plan and to Supplementary Planning Guidance Note 1: (Roof Extensions and Alterations).

## **BH2010/00163**

### **12 Woodland Avenue Hove**

Erection of single storey rear extension.

**Applicant:** Mr Charlie Scullion

**Officer:** Charlotte Hughes 292321

**Approved on 09/03/10 DELEGATED**

### **1) BH01.01**

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

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

## **WESTBOURNE**

### **BH2008/01240**

#### **137A Westbourne Street Hove**

Certificate of Lawfulness for the proposed development of a loft conversion, including rear dormer and 2 no. rooflights on front roof slope. Replacement of existing rear pitched roof with second floor rear terrace and balustrading.

**Applicant:** P & R Properties

**Officer:** Wayne Nee 292132

**Finally Disposed of on 01/03/10 DELEGATED**

### **BH2009/02943**

#### **123-125 Portland Road Hove**

Alterations to shopfront including insertion of ATM cash machine. Erection of external condenser unit to rear within timber plant enclosure (Retrospective).

**Applicant:** Sainsbury's Supermarkets Limited

**Officer:** Adrian Smith 01273 290478

**Approved on 01/03/10 PLANNING COMMITTEE**

### **1) UNI**

Within two months of the date of this permission a scheme for the suitable treatment of all plant and machinery against the transmission of sound and/or vibration shall be submitted for approval by the local planning authority. The measures shall be implemented within one month of the local planning authority's written approval of the scheme in strict accordance with the approved details and shall thereafter be retained as such.

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

### **BH2009/03086**

#### **14 & 16 Langdale Gardens Hove**

Erection of single storey rear extensions incorporating rooflights.

**Applicant:** Mr & Mrs J Steele

**Officer:** Jason Hawkes 292153

**Approved on 02/03/10 DELEGATED**

### **1) BH01.01**

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

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

### **BH2009/03144**

#### **36 Walsingham Road Hove**

First floor rear extension to form new two-bedroom flat. Remodelling of existing first floor flat including minor external alterations and loft conversion incorporating 4 new rooflights.

**Applicant:** Mr Roy Pook

**Officer:** Jason Hawkes 292153

**Refused on 11/03/10 DELEGATED**

### **1) UNI**

Policies QD1 and QD14 of the Brighton & Hove Local Plan seek to ensure that developments demonstrate a high standard of design which take into account the height, scale, and bulk of existing buildings. Policy HO4 states that residential development will be permitted at higher density where it can be demonstrated that the proposal exhibits a high standard of design. Policy HE6 states that proposals should preserve the character and appearance of the conservation area. The proposed extension, by virtue of its excessive size and inappropriate design, would form an unsympathetic feature to the building and would be out of character with the surrounding area. The scheme is therefore considered to detract from the character and appearance of the host property and surrounding conservation area and is contrary to the above policies.

### **2) UNI2**

Policy QD27 of the Brighton & Hove Local Plan seek to protect the residential amenity of neighbouring properties. Due to the position and bulk of the first floor extension in close proximity to adjacent property to the south, the proposal results in a significant loss of outlook and a heightened sense of enclosure to the neighbouring property to the south. The proposal therefore leads to a loss of amenity and is contrary to policy QD27 of the Brighton & Hove Local Plan.

## **Withdrawn Applications**

### **BH2010/00057**

#### **104 Wordsworth Street Hove**

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

**Applicant:** Ms June Egerton

**Officer:** Steven Lewis 290480

**WITHDRAWN ON 16/03/10**