



**Brighton & Hove
City Council**

Plans List

PLANNING COMMITTEE

2.00PM, WEDNESDAY, 22 SEPTEMBER 2010

COUNCIL CHAMBER, HOVE TOWN HALL

**BRIGHTON & HOVE CITY COUNCIL
ENVIRONMENT**

PLANS LIST

PLANNING COMMITTEE

Date: 22nd September 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

	Application Number	Area	Ward	Address	Proposal	Recommendation	Page
A	BH2010/01976	East	Moulsecoomb & Bevendean	The Community Stadium, Village Way	Proposed revisions to the North stand approved under planning application BH2008/02732 to include increased floor area for the club shop, new floor area for club offices, new museum, new floor area for storage and minor revisions to the North stand elevations.	Minded to Grant	11
B	BH2010/01833	East	East Brighton	St Mary's Hall, Eastern Road	Change of use from class D1 education to class B1 office use (linked to Hospital Trust) with ancillary residential accommodation and retention of swimming pool and tennis courts.	Minded to Grant	26
C	BH2010/01966	West	Regency	Mitre House, 149 Western Road	Change of use of North block and addition of fourth storey contained within a mansard roof to form hotel (C1) with associated works.	Refuse	45

MINOR APPLICATIONS

	Application Number	Area	Ward	Address	Proposal	Recommendation	Page
D	BH2010/00584	West	Withdean	227 Preston Road	Change of Use of car showroom / workshop (SG04) to 2 No. Retail Units (A1) incorporating installation of external condenser unit, air conditioning units and an ATM Cash Machine.	Refuse	66
E	BH2010/02247	West	Goldsmid	189 Dyke Road	Installation of railings to front and side of property.	Refuse	95
F	BH2010/01714	West	Hove Park	16 Chartfield	Two storey front extension.	Refuse	100
G	BH2010/02005	West	Hove Park	30 Hove Park Road	Installation of part pitched and part flat roof to rear extension with ridge skylights, rooflight to rear elevation and alterations to patio doors and windows. Installation of raised deck.	Grant	106
H	BH2010/01610	West	Withdean	25 Hazeldene Meads	Roof extension to South end over existing garage, 2 front dormers, extended front porch and installation of 9 solar panels.	Grant	113
I	BH2010/01863	West	Withdean	37 Preston Drove	Change of use and conversion of existing out building with new single storey extension, to form additional nursery accommodation with an increase to 75 children.	Grant	120
J	BH2010/00391	West	Withdean	37-41 Withdean Road	Demolition of three existing detached houses and construction of 3 new detached houses.	Grant	128
K	BH2010/01338	East	East Cliff	5 Steine Street	Alterations to frontage (retrospective).	Grant	140
L	BH2009/00161	East	Rottingdean Coastal	28-30 Newlands Road	Erection of a three storey detached building to provide 12 bedroom nursing home to form part of existing home at 30-32 Newlands Road.	Minded to Grant	147

M	BH2010/00979	East	Rottingdean Coastal	39 Roedean Road	Demolition of existing four storey four bed single dwelling house and erection of 1no 3 bedroom, 4no 2 bedroom and 2no 1 bedroom flats with associated car parking & cycle spaces.	Minded to Grant	164
N	BH2010/01264	East	Rottingdean Coastal	The Outlook, 2 Roedean Path	Conversion and extension of existing garage to form habitable accommodation.	Grant	178

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 22 September 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: BH2010/02457

33 Church Hill

1 x Laurel - crown reduction to height of soffit of no 33 and cut back to edge of drive leaving a natural tree form

Applicant: Mr Nick Crowley

Approved on 18 Aug 2010

PRESTON PARK

Application No: BH2010/02451

The Lodge, 3 Preston Park Avenue

1 x Sycamore - reduce overhang to property and thin remainder to balance canopy, 1 x Leylandii hedge - trim top and sides and reduce by maximum of a third in height

Applicant: Mr Ben McWalter

Approved on 31 Aug 2010

REGENCY

Application No: BH2010/02761

76 Upper North Street

1 x Holly - trim to sugar loaf shape, 1 x Cherry - reshape by 20% to growth points, 1 x Thorn - 25% reshape and crown thin, 1 x Escallonia - lightly shape

Applicant: Mr Richard Green

Approved on 06 Sep 2010

ST. PETER'S & NORTH LAINE

Application No: BH2010/02435

23 Buckingham Close

1 x Sycamore - pollard, 1 x Cherry - reduce by 25%

Applicant: Mr J Hatch

Approved on 26 Aug 2010

WITHDEAN

Application No: BH2010/02470
4 Harrington Road

Fell 1 x Macrocarpa (basal cavity, no public amenity value)

Applicant: Mrs Clodagh Warde-Robinson

Approved on 31 Aug 2010

WOODINGDEAN

Application No: BH2010/02100
76 Crescent Drive North

1 x Sycamore - maximum 30% crown reduction and 10% crown thin, clean stems of light growth

Applicant: J Hatch

Approved on 26 Aug 2010

BRUNSWICK AND ADELAIDE

Application No: BH2010/02101
land to rear of 6 Church Road, Hove

Fell 1 x Sycamore in rear alley

Applicant: Mr Simon Birkby

Approved on 19 Aug 2010

Application No: BH2010/02232
8 Selborne Road, Hove

Cherry - reduce/re-shape, formative prune.

Applicant: J Hatch

Approved on 19 Aug 2010

Application No: BH2010/02233
8 Selborne Road, Hove

Fell one Wild Cherry - no public amenity value

Applicant: J Hatch

Approved on 19 Aug 2010

Application No: BH2010/02459

38 Lansdowne Place

Fell - 1 x Elder and 1 x Sycamore (no public amenity value)

Applicant: Mr Seaton
Approved on 06 Sep 2010

Application No: BH2010/02549
Unit 1, 19 Salisbury Road

2 x Sycamore - reduce to suitable growth points overhanging growth from adjacent garden.

Applicant: Mr Peter Fuller
Approved on 06 Sep 2010

Application No: BH2010/02565
49 Church Road

1 x Mulberry - remove entire eastern limb, remove one or two other branches to balance crown and lessen risk of tree falling.

Applicant: Tom Fellows
Approved on 03 Sep 2010

Application No: BH2010/02749
19 Cambridge Road, Hove

1 x Tree of Heaven - 25% reduce/reshape, 1 x conifer hedge - trim/tidy

Applicant: Mr J Hatch
Approved on 06 Sep 2010

CENTRAL HOVE

Application No: BH2010/02106
53 Sackville Road

Fell 1 x Sycamore - no public amenity value

Applicant: Mr Duncan Armstrong
Approved on 26 Aug 2010

Application No: BH2010/02437
34 Hova Villas

1 x Sycamore - reduce by 25% and thin by 10%.

Applicant: Mr J Hatch

Approved on 19 Aug 2010

GOLDSMID

Application No: BH2010/02438

56 Wilbury Road

Fell 1 x Holly - dead, Fell 1 x Horse Chestnut - dead, Fell 1 x Laburnum - dead

Applicant: Mr Richard Green

Approved on 26 Aug 2010

Application No: BH2010/02444

56 Wilbury Road

2 x Sycamore - repollard, 1 x Sycamore - reduce and reshape by 25%

Applicant: Mr Richard Green

Approved on 26 Aug 2010

Application No: BH2010/02458

82 Denmark Villas

3 x Sycamore - crown reduction leaving 70% of the height and spread after pruning.

Applicant: Mr Paul Dawson

Approved on 19 Aug 2010

SOUTH PORTSLADE

Application No: BH2010/02560

Manorwalls, 66 High Street, Portslade

Fell 1 x Leylandii - no public amenity value, Fell 1 x Pine - dying, Fell 1 x Yew - no public amenity value, Fell - 3 x ornamental trees at rear wall - no public amenity value.

Applicant: Mr William Partridge

Approved on 26 Aug 2010

Application No: BH2010/02743

Manorwalls, 66 High Street, Portslade

1 x Yew - crown reduction and shape, 1 x Holly - prune

Applicant: Mr William Partridge

Approved on 26 Aug 2010

WESTBOURNE

Application No: BH2010/02429

5 Pembroke Gardens

2 x Copper Beech - 15% reduction and 10% thin and reshape on the northern most. 1 x Macrocarpia - 15% reduction.

Applicant: Mr Ken George

Approved on 26 Aug 2010

Application No: BH2010/02431

37 Sackville Gardens

Fell 1 x Conifer Hedge - no public amenity value

Applicant: Mr J Hatch

Approved on 26 Aug 2010

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

<u>No:</u>	BH2010/01976	<u>Ward:</u>	Moulsecoomb and Bevendean
<u>App Type</u>	Full Planning		
<u>Address:</u>	The Community Stadium, Village Way, Brighton		
<u>Proposal:</u>	Proposed revisions to the North Stand approved under planning application BH2008/02732 to include increased floor area for the club shop, new floor area for club offices, new museum, new floor area for storage and minor revisions to the North Stand elevations. (Part retrospective).		
<u>Officer:</u>	Mick Anson, tel: 292354	<u>Valid Date:</u>	22 July 2010
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	04 October 2010
<u>Agent:</u>	DMH Stallard, 100 Queens Road, Brighton		
<u>Applicant:</u>	Brighton & Hove Albion Football Club Ltd, North West Suite, Tower Point, 44 North Road, Brighton		

1 RECOMMENDATION

That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in paragraph 10 of this report and resolves to be **MINDED TO GRANT** planning permission subject to a Deed of Variation to the S106 agreement dated 21st April 2009 (Brighton Agreement 1) attached to BH2008/02732 and the following Conditions and Informatives:

Heads of Terms:

1. Reference to this consent (BH2010/01976) shall be inserted into Brighton Agreement 1 so that all the requirements of that agreement are applicable to this consent also where relevant.
2. Additional contribution towards Public Art of £5000.

Conditions

1. 02.08 Satisfactory refuse and recycling storage.
2. The development hereby permitted shall not be commenced until details of secure cycle parking facilities for 11 cycles 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.
3. The Class A1 retail floorspace hereby approved shall be ancillary to the

main use of the Community Stadium for the sales of goods associated with Brighton & Hove Albion FC and/or other football related goods.

Reason: The proposed retail unit is ancillary to the main use of the stadium and to comply with policy SR2 of the Brighton & Hove Local Plan.

4. The permission hereby granted for the North Stand shall be implemented for the individually approved amounts of Class A1, A3, B1 and D1 floorspace only as indicated on the approved plans.

Reason: The proposal is considered acceptable on the basis of the proposed volumes of each type of use and to comply with policies TR1, SR2, SR12, SR23 and HO19 of the Brighton & Hove Local Plan.

5. The coffee shop/staff restaurant hereby approved shall only be open between 8am and 10pm on any day unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to protect the amenity of adjoining occupiers and to minimise noise pollution and disturbance in compliance with policies NC6 and QD27 of the Brighton & Hove Local Plan.

6. The coffee shop/staff restaurant hereby approved shall not be used for hosting functions or corporate hospitality events or any similar type of event.

Reason: In order to avoid excessive noise and disturbance in accordance with policies NC6 and QD27 of the Brighton & Hove Local Plan.

7. BH01.06 Approved drawings planning permission 05099-600A; 05099-601A; 05099-602A; 05099-603A; 05099-604A; 05099-605A; 05099-606A; 05099-607B; 05099-608A; Existing and proposed sections submitted on 28/06/10.

Informatives:

1. 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:

TR1	Development and the demand for travel
TR2	Public transport accessibility and parking
TR4	Travel Plans
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
SU14	Waste management
SU15	Infrastructure
QD1	Design – quality of development and design statements
QD5	Design – street frontages
QD6	Public Art
QD14	Extensions and alterations
QD28	Planning Obligations

HO19	New community facilities
EM2	Sites identified for high tech and office uses
SR2	New retail development beyond the edge of existing established shopping centres
SR12	Large Use Class A3 (restaurants and cafes) and Use Class A4 (pubs and bars)
SR23	Community Stadium
<u>Supplementary Planning Guidance:</u>	
SPGBH4	Parking Standards
SPD08	Sustainable building design

ii) for the following reasons:

The proposed additional floorspace would not have any significant effect on the scale of the stadium approved and would make more efficient use of the internal space whilst enhancing some of the facilities associated with the stadium such as providing a larger club shop, a club museum and staff catering facilities as well as additional office space for the club. The principle of these uses in this location are all considered to be acceptable in policy terms and would result in the creation of an additional 20 jobs. The transport assessments have demonstrated that the additional floorspace would not have a significant impact on trip generation and that existing road and public transport networks would be able to accommodate the modest increase in journeys thus complying with policy TR1 and TR19 of the Brighton & Hove Local Plan. The proposed elevational alterations are considered to be acceptable and are in keeping with the character of the stadium.

The proposal complies with policies in the Brighton & Hove Local Plan in particular TR1, TR19, QD1, QD14, SR2 and HO19 and would not have a detrimental impact that would contravene the objectives of these policies.

2. The applicant/developer should enter into a formal agreement with Southern Water to provide the necessary sewerage infrastructure required to service this development. Please contact Atkins Ltd, Anglo St James House, 39A Southgate Street, Winchester, SO23 9EH (Tel 01962 858688) or www.southernwater.co.uk

3 THE SITE

The proposal relates to the Community Stadium at Falmer which is under construction adjacent to the A27. The North Stand faces north west towards the University of Brighton playing fields and Falmer Station. The North Stand as approved in 2009 comprises 2 storeys of accommodation behind the stand including the club offices on the first floor.

4 RELEVANT HISTORY

BH2008/02732: Revision to stadium permitted under 2001/02418FP including change in roof design and elevational treatment, increase in useable floor area and amendments to use of internal floorspace. Proposed re-contouring

of land south of Village Way with chalk and soil arising from excavations required to construct community stadium. Granted 22 April 2009

BH2001/02418FP: A Community Stadium with accommodation for Class B1 business, educational, conference, club shop merchandise, entertainment and food and road works, pedestrian and cycle links, coach/bus park and set down area, shared use of existing car parking space at the University of Sussex and shared use of land for recreation and parking at Falmer High School. Granted July 2007.

5 THE APPLICATION

The extant permitted scheme (BH2008/02732) has been under construction since the summer of 2009. The North Stand included the club shop, club offices, accommodation for City College and the energy centre. The proposal is to construct two mezzanine floors of accommodation within this stand which would provide an additional 1887 sq m of floorspace. The additional floorspace would provide an enlarged club shop and coffee shop, enlarged club offices, increased storage areas and the provision of a club museum to include archaeological artefacts uncovered throughout the construction of the stadium.

The museum would operate on match days and for tours or school visits whilst the coffee shop would operate between 9am – 5pm Monday – Friday to provide facilities for people visiting the site and for staff on match days.

The energy store approved in 2009 would have been located in the North Stand but this element is now not proposed under this application as it became unviable following the loss of City College as a tenant and the changes in the occupation of the North Stand.

The proposal includes some alterations to the approved elevations of the North Stand. Some of the curtain walling is being modified and extended with an increase in width by 1.8 metres as well as some additional ribbon windows under the eaves serving the offices. There is an increase in the area of louvres with two main louvres which would now extend the full height of the cladding up to eaves level (10 metres). The area of roller shutters would be reduced at ground floor level.

The application is partly retrospective since the floor plates for the mezzanine floors have been constructed already as part of the North Stand works.

6 CONSULTATIONS

External:

Neighbours: The occupier of **13 Clarendon House, Clarendon Road – Comments** on the height and appearance of the stadium already approved.

SEEDA: The application does not fall within our regionally significant criteria. No comments.

Environment Agency: No comments.

Southern Water: Should this application receive planning approval, please include as an informative a requirement to enter into a formal agreement with Southern Water to provide necessary sewerage infrastructure. The applicant will need to ensure that arrangements exist for the long term maintenance of the SUDS facilities. Details submitted to the LPA should specify the responsibilities of each party for implementation. Request a condition is attached to any consent requiring details of foul and surface water sewerage disposal.

EDF: No objections.

Southern Gas Networks: Plan of main supply provided. Note the presence of a low/medium/intermediate pressure gas main in the proximity to the site. No mechanical excavations are to take place above or within 0.5m of the Low pressure and medium pressure system and 3 metres of the intermediate pressure system.

Network Rail: No comments.

Highways Agency: It is considered that the new museum and offices and enlarged shop will be most trip intensive. Trip rates for the club shop and offices have been taken from the consented development. The TRICS database has been used to establish trip rates for the new museum. The HA are satisfied that the trip generation methodology is suitably robust. It is estimated that the proposed development will generate 22 trips in the AM peak and 25 in the PM peak. It is unlikely that this level of trip generation will result in a material impact on the A27. Travel Plan – A green travel plan was secured as part of the consented development. It is important that the plan is revised to include the new museum and that targets are adjusted to reflect the increase in total floor area and associated trips. The HA would welcome the opportunity to review the amended Travel Plan. It is noted that there is no increase in parking spaces associated with the application which should help to reduce the number of trips associated with the development. The Highways Agency would not wish to object to the North Stand revisions.

Lewes District Council: The Council notes that the proposal involves additional floorspace within the North Stand with no enlargement of the building envelope. The Council also note that traffic generation is unlikely to materially increase as a result of the proposed changes.

South Downs Society: The Society vigorously opposed the original planning application for a Community Stadium. We note that the proposed amendments are not expected to change the exterior appearance of the North Stand and that no explicit change is currently planned for such secondary facilities as car parking. We believe that the increase in construction traffic and levels of waste likely to be generated are unlikely to have a major and

continuing environmental impact. However we do have a number of significant concerns:

1. Permission was granted for the stadium with emphasis on the regeneration benefits that would arise which were claimed to outweigh the acknowledged damage to the landscape. These benefits were to flow from the business/office accommodation. Subsequently in the 2008 application, these were replaced by an academic aspect to the development. In turn this is now to be replaced by a club shop, club museum and additional club offices. In short much of the Inspector's recommendation seems to have been abandoned. We can assume that the package under consideration would not have secured planning permission and that future applications will take us increasing distances away from the original proposals. We would therefore urge the Council to consider at an early stage how far it will be prepared to travel, and reflect that in its decision on the current application.
2. The proposed increase in retail is significant being equivalent to some half a dozen standard high street units. If this site is not to be turned into a new out of town shopping facility with associated coffee shop, there will need to be enforced conditions restricting the types of goods to be sold. Similarly should the museum not require the floorspace allocated to it, there will need to be tight control over any future change of use. Would be interested to know how the Falmer Liaison Group is operating ensuring that the local community receive early notice and explanation of any proposed changes in the use of the stadium and its associated facilities.
3. We understand that the stadium's conference facility is estimated as having a capacity of between 2000 – 2500 yet there is concourse parking for just 150 spaces. The Society is not aware of any changes in the sustainable travel arrangements arising from the increase in conference activity authorised under 2008/02732. We understand that the travel plan required under the original permission relates only to match day traffic but the increase in retail activity now envisaged along with the conference business will put increasing pressure on the limited parking available especially bearing in mind the increasing parking controls now introduced by neighbouring businesses. The principles behind the travel plan required for match days should be extended to non-match days.

Sport England: The site is not considered to form part of, or constitutes a playing field as defined in Article 10(2) the Town and Country Planning (General Development Procedure) Order 1995 (as amended by SI 1996/1817 and SI 2009/453), in that it is on land that has been used as a playing field within the last five years, and the field encompasses at least one playing pitch of 0.2 ha or more, or that it is on land that allocated for the use as a playing field in a development plan or in proposals for such a plan or its alteration or replacement. Sport England was consulted on the original application (BH2008/02732) by in 2008, where it expressed support for the scheme. The proposed alterations as part of the current application are not considered to reduce the sporting benefit of the development, and as such, Sport England continues to support the application.

East Sussex Fire and Rescue Service: As regards the proposed revisions to the above project the Fire Authority have no further comment to make at this stage.

Internal:

Major Projects and Regeneration Team: The Council (together with the University of Brighton) is landowner of the stadium site and has given Landlords consent to the content of the application. The Council as landowner supports the application on the grounds that the proposal is contained within the envelope of the existing building and that the increased space has minimal impact in the context of the overall stadium.

Planning Policy and Projects Team (Public Art): The relevance of QD6 for this development is acknowledged in Schedule 5 (artistic component) in the S106 agreement associated to BH2001/02418/FP. The level of contribution to meet QD6 requirements is reached after the internal gross area of the development is multiplied by a baseline value per square meter of construction arrived at from past records of public art contributions for this type of development.

The current application has incurred in an increase in the gross internal floorspace of the development of the North Stand (1,895sqm) in relation to the previous application.

As a result, it is suggested that the public art element for this application and additional £5.5k be incorporated to reflect the increase in floorspace.

Environmental Health Officer: Consider that the changes to the North Stand area will not impact on any of the environmental health areas that have previously been considered. Do not therefore propose any comments.

Sports Development Team: The Sports Development Team is keen to protect the commitment that the club has made to community work. My understanding is that this will take place in the East Stand – therefore see no problem with the revisions to the North Stand.

Planning Policy Comments: Policy SR23 of the adopted local plan applies. It is considered that the proposed amendments to BH2008/02732 do not conflict with the policy. The increased B1 floorspace is welcomed. The amount of A1 retail, A3 café and D1 museum floorspace is considered to be ancillary to the main stadium and therefore is not considered to raise any issues in relation to policy SR2 (SR1). Comments should also be sought from the Sustainable Transport team with regard to additional trip generation outlined in the Transport Assessment.

Sustainable Transport:

Traffic Impacts

The traffic impacts of this proposal are based on an assessment of the TRICS

Database version 2010(a) and only consider galleries & museums located in various city centres across the county. All of the sites used in the assessment are stand alone galleries & museums located predominantly within city centres. It is highly unlikely that any of the proposed expanded floor areas would reflect attraction of vehicles or people that are indicated by the analysis. It would be expected that there would be no 'additional' movements of vehicles associated with the expanded shop, and museum coffee shop. In all likelihood trips associated with these uses would be 'linked trips' where they would already be visiting or attending conferences etc at the stadium. This means that the analysis provided with the Application would represent a worst case scenario.

The Transport Assessment notes in paragraph 5.3.10 that the proposal would generate a 1.1% increase in vehicle trips through the Village Way/B2123 the Drove junction during both the am & pm weekday peaks. Given that this is considered as a worst case it is the considered view that the proposed reconfiguration of the floor areas would not generate an impact that could be considered as material on the adopted road network.

The expanded office use generates some concern as the Planning Application form for BH2008/02732 notes that there will be 734 full time equivalent staff (FTQS) and this Application form notes that there will be 237 FTQS, an increase of 20 over the existing employees. Assuming that this information in the latest Application form relates to the employees based in the north stand only the increase in twenty staff does not represent a significant concern in terms of additional vehicle movements or person movements over and above the previously noted total number of FTQS, being 734, which represents a 3% increase in staffing levels. Confirmation should be sought on whether this assumption is correct.

Parking

The Application form for this new proposal notes that there will be 150 car parking spaces & 50 cycle parking spaces. This has not changed from the numbers of spaces provided under the previous permissions. Brighton & Hove City Council's adopted parking standards document does not contain standards of stadia and PPG13 – Transport only includes information relating to the provision of car parking at stadia, 1 car parking space per 15 seats. There is no information on the minimum numbers of cycle parking facilities that should be provided. The Local Planning Authority may wish to consider requiring the Applicants to provide cycle parking for the additional demand that could be created by this proposal. However, it is worth noting that the Green Transport Plan that has been secured as part of Brighton Agreement 1 will be expected to include targets that will promote the use of cycling and as such increase the availability of cycle parking provision as necessary. This Green Transport Plan shall be provided within 6 months of the first occupation of the stadium and reviewed annually by the Council.

Sustainability Policy Officer: The application proposes revisions to an approved application. The area covered by this application is within the shell of the Community Stadium and proposes changes to the occupancy and uses within the Stadium. An existing Sustainability Schedule within the Section 106 Agreement for the Community Stadium provides overarching requirements which must be met by any development included as part of the Community Stadium.

The Planning Agents have indicated that an existing bespoke BREEAM Pre-Assessment for the Stadium includes assessment of these proposals, and therefore that the current predicted score is representative of this application. The application has relied on previous documents submitted for the Community Stadium to demonstrate how it will meet expected standards rather than providing additional documents.

The overarching standards expected to be met on this site include for SPD08: BREEAM 'excellent' (with 70% score in energy and water sections); submit a feasibility study of rainwater harvesting and greywater recycling; implement Considerate Constructors scheme; and minimise Heat Island Effect.

Through SU2 the development is expected to: reduce fuel use and greenhouse gas emissions; incorporate renewable energy; reduce water consumption; implement grey water and/or rainwater reuse; use sustainable materials; implement a passive design approach; provide facilities for composting.

The issues in respect of this application include firstly the need to comply with SPD08, SU2 and the Section 106 for the Community Stadium; and secondly to demonstrate that the revisions will not result in the sustainability standards previously agreed for the development being reduced.

Currently the S106 Sustainability Schedule is in the process of being discharged. There are concerns that elements of this schedule have not been fully met. Whilst this application maintains standards currently aimed for by the Stadium development, some of these standards fall short of those expected through SU2/SPD08 and the S106 agreement.

Energy and carbon reduction

The applicant has committed to achieving a positive 78% in the energy section of the BREEAM assessment. There has been positive focus on delivering energy efficiency measures in a development that was not designed to provide opportunities for passive design features, and there are technical obstacles in making use of natural light or solar gain.

The revisions include removal of 'the energy centre' of the previous application following changes in the proposed tenancy of areas within the East Stand. This area will now be used for offices and retail. This is a more dense and energy intensive use of the space. Details of final impacts on the

carbon footprint of the development have not been provided.

SPD08 recommends that Greenfield development be zero carbon to prevent the growth of the city's carbon footprint. This development has never aspired to be zero carbon and despite the proposed use of low carbon technologies (air source heat pumps), it is a missed opportunity that the use of any zero carbon energy generation technologies are not considered to be feasible in 'feasibility studies'.

BREEAM

There are ongoing changes to the Bespoke BREEAM pre-assessments submitted for the Community Stadium as part of the sign off process for the S106 for the Stadium. Consultants have made assurances that targeted scores for the Stadium will be: BREEAM 'very good' with 78% credits scored within the energy section and 63% in the water section.

Whilst the energy credits exceed the standards required, the water credits fall below them.

Water minimisation, Sustainable materials, Minimising Urban Heat Island, Composting

Rainwater harvesting systems have been researched but have been discounted on the grounds of financial viability (long payback) and impracticality but council officers have been assured that a score of just 2 of 3 credits within the BREEAM criteria 'water consumption' will be achieved. No justification has yet been given for not scoring full marks.

No additional information around sustainable use materials has been submitted in support of this application.

The potential for composting on site is being explored, for management of pitch grass clippings and the considerable quantities of food waste which will arise from Stadium operations. Investigations into composting on site are ongoing but there are concerns that it would be costly, too complex and require too much maintenance. An alternative also being explored is to have biodegradable waste taken off site for composting.

7 PLANNING POLICIES

National Policies:

- PPS1 Delivering Sustainable Development
- PPG13 Transport
- PPG17 – Planning for Open Space, Sport and Recreation

Brighton & Hove Local Plan:

- TR1 Development and the demand for travel
- TR2 Public transport accessibility and parking
- TR4 Travel Plans
- 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
SU14	Waste management
SU15	Infrastructure
QD1	Design – quality of development and design statements
QD5	Design – street frontages
QD6	Public Art
QD14	Extensions and alterations
QD28	Planning Obligations
HO19	New community facilities
EM2	Sites identified for high tech and office uses
SR2	New retail development beyond the edge of existing established shopping centres
SR12	Large Use Class A3 (restaurants and cafes) and Use Class A4 (pubs and bars)
SR23	Community Stadium

8 CONSIDERATIONS

Use

The site is allocated under policy SR23 of the adopted local plan for a community stadium and the proposal is to provide associated facilities and club offices linked to the stadium itself. It is considered that the principle of the uses conforms with policy SR23.

The ground floor of the North Stand previously included the energy centre and the club shop. The expanded club shop will now take up most of the ground floor increasing the area from 380 sq m to 612 sq metres. Policy SR2 states that new retail located beyond the edge of existing centres needs to meet the objectives of policy SR1 and be on a site identified in the local plan for retail or the proposal should demonstrate the need for the development. Policy SR1 contains various criteria to ensure that new retail would not have a damaging impact on existing retail centres and that it is well served by public transport. The proposed retail would be of a specialist nature associated with the use of the stadium by Brighton & Hove Albion selling merchandise associated with the club. Most visits to the shop would be linked trips made by people attending matches. The club will be relying on sales over the internet as well and to cater for this the proposal provides additional storage space for merchandise. It is considered that due to the size of the retail space and its specialist nature, it would not have a detrimental impact on existing retail centres by drawing customers away. It is notable that the club's existing shop in Queens Road will remain open for trade. The retail unit is not large enough to require a Retail Impact Assessment nevertheless the size of the retail area proposed is significant and in order to ensure that the proposal conforms with policy SR2, it is considered appropriate to attach a condition restricting sales to goods which are related to Brighton & Hove Albion and the primary use of the stadium for playing and watching football.

The proposed museum, coffee shop and staff restaurant would be on the

ground floor together with the stock room. The museum itself would be approximately 200 sq m in area and would have the coffee shop/staff restaurant attached with an area of 420 sq m. There is no kitchen serving the coffee shop so there would be no cooking or need for extraction equipment.

The proposal would also provide an additional 810 sq m of B1 offices space resulting in total of 1740 sq metres of office space on the first floor and on a mezzanine floor above with a ground floor reception. The offices are ancillary to the use of the stadium and formed part of the original consent. Permission was granted for the stadium in part due to the important regeneration benefits it would bring and it considered that this additional office space is consistent with those objectives. The proposal as a whole will result in an additional 20 employees being recruited increasing the total number of employees from 217 to 237. Although the proposed office use does not relate to a specific policy, it is notable that had the stadium not been built, the site was allocated for B1 business use related to the Universities. The planning policy team has welcomed the additional B1 floorspace.

Transport

The other main consideration with this proposal are the transport implications. The largest element of the proposal is the additional office space but taken together with the museum and coffee shop and the retail floorspace, the additional 20 employees would not have a significant impact on traffic generation. The site is well served by public transport being adjacent to Falmer station and is well served by the No 25 bus which also serves the Universities. The stadium consent also included cycle parking which would be available to staff.

The other main consideration is the generation of trips by visitors to the stadium. The assessment submitted with the application indicates that in a worst case scenario there would be an increase of 1.1% trips during weekdays. The club shop will be busiest on match days and it is unlikely that there would be a significant number of trips generated during the week except from linked trips by conference visitors or tours. Similarly the museum is too small to generate a significant number of visitors and is aimed at providing an additional feature for tours. Similarly the coffee shop is a facility for visitors to the stadium and staff already working there so again it is unlikely to generate significant numbers of trips. The proposal would not provide any additional parking on site however opportunities for parking around the site are limited. The concourse would be available for parking by staff on non-match days. The limited parking provision on the site has focussed demand on the use of public transport and other sustainable forms of transport. As part of the S106 agreement, the club are required to produce a Travel Plan which would be regularly reviewed.

SPG4 sets out the parking standards including cycle spaces. Whilst there is no specific standard for stadia, the number of cycle spaces required for the additional B1 office, A1 retail, A3 café and D1 museum would be 11.

Elevational alterations

The changes to the elevations are relatively minor with the exception of the additional louvres. The additional curtain walling and glazing under the eaves are modest and are in keeping with the materials and appearance of the north stand elevation. The two new louvres are quite extensive extending from the ground to the full height (10 metres) to eaves level. However they are not out of keeping with the general style and appearance of the north elevation which features extensive areas of cladding and blockwork of different colours and tones such that the louvres could add some further variety and punctuate the extensive areas of cladding. It is considered therefore that the alterations to the north elevation would comply with policies QD1, QD5 and QD14 of the Local Plan as they are sympathetic to the original design and use materials which are sympathetic to the original appearance (as approved) of the North Stand elevation.

Sustainability

The stadium as approved in 2009 was the subject of a schedule of 12 clauses in the S106 agreement regarding sustainability benefits. Some of these clauses will be discharged whilst there are on going discussions with the club with the objective of fulfilling the remaining obligations.

The shell of the stadium has been constructed and it has been agreed that this amended proposal should meet the same standards for sustainable design as has been agreed in the S.106. The applicants will need to demonstrate that the amendments will not result in a reduction in the sustainability performance standards of the building overall.

SPD08 requires major non-residential developments on Greenfield sites to achieve 70% in energy and water sections of the BREEAM assessment within overall 'excellent'. These standards are reflected in the S106 agreement and as indicated by the Sustainability Policy Adviser, the stadium will exceed the energy performance standard but will not achieve the water performance standard. In mitigation, the club has carried out a feasibility study into rainwater harvesting and has contacted other professional clubs who have installed rain water harvesting. The findings are that due to the irregular use of stadia with sudden peaks of demand for water and then troughs, rainwater harvesting is less viable. The main demand for water is from pitch watering but information from other clubs suggests that during dry spells, there is insufficient storage capacity to cope with demand and so water is taken from the mains whilst during wet weather, the stored water is not required anyway.

The club are still exploring opportunities for waste separation, recycling and composting and have carried out considerable research into the means of achieving this. Reports into the outcomes of this research are to be submitted to officers for further consideration before any discharge of S106 obligations is considered.

It is considered that the applicants still need to provide more evidence that the

proposal would meet policy SU2 however these requirements are reflected in the existing S106 agreement and officers are still in discussions with the football club to fulfil their obligations. This application, if approved would be covered by the S106 through a Deed of Variation to that agreement.

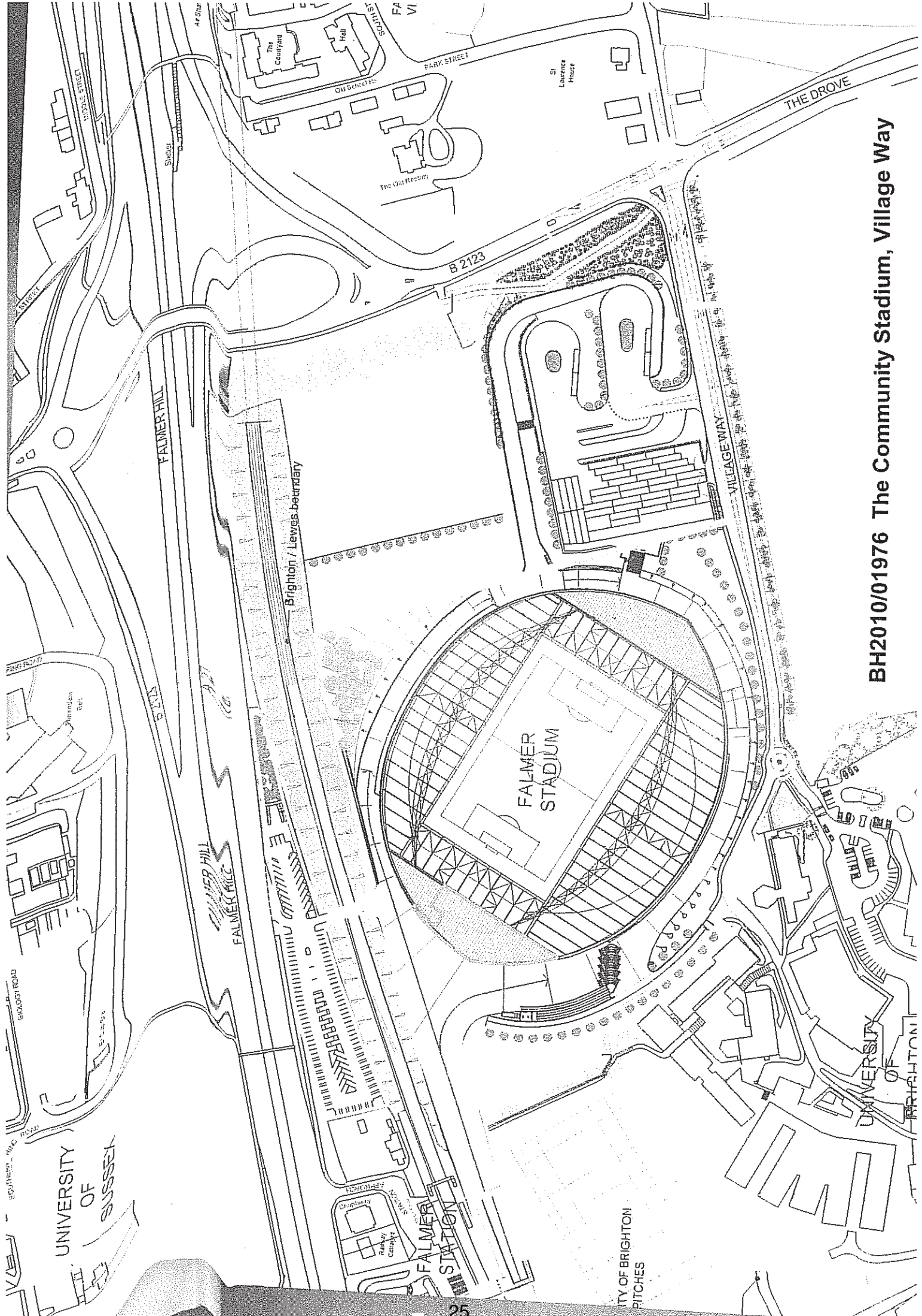
9 REASONS FOR RECOMMENDATION TO GRANT PERMISSION

The proposed additional floorspace would not have any significant effect on the scale of the stadium approved and would make more efficient use of the internal space whilst enhancing some of the facilities associated with the stadium such as providing a larger club shop, a club museum and staff catering facilities as well as additional office space for the club. The principle of these uses in this location are all considered to be acceptable in policy terms and would result in the creation of an additional 20 jobs. The transport assessments have demonstrated that the additional floorspace would not have a significant impact on trip generation and that existing road and public transport networks would be able to accommodate the modest increase in journeys thus complying with policy TR1 and TR19 of the Brighton & Hove Local Plan. The proposed elevational alterations are considered to be acceptable and are in keeping with the character of the stadium.

The proposal complies with policies in the Brighton & Hove Local Plan in particular TR1, TR19, QD1, QD14, SR2 and HO19 and would not have a detrimental impact that would contravene the objectives of these policies.

10 EQUALITIES IMPLICATIONS

The additional floorspace would be fully accessible to all and would comply with the Disability Discrimination Act.



BH2010/01976 The Community Stadium, Village Way

<u>No:</u>	BH2010/01833	<u>Ward:</u>	EAST BRIGHTON
<u>App Type</u>	Full Planning		
<u>Address:</u>	St Marys Hall, Eastern Road, Brighton		
<u>Proposal:</u>	Change of use from class D1 education to class B1 office use with residential accommodation and retention of swimming pool and tennis courts.		
<u>Officer:</u>	Mick Anson, tel: 292354	<u>Valid Date:</u>	24/06/2010
<u>Con Area:</u>	Adjoining Kemp Town and East Cliff	<u>Expiry Date:</u>	23/09/2010
<u>Agent:</u>	NTR Planning Ltd, 50 Conduit Street, London		
<u>Applicant:</u>	Brighton & Sussex University Hospitals NHS Trust, C/O NTR Planning Ltd, 50 Conduit Street, London		

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 be **MINDED TO GRANT** planning permission subject to a S106 agreement and the following Conditions and Informatives:

S106 Heads of Terms:

1. Community Use Agreement shall be entered into to ensure that the existing swimming pool and tennis courts are made available to BSUH staff and the community.
2. Travel Plan for employees and visitors on the site to include annual review of requirements for disabled parking bays.

Conditions

1. BH01.01 Full planning.
2. BH01.06 Approved drawings planning permission. SITE-LOC-01; SITE-BLK-01; 2010/SMH/PLO1; X-910-GF; X-910-01; X-920-GF; X-920-01; X-930-GF; X-930-01; X-940-GF; X-940-01; X-950-LG; X-950-GF; X-950-01; X-950-02; X-960-GF; X-970-LG; X-970-GF; X-970-01; X-970-02; X-980-GF; X-980-01; X-980-02; submitted on 30th June 2010.
3. BH02.08 Satisfactory refuse and recycling storage.
4. The development hereby permitted shall not be commenced until details of secure cycle parking facilities for 50 cycles 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. The parking spaces shown on the approved plans shall be marked out

and retained for use only by the occupants of the site or their visitors.

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

6. None of the parking spaces hereby approved on the site shall operate on a pay and display basis.

Reason: To prevent speculative vehicular trips into and out of the site and to minimise congestion at the site access and egress points and to comply with policy TR1 of the Brighton & Hove Local Plan.

7. No overflow parking shall be permitted on the existing tennis courts nor on any other areas of open space within the site.

Reason: In order to retain and protect existing areas of outdoor open space and recreational facilities and to comply with Policies QD20 and SR20 of the Brighton & Hove Local Plan.

8. The residential accommodation hereby approved in Venn House and Elliot House as indicated on Drawing no. SITE-BLK-01 shall only be occupied by employees of the applicants Brighton and Sussex University Hospitals Trust and their visitors.

Reason: The residential accommodation is not suitable as permanent residential accommodation and it would not comply with the Council's standards for provision of private amenity space or parking spaces set out in policies TR19 and HO5 of the Brighton & Hove Local Plan.

9. The development hereby permitted shall not be commenced until details of the entry barriers indicated on the approved Decant Parking and Access Plan (Figure No.9 Transport Statement) to be installed on site shall be 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 satisfactory management of the shared access and parking arrangements for the proposed use and the adjoining junior school and to comply with policies TR1, TR2 and TR19 of the Brighton & Hove Local Plan .

10. Prior to occupation of the buildings details of the sustainability measures to be taken shall be submitted in writing to the Local Planning Authority for approval. Details shall include details of new low energy lighting fittings and controls, voltage optimisation and sub-metering, zoning of circulation systems and thermostatic radiator valves, upgrading of roof insulation and water efficiency measures. The approved measures shall be fully implemented prior to the occupation of the development hereby permitted and shall thereafter be retained for use at all times.

Reason: In order to minimise the use of energy, water and materials and to comply with Policy SU2 of the Brighton & Hove Local Plan.

Informatives:

1. A formal application for connection to the public sewerage system is required in order to service this development, please contact Atkins Ltd, Anglo St James House, 39A Southgate Street, Winchester, SO23 9EH

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

i) having regard to the policies and proposals in the Brighton & Hove Local Plan as set out below:

Brighton & Hove Local Plan

TR1	Development and the demand for travel
TR2	Public transport accessibility and parking
TR4	Travel Plans
TR11	Safe routes to school and school safety zones
TR12	Helping the independent movement of children
TR14	Cycle access and parking
TR19	Parking Standards
SU2	Efficiency of development in the use of energy, water and materials
QD20	Urban Open Space
QD28	Planning Obligations
HO7	Car free housing
HO20	Retention of community facilities
EM4	New business and industrial uses on unidentified sites
SR20	Protection of public and private outdoor recreation space
SR21	Loss of indoor recreation facilities
HE1	Listed Buildings
HE3	Development affecting the setting of a listed building
HE12	Scheduled ancient monuments and other important archaeological sites

Supplementary Planning Guidance

SPGBH4	Parking Standards
SPD08	Sustainable building design; and

ii) for the following reasons:

The principle of the change of use has been considered against policies HO20 and EM4 and the applicants have submitted sufficient information and evidence to demonstrate that the proposal meets the criteria for allowing a loss of a community facility, namely the school. A material consideration is that the proposed use will provide the non-clinical supporting functions for the main Royal Sussex County Hospital which itself provides an essential community service. However, the use of the site for unrestricted Class B1 office would also be acceptable. The applicants have agreed to retain the existing indoor and outdoor sports facilities and to make them available to the community for which there is evidence of support. It is likely that the closure of the school may result in more community use of the facilities than was possible when the school was open. The Community Use Agreement will reinforce this intention and so policies SR20 and SR21 would be complied with. The proposal also retains the existing open space thus complying with policy QD20 of the Local Plan. The proposal would provide a limited amount of parking provision which meets the Council's parking standards in respect of B1 office use as well as providing 50 cycle spaces thus complying with policy

TR1. The shortage of disabled bays and residential parking would be addressed by the Travel Plan.

2 THE SITE

The site comprising a series of former school buildings is bounded by Eastern Road to the south and Church Place to the east. The Junior School, which is still open, is a mixed junior and primary school run by Roedean School, located immediately adjacent to the west. The northern boundary of the site is bounded by the rear gardens of dwelling houses in Bristol Gate and Badgers Tennis Club on its north east boundary. The Kemp Town Conservation Area and the East Cliff Conservation Area adjoin the site to the east and south respectively. The Kemp Town Conservation Area boundary runs adjacent to St Mark's Church along Church Place whilst the East Cliff Conservation Area runs parallel to the south side of Eastern Road to meet with the Kemp Town Conservation Area boundary at Church Place.

The north side of this section of Eastern Road is predominantly characterised by institutional uses, mainly the Royal Sussex County Hospital and Brighton College to the west of the site, in contrast with the more domestic scale buildings on the south side of Eastern Road. The site itself is not considered to be densely developed, with the principal school building presiding in the centre of the site and all other buildings sparsely and subserviently arranged in relation to the main building. The areas between the buildings tend to serve as thoroughfares and amenity space for the setting of the principal listed building.

The site extends to approximately 1.84 ha and encompasses a range of buildings of varying ages and styles as listed below:

- Main Grade II listed school building located in the centre of the site dating from 1836 including attached railings, terrace walls and piers. The flint walls fronting Eastern Road have a separate Grade II listing.
- Elliot House – a 4 storey purpose built boarding house which fronts Eastern Road.
- Venn House – a 3 storey purpose built boarding house.
- Mary Bryan theatre – single storey pitched roof building.
- Swimming pool complex – containing a 20 metre swimming pool with classrooms above.
- Art department – a 2 storey building dating from the 1830's.
- Martin House – a 2 storey purpose built teaching building.
- Robinson Wing – a single storey flat roof building of temporary appearance and in poor condition.

In addition to the swimming pool, the site also contains three full size tennis courts, all located on the western edge of the site. There are three access points along Eastern Road for both vehicles and pedestrians. The western access is shared with the existing Junior School. Parking is available to the front of the main listed school building, adjacent to the southern tennis court and along the access roads, although the majority of the parking is not

formally marked out. An additional access is from the west from Bristol Gate.

3 RELEVANT HISTORY

St Mary's Hall School was established in 1836 by the Revd. Henry Venn Elliot, who was the vicar of St Mary's Church in Brighton. The main school building, designed by George Basevi, is Grade II listed and dates from 1836. The listing made in 1971 describes St Mary's Hall as the oldest school in Brighton in continuous use. The Grade II listed St. Mark's Church further to the east along Eastern Road is also part of the former St. Mary's Hall school, however it does not form part of this application.

In July 2009, St Mary's Hall School closed and the whole site was acquired by the current owners, Roedean School which is located in Roedean east along the A259. St Mary's Senior School ceased to operate and this portion was subsequently marketed for short term lease in part or whole. It is understood that the site owner is not currently considering enquiries seeking to secure the freehold. The mixed education junior school adjacent to the west (not included in this application) which caters for pupils from nursery age to year six, has been retained and is now called Roedean Junior School.

4 THE APPLICATION

The application seeks the permanent change of use of approximately 7,689 sq.m. of internal floorspace from Class D1 non-residential institution to predominantly B1a office use, with ancillary residential junior doctor's accommodation in the former boarding houses. There would be 52 rooms in Elliot House and 30 rooms in Venn House. The swimming pool complex has been available for community use and is proposed to be retained. 'Brighton Swim School' are currently still using the pool for its teaching programme and are in discussions with the applicants about continuing to operate from here if permission is granted for Trust to occupy the site.

Brighton & Sussex University Hospitals (BSUH) Trust intend to relocate some of its administrative functions from the Royal Sussex County Hospital (RSCH) site approximately 200m due west. The RSCH are planning an extensive redevelopment of the southern portion of the RSCH site known as the 3T's (Tertiary, Trauma and Teaching) programme which will take approximately 8 years to complete. During redevelopment administrative functions of the main hospital site are to be relocated as part of a decanting programme. The Trust deems that the relocation of the administrative functions from the main hospital site to St. Mary's Hall serves both short and medium term aims. However, whilst the Trust have not confirmed their long term intentions for St. Mary's Hall, it is likely that the site would continue to provide a supporting role for the clinical functions on the main hospital site after the 3T's development has been completed. No new buildings or alterations to any of the existing buildings are proposed as part of this application, with the exception of a small amount of CCTV and security lighting. Should permission be granted for the change of use then a further application for Listed Building Consent will be required for any internal alterations required in particular to ensure that the

buildings are fully accessible and meet legislation requirements.

The proposal will potentially create 306 workstations, not all necessarily being occupied simultaneously as there would be a Full Time Equivalent of 191 staff on site. Numbers of staff on site will increase occasionally on certain days as the applicant intends to use the Mary Bryan Theatre for lectures and the ground floor of Elliot House and the Elliot Wing as training rooms. This would generally involve staff from the main site being on site for a day.

It is not intended that the site will be accessible to the general public and that any access by the public will be on an appointment basis. There would be no clinical functions taking place on site and no outpatients services would operate from the site.

The site has an existing western access (one way) from Eastern Road which exits via a central egress onto Eastern Road. A third eastern access leads up to the main building (two way). A separate access from Bristol Gate leading along the rear of Roedean Junior School will provide pedestrian access only.

5 CONSULTATIONS

External:

Neighbours: The occupiers of **45 Eaton Place** and **37 Chesham Place** object to the proposals for the following reasons:

Brighton & Hove has insufficient school places for the increased population of children. Not appropriate to permit a change of use until the need for additional school places has been satisfied. Should be used as a school when there is plenty of empty office space in Brighton. Do not support the further expansion of the hospital in this area. In view of the disbanding of Primary Care Trusts will such a development be needed?

The occupiers of **Flat 1, 44, North Gardens, 7 Wilbury Villas, Hove and 16 Newlands Road, Rottingdean** as well as 13 representations (no address given) from current or past users of the pool. Support the retention of the pool and urge the Council to ensure that it stays open. The pool is still a valuable resource for provision of swimming lessons, open water training, and swimming coaching courses and the opportunity should be taken to enhance this provision for the community. State what a valuable resource this is for the residents of the City (especially as the long awaited new King Alfred hasn't happened).

If this application is accepted, through the planning conditions set by the Brighton & Hove Council, it should ensure that the on site swimming pool remains open for the foreseeable future.

Director of Brighton Swim School

Supports the application and is very pleased that a condition has been applied to retain the sports facilities including the swimming pool. The City is dreadfully short of such resources. Over the last 20 years I have seen many

pools lost to the City. I live in Sudeley place and close to the pool and use the pool recreationally as well as for running of swimming related activities. It's the main base of my two organizations Brighton Swimming School and Swim UK.

I would like to point out how much use is made of the pool and how much this benefits the community.

1. Approx 500 families have swimming lessons at the pool every week in term time.
2. More swimming teachers are trained at the pool than almost any other swimming pool in the UK
3. It is the base of our open water swimming programme "Pool 2 Pier" which is UK's first sea swimming course and has in the last 12 months introduced over 50 adults to the massively growing sport of sea swimming
4. Hundreds of discounted and sometimes free swimming lessons are offered at the pool to the local community as part of our teacher training programme.
5. 40 people are employed as part of our activities at the pool (not to mention those employed in maintaining it.

RNLI Brighton Lifeboat: I would just like to say how beneficial to the learning of swimming this pool has been for many years and that I hope it continues to be the case and trust that you will support this.

I believe that this will become a training ground for sea swimming , which as the Senior Helmsman of Brighton Lifeboat I welcome as the more experienced that sea swimmers are the less likely that the crew of Brighton Lifeboat are to meet them !

Sussex Police: The location falls within an average crime risk area when compared with the rest of Sussex. Pleased to note that the Design and Access Statement gave details of the crime prevention measures to be considered in the design and layout. In an endeavour to reduce the opportunity for crime and the fear of crime the following comments are offered. Perimeter fencing must be robust and I would like to see this controlled with at least 1.8m close boarded fencing with gates of the same construction. Recommend access control to be implemented to the vehicle access off Eastern Road and to the proposed pedestrian gate on the western side of the development. As there are no proposed redevelopment work, I ask that the final exit doors, ground floor and easily accessible windows are fit for purpose and have appropriate locks to BS 7950 fitted with the final exit doors having viewers and adequate lighting. Individual doors to the residential rooms to conform to PAS024 with any glazing including sidelights to be laminated, fitted with viewers and security chains. Recommend that a lighting engineer be consulted to obtain optimum lighting conditions. Any CCTV should be fitted by suitably qualified tradesperson. Signage should be erected indicating the presence of a system. Consideration should be given to fitting a

monitored Intruder Alarm System.

Southern Gas Networks: No objections. Provided a plan showing location of gas main in proximity of the site.

Southern Water: No comments or objections. Request the following informative be added to any consent

‘A formal application for connection to the public sewerage system is required in order to service this development, please contact Atkins Ltd, Anglo St James House, 39A Southgate Street, Winchester, SO23 9EH.’

Sport England: Please note that Sport England raises no objection to this application. The site is not considered to form part of, or constitutes a playing field as defined in Article 10(2) the Town and Country Planning (General Development Procedure) Order 1995 (as amended by SI 1996/1817 and SI 2009/453), in that it is on land that has been used as a playing field within the last five years, and the field encompasses at least one playing pitch of 0.2 ha or more, or that it is on land that allocated for the use as a playing field in a development plan or in proposals for such a plan or its alteration or replacement.

Sport England has therefore considered this application as a non statutory consultee to the planning process in this case. Sport England has assessed the application in the light of Sport England’s Land Use Planning Policy Statement Planning Policies for Sport. The overall thrust of the statement is that a planned approach to the provision of facilities and opportunities for sport is necessary in order to ensure the sport and recreational needs of local communities are met. Thus, in light of the fact that the proposal seeks to retain the existing swimming pool, tennis club and courts, Sport England raises no objection to this application and the proposals as outlined. It is important to add that Sport England may have taken a different view had these sporting provisions not been retained as part of the proposals.

Internal:

Planning Policy Comments:

Policy HO20 applies to the site because it is a school and the applicants should address the exceptions HO20 (exceptions) a-d of the policy. It would be helpful to set out why the site is not needed for a school in the area and why it is not needed for other community uses for which it may be suitable - bearing in mind the listed status of the main building.

Policy HE3 applies. The main building for which this application is made is a listed building and the retention of its setting and any landscaping and walls within it, is important.

Policy HE6. The school lies on raised ground and although partially protected from public view behind the walls, the potential for increased transport movements at peak office times together with the potential for on street

parking pressure in the conservation area could have an adverse affect unless it is carefully managed.

Policies SR20 and QD20 apply. The retention of the sports facilities both indoor (swimming pool) and outdoor (tennis courts) is welcomed. The open areas – lawn and tennis courts should be conditioned to ensure they are protected for recreation and not used for overspill car parking or other uses by default. Alternative uses could also affect the setting of the listed building and would need to be considered carefully.

Policy EM4 supports proposals for new business uses on unidentified sites provided the tests a-g in the policy are met. The tests are that:

- a) There should be a demonstrable need (ie that cannot be met by vacant premises in the vicinity),
- b) the site is readily accessible,
- c) there would be no loss of residential accommodation,
- d) the development would not result in a loss of an important open space,
- e) there would be no increased impact from traffic and noise,
- f) impact on amenities,
- g) there is adequate landscaped amenity open space.

Further evidence is needed to show that the applicant has addressed EM4 a) to g) in particular to address e) and f) – ie that there should be no adverse impact on the environment caused by traffic and noise and that the proposal should not have an adverse impact on the general character of the area.

If permission is granted then it would be in the best interests of the applicants that it is a personal permission to retain the sites flexibility for alternative hospital uses after the rebuild period and they do not have to demonstrate B1 redundancy.

Regarding EM4 c) the dormitory accommodation to be retained for on call or rotation accommodation for medical staff should be conditioned to ensure its retention.

Other matters:

Access – Policies TR1/TR14 etc apply are being addressed in detail by the sustainable transport team and policy TR11 may apply and policy TR12 needs to be addressed to ensure that the junior school children are protected from any increase in traffic movements at school arrival and departure times.

Policies QD15/16 and 17 have not been addressed in sufficient detail for implementation by the information supplied with this application.

Sustainable Transport:

Car parking for decant use

The applicants propose to provide 21 general and 2 disabled parking spaces. Of the 21 spaces, 7 will be for Trust HQ visitors and 14 for staff. The SPG4

requirements are at most 17 and 20 general spaces for the office and residential components respectively and at least 52 and 8 disabled bays respectively. The comparison with SPG4 is not completely appropriate here as the trust will manage the spaces as part of the overall parking stock at the hospital and more closely than would be the case generally. This is done by a system of visitors' passes and staff permits involving a formal prioritisation system. The CPZ surrounding the site minimises the potential for displaced parking. There will be no pay and display at this car park to discourage circulating traffic from other parts of the hospital. This arrangement should be formally confirmed by condition. The substantial shortfall in disabled parking is a problem but priority will be given to disabled staff in allocating staff parking permits. The applicants should also be required to submit and have approved prior to occupation a review of disabled parking provision following an assessment of the likely demand from staff transferring to the site. Disabled parking provision should subsequently be reviewed at least annually as part of the travel plan process. If reasonably required by the Council in the light of any of these reviews (including that prior to occupation), additional spaces should be converted to disabled use.

Car parking for potential new user

If a new user occupies the site the continued acceptability of aspects of the parking arrangements is unclear. The new user may not be able/ willing to prioritise disabled parkers needs as the trust will. Journeys generated by the use would be new to the local network, unlike the trips associated with the RSCH decant. The new use could increase the turnover of parking bays and so traffic generation. The overall parking provision would be very low and the residential use would have little or no parking provision, so measures to enable compliance with policy HO7 may be required. Any new user should therefore be required to address these concerns by demonstrating that there will be sufficient provision for disabled parking and (able bodied) residents will not be eligible for residents parking permits.

Cycle parking

25 covered Sheffield stands (50 spaces) are proposed. This number is considered acceptable but the detailed layout plans should be subject to approval of detail by condition to ensure that spacing is adequate. Cycle parking should subsequently be reviewed annually as part of the travel plan process.

Access and traffic impact

The applicants have examined the local 3 year accident record and the existing vehicular accesses are not recorded as a factor contributing to any accidents. Visibility to and from the accesses is satisfactory. The number of vehicular departures in the PM peak would increase compared to the current educational use as the peak hour for the new use would be the standard time of 17.00- 18.00, which was not the case for the school. This may cause capacity problems at the junctions of the accesses with Eastern Rd. Those delayed would be those leaving the development and this would not have an

impact on the public highway. The total number of trips is modest- at most 69. There are no existing safety concerns. This issue is therefore currently not a significant problem. The applicants have demonstrated that the effects of generated car trips on the link capacity of Eastern Rd. would be negligible.

Sustainable modes/ contributions

Although there are shortcomings in sustainable modes provision locally, the applicants have demonstrated using the TRICS database that the new use would be expected to result in slightly less 24 hour person trips than the old educational use. A S106 contribution would therefore not be required.

Travel plan

The annual review of the RSCH travel plan should include measures to enable and facilitate the use of sustainable modes of transport for the recant including this application site and this should be formally confirmed by condition.

Children and Young Services: The current pressure in the city in terms of school places is the need for additional primary school places, mostly in Hove and Portslade. In this regard St Mary's Hall is not of interest to the Local Authority as it would represent too great a travel distance for primary age pupils. At the present time there is adequate capacity in the east of the city for current and projected pupil numbers, Whitehawk Primary School has over 35% surplus capacity and therefore is able to accommodate a significant increase in pupil numbers.

St Marys Hall was, I believe, primarily a secondary school. At the present time our projected numbers in respect of secondary school numbers are such that we have sufficient secondary capacity within the city until at least 2017. At that time the increasing pupil numbers currently presenting in primary schools will move up to secondary schools and we will need to provide some additional secondary school places. However it is extremely unlikely that there will be sufficient demand in this part of the city to justify the LA making use of the site for a secondary school.

I am not aware that at the time St Mary's Hall closed that there was any resultant increase in demand for maintained school places. It is unlikely that a pupil at a private school would seek a place at a maintained school as a result of the closure of a private school, it is much more likely that parents would seek to find an alternative private school.

In addition to there being no demonstrable need for either primary or secondary places in this area of the city it is also unlikely that the premises would meet the requirements we have to meet in terms of education spaces. This may sound strange but there is quite particular guidance that a LA has to follow in terms of the spaces that have to be included in maintained schools. These requirements do not apply to private schools and therefore I would be quite surprised if the accommodation was suitable for use as a maintained school.

For all the reasons above the use of St Mary's Hall as a maintained mainstream school is neither feasible nor needed.

6 PLANNING POLICIES

National Policies:

PPS1	Delivering Sustainable Development
PPS4	Planning for Sustainable Economic Growth
PPS5	Planning for the Historic Environment
PPG13	Transport
PPG17	Planning for Open Space, Sport and Recreation

Brighton & Hove Local Plan:

TR1	Development and the demand for travel
TR2	Public transport accessibility and parking
TR4	Travel Plans
TR11	Safe routes to school and school safety zones
TR12	Helping the independent movement of children
TR14	Cycle access and parking
TR19	Parking Standards
SU2	Efficiency of development in the use of energy, water and materials
QD20	Urban Open Space
QD28	Planning Obligations
HO7	Car free housing
HO20	Retention of community facilities
EM4	New business and industrial uses on unidentified sites
SR20	Protection of public and private outdoor recreation space
SR21	Loss of indoor recreation facilities
HE1	Listed Buildings
HE3	Development affecting the setting of a listed building
HE12	Scheduled ancient monuments and other important archaeological sites

7 CONSIDERATIONS

Change of Use

The former use of the buildings was as a Class D1 use school. Class D1 covers various community uses including hospitals however the applicants are proposing to relocate some of its administrative functions and there would be no clinical functions operating here. In pre-application discussions it was agreed that the character and nature of the activities on site would be more akin to a B1 office use rather than a medical facility which would generate additional transport journeys by outpatients and visitors.

The main consideration is therefore whether the proposed change of use is acceptable in policy terms. Policy HO20 states that changes of use that involve the loss of community facilities including schools will not be granted except in certain circumstances:

- i) The community use is incorporated or replaced within a new development.
- ii) The community use is relocated to a location which improves its

accessibility

- iii) Existing nearby facilities are to be improved to accommodate the loss
- iv) It can be demonstrated that the site is not needed not only for its existing use but also for other types of community use.

Where an exception applies, a priority will be attached to residential and mixed use schemes.

The previous school use was a private school which served a much wider catchment area than a local authority secondary school would. It is likely that some of the pupils would have come from outside Brighton & Hove. When St Mary's Hall School was taken over by Roedean School, some of the pupils were absorbed into Roedean and others would have relocated to other private schools either in Brighton & Hove or further afield. There is evidence of this which has been provided by additional information from the applicants. Out of 205 pupils known about, 55 (about a quarter) went to Roedean Senior School, 44 left the 6th form or did not know their destination and 26 went to Brighton & Hove High School, a private girls school. The remaining 80 pupils dispersed to other private schools either in Sussex or beyond with 12 going abroad. Only 1 pupil went to a maintained school in Brighton & Hove and three went to a 6th Form College in Brighton. This evidence supports the comments from the Director of Children and Youth Services that the loss of this school would not have had an impact on the maintained sector in Brighton & Hove and goes some way to meeting the criteria in policy HO20 (i). Further comments indicate that this part of Brighton does not have a shortage of secondary school places at present whereas it is in Hove and Portslade where there is a shortage of primary school places for which this site would not be suitable. It is also a consideration that the advice given was that it was unlikely that the site and buildings would be able to meet modern standards for school facilities without significant alterations and development which may also not be desirable given the Listed status of the main building. Consideration was given to making any planning permission personal to the applicants however the Trust consider that this would not comply with advice in Circular 11/95 as they consider that the proposal is acceptable on its own planning merits. A further consideration is that a personal consent would affect the valuation of the site which would affect the basis of the financial case to the Strategic Health Authority. Whilst this is not a planning consideration, it could have implications which may prevent the Trust occupying the site in the medium to long term.

In terms of addressing policy HO20 (iv), the applicants have submitted details of the marketing information from the agents. A comprehensive marketing campaign was held over the summer of 2009 indicating that the site was available in part or as a whole. About 30% of enquiries were from residential developers who were interested in the whole site. Approximately 46 parties viewed the site but most of these were only interested in an individual building. 21% were interested in the whole site. The type of uses for which interest was shown were for medical, language schools, private schools, day

nursery, arts, residential, leisure, weddings/event hire, climbing wall, fitness, business, religious and community centre. In November 2009, the owners received 10 sealed bids for the site or parts of it with only one from an educational user which was a language school who only wanted a residential block. BSUH were the chosen bidder based upon their interest in the whole site and the period for which they sought the premises and that it was related to a community use ie the County Hospital. It is considered that sufficient evidence has been submitted to demonstrate that there has not been sufficient demand for alternative community uses that could occupy the whole site such as another school and that in policy terms, the proposed use which provides an administrative function to the adjacent community use ie the RSCH is acceptable.

Policy EM4 sets out the criteria for permitting new business uses on unidentified sites. The policy encourages the expansion of business space on suitable sites subject to various criteria. EM4a requires that there is a demonstrable need for the office accommodation given the availability of existing land and premises identified in the Local Plan or on the market or with outstanding planning permissions. The 2006 Employment Land Study updates the assessment of supply and need for employment land in the city and indicates that there is a constrained supply of employment sites and premises in the city. All identified employment sites need to be retained, and outstanding planning permissions and major development sites brought forward to meet forecast needs along with a requirement for 20,000 net additional B1a office floorspace post 2016. The Submitted Core Strategy (February 2010) indicates how this additional need will be accommodated. However in this instance the change of use will enable the current office elements of the hospital to be removed from the RSCH site to free up space for medical/ clinical use. Although this proposal may not create net new office floorspace in the city there is a demonstrable need in this instance related to the hospital which is short of space on its current site and there is no alternative suitable site to relocate office accommodation related to the hospital. In addition, it is considered that the proposal complies with all of the requirements of policy EM4 such that unrestricted Class B1 office use is acceptable.

The proposed residential uses comprising a mix of self contained and non-self contained accommodation would be acceptable subject to its occupation being linked to occupation by the Trust staff and visitors. A condition is recommended to restrict its occupation. It would not be appropriate for this accommodation to be used for other and more permanent accommodation for reasons of the standard of accommodation, the amenities enjoyed by occupants and parking provisions.

The closure of the school has provided an opportunity for the Trust to ease its accommodation issues particularly during the redevelopment of the main site if that receives planning permission but also in the medium term. By utilising an adjacent site, it will minimise many of the transport and environmental

issues raised by such an expansion. The site is already readily accessible by public transport, walking and cycling. Eastern Road is well served by buses and the proposal includes provision for 50 additional cycle spaces. There is no loss of residential accommodation which will be retained as will the open space surrounding the existing buildings. The development would not result in a demonstrably adverse environmental impact due to traffic and noise. There are to be no additional parking spaces provided than existed when the school was open. If the hospital redevelopment is permitted, then for the first few years, the staff working on the former St Mary's School site would be relocated from the adjacent main site and there would not be any significant change to travel patterns. Parking on site will be for permit holders only so this will minimise car journeys into the area. (Further consideration of transport issues follows in this section). It is also not considered that the proposal would be detrimental to the character of the area which features large institutional uses such as the hospital and the junior school. It is considered that an office use could be less harmful to the amenity of the area than a school use which can be noisy particularly at recreation times. It is considered therefore that the proposal meets policy EM4.

Sports and Recreation facilities

The former school site includes an indoor swimming pool and 3 outdoor tennis courts and during the pre-application discussions, the Local Planning Authority has sought assurances from the applicants that these would be retained and made available for use by hospital staff and the community. Following the closure of the school, the community use of the swimming pool continued by 'Brighton Swim School' who provide swimming lessons and teaching courses for swim teachers. It is understood that discussions between the Trust and 'Brighton Swim School' to enable the pool to remain open have taken place. The Council's Sports and Recreation Assessment carried out in 2008 demonstrated that there is a shortage of swimming pool space in the City and therefore any proposal which involved closing the pool would be resisted as being contrary to policy SR21. The closure of the school may result in potentially more community use of the pool. The Trust have agreed in principle to signing a Community Use Agreement which would ensure that the swimming pool is made available to the community. The Trust have also agreed to allow the tennis courts to be used by its own staff and those residents who would be in the doctors accommodation.

The proposal does not include any physical development thus the existing areas of open space including tennis courts will not be affected and policy QD20 would be complied with. It is considered that a condition should be attached to ensure that these areas are protected from any overspill parking in future.

Transport

The proposed offices will have space for 306 staff although it is thought that there would be 191 Whole Time Equivalents on site. The former senior school had 315 pupils including 82 boarders with 92 staff. The existing junior

school still has 80 pupils and 17 staff on site. Vehicular access for the junior school will be via the shared western access off Eastern Road which is one way with a shared exit via the central egress. The junior school will retain its exclusive parking spaces to the north of the school buildings and along the western access road. Access to these parking spaces will be separated from the applicants spaces by a restricted access barrier. The western access would also lead to 8 parking spaces for the applicants south of the swimming pool and northern tennis courts. The eastern two way access leads to the front of the main listed building where there would 7 parking spaces for the proposed offices for visitors only plus 2 disabled parking bays. An additional 6 spaces can be accessed adjacent to the central egress point south of the southern tennis court. This totals 23 spaces.

A separate pedestrian access from Bristol Gate via a security gate will enable staff from the main hospital site to gain convenient access into the application site.

The Council's parking standards are set out in SPG4 as a supplement to Policy TR1. The maximum number of spaces for the proposed amount of B1 floorspace would be 17 thus the proposal exceeds this however account should be taken of the residential occupation on site. The standards would allow 20 spaces for the 82 residential rooms using the parking standards for bedsits. Therefore the number of parking spaces would be less than the maximum permitted by the standards for the combined B1 and residential use.

The Transport Policy Manager has raised concerns about the shortfall of both disabled parking bays and spaces for residential occupiers. Whilst the building is intended to be occupied by the Trust, there is less of a concern about the shortage of spaces as the Trust regularly reviews the needs of its employees who would need a disabled parking bay and could provide more if necessary. Similarly the residential rooms would be occupied by junior doctors who are working at the main hospital and under the Trust's parking permit criteria would be unlikely to be eligible for a permit. However this application is not personal to the Trust and the possibility of the residential being separately occupied must be planned for. It is unlikely that the residential accommodation which all have shared facilities would be attractive on the open market however, it is considered that a condition should be attached to ensure that it is occupied as an ancillary element to the main use of the site.

The occupiers of the short stay residential rooms would be able to apply for a permit and use the visitor bays but as the staff (mostly doctors) would be working at the adjacent hospital, the applicants don't anticipate many of them meeting the hospital criteria for a permit. The applicants have agreed that parking will be controlled by a permit scheme only so that there would be no speculative car journeys to work which may result in additional traffic movements as employees seek other parking spaces once the on site spaces

are full. A permit holder would be able to park in any of the Trust's car parks however a condition will be attached to ensure that only staff working on this site can park on it. The area surrounding the site is within a controlled parking zone so there would be limited overspill parking restricted to the pay and display zones.

The applicants transport assessment has concluded that the proposed use would not generate as many trips as the previous school use would have and therefore it is considered that in the light of the this and the advice of the transport policy manager that it would not be appropriate or necessary to seek a contribution towards sustainable transport measures apart from the proposed new cycle spaces.

Heritage

The main school building is Grade II Listed as are the flint walls fronting Eastern Road. The proposal does not involve any physical alterations or works on site and the nature of the proposed use would not affect the character of the listed building nor would it have an adverse impact on the setting of the listed building thus it conforms to policies HE1 and HE3. The amount of parking on site will be similar to existing and would be in existing designated parking areas. This will be controlled by condition to ensure that the setting of the Listed Building is preserved. The site is located within an archaeological sensitive area, however, there are no physical works proposed so there is no possibility of the proposal affecting any existing important archaeological settings.

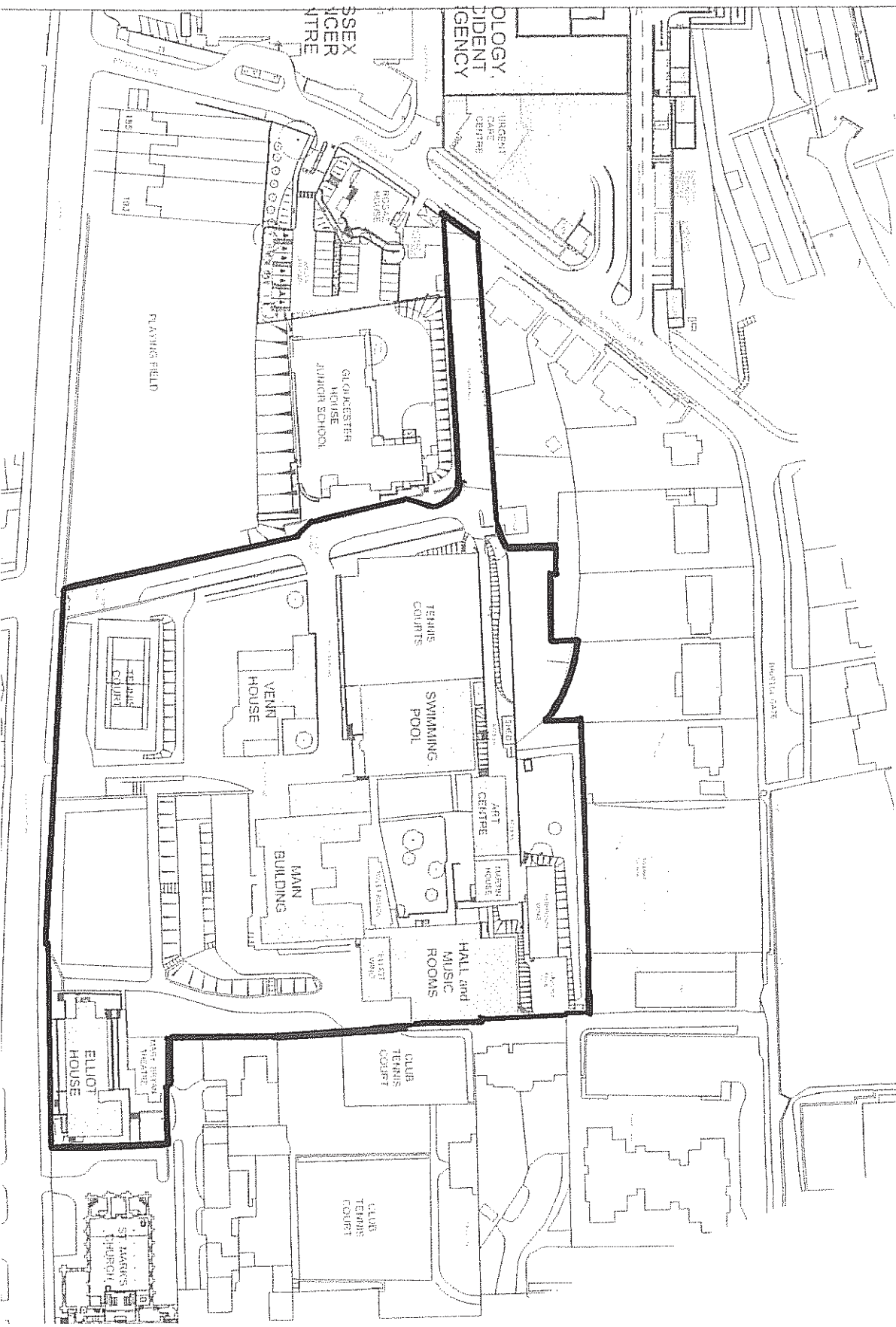
8 REASONS FOR RECOMMENDATION TO GRANT PERMISSION

The principle of the change of use has been considered against policies HO20 and EM4 and the applicants have submitted sufficient information and evidence to demonstrate that the proposal meets the criteria for allowing a loss of a community facility, namely the school. A material consideration is that the proposed use will provide the non-clinical supporting functions for the main Royal Sussex County Hospital which itself provides an essential community service. However, the use of the site for unrestricted Class B1 office would also be acceptable. The applicants have agreed to retain the existing indoor and outdoor sports facilities and to make them available to the community for which there is evidence of support. It is likely that the closure of the school may result in more community use of the facilities than was possible when the school was open. The Community Use Agreement will reinforce this intention and so policies SR20 and SR21 would be complied with. The proposal also retains the existing open space thus complying with policy QD20 of the Local Plan. The proposal would provide a limited amount of parking provision which meets the Council's parking standards in respect of B1 office use as well as providing 50 cycle spaces thus complying with policy TR1. The shortage of disabled bays and residential parking would be addressed by the Travel Plan.

9 EQUALITIES IMPLICATIONS

There are no implications for equalities arising from this proposal however, it will be necessary for the buildings to be modified to meet the requirements of the Disability and Discrimination Act for which further Listed Building Consents will be sought.

BH2010/01833 St Mary's Hall, Eastern Road



<u>No:</u>	BH2010/01966	<u>Ward:</u>	REGENCY
<u>App Type:</u>	Full Planning		
<u>Address:</u>	Mitre House, 149 Western Road, Brighton		
<u>Proposal:</u>	Change of use of North block and addition of fourth storey contained within a mansard roof to form hotel (C1) with associated works.		
<u>Officer:</u>	Guy Everest, tel: 293334	<u>Valid Date:</u>	07/07/2010
<u>Con Area:</u>	Adjoining Montpelier & Clifton Hill	<u>Expiry Date:</u>	06/10/2010
<u>Agent:</u>	DMH Stallard LLP, 100 Queens Road, Brighton		
<u>Applicant:</u>	Tareem Ltd c/o Montague Management Ltd, Mr Anthony Crabtree, Burnhill Business Centre, 50 Burnhill Road, Beckenham		

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 **REFUSE** planning permission for the following reason:-

1. The application fails to demonstrate that the proposal would not have an unacceptable impact on transport; particularly with regards the potential trip generations and traffic impact resulting from the development and the need, or otherwise, for mitigation measures; the quality and need, or otherwise, for improvements to local provision of buses, taxis and cycles; and an assessment of the off-street parking provision, primarily disabled spaces, in relation to the proposed development. The proposal is therefore considered contrary to policy TR1 of the Brighton & Hove Local Plan.

Informatives:

- 1) This decision is based on drawing nos. 3204.EXG.101 A, 3204.EXG.102 A (x2), 3204.EXG.201, 3204.EXG.301, 3204.EXG.302, 3204.EXG.303, 3204.PL.101 B, 3204.PL.102 B, 3204.PL.103 B, 3204.PL.104 B, 3204.PL.105 B, 3204.PL.202 A, 3204.PL.306 A & 3204.PL.800 submitted 28th June 2010; drawing no. 3204.PL.100 submitted 7th July 2010; and drawings no. 3204.PL.200 B, 3204.PL.201 B, 3204.PL.300C, 3204.PL.301 C & 3204.PL.801 B submitted 6th September 2010.
- 2) The applicant is advised that in order to overcome the above reason for refusal a Transport Assessment (TA), which complies with Government guidance on TAs, would be required. The TA should evaluate trip generation and traffic impact resulting from the proposed development and where necessary proposed possible mitigation measures.

2 THE SITE

The application site relates to Mitre House on the northern side of Western Road with frontages to Spring Street, Hampton Place and Hampton Street.

The site comprises two distinct blocks with the application relating to the northern block.

The northern block comprises a two to four-storey brick built building, plus lower ground floor level, with critical windows throughout. The lower ground floor level, which broadly equates to Western Road street level, comprises storage and ancillary floorspace for the Western Road commercial frontage units. The ground floor level incorporates storage space and a dance studio. The upper floors of the building comprise vacant office accommodation. The northern block is flanked by a two-storey public house at the junction of Hampton Street and Spring Street and a dental surgery at the junction of Hampton Street and Hampton Place.

The northern block lies to the south of the Montpelier and Clifton Hill Conservation Area and is adjoining by grade II listed buildings on Hampton Street

3 RELEVANT HISTORY

There are numerous applications for Mitre House, of relevance are:-

BH2007/02072: Demolition of existing sixth floor and replacement with two additional storeys at sixth and seventh floor levels to create 11 duplex apartments to front (southern) block. Extension of rear (northern) block at third floor level and formation of additional storey at fourth floor level with change of use from offices (Class B1) to form accommodation for 124 students in 23 flats, plus manager's flat. Relocation of existing dance studio (Class D1) to first floor level above retained ground floor public house at junction of Hampton Street and Spring Street. Refused. The reasons for refusal relevant for this application are considered to be nos.:-

- 2) *Notwithstanding reason for refusal no. 1 Mitre House dominates the northern side of Western Road and in long views appears significantly taller than surrounding development. The proposed additional bulk and height to both the southern and northern blocks would appear excessively out of scale and create an overbearing relationship with adjoining development and grade II listed buildings at 8-28 Hampton Place (even). The additional height would also be detrimental to views into and from the Montpelier and Clifton Hill Conservation Area and the Regency Square Conservation Area. The proposal is therefore contrary to policies QD1, QD2, QD4, QD14, HE3 and HE6 of the Brighton & Hove Local Plan, and to provisions of Supplementary Planning Guidance Note 15: Tall Buildings.*
- 4) *The applicant has failed to satisfactorily demonstrate the office accommodation to the northern block is genuinely redundant having regard to flexible marketing of the premises to attract different types of business user, and an assessment of available office space in Brighton & Hove. The proposal is therefore contrary to policy EM5 of the Brighton & Hove Local Plan*

- 5) *Notwithstanding reason for refusal no. 4 the proposed student accommodation is contrary to policy EM5 of the Brighton & Hove Local Plan which seeks affordable housing if the office space is regarded as genuinely redundant. Student accommodation is not regarded as providing affordable housing as defined in the Brighton & Hove Local Plan.*
- 9) *The development fails to adequately address the need for disabled parking provision either as part of the development, the possibility of off-site provision, or through support to especially adapted public transport infrastructure. The proposal is therefore contrary to policy TR18 of the Brighton & Hove Local Plan.*
- 10) *The applicant has failed to adequately demonstrate that the proposed development would be fully sustainable and would achieve a high standard of efficiency in the use of energy. The proposal is therefore contrary to policy SU2 of the Brighton & Hove Local Plan, and Supplementary Planning Guidance Notes SPGBH16 (Energy Efficiency & Renewable Energy) and SPGBH21 (Brighton & Hove Sustainability Checklist).*
- 12) *The development will result in the unjustified partial loss of a D1 facility and its relocation to a premises where it is not readily apparent adequate accessibility can be achieved. The proposal is therefore contrary to policy HO20 of the Brighton & Hove Local Plan.*

BH2002/02722/FP: Change of use of storeroom fronting Hampton Street to Martial arts, TAI CHI and Healthy Living Centre (use class D1). Approved. It is not apparent if this permission was ever implemented as the relevant part of the building remains in storage use.

BH2001/02209/FP: Change of use to Dental Surgery (property now known as 2 Hampton Place). Approved. This permission was implemented and the use remains in operation.

4 THE APPLICATION

The application seeks consent for a change of use within the northern block to form a 131 bedroom hotel. The existing and proposed balance of uses would comprise:-

Type of Accommodation	Existing Area (m ²)	Proposed Area (m ²)
Retail	717	325
Office	1550	0
Storage	915	0
Dentist	138	138
Public House	291	241
Dance Studio	114	0
Managers Flat	64	0
Hotel	0	3985
Circulation	170	36
Total Area	3959	4689

(Taken from applicant's Design & Access Statement dated June 2010)
The northern block would be extended at third floor level, in the form of a

mansard roof, to form an additional storey. The existing building would be rendered to all elevations with replacement windows also proposed.

The majority of the southern block does not form part of the application with the exception of an existing retail unit, at no. 150, which would be converted to a new entrance and reception for the proposed hotel.

The existing public house on the corner of Spring Street and Hampton Street would be retained with the overall ground floor area extended and an outdoor terrace area created within an existing outdoor yard area. The existing first floor of the public house would be amalgamated into the hotel use.

5 CONSULTATIONS

External:

Neighbours: Letters of representation have been received from:- **Broad Street – 19; Hampton Place - 2, 8, 11, 14, 15, 16, 17, 17A, 19, 28, 37 Spring Street - 23, 24, 28, 29 (x2); Victoria Road – 15 Western Road and The Montpelier and Clifton Hill Association objecting** to the proposal for the following reasons:-

- question why site has not been marketed for offices or as a site for a doctors surgery which is badly needed;
- there is a shortage of office and residential accommodation in the City, not a shortage of hotel space;
- the local plan states hotels should be in the core area but Hampton Street is not;
- the proposal is a mass overdevelopment which would be inconsistent with the residential character of adjacent streets;
- question why the original brickwork cannot be retained;
- need to ensure the rear elevation is maintained to an appropriate standard;
- increased overshadowing and loss of light to adjoining properties;
- request a new daylight assessment to ensure previous findings are in keeping with the revised application;
- additional overlooking, and request that windows from the development are not openable;
- increased noise pollution from late night guests typical of a city centre budget hotel;
- increase in policing of site as a result of increased complaints from residents;
- question whether it could be ensured that only the Western Road entrance be used late at night: consider the Hampton Street entrance to be unnecessary;
- the development does not outline the implications for the storage of refuse bins;
- question where flues will be sited on the building;
- servicing the hotel will be difficult and cause traffic problems in the small streets of the area which are already congested and used by school parents. It would be more appropriate for servicing from Western Road;

- local parking would become even worse and it is not realistic to expect everyone would be travelling by public transport;
- parking bays are free overnight and there is no reason to think that hotel residents would not use them, illegal parking along Hampton Street overnight;
- request a stipulation that any hotel parking should only be in conjunction with the Regency Square Conservation Area;
- the Statement of Community Involvement is simply a brief update of the previous, completely different, proposal. There has been no consultation with the local community about the new planning application.

A petition of **17 addresses** objecting to the development has been received.

CAG: Welcome the proposal but request like for like in appearance critical type windows rather than the coloured PVC. Concern regarding the use of the rear door and suggest a management plan for lighting and surveillance.

Clifton Montpelier Community Alliance: Comments that there is a strong feeling amongst local residents against the proposal with concerns relating to noise, disturbance and traffic problems.

Cllr Kitcat: Objects; see attached letter.

East Sussex Fire & Rescue Service: No comment.

Internal:

Conservation & Design: In view of the predominantly rendered architecture to the north and the low architectural value of the north block, the rendering of the facades is considered acceptable, provided that the original moulded stone window cills are retained.

An additional storey is likely to be acceptable on the north block as it would be read against the mass of the taller south block in views from the north. On Hampton Place its scale and bulk is also acceptable, due to its set back. It would not appear out of scale or over dominant in the street scene particularly in oblique views where the taller south block would loom above it. However, the architectural style of a false mansard with steep sloping pitched roofs would appear incongruous and out of place on this 1930s building. A more modern approach which is more sympathetic to the building's original design is called for.

Of more concern is the loss of the building's fenestration pattern. The existing windows are particularly characteristic of buildings of this period and style and together with its stone cills are its only redeeming features. The replacement windows have far fewer divisions and result in much blander and coarser grained facades and accentuate its bulk. They do not reflect the 1930s architectural style of the building and would detract from the character of the conservation area and the setting of the nearby listed buildings.

The new glass clad fire escape stairs at the rear, which will be visible from Hampton Place, are considered acceptable.

A new entrance door with flanking pilasters in place of a shopfront on Western Road would be welcome in principle as it appears that there was originally one under a single canopy. The original fine 1930s entrance still survives on the left hand side. The existing shopfront is very poor, and its removal would be a significant improvement. However, the modern design of the door is very disappointing, bland and unbalanced and appears incongruous alongside the original entrance. The opportunity to reinstate doors and a fanlight to match the original ones should be taken.

Environment Agency: No objections.

Environmental Health: Recommend conditions to restrict delivery / collection times, and to require further details of odour control (and its soundproofing) equipment.

Planning Policy: The office accommodation has been vacant for a prolonged period of time and whilst the applicant has sought to overcome the reason for refusal of the 2007 application by including evidence of flexible marketing and refurbishment the application this needs to be accompanied by further details of the local advertising undertaken (when and where) and the viability assessment of the cost of refurbishment to ensure that the tests of EM5 can be fully assessed.

In light of the findings of the Hotel Futures Study 2006 which found that there was no further need for new 3 Star Hotel Accommodation in the city , this application should be accompanied by evidence including a demand assessment to identify how the proposal would add to the current supply and offer of accommodation; whether it has the ability to create new demand and how it might meet needs currently unsatisfied in the city and the likely impact on midweek business for existing hotel and guest accommodation.

The retail unit to be lost to create the Western Road entrance to the hotel is located within the prime frontage of Brighton Regional Centre, and although the planning statement has indicated that there would not be a break of frontage of more than 10 metres, the applicant has not addressed the other criteria in the relevant policy SR4, in particular SR4b.

Further information is required to clarify how the dance studio will be accommodated in the public house, given overall the reduction in public house floorspace and therefore how both these aspects of the proposal accord with policy HO20 of the Brighton & Hove Local Plan which seeks to protect community facilities.

Sustainable Transport: The applicants propose to make no specific transport provision other than cycle parking, It is pointed out that that existing local provision is good but this does not meet policy TR1, which requires that

‘development proposals should provide for the demand for travel they create’. Although transport is referred to in a brief statement submitted with the application, this does not include much of the material which guidance requires.

Parking

SPG4 would allow at most 59 general parking spaces and require at least 1 disabled bay and 1 cycle parking space. The applicants argue that general car parking provision is not necessary due to the site’s ‘highly sustainable location’. No displaced parking problem would arise as the site is well within the CPZ and access and parking for car borne guests would be very difficult.

It is inappropriate for the applicants to rely on existing on street disabled parking provision, as is proposed, as this may well be required by existing users. However, the standards require only a minimum of 1 space and the absence of on site disabled parking is not therefore a substantial issue in policy terms. It is notable that 13 accessible bedrooms are proposed but it is not clear how disabled guests using them will be able to park in practice.

The proposal to provide 9 cycle parking spaces is good but information on the detailed layout has not been provided and should be required by condition.

Traffic impact

The applicants have not provided any estimates of trip generations e.g. based on TRICS. This should have been provided as part of a full Transport Assessment which should have been submitted in accordance with policy TR1 and the DfT TA guidelines.

The applicant’s assertion that TRICS is not an appropriate tool to assess this site is not correct. An initial analysis of town centre hotel data in the TRICS system shows that the average person trip generation (which does not just equate to hotel customer movements) is 8-9 trips per room. Vehicle trips are calculated at 2 per hotel room. This level of movement at this site alone would amount to a significant impact to the surrounding highway network, but it should also need to be fully assessed in the context of the net change in trip generation that would occur based on the proposal. The applicant’s estimates of trip generation are significantly different from those that can be achieved by using the TRICS database and cannot be accepted.

Until the overall trip generation and traffic impact have been evaluated, agreed and mitigated (if necessary), the application fails to comply with TR1.

Sustainable modes

The existing provision for sustainable modes is good, but there is scope for improvement. It has usually been the practice to seek S106 contributions to ensure compliance with policy TR1 in such circumstances. However, none of the potential improvements are specifically required by the application. In the light of this fact it would be hard to defend a refusal because of the absence of a S106 contribution.

A travel plan should be required by condition for approval prior to occupation and as part of this the applicants should consider pro-active measures to promote sustainable modes by guests as well as staff such as the provision of information on local buses etc. at time of booking and arrangements for collection of guests from the station.

Conclusion

This application does not meet policies TR1, TR4, TR14 and TR18. The last 3 of these can be overcome or accommodated as discussed above. However, there are no proposals to provide for the demand for travel created or estimates of what the demand would be which should have been considered within a Transport Assessment. The application therefore does not meet policy TR1 and should be rejected.

VisitBrighton: The Hotel Futures Study shows there is a considerable amount of hotel stock in the City, also in the face of the current economic uncertainty the City must look to support the existing stock in order to maintain the position as a top visitor destination.

6 PLANNING POLICIES

Brighton & Hove Local Plan:

TR1	Development and the demand for travel
TR2	Public transport accessibility and parking
TR4	Travel plans
TR7	Safe Development
TR14	Cycle access and parking
TR18	Parking for people with a mobility related disability
TR19	Parking standards
SU2	Efficiency of development in the use of energy, water and materials
SU9	Pollution and nuisance control
SU10	Noise nuisance
SU13	Minimisation and re-use of construction industry waste
SU16	Production of renewable energy
QD1	Design - quality of development and design statements
QD2	Design - key principles for neighbourhoods
QD3	Design - efficient and effective use of sites
QD4	Design - strategic impact
QD5	Design - street frontages
QD14	Extensions and alterations
QD25	External lighting
QD27	Protection of amenity
HO20	Retention of community facilities
EM3	Retaining the best sites for industry
EM5	Release of redundant office floorspace and conversions to other uses
SR4	Regional shopping centre
HO8	Retaining housing
HO20	Retention of community facilities

SR4	Regional shopping centre
SR12	Large Use Class A3 (food and drink) venues and Use Class A4 (pubs and clubs)
SR14	New hotel and guest accommodation
HE3	Development affecting the setting of a listed building
HE6	Development within or affecting the setting of conservation areas

Supplementary Planning Guidance

SPGBH4 Parking Standards

Supplementary Planning Documents

SPD02	Shop front design
SPD03	Construction and Demolition Waste
SPD08	Sustainable building design

7 CONSIDERATIONS

The key issues of consideration in the determination of this application relate to the loss of existing office, storage and retail floorspace; the principle of a hotel in this location and the resulting impact of the proposed use and associated external alterations on neighbouring amenity, the character and appearance of the area, transport and highway safety. The sustainability credentials of the scheme are also a consideration.

Lower ground and ground floor levels

Rear stores / loading bays

The lower ground and ground floor levels of the northern block comprise a number of uses which in the main are associated with the commercial units fronting Western Road (with the lower ground floor level of the northern block broadly corresponding the ground level of the southern block). The lower ground floor level to the northern block provides storage areas and ancillary facilities, with loading bays and access at Hampton Street level. These floors would form part of the proposed hotel and would therefore be separated from the retail units.

At the western end of the site these floors are currently vacant and have been physically separated from the Western Road commercial units (CEX Exchange and Sainsbury's). In contrast the floors at the eastern end of the site are understood to be used in conjunction with three retail units at 151 to 154 Western Road. There is though no compelling evidence that the space is necessary for the continued vitality and viability of the affected retail units and it is noted that the adjoining units (i.e. 144 to 148 inclusive) function without similar amounts of ancillary floorspace. The remaining units remain relatively large and there is no reason to believe that loss of the storage (and ancillary uses) within the northern block would harm viability of the affected retail units or vitality of the wider regional shopping centre.

Dance studio

The development would also entail the loss of a ground floor dance studio (or other potential Class D1 use) last occupied by the Hampton Ballet Academy.

The academy is understood to have vacated the premises in August 2010 and now operate from a dance studio at Patcham High School on Ladies Mile Road. In this instance, and despite the absence of supporting information, it is apparent that the existing facility has relocated to an alternative location. Whilst it would be difficult to argue that the new location is as accessible as Mitre House it is nonetheless well served by public transport.

Whilst the loss of the existing community facility is regrettable it did not benefit from planning permission and the previous user has relocated to an alternative premises. On this basis the proposal is considered to broadly comply with the aims of local plan policy HO20.

Loss of office floorspace

The first and second floors of the northern block comprise vacant office accommodation. Policy EM5 of the local plan seeks to retain office premises unless they are genuinely redundant because the site is unsuitable for redevelopment, the premises are unsuitable and cannot be readily converted to provide different types of office accommodation, or where a change of use is the only practicable way of preserving a building of architectural or historic interest.

The policy states that when assessing redundancy consideration is given to the length of time the premises have been vacant; the marketing strategy adopted; the prevailing vacancy rate for the size and type of office in Brighton & Hove; the complexity of the floor layout, the floor to ceiling height, the number of storeys in relation to total floorspace and the prominence of the main entrance; links to public transport; and the quality of the building.

The northern building comprises office floorspace at first and second floor levels and is understood to have been vacant since February 2001. The applicant has outlined details of marketing that accompanied the previous planning application (for the period 2002-2005) outlining details of the marketing strategies and reasons why the building has remained vacant. The report advises the property is unmarketable as the building is poorly located without any public frontage and poor principle entrance, an inflexible layout, a lack of modern facilities; significant modernisation is also required to meet DDA requirements and there is no on-site parking provision.

Additional information has also been submitted relating to the marketing strategy and reasons why the building has remained vacant despite this. The supporting documents on marketing since 2007 indicate that the asking rental price has been reduced and rent free periods were offered. In addition to this some office spacer was upgraded and modernised to elicit interest, with the freeholder also prepared to carry out further necessary upgrading works on the remaining office space once a tenant was identified.

The Marketing Statement indicates that refurbishment of the office accommodation on a speculative basis would be considerable (at a figure of £1 million plus) and it would not be possible to attract interest at the

necessary rental levels to justify this expenditure, furthermore finance to fund this renovation could not be secured. Further information on this viability has been submitted concluding that 'whatever the level of expenditure incurred Mitre House Offices would encounter considerable difficulty in achieving an economic degree of occupancy involving extended marketing periods'.

There is no evidence to suggest that the premises have not been offered under the broadest possible office related remit. The premises have been marketed through reputable local agents over a prolonged period of time and the Council's Economic Development Team have previously confirmed deficiencies of the location for continued use as office accommodation. The submitted details are considered to demonstrate with sufficient conviction and force that the premises have been offered to let for employment related uses on a sustained basis at an appropriate price, on a flexible occupation basis and over an appropriate period of time. It is therefore considered that the requirements of Local Plan Policy EM5 have been met and a resistance to the proposal in terms of retention of office accommodation would not be warranted.

Policy EM5 sets out that if the site is regarded as genuinely redundant, preference will be given to alternative employment generating uses. Planning Policy Statement 4, Planning for Sustainable Economic Growth, includes hotels (as a main town centre use) in its definition of economic development. On this basis a hotel use would not conflict with the aims of policy EM5. The applicant suggests that the hotel would generate 8-10 permanent jobs which would be a low level of job creation compared with an office use. Whilst there is no detailed information about the future occupation based on offPAT employment densities the hotel could potentially provide approximately 43 jobs (1 employee per 3 bedrooms).

Proposed hotel use

The application proposes a 131 bedroom hotel throughout the five-storeys of the northern block at Mitre House. Local Plan Policy SR14 relates to new hotels and guest accommodation and states, in part, that new hotel and tourism accommodation will be permitted within the identified core area providing it would not result in a reduction in the numbers of residential units and it would not result in a loss of industrial/business land. The building is located within the identified core area in a central location with the City centre and in compliance with policy EM5 the site has been assessed as being genuinely redundant and would not result in the unjustified loss of industrial / business land.

Whilst it is not possible, or necessary, to restrict the type of hotel accommodation offered at the site, the applicant has advised that the hotel is likely to operate as a 'budget' or 'upper budget' operator, and notes that the Hotel Futures Report states that the strength of demand for budget hotels, particularly at weekends, suggests potential for further budget hotel development in and around the city. The Hotel Futures Report is a material consideration in the determination of this application.

The Submission Core Strategy is also a material consideration and advises in CP18, hotel / guest house accommodation, that proposals for 'new major hotel facilities should be accompanied by a market case including a demand assessment to identify how the proposal would add to the current supply and offer of accommodation; whether it has the ability to create new demand and how it might meet needs currently unsatisfied in the city'. Planning Policy have raised concern that no supporting information relating to the operator of the proposed hotel, what type of accommodation would be provided and how CP18 is met by the proposal: this concern is also shared by visitBrighton who note the importance of protecting existing businesses within the City.

Whilst these concerns are noted the proposal is considered to comply with current adopted local plan policy on the provision of new hotel accommodation. This is considered to outweigh any conflict with emerging planning policy, although it is noted that the site is within the general search area for a main town centre use as set out in CP18, hotel / guest house accommodation. For these reasons refusal of the application as a result of conflict with the core strategy would not be warranted.

Character and appearance

Scale

The existing northern building is a three-storey building rising to four-storey towards the centre of the site. The corner building, the Shakespeare's Head, on the junction of Spring Street and Hampton Street contrasts with the remainder of the building comprising two-storeys with a hipped roof. The proposed additional storey would rise no higher than the existing fourth-storey and incorporates a mansard roof set back from the main front elevation of the building.

In long views from Upper North Street and along Hampton Street and Spring Street the increase in scale would be viewed against the backdrop of the southern block, which, at 7/8 storeys in height, remains significantly higher than the northern block. From these vantages the additional storey would be in keeping with surrounding development and the character and appearance of the Montpelier and Clifton Hill Conservation Area would be preserved.

In short views the additional storey would be appreciably higher than the adjoining terrace to the north on Hampton Street, which includes a number of Grade II Listed Buildings. It is though considered that the increased height does not represent an unsympathetic step change and the resulting change in scale, which is reduced due to the set back, would not appear over dominant or harm the setting of adjoining listed buildings or the prevailing character or appearance of the Montpelier and Clifton Hill Conservation Area.

The existing corner building fronting Spring Street is of a scale which reflects adjoining two-storey development to the north. The additional storey does not extend over the corner section of the building with the existing height and bulk unaltered by the proposal. The proposal would therefore preserve the existing relationship between the application site and adjoining development.

Design

As existing the northern block is of little architectural value with somewhat dull brick facades and facades relieved only by 1930's style steel windows and stone cills. In view of the predominantly rendered architecture to the north of the site and the low architectural value of the existing building the rendering of the facades is considered acceptable.

The existing windows are a key characteristic feature of the existing building and together with the stone cills represent its only redeeming features. Following amendments, and in response to comments from CAG and the Conservation & Design Team, the replacement windows would replicate the existing glazing divisions and reflect the 1930's architectural style of the building. The amended window arrangement would preserve the character of the adjoining Conservation Area and the setting of nearby Listed Buildings.

The additional storey comprises a mansard roof with steep sloping pitched roofs. The Conservation & Design Team have expressed concern that this treatment would appear incongruous and out of place on a building of this style and age and that a more contemporary approach would be preferable in this instance (and this was the design approach of an earlier application on the site).

Whilst these concerns are noted on balance it is considered that the mansard roof would appear an appropriate addition to the building. The mansard roof is set back from the main rear elevation of the building and the front pitch reduces the bulk of the additional storey and its visual impact / prominence from street level. The additional storey, and mansard roof form, would primarily be visible in short views along adjoining streets from where it would be viewed in conjunction with improvements at lower levels of the building (as set out above). Taken as a whole it is considered that the additional storey and associated external works would create a coherent design that improves the appearance of the building.

To the rear of the existing building a glass clad fire escape would be constructed. This addition would be visible from Hampton Street. The structure is of an appropriate scale in relation to the existing building and the use of glass cladding would reduce the perceived mass of the structure. The structure is therefore considered acceptable.

There is an expectation that additional plant and machinery would be required for the hotel use. The proposed plans indicate a plant room at lower ground floor level and there is no suggestion that significant amounts of additional plant / machinery would be required.

Conclusion

The proposal would markedly improve the appearance of the existing building at street level and this would in turn enhance views into and from the adjoining Montpelier and Clifton Hill Conservation Area. There are design concerns relating to the additional storey. However, it is considered that the

benefits accruing from the external alterations on the appearance of the building and adjoining conservation area outweigh concerns relating to the design and detailing of the additional storey. For this reason the proposal is considered to meet the aims of Local Plan Policies QD1, QD2, QD4, QD14 and HE6.

Impact on amenity

Loss of light

It was accepted as part of a previous application on the site that a two-storey extension to the northern block would not result in significant harm to neighbouring amenity through loss of light (see section 3). This application proposes one additional-storey to the building.

The applicant considers that since the development is of a lesser scale than that previously proposed the resulting impact would be no worse than that considered acceptable as part of the earlier application. In support of this view the daylight / overshadowing analysis of the previous scheme has been submitted with a covering letter relating to the current scheme.

The existing properties to the north are already affected to varying degrees by the existing building, which includes the southern (Western Road) block which is considerable taller than the prevailing scale of development to the north. In this context it is considered that the additional storey set back from the main rear elevation and incorporating a sloping roof would not lead to further significant loss of light for occupiers of adjoining properties to the north. These adjoining properties would instead continue to be primarily affected by lower levels of the building and the dominant presence of the southern building. This view is supported by the planning history of the site where a proposal for a two-storey extension to the northern block was not refused for amenity related reasons (ref: BH2007/02072).

Overlooking

As existing there is mutual overlooking between the application site and adjoining properties to the north and south. Although the hotel accommodation would change the existing use of the building it is considered that the nature and expected use of the resulting guest accommodation would not lead to an appreciable increase in overlooking, or a perception of overlooking, for occupiers of adjoining properties.

Noise and disturbance: The proposal would introduce a potentially vibrant commercial use into the building and as such there is potential for increased noise and disturbance. A number of representations have been received objecting to the proposal on this basis.

The site is located off a principle commercial street through the City centre and trips to and from the site during normal working hours would not be uncommon in this neighbourhood. Whilst it is acknowledged that there is greater potential for late night access and egress from the building it could not be demonstrated that this would inevitably lead to noise or disturbance for

occupiers of adjoining properties. It is further noted that the principle entrance to the proposed hotel would be off Western Road and it is considered that the majority of guests would use this access, rather than that to the rear on Hampton Street. For these reasons it is considered that the proposed use would be unlikely to lead to increased noise or general disturbance to the extent that would warrant withholding planning permission.

There are no conditions restricting hours of deliveries and collections to the site as existing. The Planning Statement advises that deliveries and collections to the hotel would take place between standard operating hours of 08:00 and 18:00. This would potentially be an improvement on the existing uncontrolled arrangement.

Lower ground floor restaurant

The basement restaurant and bar are physically connected to the main hotel and the building as a whole would remain within the hotel Use Class (C1). The proposed works would therefore not lead to a material change of use and the resulting restaurant / bar would be ancillary to the primary use of the premises as a hotel.

The proposed plans indicate the location of extract equipment which would be vented to the southern elevation of the building, within the central courtyard area. This is considered to be the most suitable location, in design and amenity terms and if necessary further details could be required by condition.

Transport

The site is located in an area of high public transport accessibility, in close proximity to Brighton station and local bus routes. The site is also located in extremely close proximity to the services and facilities of the town centre. The proposed hotel would be accessible from Western Road which has limited access rights for private vehicles and is a bus and taxi priority route. The hotel would also be accessible from Hampton Street which is one-way (westbound) and accessed from Spring Street which is also one-way (southbound).

Although the application is accompanied by supporting information the Transport Planning Team has raised concerns that the application is not accompanied by a Transport Assessment (TA). Whilst additional information has been provided in response to this concern in reality the demand for travel to and from the proposed development would be far more complex than suggested by the applicant.

For example, the applicant's assertion that TRICS is not an appropriate tool to assess this site is not correct. An initial analysis of town centre hotel data in the TRICS system shows that the average person trip generation (which does not just equate to hotel customer movements) is 8-9 trips per room, with vehicle trips calculated at 2 per hotel room. This level of movement at the site alone would amount to a significant impact to the surrounding highway network, but it should also need to be fully assessed in the context of the net

change in trip generation that would occur based on the proposal. The applicant's estimates of trip generation are significantly different from those that can be achieved by using the TRICS database and cannot be accepted.

It is not possible to estimate the likely demand for travel from the proposed development and whether any mitigation measures are required until the overall trip generation and traffic impact have been properly evaluated and agreed. For this reason the application, as submitted, is contrary to Local Plan Policy TR1.

The proposal allows for 9 staff cycle spaces within the basement level; there are no apparent reasons why the cycle parking could not be made available for both staff and guests. The Council's cycle parking standard specifies the provision of 1 space per 10 employees for hotels; the standard does not require cycle parking facilities for hotel guests. The provision therefore exceeds the minimum requirement.

Sustainability

The development primarily relates to conversion of an existing building with a smaller new-build element at fourth floor level. Policy SU2 requires that development proposals demonstrate a high standard of efficiency in the use of energy, water and materials. Further guidance is contained within supplementary planning document 08, sustainable building design.

An Energy Assessment Report (date June 2010) has been submitted which indicates a clear commitment from the applicant to achieve BREEAM 'excellent' and score 60% in the energy and water sections. Whilst a detailed design for services to the additional storey has not yet been fully worked up the Energy Strategy Report makes it clear that a number of suitable technologies are being properly considered to meet SPD08 standards as required.

In relation to water efficiency the report outlines measures that would be undertaken to achieve a BREEAM rating of 'excellent' with a score of at least 60% in the water section (in excess of that required for an additional storey of the size proposed). There is a commitment to explore the possibility of water recovery from the rear roof and central courtyard to provide rainwater for the entry level toilets, and the requirements for such a rainwater harvesting plant have been identified. In addition other water saving measures, such as dual flush cisterns and low flow taps / showers, have been identified.

A section on energy outlining renewable energy options being considered for the building. The primary option relates to a solar water heating system that would contribute to the domestic hot water system for showers and taps: the submitted roof plan indicates the proposed siting for these panels and further details could be required by condition. The report is again states compliance with the 60% requirement for energy.

It is considered that the applicant has submitted sufficient information, and

commitment, that the development would achieve a BREEAM rating with high levels in the water and energy sections. On this basis it is considered that further information and certification, pre and post-completion, could be required by condition. This is considered sufficient to comply with the aims of policy SU2 and SPD08.

Western Road frontage

Proposed entrance

As existing the Western Road frontage of Mitre House incorporates a single canopy under which is the original 1930's entrance to the southern block and a modern shopfront (to a small retail unit) which is unsympathetic to the building and adjoining conservation. The proposal seeks to replace the shopfront and form a new entrance which, following amendments, incorporates flanking pilasters, doors and a fanlight to match the adjoining original doors.

It is considered that the proposed entrance would be a significant improvement on the existing shopfront and it appears likely that as originally built there would have been an entrance in this location. The alterations are therefore considered acceptable in principle.

Loss of retail

The hotel entrance would result in the loss of a retail unit which, allowing for ancillary space to the rear, measures approximately 96 sq metres and is within the prime frontage of the regional shopping centre. Policy SR4 of the Local Plan seeks to retain retail units unless a number of criteria are met. These criteria state that as a result of the proposal there should not be a break of more than 10m in the shopping frontage (criteria a); the proportion of non-retail units in the shopping street should not exceed 25% (criteria b); the replacement use should have a positive effect on the shopping environment, encourage combined trips and attract pedestrian activity (criteria c); and the proposed use should not be detrimental to neighbouring amenity or the general character of the area (criteria d).

The proposed arrangement, and in conjunction with the adjoining entrance, would result in a gap in the retail frontage of approximately 8 metres (a) and the vast majority (and in excess of 75%) of adjoining uses would remain in retail use (b). As the primary entrance to a hotel the proposal has potential to attract new pedestrian activity to this part of the shopping centre and there would be an expectation that trips by guests would be linked to other attractions within the City (c). A commercial entrance to the building would not be out of keeping in this location, and the impact of the use on neighbouring amenity was considered in an earlier section (d).

Conclusion

The proposed entrance would enhance the appearance of the building and although a retail unit would be lost this would not harm the vitality of the regional shopping centre.

Other considerations

Public house

The existing public house, on the corner of Spring Street and Hampton Street, would be retained by the proposal. The ground floor area would be increased to approximately 161.8 sq metres but a first floor function room would be amalgamated into the hotel use. An external courtyard area would be created to the rear of the building.

There is no objection to the loss of the first floor function room which is an ancillary feature of the primary pub use, and this loss is potentially compensated for by the increased ground floor area. The total floor area of the pub already exceeded 150 sq metres and as such there is considered to be no conflict with policy SR12. The external terrace is modest in size and could not be used for extensive outdoor seating: it would though potentially reduce outdoor noise and disturbance from smokers using Spring Street and Hampton Street.

Caretaker's flat

The fourth storey to the northern block incorporates a stair well and 'caretakers flat'. The flat was historically occupied in connection with lower levels of the building and cannot be self-contained due to the presence of shared access and servicing arrangements with the office accommodation below. Whilst policy HO8 seeks to retain residential accommodation an exception is allowed when a separate access to a unit is impractical (criteria b). As this is the case in this instance there is no objection to loss of the residential unit.

Dental surgery

The dental surgery at the corner of Hampton Place and Hampton Street would be unaffected by the proposal which allows for its retention as existing.

Statement of Community Involvement (SCI)

The applicant has submitted a SCI which primarily relates to proposals prepared in 2007 for a significantly different scheme. Whilst the scheme has been amended since the previous consultation, and refused application, there is no information to suggest residents have been involved in the preparation of the current scheme. A number of objections have been received on this basis. Whilst this omission is regrettable and it is good practice to involve residents at an early stage in the preparation of a scheme this is not considered to be a reason to refuse the application or invalidate the application.

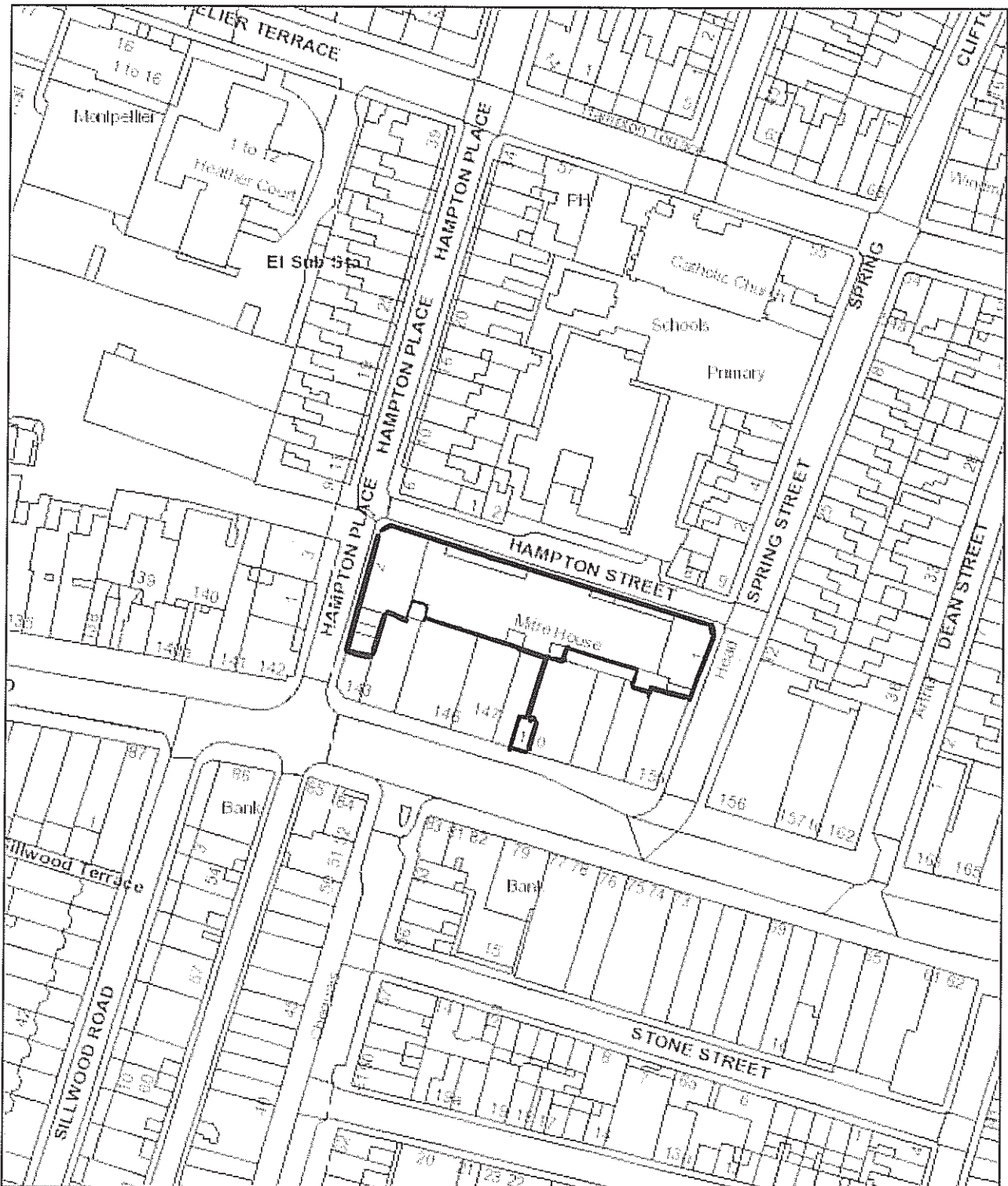
Conclusion

It is recognised that there is a need to bring the northern block of the Mitre House site back into use and the proposed development does have some merit. However, it has not been demonstrated that the development would have an acceptable impact on transport and the demand for travel and this is considered contrary to the aims of saved local plan policy TR1.

8 EQUALITIES IMPLICATIONS

The development would provide an accessible internal layout with 13 accessible rooms proposed. Whilst disabled parking is an issue it is considered the requirement for a travel plan could satisfactorily alleviate this concern.

BH2010/01966 Mitre House



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Brighton & Hove City Council

PLANS LIST – 22 SEPTEMBER 2010

COUNCILLOR REPRESENTATION

From: Jason Kitcat [<mailto:jason.kitcat@brighton-hove.gov.uk>]
Sent: 30 July 2010 09:28
To: Guy Everest
Subject: Objection to application BH2010/01966 for Mitre House

Dear Guy

I am writing to object to the application for Mitre House, 149 Western Road, Brighton ref BH2010/01966. If the application is likely to be approved I request that it goes to committee where I would like to speak to the item.

My objection concerns the change of use from offices to a hotel. This will change the nature of the area and will also impact on employment. As offices the building could host far more employment than will be created by a hotel use.

Furthermore there is a problem of overcapacity in the hotel trade. You will be aware of a number of hotels, such as in Oriental Place, seeking permission to convert to flats due to falling trade. More hotel rooms to fill are unwarranted in the current climate and level of hotel provision across the city.

Finally, the change of use to hotel will have an impact on local residents. The hotel will require significant service deliveries for laundry, food and other supplies - far more than an office would need. Furthermore many guest will likely attempt accessing the hotel by car in an already congested, narrow and difficult area. Due to Western Road's bus lane status, car access would be down Spring Street (past the primary school there) and into Hampton Street. This will cause congestion, noise and disturbance for residents as well as possible conflict with the school children and their parents dropping-off and collecting them.

Some guests may also try dropping off their luggage on Western Road with serious implications for safety and the free movement of buses on this key route.

A hotel in this location is likely to attract stag and hen parties as well as late night revellers wanting somewhere near to the city's clubs. Their return to bed is also likely to disturb residents who already have more than their fare share of noise and disturbance from the city's night economy.

I believe that this change of use to hotel is inappropriate, unjustified and should be refused.

Sincerely,

Cllr Jason Kitcat

--

Cllr Jason Kitcat
Green City Councillor, Regency Ward
Brighton & Hove City Council

LIST OF MINOR APPLICATIONS

<u>No:</u>	BH2010/00584	<u>Ward:</u>	WITHDEAN
<u>App Type:</u>	Full Planning		
<u>Address:</u>	227 Preston Road, Brighton		
<u>Proposal:</u>	Change of Use of car showroom / workshop (SG04) to 2 No. Retail Units (A1) incorporating installation of external condenser unit, air conditioning units and an ATM Cash Machine.		
<u>Officer:</u>	Adrian Smith, tel: 01273 290478	<u>Valid Date:</u>	02/03/2010
<u>Con Area:</u>	Preston Park	<u>Expiry Date:</u>	27 April 2010
<u>Agent:</u>	WYG Planning & Design, 100 St John Street, London		
<u>Applicant:</u>	Sainsburys Supermarkets Ltd/Caffyns Plc, C/O WYG Planning & Design, 100 St John Street, London, EC1M 4EH		

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:

1. Policies TR1, TR7 and SR2 of the Brighton & Hove Local Plan require all new development proposals to provide for the demand for travel they create, without increasing the danger to users of adjacent pavements, cycle routes and roads. Where there are no acceptable solutions to problems that arise from development proposals, planning permission will be refused. The proposed loading/unloading bay, by virtue of its location directly on the main A23 Preston Road across a cycle lane and in front of a bus lane at a point where the dual carriageway narrows to a single lane, would significantly increase danger to vehicular, cycle and pedestrian traffic at this point. The proposed development would therefore result in a significant increase in highway safety risk, contrary to the above policies.
2. Policies TR1 and SR2 of the Brighton & Hove Local Plan require all new development proposals to provide for the demand for travel they create, without resulting in highway danger, unacceptable traffic congestion or environmental disturbance. Policy TR19 and Supplementary Planning Guidance 04 'Parking Standards' provides maximum parking levels for development within the City whilst Policy QD27 seeks to protect the amenity of residents from, amongst others, speed, volume and type of traffic nuisance. The proposed development would significantly increase traffic movements in and around the site which, by virtue of its shortfall in onsite parking provision, would increase vehicular movements and parking levels in the surrounding streets, to the detriment of the residents of these streets and the overall character of the Preston Park Conservation Area. The proposal is therefore contrary to the above policies.

Informatives:

1. This decision is based on the design and access statement, heritage statement, waste minimisation statement, planning statement, acoustic data report, transport assessment, and drawing nos. 301 rev C, 302 rev A, 303 rev K (as amended by the site layout plan SSLBRIGHTON(LOCAL).1/02 rev A submitted on the 9th July 2010), 304 rev F and 305 rev K submitted on the 2nd March 2010; the contaminated land assessment report submitted on the 20th April 2010; the plant noise assessment submitted on the 4th May 2010; the additional transport assessment submitted on the 11th June 2010; the addendum retail impact assessment submitted on the 24th June 2010 and the amended

2 THE SITE

The application relates to a vacant commercial premises located on the west side of Preston Road (A23), Brighton, within the Preston Park Conservation Area. The site fronts onto the A23 Preston Road at a point where the dual-carriageway narrows to a single lane. A mainline bus stop sits directly outside the site, along with a national cycle network lane. The site is bounded by Cumberland Road to the north and Lauriston Road to the south, with residential properties directly adjacent to the west. The building sits to the southern half of the site and is an 851sqm single storey brick structure with east and west side gable ends and a metal clad roof to an overall height of 9.5m. The site historically operated as a petrol filling station however this use subsequently changed to a car showroom (Sui Generis use class) with associated car servicing facilities to the rear and a forecourt display area to the north side. When operating as a petrol filling station the main access point was via the Preston Road frontage with egress via Cumberland Road to the north. These access points remain however they appear to not have been used for a number of years. The rear servicing bays were accessed via Lauriston Road.

3 RELEVANT HISTORY

None relevant.

4 THE APPLICATION

The application seeks planning permission for the Change of Use of the site from its current Sui Generis use class to two A1 retail units. The first A1 unit would be located to the front of the existing building and would occupy 436sqm of floorspace (280sqm sales area) as a convenience store. The second unit would be located to the rear of the building and would occupy 415sqm of floorspace (261sqm sales area) as a non-foods comparison goods store.

The existing building will not be enlarged, however minor alterations to the front/east and north side elevations are proposed to facilitate its conversion into two A1 retail units. The existing entrance doors to the glazed eastern elevation are to be converted to windows and a new sliding door access point inserted into the glazed section of the northern elevation. Service doors to the

rear of the northern elevation are to be converted into a double door entrance to the second retail unit. A refrigeration condenser and three air-conditioning units are to be added to the northern elevation, disguised behind a 3m high louvred enclosure. Additionally, an ATM is to be added to the wall space adjacent to the new entrance to the front unit.

During the course of the application, a number of alterations to the access points and layout of the forecourt area have been made. The forecourt area, as revised, would provide vehicular access and egress points onto Cumberland Road to the north (instead of from the A23 Preston Road as originally submitted), with pedestrian access remaining to the front side adjacent to the main entrance. Nineteen parking spaces are to be provided, alongside a motorcycle bay and two disabled parking bays. Boundary vegetation to the parking area is to be enhanced whilst an unloading bay is to be provided on the A23 Preston Road to the front of the site, adjacent to an existing bus stop.

The application is supported by a Transport Assessment (revised), a Retail Impact Assessment (revised), a Contaminated Land Assessment and a Plant Noise Assessment.

5 CONSULTATIONS

External:

Neighbours:

Initial Submission:

A **petition** of objection has been submitted with a total of **500** signatures.

A total of **151** letters of objection have been received. **121** are in the form of a standard letter, **8** are in the form of a secondary standard letter, and **22** are individual letters of objection. The addresses of the objectors are listed in Appendix A. The reasons for objecting to the scheme are as follows:

General

- There is no need for a supermarket. There is already a supermarket within walking and bus distance in the New England Quarter whilst Sainsburys also operate a home delivery service that the elderly can use.
- There are numerous independent traders and outlets in the nearby area along Preston Road, Preston Drove (a Co-op), Dyke Road (a Tesco Express) and London Road.
- A small outlet as proposed would have less choice and more expensive produce.
- The sale of alcohol from the premises will encourage under-aged individuals to the neighbourhood which already suffers from anti-social behaviour associated with the two nearby public houses.
- Levels of passing crime and vandalism will increase as late night drinkers will choose to alight at Preston Park station to collect cigarettes and alcohol from the new store before walking into the town centre.
- Increase in noise levels within the Conservation Area.
- Increase in CO2 car emissions causing detriment to air quality and the

environment.

- The status and traditions of this small local community should be preserved, especially when there are so many options for food shopping in place locally.
- A Post Office is needed more than a supermarket.
- Homes or small shops would be more in keeping with the site and area.
- Supermarkets claim to create jobs but in fact destroy more jobs than they create.
- Road litter will increase.
- It is hypocritical of the Council to enforce laws of the Conservation Area on local residents yet allow an International FTSE100 company to build a supermarket in the same area.
- No indication is given of the proposed frontage to the building or the signs etc.
- The store will require large unattractive rubbish bins and will be less green and generate more waste than local businesses.
- The application fails to preserve or enhance the Conservation Area.

Transport

- Increase in traffic congestion already present on the A23 Preston Road.
- The A23 Preston Road is a very busy road narrowing from two lanes to one outside the site. Cars entering the site from Preston Road or those tempted to park outside would create a serious highway and pedestrian hazard.
- The junctions around the site are already challenging to cyclists. Any increase in traffic or risk to drivers stopping or turning into the store is likely to increase the possibility of serious accidents to cyclists, motorists, pedestrians.
- There is a bus stop directly outside the site. There would be a safety risk for mothers with babies, school children elderly etc with traffic also entering the site at this point.
- Local roads already suffer from poor parking facilities and traffic congestion due to narrow road accesses and widths. They are unsuitable for large delivery vehicles.
- Visitors to the supermarket would likely park in local roads if convenient or the car park is full. This would add significant additional pressure to residents parking provision, which is already limited and used by commuters at Preston Park Station.
- Cars are likely to take short cuts through Preston Village roads which is a quiet residential area.
- Cars already park on double yellow lines at the bottom of Lauriston Road.
- Access and exit points will be onto Cumberland Road which already suffers greatly from large lorries that cannot negotiate the narrow road and damage residents vehicles as a consequence.
- The store will require deliveries on multiple occasions day and night, causing problems when the vehicles park, particularly if they park in side roads. This will be worsened by the intention of Sainsburys to sub-let the

second unit to another organisation.

- Deliveries, particularly late at night, will result in noise disturbance to nearby properties- no details of delivery times are provided.
- Lorries navigating Cumberland Road would be a risk to children in the nearby school at Clermont Church.
- There is no indication of where the staff will park.
- Public works will be required within a S106 agreement.
- Railings should be added along the west side pavement to Preston Road to prevent pavement parking.
- There should be a planning condition requiring delivery vehicles to turn northbound only out of Cumberland Road.
- The Transport Assessment is misleading- volumes of traffic during the day and at peak time are such that there are frequently no 'gaps' in the traffic afforded by the signalised junction at Preston Drove, and none at peak times. The merging of two lanes to one occurs outside the site and causes tailbacks, further reducing the number of gaps. A store traffic flow of 1 vehicle per minute at peak times will most likely cause a major problem for the A23.
- All changes to access and parking arrangements in the local area to mitigate the development should be funded by Sainsburys.
- It is not clear where deliveries will be made to the second unit. Deliveries via the entrances on Lauriston Road would be very disruptive to local residents.

Local economy

- The proposed development would put several small independent traders out of business, including the newsagent, the deli, all the public houses and the shop outlet at the petrol station.
- The existing corner shop gives excellent service- it would be disastrous to lose this in the area.
- The kind of employment generated would not be of the same quality as local businesses who employ local staff. The staff and management of the supermarket would have a high turnover rate and would not know and love the area like those employed by local businesses.
- Profits generated by the store will be drained away from the local economy
- Large businesses should not be allowed to dominate the local economy.
- The applicants have not demonstrated an unsatisfied need for either the convenience store or the comparison goods store.
- Local shops will not be able to compete with Sainsburys pricing and will fail.
- Local shops provide a sense of community which multi-nationals do not.

16 letters of support have been received. The addresses of the supporters are listed in Appendix A. Their reasons for supporting the scheme are as follows:

- It is a good idea that a good shop will be in the village as it is poorly served presently. It makes sense to have a local store for local people.
- It will add retail choice to the area and will generate jobs for the local

economy.

- It will improve the appearance of the site and the Conservation Area.
- The store will be convenient for local elderly people and mothers with young children to use.
- There will be less 'passing crime' as people will be coming and going at all times.
- As the majority of local shops are estate agents, a locksmith, accountant and counselling advisory service, a local store will not impact on these businesses.
- Traffic is only bad at certain times of the day. Provided deliveries are made at quiet periods, there will be no problem with increased traffic.
- Those stopping at the site would be passing commuters at peak hours and the rest of the time the store will be used by local people.
- It will enable local residents to shop locally and will reduce car journeys to larger supermarkets.
- It will provide a service and quality fresh produce that the existing shops in the locality do not.

Following the submission of an amended Transport Assessment, an additional Retail Impact Assessment, and public re-consultation a further **30** individual letters of objection have been received, the addresses of the objectors are listed in Appendix A. Their reasons for objecting largely follow the above, however, the main points relating to the revised scheme are as follows:

- The concept of parking delivery lorries on the A23 is ludicrous and emphasises that this site is inappropriate for a supermarket.
- The delivery vehicles would clearly block the cycle lane and be unhelpful in respect of the adjacent bus stop.
- Cyclists would be put at risk for long periods having to divert out into the busy traffic lane around a large lorry at a point where the A23 is 'pinching in'.
- Delivery lorries would have to either use residential streets to turn and reach the site which is unacceptable, or the Preston Circus to the south .
- The use of Cumberland Road for entry/exit is an improvement however it will increase traffic movements off and onto the A23 adding to congestion, particularly as most car park stays would be short.
- The entrance and egress points should be to/from Preston Road just like the petrol station and bowls club.
- The surrounding roads are frequently fully utilised for car parking- does the Work Place Travel Plan have the strength to prohibit staff parking in side roads.
- The analysis of the Headcorn store car park seems to suggest almost 100% utilisation for much of the working day- a free ATM is bound to create more traffic than an ordinary store would.
- There seems to be the potential for a significant clash of vehicles emerging from Cumberland Road to turn right (southbound).
- No details are given about delivery and traffic demand for the second retail

unit.

- There is still no indication of what the second retail unit might be therefore it is impossible to assess what the implications of this might be for the local community.
- 17 parking spaces will quickly fill up. Residents in the area already have to compete for roadside parking with train bound commuters and local businesses leaving their cars in the village.

A further 66 page letter from the Sainsburys Action Group has been received objecting to the proposed development. A summary of their objections is as follows:

- Contrary to Local Plan. The aim of the Local plan is to 'maintain and enhance our outstanding natural environment and built heritage with more opportunities to walk, cycle or take public transport, support new and existing businesses and the jobs they provide...to reduce growth in length and number of motorized journeys, encourage alternative means of travel, and reduce reliance on the private car...to focus development in town centres which is better from a transport and environmental point of view... All planning decisions should accord with the Local Plan'.
- Sainsburys still refusing to name the operator of the second retail unit which amounts to half the site. This means there has been no assessment of the impact of half of the site, which could double traffic and cause numerous other additional problems. They have been repeatedly asked to state the name of the proposed retailer to the Council and have continually refused to do so. As of the end of July, they still have not and are not intending to. How can planning permission be given to an unknown quantity of this nature? Refusal has already been recommended once as a result of this lack of disclosure on the ground of 'unclear use' and apart from any other factor, it is submitted, must therefore be refused again on this ground alone.
- Sainsburys application littered with inaccuracies and errors.
- Focus should be on vacant sites in the town centre according to the Local Plan. However, Sainsbury's have not looked for other sites in any meaningful way and have not looked in the town centre at all.
- Fundamental change in an attractive, historic village, in a protected Conservation Area on the main route into Brighton, removing it's last vestiges by adversely affecting local businesses, who cannot compete with Sainsbury's, causing job losses and empty shop premises on the historic parade, which has always functioned as the village shops. The Local Plan emphasizes the Brighton's 'outstanding historical and architectural heritage, which is of national importance', which includes 33 Conservation Areas which should be 'protected and enhanced' due to their importance to Brighton & Hove. Cumberland Road has the last intact row of Edwardian terraced houses in Brighton.
- Emphasis in the Local Plan is on the importance of supporting local centres and 'sustaining and enhancing their vitality and viability'.
- Council has a duty to provide 'robust economic evidence' about the impact on the local economy. This has not been provided.

- Sainsburys failed to do proper impact assessments. In their application they fail to deal with the impact of the development in any significant way. They provide no evidence for anything they say, only statements of opinion (their opinion) using figures plucked out of the air. All of their reports are biased and self-serving, completed by companies they pay to get their planning application through. There has been no independent evidence obtained whatsoever on this application.
- Plan involves removing part of the A23 carriageway at crucial juncture where it narrows into one lane on each side of the carriageway, to use as an unloading bay for 11m articulated lorries. This will not only cause severe delays on the main trunk road, but will be unsafe.
- Will cause dangerous traffic conditions near to a primary school. The A23 cannot absorb such an increase in traffic estimated at 200 cars per hour off-peak, it does not provide for the additional traffic it creates. On Sainsbury's own figures (which we say are a vast under-estimate, there will be 2000 cars per day visiting the site.
- Will positively encourage car use. It will cause traffic Mayhem, causing severe delays, more accidents, some of which will be fatal. Their original proposals were 'unsafe and cause a significant risk to the public' according to the Council Transport Planning Department and the amended plans are just as unsafe and inappropriate, if not more so.
- Severely affects bus and cycle routes by completely removing a large part of the cycle route and by making the unloading bay on the A23 carriageway right in front of the bus stop, will cause the A23 to be blocked, making it impossible for buses to pull out and making it unsafe for other road users and pedestrians and cause severe delays on a road which cannot cope with the current levels of traffic it has.
- TR1 4.24: 'service access needs to be met in full within the development site'. The amended plan is totally contrary to this.
- Parking is at crisis point in the Village, there is nowhere for residents to park as commuters use the spaces and travel to London from Preston Park station. There are other huge pressures on parking in the area e.g. Clermont Church, the Bowls Club and events at Preston Park. It is impossible to park your car on your own street and has been getting worse over the last 2 years. The increased demand that such a development would attract would cause severe problems in an area that is beyond saturation point.
- Sainsburys positively encourage parking in the nearby streets and rely on it in their application.
- It will serve those travelling on the A23 to the detriment of local residents and businesses.
- Increase in noise, pollution and traffic problems as a result of at least 7 lorry deliveries per day. This will completely change the nature of the village and will drastically reduce the local community's quality of life, which the Local Plan is supposed to protect.
- Increase in crime, nuisance and anti-social behavior. There are already significant problems with crime and anti-social behavior in the area, which appears to be alcohol related and is linked to the use of Preston Park

Station by fare evaders alighting there and returning from there due to there being no barrier or ticket collection there. The youth alcohol related problems in the area have already called for a police operation called 'Operation Park', centering on Preston Park. At the licensing stage the Police raised strong objections about the opening of the Sainsbury's store on the ground of 'protection of children from harm', but then inexplicably withdrew them at the Licensing Hearing.

- No consultation with the local community affected whatsoever, contrary to Local Plan.
- Homogenization of the City, taking away historic, unique parts of the city which have their own identity and are of local and national value.
- Proliferation of Sainsburys and Tesco Stores all over the City due apparently to a 'turf war'. The Council needs to stop this and take it in hand.
- Amended plans mean it is no longer a change of use application but an application for total redevelopment.

Following the submission of the additional information and re-consultation, **4** letters of support have been received. The addresses of the supporters are listed in Appendix A.

A letter has been received from **Caroline Lucas MP** supporting the residents who are objecting to the proposed development

Councillors Ann Norman and Ken Norman have commented on the application. A copy of their joint letter is attached.

Councillor Pat Drake has commented on the application. A copy of her letter is attached to this report

Environment Agency: No objection subject to conditions.

It is considered that planning permission should only be granted for the proposed development as submitted if planning conditions are imposed relating to contaminated land and site drainage. Without these conditions, the proposed development on this site poses an unacceptable risk to the environment and we would wish to object to the application. The recommended conditions are attached to the recommendation.

As this site lies on the Chalk a principal aquifer a valuable groundwater resource it must be ensured that all works carried out in relation to this planning application are carried out with the up most care to ensure the protection of groundwater.

Sussex Police: No objection.

The glazing to the front doors should be a minimum of 6.4mm laminated glass. The doors should have lockable shoot bolts fitted or an equivalent security measure incorporated. It would be beneficial to have a monitored alarm system present. The proposed location of the ATM is in close proximity

to the bus stop which could hide a potential offender and additionally mask any natural surveillance of the ATM location. There are no authority cameras located anywhere within this location.

Internal:

Policy:

Initial Submission: Objection.

The information supplied by the applicant's agent is considered not to comply with national policy PPS4 and local plan policy SR2 (SR1). More information should be supplied as detailed below to demonstrate that this proposal would not adversely effect neighbouring retail centres and that the proposal could not be located more centrally within existing centres.

Following amendments and additional supporting information: No objection.

Having seen an earlier version of the retail assessment, most of the outstanding points have been dealt with in the amended statement and it is considered that the applicant has addressed the impact of the proposed units in relation to policy PPS4. Conditions are recommended to limit the extent of the net store area(s) in order to prevent the convenience and comparison units amalgamating or the storage/circulation space being used for the sale of goods without planning permission, in order to further protect the future viability of neighbouring retail centres.

The adjacent shops are in a local parade and SR7 applies. The location of the former car showroom is to the north of an existing local parade of shops in Preston Road that is fragmented into three distinct blocks and contains approximately 10 units. Occupiers of the adjoining units are predominately convenience or services users ranging from a newsagent, to a photographers, dry cleaners, public house, and estate agents. The applicant states that at the time of writing there were no vacant units in the local parade and this still seems to be the case when checking the council's commercial property database. This indicates that the local parade is in good health at present and any vacant units from last year have now been occupied.

National Policy PPS4- In line with policy EC14 the applicant has provided an assessment of impact for the proposed retail units. One unit is for convenience floorspace and the other is likely to be for a comparison retailer. Policy EC14 also requires that a sequential assessment be carried out for main town centres uses that are not in an existing centre or not in accordance with an up to date development plan.

Consideration of a Sequential Assessment (Policy EC15)- It is considered that the sequential assessment took into account a suitable catchment area and that there are no available suitable or viable sites within this catchment. The applicant has also considered a reduction in floorspace in order to consider the vacant units in the catchment however this would not be suitable for the proposed scheme.

Impact Considerations (Policy EC16)- An impact assessment has been undertaken by the applicant even though this proposal falls beneath the 2,500 sqm threshold as the size of the units in question are larger than those in the adjacent local parade. It is considered that the assessment is proportionate to the size of the proposed development and considers the various criteria of policy EC16.1

Economic Considerations (Policy EC10)- It is considered that the proposal would create economic benefits to the city creating around 25-30 jobs and is likely to enhance footfall to the local shopping parade.

Sustainable Transport: It is recommended that this application be refused for the following reasons:

1. Additional information supplied has not resolved questions regarding road safety, routing of delivery vehicles, the cumulative transport implications of the second unit, on-site parked vehicle accumulation numbers, availability of on-street parking spaces and impact on neighbourhood, the Travel Plan and planning contributions.

The proposal therefore fails to provide for the demand for travel that it creates, contrary to policies TR1, TR2, TR4, TR7, TR15, TR19 & QD28.

Servicing and delivery vehicle routing

The additional routing and on-site parked vehicle accumulation information is insufficient. The routing information for the Sainsbury store indicates that the main delivery lorry comes down the A23 from the M25 and presumably, although not stated will have to turn round somewhere in the city (possibly via Preston Road, Stanford Avenue, Beaconsfield Road and Preston Road again) to reach the loading / unloading bay in the northbound lane of the A23. This would result in a significant level of increased vehicle mileage and emissions using routes within the council's designated Air Quality Management Area including the junction at Preston Circus with the A270.

Parking

The applicant has not indicated how the use of the parking between the two units will be managed given that in overall terms the level of parking proposed on the site is below the maximum level indicated in SPG4 for the GFA. A total of 19 standard spaces and 2 disabled driver spaces are proposed for customers only (the applicant has made no provision for staff parking). These compare with a maximum total of 28 standard and 2 disabled customer parking spaces, 4 staff parking spaces (based on 10 staff) for the Sainsbury unit and say 2 staff parking spaces (based on 5 staff though numbers have not been supplied) for the other unit making a total of 36 spaces when the SPG4 standards are applied. The 16 customer spaces (including 1 disabled space) that will be available for the Sainsbury unit equate to the maximum customer provision for the size of that unit, but the 5 customer spaces (including 1 disabled space) for the other A1 unit are 9 spaces less than the maximum customer provision allowed for that size of unit. However, the even

more important point is that the site overall is 15 car parking spaces short of the maximum permitted standard.

Road safety

The proposed road layout changes associated with the on-street loading / unloading bay have not been supported by a Stage 1 Safety Audit. Therefore, the views of the council's road safety officers have been sought. The Road Safety Team have advised that the proposed loading / unloading bay is located where the two A23 northbound lanes begin to merge into one lane at the end of the bus stop. A vehicle in the loading / unloading bay could result in a cyclist and two other vehicles attempting to merge into a section of the highway which would no longer have adequate width to accommodate all three resulting in a high risk of collision and injury. Therefore the applicant has failed to provide an acceptable solution to a problem that has arisen from a development proposal therefore the application fails to comply with Local Plan Policy TR7 Safe Development.

Environmental Health:

Initial Submission: Insufficient information

From reviewing the submitted contaminated land report prepared by Delta Simons Limited information and having confirmation that intrusive ground works will be not be taking place no objection is raised in respect of PPS23.

There are concerns however, relating to noise generated from the development as the report submitted is not sufficient and does not demonstrate the affect that any fixed plant and machinery would have on neighbouring residents. A comprehensive acoustic report be submitted demonstrating that all plant and machinery and air handling units shall be at least 5db(A) below background (expressed as LA90) 1 metre from the nearest noise sensitive premises. I also have concerns relating to delivery noise. I would expect the report to have reference to BS4142.

Following the submission of an acoustic report: No objection.

The acoustic report is satisfactory and indicates that no noise disturbance will be caused to local residents. Provided the equipment used for the purposes of the calculations within the report is installed in the built project, no further comment is made.

Air Quality Management: No objection.

At this time the council has not included the Preston Road/Drove junction in an AQMA (Air Quality Management Area). During the second half of 2010 the Environmental Protection Team must proceed to a Detailed Assessment in order to assess the influence of road traffic on local air quality in this area.

It is expected that the flow of traffic on this section of Preston Road is approximately 21,500 a day (average of 2008 A23 traffic surveys to the north and south). An increase of 1% in the traffic flow on Preston Road equal to an addition of about 215 vehicles is unlikely to create a significant change in the

local air quality at dwelling locations set back from the A23.

Design and Conservation: No objection.

Given the previous use as a car showroom on the eastern part of the site it is not considered that a change of use to A1 on this part would cause any harm to the character of the Conservation Area. There is greater potential impact on the character of the area as a result of the change of use of the workshop element to A1, as this is likely to result in significantly greater vehicle and pedestrian movement, shop display and advertising signage in Lauriston Road, which is otherwise wholly residential in character.

With regard to appearance, this is a very prominent site. The proposed external alterations, notably the screen enclosure for the refrigeration condenser units and the ATM, would introduce greater visual clutter into what are currently very simple elevations. The large screen enclosure would be a particularly prominent and intrusive feature that would relate poorly to the building itself. A smaller and less bulky solution should be explored. It is also noted that a section of the low boundary wall and planting would be removed for the pedestrian entrance to the Sainsbury's unit. Given that the existing boundary treatment on Preston Road (and the corner to Cumberland Road) is already very weak, and uncharacteristically low, this is an unfortunate outcome. In the surrounding context of the site, buildings and hard surfaces are generally softened by trees and planting. It is disappointing that no attempt has been made to mitigate the visual harm arising from the proposals, yet alone to positively enhance the appearance of the conservation area. The Planning Statement makes no mention of policy HE6. It is therefore suggested that to mitigate these concerns a new taller boundary wall be introduced along Preston Road and around the corner into Cumberland Road and that greater soft landscaping/planting be introduced to the site.

It is also noted that there are no details of any external lighting that may be necessary for the car park.

Conservation Advisory Group: No objection.

The group noted there would be little change to the external appearance of the property but had concerns over the possible loss of active window display. It agreed that the open window frontage is important to the street frontage and should be safeguarded by condition. The group also recommended control over signage and timing of deliveries as this could have an adverse impact on the residential character of the adjacent street.

6 PLANNING POLICIES

Brighton & Hove Local Plan:

TR1	Development and the demand for travel
TR2	Public transport accessibility and parking
TR4	Travel plans
TR7	Safe Development
TR14	Cycle access and parking
TR18	Parking for people with a mobility related disability

TR19	Parking standards
SU2	Efficiency of development in the use of energy, water and materials
SU5	Surface water and foul sewage 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 - full and effective use of sites
QD5	Design - street frontages
QD14	Extensions and Alterations
QD15	Landscape design
QD16	Trees and hedgerows
QD27	Protection of amenity
QD28	Planning obligations
SR1	New retail development within or on the edge of existing defined shopping centres
SR2	New retail development beyond the edge of existing established shopping centres
HE6	Development within or affecting the setting of conservation areas

Supplementary Planning Guidance:

SPGBH04 Parking standards

Supplementary Planning Documents:

SPD03 Construction and Demolition waste

National Planning Guidance:

PPS4 Planning for sustainable economic growth

7 **CONSIDERATIONS**

The main considerations material to this application are the principle of the Change of Use and its impacts on the local retail economy, the impacts of the development on the Preston Park Conservation Area, the implications of the development for highway and pedestrian access and safety, the parking implications for local residents, the impacts on residential amenity, and contaminated land issues.

Principle of Change of Use

The application site lies within the Preston Park Conservation Area and outside of all town and local shopping centres as designated within the Brighton & Hove Local Plan. It sits north of a parade of A1 shops and A2 professional services along Preston Road, however, this parade is not specifically designated as such within the Brighton & Hove Local Plan. Neither is the site itself specifically allocated within the Local Plan for retail use.

As the application relates to the change of use and subdivision of a non-retail unit to two retail units at a site outside of the defined shopping centres within the city, Local Plan Policies SR1 and SR2 apply. These Policies follow national guidance contained within Planning Policy Statement 4 '*Planning for Sustainable Economic Growth*' and state that applications for new retail development on unallocated sites outside of defined shopping centres locations will only be permitted in instances where:

- a. The development is intended to provide an outlying neighbourhood with a local retail outlet for which a need can be identified;
- b. The development itself, or cumulatively with other or proposed retail developments, will not cause detriment to the vitality or viability of existing established shopping centres and parades;
- c. The site is genuinely accessible by a choice of means of transport that enables convenient access for a maximum number of customers and staff by means other than the car;
- d. It will not result in highway danger, unacceptable traffic congestion or environmental disturbance;
- e. It provides adequate attendant space and facilities for servicing and deliveries;
- f. It provides facilities for parent and child, the elderly and people with disabilities

In addition, applications for new retail development on the edge of existing established shopping centres will be required to demonstrate firstly, that there is a need for the development and secondly, that no suitable site can be identified within the existing centre.

With regard to PPS4, Policy EC14.5 states that *in advance of development plans being revised to reflect this PPS, an assessment of impacts is necessary for planning applications for retail and leisure developments below 2,500 square metres which are not in an existing centre and not in accordance with an up to date development plan that would be likely to have a significant impact on other centres.* This assessment should include:

- a. *the impact of the proposal on town centre vitality and viability, including local consumer choice and the range and quality of the comparison and convenience retail offer;*
- b. *in the context of a retail or leisure proposal, the impact of the proposal on in-centre trade/turnover and on trade in the wider area, taking account of current and future consumer expenditure capacity in the catchment area up to five years from the time the application is made;*
- c. *if located in or on the edge of a town centre, whether the proposal is of an appropriate scale (in terms of gross floorspace) in relation to the size of the centre and its role in the hierarchy of centres*

A sequential test is also required under Policy EC14.3, and should:

- a. *ensure that sites are assessed for their availability, suitability and viability;*
- b. *ensure that all in-centre options have been thoroughly assessed before less central sites are considered;*

- c. *ensure that where it has been demonstrated that there are no town centre sites to accommodate a proposed development, preference is given to edge of centre locations which are well connected to the centre by means of easy pedestrian access;*
- d. *ensure that in considering sites in or on the edge of existing centres, developers and operators have demonstrated flexibility in terms of:*
 - i. *scale: reducing the floorspace of their development;*
 - ii. *format: more innovative site layouts and store configurations such as multi-storey developments with smaller footprints;*
 - iii. *car parking provision; reduced or reconfigured car parking areas; and*
 - iv. *the scope for disaggregating specific parts of a retail or leisure development, including those which are part of a group of retail or leisure units, onto separate, sequentially preferable, sites. However, local planning authorities should not seek arbitrary sub-division of proposals*

Following concerns over the level of detail and robustness contained within the initial submission, the applicants have submitted an updated retail impact assessment to fully address the requirements of the above local plan policies and PPS4 guidance. The revised assessment utilises a catchment area of 1km around the site to assess its potential impacts of both units, calculating that 80 percent of the turnover to the convenience unit will be contained within this catchment. This radius is considered appropriate given the gross sales floor spaces of each proposed unit (280sqm and 261sqm respectively). With regard the PPS4 sequential test, a greater radius has been utilised incorporating all sites within the Fiveways and Beaconsfield local centres (located just outside the 1km radius), and the London Road Shopping centre 2km to the south. Again this is considered a suitable study area. The results of the test conclude that only three units are currently vacant with each providing a floor area significantly smaller than those proposed by this development, a floor area that could not be reasonably adapted to meet the needs of the applicants. On this basis, it is considered that there are no sequentially preferable sites within existing shopping centres suitable for a development of this scale.

The application proposes a convenience store to act as a 'top-up' shopping facility for the local area. Supporting information suggests that there is a considerable surplus in capacity expenditure for both convenience and comparison goods stores within the 1km catchment area. This is corroborated by the Council's latest Retail Study (2006) which identifies capacity for an additional 10,000sqm of out-of-centre convenience floorspace by 2010 and 50,000sqm of comparison goods capacity by 2011. The Study does though stress that these provisions should be primarily directed at existing centres in line with local and national policy, and not out-of town locations unless fully justified.

With regard to its impacts on the vitality and viability of local centres, the retail

assessment demonstrates adequately that the two nearest defined centres at Fiveways and Beaconsfield are performing well with no vacant units. This is corroborated by the Retail Study. The adjacent parade, although not designated as such, also contains no vacant units at the time of study. It is noted that of the ten units within this parade, only three fall into the convenience bracket of the A1 use class (a delicatessen, a newsagent and a wine retailer). The other seven units are a combination of A2 professional services and comparison A1 retailers such as a drycleaners, an alarm shop and a photographic studio. Objectors have raised considerable concern over the impact of the convenience store on the local economy, particularly the local newsagents, delicatessen and other shops within the adjacent parade. On balance, given the relatively small floor areas of the proposed units, it is not considered that the harm to these local shops will be significant or damaging to the vitality of the parade. Evidence to this effect can be seen elsewhere in the City, in particular following the construction of the Tesco store in Hove, where local newsagents and shops opposite and adjacent to the site are still fully operational. This evidence is repeated at Seven Dials, Brighton where two Co-op stores are located adjacent to many smaller shops, and opposite Waitrose in Western Road, Brighton where again several competing newsagents and food stores have not been impacted (indeed a new food store and newsagents has recently opened opposite the Waitrose store). It is though agreed that a larger convenience store (or indeed two convenience stores) would likely offer a greater range of products to the detriment of these shops, and would potentially pull trade away from the wider designated centres. To secure against this conditions could be imposed restricting the size of these units accordingly, in the event planning permission is granted.

Objector concerns over the lack of detail with regard the future occupier of the second unit are noted however given the size of the store and the retail impact evidence provided by the applicants, it is not considered that any harm will be forthcoming from this lack of information. There are no material planning considerations that would warrant a restriction on the types of comparison retailer that could occupy this unit therefore a general A1 comparison retail use is accepted. It is noted that there are very few vacant units in the wider study area, and certainly none of this size. There is therefore little risk that the site would be vacant in the longer term and no harm is identified as a result (Nb the applicants state that they have a retailer in line to occupy this site should permission be forthcoming). An argument forwarded by the applicants that the addition of two retail units may in fact reinforce and improve the vitality of the local parade through association and increased local footfall is accepted to a degree, but no primacy is given to this consideration. Likewise the potential of the site to employ 25-30 persons is considered welcome but not an over-riding consideration in the determination of this application.

With regard the other requirements to policies SR1 and SR2, the site is in a sustainable location on a main road adjacent to a bus stop and cycle lane.

Considerations with regard the highway safety and parking implications of the development are addressed later in the report.

On balance, given the lack of reasonably appropriate vacant units within the nearest local and town centres, the defined spare retail capacity in the area, and the relatively small floorspaces to each unit, it is considered that the introduction of two retail units would not significantly harm the vitality or viability of existing centres, or the local parade. It is though considered that there is potential for harm to be identified should the units combine into a single convenience retail store (or operate as two convenience stores) at a future date, thereby affecting the vitality and viability of these local centres. The principle of the change of use is accepted.

Design and Appearance

The proposed development would not vastly alter the external appearance of the site or building. The building itself is very much non-descript and offers no particular asset to the Conservation Area. The alterations proposed are minor and would include the introduction of formal entrances to the north side, the closure of an east/front entranceway, and a 3m high louvred enclosure for condensing and air-conditioning units. These works would not unduly harm the appearance of the building. Concern is raised that the loss of the street entranceway could result in a poorly articulated frontage, particularly should shelving and vinyls etc be run internally. As these are internal works, they cannot be controlled under planning however the applicants have been made aware of this potential harm.

Externally, the site is bounded by low walls and sporadic vegetation. The applicants have confirmed that they would be accepting of a landscaping/planting condition to enhance the overall aesthetic of the site. Although bin storage is not detailed, this again could be secured by condition. On this basis it is not considered that the site or Conservation Area would be unduly harmed by the external works proposed.

Impacts on Residential Amenity and Public Safety

Considerable concern has been raised by local residents over potential noise disturbance from the site, particularly from deliveries utilising the side roads and access points to the site. This concern is acknowledged. The revised plans show a designated unloading bay to be positioned alongside the existing bus stop on Preston Road fronting the site, thereby negating the potential for delivery vehicles to utilise the residential streets in the area. Should permission be granted it would be considered appropriate to secure the use of this bay for the convenience store by condition owing to the number and range of times for daily deliveries (Nb five daily deliveries have been identified in the updated transport assessment). Further conditions could be secured restricting opening hours, service and delivery hours, and customer access points, again to protect local residential amenities in the event planning permission was granted.

A condensing unit and three air-conditioning units are proposed centrally along the north side elevation. These are to be held behind a 3m high louvred enclosure. An acoustic report has been submitted which demonstrates that noise associated with these units would be below background noise levels from the nearest noise sensitive property, set approximately 20m to the north. Given the residential use of this nearby property, a condition could be imposed to ensure that noise levels remain below background levels at all times in the event planning permission was granted.

Concerns have been raised over potential increases in anti-social behaviour that would be encouraged by a convenience store that sells alcohol. This is not considered to be a significant concern with regard to this development, particularly as the adjacent corner unit within the adjacent parade is occupied by a specific alcohol retailer with likely similar opening times. It would be unreasonable to refuse permission and difficult to identify any such detrimental impact associated with this proposal given the presence of this other store. Should harm to this effect be identified at a future date then a review of the licensing arrangement with the site would be possible under separate Environmental Health legislation.

The proposed ATM would be located adjacent to the entrance to the convenience store, on a side wall facing Preston Road. Although Sussex Police have raised concern over this location and the potential for the bus stop to hide potential offenders, given the separation between the ATM and the bus stop and proposed opening hours for the store until 22.00 hours it is considered that this risk would be minimal.

Transport

The main concern raised by objectors is with regard to the impacts of the proposed development on parking levels within the local residential streets, the impacts of delivery lorries in the same area, and highway safety concerns associated with the vehicular access and egress points. Policies TR1, TR7 and TR19 are most relevant in this case, alongside Supplementary Planning Guidance 04 'Parking Standards', however Policies TR2, TR4, TR14 and TR18 are also applicable.

As initially submitted, the application proposed the vehicular entrance to be via the Preston Road frontage to the site. It was determined that this entrance would pose a significant risk to pedestrian, cycle and highway safety with cars turning from the main road across a cycle lane directly adjacent to a bus stop. At peak hours this turning point could become congested further endangering highways users. The revised submission proposes separate vehicular entrance and exit points from Cumberland Road instead which is considered a considerably safer arrangement for vehicles, pedestrians and cyclists alike.

In terms of servicing, the revised layout proposes an unloading bay located on the A23, forward of the existing bus stop and across the cycle lane and at a point where the dual carriageway narrows to a single lane. It is unclear

whether this loading/unloading bay would be used solely by the convenience store however this could be conditioned if deemed necessary in the event planning permission was granted. The second unit would retain service doors to Lauriston Road where there is an existing loading bay for the benefit of the adjacent Parade. The updated Transport Assessment includes a deliveries schedule for the convenience store which identifies 5 deliveries per day, the main delivery of which would last approximately 45 minutes. Given the location of the unloading bay at a sensitive position on the main 'A' road, it is considered that such a use would pose a significant hazard between vehicles, pedestrians, cyclists, busses and delivery vehicles at a pinch point in the road. The Council's Traffic Manager has raised an objection accordingly, and referenced concern by the Council's Road safety officers over the impact of the proposed development on the safety of passing cyclists. Although the transport assessment states that none of the 25 accidents recorded in the vicinity of the site within the last three years (four of which were deemed 'serious') were directly outside the site itself, this does not preclude the future potential hazard posed by the array of differing traffic movements at this pinch point. The applicants have not submitted a Stage One Safety Audit to demonstrate otherwise, therefore it is reasonably concluded that the proposed loading/unloading bay would result in a tangible increase to highway safety risk, contrary to Policy TR7 of the Brighton & Hove Local Plan. These judgements are corroborated by the Council's Traffic Manager on the basis of the submitted Transport Assessment and associated data.

Within the site, 19 parking spaces are to be provided alongside a motorcycle parking bay and two disabled bays. The current SPG for parking standards requires 28 customer spaces and a minimum of 10 staff spaces (based on the identified employment of up to 10 persons at any one time by the convenience store and an estimated 5 persons by the comparison good store) however these are maximum provisions thereby enabling a flexibility dependant upon the nuances of the site. The applicants have justified this shortfall in their transport assessment stating that staff would not be permitted to park onsite, and that the local road network would be able to provide spare parking capacity. Notwithstanding the location of the site opposite a bus stop and adjacent to a cycle lane, as the site directly fronts a busy main 'A' road it is considered that passing traffic volumes throughout the day would require a level of parking provision closer to the maximum standards recommended in the SPG.

This judgement is corroborated by the submitted Transport Assessment which refers to a convenience store of an identical sales floor area at Headcorn, Kent where all 55 allocated car parking bays were surveyed as being fully occupied for three hours on a given day, with in excess of ninety percent occupancy for a total of seven hours. Although this site is adjacent to a High Street and was last surveyed in 2002, the application site is also situated adjacent to a small local parade, and the proposed comparison good store. The reasonable deduction is therefore that demand for parking for this store at this location is likely to be greater than the 19 spaces proposed, and more

likely to be closer to the maximum parking levels identified by SPG04.

Given that the proposed use of the application site incorporates the second A1 comparison goods store (for which 4 of the 19 parking bays are to be allocated), it is considered highly probable that overspill parking will regularly occur into the surrounding streets. These surrounding streets are narrow allowing for the minimal passing of vehicles, and contain resident and restricted parking bays that are currently already largely occupied throughout the day. Residents in the area have raised considerable concern over the impact of staff and customer overspill parking on traffic and parking levels within these confined streets and this is fully acknowledged. The transport assessment refers to up to 10 staff being employed at the convenience store at any one time, however it does not identify how they would travel to the store or where they would park given that they would not be able to use the car park. Whilst some staff may chose to walk or use the bus, it is likely that several (including unknown staff levels for the comparison goods store) would require parking in the immediate area, raising demand accordingly. Whilst the applicants state that they would produce a small Workplace Travel Plan for the convenience store only, this is not considered sufficient to offset the potential harm identified. Given the location of the site and the nature of its proposed occupancy, it is considered that that the proposed parking provisions are significantly below the volumes required for a development of this scale and in this sensitive location. The resultant demand for parking in the immediate area would be vastly increased from its current levels to the detriment of the amenities of residents and the overall character of the Preston Park Conservation Area. On this basis the proposed development is considered contrary to Policies TR1, TR19 and SPG4.

With regard cycle storage, two cycle parking racks are provided to the front of the site, providing a capacity in line with policy TR14 and SPG04 guidance.

In order to comply with policy QD28, the Traffic Manager recommends that real-time REACT boxes should be installed in the bus stop fronting the site, whilst Traffic Regulation Orders should be implemented/amended to secure the new access points and loading bay to Preston Road. Given the scale of the development and the significant concerns raised by local residents, it would be considered expedient to secure these works via a Section 106 unilateral obligation, with details of the works to be agreed and constructed by the applicants prior to the occupation of the development, in the event planning permission was granted.

Contaminated Land

The site has been identified as a former petrol filling station therefore the potential for ground based contaminants to be present is significant. The applicants have provided a comprehensive contaminated land survey concluding that no contaminants are readily present however this survey does acknowledge the potential for unidentified contaminants to be unearthed during future construction works. A precautionary approach to the

development is recommended accordingly. The Environment Agency and Environmental Health officers are satisfied with this approach (particularly as little ground work is proposed with this application) and a suitable planning condition and informative could be attached to the recommendation to manage such an eventuality. A condition to manage foul and waste water is also recommended on the advice of the Environment Agency. Subject to these conditions, should permission be granted, no harm is identified with respect to policies SU5 and SU9.

Other Issues

Local residents have raised concern over increases in air pollution from the use of the site. The site is not in a designated Air Quality Management Area, however, air quality levels in the area are being monitored. Given the scale of the development no objection has been raised by the Council's Environmental Protection Team and this judgement is supported. It is considered that the majority of vehicular traffic to the site would likely be from motorists already passing along the A23 Preston Road artery as the units are not of a sufficient size to be considered destination stores in their own right. An additional argument over litter nuisance is accepted, however, subject to the securing of bin storage etc there is no compelling evidence to suggest that litter would be vastly more troublesome as a result of this application than from the existing shops in the parade. Alternative uses for the site are acknowledged however this application must be determined on its own merits.

8 EQUALITIES IMPLICATIONS

Level access would be provided to both retail units.

Appendix A BH2010/00584

Addresses of respondents to public consultation:

Initial Submission:**Letters of objection**

F2 7 (x2)	Clermont Road	
Preston & Old Patcham Society 10	Clermont Road	
8, 13	Clermont Terrace	
3, 7, 9, 13, 17, 20	Cumberland Road	
3, 20, 23, 25 (x3), 28	Lauriston Road	
34 The Van Alen Building	Marine Parade	
15 Tivoli	Towergate	
5 Sceptre	Towergate	
19	Withdean Crescent	22

Letters of objection received from standard letter A

9	Aberdeen Road	
6 (x2), 9b	Clermont Road	
5 Clermont Court	Clermont Road	
F7 7, 11, 11a, 18, 19, F5 37, F4 39, F4 40 (x2), 41c	Clermont Terrace	
3, 6 Lynden Court 31	Clermont Terrace	
23, 46 Cliveden Court	Cliveden Close	
Unknown	Craignaire Avenue	
4, 7, 10, GFF 16, 18, 20, 23	Cumberland Road	
6, 8 (x2) Cumberland Lodge	Cumberland Road	
1 (x3), 8, 10, 21, 26 Stamford Lodge	Cumberland Road	
4, 8	Elms Lea Avenue	
14	Fairlea Close, Burgess Hill	
3	Fircroft Close	
F4 22	Florence Road	
11 Florence Court	Garden Road	
18	Glendale Road	
1 (x2), 2 (x2), 9 (x2), 17, 19, 28 (x2) Preston Grange	Grange Close	
5	Harrington Road	
7A, 15	Knogle Road	
5, 7 (x2), 8, 9, Top Flat 9, 24	Lauriston Road	
1	Laven Walk Cottages	
66 Leahurst Court	Leahurst Court Road	
13	Lomond Avenue	
5 Coolwater Park	London Road	
41, 43, 83, 119 Kingsmere	London Road	
106	Mackie Avenue	

PLANS LIST – 22 SEPTEMBER 2010

34	McWilliam Road	
14	Middle Road	
4, 5, 11 Preston Village Mews	Middle Road	
25	Millers Road	
19, 26, 35, 36, 42	North Road	
82	Overhill Drive	
32	Park Lodge	
1 Caxton Court	Park Street	
4	Pinewood Close	
9 Greenacres	Preston Park Avenue	
15, 33	Preston Drove	
193, F13 202, 204 (x3), F3 214, 217, 221 (x2), 225 (x2), 249c	Preston Road	
30 Nestor Court	Preston Road	
15, 20 Shawcross House 237	Preston Road	
33	Robertson Road	
The Old Barn	South Road	
1 Robinia Lodge	Station Road	
16	Station Road	
38	Surrenden Crescent	
34 Surrenden Lodge	Surrenden Road	
45	Surrenden Road	
20	Tarner Road	
F25 87	The Drive, Hove	
19	Varndean Drive	
32 Highdown Court	Varndean Drive	
109 (x2)	Woodbourne Avenue	
Unknown (x2)	Unknown	121

Letters of objection received from standard letter B

25	Clermont Terrace	
49 Cliveden Court	Cliveden Close	
4	Cornwall Gardens	
17	Cumberland Road	
11 Pinewood	Curwen Place	
4	Knogle Road	
109	Woodbourne Avenue	
Unknown	Unknown	8

Letters of support

2, 34A (x2), 36, 41c	Clermont Terrace	
18, 28	Cornwall Gardens	
5 Stamford Lodge	Cumberland Road	
48 Preston Grange	Grange Close	
GFF 24	Hamilton Road	
19 Homeleigh	London Road	

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13 Preston Village Mews	Middle Road	
21	Preston Drove	
24 Carlton House 239-241	Preston Road	
10	Station Road	
44 Highdown Court	Varndean Drive	16

Following Re-consultation:

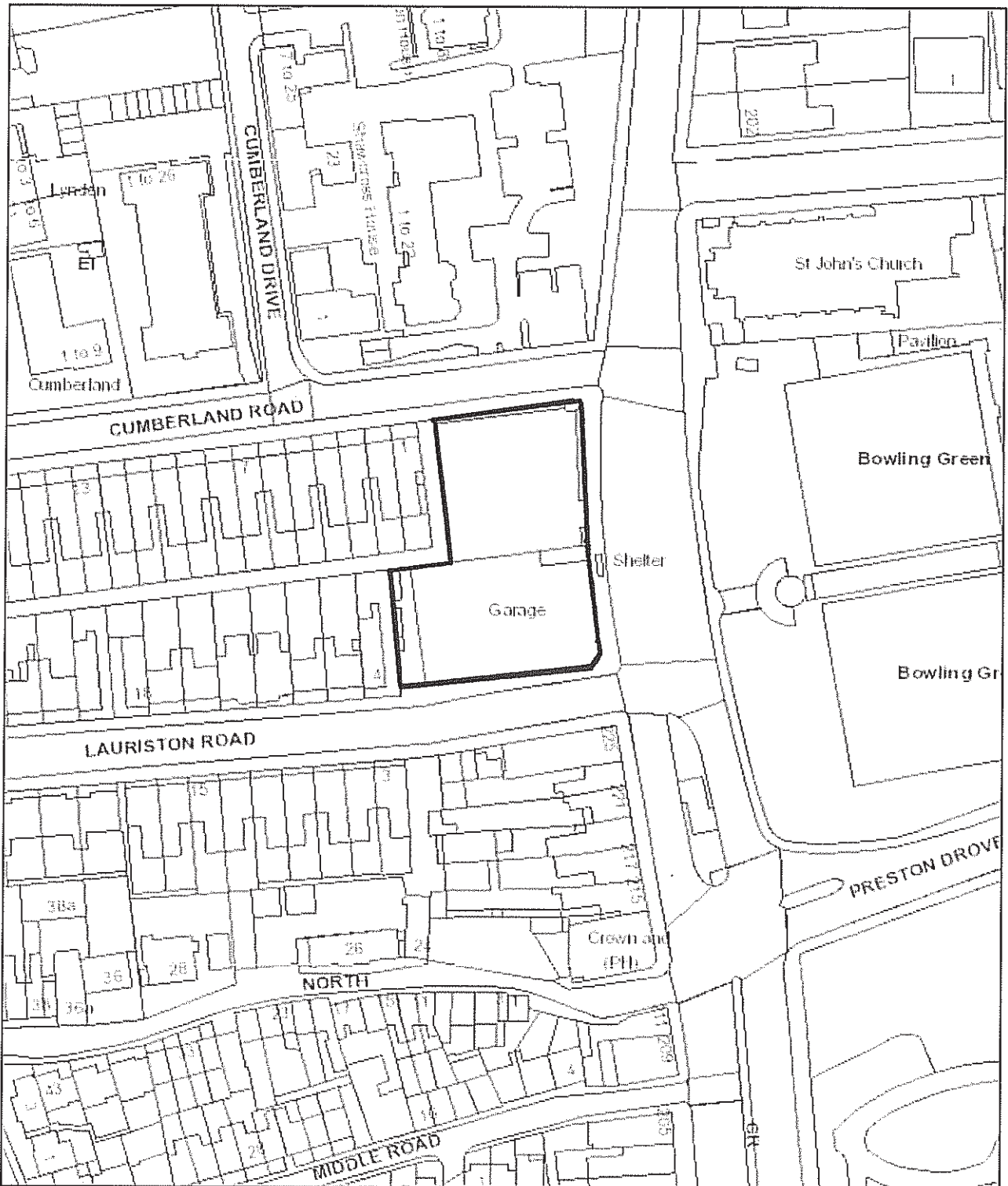
Letters of objection

10	Preston and Old Patcham Society, Clermont Road
40, 41C	Clermont Terrace
5 Stamford Lodge, 7, 18, 20	Cumberland Road
3	Fircroft Close
17	Harrington Road
4 (2)	Knoyle Road
3 (2), 7, 8, Top Flat 9, 11, 20, 25 (2)	Lauriston Road
6	Lynden Court
4, 5, 14	Middle Road
36, 42	North Road
33	Robertson Road
Robina Lodge	Station Road
5 Sceptre	Towergate
19	Withdean Crescent

Letters of support

11 Shawcross House 235/7	Preston Road
10	Station Road
13 Preston Village Mews	Middle Road
18	Cornwall Gdns

BH2010/00584 227 Preston Road



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Brighton & Hove City Council

PLANS LIST – 22 SEPTEMBER 2010

COUNCILLOR REPRESENTATION

Adrian Smith - Planning Officer
Brighton and Hove City Council.
Environmental Services.
Norton Road,
HOVE
cc Jane Richardson

Date: June 3rd 2010

Application number: BH2010/00584 Application type: Full planning
Address: 227 Preston Road Brighton
Description: Change of use of car showroom/ workshop (SG04) to 2 number
retail units (A1) incorporating installation of external condenser
unit, air conditioning units and an ATM Cash Machine.

Dear Mr. Smith,

We are writing as Withdean Ward Councillors in connection with the planning application as detailed above, the location of which is situated in the Preston Park Conservation area. This site, previously occupied by Caffyns PLC, is situated on a busy section of Preston Road. We have received a very large number of representations in connection with this application, both supporting the application and opposing the application.

Residents living close to the application site have expressed understandable concerns relating to noise, pollution from vehicles entering and exiting the site, related road safety issues from vehicles entering and exiting the site, noise at unsociable hours from vehicles delivering to the Sainsbury's outlet and the existing constraints on Preston Road at this location where the road narrows from two to one lane of traffic. There is also concern expressed for the future viability of the existing convenience store which is popular and well used by many local residents although we do appreciate that this is not a planning consideration. An additional concern is that the occupant of the proposed second retail unit is as yet unknown.

We have received expressions of support for the application from a large number of residents of Withdean Ward who welcome the possibility of having the greater selection of shopping opportunities that even a small Sainsbury's unit such as this would provide in an area which is a considerable distance from any other major retail provider. It has also been pointed out by a number of residents that they would be able to walk to this location instead of having to travel by car or bus thereby reducing pollution.

We are also concerned that there do not appear to be any cycle storage racks included in the application detail or hours of operation and permitted delivery times to the store.

Should the Planning Committee be minded to recommend this application for approval, we request that conditions be applied to the hours of operation of the store and the times when deliveries are made to the store.



**Brighton & Hove
City Council**

PLANS LIST – 22 SEPTEMBER 2010

COUNCILLOR REPRESENTATION

We request that this letter be included in the agenda for the appropriate meeting of the Planning Committee.

Yours sincerely,

Ann Norman



Brighton & Hove City Council

PLANS LIST – 22 SEPTEMBER 2010

COUNCILLOR REPRESENTATION

From: Pat Drake [Pat.Drake@brighton-hove.gov.uk]
Sent: 24 June 2010 23:25
To: Adrian Smith
Subject: Application re 227 Preston Road. Caffyns garage site
Follow Up Flag: Follow up
Flag Status: Red

Dear Adrian

I have received a number of letters regarding this application. Many are in favour and are aware of personal shopping choice and benefit. Others, who live very close to the site are less than enthusiastic and have legitimate concerns about delivery vehicles, the narrowing A23 at this point, the closeness of the bus stop and speed of traffic at the entry/exit which they consider dangerous, and the effect upon nearby traders. I believe that both sides have expressed their concerns and their support most clearly and adequately to enable the committee to reach a judicious decision

Kind regards
Pat

Pat Drake
Councillor Withdean ward

<u>No:</u>	BH2010/02247	<u>Ward:</u>	GOLDSMID
<u>App Type:</u>	Householder Planning Consent		
<u>Address:</u>	189 Dyke Road Hove		
<u>Proposal:</u>	Installation of railings to front and side of property with vehicle and pedestrian access gates.		
<u>Officer:</u>	Helen Hobbs, tel: 293335	<u>Valid Date:</u>	03/08/2010
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	28/09/10
<u>Agent:</u>	3 Eleven Design, 47 Brighton Belle, 2 Stroudley Road, Brighton		
<u>Applicant:</u>	Association of Clinical Pathologists, Mrs Jacqui Rush, 189 Dyke Road, Brighton		

1 RECOMMENDATION

That the Committee has taken into consideration and agrees with the reasons for the recommendation and resolves to **REFUSE** planning permission for the following reason:

1. The proposed front boundary wall and railings, due to their excessive height and appearance, would be out of keeping with the character and appearance of the surrounding area, contrary to policies QD1, QD2 and QD14 of the Brighton & Hove Local Plan.

Informatives:

1. This decision is based on drawing nos. DR189PRO/01, DR189PRO/02A and supporting documents submitted on 20th July 2010.

2 THE SITE

The application relates to a two storey semi-detached property on the corner of Dyke Road and Highdown Road. The property is a commercial premises, that is currently occupied by the Association of Clinical Pathologists.

The area is characterised by low brick walls, with open front gardens.

3 RELEVANT HISTORY

BH2010/01156: Installation of railings to front and side of property with vehicle and pedestrian access gates. This application was withdrawn in July 2010.

4 THE APPLICATION

Installation of railings to front and side of property with vehicle and pedestrian access gates.

5 CONSULTATIONS

External:

Neighbours: Letters have been received from the residents of **4 Highdown Road, Highdown House 187 Dyke Road, 4 Nyetimber Hill, 15 Brewer Street, 8 Old Patcham Mews, Flat 1 8 Wilbury Road and Flat 3 8 Wilbury**

Road supporting the proposal.

No. 6 Highdown Road object to the application on the grounds that the height of the railings is unnecessary and would be out of keeping with the surrounding area.

Councillor Melanie Davis has written in support of the proposal. A copy of the email is attached.

Internal:

Sustainable Transport: No objections. The crossover is a very poor design – there's a tree blocking half of it, but it's an existing one and the proposal does not worsen the current situation.

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
- QD27 Protection of Amenity

7 CONSIDERATIONS

The main issues of consideration are the impact of the proposed development on the character and appearance of the property and wider street scene, as well as the impact upon the amenity of the surrounding properties.

The development consists of new iron railings positioned upon a new brick wall, around the site boundaries of 189 Dyke Road. The railings and wall would measure approximately 1.5m from the eastern end of the site, increasing in height to 1.9m along the Highdown Road boundary and 1.5m in height along the Dyke Road boundary. Brick pillars have been positioned at intervals along the length of the boundary. The sliding gate would be positioned on Highdown Road, at the western end of the site boundary.

The properties along Dyke Road are not of uniformed design and vary in styles, however they do predominantly have low boundary walls that allow views into the neighbouring sites, similar to the existing situation. The properties in Highdown Road have more of a uniformed appearance with low dwarf brick walls.

The applicant has stated the need for the railings to be for security reasons and to prevent trespassing, which has been supported by Councillor Davis. It is acknowledged that a more substantial boundary treatment than the existing low wall would improve these concerns, however a boundary treatment with a maximum height of 1.2 m, particularly along the boundary fronting Dyke Road would still deter trespassing and increase the security of the site, whilst retaining the character of the surrounding area.

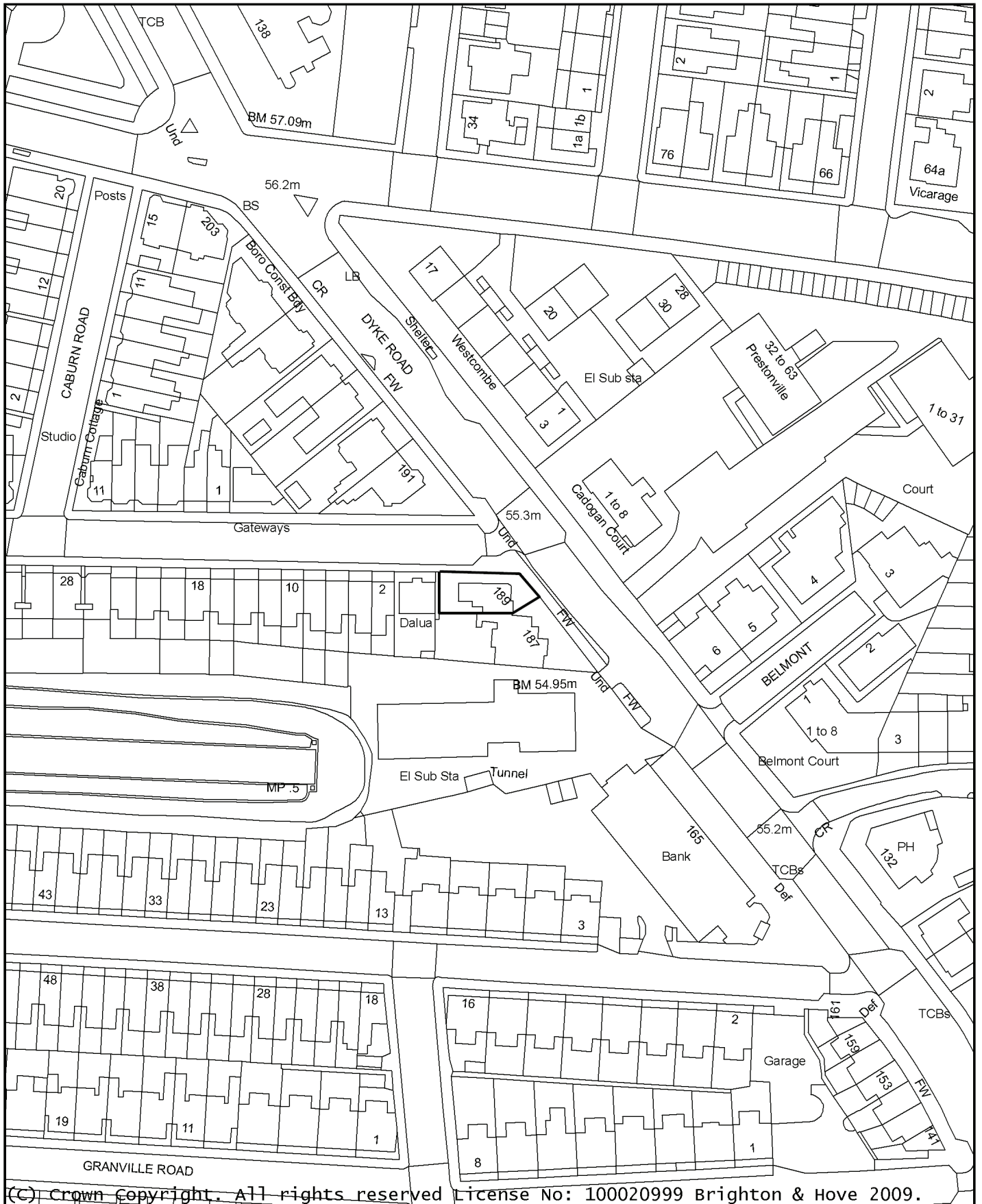
The proposed wall and railings, due to their excessive height, appearance and positioning, would enclose the property and would be a dominant addition in a very prominent location. It is therefore considered that the proposal would have detrimental impact upon the character and appearance of the existing property and the surrounding area.

Due to the nature of the development, there would not be a significant impact upon the amenity of the neighbouring properties.

8 EQUALITIES IMPLICATIONS

None identified.

BH2010/02247 189 Dyke Road



Date: 07/09/2010 03:14:01

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**Brighton & Hove
City Council**

PLANS LIST – 22 SEPTEMBER 2010

COUNCILLOR REPRESENTATION

From: Melanie Davis [mailto:Melanie.Davis@brighton-hove.gcsx.gov.uk]

Sent: 03 September 2010 16:46

To: Helen Hobbs

Subject: RE: Planning Application 189 Dyke Road BH2010/02247

Helen, I support the application because I believe the employees of this charity do need more security and railings would suit their purpose.

Councillor Melanie Davis

Labour Goldsmid Ward

Opposition Spokesperson Culture, Recreation and Tourism

<u>No:</u>	BH2010/01714	<u>Ward:</u>	HOVE PARK
<u>App Type:</u>	Householder Planning Consent		
<u>Address:</u>	16 Chartfield, Hove		
<u>Proposal:</u>	Lower ground floor garage extension with associated landscaping and external works to create new front access stairway. Two-storey ground and first floor front extension above garage with pitched dormer roof.		
<u>Officer:</u>	Wayne Nee, tel: 292132	<u>Valid Date:</u>	30/06/2010
<u>Con Area:</u>	Adjoining The Engineerium	<u>Expiry Date:</u>	25 August 2010
<u>Agent:</u>	Turner Associates, 19a Wilbury Avenue, Hove		
<u>Applicant:</u>	Mr & Mrs Stuart, 16 Chartfield, Hove		

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 reason:

1. 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. There is further advice contained within Supplementary Planning Guidance on Roof Alterations and Extensions (SPGBH1). The proposed front elevation extension by virtue of its bulk, scale and massing would form an inappropriate and dominant addition that would appear out of place in context with the neighbouring properties, which are characterised by their uniformed appearance with similar features on their frontages. The proposal would harm the appearance of the existing property to the detriment of the prevailing character of the street scene, and the proposal is therefore contrary to policies QD1, QD2 and QD14 of the Brighton & Hove Local Plan, and Supplementary Planning Guidance Note 1 (SPGBH1) on Roof Alterations and Extensions.

Informatives:

1. This decision is based on drawing nos. TA 519/01, 02, 03, 04, 05, 06, 10, 11, 12, 13, and 14 all submitted on 04 June 2010.

2 THE SITE

The application relates to a 2/3 storey detached property situated on the western side of Chartfield. The property has a pitched roofed integral garage on the lower ground floor front elevation. There is a driveway in front of the garage, with the property itself set back from the road.

The property adjoins The Engineerium Conservation Area to the west of the site.

3 RELEVANT HISTORY

BH2009/02644: Lower ground floor garage extension with associated landscaping and external works to create new front access stairway. Two-storey ground and first floor front extension above garage with pitched dormer roof – refused 05/01/2010.

BH2009/01368: Lower ground floor garage extension with associated landscaping and external works to create new front access stairway. Two-storey ground and first floor front extension above garage with pitched dormer roof – refused 19/08/2009.

4 THE APPLICATION

Planning permission is sought for a lower ground floor garage extension with associated landscaping and external works. The lower ground floor would be extended by 1.4m in width across the front elevation of the property. A new front access stairway would be created to the north of the garage.

The pitched roof of the garage would be removed to create a ground and first floor extension above the new garage. The extension would have a pitched dormer window where the roof is extended from the existing roof slope. The proposed first floor front elevation above the garage door would have glazed windows. The north elevation would have two windows on the ground floor and one window on the first floor. The south elevation would have windows on the ground floor, with a proposed window on the first floor of the existing property. These are proposed to have obscure glazing to the lower panes. The walls of the extension would consist of brickwork and tile hanging.

5 CONSULTATIONS

External

Neighbours: Six (6) copies of an identical letter/email sent to addresses in the locality and in support of the application has been received from **6, 11 and 17 Chartfield; 1 Waterworks Cottages and 5 The Mews Cottages (both on Woodland Drive); and 22 Mill Drive**. The reasons for support include:-

- Proposal addresses issues from previous application.
- Would not harm appearance of property or street scene.
- Updates house to meet modern living requirements.
- Extension at front is necessary as back gardens are small.

Five (5) letters of representations have been received from **10, 15, 16, 20 and 21 Chartfield**, objecting to the application for reasons including:-

- Will have a negative impact on the architectural balance of the street.
- Proposal out of character; alterations go against style of buildings in the road.
- Overlook no. 20 Chartfield.
- Reservations over new third level side elevation window.
- No properties in close have these windows and this would spoil amenity of

their rear garden.

- Plans similar to previous application; same overall dominance and out of character remains.
- Disagree with information in letter being circulated that encourages support.
- Disturbed by suggestions that a further refusal would make it unlikely that extensions at front of properties in street would be approved.
- Over development; future car parking issues.

A petition of **eight (8)** addresses has been submitted objecting to the application (**5, 7, 8, 9, 19, 21, 22, and 23 Chartfield**).

A petition of **twelve (12)** addresses has been submitted supporting the application (**3 Luthbert Road, Brighton; 100 Lyndhurst Road, Hove (x2); 57 Graham Court, Portslade; 52 Portland Ave, Hove (x 2); 15 Kingsley Road, Brighton (x2); 21 Derek Avenue, Hove (x2); 3 Oak Lodge, 47 Palmeira Avenue, Hove; 25 Tenantry Road, Brighton**).

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
QD27	Protection of amenity

Supplementary Planning Guidance

SPGBH1: Roof Alterations and Extensions

7 CONSIDERATIONS

The main considerations in this application are whether the proposal is acceptable in terms of its design and appearance in relation to the recipient building and surrounding area and whether the proposal is appropriate in terms of its impact on the amenity of nearby neighbouring properties.

Background

The application follows two previous refusals of permission (refs. BH2009/01368 and BH2009/02644).

The reason given for the previously refused applications was:

The proposed front elevation extension by virtue of its bulk, scale and massing would form an inappropriate and dominant addition that would appear out of place in context with the neighbouring properties, which are characterised by their uniformed appearance with similar features on their frontages. The proposed roof dormer on the front elevation also fails to respect the character and appearance of Chartfield. The proposed extension and alterations would harm the appearance of the existing property to the detriment of the prevailing character of the street scene, and the proposal is

therefore contrary to policies QD1, QD2 and QD14 of the Brighton & Hove Local Plan, and Supplementary Planning Guidance Note 1 (SPGBH1) on Roof Alterations and Extensions.

This resubmission comprises a similar scheme to the previous application, with a reduction in the size of both the proposed dormer and front first floor windows.

Design

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 properties on Chartfield have a fairly uniformed appearance, and are characterised by two storey properties with similar features on their frontages. Although this resubmission has altered the frontage of the extension to fit in with the design of the nearby properties on Chartfield, the proposal has not addressed the issue of the bulk, scale and massing of the proposed extension in this location.

The bulk of the front elevation extension of the property would upset the street character, and the resulting front elevation would appear prominent and visually intrusive from many angles. The existing pitched roof garage has a certain amount of symmetry with similar front elevation garages on neighbouring properties, and so by building over the roof, this would upset this street scene character. The front extension would be unduly visually prominent and would be materially harmful to the street scene of Chartfield.

In terms of the impact on the character of the area, it is considered that this proposed development would be detrimental to the street scene. The proposal is therefore contrary to policies QD1, QD2 and QD14 of the Brighton & Hove Local Plan, and to advice contained in Supplementary Planning Guidance Note 1 (SPGBH1) on Roof Alterations and Extensions.

Amenity

Policy QD14 of the Brighton & Hove Local Plan states that extensions and alterations will only be granted if the proposed development would not result in significant loss of amenity to neighbouring properties. Policy QD27 of the Brighton & Hove Local Plan states that planning permission for any development will not be granted where it would cause material nuisance and loss of amenity to neighbouring residents, and that residents and occupiers can be seriously affected by changes in overlooking, privacy, daylight, sunlight, disturbance and outlook.

Due to the distance between the detached property of no. 16 Chartfield and the neighbouring properties, the proposed extension is unlikely to have any significant material impact on the amenities of these neighbouring properties in terms of outlook and loss of light.

The residents in the neighbouring property of 20 Chartfield have objected to the proposal on the basis that the proposed front elevation windows would overlook into their rear garden resulting in a loss of privacy. The creation of the dormer would result in new views in the direction of 20 Chartfield. However, due to the approximate 25m gap in between the two sites, it is deemed that there would not be a significant loss of privacy to this neighbouring property.

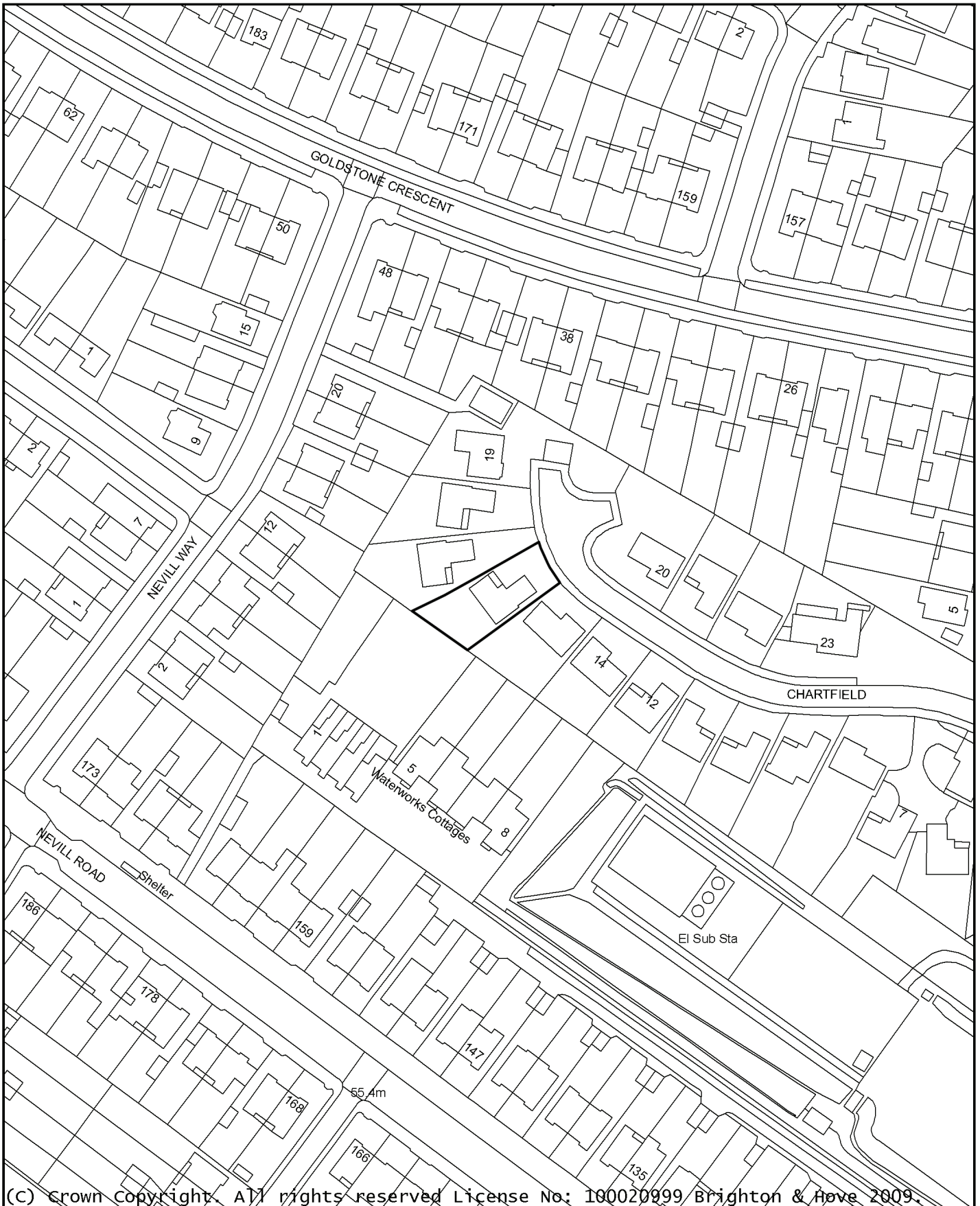
It is considered that the proposed north elevation windows on the proposed extension are unlikely to create any more significant views towards no. 17 Chartfield as the view from these windows will predominantly be of the neighbouring garage and driveway.

No.15 Chartfield, the immediate dwelling to the south-east, would be most affected by the proposal. This property has a rear garden immediately adjacent the shared boundary with no.16 Chartfield. The residents of no.15 Chartfield are concerned that the proposed south elevation first floor window would significantly overlook and spoil amenity of the garden. According to drawing no. TA 519/12, the window would contain obscure glazing on the lower panes. The window could create new views into the garden when the windows are open. However, should the application have been granted a condition could have been imposed to ensure that the window would be fixed shut and non-opening (apart from the top fan light). It is likely that the residents at no. 15 Chartfield would have the perception of being overlooked from a large window where at present there is no window in that location. This element of the proposal could be considered to be un-neighbourly; however as no actual loss of privacy would occur, it would be unreasonable to refuse the application on this basis, particularly as the insertion of this window in itself would be classed as permitted development.

To conclude, whilst the development is not considered likely to have a detrimental impact on amenity, the extension by reason of scale and bulk is considered to have a detrimental impact on the character of the main property and surrounding area and is therefore recommended for refusal.

8 EQUALITIES IMPLICATIONS

None identified.



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<u>No:</u>	BH2010/02005	<u>Ward:</u>	HOVE PARK
<u>App Type:</u>	Householder Planning Consent		
<u>Address:</u>	30 Hove Park Road, Hove		
<u>Proposal:</u>	Installation of part pitched and part flat roof to rear extension with ridge skylights, rooflight to rear elevation and alterations to patio doors and windows. Installation of raised deck. (Part Retrospective).		
<u>Officer:</u>	Guy Everest, tel: 293334	<u>Valid Date:</u>	01/07/2010
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	26 August 2010
<u>Agent:</u>	ADC Ltd, 72A Beaconsfield Road, Brighton		
<u>Applicant:</u>	Mr & Mrs Murray, 30 Hove Park Road, 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. BH03.03 Materials to match Non-Cons Area
2. Access to the flat roof over the single-storey rear extension 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. 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 to the eastern elevation of the building 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. The development hereby permitted shall be carried out in accordance with the approved drawings no. ADC 349/, ADC 349/05 A, ADC 349/06 A & ADC 349/07 submitted 30th June 2010.
Reason: For the avoidance of doubt and in the interests of proper planning.

Informatives:

- 1) 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;

QD1 Design - quality of development and design statements
QD2 Design - key principles for neighbourhoods
QD14 Extensions and alterations
QD27 Protection of amenity; and

- ii) for the following reasons:-

The development, in the context of planning permission BH2004/01238/FP, has not harmed the appearance of the building or wider surrounding area and no significant harm to neighbouring amenity through loss of light, outlook, privacy or increased noise or disturbance has resulted.

2 THE SITE

The application site relates to a two storey detached property on the southern side of Hove Park Road. The surrounding area is residential with detached two-storey dwellings being the predominant built form.

3 RELEVANT HISTORY

BH2010/01494: Non-material amendment to BH2004/01238/FP to pitched roof over ground floor rear extension altered to part pitched with two ridge skylights and part flat roof, enlarged rear elevation first floor window, two east elevation windows omitted, roof light to rear elevation, patio doors and window configuration altered and raised deck added. Split decision:-

- The amendments to the ground floor door and window configuration to the single-storey rear extension and the omission of side (east) facing window openings were accepted as non-material amendments.
- The amendment for an enlarged first floor rear window opening, new raised decking, the omitted section of pitched roof and new roof lights to the rear extension were considered material changes that warranted the submission of a application for planning permission to assess the impact on the design and appearance of the host building and the wider setting; and the impact on neighbouring properties.

BH2004/01238/FP: Two storey side and rear extension. Refused. A subsequent appeal against this decision was allowed. In allowing the appeal the Inspector considered:-

- 'The two-storey extension would be set 500mm from the boundary, resulting in an overall gap between the two properties at first floor level and above, of about 2.5m. In my view this is sufficient to maintain the visual separation between the two properties and to prevent the extension from being overpowering on no. 28 or creating a terracing effect in the street scene;

- There are no windows to any habitable rooms of 38 Hove Park Road that would face the two-storey extension, the only windows being a landing window and a bathroom window with obscure glazed. In my opinion there would be no undue loss of light to these windows'; and
- 'On the east side, the single storey extension would have no windows, whilst the two-storey extension would have a high level study window and bedroom window above. Both would be obscure glazed and therefore there would be no overlooking of no. 28'.

4 THE APPLICATION

The application seeks consent for the enlargement of a rear first floor bedroom window; a reconfigured roof form and new roof lights to the single-storey rear section; and the addition of decking to the western (side) elevation of the single-storey rear section.

The application has been submitted for the alterations that were not accepted as non-material amendments as part of application ref: BH2010/01494 (see section 3).

5 CONSULTATIONS

External:

Neighbours: Four (4) letters have been received from **28 Hove Park Road, 38 Shirley Drive, 29 Stanford Road** and **1 letter of no address** objecting to the proposal for the following reasons:-

- On all approved plans there is a sizeable and distinct gap that separates the new extension from the boundary wall. Nothing has been done about installing this gap and there is little detail on the drawings to show how the gap will be treated. The absence of a gap means maintenance of flank elevations is not possible;
- The new garage is so small it will be impossible to park any car inside. The argument of needing a access to and from the garage was a key argument at appeal;
- Windows to the rear elevation directly overlook adjoining garden areas and provide oblique views into neighbouring living areas. Other properties in the area have been made to obscurely glaze windows;
- The skylight windows to the single-storey rear extension will allow light and noise to spill into bedroom windows. There is no need for the windows as the structure is glazed on two elevations;
- The work sets a precedent for future builds which radically change the character of an area;
- Planning permission should be adhered to.

Cllr Brown objects, letter attached.

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
QD27 Protection of amenity

7 **CONSIDERATIONS**

The key issues of consideration in the determination of this application relate to the impact of the alterations on the character and appearance of the building and wider surrounding area, and the impact on amenity for occupiers of adjoining properties.

Two storey side extension

The two-storey side extension was granted planning permission on the basis of separation from the shared side boundary of 0.5 metres at ground floor level. However, the visual separation appears less as a result of a retained boundary wall structure from a now demolished garage. A previous site visit by the Planning Investigations Team confirmed that the side extension has been sited 0.5 metres from the boundary and on this basis this aspect of the development is in accordance with the approved plans.

It is appreciated that the retention of a wall abutting the side boundary has reduced the visual separation at ground floor level between the extended application property and no. 28. However, in this instance it is considered that the visual separation at first floor level is of primary importance in preventing the extended property appearing overpowering in relation to no. 28 and to avoid a terracing effect in this section of Hove Park Road. There remains separation of approximately 2.5 metres at first floor level between the buildings and the Inspectors findings in this regard remain applicable to the extension as built.

For the reasons outlined whilst the representations from occupiers of adjoining properties are noted it is considered that the siting of the two-storey side extension is in accordance with the previously approved plans.

Rear window opening

There is no objection in design terms to an enlarged bedroom window at first floor level which is well sited in relation to the two-storey extension. There is though potential for increased overlooking of adjoining properties and representations have been received on this basis.

It was apparent on a site visit that whilst additional views have been created over no. 28 in reality they are only available at acute sight lines from extremely close proximity to the window itself. From a mid-point in the bedroom no views are available over the adjoining property and outlook is restricted towards the hipped roof of the rear extension and vegetation beyond. Whilst appreciated that there may be an increased perception of overlooking the window is not excessively sized in relation to the main building and the resulting relationship with no. 28 is not uncommon between detached buildings in areas such as this.

A condition is recommended to remove the permitted development right to insert windows to the eastern elevation of the building. This is considered sufficient to prevent future loss of privacy to the adjoining property.

Single-storey rear extension

The existing planning permission allows for a hipped roof over the single-storey rear section of the property. The application proposes a section of flat roof linking the main property and a hipped roof to the rear section of the extension. Whilst this has altered the appearance of the rear extension the impact on the wider area is limited and no additional harm from this arrangement (which has not increased the bulk of the structure) has resulted for the adjoining property.

A double rooflight feature has been added to the ridge of the hipped roof. Whilst the rooflights project above the ridge of the extension this is not uncommon for lantern style rooflights and their addition has not compromised the appearance of the development or of the wider area. The rooflights have not resulted in any downward overlooking of adjoining properties and whilst appreciated that there is some potential for light spillage having regard to the domestic use of the property and its location in a built up area the impact of this is not considered of such significance to justify refusal of the application.

Raised decking

The decking abuts the side (western) elevation of the single-storey rear extension overlooking the rear garden of the application site. This siting ensures no overlooking of adjoining properties and the decking would not appear incongruous in relation to the main building. It should be noted that the revised window and door arrangement at ground floor to the single-storey extension were accepted as non-material amendments as part of application ref: BH2010/01494.

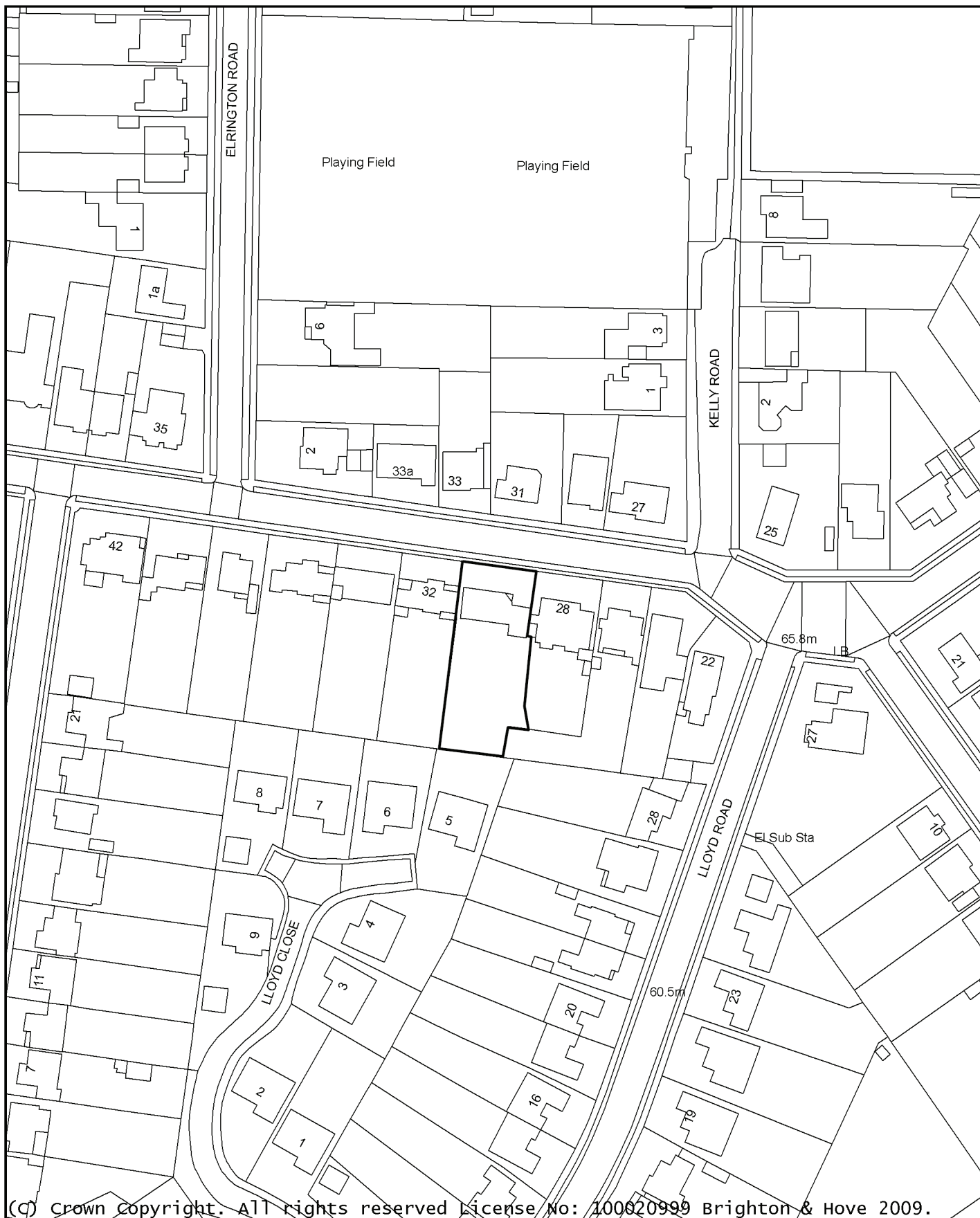
8 REASONS FOR RECOMMENDATION TO GRANT PERMISSION

The development, in the context of planning permission BH2004/01238/FP, has not harmed the appearance of the building or wider surrounding area and no significant harm to neighbouring amenity through loss of light, outlook, privacy or increased noise or disturbance has resulted.

9 EQUALITIES IMPLICATIONS

None identified.

BH2010/02005 30 Hove Park Road



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**Brighton & Hove
City Council**

PLANS LIST – 22 SEPTEMBER 2010

COUNCILLOR REPRESENTATION

Mr Guy Everest
Planning Officer
West Area Team
First Floor
Hove Town Hall

Date: 30 July 2010

Our Ref: VB/AN

Your Ref:

Dear Mr Everest

Ref: BH2010/02005 – 30 Hove Park Road

As a Councillor for Hove Park Ward I am writing to object to this revised planning application.

My greatest concern is the lack of a distinct gap between this extension and No. 28 Hove Park Road. It is at present built so close that there is no access to the side elevations of either house. The residents of No. 28 Hove Park Road have no way of getting to their porch windows to maintain them.

Also the large windows to the rear of the extension directly overlook the rear patio and garden of No. 28. This is an invasion of their privacy.

A skylight window has also been put into the roof of the single storey extension which is a breach of the planning appeal conditions.

Because of these very serious concerns I would request that these revised plans are determined by the Planning Committee.

Yours sincerely

Councillor Vanessa Brown

<u>No:</u>	BH2010/01610	<u>Ward:</u>	WITHDEAN
<u>App Type:</u>	Householder Planning Consent		
<u>Address:</u>	25 Hazeldene Meads, Brighton		
<u>Proposal:</u>	Roof extension to south end over existing garage, 2 front dormers and installation of 7 solar panels.		
<u>Officer:</u>	Guy Everest, tel: 293334	<u>Valid Date:</u>	01/06/2010
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	27 July 2010
<u>Agent:</u>	N/A		
<u>Applicant:</u>	Mr Steve McLean, 25 Hazeldene Meads, Brighton		

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. BH03.03 Materials to match Non-Cons Area.
3. The development hereby permitted shall be carried out in accordance with the approved drawings no. 29762/2A & 29762/2B submitted 23rd July 2010.

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

Informatives:

- 1) 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:
 - SU2 Efficiency of development in the use of energy, water and materials
 - SU16 Production of renewable energy
 - QD1 Design - quality of development and design statements
 - QD2 Design - key principles for neighbourhoods
 - QD14 Extensions and alterations
 - QD27 Protection of amenity
- Supplementary Planning Guidance
 SPGBH1 Roof alterations and extensions
- Supplementary Planning Documents
 SPD08 Sustainable Building Design; and

ii) for the following reasons:-

The roof extensions and alterations are well designed, sited and detailed in relation to the existing building and surrounding area; and will not result in harm to neighbouring amenity through loss of light or outlook.

The solar panels would contribute to a more sustainable use of resources without appearing highly prominent or incongruous features of the existing building or surrounding wider area; furthermore by virtue of their location the panels would not result in harm to neighbouring amenity.

2 THE SITE

The application relates to a detached bungalow on the western side of Hazeldene Meads, a residential development off Dyke Road Avenue.

3 RELEVANT HISTORY

BH2010/00973: Installation of 7 no. solar panels to roof of existing rear dormer. Withdrawn.

BH2010/00242: Hip to gable roof extension to south end including 2 No. dormers, 1 No. rooflight and pitched roof porch extension at front elevation. Installation of 9 No. Solar Panels to rear over existing dormer. Refused for the following reasons:-

- 1. The extended rear dormer would create an excessively sized and unduly bulky structure to the roof that would dominate the rear of the property and pay little regard to the existing scale and proportions of the building at ground floor level. In addition, the solar panels, by reason of their proliferation and level of projection above the ridge line, would appear incongruous features of the property and the wider area. The proposal would therefore detract from the character and appearance of the site and surrounding area and be contrary to policies QD1, QD2 and QD14 of the Brighton & Hove Local Plan, and to the provisions of the Council's adopted Supplementary Planning Guidance Note 1 'Roof alterations and extensions'.*
- 2. The extended gable to the southern end of the property would result in a harmful reduction in the existing visual gap between the application site and adjoining two-storey property (No.23). This would lead to an uncharacteristic terracing effect in this section of Hazeldene Meads and would materially detract from the spatial quality, character and appearance of the site and surrounding area, contrary to policies QD1, QD2 and QD14 of the Brighton & Hove Local Plan.*

A subsequent appeal was made against this decision. The appeal is currently undetermined and a decision is expected shortly.

4 THE APPLICATION

The application seeks consent for extensions and alterations to the property

at roof level. The existing hipped roof would be extended over the single-storey side garage to form a barn-end; two dormers would be built in the front roofslope with associated rooflights; and seven solar panels would be angled at 30 degrees on top of the flat roof of the existing rear dormer.

5 CONSULTATIONS

External:

Neighbours: Nineteen (19) letters have been received from:- **Hazeldene Meads - 3 (x2), 4, 5, 7, 15, 18, 20, 22, 27, 29; The Beeches - 2, 4, 6, 14, 17, 18, 19, 21** objecting to the proposal for the following reasons:-

- The rear dormer is out of keeping with surrounding properties and causes overlooking;
- The extended gable (to the southern end of the property) would result in a harmful reduction of what remains an existing visual gap between the application site and adjoining two-storey property (no. 23) leading to an uncharacteristic terracing effect. The extended roof is also excessively sized and undue bulky structure that dominates the rear of the property;
- The extended roof will increase the size to a greater extent than that allowed under permitted development and ignores that the whole construction should have been subject to a planning application, and as such this application seeks to circumvent the process;
- The solar panels, which have already been installed, appear incongruous features of the property and wider area of the estate generally. The solar panels are visible from the front and garden areas to the rear;
- Front dormers are not a feature of properties on the estate and change the character of the property and the estate as a whole. The dormers are therefore out of character;
- If this application is not refused then subsequent overdevelopment of other properties will proliferate, resulting in greater occupancy rate, noise levels, visual deterioration, traffic congestion, causal on-road storage of vehicles etc;
- Question why the applicant has been allowed to ignore the previous refusal notice and continued with the installation of the roof mounted solar panels.

6 PLANNING POLICIES

Brighton & Hove Local Plan:

SU2	Efficiency of development in the use of energy, water and materials
SU16	Production of renewable energy
QD1	Design - quality of development and design statements
QD2	Design - key principles for neighbourhoods
QD14	Extensions and alterations
QD27	Protection of amenity

Supplementary Planning Guidance

SPGBH1	Roof alterations and extensions
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Supplementary Planning Documents
SPD08 Sustainable Building Design

7 CONSIDERATIONS

The key issues of consideration in the determination of this application are the principle of development, the impact of the proposed extensions on the appearance of the building and surrounding area, and the impact of the proposed development on amenity for occupiers of adjoining properties. The sustainability merits of the development are also a material consideration.

Design

The existing rear dormer represents ‘permitted development’ and no planning permission was therefore required for its construction. Following amendments to the application no additional increase in the size of the existing dormer is proposed. On this basis it is not necessary to consider the rear dormer further.

Extended side roof

The property has a gable end to the northern elevation and hip to the south, and from the narrow viewpoints where the whole building is visible there is an unbalanced appearance. This application seeks to extend the existing roof over the side garage and form a new half-hip / half-gable. The adjoining two-storey property, no. 23, features an extensive flank elevation resulting from a recent two-storey side extension which has reduced the separation from the application site. The extended roof would primarily be viewed against this adjoining property which would reduce the visual impact in views along Hazeldene Meads. Although there is a concern that the roof form would unbalance the appearance of the existing building this is already the case, and given the building can not generally be viewed as a whole no significant visual harm would result from this arrangement. The prevailing character and appearance of Hazeldene Meads would therefore be maintained by the extended roof.

There was concern as part of a previous application that an extended roof to form a gable-end over the side garage would lead to an uncharacteristic terracing effect in this section of Hazeldene Meads. The revised roof form now proposed retains greater separation at first floor level between the application site and adjoining property and this is considered sufficient to overcome the previous concern.

Solar panels

A previous application was refused in part as it was considered the proliferation and height (above ridge level) of solar panels would appear an incongruous addition to the building and wider area. Following this refusal six solar panels have been sited on the flat roof of the dormer with a further panel of the side roof pitch of the dormer. The panels, if laid flat, would be permitted development (under Schedule 2, Part 40, Class A of The Town and Country Planning (General Permitted Development) Order 1995, as amended). This

application seeks consent for the solar panels (on top of the flat roofed dormer) to be positioned at a 30 degree angle. At this angle the solar panels would project above the main roof ridge and therefore planning permission is required.

The roof of the dormer is set below the main ridge of the building and this would obscure the majority of the solar panels. The visible portion would be restricted to the upper (slim line) section of the panel which, in short and long views along Hazeldene Meads, does not form a highly prominent or readily visible feature of the building or the wider area when taken as a whole. Whilst it may be preferable for the solar panels to be completely obscured behind the existing roof form for the reasons outlined the resulting visual impact is not considered harmful to either the existing building or wider area.

Front dormers

The two dormers proposed for the front roofslope incorporate a gabled roof and are sited centrally above ground floor window openings. The existing building incorporates an off-set front gable and it is considered that the front dormers, which are modestly sized, would potentially add some balance to the front elevation of the property. It is also noted that the proposed front dormers are comparable to that recently approved, and subsequently constructed, at 17 The Beeches (off the northern end of Hazeldene Meads) (ref: BH2007/02080).

It is noted that the 'existing' plans indicate rooflights to the front elevation which do not exist. It is not though considered that this would prevent the application being determined and the submitted drawings clearly indicate the proposed works.

Rooflights

The proposed plans also indicate rooflights to the front roofslope of the property. Whilst there are concerns that these are relatively large they would not by themselves require planning permission and, subject to conditions, would be permitted under Schedule 2, Part 1, Class C of The Town and Country Planning (General Permitted Development) Order 1995, as amended. On this basis, it is considered that refusal of the application on these specific grounds would not be warranted.

Impact on residential amenity

The extended roof would adjoin the side elevation of 23 Hazeldene Meads which does not feature any window openings that would be affected through loss of light. The alterations to the front of the property, by reason of their scale and siting, would not impinge on light or outlook for occupiers of adjoining properties.

The solar panels would not cause any harm to residential amenity though loss of light or outlook and, given their orientation in relation to adjoining properties, there is no evidence that harmful solar glare would result for

occupiers of adjoining properties.

Sustainability

The 'permitted development' works currently in progress are associated with refurbishment of the property to create a 'zero-energy home' and it is readily acknowledged that this application would contribute some way towards the attainment of this target.

Local Plan policies SU2 and SU16 support proposals which demonstrate a high standard of efficiency in the use of energy, water and materials; and incorporate power generation from renewable resources. In this respect the works taking place and proposed photovoltaic solar panels would contribute towards a more sustainable use of resources, and could be supported by the above policies.

8 REASONS FOR RECOMMENDATION TO GRANT PERMISSION

The roof extensions and alterations are well designed, sited and detailed in relation to the existing building and surrounding area; and will not result in harm to neighbouring amenity through loss of light or outlook.

The solar panels would contribute to a more sustainable use of resources without appearing highly prominent or incongruous features of the existing building or surrounding wider area; furthermore by virtue of their location the panels would not result in harm to neighbouring amenity.

9 EQUALITIES IMPLICATIONS

None identified.

BH2010/01610 25 Hazeldene Meads



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<u>No:</u>	BH2010/01863	<u>Ward:</u>	WITHDEAN
<u>App Type:</u>	Full Planning		
<u>Address:</u>	37 Preston Drove, Brighton		
<u>Proposal:</u>	Change of use and conversion of existing out building with new single storey extension, to form additional nursery accommodation with an increase to 75 children.		
<u>Officer:</u>	Guy Everest, tel: 293334	<u>Valid Date:</u>	18/06/2010
<u>Con Area:</u>	Preston Park	<u>Expiry Date:</u>	13 August 2010
<u>Agent:</u>	N/A		
<u>Applicant:</u>	Raw Architecture, Mr Paul Crawley, Unit 3A, Sewells Farm, Barcombe		

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. The number of children using the day nursery at any time shall not exceed 75 at any one time.
Reason: In order to safeguard the amenities of neighbours and ensure the accommodation is adequate for the children, in accordance with policies SU9, SU10, HO26 and QD27 of the Brighton & Hove Local Plan.
3. The day nursery shall not be open or in use except between the hours of 08.00 and 18.00 hours on Mondays to Fridays. The day nursery shall not be in use at any time on Saturdays, Sundays or Bank Holidays.
Reason: To safeguard the amenities of the locality and to comply with policies HO26, SU10 and QD27 of the Brighton & Hove Local Plan.
4. The rear garden shall not be in use by children attending the day nursery except between the hours of 09.00 to 17.00 on Mondays to Fridays.
Reason: To safeguard the amenities of the locality and to comply with policies HO26, SU10 and QD27 of the Brighton & Hove Local Plan.
5. No amplified music or musical equipment shall be used in the outdoor play area at any time.
Reason: To safeguard the amenities of the locality and to comply with policies HO26, SU10 and QD27 of the Brighton & Hove Local Plan.
6. Prior to the commencement of development details of the management of the use of the outdoor space should be submitted to and agreed in writing by the Local Planning Authority. The outdoor space shall thereafter be used in strict accordance with the agreed details at all times the nursery is in operation.
Reason: To ensure the effective management of the outdoor space and safeguard the amenities of the locality and to comply with policies QD27

and HO26 of the Brighton & Hove Local Plan.

7. Prior to implementation of this planning permission an updated travel plan for visitors to the nursery and staff shall be submitted to and agreed in writing by the Local Planning Authority. The plan should include a travel survey of staff and parents, staggered pick up and drop off times. 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 and TR4 of the Brighton & Hove Local Plan.
8. The development hereby permitted shall be carried out in accordance with the approved drawings no. ELE 1000 A, ELE 1001 A & ELE 1002 A submitted 18th June 2010.
Reason: For the avoidance of doubt and in the interests of proper planning.

Informatives:

- 1) 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:
TR1 Development and the demand for travel
TR4 Travel Plans
TR7 Safe development
SU9 Pollution and nuisance control
SU10 Noise nuisance
QD14 Extensions and alterations
QD27 Protection of amenity
HO26 Day nurseries and child care facilities
HE6 Development within or affecting the setting of conservation areas;
and
- ii) for the following reasons:-
The development, subject to compliance with the above conditions, would not lead to an adverse impact on amenity for occupiers of neighbouring properties or lead to a harmful demand for travel. Furthermore the external alterations would preserve the character and appearance of the Preston Park Conservation Area.
- 2) The applicant is advised that in respect of condition 7 the Council's School Travel Plan Advisor would be able to offer advice to improve the effectiveness of the nursery's travel plan (tel: 01273 292357).

2 THE SITE

The application site relates to an extended two-storey property, with lower ground floor level, on the northern side of Preston Drive. The property features a detached coach house sited to the rear of the main building. The surrounding area is predominantly residential with Preston Park adjoining to the south. The site lies within the Preston Park Conservation Area.

3 RELEVANT HISTORY

BH2004/03648/FP: Change of use from house (C3) and Doctors Surgery (D1) to children's nursery for 60 children and bedsit. Erection of part single storey/part two storey rear extension. Approved.

BH2004/02339/FP: Change of use from house (C3) and Doctors Surgery (D1) to Childrens Nursery. The application was refused in September 2004 on four grounds: 1) transport; 2) fire escape; 3) access; 4) failure to demonstrate the scheme would not have a detrimental impact on amenity.

4 THE APPLICATION

The application seeks permission to change the use, convert and extend the existing outbuilding to expand the existing nursery to accommodate 75 children.

The increased capacity would be partly accommodated through the conversion and extension of an existing detached outbuilding, currently used for storage of nursery items, to provide additional play space and associate facilities. No external alterations to the main building are proposed by the application.

5 CONSULTATIONS

External:

Neighbours: Letters have been received from **4 Bavant Road; 5 Cornwall Gardens** and **35, 39 & 41 (x2) Preston Drove** objecting to the proposal for the following reasons:-

- existing problems relating to congestion, parking and pedestrians crossing the road would be worsened by an expansion of 25%;
- existing problems relating to noise from rubbish collections and use of the rear garden would be worsened by an expansion of 25%;
- the play area is higher than adjoining gardens so its use leads to loss of privacy, and this would be worsened by increased use;
- there are existing problems from signage and bin storage at the premises which harm the character of the area;
- draw attention to previous reasons for refusal (ref: BH2004/02339/FP) which would apply to the nursery as existing and as proposed;
- further commercialisation of the residential area;
- doubt whether the rear extension would preserve or enhance the Preston Park Conservation Area, but note is it not visible from a public highway and therefore raise no objection;
- there is a need to minimise the use of plastic windows and doors, question whether the existing property already features PVC;
- the proposed plans do not make clear the party wall arrangements along shared boundaries;
- access to building works would be problematic due to uses adjoining the site.

Internal:

Early Years Development and Childcare Partnership: No objection.

Environmental Health: No objection. There is no history of noise complaints from the nursery. There are conditions on the existing permission relating to use of the outdoor space and recommend these remain.

Sustainable Transport: No objection. The increase in vehicle movements associated with 15 children would be 45 over the course of the whole day (and this would include any increase in delivery vehicles etc). During peak hours (08:00 to 09:00 hours and 17:00 to 18:00 hours) the increase in vehicle movements would be AM = 10 & PM = 9. Spread over the course of the hours these increases are not considered as material by the Highway Authority.

In terms of parking and waiting, drivers are required to comply with the law requirements. It is not possible to recommend refusal because someone might break the law and it is the responsibility of the individual to comply with the necessary legislation.

6 PLANNING POLICIES

Brighton & Hove Local Plan:

TR1 Development and the demand for travel

TR4 Travel Plans

TR7 Safe development

SU9 Pollution and nuisance control

SU10 Noise nuisance

QD14 Extensions and alterations

QD27 Protection of amenity

HO26 Day nurseries and child care facilities

HE6 Development within or affecting the setting of conservation areas

7 CONSIDERATIONS

The key issues in this application relate to the impact of the increased capacity, and associated alterations, on residential amenity for occupiers of adjoining properties and on highway safety. The impact of the external alterations on the character and appearance of the Preston Park Conservation Area is also a consideration.

Proposed nursery extension

The existing nursery was granted planning permission for use by 60 children in 2004 (ref: BH2004/02648). The nursery is subject to a number of conditions controlling hours of use of the nursery and outdoor play space and preventing amplified music within the garden; a noise barrier enclosing the rear garden was also secured by condition. These measures were considered sufficient, at the time, to prevent harmful noise or disturbance.

This application seeks consent to increase capacity of the nursery to 75

children. In order to accommodate this increase an existing coach house building would be converted and extended to form additional nursery space. The main building would provide space for 55 children with the new coach house space providing space for 20 children.

Environmental Health Officers have no objections to the proposal and it is understood that there is no history of noise complaints from local residents. The City Early Years and Childcare Team have no objection to the increased capacity and the coach house building would allow for regular and easy access to the adjoining outdoor space.

There is no reason to believe that the property does not function acceptably as a childcare facility and there is no suggestion that the nursery (as proposed) would not meet the Council's accommodation and staffing standards. On this basis, and taking into account the comments of the City Early Years and Childcare Team, it is considered the additional nursery accommodation is acceptable in principle.

The nature and description of the nursery that would result from implementation of this development would be materially different from that currently operating at the site. A number of conditions are therefore recommended relating to hours of use and preventing outdoor amplified music (conditions 3, 4 & 5): these conditions are comparable to those on the original planning permission for the nursery (ref: BH2004/02648/FP).

A management plan for the outdoor area, to provide a structured play environment, was required by way of a condition of the previous permission and is yet to be discharged. It is therefore considered appropriate for a similar condition to be attached to any further permission to avoid risk of detriment to the living conditions of the surrounding residents and neighbour amenity (condition 6).

For the reasons outlined it is considered that the premises, as proposed, would function acceptably as a nursery, and without causing significant harm to occupiers of adjoining properties in accordance with the aims of saved local plan policies SU10, QD27 and HO26.

The nursery incorporates a non self-contained residential unit at first floor level. This would not be affected by this application and as such there is no conflict with local plan policy HO8 which seeks to retain residential accommodation.

Coach house alterations

Design

The main building has a substantial rear extension at lower ground and ground floor levels, and these were granted permission as part of the original change of use in 2005. The extension is a clearly modern addition which does not reflect the prevailing form or materials of adjoining development.

The character and appearance of the conservation area is though preserved due to the siting of the extension to the rear of the building.

This application proposes a single-storey extension to the existing coach house building to form additional play space. The extension would appear as a modern addition which does not seek to reflect the style or proportions of the existing building. Given the appearance of existing extensions to the main property there is no objection in principle to a similar approach in relation to the coach house. The extension would not be visible from Preston Drove or other public open space and the impact on the wider area would be minimal. On this basis the extension would preserve the character and appearance of the Preston Park Conservation Area.

As existing the coach house features PVC to the front and side elevations. The proposed alterations allow for the reinstatement of timber panelled doors and timber sash windows and this would enhance the character and appearance of the conservation area. The submitted plans include a detailed schedule of materials and it is not considered to require further details / samples through condition.

Impact on amenity

The extension would be sited along shared boundaries with 35 Preston Drove and 2 Bavant Road and would be visible above the existing boundary treatment. However, it is considered the resulting harm would not be significant due to the single-storey height of the extension, and, the considerable depth of rear gardens which would ensure the extension does not appear overbearing or result in a harmful loss of light. The potential noise impact from the nursery use was addressed in an earlier section of this report.

Travel

The Transport Planning Team has advised that the estimated increase in vehicle movements associated with this application would be 45 over the course of the whole day. This would equate to 10 vehicles in the morning peak hours (of 8 am to 9 am) and 9 in the evening peak hours (of 5 pm to 6 pm). It is considered that spread over the course of these hours, and the day as a whole, the increase in vehicle movements would not have a materially harmful impact on the highway network that would warrant refusal of the application. The applicant has also advised that based on their Green Travel Plan, which appears to relate primarily to members of staff, 75% travel to the site by foot, bicycle or public transport.

A number of representations have been received objecting to the proposal due to parking problems caused during peak drop-off and collection times for the nursery. However, it is ultimately the responsibility of the individual to comply with necessary legislation relating to parking and waiting. Whilst it is appreciated there may be instances where parking contraventions occur it could not be demonstrated that this application would create a safety hazard. The possibility that someone might break the law would not warrant refusal of

the application and existing parking issues in the locality, such as the high demand for street parking, go beyond this specific application.

Whilst the nursery has a Green Travel Plan it is not apparent if, or how, this is monitored and there does not appear to be any survey information relating to its effectiveness and parents preferred mode of transport to and from the site. A condition is therefore recommended to require an updated travel plan, a travel survey of staff and an annual review of the plan.

For the reasons outlined above the Transport Planning Team has no objection to the proposal. There is no technical evidence to suggest that the proposed capacity would lead to localised congestion, highway safety or on-street parking issues. The proposal is therefore considered acceptable and would not conflict with the aims of saved local plan policies TR1, TR4 or TR7.

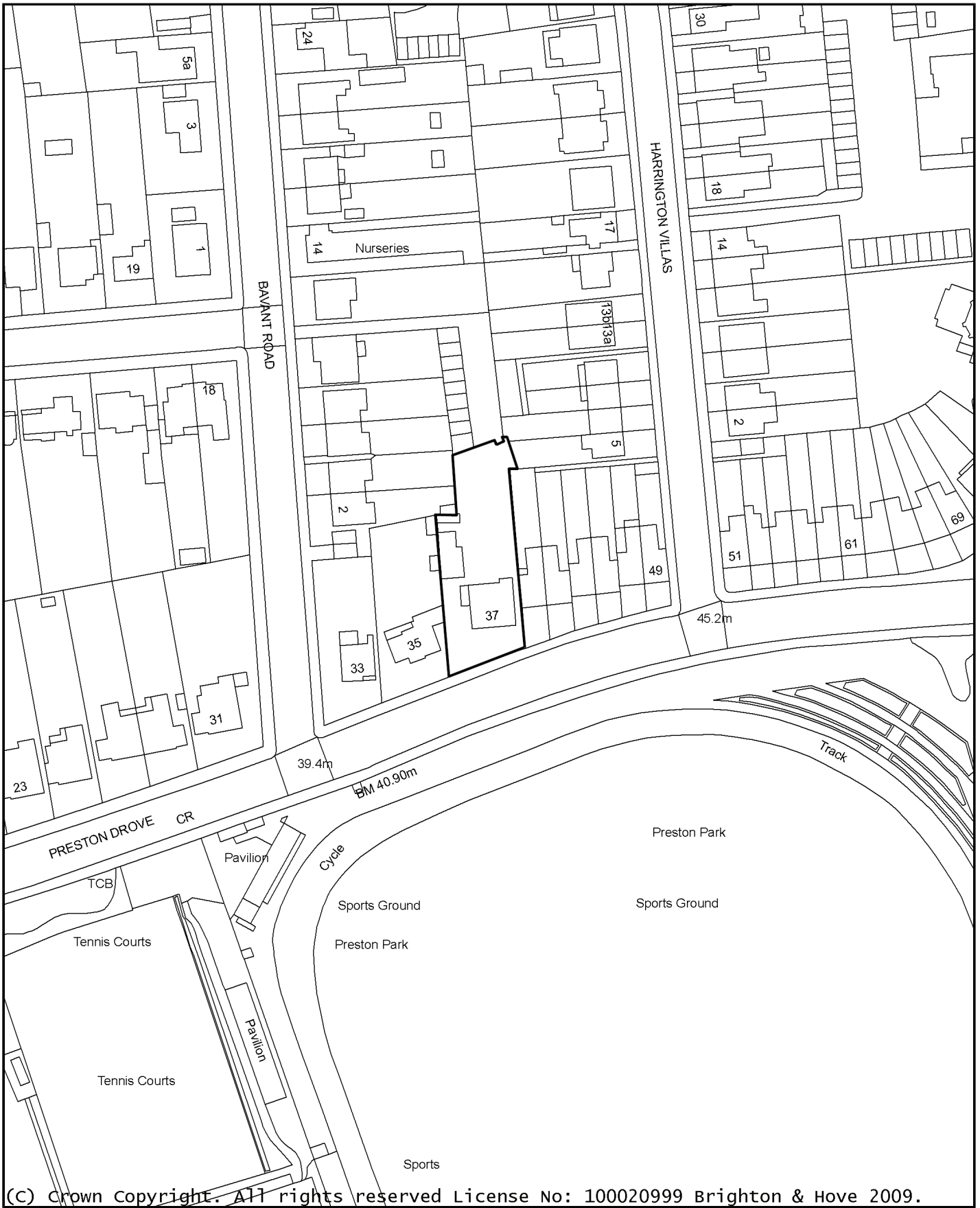
It is noted that the alterations to the coach house require the relocation of buggy and cycle store facilities, whilst there is no objection to the revised position (adjoining the main entrance) there will be a reduction of 2 cycle spaces. Whilst this is regrettable it is understood that the cycle store is underused, and this was confirmed on a site visit, and the remaining provision of 3 spaces would comply with the standards outlined in supplementary planning guidance note 4 (parking standards).

8 REASONS FOR RECOMMENDATION TO GRANT PERMISSION

The development, subject to compliance with the above conditions, would not lead to an adverse impact on amenity for occupiers of neighbouring properties or lead to a harmful demand for travel. Furthermore the external alterations would preserve the character and appearance of the Preston Park Conservation Area.

9 EQUALITIES IMPLICATIONS

The existing access arrangements to the property would not be altered and the development will increase childcare options in this part of the City.



Date: 07/09/2010 05:03:00

Scale 1:1250



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<u>No:</u>	BH2010/00391	<u>Ward:</u>	WITHDEAN
<u>App Type</u>	Full Planning		
<u>Address:</u>	37- 41 Withdean Road, Brighton		
<u>Proposal:</u>	Demolition of three existing detached houses and construction of 3 no new detached dwellings.		
<u>Officer:</u>	Paul Earp, tel: 292193	<u>Valid Date:</u>	01 March 2010
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	26 April 2010
<u>Agent:</u>	A.B.I.R. Architects, 3c Wilbury Grove, Hove		
<u>Applicant:</u>	Apple Construction, Mr Chris Creswell, 41 Withdean Road, Brighton		

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 Informative:

Conditions

1. BH01.01 Full Planning.
2. BH03.01 Samples of materials – non conservation areas.
3. The crossovers hereby approved shall be constructed in accordance the Council approved Manual for Estate Roads and under licence from the Highway Operations Manager prior to commencement of any other development on the site.
Reason: In the interest of highway safety and to comply with policy TR7 of the Brighton & Hove Local Plan.
4. BH06.03 Cycle parking facilities to be implemented.
5. The development shall not be occupied until parking areas have been provided in accordance with the approved plans and the areas shall thereafter be retained for that use and shall not be used other than for the parking of motor vehicles.
Reason: To ensure adequate parking provision and to comply with policy TR19 of the Brighton & Hove Local Plan.
6. BH04.01A Lifetime Homes.
7. BH05.01B Code for Sustainable Homes – pre commencement – Level 3.
8. BH05.02B Code for Sustainable Homes – pre occupation – Level 3.
9. Details of the solar panels shall be submitted to and approved in writing by the Local Planning Authority before works commence. The panels shall be installed and maintained as approved thereafter.
Reason: To ensure satisfactory provision of solar gain and to comply policy SU2 of the Brighton & Hove Local Plan.
10. BH11.01 Landscaping/planting scheme.
11. BH11.02 Landscaping/planting – implementation and maintenance.
12. BH11.03 Protection of existing trees.

13. BH02.07 Refuse and recycling facilities.
14. Details of the screens to the second floor terraces shall be submitted to and approved in writing by the Local Planning Authority before works commence. The panels shall be installed before the properties are occupied and maintained as approved thereafter. The area of roof to the east of the screen shall not be used as an amenity space at any time.
Reason: To safeguard residential amenity and prevent overlooking of neighbouring properties and to comply policy QD27 of the Brighton & Hove Local Plan.
15. BH01.06 Approved drawings – 0082. EX /1-3 submitted on 16 February 2010 and 0082.SK / 1B; 0082.PL / 2A, 3A, 4A, 5A, 6A, 7A, 8A, 9A, 100A, 101B, 102A, 103B, 104A, 105B submitted on 4.8.10.
16. BH02.03 No permitted development (extension) (amenity and character).
17. BH05.10 Hardsurfaces.
18. BH02.06 No cables, aerials, flues and meter boxes.

Informatives:

- 1 Semi-mature trees should be included as part of the landscaping, particularly along boundaries to existing properties.
- 2 IN.04.01 Lifetime Homes.
- 3 IN.05.02 Code for Sustainable Homes.
- 4 IN.05.07A Site Waste Management Plan.
- 5 IN05.10 Hardsurfaces.
- 6 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:

Brighton & Hove Local Plan:

QD1	Design – quality of development
QD2	Design – key principles for neighbourhoods
QD3	Design - efficient and effective use of sites
QD4	Design – strategic impact
QD5	Design – street frontages
QD15	Landscape design
QD16	Trees
QD27	Protection of amenity
TR1	Development and the demand for travel
TR2	Public transport accessibility and parking
TR7	Safe development
TR14	Cycle access and parking
TR19	Parking standards
HO3	Dwelling type and size

HO4	Dwelling densities
HO5	Provision of private amenity space in residential development
HO13	Accessible homes and lifetime homes
SU2	Sustainability
SU13	Minimisation and re-use of construction industry waste
SU14	Waste management
SU15	Infrastructure

Supplementary Planning Documents:

SPD03:	Construction and demolition waste
SPD08:	Sustainable Building Design

Supplementary Planning Guidance Notes:

SPGBH4:	Parking standards
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Planning Policy Statements:

PPS1:	Delivering Sustainable Development
PPS3:	Housing; and

ii) for the following reasons:

The proposal makes a positive contribution to the townscape of the area, and efficient use of the site to provide sustainable residential accommodation which provides adequate amenity space and car parking. This amendment to the extant approval with one less unit, and properties generally set further from the rear boundary, reduces the bulk of the development to the rear and will have less effect on properties to the rear.

2 THE SITE

The application relates to a site on the east side of Withdean Road, north of Blackthorn Close. The site consists of three detached dwelling houses on a plot of approximately 0.32 hectares, not within a conservation area. The land is part of a larger site of 0.43 hectares for which planning permission has been granted for the demolition of 4 dwellings and erection of 5 new properties. The property to the north of the current application site has been demolished and the replacement dwelling is nearing completion. The site is situated on a bend in the road which winds and rises steeply from east to west. The land falls from the road frontage to the rear of the site where it adjoins residential properties also with frontages to Withdean Road. The area is predominantly residential, mainly consisting of detached houses.

3 RELEVANT HISTORY

BH2009/00153: Amendments to application BH2007/03716, incorporating relocation of houses within plot to facilitate improved vehicular access, alterations to cladding materials in certain areas and introduction of bins stores adjacent to road. Approved 6.5.09.

BH2007/03716: Demolition of four existing detached houses and construction of five new dwellings. Approved 22.5.08.

4 THE APPLICATION

The application is for:

- Demolition of three detached dwelling houses.
- Erection of 3 detached dwellings.
- Buildings comprise 3 storey plus basement, maximum of 30m deep x 13.0 wide x 10.6m high. 5 bedrooms, 5 reception rooms, ancillary accommodation, indoor pool, integral garage. Outside terraced areas. Rear gardens range from 18m to 9m deep.
- Building line approximately 6m from front boundary.
- Design: rectangular shaped properties, curved walling in part with terraces to front, side and rear at each level. Series of flat roofs. Raised skylight above hall.
- Materials: Walls: rendered walls; roof: turncoated stainless steel; windows: dark grey powder coated aluminium frames; driveway: permeable pavers.
- Parking: each property with integral garage for 3 cars and cycle store.
- Refuse / recycling storage: sited adjacent to front boundary.

Amended plans have been submitted during the course of the application, which includes:

- Southern property, plot 4, to be sited no closer to the rear boundary than the approved dwelling.
- Proposed terraces at second floor, reduced in size and orientated to south with 1.8m privacy screen, to prevent direct overlook to properties to the rear.

5 CONSULTATIONS

External:

Neighbours: Seven (7) letters of objection have been received from 6 Blackthorn Close; 46a, 46b, 47, 49 (x 2 letters), 51 Withdean Road in respect of the scheme as originally submitted on the following grounds:

Design:

- The style of the house being built is a blot on the landscape, not in keeping with the rest of the neighbourhood.
- Proposed roofs are to be raised with the addition of raised glass skylights. These will be obtrusive and detract from the overall design concept. The first house being built does not have a skylight.
- The rooflines of the approved properties descend following the gradient of the road. With the new turret, the roofline of house No.2 is higher than house No.1, and the integrity is lost.
- The properties are of a very large scale and dwarf adjacent properties. Pitched roofs are being replaced with large angular structures which fill out the plots. The proposed houses are two/three times the square footage of neighbouring properties.
- Each property resembles a block of flats rather than a single dwelling.
- Construction of four identical dwellings in a row would be an eyesore.
- Whilst a less dense development of four properties is preferable to five, the houses are much larger and considered inappropriate.

Amenity:

- The first phase of the development is nearing completion. The impact can be seen across the valley; as an immediate neighbour (51 Withdean Road) it is totally overwhelming. The property is completely overlooked and have lost all the privacy once enjoyed. The development also blocks evening sunlight from the home.
- Loss of privacy and overshadowing. Overlooking of properties to the rear. The addition of a third residential level, and bringing the buildings closer to the rear boundary will result in a greater loss of privacy and overlooking.
- The skylight adds height to the overall development and seriously compromises views of the Downs.
- The buildings are now closer to the road and therefore neighbouring properties. The proposed living areas will be directly overlooked by properties opposite.
- The footprints and additional floor areas are significantly greater than approved. Property No.4 is only 3.5m -4m from 47 Withdean Road, which will overshadow the rear garden. The two rear terraces will directly overlook the bedrooms and bathroom of 47. This plot has little garden and the terraces are likely to be constantly used.

Trees:

- House in plot 4 is close to the boundary. The foundations may affect the trees.

Traffic:

- Site traffic is bad enough with 1 house being built. Access to Blackthorn Close will be impaired if the further 3 properties go ahead.

Comments on amendments: 46b, 51 Withdean Road: Object to the proposal for the following reasons:

- The building line has been brought nearer the road and therefore the overall impact of fewer houses has been negated.
- The proposed skylights are much more intrusive than the approved design and detract from the integrity of the whole group. On the original approval the roof line of each subsequent house descend following the gradient of the road. With the proposed turret house 2 is higher than house 1, and the integrity is lost.
- The revised positioning of the houses closer to the road emphasises the brutalist style of architecture on the neighbourhood.
- The properties are too high and too close to existing properties. The site is on a steep hill and will overlook and overshadow neighbouring properties.

Internal:

Sustainable Transport: No objection subject to the crossovers being constructed in accordance with the Council approved manual for Estate Roads, and the development is not occupied until the car and cycle parking areas have been provided.

Environmental Health: No comment.

Arboriculturist: No objection. No further Arboricultural report has been submitted with the application as that submitted with the approved permission is still relevant. It is considered that the previous Tree Survey was acceptable and the Team are in full agreement with its findings.

All trees marked on the report for retention should be protected to BS 5837 (2005) prior to any works commencing and a Method Statement requested to demonstrate how this will be achieved prior to any works commencing.

The site will retain heavy tree cover after it is developed, however, request a condition of any planning consent granted that a landscaping scheme is submitted showing replacement planting, especially on the back boundary of the development site and the side boundary of number 35.

6 PLANNING POLICIES

Brighton & Hove Local Plan:

QD1	Design – quality of development
QD2	Design – key principles for neighbourhoods
QD3	Design - efficient and effective use of sites
QD4	Design – strategic impact
QD5	Design – street frontages
QD15	Landscape design
QD16	Trees
QD27	Protection of amenity
TR1	Development and the demand for travel
TR2	Public transport accessibility and parking
TR7	Safe development
TR14	Cycle access and parking
TR19	Parking standards
HO3	Dwelling type and size
HO4	Dwelling densities
HO5	Provision of private amenity space in residential development
HO13	Accessible homes and lifetime homes
SU2	Sustainability
SU13	Minimisation and re-use of construction industry waste
SU14	Waste management
SU15	Infrastructure

Supplementary Planning Documents:

SPD03:	Construction and demolition waste
SPD08:	Sustainable building design

Supplementary Planning Guidance Notes:

SPGBH4:	Parking standards
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Planning Policy Statements:

PPS1:	Delivering Sustainable Development
PPS3:	Housing

7 CONSIDERATIONS

This application follows approval BH2007/03716, granted May 2008, for the demolition of four detached houses and the construction of five new dwellings, and subsequent approval BH2009/00153, granted May 2009 for amendments to the scheme to relocate the houses within the plots to improve vehicular access, and for alterations to the cladding materials in certain areas. Of the five houses approved the dwelling in the northern part of the site is nearing completion; this application seeks amendments to approved scheme by constructing 3 dwellings in the remained of the site in place of the 4 as approved. The reduction in the number of units allows for greater separation between the buildings and facilitates vehicular access to the side of the dwelling. The footprint of the buildings have been increased in size and the front building line brought closer to the highway. With the exception of the building forming plot 4 at the southern part of the site, the buildings are further from the rear boundary. Other alterations consist of rendering the buildings throughout rather than placing cladding at second floor level, and as with the approved amendment, the small swimming pools approved to the raised decking in the original approval are to be sited internally.

As with the original application the main considerations in the determination of the application relate to the impact of the development on the character and appearance of the area and upon the residential amenities of the neighbouring properties, and traffic implications.

Layout / appearance:

Policies QD1, QD2 and QD4 state that new development will be expected to demonstrate a high standard of design and should make a positive contribution to the environment and take into account local characteristics including the height, scale, bulk and design of existing buildings.

The site is situated on a bend in Withdean Road which falls steeply, approximately 7m to 8m, from north to south along the site's frontage which is 61m in length. The site also falls steeply to the rear, east. The road level to the front of 51 Withdean Road, the adjoining plot to the rear of no's 35 and 37, is 20m lower than the road level to the front of no.35. The area is well treed, which together with the gradient of the land and the set back from the road frontage, means the existing buildings are not unduly prominent in the street scene.

The proposal is for three properties to replace the four approved. This reduction in the number of units facilitates larger plots and a greater gap between the dwellings, generally increasing the distance from 2.5m/3.0m, to 7.5m/9.0m. The overall footprint of the buildings has increased in general by 5m/6m in length, from 24m/25m to 30m at ground floor level. The upper floors are recessed and range from 23m/26m in length.

The increase in the footprint locates all of the dwellings closer to the front

building line, increases the distance to the rear boundary in plots 2 and 3, with the dwelling in plot 4, the southernmost property, remaining on a similar rear building line as approved and retaining the same distance to the rear boundary.

As originally approved the dwellings were to be located between 10m and 20m from the road frontage and the amended scheme BH2009/00153 sets the buildings a distance of 6m to 2m further into the site and increases the height of the buildings by approximately 0.6m. This proposal brings the building line forward between 3m to 6m so that the buildings would be approximately 6m from the road frontage. Whilst the proposed dwellings would be closer to the street, sufficient space remains for landscaping.

As with the original approval the proposed development would create a group of buildings with a distinct character and appearance. The buildings are slightly different in primary elevation appearance. The materials will be a simple pallet of white render and dark powder coated windows. The curved detail to both front and rear elevations, stepped form with terraced areas, serves to visually break-up the massing. The proposed skylights increase in the height of the buildings by 1m, and form a prominent architectural feature of the buildings. The dwellings are of the same architectural style but featuring unique shape and detailing separating them from each other, but forming a cohesive street elevation. Whilst the extant approvals featured clad panels to provide a visual contrast, it is considered that to wholly render the building would not detract from the appearance of the property or area.

It is considered that the proposal in terms of its form, layout, design and materials is of a high quality design which would relate well to the setting and make a positive contribution to the visual quality of the area

Impact on residential amenity:

Policy QD27 aims to protect residential amenity.

The site is situated on a bend in the road and narrows to the southern end. The proposed properties on the northerly plot (plot 2) and the middle property (plot 3) are to be set further from the rear boundary by a minimum distance of 5.5m and 2.5m respectively compared to the previous scheme. The plans have been amended so that the southernmost building (plot 3) is no longer closer to the property retaining a gap of 7.0m to the rear boundary as in the original scheme. The proposed property in plot 2 is 26m from the nearest property at the rear, No.49 Withdean Road, the property in plot 3 is 26m and 31m from Nos 49 & 47 Withdean Road respectively, and the property in plot 4 is 21m from Nos 47. The bulk of all three proposed buildings has been substantially reduced at the rear with the set back of the upper floors. The proposed terraces at second floor level on all of the dwellings have been reduced in size. The terraces no longer curve to the rear of the building and have a 1.8m privacy screen to the east elevation. This together with substantial tree cover, a mix of coniferous and deciduous trees, would prevent

direct overlooking to properties to the rear.

The properties are generally the same height as approved, apart from a skylight to serve the hall which raises the height in a small area by 1m. The skylight will not be visible from properties to the rear. Given the steep fall in the street, properties opposite, facing the front of the building are at a higher level, and it is not considered that skylight or bringing the building line forward would impact on residential amenity.

It is considered that the reduction in the number of properties from 4 to 3, will substantially reduce the massing of the development to the benefit of the occupiers of surrounding properties.

Trees and landscaping:

Policies QD15 and QD16 relate to landscape design and trees. The site, not subject to a Tree Preservation Order, is well treed with a total of 74 trees and several small groups. A tree report accompanied the original application and amended application. This amendment does not further affect trees on the site, indeed two of the proposed dwellings are set further from the boundary. The Arboriculturist raises no objections to this revision and reiterates previous comments that the majority of trees to be removed are of low quality. The planting scheme proposes the planting of an additional 41 trees to increase the site's landscape value and replace trees to be removed. Details of a landscaping scheme and measures for the protection of existing trees are required by conditions proposed.

Traffic implication:

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

The proposed dwellings each have an integral garage and cycle store. The Sustainable Transport Manager raises no objection to the proposal subject to the crossovers being constructed in accordance with the Council approved manual for Estate Roads, and the development is not occupied until the car and cycle parking areas have been provided. These requests are secured by condition.

Sustainability:

Policy SU2 seeks efficiency of development in the use of energy resources.

This application is an amendment to the approved scheme, reducing the overall number of units within the whole development from 5 to 4. The first property is nearing completion and this scheme is for the construction of 3 properties rather than 4 as approved. To compensate for the reduction in the number of units the dwellings have a larger floor area. As the original approval has been implemented with the construction of the first property, and the proposed 3 properties replace 3 existing properties, it is considered that

this is a brownfield site, not Greenfield, on which a redevelopment should attain Level 3 of the Code for Sustainable Homes. The application is accompanied by a completed copy of the council's sustainability checklist. The previous application was accompanied with a sustainability statement by a registered assessor which demonstrates that the development would achieve Level 3. The first dwelling is being built in accordance with the approved specifications and the applicant confirms that the proposed dwellings are also to be built in accordance with the assessment.

The buildings achieve a reduction in CO² emissions through a combination of high performance building fabric and low energy lighting, and a reduction in CO² emissions through the use of both efficient and on-site renewable energy generation. The building form is orientated on a southeast – northwest axis to make maximum use of daylight. The proposal seeks to use renewable solar energy by installing photovoltaic panels to produce electricity and solar thermal panels to heat water. The panels will be located on south facing roof sections on each house tilted towards the sun. Water conservation and recycling are proposed and rainwater will be collected for use in the garden. New footpaths will be clad with permeable pavers that allows for natural drainage. Efficient thermal insulation will be used. Full details of the panels are required by condition.

Given the measures outlined it is considered that the development accords to policy SU2.

Minimisation and re-use of construction and industry waste:

Policy SU13 and the Construction and Demolition Waste SPD requires development proposals to demonstrate that the minimisation and reuse of construction industry waste has been sought in an effective manner through the preparation of Site Waste Management Plan. A short Site Waste Management Plan accompanies the application which states that materials from demolition are to be reclaimed and recycled where feasible, any aggregates produced from the demolition or excavation works will be used where possible in the new construction and only clean uncontaminated rock, rubble etc will be used as infill material to prevent pollution of ground water. Materials for the new development will be sourced locally where possible and packaging recycled and containers and skips labelled for effective segregation of waste and removal from the site by approved contractors. A suitably qualified person will be appointed to manage, record and audit waste and recycling, ensuring that any hazardous materials are assessed and handled correctly throughout the construction process.

An informative is recommended stating that the applicant is advised that new legislation on Site Waste Management Plans (SWMP) was introduced on 6 April 2008 in the form of Site Waste Management Plans Legislations 2008. As a result, it is now a legal requirement for all construction projects in England over £300,000 (3+ housing units, new build), 11+ housing units, conversion or over 200m² non-residential floorspace (new build) to have a SWMP.

Accessible housing and Lifetime Homes Standards:

Policy HO13 requires all new residential dwellings to be built to a Lifetime Homes standards and that a proportion of all new dwellings on schemes of 10 units or more should be built to a wheelchair accessible standards, including a requirement for wheelchair accessible housing to be sought on the affordable housing element.

The properties have level street access and each contains a lift serving the four floors. Room sizes are generous with wide doors and corridors. All bedrooms are en-suite with sufficient floor area to facilitate side transfer. All properties have a toilet at ground floor level. Scope exists within the properties for the storage and recharging of an electric scooter or wheelchair.

Whilst the layouts meet Lifetime Homes standards, such provision is also required by condition.

Conclusions:

This proposal reduces the remaining number of units on the site from four to three. Two of the proposed buildings are to be set further from the rear boundary and the gap between buildings is also increased. The buildings are tiered with the upper floors set back from the ground floor. The bulk of the buildings are substantially reduced to the rear and the overall impact on properties to the rear will be less than the extant scheme. Additionally, the land falls sharply both to the south and east and is well screened by existing trees. The bringing forward of the front building line and the slight increase in height with the skylight will make little difference to the appearance or composition of the proposed group in the street, or impact on neighbouring properties opposite which are at higher level.

It is considered that this proposal which reduces the number of units would be preferable to the extant scheme as it provides greater space between dwellings and would provide a street section which fits in its context and topography.

8 REASONS FOR RECOMMENDATION TO GRANT PERMISSION

The proposal makes a positive contribution to the townscape of the area, and efficient use of the site to provide sustainable residential accommodation which provides adequate amenity space and car parking. This amendment to the extant approval with one less unit, and properties generally set further from the rear boundary, reduces the bulk of the development to the rear and will have less effect on properties to the rear.

9 EQUALITIES IMPLICATIONS

The proposal dwellings would be built to Lifetime Homes standards and would have to comply with Part M of the Building Regulations.

BH2010/00391 37-41 Withdean Road



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<u>No:</u>	BH2010/01338	<u>Ward:</u>	QUEEN'S PARK
<u>App Type:</u>	Full Planning		
<u>Address:</u>	5 Steine Street, Brighton		
<u>Proposal:</u>	Alterations to frontage (Retrospective)		
<u>Officer:</u>	Louise Kent, tel: 292198	<u>Valid Date:</u>	25/05/2010
<u>Con Area:</u>	East Cliff	<u>Expiry Date:</u>	20 July 2010
<u>Agent:</u>	Bryceson Shaw Associates, 2 Wellesley Court, Fitzalan Road, Littlehampton, West Sussex		
<u>Applicant:</u>	S & M Leisure Ltd, 83 Victoria Road, Chislehurst, Kent		

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** unconditional planning permission subject to the following Informatives:

Informatives:

1. This decision is based on drawings nos. 1016/01/02 and 1016/01/03 submitted on 25/05/10 and 1016/01/01/A submitted on 06/09/10.

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 Documents:

Brighton & Hove Local Plan:

SU9 Pollution and nuisance control

SU10 Noise nuisance

QD5 Street frontages

QD10 Shopfronts

QD14 Extensions and alterations

QD27 Protection of amenity

HE6 Development within or affecting the setting of conservation areas

Supplementary Planning Documents

SPD02 Shop Front Design; and

(ii) for the following reasons:-

The shopfront as constructed does not cause any significant detrimental impact to the appearance of the building, the surrounding East Cliff conservation area or the surrounding residential amenity.

2 THE SITE

The site is a two storey property, currently used as a nightclub, on the west side of Steine Street. A single storey shop is adjacent to the south, and a site currently used as a car park adjoins to the north. Steine Street is located

between St James's Street to the north and Marine Parade to the south. There are a number of public houses and nightclubs in the neighbourhood, the nearest being a public house to the north adjacent to 9 Steine Street, and another to the south at Nos. 6 and 7 Steine Street. However, the majority of the street is residential. The site is within the East Cliff Conservation Area.

3 RELEVANT HISTORY

BH2008/01183: Alterations to frontage (retrospective). Refused 12/12/08. The current application is a re-submission seeking to address this previously refused 2008 application. The 2008 application was refused for the following two reasons:

1. The proposed development, by virtue of the removal of the boxes covering the two first floor windows and the rendering of the wall, would create a bland facade which does not respect the style of the building. It would fail to preserve the character and appearance of the building within the East Cliff Conservation Area. The proposal is therefore contrary to policies QD5, QD10 and HE6 of the Brighton & Hove Local Plan and the Supplementary Planning Guidance SPD2 on Shop front design.
2. The applicant has provided insufficient information to demonstrate that potential noise breakout from the ground floor façade will be effectively contained and not adversely affect local residents. The proposal is therefore contrary to policies SU9, SU10, QD14 and QD27 of the Brighton & Hove Local Plan.

BH2008/01188: Internally illuminated hanging sign (retrospective). Granted 12/12/08.

4 THE APPLICATION

The application is for retrospective planning permission for alterations to the frontage. The proposed works involve creating recessed 'window' openings at first floor level, restoring the fascia panel, installing a new shopfront and doors and repairing and rendering the stallriser. The drawings state that the glazing comprises 42dB sound attenuation sealed double glazed units.

5 CONSULTATIONS

External:

Neighbours: A total of **nine** (9) duplicate letters of objection have been received from **Nos. 1-8 Dolphin Mews, Manchester Street and No. 8 Steine Street**. The letters state:

"Changes to the façade of the building have caused considerable noise/music breakout, that affect this property, and we are objecting to the aforementioned application for the following reasons:

1. *The acoustic glass is not rated sufficiently to prevent music escape. The glass is rated 42db and the internal sound limiter on the music system is set considerably higher, if not double this amount.*
2. *The double doors are not supported by an inner lobby, to suppress noise escape.*

However, we recommend that planning permission is granted providing

the following conditions are adopted as part of the planning consent;

- 1. The rating of the acoustic glass is increased to 10db higher than the sound limiter, and maintained at all times, with all windows fixed closed at all times and on a permanent basis.*
- 2. Opaque screening to the ground floor window must be maintained at all times and on a permanent basis.*
- 3. An inner lobby properly acoustically rated, must be built to help suppress noise/music escape, with inner and outer doors operated alternately to prevent noise/music escape. (The Licensing Panel recently commented on this measure being adopted during a review of the premises licence on 12th May 2010.)”*

The letters from Dolphin Mews residents also state that screening from the side ground floor window has been removed, which allows patrons to look into their residential properties. This is intimidating and intrusive.

Environmental Health: Environmental Health have no reason to recommend refusal. There is no evidence that a noise nuisance exists, either from music noise or people noise coming from the premises. Noise limiting devices are managing the noise from the amplified music system.

6 PLANNING POLICIES

Brighton & Hove Local Plan:

SU9	Pollution and nuisance control
SU10	Noise nuisance
QD5	Street frontages
QD10	Shopfronts
QD14	Extensions and alterations
QD27	Protection of amenity
HE6	Development within or affecting the setting of conservation areas

Supplementary Planning Document

SPD02 Shop Front Design

7 CONSIDERATIONS

The main considerations for this application are the visual effect of the alterations on the appearance of the building, the surrounding street scene and East Cliff conservation area and the implications for neighbouring residents, particularly with regard to noise and disturbance.

Design and appearance

The application has been submitted in order to overcome the previous refusal, where one reason for refusal was the bland façade which did not respect the style of the building.

The Supplementary Planning Document 2 on Shop Front Design (SPD02) was adopted in September 2005. It gives “*detailed policy guidance on ... new shop fronts throughout the city, in order to raise the standard of design quality*”

and enhance the attractiveness and local distinctiveness of the city's shopping centres.” The application is expected to show “a clear improvement in design quality over the existing shop front.”

SPD02 also states that the key to achieving a good shop front design is proportion, and replacement shopfronts should represent a clear improvement in design quality over the existing shop front. This will be achieved by careful consideration of the relationship between the five elements of a shop front, which are: the pilasters, the fascia, the stall riser, the shop window and the entrance.

Policy QD10 advises that replacement shopfronts will be permitted provided that the proposed shopfront and fascia respect the style, proportions, detailing, colour and materials of the parent building and surrounding shopfronts and buildings, and also retain a visible means of support to the buildings above and do not interrupt any architectural details.

The submitted drawings contain several differences from the shopfront installed on site. The window has a transom bar and vertical glazing bar within it, which are not shown on the drawings. The stallriser appears to be higher than shown on the submitted drawing. The applicant has been asked to address this through revised drawings.

The ground floor has double doors with a large metal logo, and the stallriser has been rendered since the previous application, appearing to match the pilaster to the south of the adjacent empty shop. The upper floor is the same as the previous application, apart from the addition of a projecting central sign, and a projecting sign at the northern side of the front elevation. These advertisements have Advertisement Consent.

The alterations to the frontage are a sufficient improvement in the design from the previous refusal in 2008. The shopfront now has a traditional appearance in keeping with its surroundings. As a result of the alterations, the new shopfront is considered to have overcome the previous design reason for refusal in BH2008/01183.

Residential amenity

The second reason for the previous refusal BH2008/01183 was the lack of evidence showing that potential noise breakout would be contained. This issue is now considered to have been overcome.

Environmental Health comment that noise limiting devices have been installed on the ground and first floor. The officer is satisfied that these adequately manage the music noise and that there is no noise nuisance as a result. These electronic devices use an internal locking device to prevent the music from going beyond an agreed volume.

The windows installed are double glazed units and the applicant states that

they are 42dB sound attenuation sealed double glazing. There is no technical information supporting this statement but, as Environmental Health are satisfied with the noise limiting device anyway, they do not require further evidence with regard to the insulation properties of the glazing.

The submitted drawings show an inner lobby. The inner foyer or lobby was requested by all the residential objectors, in order to contain noise from the premises. Again though, whilst the lobby may offer some protection against noise breakout, Environmental Health are satisfied that the issue has been addressed through the noise limiter.

The objectors and Environmental Health have commented that a Licensing Panel hearing on 12 May 2010 considered the application for the review of a premises licence for the Om Bar at No. 5 Steine Street. The Panel recognised that residents were experiencing noise disturbance, however, Environmental Health had said that noise from the premises was not deemed to be of a volume to cause a statutory noise nuisance. The Panel requested that Environmental Health conduct a review on the sound limiter settings, especially in relation to the bass from within the premises and neighbouring properties, and that further glazing and sound proofing works were carried out within six months. It is not clear whether the applicant intends to pursue these works, but it is not considered that there is a valid planning reason to object on noise grounds given Environmental Health's comments.

The objectors in Dolphin Mews have also raised a privacy issue. Dolphin Mews is located on the east side of Steine Street, opposite No. 5. Given that the street is a public highway and that the only windows at No. 5 are at ground floor level, it is not considered that customers of No. 5 have any views into Dolphin Mews that are not gained by passing pedestrians. It is not considered that refusal could be sustained on the basis of loss of privacy.

Objection letters have been received from nine nearby residents, for the reasons set out above. They suggest a number of conditions be imposed on any permission to address noise and overlooking. Given that Environmental Health are satisfied on noise grounds and that any overlooking is across the street, it is not considered that these conditions are appropriate or necessary.

Conclusion

The application is recommended for approval, as it is considered that the shop front design has overcome the design reason for refusal in the previous application. The Environmental Health officer is satisfied that the noise limiting device adequately addresses noise issues.

8 REASONS FOR RECOMMENDATION TO GRANT PERMISSION

The shopfront as constructed does not cause any significant detrimental impact to the appearance of the building, the surrounding East Cliff conservation area or the surrounding residential amenity.

9 EQUALITIES IMPLICATIONS

There is a step up from the pavement to the existing shopfront. The doorway consists of double doors, with an inner lobby with a doorway 0.9m wide, which is adequate for wheelchair access.

BH2010/001338 5 Steine Street



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<u>No:</u>	BH2009/00161	<u>Ward:</u>	ROTTINGDEAN COASTAL
<u>App Type:</u>	Full Planning		
<u>Address:</u>	28-30 Newlands Road, Rottingdean		
<u>Proposal:</u>	Erection of a three storey detached building to provide 12 bedroom nursing home to form part of existing home at 30-32 Newlands Road.		
<u>Officer:</u>	Liz Arnold, tel: 291709	<u>Received Date:</u>	21 January 2009
<u>Con Area:</u>	None	<u>Expiry Date:</u>	26 March 2009
<u>Agent:</u>	Kim Strasman Associates, The Studio, 1 Northgate Cottages, The Green, Rottingdean		
<u>Applicant:</u>	Mr John Breeds, Rottingdean Nursing Home & Care Home, 30-32 Newlands Road, Rottingdean		

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 that it is **MINDED TO GRANT** planning permission subject to the applicant entering into a Section 106 Obligation and to the following Conditions and Informatives:

S106:

- £7,600 towards transport measures that will improve access to Rottingdean village from the site. These are dropped kerbs at the Newlands Rd/Steining Rd junction to ease the walking journeys and improve the accessibility to existing bus stops within the village itself. Both are within 300m of the site and required to improve the accessibility to & from the site, particularly for people with mobility problems.

Conditions:

1. BH01.01 Full Planning Permission.
2. The development hereby permitted shall be carried out in accordance with the approved drawings no. 02A submitted on the 19th March 2010 and drawing nos. 04C, 03D, 01D and 05C submitted on the 16th July 2010.
Reason: For the avoidance of doubt and in the interests of proper planning.
3. The windows in the south facing elevation of the development hereby permitted shall be obscure glazed and non-opening, unless the parts of the windows which can be opened are more than 1.7 metres above the floor of the room in which the window is installed, and thereafter permanently retained as such.
Reason: To safeguard the privacy of the occupiers of the adjoining property and to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.

4. The development hereby approved shall not be occupied until the solid panels within the rear projecting bay windows indicated on the approved plans have been fully installed and thereafter permanently retained as such. Reason: To safeguard the privacy of the occupiers of the adjoining property and to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.
5. BH03.01 Samples of Materials Non-Cons Area (new buildings)
6. 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 50% in energy and water sections of relevant BREEAM assessment within overall 'Very Good' 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 50% in energy and water sections of relevant BREEAM assessment within overall 'Very Good' for all non-residential development has been submitted to, and approved in writing by, the Local Planning Authority.A completed pre-assessment estimator will not be acceptable.

Reason: To ensure that the development is sustainable and makes efficient use of energy, water and materials and to comply with policy SU2 of the Brighton & Hove Local Plan and Supplementary Planning Document SPD08 Sustainable Building Design.
7. Unless otherwise agreed in writing by the Local Planning Authority, none of the non-residential development hereby approved shall be occupied until a BREEAM Design Stage Certificate and a Building Research Establishment issued Post Construction Review Certificate confirming that the non-residential development built has achieved a BREEAM rating of 50% in energy and water sections of relevant BREEAM assessment within overall 'Very Good' has been submitted to, and approved in writing by, the Local Planning Authority.

Reason: To ensure that the development is sustainable and makes efficient use of energy, water and materials and to comply with policy SU2 of the Brighton & Hove Local Plan and Supplementary Planning Document SPD08 Sustainable Building Design.
8. The development hereby permitted shall not be commenced until further details, including siting, of the Solar Panels referred to within the SBEM Report, submitted on the 2nd June 2010, have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in strict accordance with the approved details.

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.

9. The development shall not be occupied until the parking areas have been provided in accordance with the approved plans or other details submitted to and approved in writing by the Local 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. Reason: To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway in accordance with policy TR7 of the Brighton & Hove Local Plan.
10. BH05.10 Hardsurfaces.
11. BH06.02 Cycle parking details to be submitted.
12. BH02.08 Satisfactory refuse and recycling storage.
13. BH11.01 Landscaping / planting scheme.
14. BH11.02 Landscaping / planting (implementation / maintenance).
15. BH11.03 Protection of existing trees.

Informatives:

1. The applicant is advised that details of the BREEAM assessment tools and a list of approved assessors can be obtained from the BREEAM websites (www.breeam.org). Details about BREEAM can also be found in Supplementary Planning Document SPD08 Sustainable Building Design, which can be accessed on the Brighton & Hove City Council website (www.brighton-hove.gov.uk).
2. The applicant is advised that new legislation on Site Waste Management Plans (SWMP) was introduced on 6 April 2008 in the form of Site Waste Management Plans Regulations 2008. As a result, it is now a legal requirement for all construction projects in England over £300,000 (3+ housing units (new build), 11+ housing units (conversion) or over 200sq m non-residential floorspace (new build)) to have a SWMP, with a more detailed plan required for projects over £500,000. Further details can be found on the following websites: www.netregs.gov.uk/netregs/businesses/construction/62359.aspx and www.wrap.org.uk/construction/tools_and_guidance/site_waste_2.html
3. The applicant is advised that advice regarding permeable and porous hardsurfaces can be found in the Department of Communities and Local Government document 'Guidance on the permeable surfacing of front gardens' which can be accessed on the DCLG website (www.communities.gov.uk).
4. 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:
Brighton & Hove Local Plan:

TR1	Development and the demand for travel
TR7	Safe development
TR14	Cycle 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
SU16	Production of renewable energy
QD1	Design – Quality of development and design statements
QD2	Design – Key neighbourhood principles
QD3	Design – Effective and efficient use of sites
QD4	Design - Strategic impact
QD5	Design - Street frontages
QD15	Landscape design
QD16	Trees and hedgerows
QD27	Protection of amenity
QD28	Planning obligations
HO8	Retaining housing
HO11	Residential care and nursing homes
HO13	Lifetime homes and accessibility
<u>Supplementary Planning Guidance and Documents</u>	
SPGBH4	Parking
SPD03	Construction and Demolition waste
SPD08	Sustainable Building Design; and

(ii) for the following reasons:-

The proposed development would make provision of a 12 bed nursing home which is welcomed.

Taking account of the recent appeal decision, it is considered that the proposed development will not have a detrimental impact upon the visual amenities of the Newlands Road street scene or the wider area. In addition, subject to the compliance with the attached conditions, it is considered that the proposal will not have a significant adverse impact upon the amenities of the neighbouring properties.

2 THE SITE

The application relates to a bungalow located on the east side of Newlands Road in Rottingdean. The property includes a single detached garage located at the front of the site and cut into the raising land. The building, which is located in the Parish of Rottingdean, is still in use a residential property (C3 Use Class).

Newlands Road is characterised by a mixture of detached dwellings and plot sizes upon the eastern side and is predominantly characterised on the west side by the playing field and adjacent school. The topography of the area sees the land fall from north to south towards the coast; additionally the land slopes less steeply from west to east.

The site encompasses part of the curtilage of the adjacent residential care/nursing home (C2 Use Class).

3 RELEVANT HISTORY

28-30 Newlands Road

BH2008/02502: Erection of a 3 storey detached building to provide 15 bedroom nursing home to form part of existing home at 30-32 Newlands Road. Refused 6/11/2008. Appeal dismissed.

28 Newlands Road

61/812: Erection of a garage – granted 15/06/1961.

30-32 Newlands Road

BH2006/00180: Single storey side entrance – Approved 23/03/2006.

BH2005/06206: Construction of dormer on rear roof to form corridor. (Retrospective) – approved 26/01/2006.

BH1999/00067/FP: Construction of dormer on rear roof (to form corridor). – approved 15/02/1999

90/1909/F: Alterations to second floor (including the installation of Velux rooflights) to form additional residential bedroom – refused 01/02/1991.

88/1005/F: Alterations and extension – granted 20/09/1988

89/0801/F: Alterations and extensions to planning permission granted under 88/1005/F) – granted 05/07/89

74/505: Convalescent home to residential – granted 18/06/1974

66/286: Change of use from Guest House to Convalescent Home – granted 01/03/1966

4 THE APPLICATION

Planning permission is sought for the demolition of an existing detached bungalow and the erection of a three storey detached building to provide a 12 bedroom nursing home which will form part of the existing nursing home at 30-32 Newlands Road.

5 CONSULTATIONS

External:

Neighbours: Four (4) letters of objection from and on behalf of the occupiers of **35, 37 Chailey Avenue, 31 Steyning Road and Rotherdown, Steyning Road** on grounds of:

- need for continuity with the previous decision to refuse planning permission for a slightly larger building,
- the impact on neighbouring amenity, with regards to loss of privacy, overlooking and disturbance from deliveries,
- traffic and parking issues,
- scale and design,
- loss of family dwellinghouse
- the existing nursing home has previously been refused planning permission for rear windows on the third floor on the grounds of intrusion of privacy and this application appears to create an identical situation,

- it will dominate corner of Newlands Road,
- it will create a sense of closure and will reduced outlook for no. 26 Newlands Road.

After amendments received on the 22/03/2010 **Five (5) letters** of objection received from and on behalf of the occupiers of **35, 37 and 39 Chailey Avenue, 31 Steyning Road and Rotherdown, Steyning Road** on grounds of:

- overlooking and loss of privacy,
- the existing nursing home has previously been refused planning permission for rear windows on the third floor on the grounds of intrusion of privacy and this application appears to create an identical situation,
- additional traffic congestion,
- demand for parking,
- the bulk, scale and mass of the building are significantly increased from that of the existing,
- whilst the footprint has been reduced since the previous application (BH2008/02502) it remains of a significant and uniform size with an overbearing appearance on the street scene due to its bulk. The roof form only serves to emphasise this bulk, particularly with the projecting flank “extension”. The design and form bear no relation to surrounding buildings being neither honestly traditional nor contemporary, with the eaves height incongruous when compared to adjacent buildings,
- reduction in the visual gap between the development and neighbouring properties,
- the amendments to the scheme fail to provide a significant enough horizontal emphasis, particularly with the retention of the projecting narrow bays,
- the development does not relate to the existing nursing home nor any other building in the vicinity, the re-design has resulted in a building even more “alien” in appearance than the appeal scheme,
- as a result of its height the building will be over-bearing and dominant in the street scene and when viewed from neighbouring properties given that the existing property is single storey,
- noise and disturbance by deliveries to and waste disposal from the nursing home,
- a commercial enterprise will change the character of the residential area,
- loss of light,
- potential loss of existing trees at rear of neighbouring property.

After 16th July 2010 amendments **Four (4) letters** of objection received from and on behalf of the occupiers of **35, 37, 39 Chailey Avenue and Rotherdown, Steyning Road**, on grounds of:

- it will overlook surrounding properties and result in loss of privacy,
- parking and it will adversely affect the increasingly congested traffic flow of the area,
- loss of light and sunlight,

- unable to discern what changes have been made to lessen the effects of the development,
- the existing nursing home has previously been refused planning permission for rear windows on the third floor on the grounds of intrusion of privacy and this application appears to create an identical situation,
- bulk, scale, design.

Internal:

Environmental Health: (02/04/2009 and 04/08/2010): Have no comments to make.

Adult Social Care (Contacts Unit) (16/02/2009 and 02/08/2010): Supports the application as the city is short of nursing home provision. Currently over 50 older people and older people with mental health needs are placed outside Brighton & Hove as a direct result of lack of provision within the city.

Sustainable Transport

(06/04/2009): Would not wish to restrict grant of consent subject to the inclusion of conditions relating to the proposed vehicle parking area, cycle parking details and the provision of a financial contribution of £7,600 towards sustainable development objectives.

(28/04/2010): Satisfied previous comments are relevant to the amended application.

(08/09/10): The applicant enters into a legal agreement with the council to contribute £7600 towards transport measures that will improve access to Rottingdean village from the site. These are dropped kerbs at the Newlands Rd/Steyning Rd junction to ease the walking journeys and improve the accessibility to existing bus stops within the village itself. Both are within 300m of the site and required to improve the accessibility to & from the site, particularly for people with mobility problems.

Sustainability Officer:

(18/01/2010): Although this is residential, confusingly, it would come under the non residential as it's a nursing home, therefore commercially managed.

Consequently, it would be classed as medium scale as its under 999sq m. Therefore it would be BREEAM Multi Residential (and 50% in energy & water sections).

BREEAM Multi Residential covers residential development not covered by the Code for Sustainable Homes and provided that there is limited medical facilities (see below). You should ask the planning agent to have confirmation with a BREEAM assessor whether this could indeed be classed BREEAM Multi Residential or whether it would need a Bespoke BREEAM assessment or BREEAM Healthcare because there are extensive medical facilities.

(13/05/2010): Having looked at the BREEAM Multi Residential pre-assessment for this scheme I can confirm that it does not meet the standard required to meet SPD08.

The development must meet a score overall of 'Very Good' and within the water and energy sections a score exceeding 50%.

Whilst the BREEAM pre-assessment indicates that the overall score is predicted to be 'very good' and the water scores 62.5% the energy score does not exceed 50% and is just 39.13%.

Brighton & Hove set this standard within BREEAM because in order to meet policy SU2 and regional and national policies around energy and carbon reduction, a minimum acceptable standard must be achieved. This score indicates that these proposals currently fall below the minimum acceptable standard.

The scheme needs some revision and improvement.

(08/06/2010): The submitted document confirms at this stage that the development is on track to achieve 'very good' BREEAM and over 50% in energy and water sections. Within the SBEM document there is reference to Photovoltaic array: 13m² of monocrystalline PV. It would be good to see this conditioned as part of the permission.

6 PLANNING POLICIES

Brighton & Hove Local Plan

TR1	Development and the demand for travel
TR7	Safe development
TR14	Cycle 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
SU16	Production of renewable energy
QD1	Design – Quality of development and design statements
QD2	Design – Key neighbourhood principles
QD3	Design – Effective and efficient use of sites
QD4	Design - Strategic impact
QD5	Design - Street frontages
QD15	Landscape design
QD16	Trees and hedgerows
QD27	Protection of amenity
QD28	Planning obligations
HO8	Retaining housing
HO11	Residential care and nursing homes
HO13	Lifetime homes and accessibility

Supplementary Planning Guidance and Documents

SPGBH4 Parking

SPD03 Construction and Demolition waste

SPD08 Sustainable Building Design

7 CONSIDERATIONS

Background

A previous planning application, BH2008/02502, sought planning permission for the demolition of the existing bungalow (C3 Use Class) on the site and the construction of a three storey detached building to provide a 15 bed nursing home (C2 Use Class) which would form part of the existing nursing home which operates from within 30-32 Newlands Road. This application was refused on the following grounds;

- design, including bulk, height, width and excessive site coverage,
- overdevelopment of the site,
- net loss of an existing dwelling,
- having a harmful impact upon the amenities of the occupiers of 26 Newlands Road as a result of its siting, overbearing scale, impression of overlooking and loss of outlook,
- failure to meet travel demand,
- failure to demonstrate provision of adequate amenity space,
- failure to demonstrate that the development would meet an acceptable standard of sustainability; and
- failure to demonstrate a satisfactory construction waste minimisation strategy.

This refusal was upheld at appeal but only on the grounds that the proposed development “would harm the character and appearance of the area and be detrimental to the living conditions of neighbouring residential occupiers”.

In preparing this report, appropriate weight must be given to the comments made by the Inspector in the appeal decision relating to the previously refused application, as a material consideration in the determination of the current application.

The main issues for consideration are the housing strategy implications, the provision of an additional nursing home, the impacts of the proposed new building on the character and appearance of the Newlands Road street scene and the wider area, the impacts upon the amenities of occupiers of the neighbouring properties and sustainability and transport implications.

Loss of Existing Dwelling

At present the development site comprises a detached residential bungalow with an associated detached garage located within the front garden area. In order to accommodate the proposed nursing home this existing property and garage will be demolished. Policy HO8 prevents the net loss of residential units subject to five exception tests. The proposal does not appear to meet any of these exception tests in that the existing dwelling is not unfit for human

habitation, the dwelling is served by adequate access, the building is not listed, there would be no increase in affordable housing and there are no previous uses to be considered as a material consideration in the determination of the application.

The proposed nursing home falls within the C2 (Residential Institutions) category of the Town and Country Planning Use Class Order 1987 and as such the proposal would result in the loss of one single dwellinghouses, which fall into Use Class C3 of the Order, contrary to policy HO8.

In response to the current application the Council's Adult Social Care team have stated that within Brighton & Hove there is a shortage of nursing home provision, a view they also provided in response to the proposal set out in refused application BH2008/02502. In relation to this issue, within the recent appeal decision, the Planning Inspector stated that:

"no evidence has been advanced by the Council to suggest that there is a shortage of the type of family dwelling it considers the site currently provides, nor do they challenge the need for the 15 additional nursing home bed spaces, It would seem to me therefore that in this instance, on balance, the proposal as well as helping to meet a recognised shortfall in local nursing home provision, would also go some way towards meeting the underlying objectives of LP Policy H08 in terms of seeking to make the best use of the site in providing a form of residential accommodation".

In the determination of application BH2008/03015, which related to Maycroft and Parkside, London Road and numbers 2 to 8 Carden Avenue, it was accepted that the loss of family homes to accommodate the proposed nursing home development could be considered as an exception to policy H08 based on the fact that the proposal would result in an increase in residential accommodation on the site and the release of existing dwellings back onto the open market. This view had been supported by a Planning Inspector in an earlier appeal decision for a nursing home development in Surrey (reference APP/K3605/A/03/1135684).

As a result of the comments made within the recent appeal decision relating to the site and the approval of application BH2008/03015, it is considered that the principle of the 12 bedroom nursing home is acceptable as an exception to policy HO8.

Although the proposal does not include the provision of any affordable housing the proposed development falls within the C2 Use Class rather than C3 and therefore there is no requirement for the development to include affordable housing provision.

Provision of Nursing Home

Policy HO11 is supportive of developments which provide new residential nursing homes, provided that the proposal does not adversely affect the locality or neighbourhood by reason of noise, disturbance or size bulk or

overlooking, it is accessible to people with disabilities, and provides sufficient parking.

Policy HO11 also requires that there is sufficient adequate amenity space for residents, which is stated as no less than 25m² per resident and a minimum of 10m depth. However lower standards may be accepted if the proposal is for a nursing home as residents tend to be less mobile.

The previous application was refused on grounds including failure to demonstrate that the proposed development would provide adequate amenity space for residents, especially as the proposed landscaped area would be shared with the existing adjacent care/nursing home for which total number of residents were not provided.

The proposal is for a nursing home and the applicant states that the proposed residents will be patients requiring nursing who will be confined to their bedrooms, lounge and immediate amenity space.

The site plan shows the depth of the garden immediately to the rear of the property to be approximately 27m in depth by approximately 9m. The residents of the proposed nursing home will also have unrestricted access to the existing amenity area located at the rear of no. 30 to 32 Newlands Road.

As with the previously refused application the proposal will result in a marginal loss of amenity space for the existing care/nursing home as a result of straddling the existing boundary. However the recent appeal decision states: *“there is no evidence before me to suggest that even a marginal loss of amenity space to the Rottingdean Nursing Home would be detrimental, I conclude [.....] that the proposal would provide adequate amenity space, given that the proposal is for a nursing/care home where a lesser standard than 25.0 square metres is considered acceptable”*.

Five bedrooms will be located at second and first floor levels, in addition to a bathroom at each level. At ground floor level two bedrooms, a TV lounge, residents lounge/dining room, a reception area and a bathroom will be provided.

The proposed nursing home will provide an excellent standard of accessibility for residents and staff. There will be a ramped access, a 10 person/wheelchair lift providing access to all floor levels, an accessible WC for each of the 12 bedrooms and an accessible bathroom on each floor. This type of development is not required to comply with Lifetime Home Standards as this issue is dealt with by the National Care Standards.

Visual Amenities

The existing bungalow is situated between the northern existing care/nursing home, which appears to have a double plot width in comparison to the other properties located in Newlands Road, and a two storey residential property to

the south.

The existing nursing home is located on the prominent corner of Newlands Road and Steyning Road and comprises two storeys with accommodation in the roof, created by way of dormer windows and gable end roof forms. This nursing home is dominant within the northern Newlands Road streetscene as a result of its scale, width extensions and roof design. The proposed nursing home will be related to, and operated by the manager of, the existing care/nursing home, although it will not physically be connected to the existing building.

The proposed development will replace the existing bungalow with a three storey building. The construction of a three storey building was considered acceptable in principle, and not of detriment to the character and appearance of the area, by the Planning Inspector in the recent appeal decision. The Inspector considered that the existing bungalow was of an uncharacteristic diminutive form within Newlands Road and having regard to the scale of the northern neighbouring building (no. 30 to 32 Newlands Road). The Inspector also stated that *“the eaves line and overall ridge height would reflect the topography of the site and the constraints imposed on the design by the massing of the neighbouring properties”*.

The current proposed building, which has mono-pitched roof forms, measures approximately 11.4m wide and 14.4m in depth. The ridge height of the property will be 0.42m below the ridge of number 30 to 32 Newlands Road and 0.97m above the ridge of number 26 Newlands Road. A staircase tower is located on the northern side of the proposed building, which measures approximately 2.7m wide by 5m deep and 8.8m high. This tower will be set back from the Newlands Road elevation by approximately 5.5m.

As a result of the previous refusal, and discussions with the Local Planning Authority, the design of the proposed building has been altered by way of;

- the omission of the projecting bay windows at ground floor levels,
- the omission of a recess within the front elevation,
- the omission of projecting gable end features within the front roofslope,
- the reduction in the width of the principal front elevation and the creation of a side staircase tower,
- alterations to the window proportioning and design,
- the inclusion of solid panels to parts of the projecting front and rear bay windows,
- the replacement of gable end side roofs forms within 4 mono-pitched forms which conceals a flat roof in the middle of the building, and
- the use of different finishing materials at ground floor levels.

The Planning Inspector described Newlands Road as: *“characterised by a mix of large detached dwellings set on rising ground on the east side of the road”*. The proposed building will retain this characteristic by being set back from and above the pavement level of Newlands Road.

It is acknowledged that the Inspector also stated “*Although the properties are fairly uniformly spaced, due to the variety of roof forms there is a general sense of spaciousness between them*”. The previously proposed gable to gable roof form was stated by the Inspector to significantly reduce the visual gap to the neighbouring buildings on either side. The roof form of the proposal has been revised and is now formed by mono-pitched roofs.

The main part of the Roedean Road elevation has been reduced from approximately 12.9m in width to 11.4m. This reduction in width has been achieved by the creation of a staircase tower on the northern side of the building, which will contain the entrance to the proposed property, which is set back from the main elevation by approximately 5.5m. The finish materials for the upper part of this proposed side section will differ to that of the main front elevation.

In respect of the street scene a distance of approximately 4.5m is proposed between the southern most elevation of no. 30-32 Newlands Road and the north facing elevation of the main section of the proposed building, an increase of approximately 1.7m in relation to the previous application, whilst a distance of approximately 0.6m will be located between the side section of the proposed building and the southern most elevation of the existing care/nursing home.

With regards to the relationship between the proposed building and no. 26 Newlands Road the distance between the southern elevation of the proposed building and the north elevation of the main part of the neighbouring property, no. 26 Newlands Road, has not altered. However as a result of the rear section of the building being set in from the shared southern boundary by approximately 2.4m the space between the rear part of the proposed nursing home and no. 26 has increased.

Despite the observations made by the Planning Inspector it is evident within the wider Newlands Road street scene that some of the properties are located closely together and that views towards the rear sections of these properties are highly visible from within Newlands Road, for example between nos. 20 and 18 Newlands Road, between nos. 18 and 16a Newlands Road, between nos. 16a and 16 Newlands Road and between nos. 16 and 14 Newlands Road, all which are located within the immediate vicinity of the site.

On balance, it is considered that the negotiations between the Local Planning Authority and the agent/applicant has resulted in an increased sense of spaciousness between neighbouring properties and a development which is not of detriment to the character or appearance of the Newlands Road street scene or the wider area by way of an improved predominant front elevational treatment, coupled with the entrance set back, which has achieved a greater sense of separation.

Transport Issues

Policy TR1 requires new development to address the demand for travel which the proposal will create and requires the design of the development to promote the use of sustainable modes of transport on and off site, so that public transport, walking and cycling are as attractive as use of a private car. Policy TR7 requires that new development does not increase the danger to users of adjacent pavements, cycle routes and roads. Policy TR14 requires the provision of cycle parking within new developments, in accordance with the Council's minimum standards as set out in SPGBH4. Policy TR19 requires development to accord with the Council's maximum car parking standards, as set out in SPGBH4.

The site is located outside of the City's controlled parking zones and therefore free on-street parking is provided within the vicinity of the site.

Two off-street parking spaces will be provided at the front of the development. The applicant states that residents will not have use of their own vehicles but will have access to vehicles operated by the management of the home. Visitors to the new building will be able to utilise the parking facilities related to the existing care/nursing home. In addition the existing ambulance parking space located on the site of no. 30 to 32 will be shared with the proposed nursing home.

The Councils' Sustainable Transport Team do not raise any objections to the proposal. However in order to comply with policies TR1 and QD28 of the Brighton & Hove Local Plan the applicant is expected to make a financial contribution of £7,600 transport measures that will improve access to Rottingdean village from the site. These are dropped kerbs at the Newlands Rd/Steyping Rd junction to ease the walking journeys and improve the accessibility to existing bus stops within the village itself. Both are within 300m of the site and required to improve the accessibility to & from the site, particularly for people with mobility problems.

The site is located in close proximity to public transport, namely a bus service.

Whilst the submitted plans do not show cycle parking provision it is considered that there is sufficient opportunity with the amenity space to provide such facilities to meet the requirements of the Council's cycle parking policy, an issue which can be ensured via a condition.

Sustainability

Under the Council's Supplementary Planning Document on Sustainable Building Design the proposal would be classified as a medium scale development (developments between 236 and 999 sq m) and although the proposal is for residential accommodation, as it relates to a commercial nursing home it would be classes as non-residential in relation to the SPD. In order to accord with the SPD and policies of the Brighton & Hove Local Plan the proposal must meet a BREEAM Multi-Residential rating of "Very Good"

with the water and energy sections exceeding 50%. Documentation has been submitted to demonstrate that the proposed nursing home will be built to the standards set out in the SPD. Within the submitted SBEM document submitted reference is made to the installation of solar panels for the production of energy, it is recommended that a condition is attached to an approval to ensure that these solar panels are installed.

Impact Upon Neighbouring Properties

As with the previous application the proposed building would be of a similar height to that of no. 26 Newlands Road but its built form would be deeper. The development in application BH2008/025202 was refused on grounds that it would harm the amenities of no. 26 Newlands Road by reason of its siting, overbearing scale, impression of overlooking and loss of outlook. However the Inspector concluded that the proposal would not be significantly overbearing in scale due to the lack of windows within the flank wall of no. 26 despite the limited separation between the proposed building and no. 26 Newlands Road.

As a result of concerns of overlooking raised by the Local Planning Authority and the Planning Inspector alterations to the north facing bay windows have been made. Solid screen walls will be located on the eastern side of the rear bay windows in order to prevent overlooking and loss of privacy to the occupiers of no, 26 Newlands Road. It is recommended that a condition is attached to ensure that the solid screens are installed proper to occupancy of the rooms. Regardless of it being considered that some mutual overlooking between neighbouring properties in this location is acceptable, due to the distance between the rear elevation of the proposed building and the rear shared common boundary, 12.5m to the boundary with Janton and 36.7m to the rear boundary with the properties located on Chailey Avenue, it is not considered that the proposal will have a significant adverse impact upon the amenities of the rear neighbouring properties.

The Planning Inspector disagreed with the Local Planning Authority on the proposal having an adverse impact upon the southern neighbouring property with regards to loss of privacy from the proposed south facing windows as these windows can be obscurely glazed and fixed shut as they relate to bathroom/WC areas.

The building form of the proposed building on the south-eastern corner has been altered in order to reduce the bulk of the property nearest to no. 26 Newlands Road. An open area has been introduced in this south-eastern section to ensure that there is neither loss of light nor loss of outlook to the southern neighbouring property. The footprint of the south-eastern section of the proposed dwelling is now less than that of the existing bungalow.

Due to the orientation of the sun in respect of the proposed development and no. 26 Newlands Road it is not considered that the proposed building will have a significant adverse impact upon the amenities of this southern

neighbouring property with regards to overshadowing.

8 REASONS FOR RECOMMENDATION TO GRANT PERMISSION

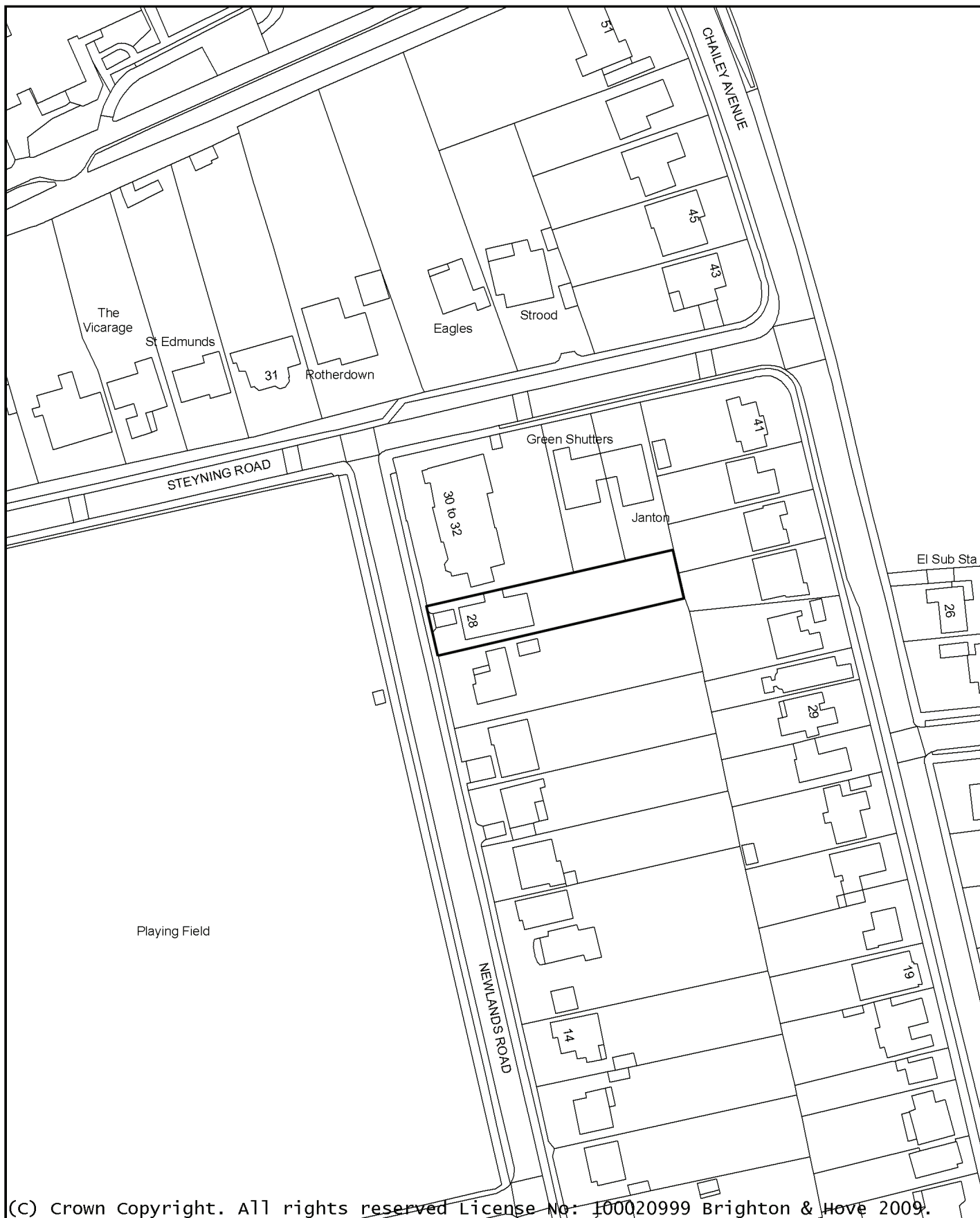
The proposed development would make provision of a 12 bed nursing home which is welcomed.

Taking account of the recent appeal decision, it is considered that the proposed development will not have a detrimental impact upon the visual amenities of the Newlands Road street scene or the wider area. In addition, subject to the compliance with the attached conditions, it is considered that the proposal will not have a significant adverse impact upon the amenities of the neighbouring properties.

9 EQUALITIES IMPLICATIONS

The proposal would be fully accessible to the disabled by way of the inclusion of features such as a lift between all floor levels. Developments for nursing homes are not required to comply with Lifetime Home Standards as such issues are covered by the National Care Standards.

BH2009/00161 28-30 Newlands Road



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<u>No:</u>	BH2010/02422	<u>Ward:</u>	ROTTINGDEAN COASTAL
<u>App Type:</u>	Full Planning		
<u>Address:</u>	39 Roedean Road, Brighton		
<u>Proposal:</u>	Demolition of existing four storey four bed single dwelling house and erection of 1no 3 bedroom, 4no 2 bedroom and 2no 1 bedroom flats with associated car parking & cycle spaces.		
<u>Officer:</u>	Liz Arnold, tel: 291709	<u>Valid Date:</u>	02/08/2010
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	27/09/10
<u>Agent:</u>	Beecham Moore Partnership, 50 Beaconsfield Villas, Brighton		
<u>Applicant:</u>	Mr Nicholas Chesney, 39 Roedean Road, Brighton		

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 that it is **MINDED TO GRANT** planning permission subject to the applicant entering into a Section 106 Obligation and to the following Conditions and Informatives:

S106:

- £4,000 towards up-grading improving the accessibility of the eastbound bus stop at the junction of Roedean Road and Roedean Crescent.

Conditions:

1. BH01.01 Full Planning Permission.
2. The development hereby permitted shall be carried out in accordance with the approved drawings no. S.0, S1, S2, 2134/04RevA, 2134/05RevB, 2134/06RevC and 2134/07, submitted on 2nd August 2010.
Reason: For the avoidance of doubt and in the interests of proper planning.
3. BH03.01 Samples of Materials Non-Cons Area (new buildings).
4. Unless otherwise agreed in writing by the Local Planning Authority, no residential development shall commence until:
 - (a) evidence that the development is registered with an accreditation body under the Code for Sustainable Homes and a Design Stage/Interim 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 Design Stage/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.

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

6. BH04.01A Lifetime Homes.
7. BH06.03 Cycle parking facilities to be implemented.
8. BH02.07 Refuse and recycling storage (facilities).
9. BH05.10 Hardsurfaces.
10. BH11.01 Landscaping / planting scheme.
11. BH11.02 Landscaping / planting (implementation / maintenance).

Informatives:

1. The applicant is advised that details of the Code for Sustainable Homes can be found on the Planning Portal (www.planningportal.gov.uk), on the Department for Communities and Local Government website (www.communities.gov.uk) and in Supplementary Planning Document SPD08 Sustainable Building Design, which can be accessed on the Brighton & Hove City Council website (www.brighton-hove.gov.uk). Accreditation bodies at March 2010 include BRE and STROMA; other bodies may become licensed in future.
2. The applicant is advised that details of Lifetime Homes standards can be found in Planning Advice Note PAN 03 Accessible Housing & Lifetime Homes, which can be accessed on the Brighton & Hove City Council website (www.brighton-hove.gov.uk).
3. The applicant is advised that advice regarding permeable and porous hardsurfaces can be found in the Department of Communities and Local Government document 'Guidance on the permeable surfacing of front gardens' which can be accessed on the DCLG website (www.communities.gov.uk).
4. The applicant is advised that new legislation on Site Waste Management Plans (SWMP) was introduced on 6 April 2008 in the form of Site Waste Management Plans Regulations 2008. As a result, it is now a legal requirement for all construction projects in England over £300,000 (3+ housing units (new build), 11+ housing units (conversion) or over 200sq m non-residential floorspace (new build)) to have a SWMP, with a more detailed plan required for projects over £500,000. Further details can be found on the following websites:

www.netregs.gov.uk/netregs/businesses/construction/62359.aspx and
www.wrap.org.uk/construction/tools_and_guidance/site_waste_2.html

5. The applicant should contact the Highways Maintenance Department for a Highway License regarding the creation of crossovers and the reconstruction/reinstatement of kerbs and footways and the works shall be done in line with the Council's specification. Please seek advice from the Streetworks Team on 01273 292462.

6. 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:

Brighton & Hove Local Plan:

TR1	Development and the demand for travel
TR7	Safe developments
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
HO3	Dwelling type and size
HO4	Dwelling densities
HO5	Provision of private amenity space
HO6	Provision of outdoor recreation space
HO13	Accessible housing and lifetime homes

Supplementary Planning Guidance

SPGBH4 Parking Standards

Supplementary Planning Document

SPD03 Construction and Demolition Waste

SPD08 Sustainable Building Design

Planning Policy Statement

PPS3 Housing

Planning Policy Guidance

PPG13 Transport; and

(ii) for the following reasons:-

It is considered that the previous reasons for refusal have been addressed and as a result the proposed development will make an

effective and efficient use of the brownfield site without compromising the quality of the local environment or the amenities of neighbouring properties.

2 THE SITE

The application site lies between Roedean Road and Cliff Road. It comprises a large two storey dwelling which also has accommodation within the roofspace and basement. The existing building has a mono-pitched roof, rising towards the Roedean Road elevation. The house presents a dominant and largely blank elevation to Roedean Road, which is significantly out of character with the smaller scale more traditional properties which are found on the southern side of Roedean Road.

The site is accessed from Cliff Road with parking below the garden level. There is a large rear garden with accommodates a swimming pool.

The ground levels slope down from the front (fronting Roedean Crescent) of the site to the rear (fronting Cliff Road). Properties in this area generally benefit from extensive sea views to the south.

3 RELEVANT HISTORY

BH2010/00979: Demolition of existing three storey house and erection of 7no flats on four levels with associated parking. Refused 21/06/2010.

BH2008/03193: Demolition of existing three-storey house and erection of three-storey block comprising 7no residential flats with covered underground parking. (Resubmission of BH2007/02824). Refused 11/12/2008. Dismissed on Appeal 17/12/2009.

BH2007/02824: Demolition of existing three-storey house and erection of three-storey block of 7 two-bedroom flats with covered underground parking. Refused 04/07/2008.

95/1174/FP: Proposed vehicular cross-over to Roedean Road. Withdrawn by the applicant 24/04/1996.

BN75.2237: Erection of building at rear of premises to form summer house for family use with swimming pool. Granted 02/12/0975.

BN75.564: Erection of garage at rear under lawn with access to the cliff roadway. Granted 29/04/1975.

BN74.1190: Gymnasium and additional garages. Refused 29/10/1974.

71.1056: Boundary wall. Granted 11/05/1971.

71.620: Extension and alterations to existing dwelling. Granted 13/04/1971.

4 THE APPLICATION

Planning permission is sought for the demolition of the existing three storey house and the erection of a new 3 storey, plus basement building containing 7 flats with 10 parking spaces at ground level accessed from The Cliff and 1 disabled bay at ground floor level on the Roedean Road frontage, cycle storage facilities and a rear communal garden area.

5 CONSULTATIONS

External:

Neighbours: A total of **25** letters of objection have been received from **Flats 5 and 6, Ocean Heights and The White House Roedean Road, 15, 29, 35 and 38 Roedean Crescent, 2, 7, 12, 18 (3 e-mails), 22, 23, 24a, 32, 34 (3 letters), 41 and 45 The Cliff, The Roedean Association on Behalf of 32 The Cliff and 11 and 14 (Roedean Residents Association) Roedean Way.**

The letters raise the following issues:

- there appears to be no material change to previous applications which have been refused and appealed, the reasons for refusal still stand,
- parking and traffic congestion in Roedean Road, which is narrow, especially since introduction of parking restrictions there has been a huge increase in parking problems and traffic congestion in the road,
- the development is too dense and bulky,
- design and appearance,
- would result in an over-development of the site and result in over-crowding,
- the area is unsuitable for multiple occupancy,
- although amount of parking provided fulfils current guidelines there is no provision for visitor parking,
- Roedean Road is unsafe for pedestrians as there is no pavement,
- insufficient amenity space, the nearby pitch and putt cannot be regarded as a substitute,
- noise and disturbance,
- overlooking and loss of privacy,
- loss of light
- will have a detrimental effect on the suburban character of the surrounding area,
- the development is out of keeping with the area and the street scene, the area mainly consists of houses, it has an area where there are flats but no high rise buildings,
- it should be renovated as a house rather than flats,
- there is a shortage of family homes, the development would adversely affect the housing mix in Brighton & Hove,
- it would set a precedent,
- what could be a desirable house has been deliberately neglected in order to create an eyesore in the hope that any development will be seen as an improvement,
- underground parking was refused at the Ocean heights development.

County Archaeologist: Although this application is situated within an Archaeologically Sensitive Area, due to severe past impacts do not believe that any archaeological remains are likely to be affected by the proposal. For this reason have no further recommendations to make in this instance.

Internal:

Sustainable Transport: Would not wish to restrict grant of consent subject to

conditions relating to the construction of crossovers, the construction and reinstatement of kerbs and footways, cycle parking and a financial contribution of £4,000 towards sustainable transport infrastructure within the vicinity of the site, including improving the accessibility of the eastbound bus stop at the junction of Roedean Road and Roedean Crescent.

6 PLANNING POLICIES

Brighton & Hove Local Plan:

TR1	Development and the demand for travel
TR7	Safe developments
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
HO3	Dwelling type and size
HO4	Dwelling densities
HO5	Provision of private amenity space
HO6	Provision of outdoor recreation space
HO13	Accessible housing and lifetime homes

Supplementary Planning Guidance

SPGBH4 Parking Standards

Supplementary Planning Document

SPD03 Construction and Demolition Waste

SPD08 Sustainable Building Design

Planning Policy Statement

PPS3 Housing

Planning Policy Guidance

PPG13 Transport

7 CONSIDERATIONS

Background

As set out in the history above three other applications have been submitted for the demolition of the property and the construction of a block of flats.

Application BH2007/02824 was refused for a number of reasons including

design, height, siting, bulk, construction materials, being an incongruous development out of character with the wider area, overlooking and loss of privacy to neighbouring properties and failing to comply with sustainability issues and travel demands.

Application BH2008/03193 was refused for the same reasons as the 2007 application. This refusal was upheld at appeal as the Inspector concluded that the development would not be acceptable in terms of its effect on the character and appearance of the area with regards to the street scene of Roedean Road.

The most recently refused application BH2010/00979 was refused on grounds of the design of the roofscape being disjointed and awkward and the front elevation of the proposed building being incoherent and poorly designed, resulting in an undesirable development.

In the determination of the current application consideration must be given to the principle of the development, the impact on the character and appearance of the area, the impact upon the amenities of neighbouring properties, transport issues, standard of living for future occupiers and sustainability issues.

The Local Planning Authority gives weight to the comments made by the Inspector in the appeal decision relating to the refused 2008 application, as a material consideration in the determination of the current application.

Principle of Development

The site is located within the built-up area boundary of the City, as defined on the Brighton & Hove Local Plan proposals map, and as such development within the site is acceptable in principle, although it must adequately accord to relevant development plan policies.

National Planning Policy on Housing (PPS3) and Policy QD3 of the Brighton & Hove Local Plan seeks the efficient and effective use of land for housing, including the re-use of previously developed land. Local Planning Authorities are advised to take account of the positive contribution that intensification can make, for example, in terms of minimising pressure on greenfield sites. With this in mind it is considered that the site constitutes land which is currently built upon but which has the potential to be redeveloped. In principle the construction of a block of 7 residential units would make a more efficient use of the site in accordance with PPS3, subject to compliance with other material planning considerations.

PPS3 states that a development, such as that proposed should be integrated with and complimentary to neighbouring buildings and the local area more generally in terms of scale, density, layout and access and thereby resulting in a development which is efficient in the use of the land without compromising the quality of the local environment. Whilst Local Planning

Authorities are advised to take account of the benefits of intensification, PPS3 states that design which is inappropriate in its context or which fails to take the opportunities available for improving the character and quality of an area and the way it functions should not be accepted. Therefore the tests for this proposal in terms of design are:

- whether the development would be integrated with and complimentary to the area;
- whether the development would compromise the quality of the local environment;
- whether the development would be inappropriate in its context; and
- whether the development would fail to improve the character and quality of the area.

These matters are considered below.

Design Impact

The application relates to a large detached house designed and constructed in the 1960s. The property is an incongruous dwelling amidst its closest neighbours on Roedean Road and The Cliff as a result of its design, massing, close positioning to Roedean Road and to some extent construction materials. The properties in the immediate area of the site on the southern side of Roedean Road and within The Cliff are generally closely spaced detached properties of a more traditional design with pitched roofs. The character of the northern side of Roedean Road is markedly different as it comprises large detached house in larger grounds, set well back from the road.

The existing property comprises a single dwellinghouse across 4 levels, including the basement garage. The existing property contains 6 bedrooms and has net floor space of approximately 570sqm, excluding the existing garage area. There is a two metre high wall/fence fronting Roedean Road. The access to the existing lower ground floor garage is via The Cliff.

Policy QD3 of the Brighton & Hove Local Plan seeks the more efficient and effective use of sites however policy QD1 requires new buildings to demonstrate a high standard of design and to make a positive contribution to the visual quality of the area. In this respect it accords with the objectives of Planning Policy Statement 3 (PPS3) on Housing in which it is stated that “good design should contribute positively to making places better for people. Design which is inappropriate in its context, or which fails to take the opportunities available for improving the character and quality of an area and the way it functions, should not be accepted”.

Within the appeal decision relating to refused application BH2008/03193, the Inspector states that the redevelopment of the existing incongruous property is an “opportunity to significantly improve upon the legacy of an era in which sensitivity to context was not always evident”.

In the current application the previously disjointed and awkward roofscape has been amended. The roofscape now proposed is considered to be better balanced. The lift shaft no longer creates an incongruous element within the front roofslope.

Since the most recent refusal the design, proportioning and sizing of windows within the Roedean Road frontage have been altered so that they are more consistent across the facade. The entrance of the building is now emphasised by the inclusion of a projecting pitched roof feature above the entrance door and fenestration is generally more ordered.

A number of properties within the immediate vicinity of the site address fronting Roedean Road, including the existing dwelling; have elevations which contain a large proportion of rendered surface area in relation to window openings, a characteristic which is reflected in the design of the front facade of the new building. The proposed fenestration is a significant improvement on the current building though.

The front facing rooflights are now of an identical size and are aligned with the centre window pane of the windows on the front elevation of the building.

It is acknowledged that the proposed building is not of a traditional appearance similar to other properties within Roedean Road. However the proposed property does comprise a pitched roof. In addition a modern style property, with a flat roof has been constructed to the eastern side of the site and a development known as Ocean Heights, opposite the site address already introduces a further element that differs significantly in style and appearance from neighbouring dwellings.

The proposed development will be finished with render, artificial slates and aluminium faced timber windows and doors. It is considered that samples of these materials should be submitted to and approved by the Local Planning Authority, an issue which can be controlled via the attachment of a condition.

As a result of amendments to the scheme most recently refused, application BH2010/00979, it is considered that the proposed development will make efficient and effective use of the brownfield site without compromising the quality of the local environment.

Living Conditions for Future Occupiers

Policy QD27 of the Brighton & Hove Local Plan requires that new residential development provides suitable living conditions for future occupiers.

Policy HO5 requires new residential development to provide adequate private and usable amenity space for occupiers, appropriate to the scale and character of the development. For the purpose of this policy balconies may be taken into account in some cases.

The two flats proposed at lower ground floor level would each be provided with an area of private usable external amenity space in the form of a terraced area on the south side of the building. The flats at ground and first floor level will have access to small balcony area, approximately 3.8m by whilst the flat at roof level will have access to a balcony area recessed within the roof which measure approximately 4.5m by 2m. The size of the proposed balcony areas at ground and first floor levels have been increased when compared to those proposed within application BH2008/03193, which were of a Juliet style, a style and size which was not considered acceptable and which formed a reason for refusal of the application.

A communal garden area (20m x 14m) will also be located on the south side above the proposed basement garage.

The balconies proposed at ground and first floor level provide very limited private amenity space for two bedroom flats, which could be occupied by a family. However the Planning Inspector, within the appeal relating to application BH2008/03193, stated “the Council makes no reference to adopted standards or guidelines. In this case the development at issue is comprised of one and two bedroom flats, a form of dwelling routinely provided with no dedicated outside amenity space or with a communal garden, such as that proposed. Many flat dwellers choose not to have the responsibility of maintaining private outdoor space and I have no evidence of significant harmful conflict with the intentions of either policy in this respect”. As a result of the comments made within the appeal decision it is considered that refusal on the basis of inadequate private usable amenity space, could not be sustained.

Policy H013 requires new residential dwellings to be built to a lifetime homes standard. The applicant has failed to provide a checklist setting out how the design of the proposed development complies with policy HO13. However it is stated within the submitted Design and Access Statement that all flats will meet the requirements of Lifetime Homes. Plans submitted illustrate that a disabled parking space will be provided at the front of the proposed building, accessed from Roedean Road, and a lift will provide access between all floor levels. A condition is recommended to require Lifetime Homes compliance.

Transport Issues

Policy TR1 requires new development to address the demand for travel which the proposal will create and requires the design of the development to promote the use of sustainable modes of transport on and off site, so that public transport, walking and cycling are as attractive as use of a private car. Policy TR7 requires that new development does not increase the danger to users of adjacent pavements, cycle routes and roads. Policy TR14 requires the provision of cycle parking within new developments, in accordance with the Council’s minimum standards as set out in SPGBH4. Policy TR19 requires development to accord with the Council’s maximum car parking standards, as set out in SPGBH4.

The site is located outside of the City's controlled parking zones and therefore free on-street parking is provided within the vicinity of the site.

The proposal will provide 10 car parking spaces within the basement level, which will be accessed from Cliff Road in addition to the provision of 1 disabled parking space and a drop-off/pick-up area at the front of the property close to the entrance of the building. The provision of 10 non-disabled parking facilities accords with the maximum parking standards prescribed with SPGBH4, namely 1 dedicated space per dwelling and 1 space per 2 dwellings for visitors.

In order to comply with policy TR1 a financial contribution of £4,000 is required towards sustainable transport infrastructure within the vicinity of the site, including improving the accessibility of the eastbound bus stop at the junction of Roedean Road and Roedean Crescent.

Within the basement level of the proposed building 10 secure cycle storage places will be provided in addition to further cycle storage facilities, for up to 4 cycles, at the front of the property for use by visitors. The number of cycle storage facilities proposed accords with the requirements of SPGBH4.

The site is located in close proximity to bus services.

Sustainability

Policy SU2 requires proposals to demonstrate a high standard of efficiency in the use of energy, water and materials.

Despite changes to Planning Policy Statement 3 on Housing made by Central Government in June 2010 the proposal relates to land classified as "brownfield".

Policy SU2 and SPDO8 require the submission of an application for a new residential development containing 3 to 9 residential units, on land classified as "brownfield", to be accompanied by the submission of a sustainability checklist in addition to the building being built to a minimum of Code Level 3.

It is stated within the submitted checklist that the development will be built to a minimum of Code for Sustainable Homes Level 3. It is stated that Level 3 will be achieved by way of the inclusion of measures such as all rainwater from the roofs will be collected for re-use for irrigation, permeable hard surfaces, all external lightning and 50% internal lighting will be via energy efficient fittings and each flat will have a room fitted for use as a home office. This successfully addresses the policy requirements of the Local Planning Authority and can be secured by condition.

A Site Waste Management Plan has been submitted as part of the application. However as the proposal is for more than 3 new build residential units the issue of construction and demolition waste is dealt with under the

Site Waste Management Plans Regulations 2008, and therefore is not within the remit of the Local Planning Authority to control.

The submitted Design and Access Statement states that each flat will incorporate a 3 compartment re-cycling bin for segregation of recyclable waste. In addition within the basement level areas will provide for the storage of refuse and recycling facilities. It is recommended that the provision of such facilities can be secured via a condition.

Landscaping

It is stated within the Design and Access Statement that the proposal will have the effect of opening up the frontage of the site to Roedean Road contributing to a more open aspect and allowing replanting to have a greater impact upon the street scene. Although the proposed drawings provide some information with regards to the proposed landscaping scheme it is recommended that conditions are attached to the application if approved requesting further details to be submitted and approved.

Impact Upon Neighbouring Properties Amenities

Application BH2007/02824 was refused on grounds including “The proposal, by reason of its siting, height, design, bulk and massing and rear balconies, would result in overlooking and loss of privacy to and have an overbearing impact on, neighbouring properties, and would unduly impact on their living conditions and the use and enjoyment of their private amenity space”.

Despite the replacement of the balcony areas at ground and first floor levels with Juliet style balconies, application BH2008/03193 was refused on grounds including “The proposal, by reason of its siting, height, design, bulk and massing and rear balconies/Juliet balconies, would result in overlooking and loss of privacy to and have an overbearing impact on, neighbouring properties, and would unduly impact on their living conditions and the use and enjoyment of their private amenity space”.

However within the Planning Inspectors report, relating to the 2008 refusal, it was considered that the living conditions of the neighbouring properties would not be significantly harmed as it was stated that;

“the area is typified by balconies and windows designed to take advantage of the commanding sea views to the south, with a consequent potential reduction of privacy in many of the rear gardens with a southerly aspect. Balconies on the existing property are no exception to this characteristic and in this instance I consider that, by virtue of the way in which the balconies are proposed to be configured and located towards the centre of the rear elevation of the proposed development, there would be a tangible improvement in this respect notwithstanding the more intensive occupation of the site implicit in flatted development. Moreover, given the prosperity of views from the rear of the property to be seaward and the observance of the so called “45° rule” frequently cited in this regard, I do not consider that the

outlook of neighbouring occupiers would be unacceptably dominated by the proposed development, a matter that would be assisted by the lesser mass of its rearward projection relative to the main bulk of the building”.

Application BH2008/03193 was refused on grounds which included that the proposed development by virtue of its siting, height, design, bulk and massing would have an overbearing impact on neighbouring properties and would unduly impact on their living conditions and the use and enjoyment of their private amenity space. However as a result of the previous appeal decision which included the above comments made by the Planning Inspector officers do not considered that refusal on this basis could be sustained.

8 REASONS FOR RECOMMENDATION TO GRANT PERMISSION

It is considered that the previous reasons for refusal have been addressed and as a result the proposed development will make an effective and efficient use of the brownfield site without compromising the quality of the local environment or the amenities of neighbouring properties. The proposal accords with policies of the Brighton & Hove Local Plan, approval is therefore recommended.

9 EQUALITIES IMPLICATIONS

The development is required to comply with Part M of the Building Regulations and the Lifetime Homes policy of the Brighton & Hove Local Plan.

BH2010/02422 39 Roedean Road



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<u>No:</u>	BH2010/01264	<u>Ward:</u>	ROTTINGDEAN COASTAL
<u>App Type:</u>	Householder Planning Consent		
<u>Address:</u>	The Outlook, 2 Roedean Path, Brighton		
<u>Proposal:</u>	Conversion and extension of existing garages to form ancillary residential living space.		
<u>Officer:</u>	Jonathan Puplett, tel: 292525	<u>Valid Date:</u>	24/05/2010
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	19 July 2010
<u>Agent:</u>	Mr Dmitriy Fomin, 6 Waldemar Avenue, London, SW6 5NA		
<u>Applicant:</u>	Mr Mark Bennett, The Outlook, 2 Roedean Path, Brighton		

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. The converted garage hereby approved shall only be used as ancillary accommodation in connection with the use of the main property as a single private dwelling house and shall at no time be converted to a self-contained unit.
Reason: In order to protect the amenities of neighbouring properties and in accordance with policies QD27 of the Brighton & Hove Local Plan.
3. 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 converted garage building other than that expressly authorised by this permission shall be carried out without planning permission obtained from the Local Planning Authority.
Reason: The Local Planning Authority considers that further development could cause detriment to the amenities of the occupiers of nearby properties and to the character of the area and for this reason would wish to control any future development to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.
4. The walls of the extension hereby approved shall be of a brick finish to match that of the existing garage.
Reason: To ensure a satisfactory appearance to the development in the interests of the visual amenities of the area and to comply with policies QD1 and QD14 of the Brighton & Hove Local Plan.
5. No development shall take place until further details of the materials to be used in the construction of window frames, door, garage doors and top light frames 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.

6. BH14.02 Archaeology (Watching brief).
7. The development hereby permitted shall be carried out in accordance with the approved drawing nos. PP_EX_ELEV_005 and EX_01_SITE_PP submitted on the 28th of April 2010, nos. PP_PR_00_GFL_003, PP_PR_ELEV_006, and PP_EX-PR_SECS_007 submitted on the 12th of July 2010, and nos. PP_PR_00_BLK_003 and PP_PR_00_GFL_FRGM_007 submitted on the 14th of July 2010.

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

Informatives:

1. 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:
 - TR7 Safe development
 - QD1 Design – quality of development and design statements
 - QD2 Design – key principles for neighbourhoods
 - QD14 Extensions and alterations
 - QD27 Protection of amenity
 - HE12 Scheduled ancient monuments and other important archaeological sites; and
 - (ii) for the following reasons:-

The proposed development would not cause significant harm to the amenity of residents of surrounding properties and would not detract from the character and appearance of the property or surrounding area. Furthermore, the archaeological importance of the site would be preserved.
2. The applicant is advised that in order to comply with condition 6, the Brighton & Hove Archaeological Society should be contacted at 18 Reeves Hill, Coldean, Brighton, Sussex BN1 9AS, tel: 01273 607127.

2 THE SITE

The application relates to an end terraced house located on the eastern corner of the junction of Roedean Way and Roedean Path. The site is located within an Archaeologically Sensitive Area. There is an existing double garage at the southern end of the site with access onto an access road running east-west from Roedean Path. The site slopes downward from north to south and the property benefits from extensive sea views.

3 RELEVANT HISTORY

BH2010/00435: Repositioning of boundary fence. Granted May 2010.

4 THE APPLICATION

Permission is sought for extensions and external alterations to an existing garage in association with its conversion to habitable accommodation.

Following discussions with the applicant revised plans have been submitted and neighbouring residents re-consulted.

5 CONSULTATIONS

External

Neighbours: A total of six (6) letters of objection have been received from the occupiers of nos. **3, 4, 5, 9, Roedean Terrace, no. 11 Roedean Way** and **'Linwood House' Roedean Way**. They object to the development as originally submitted on the following grounds:

- The converted garage may be used as a separate dwelling / holiday let in the future. This would be an overly intensive use of the property.
- The appearance of the proposed development would be out of keeping with the surrounding area.
- The approval of the proposed development could set a precedent for similar schemes in the future, which would harm the character of the area.
- The conversion of the garage will create increased traffic levels and pressure on on-street parking provision surrounding the site.
- The proposed development will cause overlooking of neighbouring properties.
- The proposal will result in a loss of amenity space.
- The view from neighbouring dwellings would be harmed.
- If permission is granted, a condition should be applied which will not allow the use of the building as a holiday let.

Following the submission of revised plans, neighbouring properties were re-consulted. No further comments were received.

Roedean Residents Association: If permission is granted, hope that there will be a condition prohibiting holiday lettings.

County Archaeologist: Recommends that a watching brief be secured by condition as the site lies within an archaeologically sensitive area.

Brighton & Hove Archaeological Society: Recommend that a watching brief be secured by condition.

6 PLANNING POLICIES

- TR7 Safe development
- QD1 Design – quality of development and design statements
- QD2 Design – key principles for neighbourhoods
- QD14 Extensions and alterations
- QD27 Protection of amenity
- HE12 Scheduled ancient monuments and other important archaeological sites

7 CONSIDERATIONS

The main issues of consideration relate to the location of the property within a site of archaeological interest, highway safety, the impact of the proposed extensions and alterations on the appearance of the property, and on the residential amenity of neighbouring properties.

Visual Impact

The double garage is located to the southern end of the application site, accessed via Roedean Path. Although of a modern, flat roofed design, the building is in a prominent corner location. Any alterations to it should be of a sympathetic nature and in keeping with the street scene and character of the area.

The external changes to the garage proposed consist of an extension to the northern and eastern sides of the building, and the replacement of the existing garage doors with doors containing toplights and panelling below. A glazed panel / window is proposed to the extension to the side of the garage, which would be visible in the street scene but is to be set back behind a landscaped area. When viewed from the public realm to the south of the site, the enlarged/altered garage would have an appearance of a similar character to the existing structure and would not appear out of place. When viewed from the rear of properties in Roedean Terrace the enlarged/altered garage would have an appearance commonly associated with outbuildings in garden locations, with the addition of three windows and a door. Overall it is considered that the proposed development is acceptable having regard to its appearance.

Neighbouring amenity

The bulk of the proposed extension to the garage is set well away from neighbouring dwellinghouses and would be positioned alongside existing boundary screening and a neighbouring garage. Three small windows and a door with a glazed panel are proposed to the northern side of the building, these windows are set a distance of approximately 25 metres away from the nearest neighbouring dwellinghouse and boundary screening in the form of a hedge to eastern side of the garden would also protect neighbouring residents from overlooking.

In regard to noise disturbance, the conversion of the garage to ancillary habitable accommodation would lead to an increased level of activity at this end of the garden. It is however considered that any increased noise would not be beyond what would be reasonably expected in connection with the use of a dwellinghouse, and again a substantial spacing between the converted garage and the nearest neighbouring dwellinghouse would remain. Overall, it is considered that the proposed development would not cause any significant harm to neighbouring amenity.

Archaeology

The County Archaeologist and the Brighton & Hove Archaeological Society have identified that the building works may disturb archaeological remains, and recommend that a watching brief be carried out during these works. This can be secured by planning condition.

Highway safety

The conversion of the garage to habitable accommodation would not cause a highway safety risk. A loss of off-street parking provision would result; it however appears that there is adequate provision for on-street parking on Roedean Path to the south of the site and in surrounding streets.

Other matters

Neighbouring residents have suggested that the converted garage has the potential to be used as a separate dwelling. The applicants have confirmed in writing that this is not the intended use of the building, for the avoidance of doubt this matter can be controlled by condition.

8 REASONS FOR RECOMMENDATION TO GRANT PERMISSION

The proposed development would not cause significant harm to the amenity of residents of surrounding properties and would not detract from the character and appearance of the property or surrounding area. Furthermore, the archaeological importance of the site would be preserved.

9 EQUALITIES IMPLICATIONS

None identified.

BH2010/01264 The Outlook, 2 Roedean Path



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BRIGHTON & HOVE CITY COUNCIL
LIST OF APPLICATIONS DETERMINED

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

PATCHAM

BH2010/01303

50 Westfield Crescent Brighton

Construction of vehicular crossover and hardstanding.

Applicant: Mr Neville Cundill

Officer: Louise Kent 292198

Approved on 27/08/10 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) BH05.10

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.

3) UNI

The crossover and hard standing should be constructed in accordance with the Council approved Manual for Estate Roads and under licence from the Highway Operations Manager prior to commencement of any other development on the site.

Reason: In the interest of highway safety.

BH2010/01757

189 Carden Avenue Brighton

Demolition of existing garage and change of use of ground floor from public house (A4) to retail unit (A1), with new shop front and access and rear extension and plant enclosure. Subdivision of existing first floor flat into 3no flats with rear extension and associated rear amenity area.

Applicant: Reef Estates Ltd

Officer: Aidan Thatcher 292265

Approved on 26/08/10 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 then 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) 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) 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.

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) BH06.03

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) 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.

11) UNI

The development hereby permitted shall be carried out in accordance with the approved drawing nos. PL.03, PL.04, PL.08, Design and Access Statement, Biodiversity Statement and Waste Statement submitted on 08/06/10, drawings nos. PL.01, PL.02 and Biodiversity Checklist submitted on 30/06/10, Sustainability Checklist submitted on 01/07/10, Sound Insulation Specification submitted on 12/08/10 and drawing nos. PL.05C, PL.06C and PL.07C submitted on 16.08.10.

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

12) UNI

The use hereby permitted shall not be open to customers except between the hours of 0700 and 2300 seven days a week.

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

13) UNI

No deliveries nor any loading or unloading of vehicles shall take place on the site except between the hours of 07.00 - 10.00 and 14.00 - 17.00 hours seven days a week.

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

14) UNI

The retail unit hereby permitted shall only be used for convenience goods and ancillary storage only, with the publicly accessible floorspace being restricted to 315sqm as shown on plan no. PL.06 C.

Reason: As this level of retail convenience goods floorspace has been considered acceptable and to comply with policies SR1 and SR2 of the Brighton & Hove Local Plan and PPS4: Planning for Sustainable Economic Development.

15) UNI

The development hereby permitted shall not be commenced until details of sustainability measures to be incorporated into the retail element of the scheme 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 in accordance with Supplementary Planning Document SPD08 Sustainable Building Design. The development shall be carried out in strict accordance with the approved details.

Reason: To ensure that 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.

16) UNI

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

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

17) UNI

No development shall take place, including demolition, until a full deliveries management plan has been submitted to and approved in writing by the Local Planning Authority. The Plan must include full details of the proposed delivery times, delivery method and route (ensuring that the western path between the development and 187 Carden Avenue is not utilised) and how the conflict between the loading bay/vehicle parking bays will be managed. Deliveries shall be undertaken in full compliance with the approved document in perpetuity, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to protect the amenities of the neighbouring residential occupiers and to ensure there is no increased risk to the users of the local highway network and to comply with policies QD27 and TR7 of the Brighton & Hove Local Plan.

18) UNI

The commercial refuse store shall only be emptied between the hours of 09.00 - 18.00 hours seven days a week.

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

19) UNI

The ground floor doors in the western elevation shall be used as a fire exit only and shall remain closed and not be opened for any purpose, other than for emergency access.

Reason: In order to protect the amenities of surrounding units and to comply with policies SU9, SU10 and QD27 of the Brighton & Hove Local Plan.

20) UNI

Notwithstanding the details provided on plan nos. PL.05C and PL.07.C showing the external rear plant enclosure, full details of the acoustic enclosure shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The scheme shall be implemented in strict accordance with the approved details and thereafter retained as such.

Reason: In order to protect the amenities of the users of the amenity area and to comply with policies QD27 and SU10 of the Brighton & Hove Local Plan.

21) UNI

Prior to the commencement of development, detailed drawings, including levels, sections and constructional details of the proposed road works, surface water drainage, outfall disposal and street lighting, shall be submitted to and approved in writing by the Local Planning Authority. The works shall be completed prior to the first occupation of the development hereby approved.

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

BH2010/01763

195 Surrenden Road Brighton

Erection of two storey rear extension and single storey side extension.

Applicant: Mr & Mrs G Lock

Officer: Sue Dubberley 293817

Approved on 27/08/10 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) BH02.051

The [*** window/s*] in the [*** elevation] of the development hereby permitted shall be obscure glazed and non-opening, unless the parts of the window/s which can be opened are more than 1.7 metres above the floor of the room in which the window is installed, and thereafter permanently retained as such.

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

3) 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.

4) UNI

The development hereby permitted shall be carried out in accordance with the approved drawings nos. 1018/01 and 02 submitted on 4 June 2010.

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

5) UNI

Access to the flat roof of the first floor extension shall be for maintenance and 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.

BH2010/02095

6 Mayfield Crescent Brighton

Extension to existing loft conversion with front dormer.

Applicant: Mr & Mrs Fairclough

Officer: Chris Swain 292178

Refused on 01/09/10 DELEGATED

1) UNI

The proposal, by reason of its scale, proportions, positioning, design and materials detracts from the appearance and character of the property, further unbalancing the pair of semi-detached properties and harming the visual amenity of the street scene, contrary to policies QD1, QD2 and QD14 of the Brighton & Hove Local Plan and the Supplementary Planning Guidance on Roof Alterations and Extensions.

PRESTON PARK

BH2010/01071

Flat 1 91 Stanford Avenue Brighton

Erection of single storey rear extension

Applicant: Miss Diane Cowan

Officer: Jonathan Puplett 292525

Approved on 27/08/10 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

Approved Drawings Planning Permission - The development hereby permitted shall be carried out in accordance with the approved drawing no. STAN/TJU/04 and the location plan and block plan submitted on 16 June 2010 and approved drawing nos. STAN/TJU/05b1, 01a, 02, 02a, 05a1, 05a2, 05, and 05b2 submitted on 12 August 2010.

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

BH2010/01116

Flat 1 14 Stafford Road Brighton

Replacement of existing wooden sash windows with UPVC units to front and rear elevations.

Applicant: Mr Tim Akehurst

Officer: Helen Hobbs 293335

Refused on 12/08/10 DELEGATED

1) UNI

The introduction of uPVC replacement windows of an unsympathetic design, material and opening arrangement, would cause harm to the character and appearance of the existing property and the street scene, contrary to policies QD1, QD2, QD14 of the Brighton & Hove Local Plan.

BH2010/01542

14 Highcroft Villas Brighton

Certificate of Lawfulness for a Proposed erection of a single storey rear extension.

Applicant: Ms Victoria Jenkins

Officer: Sonia Kanwar 292359

Refused on 24/08/10 DELEGATED

BH2010/01652

33 Chester Terrace Brighton

Erection of single storey rear/side extension and loft conversion incorporating a rear dormer and rooflights to front and rear. Replacement of all existing uPVC windows with new timber sash windows and replacement of existing roofing materials with grey slate tiles.

Applicant: Mr Stewart Carvil

Officer: Sonia Kanwar 292359

Refused on 16/08/10 DELEGATED

1) UNI

The proposed extension, by virtue of its siting, size and massing, would adversely affect the amenities of the occupiers of No. 31 Chester Terrace resulting in loss of light, over-dominance, visual intrusion and a heightened sense of enclosure. As such the proposal would adversely impact on the residential amenity of this property and is contrary to policies QD14 and QD27 of the Brighton & Hove Local Plan.

2) UNI2

The proposed rear dormer, by virtue of its size, positioning and inappropriate design forms an incongruous addition, detrimental to the appearance of the building and the visual amenities enjoyed by neighbouring properties. The development 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.

BH2010/01719

9 Prestonville Road Brighton

Loft conversion including dormer to rear and rooflights to front and rear.

Applicant: Mr Paul Aquino

Officer: Louise Kent 292198

Approved on 27/08/10 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 development hereby permitted shall be carried out in accordance with the approved drawings nos. 01 & 02 submitted on 7 June 2010.

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

BH2010/01888

The Nook 3 Lovers Walk Brighton

Application for Approval of Details Reserved by Conditions 2,3,4 and 5 of application BH23009/03129.

Applicant: Earthwise Construction Ltd

Officer: Anthony Foster 294495

Approved on 16/08/10 DELEGATED

BH2010/01899

Flat 1 41 Preston Park Avenue Brighton

Erection of single storey rear extension.

Applicant: Mrs Joy Barry

Officer: Sonia Kanwar 292359

Refused on 26/08/10 DELEGATED

1) UNI

The proposed development, by virtue of its siting, design, size and height would form an incongruous and unsympathetic feature resulting in a visually intrusive appearance which would be detrimental to the amenities enjoyed by neighbouring properties, particularly the first floor flat above. The proposal is therefore contrary to policies QD1 and QD14 of the Brighton & Hove Local Plan.

BH2010/01964

59 Osborne Road Brighton

Certificate of lawfulness for a proposed loft conversion with rooflights to front and dormer to rear and erection of single storey rear conservatory extension.

Applicant: Mr D Downes

Officer: Liz Arnold 291709

Approved on 20/08/10 DELEGATED

BH2010/01986

Ground Floor Flat 167 Ditchling Road Brighton

Erection of single storey rear extension.

Applicant: Ms Karen Seidler

Officer: Chris Swain 292178

Approved on 20/08/10 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) UNI

The windows in the southern elevation of the development hereby permitted shall be obscure glazed and non-opening and thereafter permanently retained as such.

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

4) UNI

The development hereby permitted shall be carried out in accordance with the approved drawing nos. D62PC/FP/01-6 (inclusive), a waste minimisation statement, a design and access statement, a heritage statement, a set of existing photographs submitted on 25 June 2010.

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

BH2010/02016

15 Cleveland Road Brighton

Erection of replacement single storey rear extension.

Applicant: Ms Melanie Levy

Officer: Helen Hobbs 293335

Refused on 24/08/10 DELEGATED

1) UNI

The proposed extension represents a poorly designed and unsympathetic alteration adversely affecting the traditional character and footprint of the existing house and would detract from the character and appearance of the Preston Park conservation area and, as such, the proposal is contrary to policies QD2, QD14 and HE6 of the Brighton & Hove Local Plan.

2) UNI2

The proposed extension, by reason of its height, massing, proximity to the boundary with No. 14 Cleveland Road and the change in levels between the two houses, would have an overbearing impact upon the adjoining property causing harm to the residential amenity enjoyed by its occupants and, as such, the proposal is contrary to policy QD27 of the Brighton & Hove Local Plan.

BH2010/02129

Flat 7 172 Dyke Road Brighton

Installation of roof access window.

Applicant: Mr Ian Stratton

Officer: Sonia Kanwar 292359

Refused on 01/09/10 DELEGATED

1) UNI

The proposed development, by virtue of its siting, design and size would form an incongruous and unsympathetic feature which would be detrimental to the character and appearance of the existing building, the setting of the adjacent listed building and the visual amenities enjoyed by neighbouring properties. The proposal is therefore contrary to policies QD1, QD14 and HE3 of the Brighton & Hove Local Plan.

2) UNI2

The proposed development, by virtue of its siting in close proximity to neighbouring properties, would result in significant overlooking and loss of privacy, particularly to the adjacent property to the south, no. 170 Dyke Road. As such the proposal would adversely impact on residential amenity and is contrary to policies QD14 and QD27 of the Brighton & Hove Local Plan.

BH2010/02162

177 Ditchling Road Brighton

Erection of two storey 3no. bed detached house.

Applicant: Mr Malcolm Kemp

Officer: Kate Brocklebank 292175

Approved on 01/09/10 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) BH02.07

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) 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.

4) BH05.01B

Unless otherwise agreed in writing by the Local Planning Authority, no residential development shall commence until:

- (a) evidence that the development is registered with an accreditation body under the Code for Sustainable Homes and a Design Stage/Interim Report showing that the development will achieve Code level 5 for all residential units have been submitted to the Local Planning Authority; and
- (b) a Design Stage/Interim Code for Sustainable Homes Certificate demonstrating that the development will achieve Code level 5 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.

5) BH05.02B

Unless otherwise agreed in writing by the Local Planning Authority, none of the residential units hereby approved shall be occupied until a Final/Post Construction Code Certificate issued by an accreditation body confirming that each residential unit built has achieved a Code for Sustainable Homes rating of Code level 5 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.

6) BH05.08A

No development shall take place until a written Waste Minimisation Statement, in accordance with Supplementary Planning Document 03: Construction and Demolition Waste, confirming how demolition and construction waste will be recovered and reused on site or at other sites has been submitted to and approved in writing by the Local Planning Authority. The measures shall be implemented in strict accordance with the approved details.

Reason: To ensure that the development would include the re-use of limited resources, to ensure that the amount of waste to landfill is reduced and to comply with policies 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.

7) 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.

8) 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.

9) 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.

10) BH12.07

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 to the amenities of the occupiers of nearby properties and for this reason would wish to control any future development proposals to comply with policies QD14, QD27 and HE6 of the Brighton & Hove Local Plan.

11) UNI

No development shall commence until there has been submitted to and approved in writing by the Local Planning Authority a scheme for the planting of four 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. The protection measures shall then be carried out in accordance with the approved details prior to the commencement of development and shall be retained until the completion of the development and no vehicles, plant or materials shall be driven or placed within the areas enclosed by the protection measures.

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) UNI

All planting 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.

13) UNI

Prior to first occupation, the 1.8m high fence along the eastern boundary as shown on drawing number 3226.PL.150 shall be erected and retained as such thereafter.

Reason: To safeguard the privacy of the occupiers of the adjoining property and to limit light pollution and to comply with Policy QD27 of the Brighton & Hove Local Plan.

14) UNI

The development hereby permitted shall be carried out in accordance with the approved drawings no. 3226.EXG.01 revision A, 3226.EXG.02 revision A, 3226.EXG.03, 3226.PL.150, 3226.PL.151, 3226.PL.250, 3226.PL.350, 3226.PL.351, 3226.PL.152, 3226.PL.051 and Ecology Survey dated 21st October 2010 submitted on 13th July 2010.

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

15) UNI

The mitigation measures set out under the 'Recommendations' paragraphs 4.7 - 4.13 contained within the 'Ecological Survey' dated 21/10/09, received on 13th July 2010, shall be strictly adhered to and carried out in full.

Reason: To protect the biodiversity of the site, to mitigate any impact from the development hereby approved and to comply with Policies QD17 and QD18 of the Brighton & Hove Local Plan.

16) UNI

No development shall commence until a scheme to enhance the nature conservation interest of the site which should include the type, siting and timetable of implementation of bat and bird boxes 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.

Reason: To increase the biodiversity of the site, to mitigate any impact from the development hereby approved and to comply with Policies QD17 and QD18 of the Brighton & Hove Local Plan.

17) UNI

Prior to first occupation of the development, the parapet wall and timber louvre screen shown on drawing number 3226.PL.250 received on 13th July 2010, shall be erected and retained as such thereafter.

Reason: To safeguard the privacy of the occupiers of the adjoining property and to limit light pollution and to comply with policy QD27 of the Brighton & Hove Local Plan.

BH2010/02402

Greenacres 13-17 Preston Park Avenue Brighton

Non Material Amendment to BH2009/03152 for the omission of casements and mullion to South facing windows to North and South blocks common ways and replacement with horizontal rail with casements above and below the horizontal rail.

Applicant: Greenacres Brighton Ltd

Officer: Sonia Kanwar 292359

Approved on 01/09/10 DELEGATED

REGENCY

BH2010/00636

128 Western Road Brighton

Alterations to shop front (Retrospective).

Applicant: Mr Silviu Irofti

Officer: Wayne Nee 292132

Refused on 16/08/10 DELEGATED

1) UNI

Policy QD10 of the Brighton & Hove Local Plan states that alterations to existing shopfronts provided that the alterations respect the style, proportions, detailing, colour, and materials of the parent building and surrounding shopfronts/buildings. In respect of conservation areas, policies QD10 and HE6 state that development will be required to preserve or enhance the special appearance or character of the area. Further guidance is detailed in SPD02 'shop front design'. The replacement shopfront - which consists of modern materials, and has resulted in a lack of stall riser, the loss of the recessed door, and the loss of the cill and mullion detail - has resulted in an unattractive and unsympathetic appearance to the frontage. The proposal has an adverse impact on the character and appearance of the existing building and the street scene. Therefore the proposal is contrary to policies HE6, QD5 and QD10 of the Brighton & Hove Local Plan, and to SPD02: Shop Front Design.

BH2010/01522

Flat 3 21 Belvedere Terrace Brighton

Installation of en-suite bathroom and associated works. (Retrospective)

Applicant: Mr Richard Johnson

Officer: Mark Thomas 292336

Approved on 16/08/10 DELEGATED

1) UNI

The external exit point of the previously removed air extraction unit on the south elevation, shall be made good and finished to match the existing building within three months of the date of this consent, unless otherwise agreed in writing by the Local Planning Authority.

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

BH2010/01528

51-53 West Street Brighton

Display of internally illuminated lightbox, window display and ATM surrounds.

Applicant: Lloyds Banking Group

Officer: Jason Hawkes 292153

Approved on 12/08/10 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.

BH2010/01693

Phoenix House 32 West Street Brighton

Installation of 11no condenser units on roof to West.

Applicant: RO Frome Ltd

Officer: Guy Everest 293334

Approved on 16/08/10 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

Prior to the hereby approved condenser units being first used a scheme for the suitable treatment of all plant and machinery against the transmission of sound and vibration shall be submitted to and approved in writing by the Local Planning Authority. The measures shall be implemented in strict accordance with the agreed details prior to the condenser units being bought into use and the measures shall thereafter be retained.

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.

BH2010/01751

206 Western Road Brighton

Display of 2 No. Internally Illuminated Fascia Signs, 1 No. Externally Illuminated Hanging Sign, 3 No. Non Illuminated lettering logo text signs and 1 No. Internally Illuminated Logo Sign.

Applicant: Santander PLC

Officer: Guy Everest 293334

Approved on 26/08/10 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

For the avoidance of doubt only the lettering and logo to the fascia hereby approved shall be illuminated.

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

BH2010/01771

16A Montpelier Crescent Brighton

Internal alterations to layout of flat and external alterations incorporating infilling of non-original window at rear elevation. (Retrospective).

Applicant: Mr Robin Ruddy

Officer: Mark Thomas 292336

Approved on 26/08/10 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.

BH2010/01795

9 Brighton Place Brighton

Application for approval of details reserved by condition 5 of BH2009/01248.

Applicant: The Orchid Group

Officer: Adrian Smith 01273 290478

Approved on 18/08/10 DELEGATED

BH2010/01862

188 - 191 Western Road Brighton

Display of replacement projecting sign and vinyl to existing fascia and banner sign

Applicant: New Look Group PLC

Officer: Jason Hawkes 292153

Approved on 20/08/10 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.

BH2010/01906

7 Cranbourne Street Brighton

Installation of new shop front.

Applicant: Mr Miachail Ramzi

Officer: Jason Hawkes 292153

Approved on 25/08/10 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

A level threshold to the premises shall be provided in accordance with details to be submitted to and approved in writing by the Local Planning Authority before development commences. The threshold shall thereafter be installed concurrently with the shop front and retained at all times.

Reason: To ensure the provision of satisfactory access facilities for everyone including wheelchair users, the visually impaired and other people with disabilities and to comply with policy QD10 of the Brighton & Hove Local Plan and Supplementary Planning Document 02 'Shop Front Design'.

3) UNI

The development hereby permitted shall be carried out in accordance with the approved drawings no.10.05.02/1 & 2A received on the 22nd June & 23rd August 2010.

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

BH2010/01911

14 Cranbourne Street Brighton

Installation of new shop front.

Applicant: Mr Miakhail Ramzi & Mrs Maryam Bouls

Officer: Jason Hawkes 292153

Approved on 25/08/10 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

A level threshold to the premises shall be provided in accordance with details to be submitted to and approved in writing by the Local Planning Authority before development commences. The threshold shall thereafter be installed concurrently with the shop front and retained at all times.

Reason: To ensure the provision of satisfactory access facilities for everyone including wheelchair users, the visually impaired and other people with disabilities and to comply with policy QD10 of the Brighton & Hove Local Plan and Supplementary Planning Document 02 'Shop Front Design'.

3) UNI

The development hereby permitted shall be carried out in accordance with the approved drawings no.09.07.03/1 & 2A received on the 22nd June & 23rd August 2010.

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

BH2010/01987

Bartholomew House Bartholomew Square Brighton

Installation of external stair to replace existing.

Applicant: Brighton & Hove City Council

Officer: Jason Hawkes 292153

Approved on 12/08/10 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 stairs shall be finished in grey to match the colour of the roof of Bartholomew House.

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

BH2010/02057

52 Montpelier Road Brighton

Application for Approval of Details Reserved by Condition 3 of application BH2010/00198.

Applicant: Mr Robert Poulton

Officer: Charlotte Hughes 292321

Approved on 19/08/10 DELEGATED

BH2010/02085

16 Victoria Street Brighton

Erection of single storey rear conservatory extension and single storey extension to rear external w.c. Replacement of roof tiles to all slopes with slates.

Applicant: Mr C Spencer

Officer: Charlotte Hughes 292321

Approved on 01/09/10 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

No works shall take place until details of the proposed scaffolding support system to be used in the future maintenance of the development hereby permitted, have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in strict accordance with the agreed details and maintained as such thereafter.

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

3) UNI

No works shall take place until full details of the proposed works 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 the satisfactory preservation of this listed building and to comply with policy HE1 of the Brighton & Hove Local Plan.

4) 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, unless otherwise agreed in writing by the Local Planning Authority.

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

5) UNI

The development hereby permitted shall be constructed in accordance with the Victorian red brick paver sample and SSQ Riverstone Grey natural slate detailed in the letter dated 9th August 2010.

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

6) UNI

Unless otherwise agreed in writing, the painted render finish of the walls within the conservatory extension shall be retained and the walls shall not be boarded over or covered up and their paint shall match exactly the colour of the exterior of the building. The conservatory glazing shall not be painted or covered over.

Reason: So as to retain the external plan form of the building and to ensure that the conservatory retains the character of a visually permeable semi-outdoor space in order to preserve the character of the listed building in accordance with policy HE1 of the Brighton & Hove Local Plan.

BH2010/02086

16 Victoria Street Brighton

Erection of single storey rear conservatory extension and single storey extension to rear external w.c. Replacement of roof tiles to all slopes with slates.

Applicant: Mr C Spencer

Officer: Charlotte Hughes 292321

Approved on 27/08/10 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 constructed in accordance with the Victorian red brick paver sample and SSQ Riverstone Grey natural slate detailed in the letter dated 9th August 2010.

Reason: To ensure a satisfactory appearance to the development in the interests of visual amenities of the area and to comply with policies QD1, QD14 and HE6 of the Brighton & Hove Local Plan.

3) UNI

The development hereby permitted shall be carried out in accordance with the approved drawings no's 159.10.04/D, 159.10.09/C, 159.10.D003/D submitted on 14th July 2010 and 159.10.02, 159.10.01 submitted on 7th July 2010.

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

BH2010/02091

The Brighton Centre Kings Road Brighton

Alterations to ground floor front elevation to install new revolving door and disabled access door replacing existing windows, and new automatic sliding door replacing existing entrance doors.

Applicant: Brighton & Hove City Council

Officer: Jason Hawkes 292153

Approved on 20/08/10 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.

BH2010/02143

The Lanes Car Park Black Lion Street Brighton

Display of 12no. internally illuminated fascia signs and 3no. non-illuminated fascia signs.

Applicant: Brighton & Hove City Council

Officer: Jason Hawkes 292153

Approved on 26/08/10 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.

BH2010/02176

First Floor Flat 6 Montpelier Crescent Brighton

Conversion of first floor to create new one bedroom flat and self contained studio flat with associated internal alterations.

Applicant: Harwood Properties Ltd

Officer: Jason Hawkes 292153

Approved on 01/09/10 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) BH13.05

No works shall take place until full details of the proposed works including 1:20

scale sample elevations and 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 the satisfactory preservation of this listed building and to comply with policy HE1 of the Brighton & Hove Local Plan.

3) BH13.06

All existing architectural features including staircases, balustrades, windows, doors, architraves, skirtings, dados, picture rails, panel work, fireplaces, tiling, corbelled arches, cornices, decorative ceilings and other decorative features shall be retained except where otherwise agreed in writing with the Local Planning Authority.

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

4) BH13.10A

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

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

5) UNI

The new walls, kitchen units and bathroom linings shall be scribed around existing features such as skirting boards, dado rails, picture rails and cornices, which shall not be cut into or damaged and new skirting boards, picture rails and cornices shall be run around the new walls and the blocked up doors to match exactly the originals in each respective part of the building.

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

6) UNI

The missing section of cornice in the bedroom of the front flat shall be reinstated to match exactly the existing cornice before the premises are occupied.

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

7) UNI

The cast iron fireplace from the rear wing shall be installed within a new mantelpiece surround in accordance with details that shall be submitted to and approved by the local planning authority in writing before any development takes place.

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

8) UNI

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

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 a sample of the roof slate to be used in the rear pitched roof has been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

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

ST. PETER'S & NORTH LAINE

BH2009/01665

28B Crescent Road Brighton

Erection of infill extension to ground floor.

Applicant: Mr Paul Ford

Officer: Louise Kent 292198

Finally Disposed of on 18/08/10 DELEGATED

BH2009/01837

41 Providence Place Rear Of 38 London Road Brighton

Replacement of existing garage with a 3 storey, 3 bedroom house.

Applicant: Missive

Officer: Jonathan Puplett 292525

Approved on 01/09/10 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) BH02.07

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.

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.

5) UNI

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

- (i) 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;
- (ii) Manufacturers' details (including frame cross-sections) of the windows and

glazed doors to be used in the construction of the development hereby permitted.

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

Reason: To ensure a satisfactory appearance to the development and to comply with policies QD1, QD2, and QD3 of the Brighton & Hove Local Plan.

6) UNI

Unless otherwise agreed in writing by the Local Planning Authority, the dwelling 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) UNI

The dwelling hereby approved shall not occupied until the vehicular crossover located in front of the existing garage doors has been re-constructed as footway in accordance with the Council's approved 'Manual for Estate Roads'.

Reason: To protect the safety of users of the highway and to comply with policy TR7 of the Brighton & Hove Local Plan.

8) UNI

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

(a) A desk top study documenting all the previous and existing land uses of the site and adjacent land in accordance with national guidance as set out in Contaminated land Research Report Nos. 2 and 3 and BS10175:2001 - Investigation of Potentially Contaminated Sites - Code of Practice; and unless otherwise agreed in writing by the local planning authority,

(b) a site investigation report documenting the ground conditions of the site and incorporating chemical and gas analysis identified as appropriate by the desk top study in accordance with BS10175; and, unless otherwise agreed in writing by the local planning authority,

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

(ii) The development hereby permitted shall not be occupied or brought into use until there has been submitted to the local planning authority verification by a competent person approved under the provisions of condition (i)c that any remediation scheme required and approved under the provisions of condition (i)c has been implemented fully in accordance with the approved details (unless varied with the written agreement of the local planning authority in advance of implementation). Unless otherwise agreed in writing by the local planning authority such verification shall comprise:

a) as built drawings of the implemented scheme;

b) photographs of the remediation works in progress;

c) certificates demonstrating that imported and/or material left in situ is free from contamination.

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

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

9) UNI

The development hereby permitted shall be occupied until such time as a scheme has been submitted to and approved in writing by the Local Planning Authority to provide that the residents of the development, other than those residents with disabilities who are Blue Badge Holders, have no entitlement to a resident's parking permit.

Reason: To ensure that residents of the development will not qualify for a resident parking permit and the development is car-free and to comply with policy HO7 of the Brighton & Hove Local Plan.

10) UNI

The dwelling hereby approved shall be constructed to Lifetime Homes standards.

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

11) 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 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.

BH2009/02354

The Old Music Library 115-116 Church Street Brighton

Change of use from library (D1) to restaurant (A3) and steel louvres on Eastern roof slope to serve plant room.

Applicant: Mr Chris Benians

Officer: Kate Brocklebank 292175

Approved on 23/08/10 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) BH02.07

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) 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.

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

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

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

6) UNI

The premises shall not be open or in use between the hours of 01:00 and 08.00 hours.

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

7) UNI

The outside sitting area to the rear of the building shall not be used by customers except between the hours of 08:00 and 23:00 on any day.

Reason: In the interests of the residential amenities of occupiers of existing dwellings in close proximity, in compliance with policies SU10 and QD27 of the Brighton & Hove Local Plan.

8) UNI

Notwithstanding the provisions of the Town and Country Planning (Use Classes) (Amendment) Order 2005 or any amendment thereto, the building and garden area shall not be used for any other purpose than as an A3 restaurant, with the lower ground floor as an ancillary kitchen, storage and WCs and the first floor as ancillary storage unless otherwise agreed in writing by the Local Planning Authority. Any bar area shall be ancillary to the approved A3 restaurant use.

Reason: In the interest of general amenity and public order and to comply with policies QD27 and SR12 of the Brighton & Hove Local Plan.

9) UNI

Notwithstanding the approved plans, the proposed internal layout of the ground floor, including any bar area, the rear garden and details of the disabled access shall be submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in full as approved prior to occupation and thereafter be retained as such at all times.

Reason: To ensure a satisfactory internal layout and to ensure any bar area remains ancillary to the A3 restaurant use and to comply with policies QD27 and SR12 of the Brighton & Hove Local Plan.

10) UNI

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

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

11) UNI

No development shall commence 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 policies SU10 and QD27 of the Brighton & Hove Local Plan.

12) UNI

No development shall commence 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.

13) UNI

Notwithstanding the plans submitted, no development shall take place until details of the proposed rear boundary treatment, including samples of the materials, railings and detailing (including bond pattern and coursing and pointing details) to be used in the construction of the boundary treatment 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 policies HE6, TR13 and QD2 of the Brighton & Hove Local Plan.

14) 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.

BH2010/00767

55 Richmond Road Brighton

Replacement of existing ground floor windows with UPVC and installation of new wooden door to replace existing to front elevation.

Applicant: Miss Claire McAlonan

Officer: Helen Hobbs 293335

Approved on 26/08/10 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 accordance with the approved colour photographs and supporting documents submitted 18th May 2010, colour photographs and supporting documents submitted on 1st June 2010 and un-numbered drawings and supporting documents submitted on 1st July 2010.

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

BH2010/01074

9 Clifton Street Brighton

Erection of single storey rear extension with rooflights.

Applicant: Mr Owen Simon

Officer: Helen Hobbs 293335

Approved on 24/08/10 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 development hereby permitted shall be carried out in accordance with the approved drawing nos. mm/01/Clifton9, mm/05/Clifton9, site plan and supporting documents submitted on 14th April 2010, Design and Access Statement submitted on 10th May and block plan submitted on 5th July 2010.

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

BH2010/01279

95 Trafalgar Street Brighton

Application for approval of details reserved by condition 2 of application BH2009/02990.

Applicant: Bankmachine Ltd

Officer: Jonathan Puplett 292525

Approved on 26/08/10 DELEGATED

BH2010/01433

46 Park Crescent Terrace Brighton

Erection of new two storey rear extension to replace existing single storey rear extension.

Applicant: Mr Jeffery Gorbeck

Officer: Aidan Thatcher 292265

Refused on 17/08/10 DELEGATED

1) UNI

The proposed development would harm to the host dwelling by virtue of inappropriate design and fenestration detailing and thus would be contrary to policies QD1, QD2 and QD14 of the Brighton & Hove Local Plan.

BH2010/01490

9 London Road Brighton

Display of internally illuminated fascia sign, externally illuminated hanging sign, internally illuminated ATM header, window vinyl's and vinyl decals.

Applicant: Santander

Officer: Helen Hobbs 293335

Approved on 25/08/10 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.

BH2010/01677

3 Howard Place Brighton

Removal of timber structure at rear and alterations to windows and doors including insertion of new window.

Applicant: Bloom Eco Homes

Officer: Louise Kent 292198

Approved on 18/08/10 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) BH12.03

All new windows shall be painted softwood, double hung vertical sliding sashes with concealed trickle vents 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.

BH2010/01711

52 North Road Brighton

Replacement of existing timber window with UPVC to front elevation.

Applicant: Ms Sinnet Weber

Officer: Sonia Kanwar 292359

Refused on 20/08/10 DELEGATED

1) UNI

The proposed replacement front window, by reason of its materials, method of opening and general design, would form an unsympathetic alteration that would fail to reflect the original character and appearance of the building and would detract from the surrounding West Hill conservation area and as such is contrary to policies QD14 and HE6 of the Brighton & Hove Local Plan.

BH2010/01767

Queensbury House 104 - 109 Queens Road Brighton

Display of 3no non-illuminated logo signs.

Applicant: Regus

Officer: Jonathan Puplett 292525

Approved on 19/08/10 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.

BH2010/01809

12 York Place Brighton

Display of 1no. non-illuminated fascia sign and 1no. non-illuminated hanging sign.

Applicant: Mr Rituparno Bhattacharya

Officer: Aidan Thatcher 292265

Approved on 23/08/10 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.

BH2010/01828

International House Queens Road Brighton

Installation of screened air conditioning units on roof.

Applicant: Aviva Staff Pension Trustees Ltd

Officer: Helen Hobbs 293335

Approved on 18/08/10 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

Noise associated with the plant and machinery 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(A) 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: In order to protect the amenities of surrounding properties and to comply with policies SU9, SU10 and QD27 of the Brighton & Hove Local Plan.

BH2010/01927

44 Over Street Brighton

Alterations to windows and front façade.

Applicant: Mr Richard Galilee

Officer: Sonia Kanwar 292359

Approved on 18/08/10 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) BH12.03

All new windows shall be painted softwood, double hung vertical sliding sashes with concealed trickle vents 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.

BH2010/01971

25 Clifton Street Brighton

Erection of single storey rear extension.

Applicant: Miss E Moore

Officer: Helen Hobbs 293335

Approved on 25/08/10 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 development hereby permitted shall be carried out in accordance with the approved drawings nos. mm/01/Clifton25, site plan, block plan and supporting documents submitted on 28th June 2010.

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

BH2010/02204

3 Palace Place & 62-63 Old Steine Brighton

Application for Approval of Details Reserved by Conditions 4,5 and 6 of application BH2010/00678.

Applicant: Brighton & Hove City Council

Officer: Liz Arnold 291709

Approved on 01/09/10 DELEGATED

WITHDEAN

BH2010/00875

18 Whitethorn Drive Brighton

Application for variation of condition 7 of BH2005/02321/FP in order to increase the number of children in attendance to 33 (part retrospective).

Applicant: Mr H Toussi

Officer: Clare Simpson 292454

Approved on 23/08/10 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

Within 6 months of the date of permission a revised Travel Plan shall be

submitted to and approved by the Local Planning Authority in writing. The plan shall include measures to encourage staff and customers to reduced travel by car and shall be updated annually and submitted for approval.

Reason: To protect the amenity of adjoining residential properties and to comply with policy QD27 of the Brighton & Hove Local Plan.

3) UNI

Within 6 months of date of permission a revised Management /Action Plan for the rear garden shall be submitted to the Local Planning Authority for approval. The plan shall be reviewed by the Local Planning Authority in consultation with the Early Years development and Childcare partnership and the Environmental Health Department and shall be updated annually. Any amendments to the Management Plan shall be carried out and the operation of the outdoor space shall be in accordance with the approved plan at all times.

Reason: To protect the amenity of adjoining residential properties and to comply with policy QD27 of the Brighton & Hove Local Plan.

4) UNI

The premises shall not be open or in use except between the hours of 0800 and 1800 hours Mondays to Fridays only.

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

5) UNI

The number of children attending the nursery shall not exceed 33 at any time.

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

BH2010/01382

Westdene Primary School Bankside Brighton

Extensions and alterations to school including 2 storey extension to East side to accommodate 12 new classrooms and school facilities and relocation of games court and reconfiguration of external play areas.

Applicant: Brighton & Hove City Council

Officer: Adrian Smith 01273 290478

Approved on 13/08/10 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) UNI

Unless otherwise agreed in writing by the Local Planning Authority, none of the non-residential development hereby approved shall be occupied until a BREEAM Design Stage Certificate and a Building Research Establishment issued Post Construction Review Certificate confirming that the non-residential development built has achieved a BREEAM rating of 50% in energy and 60% in water sections of relevant BREEAM assessment within overall 'Very Good' has been submitted to, and approved in writing by, the Local Planning Authority.

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

3) UNI

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

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

4) UNI

No development shall commence until a scheme to improve the provision for sustainable transport modes and improve road safety in the roads around the school has been submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied until the works have been carried out in strict accordance with the approved measures and thereafter retained as such.

Reason: To ensure that the proposed development provides for the demand for travel it creates and does not increase the danger to pedestrians walking to and from the site and to comply with policies TR1, TR7, TR8 and SU15 of the Brighton & Hove Local Plan.

5) UNI

No development shall commence until fences for the protection of trees to be retained have been erected in accordance with the scheme contained within the arboricultural report submitted with the application. 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.

6) UNI

No development shall commence until a construction management plan, including a scheme for the access and storage of construction vehicles, materials and waste within the site, has been submitted to and approved in writing by the Local Planning Authority. The facilities shall thereafter be provided in accordance with the Plan and thereafter be retained until the completion of the development.

Reason: To ensure that construction operations, vehicles, materials and waste do not impact on highway safety and the operation of the school, to protect the amenities of adjacent occupiers and to comply with policies TR7, SU13 and QD27 of the Brighton & Hove Local Plan.

7) UNI

Unless otherwise agreed in writing by the Local Planning Authority, within three months of the date of completion of the development the temporary classroom building, all-weather play area and associated pathways hereby permitted shall be removed from the site and the land returned to its former condition.

Reason: The temporary classroom hereby approved is not considered suitable as a permanent form of development to safeguard the appearance of the site and to comply with policies QD1 of the Brighton & Hove Local Plan.

8) UNI

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

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

9) UNI

The development hereby permitted shall not be occupied until the parking and disabled parking bays detailed on drawing no. 013 have been fully implemented and made available for use, and these areas shall thereafter be retained for that use and shall not be used other than for the parking of motor vehicles.

Reason: To ensure that satisfactory facilities for the parking of vehicles are provided and to comply with policies TR1 and TR19 of the Brighton & Hove Local Plan.

10) UNI

At least six months prior to the first occupation of the development hereby approved a 'School Travel Plan' (a document setting out a package of measures tailored to meet the needs of the site and aimed at promoting sustainable travel choices and reduce reliance on private motor vehicles including students, visitors, staff, deliveries, servicing, parking management and other uses of the site) for the development shall be submitted to the Local Planning Authority. The school travel plan shall be approved in writing by the Local Planning Authority prior to the first occupation of the development and shall be implemented as approved thereafter and shall be subject to annual review in accordance with details submitted to and approved in writing by the Local Planning Authority.

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

11) UNI

Unless otherwise agreed in writing by the Local Planning Authority, prior to the commencement of works, a presence/absence amphibian survey to establish whether Great Crested Newt is present within the vicinity of the site shall be carried out in accordance with advice contained within the submitted Ecological assessment and the findings shall be submitted for approval by the Local Planning Authority. Should evidence be found that the Great Crested Newt is present within the vicinity of the site, details of mitigation works shall be submitted to and approved in writing by the Local Planning Authority and no works shall commence until approval is granted thereafter.

Reason: To safeguard the protection of the Great Crested Newt as a European protected species and to comply with policy QD18 of the Brighton & Hove Local Plan.

12) UNI

No development approved by this permission shall be commenced until a scheme for the proposed means of foul sewerage disposal have been submitted to and approved in writing by the Local Planning Authority. The drainage works shall be completed in accordance with the details and timetable agreed.

Reason: To prevent the pollution of controlled waters by ensuring the provision of a satisfactory means of foul sewerage disposal and to comply with policy SU5 of the Brighton & Hove Local Plan.

13) UNI

Prior to the commencement of works six Schwegler 1WQ wall-mounted bat boxes, six Schwegler 1MR Avianex wall-mounted bird boxes and ten Schwegler Sparrow Terraces shall be erected within the grounds of the school to the satisfaction of the Local Planning Authority and thereafter maintained.

Reason: In order to provide a net gain in biodiversity following the development to comply with policy QD17 of the Brighton & Hove Local Plan.

14) UNI

Implementation and landscaping scheme.

15) UNI

No development shall take place until samples of the materials (including colour of render, paintwork, cladding 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.

BH2010/01907

50 Bates Road Brighton

Erection of single storey rear extension.

Applicant: Mr Gary Millar & Mrs Paula Quinn

Officer: Adrian Smith 01273 290478

Refused on 16/08/10 DELEGATED

1) UNI

Policy QD14 of the Brighton & Hove Local Plan states that extensions and alterations will only be granted if the proposed development would not result in significant loss of amenity to neighbouring properties. Policy QD27 of the Brighton & Hove Local Plan states that planning permission for any development will not be granted where it would cause material nuisance and loss of amenity to neighbouring residents, and that residents and occupiers can be seriously affected by changes in overlooking, privacy, daylight, sunlight, disturbance and outlook. The proposed single storey rear extension, by virtue of its projection, positioning, and proximity to the neighbouring boundary, forms an inappropriate addition to the property that would result in an increased sense of enclosure and a significant loss of daylight and outlook for the residents of the property at no. 48 Bates Road. The proposal therefore leads to a loss of amenity and is contrary to policies QD14 and QD27 of the Brighton & Hove Local Plan.

BH2010/01965

23 Mandalay Court London Road Brighton

Replacement UPVC windows and door.

Applicant: Miss Amy Gooch

Officer: Mark Thomas 292336

Approved on 16/08/10 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.

BH2010/01981

7 Reigate Road Brighton

Certificate of Lawfulness for a proposed development of a hip to gable roof extension, erection of rear dormer and installation of rooflight.

Applicant: Mr P Weaving

Officer: Adrian Smith 01273 290478

Approved on 18/08/10 DELEGATED

BH2010/01985

12A The Excelsior London Road Patcham Brighton

Replacement of existing aluminium windows with new white UPVC double glazed windows within existing openings.

Applicant: Mrs Rogers

Officer: Mark Thomas 292336

Approved on 16/08/10 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.

BH2010/02020

22 Varndean Gardens Brighton

Certificate of lawfulness for proposed single storey rear extension.

Applicant: Mr & Mrs Omar and Nicola Kadri

Officer: Mark Thomas 292336

Approved on 18/08/10 DELEGATED

BH2010/02032

43 Withdean Road Brighton

Installation of 3no side dormers to match existing.

Applicant: Professor Colin Lacey

Officer: Paul Earp 292193

Approved on 20/08/10 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 development hereby permitted shall be carried out in accordance with the approved drawing no. ACH352/1-5 submitted on 25 June 2010.

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

BH2010/02049

7 Whitethorn Drive Brighton

Formation of 2no rear dormers to roof.

Applicant: Mr Nick Law

Officer: Charlotte Hughes 292321

Refused on 26/08/10 DELEGATED

1) UNI

The face of the dormers depicted on plan D.01 appear to be clad in a material that has not been identified on the plans or within the supporting information. The Planning Authority cannot therefore be sure that, on the balance of probabilities, the materials used in the construction of the dormers would be of a similar appearance to those used on the exterior of the existing dwellinghouse and the development therefore fails to comply with Schedule 2, Part 1, Class B, Condition B.2(a) of the Town & Country Planning (General Permitted Development) Order 1995, as amended.

BH2010/02053

Balfour Infants School Balfour Road Brighton

Erection of single storey extension, installation of new doors and window and new ramped access to South West elevation.

Applicant: Brighton & Hove City Council

Officer: Christopher Wright 292097

Approved on 18/08/10 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.

BH2010/02072

2 Croft Road Brighton

Application for removal of condition 3 of application BH2010/00216 which states 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.

Applicant: Mr Gary Vallier

Officer: Jason Hawkes 292153

Approved on 27/08/10 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) BH02.07

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) BH03.02

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.

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 3 / Code level 4 / Code level 5*] 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 / Code level 4 / Code level 5*] 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 / Code level 4 / Code level 5*] 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) BH06.03

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) 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.

9) 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.

10) UNI

All trees / shrubs to be retained on the boundaries provide screening from neighbouring properties and shall be protected to BS 5837 (2005) Trees on Development Sites.

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

11) UNI

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no windows other than those expressly authorised by this permission shall be constructed on the side elevations.

Reason: To protect the amenity of adjacent properties and in accordance with policy QD27 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, 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. The landscaping scheme should include replacement trees for all those that are going to be lost as part of the development.

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

BH2010/02201

20 Green Ridge Brighton

Certificate of lawfulness for proposed single storey rear extension with flat roof with rooflights, single storey side extension and roof alterations including new chimney flue, rear dormer, side dormer and rooflights to front and side elevations.

Applicant: Mr Tim Stean

Officer: Steven Lewis 290480

Approved on 01/09/10 DELEGATED

BH2010/02294

Upper Dene Court 2 Westdene Drive Brighton

Non Material Amendment to BH2007/01441 Approved on Appeal Ref: APP/Q1445/A/07/2058271 for the incorporation of sidelights to front entrance doors.

Applicant: Anstone Properties Ltd

Officer: Guy Everest 293334

Approved on 24/08/10 DELEGATED

EAST BRIGHTON

BH2010/01028

20 Whitehawk Road Brighton

Change of use from ground floor take-away (A5) to a flat with alterations to front elevations.

Applicant: Mrs Mary Dai Hao Mah

Officer: Liz Arnold 291709

Refused on 24/08/10 DELEGATED

1) UNI

The proposed change of use would result in the loss of the ground floor commercial unit which attracts pedestrian activity to the local centre thereby contributing to the vitality and viability of the centre, which a ground floor residential unit would not. The proposal is therefore contrary to policy SR6 of the Brighton & Hove Local Plan.

BH2010/02084

10 Belgrave Place Brighton

Re-covering of pitched roofs with slate tiles (part retrospective).

Applicant: Sue Davies

Officer: Chris Swain 292178

Approved on 01/09/10 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.

BH2010/02243

Flat 3 4-5 Chichester Terrace Brighton

Application for Approval of Details Reserved by Condition 3 of application BH2010/01020.

Applicant: Mr Bill Flind

Officer: Sonia Kanwar 292359

Approved on 26/08/10 DELEGATED

HANOVER & ELM GROVE

BH2010/01054

Former Nurses Accommodation Brighton General Hospital Pankhurst Avenue Brighton

Demolition of the former nurses accommodation buildings and the construction of two residential apartment blocks (Blocks A and B) of 5 storeys and one apartment block (Block C) of 6 storeys comprising 95 units and a 106 square metre community facility with associated car parking and landscaping.

Applicant: Southern Housing Group

Officer: Kate Brocklebank 292175

Approved on 12/08/10 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) 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.

3) 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.

4) BH05.01B

Unless otherwise agreed in writing by the Local Planning Authority, no residential development shall commence until:

- (a) evidence that the development is registered with an accreditation body under the Code for Sustainable Homes and a Design Stage/Interim 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 Design Stage/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.

5) BH05.02B

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

6) 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.

7) BH07.02

No development shall commence until a scheme for the soundproofing of the building has been submitted to and approved in writing by the Local Planning Authority. The measures shall be implemented in strict accordance with the approved details prior to the occupation of the development and shall thereafter be retained as such.

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

8) 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) BH08.01

The development hereby permitted shall not be commenced until there has been submitted to and approved in writing by the Local Planning Authority:

(a) a desk top study documenting all the previous and existing land uses of the site and adjacent land in accordance with national

guidance as set out in Contaminated Land Research Report Nos. 2 and 3 and BS10175:2001 - Investigation of Potentially Contaminated Sites - Code of Practice; and, unless otherwise agreed in writing by the Local Planning Authority,

(b) a site investigation report documenting the ground conditions of the site and incorporating chemical and gas analysis identified as appropriate by the desk top study in accordance with BS10175:2001; and, unless otherwise agreed in writing by the Local Planning Authority,

(c) a detailed scheme for remedial works and measures to be undertaken to avoid risk from contaminants and/or gases when the site is developed and

proposals for future maintenance and monitoring. Such scheme shall include the nomination of a competent person to oversee the implementation of the works.

(ii) The development hereby permitted shall not be occupied or brought into use until there has been submitted to the Local Planning Authority verification by the competent person approved under the provisions of (i) (c) above that any remediation scheme required and approved under the provisions of (i) (c) above has been implemented fully in accordance with the approved details (unless varied with the written agreement of the Local Planning Authority in advance of implementation). Unless otherwise agreed in writing by the Local Planning Authority such verification shall comprise:

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

Thereafter the scheme shall be monitored and maintained in accordance with the scheme approved

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

10) BH15.04A

No development approved by this permission shall be commenced until the method of piling foundations for the development shall be carried out in accordance with a scheme submitted to and approved in writing by the Local Planning Authority prior to any development commencing. The development shall be carried out in strict 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.

11) UNI

No development shall commence until, details of the proposed remote controlled roller shutter have been submitted to and approved in writing by the Local Planning Authority. The details shall include elevational drawings and measures to reduce noise disturbance.

Reason: To safeguard the appearance of the building and the visual amenities of the locality and to safeguard the amenities of the occupiers of adjoining properties and to comply with policies SU10, QD1 and QD27 of the Brighton & Hove Local Plan.

12) UNI

Notwithstanding the approved plans, prior to first occupation a car parking layout plan which shall include the provision of a minimum of 10 disabled parking spaces dedicated for the wheelchair units, shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details prior to first occupation and retained as such thereafter.

Reason: To ensure that adequate parking provision is retained and to comply with policies TR18 and TR19 of the Brighton & Hove Local Plan.

13) UNI

No development shall commence until, detailed drawings, including levels, sections and constructional details of the proposed access to be provided onto Pankhurst Avenue, have been submitted to and approved in writing by the Planning Authority, the development shall then be carried out in strict accordance with the approved details.

Reason: To ensure the access is constructed to an appropriate design and safe standard and to comply with policy TR7 of the Brighton & Hove Local Plan.

14) 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 and approved by 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 must be reviewed on an annual basis by undertaking a travel survey and updating the travel plan where appropriate.

Reason: To seek to reduce traffic generation by encouraging alternative means of transport to private motor vehicles in accordance with policies TR1 and TR4 of the Brighton & Hove Local Plan.

15) UNI

If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with.

Reason: In the interests of the protection of controlled waters as the site overlies a principal aquifer and to comply with policy SU3 of the Brighton & Hove Local Plan.

16) UNI

No development approved by this permission shall be commenced until a scheme for the provision of foul sewerage disposal and surface water drainage works has been submitted to and approved in writing by the Local Planning Authority. The drainage and sewerage works shall be completed in accordance with the details and timetable agreed.

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 policies SU3, SU4 and SU5 of the Brighton & Hove Local Plan.

17) UNI

No development shall commence until details of the LAP and LEAP to be provided on site have been submitted to and approved in writing by the Local Planning Authority, the details shall include maintenance details and measures to protect neighbouring amenity.

Reason: To ensure both are constructed and maintained to an acceptable standard and to accord with policies QD27 and HO6 and SPG9 'A guide for residential developers on the provision of recreational space.'

18) UNI

No development shall commence until details of the method of screening to west facing balconies in Block B at 1st, 2nd, 3rd floors and details of measures to preclude overlooking from the roof terrace have been submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details and thereafter 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.

19) UNI

No development shall take place until elevational details of the external refuse and recycling store adjacent to Block B hereby approved has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be carried out in full as approved and the remaining internal refuse/recycling stores brought into use prior to first occupation of the development and the 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.

20) 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. All retained trees shall be protected, ground measures placed where appropriate and any drainage in the vicinity of retained trees shall be laid in accordance with BS 5837 (2005) 'Trees in relation to construction'.

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.

21) UNI

No development shall commence until a Method Statement for the construction of the paving over the root plate T22 (Elm) hereby approve which shall accord with BS 5837 (2005) Trees in Relation to Construction has been submitted to and approved in writing by the Local Planning Authority. The scheme shall then be carried out in strict accordance with the approved details.

Reason: To 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.

22) UNI

All planting, seeding or turfing comprised in the approved scheme of landscaping including areas of green wall, 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.

23) 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, 28 replacement trees outlined in the submitted Arboricultural Report dated 12th April 2010, 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.

24) UNI

Prior to the commencement of development, a scheme for the provision of ecological mitigation and enhancement to the site including details of proposed green walling, together with maintenance plan shall be submitted to and approved by the Local Planning Authority. The scheme shall then be implemented in accordance with the approved details.

Reason: This is a large scale development and ecological and historic enhancements should be an intrinsic part of the plans in accordance with policies QD15, QD16, QD17, QD18 and HE11 of the Brighton & Hove Local Plan.

25) UNI

No development shall commence until, details of the cables, wires, aerials, pipework (except rainwater downpipes as shown on the approved plans), meter boxes or flues have been submitted to and approved in writing by the Local Planning. The development shall then be carried out in accordance with the approved details.

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.

26) UNI

The community use hereby permitted shall not be open to users except between the hours of 08:00 and 21:30 on Mondays to Fridays and 09:00 and 20:30 on Saturdays and between 10:00 and 19:00 on Sundays.

Reason: To safeguard the amenities of the locality and to comply with policies SU10, QD27 and HO19 of the Brighton & Hove Local Plan.

27) UNI

The community use shall only be used for D1 or D2 and for no other purpose (including any other purpose in Class D1 or D2 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 policies QD27, HO21 and HO25 of the Brighton & Hove Local Plan.

28) UNI

Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

- i) A preliminary risk assessment which has identified:
 - all previous uses
 - potential contaminants associated with those uses
 - a conceptual model of the site indicating sources, pathways and receptors
 - potentially unacceptable risks arising from contamination at the site.
- ii) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
- iii) The site investigation results and the detailed risk assessment (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
- iv) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express consent of the local planning authority. The scheme shall be implemented as approved.

Reason: In the interests of the protection of controlled waters as the site overlies a principal aquifer and to comply with policy SU3 of the Brighton & Hove Local Plan.

29) UNI

The windows servicing all bathrooms hereby approved 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 properties and to comply with policy QD27 of the Brighton & Hove Local Plan.

BH2010/01551

53 De Montfort Road Brighton

External alterations to rear incorporating replacement of window with french doors and Juliet balcony.

Applicant: Mrs Jinny Durant

Officer: Sonia Kanwar 292359

Approved on 16/08/10 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 railings shown on the approved plans shall be painted black and shall be retained as such.

Reason: In the interests of the character and appearance of the development and the visual amenities of the area and to comply with policy QD1 of the Brighton & Hove Local Plan.

BH2010/01722

66 Islingword Road Brighton

Erection of second floor extension over existing terrace to front elevation.

Applicant: Ms Sandra Wade

Officer: Helen Hobbs 293335

Refused on 24/08/10 DELEGATED

1) UNI

The proposed roof extension, by virtue of its design, siting and increase in bulk would result in an overly prominent and visually intrusive addition which would be unsympathetic to the design of the existing dwelling. As such the extension would have an adverse impact on the character and appearance of the existing dwelling and the surrounding area, particularly due to the prominent location, contrary to policies QD1, QD2 and QD14 of the Brighton & Hove Local Plan.

BH2010/01798

9A - 9F & 11A - 11C Pankhurst Avenue Brighton

Application for Approval of Details Reserved by Condition 7 of application BH2007/02823.

Applicant: Cross Construction

Officer: Liz Arnold 291709

Approved on 31/08/10 DELEGATED

BH2010/01815

62 Albion Hill Brighton

Variation of condition 1 of approved application BH2008/00356 to state that the garden area must be screened off and closed from 10:00pm until 10:00am Monday to Sunday. A maximum of 5 smokers will be permitted to use the concrete area directly outside the back door of the pub from 10:00pm until 12:30am Monday to Thursday, until 1:30am on Friday and Saturday and until 12:30am Sundays (retrospective).

Applicant: Mrs Lorraine Thomson

Officer: Liz Arnold 291709

Refused on 31/08/10 DELEGATED

1) UNI

Due to insufficient information being submitted, the applicant has failed to demonstrate that the variation of condition 1 of approved application BH2008/00356 would not have a detrimental impact upon the amenities of the neighbouring residential properties, contrary to policies SU9, SU10 and QD27 of the Brighton & Hove Local Plan.

BH2010/01920

13 Belgrave Street Brighton

Erection of two storey rear extension

Applicant: Ms Carol Cleveland

Officer: Anthony Foster 294495

Approved on 18/08/10 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.

BH2010/01961

30 Hampden Road Brighton

Certificate of lawfulness for a proposed erection of single storey rear extension, loft conversion to include rear facing dormer and 2no rooflights and provision of externally applied insulation and render.

Applicant: Mr & Mrs A Durham

Officer: Aidan Thatcher 292265

Refused on 18/08/10 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, where eaves is defined as the point where the roof meets the elevation wall below, and thereby fails to comply with Condition B.2 (b) of Class B of said Order.

2) UNI2

The proposal to increase the volume of the property to the front elevation with the overcladding is not permitted under Class A of the Town & Country Planning

(General Permitted Development) Order 1995, as amended.

BH2010/02074

141 Hartington Road Brighton

Certificate of Lawfulness for proposed single storey rear extension, roof extension incorporating rear dormer and removal of chimney stack.

Applicant: Ms Kereen Richards

Officer: Aidan Thatcher 292265

Approved on 26/08/10 DELEGATED

HOLLINGDEAN & STANMER

BH2009/03146

Home Farm Road Brighton

Removal of existing 12.5m mast containing 3 No. 2g and 3 No. 3g O2 Antennas and replacement with a 12.5m mast containing 3 No. combined 2g/3g Antennas for O2 and 3 No. combined 2g/3g Antennas for Vodafone with an additional equipment cabinet.

Applicant: Telefónica O2 Ltd

Officer: Chris Swain 292178

Approved on 24/08/10 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 mast will be painted light grey (RAL7035), as specified in an email from the applicant on 22 July 2010 and will be retained as such thereafter.

Reason: To ensure a satisfactory appearance to the development in the interests of the visual amenities of the area and to comply with policies QD23, QD24 and NC8 of the Brighton & Hove Local Plan.

3) UNI

The development hereby permitted shall be carried out in accordance with the approved drawing nos. C59704/PL/001-4 (inclusive), a waste minimisation statement, a design and access statement and a biodiversity checklist submitted on 24 February 2010 and a mobile phone coverage document, a supplementary information document, a ICNIRP declaration, and a document outlining health and safety research submitted on 23 December 2009.

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

4) UNI

When the equipment becomes obsolete and is no longer required for the purpose for which it is to be erected, within three months the equipment shall be permanently removed and the site reinstated to its former condition.

Reason: The development hereby permitted is not considered suitable as a permanent form of development and in the interests of the visual amenity of the area, setting of the Sussex Downs AONB and South Downs National Park and to accord with policies QD23, QD24 and NC8 of the Brighton and Hove Local Plan.

BH2010/01601

3 Barrow Hill Brighton

Demolition of existing house and garage and erection of 4no. two storey dwelling houses with dormers.

Applicant: Mr Ed Deedman

Officer: Kate Brocklebank 292175

Refused on 27/08/10 DELEGATED

1) UNI

The siting, orientation and staggered layout of the proposed development fails to reflect the prevailing character of the area and results in an overly prominent and dominant form of development in the street scene, causing harm to the character of the area. The dominance of the development is further exaggerated by the scale and height of the properties compared with the existing development and the prominent corner plot location. The proposal fails to enhance the positive qualities of the key neighbourhood principles of the area and does not respect the spacing characteristics of the neighbourhood and is overly dense. Consequently the proposal represents an over-development of the site resulting in 'town cramming' to the detriment of the character of the area. As such the scheme is unacceptable as the proposal fails to comply with policies QD1, QD2 and QD3 of the Brighton & Hove Local Plan.

2) UNI2

The proposal does not make adequate provision for private amenity space in this suburban locality, where neighboring properties predominantly benefit from generous rear gardens. As such the development fails to comply with policy HO5 of the Brighton & Hove Local Plan which requires amenity space to be appropriate to the scale and nature of the development.

3) UNI3

The applicant has failed to demonstrate that the development will accord to Lifetime Homes Standards contrary to policy HO13 of the Brighton & Hove Local Plan and Planning Advice Note 03 Accessible Housing and Lifetime Homes.

BH2010/01850

74 Wolseley Road Brighton

Certificate of Lawfulness for Proposed single storey rear extension to replace existing.

Applicant: Mr M Bishop

Officer: Helen Hobbs 293335

Approved on 18/08/10 DELEGATED

BH2010/01999

The Caravan Near Greycot Off Home Farm Road Brighton

Certificate of lawfulness for the existing use of the building as a dwelling house.

Applicant: Rosemary Moulton

Officer: Anthony Foster 294495

Approved on 27/08/10 DELEGATED

BH2010/02168

Arts A University Of Sussex Brighton

Installation of fascia plate to screen service duct work to southern end of Arts A Cafe.

Applicant: University of Sussex

Officer: Anthony Foster 294495

Approved on 26/08/10 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.

BH2010/02221

Engineering 1 University of Sussex North South Road Brighton

Non Material Amendment to BH2009/02412 for changes to the design and layout of the chillers and insertion of a dry cooler unit.

Applicant: University of Sussex

Officer: Liz Arnold 291709

Approved on 18/08/10 DELEGATED

MOULSECOOMB & BEVENDEAN

BH2010/01415

Church Of The Holy Nativity Norwich Drive Brighton

Erection of single storey extension to front and rear elevations and erection of two storey side extension

Applicant: Parochial Church Council Of The Ecclesiastical Parish of Moulsecoomb

Officer: Jonathan Puplett 292525

Approved on 12/08/10 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

Unless otherwise agreed in writing by the Local Planning Authority, the extensions hereby approved shall be used for community centre and ancillary community café uses and activities associated with the church use of the existing building, 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 the 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 the use of the premises in order to protect the amenities of the area in accordance with

policy QD27 in the Brighton & Hove Local Plan.

QUEEN'S PARK

BH2009/02976

6-8 St James's Street Brighton

Display of 2 No. non-illuminated Banner Signs on car park wall elevation. (Retrospective).

Applicant: WM Morrison Supermarkets PLC

Officer: Chris Swain 292178

Refused on 01/09/10 DELEGATED

1) UNI

The banner signs, by reason of their size, siting, design and materials are detrimental to the appearance and character of the site and the wider surrounding area within the East Cliff conservation area and as such are contrary to policies QD12 and HE9 of the Brighton & Hove Local Plan and the Supplementary Planning Document on Advertisements (SPD07).

BH2010/01446

1-3 The Colonnade Madeira Drive Brighton

Change of Use of No's 1 and 2 from Retail (A1) to Public House (A4) and Night Club (Sui Generis) as an extension to No 3. Installation of extract flue to front elevation.

Applicant: Mr J Papanicola

Officer: Liz Arnold 291709

Approved on 12/08/10 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

Amplified music or other entertainment noise from within the premises shall not be audible at any noise sensitive premises during hours of operation.

Reason: To safeguard the amenities of the locality against potential noise disturbance and to comply with policies SU9, SU10 and QD27 of the Brighton & Hove Local Plan.

3) UNI

Noise associated with plant and machinery (i.e. the proposed extraction system and flue) 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(A) 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 locality against potential noise disturbance and to comply with policies SU9, SU10 and QD27 of the Brighton & Hove Local Plan.

4) UNI

The uses hereby permitted at Nos. 1 and 2 The Colonnade shall not be open to customers between the hours of 03.00 to 10.00 on Mondays to Saturdays, 06.00 to 11.00 on Sundays and 03.00 to 11.00 on Bank or Public Holidays.

Reason: To safeguard the amenities of the locality and to comply with policies SU9, SU10 and QD27 of the Brighton & Hove Local Plan.

5) UNI

Prior to the commencement of the works hereby approved, a sample of the colour of the proposed extract grille shall be submitted to and approved in writing by the Local Planning Authority. The extract grille shall be painted fully in accordance with the approved details within 14 days of installation and retained as such thereafter.

Reason: As insufficient information has been submitted, to ensure the satisfactory preservation of this listed building and to comply with policy HE1 of the Brighton & Hove Local Plan.

BH2010/01527

10-13 St Georges Road Brighton

Display of non-illuminated fascia signs, internally illuminated window displays and ATM tablets (retrospective).

Applicant: Lloyds Banking Group

Officer: Helen Hobbs 293335

Approved on 20/08/10 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.

BH2010/01547

22 South Avenue Brighton

Alterations to windows and doors and erection of a timber screen, balcony and stairs to garden to rear elevation.

Applicant: Mrs Jane Cunningham

Officer: Jonathan Puplett 292525

Approved on 17/08/10 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 raised patio hereby approved shall not be more than 1 metre above the existing garden level.

Reason: For the avoidance of doubt in accordance with drawing no. D04 submitted on the 30th of July 2010, to safeguard the amenities of the occupiers of nearby properties and to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.

BH2010/01561

19 Prince's Street Brighton

Conversion of existing dwelling into 4no flats. Addition of bay window to rear basement and lightwell at pavement level and alterations to ground floor front bay window.

Applicant: Harket Property LLP

Officer: Anthony Foster 294495

Approved on 20/08/10 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) BH02.07

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) 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.

4) 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.

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) BH13.02

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

7) BH13.03

All new windows shall be painted softwood, double hung vertical sliding sashes with joinery details to match originals, where existing, and shall be retained as such.

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

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) BH13.13

All existing doors are to be retained, except where indicated on the drawings hereby approved. Any new doors shall be of timber construction with recessed panels and be of a specified size and design as agreed in writing by the Local Planning Authority prior to commencement of work. Any fireproofing to doors should be an integral part of the door construction, and self closing mechanisms, if required, shall be of the concealed mortice type.

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

10) BH13.14

The smoke detectors, fire alarm call points, fire alarms, emergency lighting fittings and control boxes shall be located in unobtrusive positions in the corners of rooms and their electrical cabling systems shall not be surface mounted but concealed within the floors, ceilings and walls, except where otherwise approved, and the walls, floors and ceilings made good to the satisfaction of the Local Planning Authority.

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

11) UNI

Notwithstanding the approved plans, no works shall take place until full details of the proposed lightwell including 1:20 scale sample elevations and sections, and 1:1 scale profiles of the window 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 listed building and to comply with policy HE1 of the Brighton & Hove Local Plan.

12) UNI

The development hereby permitted shall be carried out in accordance with the approved Design and Access Statement, Heritage Statement, and drawing no. 917/09/P/03 submitted on 25/05/10, approved drawing no. 917/09/P/02A submitted on 25/06/10, and drawing no. 917/09/P/01C submitted on 19/08/10.

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

BH2010/01562

19 Prince's Street Brighton

Conversion of existing dwelling into 4no flats with internal alterations to layout. Addition of bay window to rear basement and lightwell at pavement level and alterations to ground floor front bay window.

Applicant: Harket Property LLP

Officer: Anthony Foster 294495

Approved on 20/08/10 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) BH13.02

The external finishes of the works hereby permitted shall match in material, colour, style, bonding and texture those 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) BH13.03

All new windows shall be painted softwood, double hung vertical sliding sashes with joinery details to match originals, where existing, and shall be retained as such.

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

4) 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.

5) BH13.13

All existing doors are to be retained, except where indicated on the drawings hereby approved. Any new doors shall be of timber construction with recessed panels and be of a specified size and design as agreed in writing by the Local Planning Authority prior to commencement of work. Any fireproofing to doors should be an integral part of the door construction, and self closing mechanisms, if required, shall be of the concealed mortice type.

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

6) BH13.14

The smoke detectors, fire alarm call points, fire alarms, emergency lighting fittings and control boxes shall be located in unobtrusive positions in the corners of rooms and their electrical cabling systems shall not be surface mounted but concealed within the floors, ceilings and walls, except where otherwise approved, and the walls, floors and ceilings made good to the satisfaction of the Local Planning Authority.

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

7) UNI

Notwithstanding the approved plans, no works shall take place until full details of the proposed lightwell including 1:20 scale sample elevations and sections, and 1:1 scale profiles of the window 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 listed building and to comply with policy HE1 of the Brighton & Hove Local Plan.

8) UNI

The development hereby permitted shall be carried out in accordance with the approved Design and Access Statement, Heritage Statement, and drawing no. 917/09/P/03 submitted on 25/05/10, approved drawing no. 917/09/P/02A submitted on 25/06/10, and drawing no. 917/09/P/01C submitted on 19/08/10.

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

BH2010/01741

3 Upper Rock Gardens Brighton

Internal alterations on ground floor and basement level.

Applicant: 4 Seasons Hotel

Officer: Liz Arnold 291709

Approved on 25/08/10 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

Notwithstanding the annotations on drawing no. (0-)04D submitted on the 24/08/2010, the existing fireplace, including the cast iron grate and surround and any hearth/hearth tiles, located within the existing ground floor kitchen area shall be retained and protected during construction work and thereafter.

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

3) UNI

No works shall take place until full details of the proposed partitions including 1:20 scale sample elevations and 1:1 scale profiles of the skirting, cornice and architraves 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 listed building and to comply with policy HE1 of the Brighton & Hove Local Plan.

BH2010/01788

55 George Street Brighton

Installation of pavement level metal grille. (Retrospective)

Applicant: Mr Giles Wigoder

Officer: Sonia Kanwar 292359

Approved - no conditions on 20/08/10 DELEGATED

BH2010/01944

Olivier House 18 Marine Parade Brighton

Change of Use from Offices (B1) to non residential Education/training centre (D1)

Applicant: Warner Estate Holdings Ltd

Officer: Liz Arnold 291709

Approved on 20/08/10 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) 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.

3) UNI

The non residential educational/training D1 use class facility hereby approved shall not be occupied until disabled car parking facilities have been implemented in accordance with details which have been submitted to and approved in writing by the Local Planning Authority. The approved areas shall thereafter be retained for such use and shall not be used other than for the parking of motor vehicles.

Reason: To ensure that adequate disabled car parking provision is provided and to comply with policies TR1, TR18 and TR19 of the Brighton & Hove Local Plan and Supplementary Planning Guidance Note 4 on Parking Standards.

4) UNI

Prior to the commencement of the non residential education/training D1 use class facility hereby permitted, a site management plan shall be submitted to and approved in writing by the Local Planning Authority. The management plan should include details for dealing with the arrival and departure of users of the facility, activities within common areas, smoking areas, sound limiters for any audio equipment and general measures to ensure that the amenity of the neighbouring occupiers is not compromised. The works shall be implemented in strict accordance with the agreed details and maintained as such thereafter.

Reason: To safeguard the amenities of the locality and to comply with policies

SU9, SU10 and QD27 of the Brighton & Hove Local Plan.

5) UNI

The development hereby permitted shall be carried out in accordance with drawing no. 01, the statement from Andrew Halfacree of Fludes Commercial Property Advisers, the Waste Minimisation Statement, the Biodiversity Checklist and the Heritage Statement submitted on 24 June 2010, the Desk Top Transport Statement submitted on 25 June 2010 and emails from Paul Burgess submitted on 5 and 20 August 2010.

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

6) UNI

The proposed D1 premises shall be used for non-residential education/training purposes only and for no other purpose including any other purpose in Class D1 of the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to the Class in any statutory instrument revoking and re-enacting that Order with or without modification.

Reason: As other uses within the D1 use class could generate significant additional traffic movements, given the limited availability of on site car parking and given the limited information supplied by the applicant with regard to the transport and parking implications of the proposal and in accordance with policies TR1 and TR19 of the Brighton & Hove Local Plan and the Council's adopted Supplementary Planning Guidance Note 4 on Parking Standards.

BH2010/01983

9 West Drive Brighton

Erection of single storey side extension and installation of door to rear.

Applicant: Mr C Mair

Officer: Sonia Kanwar 292359

Approved on 27/08/10 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 development hereby permitted shall be carried out in accordance with the approved drawings nos. 2948/A/100, A/200, A/300, A/PA2/200, A/PA2/300 and A/PA2/400 and the Design and Access Statement received on 29 June 2010.

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

BH2010/02403

Black Horse 16-17 Montague Place Brighton

Non Material Amendments to BH2010/01109 for changes to doors/windows to first floor rear elevation. Removal of door and blocking up of opening, removal of window, removal of apron below and installation pair French doors to No.17.

Applicant: First Call Property Ltd

Officer: Kate Brocklebank 292175

Approved on 27/08/10 DELEGATED

ROTTINGDEAN COASTAL

BH2009/01058

Land adjacent to 10 Ainsworth Avenue Brighton

Erection of new family dwelling.

Applicant: Mrs Elaine Tyler

Officer: Ray Hill 293990

Approved on 12/08/10 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) BH02.07

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.

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 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.

6) 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.

7) 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.

8) BH05.08

No development shall take place until a written Waste Minimisation Statement, confirming how demolition and construction waste will be recovered and reused on site or at other sites, has been submitted to and approved in writing by the Local Planning Authority. The measures shall be implemented in strict accordance with the approved details.

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.

9) 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.

10) 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.

11) 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.

12) 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.

13) 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.

14) 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.

15) UNI

The dormer windows to the family bathroom and en-suite bathroom at first floor level in the south-western elevation of the building shall not be glazed otherwise than with obscured glass and top hung 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.

BH2010/00977

6 Challoners Close Rottingdean Brighton

Alterations to existing ground floor and extension at first floor level to form a two storey four bedroom house.

Applicant: Mr L D Frewin

Officer: Chris Swain 292178

Approved on 13/08/10 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) 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.

BH2010/01574

25 Oaklands Avenue Saltdean Brighton

Demolition of existing garage and erection of 1no 2 bedroom bungalow (part retrospective).

Applicant: Mrs Jan Trafford

Officer: Aidan Thatcher 292265

Refused on 18/08/10 DELEGATED

1) UNI

The proposed development, by virtue of the subdivision of the plot would result in a cramped form of development which would be out of character with the surrounding area and as such would be contrary to policies QD1 and QD2 of the Brighton & Hove Local Plan.

2) UNI2

The proposed development would result in inadequate levels of private amenity space for the occupiers of the host and proposed dwellings and as such would be contrary to policies QD27 and HO5 of the Brighton & Hove Local Plan.

3) UNI3

The proposed development would result in an unacceptable degree of overlooking and loss of light to neighbouring properties and create an overbearing impact to the host property and as such would be contrary to policy QD27 of the Brighton & Hove Local Plan.

BH2010/01676

27 Falmer Road Rottingdean Brighton

Application for Approval of Details Reserved by Condition 5 of application BH2008/00441.

Applicant: Mr Stephen Calaghan

Officer: Kate Brocklebank 292175

Approved on 18/08/10 DELEGATED

BH2010/01691

15 Grand Crescent Rottingdean Brighton

Certificate of Lawfulness for the proposed erection of a single storey rear extension.

Applicant: Mr Derek Davies

Officer: Louise Kent 292198

Approved on 18/08/10 DELEGATED

BH2010/01861

22 Roedean Crescent Brighton

Erection of single storey rear extension, creation of lower ground floor room with terrace above, new garage to the front, insertion of rooflights and associated works.

Applicant: Ms Julie Thom

Officer: Aidan Thatcher 292265

Approved on 27/08/10 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) BH02.05

The side facing (east and west) windows at ground, first and second (attic) floor levels shall not be glazed otherwise than with obscured glass and thereafter permanently retained as such.

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

4) 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.

5) 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.

6) UNI

No development shall take place until a written scheme of archaeological investigation, including a timetable for the investigation, has been submitted and approved by the local planning authority. The works shall be undertaken in strict accordance with the approved details.

Reason: To enable the recording of any items of historical or archaeological interest and the development is likely to disturb remains of archaeological interest and to comply with policy HE12 of the Brighton & Hove Local Plan.

7) UNI

No development shall commence until a scheme detailing how overlooking will be prevented from the western side of the proposed first floor balcony have been submitted to and approved in writing by the local planning authority.

Reason: To ensure the scheme does not unduly impact on overlooking to neighbouring properties and to comply with policy QD27 of the Brighton & Hove Local Plan.

BH2010/01881

3 Lewes Crescent Brighton

Removal of rear fire escape ladder and installation of fire alarm system.

Applicant: 3 Lewes Crescent (Brighton) Ltd

Officer: Chris Swain 292178

Approved on 16/08/10 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) BH13.14

The smoke detectors, fire alarm call points, fire alarms, emergency lighting fittings and control boxes shall be located in unobtrusive positions in the corners of rooms and their electrical cabling systems shall not be surface mounted but concealed within the floors, ceilings and walls, except where otherwise approved, and the walls, floors and ceilings made good to the satisfaction of the Local Planning Authority.

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

3) BH13.16

No works shall take place until the extent of removal of original fabric has been agreed in writing by the Local Planning Authority. The [***] to be removed/demolished must be fully recorded by scaled drawing and photographs and these records passed to the Local Planning Authority prior to removal/demolition of the item.

Reason: In order to provide a reasonable opportunity to record the history of the listed building and to comply with policy HE2 of the Brighton & Hove Local Plan.

4) UNI

No works shall take place until full details of the proposed obscure glazed screen on the second floor, including 1:20 scale sample elevations and 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 the satisfactory preservation of this listed building and to comply with policy HE1 of the Brighton &

Hove Local Plan.

5) UNI

Following the removal of the fire escape the external finish to the building shall be made good to match exactly the existing rear elevation and 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.

BH2010/01922

66 Longhill Road Brighton

Installation of dormer to front roof slope.

Applicant: Mr H Moore

Officer: Chris Swain 292178

Refused on 16/08/10 DELEGATED

1) UNI

The proposal, by reason of its scale, proportions, positioning and design would fail to relate to the existing front roof alterations on the adjoining property, No.64 Longhill Road, detracting from the appearance and character of the property, the pair of semi-detached properties and the Longhill Road street scene, contrary to policies QD1, QD2 and QD14 of the Brighton and Hove Local Plan and the Supplementary Planning Guidance on Roof Alterations and Extensions.

BH2010/01939

17 Tudor Close Dean Court Road Rottingdean Brighton

Installation of Satellite Dish to flat roof.

Applicant: Mr Robin Adams

Officer: Chris Swain 292178

Approved on 17/08/10 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 proposed, external, wall mounted cabinet shall be painted cream to match the existing background elevation 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.

3) UNI

All existing, redundant surface mounted cabling and aerials shall be removed and all new and replacement cabling shall be hidden or located discreetly, and matched to the colour of the existing background.

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

BH2010/01951

15 Bevendean Avenue Brighton

Conversion of existing garage into habitable living room incorporating the replacement of garage door with a window and removal of side windows.

Applicant: Mr D Selway

Officer: Chris Swain 292178

Approved on 20/08/10 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.

4) UNI

The development hereby permitted shall be carried out in accordance with the approved drawings nos. 097-06950-01-5 (inclusive), a site plan, a location plan and a photograph submitted on 25 June 2010 and an email from the applicant submitted on 20 August 2010.

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

BH2010/02046

44 Arundel Drive East Saltdean Brighton

Provision of 1No. dormer to front elevation with balcony and 2 No. dormers to rear elevation.

Applicant: Mrs Jenny Campbell

Officer: Helen Hobbs 293335

Refused on 31/08/10 DELEGATED

1) UNI

The proposed dormers, by reason of their size, design and siting would result in a bulky and complicated roof structure, that relates poorly to the existing building and forms an incongruous and over dominant element within the street scene. As such the proposal is contrary to policies QD1, QD2 and QD14 of the Brighton & Hove Local Plan and the Supplementary Planning Guidance on Roof Alterations and Extensions.

2) UNI2

The proposed rear dormer windows will provide elevated views to nos. 61 and 63 Chichester Drive East which will have an adverse impact upon the neighbouring properties amenities with regards to loss of privacy and overlooking, contrary to policies QD14 and QD27 of the Brighton & Hove Local Plan.

BH2010/02073

16 Linchmere Avenue Brighton

Erection of 2 storey rear extension.

Applicant: Dr Rajeev Gadiyar

Officer: Liz Arnold 291709

Refused on 27/08/10 DELEGATED

1) UNI

The proposed dormer windows, by virtue of their size, massing and design, which include large areas of cladding, are considered to be overly bulky, oversized, poorly designed and poorly related to the property. The dormers in conjunction with the existing main hipped roof, the subordinate front projecting gable end roof of the property and the rear gable end roof extension results in a complicated and

bulky roof configuration to the property, with varying roof pitches. The proposal is considered to adversely affect the appearance and character of the host building and the Linchmere Avenue street scene. The development is therefore contrary to policies QD1, QD2 and QD14 of the Brighton & Hove Local Plan and Supplementary Planning Guidance on Roof Alterations and Extensions (SPGBH1).

2) UNI2

The proposed dormer windows will provide elevated views to nos. 14 and 18 Linchmere Avenue which will have an adverse impact upon the neighbouring properties amenities with regards to loss of privacy and overlooking, contrary to policies QD14 and QD27 of the Brighton & Hove Local Plan.

BH2010/02087

11 Westmeston Avenue Brighton

Installation of fence and 3 gates to front boundary with formation of permeable hardstanding and new crossover.

Applicant: Mrs Helen Brumsen

Officer: Sonia Kanwar 292359

Refused on 01/09/10 DELEGATED

1) UNI

The development, by virtue of its size, height, siting and design forms an incongruous and unsympathetic feature which is a highly prominent and would appear out of keeping with the prevailing character and appearance of the street scene. The approval of the wall would set an undesirable precedent for development of similar structures within the Westmeston Avenue street scene. The development is therefore contrary to policies QD1, QD2 and QD14 of the Brighton & Hove Local Plan.

BH2010/02146

Tythe House Greenways Ovingdean Brighton

Application for Approval of Details Reserved by Conditions 2 and 3 of application BH2010/00834.

Applicant: Mr Willing

Officer: Sonia Kanwar 292359

Approved on 01/09/10 DELEGATED

BH2010/02235

Tythe House Greenways Brighton

Application for Approval of Details Reserved by Conditions 2 and 3 of application BH2010/00603.

Applicant: Mr Willing

Officer: Sonia Kanwar 292359

Approved on 01/09/10 DELEGATED

BH2010/02236

3 Cranleigh Avenue Rottingdean Brighton

Non Material Amendment to BH2008/02534 to extend south facing window by approximately 53cm.

Applicant: Mr Mark Spittlehouse

Officer: Helen Hobbs 293335

Approved on 18/08/10 DELEGATED

BH2010/02291

9 Stanmer Avenue Brighton

Erection of single storey front infill extension and single storey side extension and alterations to front garden to provide disabled access from driveway.

Applicant: Mr Warren Hoad

Officer: Helen Hobbs 293335

Approved on 26/08/10 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.

WOODINGDEAN

BH2007/03094

26 Falmer Gardens Woodingdean Brighton

Loft conversion including hip to gable side roof extensions and rear dormer.

Applicant: Mr Lee Morgan

Officer: Louise Kent 292198

Finally Disposed of on 18/08/10 DELEGATED

BH2010/01285

Land at and rear of 3 The Ridgway Woodingdean

Non Material Amendment to BH2008/02436 to change approved individual refuse and recycling storage for houses 3,4,5,6 and 7 to communal storage area. Houses 1 and 2 to remain with individual storage as approved.

Applicant: Bailey Brothers Ltd

Officer: Aidan Thatcher 292265

Approved on 12/08/10 DELEGATED

1) UNI

The proposed revisions; namely the communal refuse and recycling store to units 3-7 and individual storage to units 1 and 2, to the scheme approved under application BH2008/02436 are not considered so significant that they warrant the submission of a further application for planning permission.

BH2010/01454

Woodingdean Business Park Bexhill Road Adjacent to Falmer Road Woodingdean Brighton

Erection of industrial and storage buildings with associated offices and a wind turbine together with provision for access, servicing, parking and landscaping.

Applicant: St Modwen Developments

Officer: Aidan Thatcher 292265

Approved on 23/08/10 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) 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.

5) 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.

6) BH07.03

No development shall commence 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.

7) BH07.04

No development shall commence 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 policies SU10 and QD27 of the Brighton & Hove Local Plan

8) BH07.05

No open storage shall take place within the curtilage of the site without the prior written approval of the Local Planning Authority.

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

9) BH07.06

No industrial activity of any kind, except loading and unloading, shall take place outside the proposed building within the curtilage of the site without the prior written approval of the Local Planning Authority.

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

10) 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.

11) BH07.10

No panel beating or paint spraying shall be carried on at the premises at any time.

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

12) 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.

13) 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.

14) 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.

15) 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.

16) BH15.01

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

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

17) BH15.02

No material shall be deposited at the site other than clean, uncontaminated naturally occurring excavated material, brick and concrete rubble.

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

18) BH15.04A

No development approved by this permission shall be commenced until the method of piling foundations for the development shall be carried out in accordance with a scheme submitted to and approved in writing by the Local Planning Authority prior to any development commencing. The development shall be carried out in strict 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.

19) BH15.05

Clean, uncontaminated rock, subsoil, brick rubble, crushed concrete and ceramic only shall be permitted as infill material.

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

20) 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.

21) BH15.07

Any facilities above ground for the storage of oils, fuels or chemicals shall be sited on an impervious base and surrounded by impervious walls. The volume of the bunded compound shall be at least equivalent to the capacity of the tank plus 10%. All filling points, vents, gauges and sight glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipe work must be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets must be detailed to discharge into the bund. All works and facilities as referred to above shall be constructed and completed in accordance with plans submitted to and approved in writing by the Local Planning Authority.

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

22) UNI

The openings to the B1(c), B2 and B8 parts of the development hereby approved must be kept shut when not in use.

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

23) UNI

The use of the premises shall not be open to customers except between the hours of 07:00 to 19:00 on Mondays to Fridays and 08:00 to 13:00 on Saturdays and not at anytime on Sundays, Bank or Public Holidays.

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

24) UNI

Notwithstanding the details shown on the approved drawings (specifically drawing no. 103 D), there shall be no bollards located on the outside corners of the vehicle parking bays and provision shall be made for a dropped kerb at the pedestrian entrance to the site.

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

25) UNI

The car and motorcycle parking spaces and loading areas shall be permanently marked out as shown on the approved plans prior to the first occupation of any of the units hereby approved, including the designation of disabled spaces, and shall thereafter be retained and used for such purposes only.

Reason: To ensure adequate parking provision and the effective provision for the needs of those with mobility impairment, and to comply with policies TR1, TR18 and TR19 of the Brighton & Hove Local Plan.

26) UNI

Unless otherwise agreed in writing by the Local Planning Authority, none of the non-residential development hereby approved shall be occupied until a BREEAM Design Stage Certificate and a Building Research Establishment issued Post Construction Review Certificate confirming that the non-residential development built has achieved a BREEAM rating of 50% in energy and 60% in water sections of relevant BREEAM assessment within overall 'Very Good' has been submitted to, and approved in writing by, the Local Planning Authority.

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

27) 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 50% in energy and 60% in water sections of relevant BREEAM assessment within overall 'Very Good' 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 50% in energy and 60% in water sections of relevant BREEAM assessment within overall 'Very Good' for all non-residential development have 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.

28) UNI

No development shall commence until full details of a scheme to improve the biodiversity of the site have been submitted to and approved in writing by the Local Planning Authority. The works shall be implemented in strict accordance with the approved scheme prior to the occupation of the buildings and thereafter retained as such.

Reason: To ensure the scheme achieves an acceptable level of biodiversity and to comply with policy QD17 of the Brighton & Hove Local Plan.

29) UNI

No development shall commence until confirmation has been submitted to and approved in writing by the Local Planning Authority that the scheme has been registered with the Considerate Constructors Scheme.

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

30) UNI

The development hereby approved shall not be occupied until the wind turbine and windcatcher/passive ventilation system have been installed within the development.

Reason: To ensure the scheme has an acceptable level of sustainability and to comply with policy SU2 of the Brighton & Hove Local Plan and Supplementary Planning Document 08: Sustainable Building Design.

31) UNI

No development shall commence until full details including feasibility study, of the proposed wind turbine and windcatcher/passive ventilation system has been submitted and approved in writing by the Local Planning Authority. The scheme shall be implemented in strict accordance with the approved details.

Reason: To ensure adequate protection of the amenities of the adjoining occupiers, a sufficient level of sustainability and to comply with policies QD27, SU10 and SU2 of the Brighton & Hove Local Plan.

32) UNI

Prior to first occupation of the site, a Travel Plan shall be submitted to, and be approved in writing by, the Local Planning Authority. The Travel Plan shall include a package of measures aimed at promoting sustainable travel choices and reducing reliance on the car and shall be implemented within a time frame which shall have been agreed with the Local Planning Authority. The travel plan shall be subject to annual review, and this review shall be submitted to, and approved in writing by, the Local Planning Authority at annual intervals. The travel plan shall make reference to the travel plans produced for the earlier phases of development. Should the travel plan reviews indicate a need for additional wheelchair user parking to be provided on the site, this shall be implemented through the conversion of existing spaces, in agreement with the Local Planning Authority.

Reason: In order to promote sustainable choices and to reduce reliance on the private car to comply with policies TR1 and TR4 of the Brighton & Hove Local Plan.

33) UNI

Unless otherwise agreed in writing by the Local Planning Authority, a scheme detailing how public art can be incorporated into the site shall be submitted to and approved in writing by the Local Planning Authority. The works shall then be implemented in strict accordance with the approved details and retained as such.

Reason: In order to provide adequate public art provision proportional to the works taking place and to comply with Policy QD6 of the Brighton & Hove Local

Plan.

34) 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 groundwater.

Reason: This site lies on the chalk a principal aquifer a valuable groundwater resource and it must be ensured that all works carried out in relation to this planning application are carried out with the up most care to ensure the protection of groundwater and to safeguard the health of future occupiers of the site and to comply with policy SU11 of the Brighton & Hove Local Plan.

35) UNI

If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, a method statement to identify, risk assess and address the unidentified contaminants.

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

36) UNI

The Class B8 buildings (Blocks 3 and 4) hereby approved, may only be used for such use in connection with the main occupier of the site, as ancillary accommodation to B1(c) and B2 uses.

Reason: The Local Planning Authority would wish to retain control over any subsequent change of use of these premises in the interests of protecting the Identified Employment Sites and to safeguard the amenities of the area and to comply with policies EM1 and QD27 of the Brighton & Hove Local Plan.

37) UNI

The premises shall only be used for B1(c), B2 and B8 uses and for no other purpose (including any other purposes in Class B1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification) except ancillary facilities.

Reason: The Local Planning Authority would wish to retain control over any subsequent change of use of these premises in the interests of protecting the Identified employment sites and to safeguard the amenities of the area and to comply with policies EM1 and QD27 of the Brighton & Hove Local Plan.

38) UNI

Unless otherwise agreed in writing by the Local Planning Authority, the bottling plant hereby approved (Block 2) shall only use plastic bottles.

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

39) UNI

No deliveries nor any loading or unloading of vehicles shall take place on the site except between the hours of 07.00 - 19.00 on Monday to Friday, 08.00 - 13.00 on Saturdays and not at any time on Sundays, Bank or Public Holidays.

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

40) UNI

The combined rating noise level of all plant and equipment associated with the proposed development, shall be 5dB below the typical background noise level when assessed in accordance with BS4142:1997 "Method for Rating industrial noise affecting mixed residential and industrial areas" or LAeq,T 35dB whichever is higher. Noise levels shall be assessed at 3.5m from the window of a habitable

room in the façade of any neighbouring residential property over a time period (T) of 1-hour during the day and 5 minutes at night.

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

41) UNI

The free-field noise level from the installation must not exceed L90, 10min 35dB(A) up to wind speeds of 10m/s measured at 10m above ground level at the turbine. The noise limits apply at 3.5m from the window of a habitable room in the façade of any neighbouring residential property. The measured noise level from the wind turbine should be corrected for the effects of background noise to give a free-field noise level which is not influenced by other noise sources in the vicinity. The above noise limit includes the noise effects of blade modulation but a penalty for tonal noise based on ETSU-R-97 Figure 16 should be added to the measured level if an audible tone is identified in accordance with the Joint Nordic Method described in ETSU-R-97.

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

BH2010/01634

Rudyard Kipling Primary School Chalkland Rise Brighton

Replacement of existing windows with UPVC double glazed casement windows and replacement of existing doors with aluminium framed double glazed doors to ground floor of north-west elevation.

Applicant: Brighton & Hove City Council

Officer: Helen Hobbs 293335

Approved on 23/08/10 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.

BH2010/01718

7 Hillview Road Brighton

Erection of single storey rear extension to replace existing.

Applicant: Mr Preyas Patel

Officer: Sonia Kanwar 292359

Approved on 01/09/10 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 development hereby permitted shall be carried out in accordance with the approved drawings nos. 001, 002, and 003 received on 12th July 2010.

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

BH2010/02110

91 Balsdean Road Brighton

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

Applicant: Mr Murray Tarvis

Officer: Louise Kent 292198

Approved on 01/09/10 DELEGATED

BRUNSWICK AND ADELAIDE

BH2010/00045

17-19 Holland Mews Hove

Construction of a terrace of 3 no. three storey, two bedroom houses, with garages and bicycle stores.

Applicant: Holland Mews (Hove) Development Ltd

Officer: Jason Hawkes 292153

Refused on 18/08/10 DELEGATED

1) UNI

The proposal would, by virtue of its height, bulk, site coverage extending in close proximity to the site's boundaries and massing, result in an unneighbourly development, considered detrimental to the amenities enjoyed by the neighbouring occupiers of 16 & 20 Holland Mews by way of its overbearing presence and impact on side windows. The applicants have also failed to demonstrate that the development will not have a detrimental effect on the rear of properties in Holland Road in term of loss of privacy, light and overbearing impact. The proposal is therefore contrary to policy QD27 of the Brighton & Hove Local Plan.

BH2010/01507

10 Adelaide Crescent Hove

Application for Approval of Details Reserved by Condition 3 of application BH2010/00447.

Applicant: 3j's Surveyors & Valuers

Officer: Mark Thomas 292336

Approved on 18/08/10 DELEGATED

BH2010/01672

Opposite 2 St Johns Road

Application for Approval of Details Reserved by Conditions 2, 3, 5, 7, 11, 12 and 13 of application BH2009/01454.

Applicant: Miss Lydia Kitchin

Officer: Guy Everest 293334

Split Decision on 27/08/10 DELEGATED

1) UNI

In order to discharge condition 5 evidence that the building has been registered with the BRE, a Design Stage Report and Interim Certificate are required. This information has not been submitted and the condition states a pre-assessment indicator will not be acceptable.

BH2010/01673

Brighton & Hove Progressive Synagogue 6 Lansdowne Rd Hove

Installation of a new entrance door with canopy and new accessible entrance ramp, reduction of width of existing main entrance door and the installation of 2 No. New windows all at front North facing elevation.

Applicant: Brighton & Hove Progressive Synagogue

Officer: Christopher Wright 292097

Approved on 20/08/10 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.

BH2010/01787

32 Cambridge Road Hove

Erection of rear conservatory.

Applicant: Ms Lloyd

Officer: Christopher Wright 292097

Refused on 27/08/10 DELEGATED

1) UNI

The proposed development would, by reason of the proposed materials, the siting and form, detract from the historic footprint and character of the building and have a detrimental impact on its setting and appearance. The proposal is therefore contrary to policies QD1, QD2, QD14 and HE6 of the Brighton & Hove Local Plan.

BH2010/01949

Flat 5 32 Adelaide Crescent Hove

Internal alterations to layout of flat and associated external drainage.

Applicant: Dr Maurice Shipsey

Officer: Paul Earp 292193

Approved on 31/08/10 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 pipework hereby approved shall be painted to match the wall behind within 1 month of installation and thereafter maintained as such.

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

BH2010/01995

Flat 7 34 Adelaide Crescent Hove

Internal alterations to layout of flat.

Applicant: Mr Marc Warren

Officer: Charlotte Hughes 292321

Approved on 23/08/10 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) BH13.12

This approval is limited to the works shown on the approved drawings and does not indicate approval for associated or enabling works that may be necessary to carry out the scheme. Any further works must be submitted to and approved in writing by the Local Planning Authority prior to any works commencing.

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

3) UNI

Upon the carrying out of the work for which Listed Building Consent is hereby granted any damage caused to the fabric of the building shall be made good with finishes and materials to match the existing.

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

BH2010/02126

40 Brunswick Terrace Hove

Change of roof covering and associated works.

Applicant: Regency Lawn Co Ltd

Officer: Charlotte Hughes 292321

Approved on 01/09/10 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.

BH2010/02195

45 Brunswick Square Hove

Change of covering of main flat roof with lead sheet.

Applicant: 45 Brunswick Square Ltd

Officer: Steven Lewis 290480

Approved on 27/08/10 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.

BH2010/02229

22 Brunswick Terrace Hove

Application for Approval of Details Reserved by Condition 3 of application BH2010/01251.

Applicant: Mr Nicholas Madders

Officer: Jason Hawkes 292153

Approved on 18/08/10 DELEGATED

BH2010/02230

22 Brunswick Terrace Hove

Application for Approval of Details Reserved by Condition 5 of application BH2010/01252.

Applicant: Mr Nicholas Madders

Officer: Jason Hawkes 292153

Approved on 18/08/10 DELEGATED

BH2010/02715

29A Waterloo Street Hove

Application for Approval of Details Reserved by Conditions 1, 2 and 3 of application BH2010/01146.

Applicant: Miss Jo-Anne Attwood

Officer: Mark Thomas 292336

Approved on 26/08/10 DELEGATED

CENTRAL HOVE

BH2010/01049

1 Hova Court 54 - 56 Hova Villas Hove

Replacement of existing single glazed wooden sash windows with double glazed wooden sash windows to front elevation and double glazed uPVC windows to side and rear elevations.

Applicant: Mr Sam Emery

Officer: Wayne Nee 292132

Approved on 23/08/10 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 front elevation windows hereby permitted shall match exactly the glazing pattern of the original existing windows of the property.

Reason: For the avoidance of doubt and in the interests of the visual amenities of the Cliftonville Conservation Area, and to comply with policies QD1, QD14, and HE6 of the Brighton & Hove Local Plan.

BH2010/01324

21B Hova Villas Hove

Erection of single storey extension to side

Applicant: Miss Danielle Fletcher

Officer: Jason Hawkes 292153

Approved on 12/08/10 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) UNI

The external finish of the development hereby permitted shall match the colour, style and texture of the rendered finish of the existing building.

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

4) UNI

The doors of the extension shall be timber and painted black and thereafter retained as such.

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

BH2010/01385

Langfords Hotel 8-16 Third Avenue Hove

Erection of new lift tower and link corridor to replace existing extension of basement, three storey rear extension and external alterations.

Applicant: Pegasus Hotels

Officer: Guy Everest 293334

Approved on 20/08/10 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) 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.

4) UNI

No works shall commence until full details of the glazed link extension have been submitted to and approved in writing by the Local Planning Authority. The details shall include samples of the glazing and full elevations and sections at 1:20 scale. The works shall be implemented in strict accordance with the agreed details and be maintained as such thereafter.

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

5) UNI

No works shall commence until full details of the front boundary treatment in the form of 1:20 scale elevations and sections 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 be maintained as such thereafter.

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

6) UNI

No works shall take place until full details, including 1:20 scale sample elevations and cross sections, of the new front entrance door to no. 14 Third Avenue 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 be

maintained as such thereafter.

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

7) UNI

No works shall take place until full details of the replacement canopy structure to no. 12 Third Avenue have been submitted to and approved in writing by the Local Planning Authority. The details shall include a sample of the copper material and sections and elevations at a 1:20 scale. The works shall be implemented in strict accordance with the agreed details and be maintained as such thereafter.

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

BH2010/01386

Langfords Hotel 8 - 16 Third Avenue Hove

Demolition of lift tower and link corridor.

Applicant: Pegasus Hotels

Officer: Guy Everest 293334

Approved on 23/08/10 DELEGATED

1) BH01.04

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) BH12.08

The works of demolition hereby permitted shall not be begun until documentary evidence is produced to the Local Planning Authority to show that contracts have been entered into by the developer to ensure that building work on the site the subject of this consent is commenced within a period of 6 months following commencement of demolition in accordance with a scheme for which planning permission has been granted.

Reason: To prevent premature demolition in the interests of the character and appearance of the Conservation Area and to comply with policy HE8 of the Brighton & Hove Local Plan.

BH2010/01543

74-78 Church Road Hove

Display of internally illuminated window displays (part retrospective)

Applicant: Lloyds Banking Group

Officer: Charlotte Hughes 292321

Approved on 20/08/10 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) BH10.04

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.

4) 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.

5) 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.

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.

BH2010/01558

88-92 Church Road Hove

Display of externally illuminated fascia signs and externally illuminated hanging signs (retrospective).

Applicant: Food Programme Delivery Orchid Group

Officer: Wayne Nee 292132

Approved on 12/08/10 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.

BH2010/01729

1-2 Victoria Terrace Hove

Non Material Amendment to BH2009/00262 creation of 2no 1 bedroom flats at lower ground level instead of 2no. studio flats.

Applicant: Mr J Regan

Officer: Christopher Wright 292097

Refused on 18/08/10 DELEGATED

1) UNI

The proposal constitutes a material amendment to the plans approved in application BH2009/00262, by reason of the impact upon the character of the listed building brought about by the alterations.

BH2010/01735

122 Church Road Hove

Application for Approval of Details Reserved by Conditions 2,5,6,7 and 11 of application BH2005/01186/FP.

Applicant: Otellos Restaurant

Officer: Guy Everest 293334

Split Decision on 12/08/10 DELEGATED

1) UNI

GRANT approved for the details reserved by conditions 2 and 11 of application BH2005/01186 subject to compliance with the submitted details.

1) UNI

REFUSE to approve the details reserved by conditions 5, 6 & 7 of application BH2005/01186 for the following reason:

Insufficient information on the siting, type and extent of plant and machinery has been submitted to demonstrate noise or odour disturbance will not result for future residents of the approved development. It is therefore not possible to discharge conditions 5, 6 & 7 in compliance with policies SU10 and QD27 of the

Brighton & Hove Local Plan.

BH2010/01738

Ground Floor Flat 37 Hova Villas Hove

Erection of raised singles storey rear extension to replace existing, incorporating storage area under and detached outhouse to South East of garden.

Applicant: Mr Russell Blake

Officer: Guy Everest 293334

Approved on 01/09/10 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 accordance with the approved drawings no. HV/EX/01, HV/EX/02, HV/EX/03, HV/PR/01 & HV/PR/02 submitted on 7th June 2010.

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

3) UNI

The section of window beneath the horizontal glazing bar to the north facing window opening within the extension hereby approved shall not be glazed otherwise than with obscured glass and shall thereafter be permanently retained as such.

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

BH2010/01773

88 - 92 Church Road Hove

Replacement of existing windows with white painted timber double glazed windows.

Applicant: Sanctuary Housing Association

Officer: Wayne Nee 292132

Approved on 27/08/10 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.

BH2010/01830

Seafront Shelter facing end of Preston Street Kings Road Brighton

Relocation of sea front shelter 1 metre to the South.

Applicant: Brighton & Hove City Council

Officer: Charlotte Hughes 292321

Approved on 20/08/10 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

Upon the carrying out of the work for which Listed Building Consent is hereby granted, any repairs or refurbishment to the building shall be carried out in materials and finishes to match the existing. Any variation from the existing

materials must be approved in writing by the Local Planning Authority.

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

BH2010/01892

34 Church Road Hove

Retention of existing ground and lower ground floor retail unit incorporating new shop front and conversion of 1no four bed Maisonette to form 1no two bed and 2no one bed dwelling units.

Applicant: Mr Clark Brownscombe

Officer: Adrian Smith 01273 290478

Approved on 18/08/10 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 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.

3) UNI

No development shall take place until 1:20 elevations and 1:1 scale sectional profiles of the proposed rear French doors 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 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

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: In the interests of the character and appearance of the development and the visual amenities of the area and to comply with policies QD1 and HE6 of the Brighton & Hove Local Plan.

5) UNI

Unless otherwise agreed in writing by the Local Planning Authority, the new dwellings hereby permitted shall be constructed to Lifetime Homes standards prior to their first occupation and shall be retained as such thereafter.

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

6) UNI

No development shall take place until 1:20 elevations and 1:1 scale sectional profiles of the proposed shopfront 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 and maintained as such thereafter.

Reason: To ensure a satisfactory appearance to the development and to comply with policies QD10 and HE6 of the Brighton & Hove Local Plan.

7) UNI

The development hereby approved shall not be occupied until the refuse and recycling storage facilities indicated on the approved plans have been fully

implemented and made available for use. These facilities shall thereafter be retained for use at all times.

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

8) UNI

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.

BH2010/01936

4 Belfast Street Hove

Certificate of Lawfulness for a proposed rear extension and the installation of a rear dormer and three rooflights.

Applicant: Ms Melissa Gibbon

Officer: Adrian Smith 01273 290478

Approved on 17/08/10 DELEGATED

BH2010/01953

14 Sussex Road Hove

Replacement of front windows with timber sash windows and rear windows with PVCu sash windows.

Applicant: Mrs Katherine Talbot

Officer: Charlotte Hughes 292321

Approved on 17/08/10 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.

BH2010/02010

Flat 6 4 Grand Avenue Hove

Installation of gas flue to North elevation at first floor.

Applicant: Mr & Mrs L Boden

Officer: Jason Hawkes 292153

Refused on 23/08/10 DELEGATED

1) UNI

Policy HE1 of the Brighton & Hove Local Plan states that proposals involving the alteration of a listed building will only be permitted where the proposal would not have any adverse effect on the architectural and historic character or appearance of the interior or exterior of the building. Supplementary Planning Guidance on Listed Buildings Interiors (SPGBH11) also states that all alterations will be expected to respect the original plan form and the historic building fabric of listed buildings. Having regard to the size, design, materials and colour of the proposed 'power flue', which would be clearly seen from Grand Avenue, the flue will appear as a modern and incongruous addition and is deemed to detract from the architectural and historic character and appearance of the listed building. The proposal is therefore contrary to the above policy and guidance.

BH2010/02042

Flat 4 Ventnor Lodge 9 Ventnor Villas Hove

Replacement of timber framed windows and balcony door with UPVC windows.

Applicant: Mr Stephen Purser

Officer: Guy Everest 293334

Refused on 01/09/10 DELEGATED

1) UNI

The proposal would result in the ad hoc replacement of windows to a building where there is uniformity in frame design, material and opening method. The replacement windows would not match the material, proportions or opening method of existing windows to the building and would fail to reflect the prevailing character and appearance of the wider surrounding area. The proposal would harm the appearance of the existing building and fail to preserve, or enhance, the character and appearance of the Cliftonville Conservation Area, contrary to policies QD14 and HE6 of the Brighton & Hove Local Plan and to the provisions of Supplementary Planning Document 09 (architectural features).

BH2010/02113

Dresden House 14 - 20 Albany Villas Hove

Creation of external steps from street level to lower ground floor level to South East. (Part retrospective)

Applicant: W Stirland Ltd

Officer: Guy Everest 293334

Approved on 27/08/10 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.

BH2010/02164

4A Hova Villas Hove

Replacement of aluminium and UPVC windows with softwood vertical sliding sashes and glazed door.

Applicant: Mr John Booth

Officer: Mark Thomas 292336

Approved on 01/09/10 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) BH12.03

All new windows shall be painted softwood, double hung vertical sliding sashes with concealed trickle vents 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.

GOLDSMID

BH2010/01022

20 Cromwell Road Hove

Amendment to approved application BH2008/01271 for conversion of vacant language school to 5 no. self contained residential units, by way of minor alterations to approved internal layout and window layout.

Applicant: Summercroft properties Ltd

Officer: Mark Thomas 292336

Approved on 27/08/10 DELEGATED

1) 02.05A

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 all times.

Reason: To ensure the provision of satisfactory facilities for the storage of refuse and recycling and to comply with policies SU2 and QD27 of the Brighton & Hove Local Plan

2) 06.03A

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 at all times.

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

3) 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.

4) UNI

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

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

5) UNI

The rooflights on the flat roof of the building shall be low profile and shall not be visible from the ground in long views

Reason: To ensure a satisfactory appearance to the development and to comply with policy HE1 of the Brighton & Hove Local Plan.

6) UNI

The reinstatement of the basement front window bay and rear windows, the new windows and doors and other external alterations and associated works of making good shall be carried out to match exactly the original walls, in materials, colours, finishes, brick bonding and architectural detailing.

Reason: To ensure a satisfactory appearance to the development and to comply with policies HE1 and HE4 of the Brighton & Hove Local Plan.

7) UNI

The premises shall not be occupied until the development hereby approved has been fully completed in all respects in accordance with the approved drawings, the conditions of this consent and with details submitted to and approved by the

Local Planning Authority in accordance with the above conditions.

Reason: So as to ensure that the development is carried out in its entirety and to secure the mitigation measures and the preservation, enhancement and restoration of the listed building and its features which are considered an essential part of a balanced scheme, in accordance with policy HE1 and HE4 of the Brighton & Hove Local Plan.

8) UNI

The outbuilding at the end of the rear garden shall only be used as ancillary accommodation in connection with the residential use of the main building and shall at no time be converted to a self-contained unit.

Reason: In order to protect the amenities of adjoining residential occupiers and to preserve the character of the Willet Estate Conservation Area in accordance with policies QD27 and HE6 of the Brighton & Hove Local Plan.

9) UNI

The following details shall be submitted to the Local Planning Authority for approval in writing within three months of the date of this consent, unless otherwise agreed in writing:-

- i) details of the proposed new rooflight;
- ii) a 1:10 scale sample elevational drawing of the front garden wall railings and gates;
- iii) a 1:10 scale elevational drawing of the spiral metal staircase in the front garden area;
- iv) details of the exterior lighting;
- v) a 1:20 scale elevational drawing of the balustrading to the terrace of the rear annexe building;
- vi) details of the proposed landscaping scheme for the front and rear gardens, including hard and soft landscaping including the green roof of the basement front extension, level changes, re-instated footpaths, new footpaths and hard paving areas; and,
- vii) samples of materials.

The works shall be fully carried out and completed in accordance with these approved details and maintained as such thereafter.

Reason: To ensure a satisfactory appearance to the development and to comply with policies HE1 and HE4 of the Brighton & Hove Local Plan.

BH2010/01023

20 Cromwell Road Hove

Amendment to approved application BH2008/01274 for conversion of vacant language school to 5 no. self contained residential units, by way of minor alterations to approved internal layout and window layout.

Applicant: Summercroft Properties Ltd

Officer: Mark Thomas 292336

Approved on 27/08/10 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

All existing original fabric and architectural features including floors, lathe and plasterwork, staircases, balustrades, windows, doors, architraves, skirtings, dados, picture rails, panel work, fireplaces, tiling, corbelled arches, cornices, decorative ceilings and other decorative features shall be retained, and repaired and made good exactly like for like, and shall not be covered over, except where otherwise agreed in writing with the Local Planning Authority before work

commences. The walls and ceilings shall not be skimmed over and only defective lathe and plaster shall be removed and shall be replaced exactly like for like using timber lathes and lime plaster.

Reason: To ensure a satisfactory appearance to the development and to comply with policies HE1 and HE4 of the Brighton & Hove Local Plan.

3) UNI

All non-original doors, architraves, skirtings, dados, cornices and other features shall be removed and replaced and all missing architectural features, including the fireplaces shall be reinstated, to match exactly the originals, unless otherwise agreed in writing by the Local Planning Authority before work commences.

Reason: To ensure a satisfactory appearance to the development and to comply with policies HE1 and HE4 of the Brighton & Hove Local Plan.

4) UNI

All new works, including doors, windows, architraves, skirting boards, picture rails, cornices, renderwork mouldings etc. shall match exactly the originals in materials, sizes, proportions and designs, and the windows shall be single glazed painted timber vertical sliding sashes without trickle vents.

Reason: To ensure a satisfactory appearance to the development and to comply with policies HE1 and HE4 of the Brighton & Hove Local Plan.

5) UNI

The new partitioning in the basement corridor shall not enclose or obscure the balustrading of the basement staircase.

Reason: To ensure a satisfactory appearance to the development and to comply with policies HE1 and HE4 of the Brighton & Hove Local Plan.

6) UNI

The premises shall not be occupied until the development hereby approved has been fully completed in all respects in accordance with the approved drawings, the conditions of this consent and with details submitted to and approved by the Local Planning Authority in accordance with the above conditions.

Reason: So as to ensure that the development is carried out in its entirety and to secure the mitigation measures and the preservation, enhancement and restoration of the Listed Building and its features which are considered an essential part of a balanced scheme, in accordance with policy HE1 and HE4 of the Brighton & Hove Local Plan.

7) UNI

The new walls shall be scribed around existing features such as skirting boards, dado rails and cornices, which shall not be cut into or damaged, and new skirting boards, picture rails, dado rails and cornices shall be run around the new walls and the blocked up doors to match exactly the originals in the respective part of the building.

Reason: To ensure a satisfactory appearance to the development to comply with policies HE1 and HE4 of the Brighton & Hove Local Plan.

8) UNI

The waste pipes and ducting serving the separate W.C. adjacent to bedroom 2 on the second floor shall be run within the floor and ceiling voids.

Reason: To ensure a satisfactory appearance to the development and to comply with policies HE1 and HE6 of the Brighton & Hove Local Plan.

9) UNI

The reinstatement of the basement front window bay and rear windows, the new windows and doors and other external alterations and associated works of making good shall be carried out to match exactly the original walls, in materials, colours, finishes, brick bonding and architectural detailing.

Reason: To ensure a satisfactory appearance to the development and to comply with policies HE1 and HE6 of the Brighton & Hove Local Plan.

10) UNI

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

Reason: To ensure a satisfactory appearance to the development and to comply with policies HE1 and HE4 of the Brighton & Hove Local Plan.

11) UNI

The rooflights on the flat roof of the building shall be low profile and shall not be visible from the ground in long views.

Reason: To ensure a satisfactory appearance to the development and to comply with policies HE1 and HE4 of the Brighton & Hove Local Plan.

12) UNI

The following details shall be submitted to the Local Planning Authority for approval in writing within three months of the date of this consent, unless otherwise agreed in writing:-

- i) details of the proposed new rooflights;
- ii) 1:20 scale sample elevations and sections, and 1:1 joinery sectional profiles of all new joinery work including all types of new windows and doors including their internal panelling, shutters and architraves, lanternlights, staircases and their balustrading and handrails, skirting boards, dado rails and picture rails;
- iii) details of the reinstated stair balustrading and handrails, including 1:20 elevations;
- iv) full details, including 1:5 scale sample plans/ elevations and 1:1 sectional profiles of all new decorative plasterwork, including cornices, ceiling roses, bracketed arches and other features;
- v) the new fireplaces which are proposed to be installed in the building, including where they are to be located, including 1:10 scale drawings and if available photographs;
- vi) the method of fire protection of the walls, floors, ceilings and doors, including 1:5 sections through walls and ceilings, and smoke detectors, fire alarm call points, fire alarms, emergency lighting fittings and control boxes that may be required to meet fire regulations;
- vii) the method of sound and thermal insulation of the floors and walls, including 1:5 sections through walls and ceilings;
- viii) details of the mechanical extract ventilation for the basement front kitchen and wet room;
- ix) details of the dry lining of the front basement vaults;
- x) details of the new modern stairs in the first floor flat;
- xi) details of the steps, cills and reveals of the windows and doors at 1:5 scale;
- xii) a 1:10 scale sample elevational drawing of the front garden railings and gates;
- xiii) a 1:10 scale elevational drawing of the spiral metal staircase in the front garden area;
- xiv) details of the exterior lighting;
- xv) a 1:20 scale elevational drawing of the balustrading to the terrace of the rear annexe building;
- xvi) details of the proposed landscaping scheme for the front and rear gardens, including hard and soft landscaping including the green roof of the basement front extension, level changes, reinstated paths, new paths and hard paving areas; and,
- xvii) sample materials.

The works shall be fully carried out and completed in accordance with these approved details and maintained as such thereafter.

Reason: To ensure a satisfactory appearance to the development and to comply

with policies HE1 and HE4 of the Brighton & Hove Local Plan.

13) UNI

Any fireproofing to new doors should be an integral part of the door construction and fireproofing of original doors shall be carried out using intumescent veneers, papers or paints in such a manner as to not obscure the panelling and its mouldings. Self-closing mechanisms, if required, shall be of the concealed mortice type.

Reason: To ensure a satisfactory appearance to the development and to comply with policies HE1 and HE4 of the Brighton & Hove Local Plan.

BH2010/01615

17 The Upper Drive Hove

Alterations to fenestration on curved frontage, 1no extra parking space, repositioning of bin/recycling storage, alterations to size and shape of light wells and roof terrace, reduction in depth of the top floor storey, new first floor roof terrace and increase in height of building.

Applicant: Godfrey Developments

Officer: Christopher Wright 292097

Refused on 24/08/10 DELEGATED

1) UNI

The proposed first floor roof terrace to the rear elevation of the development would, by reason of the height and the siting in relation to surrounding properties, give rise to undue overlooking and loss of privacy to the detriment of neighbouring residents' amenity and contrary to the aims and objectives of policies QD14 and QD27 of the Brighton & Hove Local Plan.

BH2010/01685

Dubarry House Newtown Road Hove

Erection of one bedroom penthouse flat incorporating terrace.

Applicant: Octopus Properties Ltd

Officer: Adrian Smith 01273 290478

Refused on 23/08/10 DELEGATED

1) UNI

The building is a former industrial building with an ornate façade and is distinctive in character. It is considered that the proposed roof development represents an incongruous feature by reason of its design, massing and form, which would fail to respect the context of its setting and would be out of keeping with the existing building. The proposed development would therefore be contrary to policies QD1, QD2, QD3 and QD14 of the Brighton & Hove Local Plan which seek to encourage proposals to take into account the local context and characteristics.

BH2010/01842

17 The Upper Drive Hove

Amendment to previously approved application BH2008/02093 to include new proposed penthouse extension to form additional 2no bedroom flat, making 7 flats in total.

Applicant: Mrs Amanda Godfrey

Officer: Christopher Wright 292097

Refused on 27/08/10 DELEGATED

1) UNI

The proposed bulk, massing and form of the development is considered excessive for the site and would not relate well with the scale and character of surrounding development. As such the proposal would be detrimental to visual amenity and contrary to the requirements of policies QD1, QD2, QD3 and QD14 of the Brighton & Hove Local Plan.

2) UNI2

The proposed development would not provide a mix of dwelling types and sizes that responds and reflects to housing need in the city because all of the seven flats would be 2-bedroom only. As such the application is contrary to the objectives of policy HO3 of the Brighton & Hove Local Plan.

BH2010/01858

24 Somerhill Lodge Somerhill Road Hove

Extension to enlarge penthouse flat.

Applicant: Mr S Al Rais

Officer: Paul Earp 292193

Approved on 01/09/10 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) BH01.06

The development hereby permitted shall be carried out in accordance with the approved drawings no.s 1004484/ 3-7 submitted on 17 June 2010.

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

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.

BH2010/01900

Flat 3 52 - 54 The Drive Hove

Replacement of sash window with French doors to rear elevation.

Applicant: Glenn Phillips

Officer: Adrian Smith 01273 290478

Approved on 19/08/10 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 French doors hereby permitted shall be single glazed inward-opening painted timber doors without trickle vents and with architraves and frame mouldings to match exactly those of the original windows, and shall have a masonry step. The doors shall be set back from the outer face of the building and recessed into the reveals to the same depth as the original windows.

Reason: To ensure a satisfactory appearance to the development and to comply with policies HE1 and HE6 of the Brighton & Hove Local Plan.

BH2010/01901

Flat 3 52 - 54 The Drive Hove

Replacement of sash window with French doors to rear elevation.

Applicant: Glenn Phillips

Officer: Adrian Smith 01273 290478

Approved on 19/08/10 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 French doors hereby permitted shall be single glazed inward-opening painted timber doors without trickle vents and with architraves and frame mouldings to match exactly those of the original windows, and shall have a masonry step. The doors shall be set back from the outer face of the building and recessed into the reveals to the same depth as the original windows.

Reason: To ensure a satisfactory appearance to the development and to comply with policy HE1 of the Brighton & Hove Local Plan.

BH2010/01975

40 Wilbury Avenue Hove

Certificate of lawfulness for proposed erection of single storey rear extension to replace existing.

Applicant: Lauren Gregory

Officer: Mark Thomas 292336

Refused on 18/08/10 DELEGATED

1) UNI

The proposed single storey rear extension is not permitted under Schedule 2, Part 1, Class A of the Town & Country Planning (General Permitted Development) Order 1995, as amended, in that the extension is within 2m of the boundary of the curtilage of the dwellinghouse, and the height of the eaves of the enlarged part would exceed 3 metres, and thereby fails to comply with Criterion A.1 (g) of Class A of said Order.

BH2010/01991

Charter Medical Centre 88 Davigdor Road Hove

Erection of single storey extension at first floor level.

Applicant: Charter Medical Centre

Officer: Christopher Wright 292097

Refused on 16/08/10 DELEGATED

1) UNI

Policies QD1 and QD14 of the Brighton & Hove Local Plan require development of a high standard of design that makes a positive contribution to the visual quality of the environment and which utilises materials which are sympathetic to the building to be extended. In this instance the use of weatherboard to finish the greater proportion of the external walls of the extension is considered incongruous with the external finishes of the existing building and would adversely affect the character and appearance of the building to the detriment of visual amenity. As such the proposal is contrary to the requirements of the development plan.

BH2010/01994

Charter Medical Centre 88 Davigdor Road Hove

Construction of store room and access corridor at lower ground floor.

Applicant: Charter Medical Centre

Officer: Christopher Wright 292097

Approved on 16/08/10 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 development hereby permitted shall not be commenced until details of the replacement secure cycle parking facilities for the staff of, and visitors to, the surgeries and dental practices 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.

BH2010/02043

First Floor Flat 21 Fonthill Road Hove

Erection of roof terrace over existing ground floor extension to serve first floor flat.

Applicant: Mr Alan Martin

Officer: Charlotte Hughes 292321

Refused on 19/08/10 DELEGATED

1) UNI

Policies QD14 and QD27 of the Brighton & Hove Local Plan seek to ensure that alterations and additions to properties do not have a harmful impact upon the residential amenity of neighbouring occupiers. Whilst it is acknowledged that a certain degree of overlooking between these properties is already in existence, it is considered that the proposed rear roof terrace would, by reason of its elevated position and proximity to neighbouring properties, result in an intrusive form of development which would have a adverse impact on the amenity of neighbouring occupiers in terms of noise, loss of privacy, overlooking and general disturbance. The proposal is therefore considered to be contrary to policies QD14 and QD27 of the Brighton & Hove Local Plan.

BH2010/02059

Dubarry House Newtown Road Hove

Replacement of existing single glazed metal windows with new double glazed sealed unit powder coated aluminium windows at rear/north elevation.

Applicant: The Samaritans

Officer: Adrian Smith 01273 290478

Approved on 01/09/10 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 windows hereby permitted shall match exactly those above at first and second floor level within the same building and thereafter be retained as such.

Reason: To ensure a satisfactory appearance to the development in the interests

of the visual amenities of the area and to comply with policies QD1 and QD14 of the Brighton & Hove Local Plan.

3) UNI

The development hereby permitted shall be carried out in accordance with the approved design and access statement and the 5 no. drawings submitted on the 6th July 2010.

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

BH2010/02116

Flat 1A 88 Goldstone Villas Hove

Certificate of Lawfulness application for an existing use of a self contain flat.

Applicant: Mr Wayne Russell

Officer: Christopher Wright 292097

Approved on 01/09/10 DELEGATED

BH2010/02134

Flat 2 21 Davigdor Road Hove

Replacement of timber and aluminium windows and doors with black UPVC double glazed units.

Applicant: Miss Joanna Glyde

Officer: Mark Thomas 292336

Approved on 01/09/10 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.

BH2010/02160

Flat 15 Gainsborough House 4-6 Eaton Gardens Hove

Replacement of existing aluminium windows and balcony doors with UPVC units.

Applicant: Mrs E P Lovegrove

Officer: Mark Thomas 292336

Approved on 27/08/10 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.

BH2010/02283

46 - 48 Davigdor Road Hove

Certificate of lawfulness for a proposed loft conversion with a dormer to each side elevation and roof lights to front and rear elevations.

Applicant: Mr Mark Goodman

Officer: Christopher Wright 292097

Approved on 27/08/10 DELEGATED

HANGLETON & KNOLL

BH2010/00935

82 Elm Drive Hove

Installation of new shop front (Retrospective).

Applicant: Ms Nada Meckael

Officer: Guy Everest 293334

Refused on 16/08/10 DELEGATED

1) UNI

The installed shopfront by reason of its design, proportions and detailing fails to reflect the style and appearance of the existing building or the wider parade. The shopfront has therefore harmed the appearance of the building and wider surrounding area contrary to the aims of policy QD10 of the Brighton & Hove Local Plan and the provisions of Supplementary Planning Document 02, Shop Front Design.

BH2010/01980

95 Hangleton Way Hove

Certificate of lawfulness for proposed hip to gable roof extension with 2no front rooflights and rear dormer.

Applicant: Mr M & Mrs S Goodson

Officer: Wayne Nee 292132

Approved on 18/08/10 DELEGATED

BH2010/01996

60 Meadway Crescent Hove

Certificate of Lawfulness for proposed hip to gable roof extension, rear dormer, front rooflights, single storey rear extension and detached outbuilding.

Applicant: Mr Simon Beeny

Officer: Mark Thomas 292336

Refused on 23/08/10 DELEGATED

1) UNI

The proposed single storey rear extension is not permitted under Schedule 2, Part 1, Class A of the Town & Country Planning (General Permitted Development) Order 1995, as amended, in that the eaves height of the extension is higher than the eaves of the main dwellinghouse, and thereby fails to comply with Criterion A.1 (c) of Class A of said Order.

2) UNI2

The proposed rooflights are not permitted under Schedule 2, Part 1, Class C of the Town & Country Planning (General Permitted Development) Order 1995, as amended, in that it has not been demonstrated that the proposed rooflights would Not protrude less than 150 millimetres beyond the plane of the slope of the original roof when measured from the perpendicular with the external surface of the original roof; and thereby fails to comply with Criterion C.1 (a) of Class C of said Order.

BH2010/02039

79 Lark Hill Hove

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

Applicant: Mr David Beaken

Officer: Charlotte Hughes 292321

Refused on 19/08/10 DELEGATED

1) UNI

The submitted drawings show that the proposed extension would extend beyond

the rear wall of the original dwellinghouse by more than 3m. The development therefore fails to comply with Schedule 2, Part 1, Class A, sub-section (e) of the Town & Country Planning (General Permitted Development) Order 1995, as amended.

2) UNI2

The submitted drawings show that the eaves height of the proposed extension would exceed the height of the eaves of the existing dwelling. The development therefore fails to comply with Schedule 2, Part 1, Class A, sub-section (c) of the Town & Country Planning (General Permitted Development) Order 1995, as amended.

BH2010/02063

34 Florence Avenue Hove

Erection of single storey rear extension.

Applicant: Mr Murat Malikov

Officer: Adrian Smith 01273 290478

Approved on 19/08/10 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.

BH2010/02069

Brighton & Hove Golf Club Devils Dyke Road Hove

Application for Approval of Details Reserved by Condition 2 of application BH2009/02501.

Applicant: Brighton & Hove Golf Club

Officer: Charlotte Hughes 292321

Approved on 20/08/10 DELEGATED

NORTH PORTSLADE

BH2010/02092

121 Graham Crescent Portslade Brighton

Replacement rear conservatory.

Applicant: Mrs Chrystie

Officer: Adrian Smith 01273 290478

Approved on 20/08/10 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

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no windows or other openings shall be constructed in the east side elevation of the extension hereby permitted without planning permission obtained from the Local Planning Authority.

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

BH2010/02115

17 Westway Gardens Portslade Brighton

Erection of single storey side extension.

Applicant: Mr Terry Black

Officer: Adrian Smith 01273 290478

Refused on 19/08/10 DELEGATED

1) UNI

Notwithstanding the inaccuracy of the plans submitted, the proposed side extension would, by virtue of its excessive depth, appearance and cramped location within the side passageway to the property, be an incongruous and poorly designed extension that would be harmful to the appearance of the building, contrary to policy QD14 of the Brighton & Hove Local Plan.

BH2010/02272

1 Delfryn Portslade Brighton

Application for Approval of Details Reserved by Condition 3 of application BH2007/01982.

Applicant: Ms Sarah Jennings

Officer: Mark Thomas 292336

Approved on 01/09/10 DELEGATED

SOUTH PORTSLADE

BH2010/01504

34 Station Road Portslade

Display of internally illuminated fascia signs, externally illuminated hanging sign, internally illuminated ATM header, window vinyls and vinyl decals.

Applicant: Santander

Officer: Wayne Nee 292132

Approved on 18/08/10 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.

BH2010/01683

Rotary Point 81 Windlesham Close Portslade

Certificate of Lawfulness for proposed change in dwelling mix from 33 bedsitting rooms, 11 x 1 bedroom flats, 1 x 2 bedroom flat (total 45) to 21 bedsitting rooms, 20 x 1 bedroom flats, 2 x 2 bedroom flats including a wheelchair unit (total 43).

Applicant: Rotary Club of Hove Housing Society

Officer: Guy Everest 293334

Approved on 24/08/10 DELEGATED

BH2010/01748

32 Benfield Way Portslade

Demolition of existing conservatory and the construction of single storey flat roof and pitched roof rear extensions and obscure glazed side (north facing) dormer.

Applicant: Mrs S Atkinson

Officer: Mark Thomas 292336

Approved on 18/08/10 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.

BH2010/02045

First Floor Flat 32 St Andrews Road Portslade Brighton

Loft conversion incorporating rear dormer and 2no front facing rooflights.

Applicant: Mr Matthew Lovell

Officer: Mark Thomas 292336

Refused on 18/08/10 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. Further advice is contained within supplementary planning guidance on roof alterations and extensions (SPGBHI). The proposed dormer window is inappropriately sized and represents an overly bulky addition to the rear roofslope. Further, the dormer features inappropriately large areas of tile hung cladding contrary to guidance contained within SPGBH1. The proposal is therefore contrary to the above policy and guidance.

HOVE PARK

BH2010/01488

27 Hill Brow Hove

Erection of first floor extension to create a two storey dwelling.

Applicant: Mr D Bennett

Officer: Paul Earp 292193

Approved on 23/08/10 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 development hereby permitted shall be carried out in accordance with the approved drawings no. A460/1 & 2 submitted on 19 May 2010.

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

BH2010/01605

Fox Cottage 64 Woodland Drive Hove

Application for Approval of Details Reserved by Conditions 4 and 5 of application BH2009/00945.

Applicant: Mrs Elizabeth Kimberley

Officer: Adrian Smith 01273 290478

Approved on 18/08/10 DELEGATED

BH2010/01680

21 Woodruff Avenue Hove

Erection of new front and side boundary wall with pedestrian and vehicular gates.

Applicant: Mr Kevin Stagg

Officer: Charlotte Hughes 292321

Approved on 17/08/10 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 approved is to be constructed in accordance with the brick sample submitted on the 13th July 2010 (West Hoathly Stock Brick multi) unless otherwise agreed in writing by the Local Planning Authority.

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

BH2010/01797

2 Chartfield Hove

Erection of two storey side extension and single storey rear extension.

Applicant: Mr Christopher Tunbridge

Officer: Wayne Nee 292132

Approved on 27/08/10 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.

BH2010/01807

117 Shirley Drive Hove

Erection of two storey rear extension and single storey front extension.

Applicant: Mr E Hamilton

Officer: Adrian Smith 01273 290478

Approved on 23/08/10 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

Access to the flat roof rear of the dormer hereby permitted 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.

BH2010/01819

21 Orpen Road Hove

Conservatory to rear.

Applicant: Miss Augustina Tetsolar

Officer: Charlotte Hughes 292321

Approved on 20/08/10 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.

BH2010/01886

52 Benett Drive Hove

Erection of rear single storey extension.

Applicant: Mrs Julie Coles

Officer: Christopher Wright 292097

Approved on 12/08/10 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.

BH2010/01889

1 Woodland Close Hove

Single storey front extension.

Applicant: Mr David Gritt

Officer: Mark Thomas 292336

Approved on 01/09/10 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.

BH2010/01914

175 Nevill Road Hove

Construction of vehicle crossover and hard standing with removal of front garden wall.

Applicant: Mrs Fatema Ahmad
Officer: Mark Thomas 292336

Refused on 27/08/10 DELEGATED

1) UNI

Policy TR7 of the Brighton & Hove Local Plan requires that development does not result in an increased danger to users of adjacent pavements, cycle routes and roads. There is significant on street parking in the vicinity of the proposed cross over, and an existing on street tree, which would impede the visibility of vehicles exiting and accessing the crossover. The proposed crossover would result in additional vehicle movement to/from Nevill Road in close proximity to the junction with Nevill Way, on the corner of which the application site is situated, and Court Farm Road, situated opposite, which provides access onto Nevill Road, notably for public buses. Vehicles using the crossover will have a negative impact on the interaction between emerging and accessing vehicles on these junctions, exacerbated by the aforementioned limited visibility afforded to users of the proposed crossover. As such, the proposed development would represent a hazard to Highway users, contrary to the aforementioned policy.

2) UNI2

Policy QD16 of the Brighton & Hove Local Plan states that within development existing trees and hedgerows should be retained and new ones planted as practicable. The proposed vehicle crossover would require the removal of the existing on street Kanzan Cherry tree situated to the front of the property. The proposed crossover width would leave insufficient space for the planting of an appropriately situated replacement street tree, and as such the proposed development is contrary to the aforementioned policy.

BH2010/01919

2 Shirley Drive Hove

Erection of rear, side and front extensions with extensions to roof.

Applicant: Paul Herring & Catherine Hewson

Officer: Steven Lewis 290480

Approved on 16/08/10 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

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: The Local Planning Authority considers that further development could cause detriment to the amenities of the occupiers of nearby properties and to the character of the area and for this reason would wish to control any future development to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.

4) UNI

The side facing rooflight shall not be glazed otherwise than with obscure glass and fixed shut 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.

BH2010/01932

8 Tongdean Road Hove

Erection of rear first floor conservatory.

Applicant: Mr & Mrs Hess

Officer: Charlotte Hughes 292321

Approved on 27/08/10 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 accordance with the approved drawings no's C.I. 06-10-18F submitted on 24th June 2010 and C.I. 06-10-18A/C/E submitted on 7th July 2010 and 06-10-18B/D submitted on 24th August 2010.

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

BH2010/01984

25 The Drove Way Hove

Erection of single storey rear extension with 1no rooflight and second storey extension.

Applicant: Mr A Standing

Officer: Adrian Smith 01273 290478

Refused on 19/08/10 DELEGATED

1) UNI

Policies QD14 and QD27 of the Brighton & Hove Local Plan state that development will only be granted if the proposal would not result in significant loss of amenity to neighbouring properties. The proposed second floor extension, by virtue of its excessive west side fenestration, would result in a significant increase in actual and perceived overlooking potential to the detriment of the amenities of the residents of the property at No.27 The Drove Way. The proposal therefore leads to a loss of amenity and is contrary to policies QD14 and QD27 of the Brighton & Hove Local Plan.

2) UNI2

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 and adjoining properties. The proposed second floor extension, by virtue of its contemporary fenestration and roofline, represents an inappropriate addition to the recipient building that would harm the appearance of the property and the wider street scene, contrary to the above policies.

BH2010/02051

57 Dyke Road Avenue Hove

Demolition of front boundary wall.

Applicant: Mr & Mrs Whitehouse

Officer: Paul Earp 292193

Approved on 26/08/10 DELEGATED

1) BH01.04

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) BH12.08

The works of demolition hereby permitted shall not be begun until documentary evidence is produced to the Local Planning Authority to show that contracts have been entered into by the developer to ensure that building work on the site the subject of this consent is commenced within a period of 6 months following commencement of demolition in accordance with a scheme for which planning permission has been granted.

Reason: To prevent premature demolition in the interests of the character and appearance of the Conservation Area and to comply with policy HE8 of the Brighton & Hove Local Plan.

3) UNI

The development hereby permitted shall be carried out in accordance with the approved drawings no. JH/57DRA/03/A submitted on 5th July 2010.

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

BH2010/02052

57 Dyke Road Avenue Hove

Demolition and replacement of front boundary wall with railings and automatic gates.

Applicant: Mr & Mrs Whitehouse

Officer: Paul Earp 292193

Approved on 27/08/10 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

The gates hereby approved shall be painted black gloss and thereafter retained as such.

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

4) UNI

The development hereby permitted shall be carried out in accordance with the approved drawing no. JH/57DRA/03/A submitted 5 July 2010.

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

BH2010/02078

55 Aldrington Avenue Hove

Erection of single storey rear extension.

Applicant: Mr Duncan Smith
Officer: Adrian Smith 01273 290478

Approved on 19/08/10 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

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 further windows or doors other than those expressly authorised by this permission shall be constructed in the extension hereby permitted without planning permission obtained from the Local Planning Authority.

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

BH2010/02094

33 The Drove way Hove

Erection of single storey rear extension.

Applicant: Mr Chris Smith
Officer: Mark Thomas 292336

Refused on 01/09/10 DELEGATED

1) UNI

Policies QD14 and QD27 of the Brighton & Hove Local Plan states that development will only be granted planning permission if the proposed development would not result in significant loss of amenity to neighbouring properties. The proposed development by virtue of its bulk, height, positioning, projection and proximity to the neighbouring boundaries, forms an inappropriate addition to the property. The development would result in an unacceptable level of loss of outlook, overshadowing and increased sense of enclosure for the residents of nos. 31 and 33a The Drove way. The proposal therefore leads to a loss of amenity and is contrary to policies QD14 and QD27 of the Brighton & Hove Local Plan.

2) UNI2

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 development represents an inappropriately sized and bulky addition to the rear elevation of the recipient property and would result in unacceptable harm to the character and appearance of the recipient building. Further, it is considered that the proposed development would result in the property having an overextended appearance, and would represent an overdevelopment of the site. The proposal is therefore contrary to the above policy and guidance.

BH2010/02140

8 Edward Avenue Hove

Erection of single storey rear extension and roof conversion including hip to gable extension at rear and 5 No. rooflights.

Applicant: Mr Redovan Oirdighi

Officer: Steven Lewis 290480

Approved on 24/08/10 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

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 extensions 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.

BH2010/02154

13 Rigden Road Hove

Certificate of lawfulness for a proposed loft conversion including hip to gable roof extension and rear dormer.

Applicant: Mr E Hughes

Officer: Mark Thomas 292336

Approved on 18/08/10 DELEGATED

BH2010/02253

30 Bishops Road Hove

Non Material Amendment to BH2010/00184 to provide external steps (with retaining wall and railings) into the storage area with a full height door.

Applicant: Mr & Mrs James Groves

Officer: Wayne Nee 292132

Approved on 19/08/10 DELEGATED

BH2010/02577

24 Deanway Hove

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

Applicant: Mr H Schou

Officer: Steven Lewis 290480

Approved on 31/08/10 DELEGATED

WESTBOURNE

BH2010/01563

56 New Church Road Hove

Erection of a single storey prefabricated timber cabin at rear garden of Home from Home Nursery for use as an after school club for up to 16 children (additional to the 40 children permitted at day nursery under BH2009/02230).

Applicant: Home From Home Nursery

Officer: Clare Simpson 292454

Refused on 12/08/10 DELEGATED

1) UNI

The proposed building by virtue of its bulk, form, massing and positioning in close proximity to neighbouring residential boundaries, is considered to represent an inappropriate form of development for the site, which would be imposing and cause an unacceptable degree of enclosure to neighbouring gardens. The proposed development contrary to policy HO26 and QD27 of the Brighton & Hove Local Plan.

2) UNI2

The proposed building by virtue of its bulk, form and massing would dominate its surroundings. The excessive size of the building would result in a development which would be out of character with the garden setting and harmful to character and appearance of the area and detrimental to the outlook from neighbouring properties. The proposed development would be contrary to policy QD1, QD27 and HE6 of the Brighton & Hove Local Plan.

BH2010/01730

51 Langdale Gardens Hove

Roof conversion incorporating dormer and rooflights.

Applicant: Mr Richard Asquith

Officer: Wayne Nee 292132

Refused on 01/09/10 DELEGATED

1) UNI

Policy QD14 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 advice contained within Supplementary Planning Guidance on Roof Alterations and Extensions (SPGBHI) seeks to ensure proposed dormers are kept as small as possible, should be no wider than the windows below and should have a roof form and detail appropriate to the character of the building. The proposed dormers, by reason of their size, bulk and design, are considered to form an unacceptable alteration to the side and rear roof slopes. As such, the proposal is contrary to policy QD14 of the Brighton & Hove Local Plan and SPGBH1.

BH2010/01769

3 Richardson Road Hove

Amendments to approved application BH2010/00770 comprising alteration to application site boundary, repositioning of boundary wall and the addition of a rooflight in the flat roof extension.

Applicant: Mr David Evison

Officer: Steven Lewis 290480

Approved on 18/08/10 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

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: 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.

BH2010/01856

34 New Church Road Hove

Erection of screen on west side of rear garden

Applicant: Mr Eric Hine

Officer: Christopher Wright 292097

Approved on 18/08/10 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.

BH2010/01909

22 Rutland Gardens Hove

Erection of single storey rear extension.

Applicant: Mr Vince Amico

Officer: Steven Lewis 290480

Approved on 12/08/10 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 extension hereby permitted shall be constructed in conjunction with that approved at No.24 Rutland Gardens under planning permission BH2010/01928 and shall not be occupied until both are complete.

Reason: The Local Planning Authority considers that this development would

cause unacceptable detriment to the amenities of the occupiers of the attached property at No.24 Rutland Gardens, contrary to policies QD14 and QD27 of the Brighton & Hove Local Plan, unless built in conjunction with the associated rear extension approved under planning permission BH2010/001928.

BH2010/01928

24 Rutland Gardens Hove

Erection of single storey rear extension.

Applicant: Mr Bart O'Toole

Officer: Steven Lewis 290480

Approved on 12/08/10 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 extension hereby permitted shall be constructed in conjunction with that approved at No.22 Rutland Gardens under planning permission BH2010/01909 and shall not be occupied until both are complete.

Reason: The Local Planning Authority considers that this development would cause unacceptable detriment to the amenities of the occupiers of the attached property at No.22 Rutland Gardens, contrary to policies QD14 and QD27 of the Brighton & Hove Local Plan, unless built in conjunction with the associated rear extension approved under planning permission BH2010/001909.

BH2010/01950

74 Sackville Road Hove

Application for Approval of Details Reserved by Conditions 3,4,6,7 and 8 of application BH2010/00504.

Applicant: Mr Michael Deol

Officer: Christopher Wright 292097

Approved on 16/08/10 DELEGATED

BH2010/02028

20 Pembroke Crescent Hove

Proposed dormer and rooflight to side roofslopes.

Applicant: Mr A Derry

Officer: Jason Hawkes 292153

Approved on 26/08/10 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) 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.

BH2010/02044

Flat 2 20 Lawrence Road Hove

Erection of roof terrace over existing flat roof to serve first floor flat.

Applicant: Mr Keith Brown

Officer: Wayne Nee 292132

Refused on 26/08/10 DELEGATED

1) UNI

Policy QD14 of the Brighton & Hove Local Plan states that extensions and alterations will only be granted if the proposed development would not result in significant loss of amenity to neighbouring properties. Policy QD27 of the Brighton & Hove Local Plan states that planning permission for any development will not be granted where it would cause material nuisance and loss of amenity to neighbouring residents, and that residents and occupiers can be seriously affected by changes in overlooking, privacy, daylight, sunlight, disturbance and outlook. The proposed first floor balcony, by virtue of its height, projection, positioning, and proximity to the neighbouring boundaries, represents an un-neighbourly form of development which would result in a significant loss of privacy, increased noise and disturbance to the residents of the immediately adjoining neighbouring properties. The proposal is therefore contrary to policies QD1, QD14 and QD27 of the Brighton & Hove Local Plan.

BH2010/02075

81 Pembroke Crescent Hove

Roof extensions over existing flat roof sections including new dormer window to west elevation and new dormer window to east elevation.

Applicant: Mr Ben Watkins

Officer: Mark Thomas 292336

Refused on 27/08/10 DELEGATED

1) UNI

Policies QD14 and QD27 state that planning permission will not be granted for alterations which would cause material nuisance and loss of amenity to existing / future residents and users of adjoining properties. The proposed east facing dormer will provide new views towards first floor windows at no. 14 Pembroke Gardens, resulting in significant overlooking and loss of privacy. As such the proposed development would significantly harm the amenity of residents of no. 14 Pembroke Gardens, and is contrary to the above policies.

BH2010/02090

69 Pembroke Crescent Hove

Replacement of timber frame ground floor rear window with folding doors of increased opening width.

Applicant: Mr Adrian Pariser

Officer: Wayne Nee 292132

Approved on 31/08/10 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.

BH2010/02182

The Old Coach House 3 Richardson Road Hove

Application for Approval of Details Reserved by Condition 4 of application BH2010/00770.

Applicant: Mr David Evison

Officer: Steven Lewis 290480

Approved on 18/08/10 DELEGATED

WISH

BH2010/00993

330 Kingsway Hove

Increase in roof height by 150mm, expansion of flat roof top and conversion of resultant roof void to form 5 new guest rooms, including installation of rooflights to south elevation.

Applicant: Mr Alan Kane

Officer: Christopher Wright 292097

Approved on 20/08/10 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 not be implemented until a submission has been put forward and approved in writing by the Local Planning Authority to demonstrate that the existing roof tiles will be re-used in the construction, or provide a robust case as to why this may not be possible, together with a sample of the external roof material with which the existing tiles would be replaced. Thereafter the development shall be carried out in accordance with the approved details.

Reason: To ensure a satisfactory appearance to the development, meet sustainability objectives, minimise waste and comply with policies QD1, QD14, SU2 and SU13 of the Brighton & Hove Local Plan and Supplementary Planning Documents SPD03: "Construction and Demolition Waste" and SPD08: "Sustainable Building Design".

BH2010/01671

Flat 4 Marine Court 377 Kingsway Hove

Replacement UPVC windows and doors.

Applicant: Mr Julian Waterman

Officer: Wayne Nee 292132

Approved on 18/08/10 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.

BH2010/01818

4 St Leonards Gardens Hove

Demolition of rear conservatory and construction of infill extension to existing rear

single storey extension.

Applicant: Craig Rogers

Officer: Mark Thomas 292336

Approved on 27/08/10 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.

BH2010/01930

93 St Leonards Road Hove

Conversion of first floor flat to create 2no studio flats with alterations to layout of external windows and removal of chimney stack.

Applicant: Mr Tony Camps-Linney

Officer: Wayne Nee 292132

Refused on 01/09/10 DELEGATED

1) UNI

The proposal is contrary to policy HO9 of the Brighton & Hove Local Plan, which seeks to retain small family dwellings and which only permits the conversion into two or more residential units of a dwelling with an original floor area of more than 115m sqm or with three or more bedrooms as originally built. The policy also requires one of the converted units to be suitable for family occupation. The internal floor area of the first floor flat subject to this application equates to approximately 60sqm. Consequently this property is not of sufficient size to be considered suitable for further subdivision and as such the principle of the development is unacceptable. Furthermore, a family sized unit would not be retained.

BH2010/01956

29 Welbeck Avenue Hove

Demolition of part of existing property and erection of 1 x 4 bedroom detached house with associated parking for 2 vehicles.

Applicant: Mr Farzin Kamtarin

Officer: Paul Earp 292193

Approved on 24/08/10 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) BH02.07

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) BH05.01B

Unless otherwise agreed in writing by the Local Planning Authority, no residential development shall commence until:

- (a) evidence that the development is registered with an accreditation body under the Code for Sustainable Homes and a Design Stage/Interim 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 Design Stage/Interim Code for Sustainable Homes Certificate demonstrating that the development will achieve [*Code level 3 / Code level 4 / Code level 5*] 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.

5) BH05.02B

Unless otherwise agreed in writing by the Local Planning Authority, none of the residential units hereby approved shall be occupied until a Final/Post Construction Code Certificate issued by an accreditation body confirming that each residential unit built has achieved a Code for Sustainable Homes rating of Code level 3 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.

6) 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.

7) UNI

No development shall take place until details of the proposed boundary fence or wall between the existing and proposed dwelling have been submitted to and approved by the Local planning Authority. The fence or wall shall thereafter be maintained as approved.

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

8) UNI

The property shall not be occupied until the car parking area is made available for use and retained for parking use thereafter.

Reason: In order to provide a satisfactory level of parking to comply with policy TR1 of the Brighton & Hove Local Plan.

9) UNI

No development shall take place until details of the solar thermal panels have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to occupation of the building and shall be retained as such thereafter.

Reason: To ensure that the development is sustainable and makes efficient use of energy, water and materials and in accordance with Policy SU2 of the Brighton & Hove Local Plan.

10) UNI

Approved drawings - 09/1006491 (site plan, existing and proposed elevations and layout) submitted 25 June 2010.

BH2010/01960

304 Portland Road Hove

Conversion of roofspace to form 1no studio flat.

Applicant: Kitmarr Ltd

Officer: Christopher Wright 292097

Refused on 18/08/10 DELEGATED

1) UNI

The proposed development is not acceptable by reason of the size, layout, amount of circulation space and available headroom of the residential accommodation, which would fall below the quality of living space reasonably expected by the local planning authority and would not provide for an acceptable standard of living for future occupiers. As such the development would be detrimental to the amenity of future occupiers and is contrary to the requirements and objectives of policies QD27, HO5 and HO13 of the Brighton & Hove Local Plan.

BH2010/02068

1 Mansfield Road Hove

Non Material Amendment to BH2009/03119 to widen the approved entrance and crossover from 3.0m to 5.0m.

Applicant: Mr & Mrs Fuller

Officer: Steven Lewis 290480

Approved on 16/08/10 DELEGATED

1) UNI

The Council's reasons for this Decision are as follows:-

The proposed revisions to the scheme approved under ref. BH2009/03119 do not result in significant changes to the appearance of the development, have any further impact on neighbouring occupiers or have any material impact upon the public highway. The works are not therefore so significant that they warrant the submission of a further application for planning permission.

BH2010/02111

52 Roman Road Hove

Certificate of lawfulness for proposed erection of single storey side extension.

Applicant: Mr Patrick Standing

Officer: Mark Thomas 292336

Approved on 27/08/10 DELEGATED

BH2010/02153

27 St Keyna Avenue Hove

Certificate of lawfulness for proposed alterations to roof to increase size creating extra rooms.

Applicant: Mr Ben Cox

Officer: Jason Hawkes 292153

Approved on 26/08/10 DELEGATED

