





**Brighton & Hove
City Council**

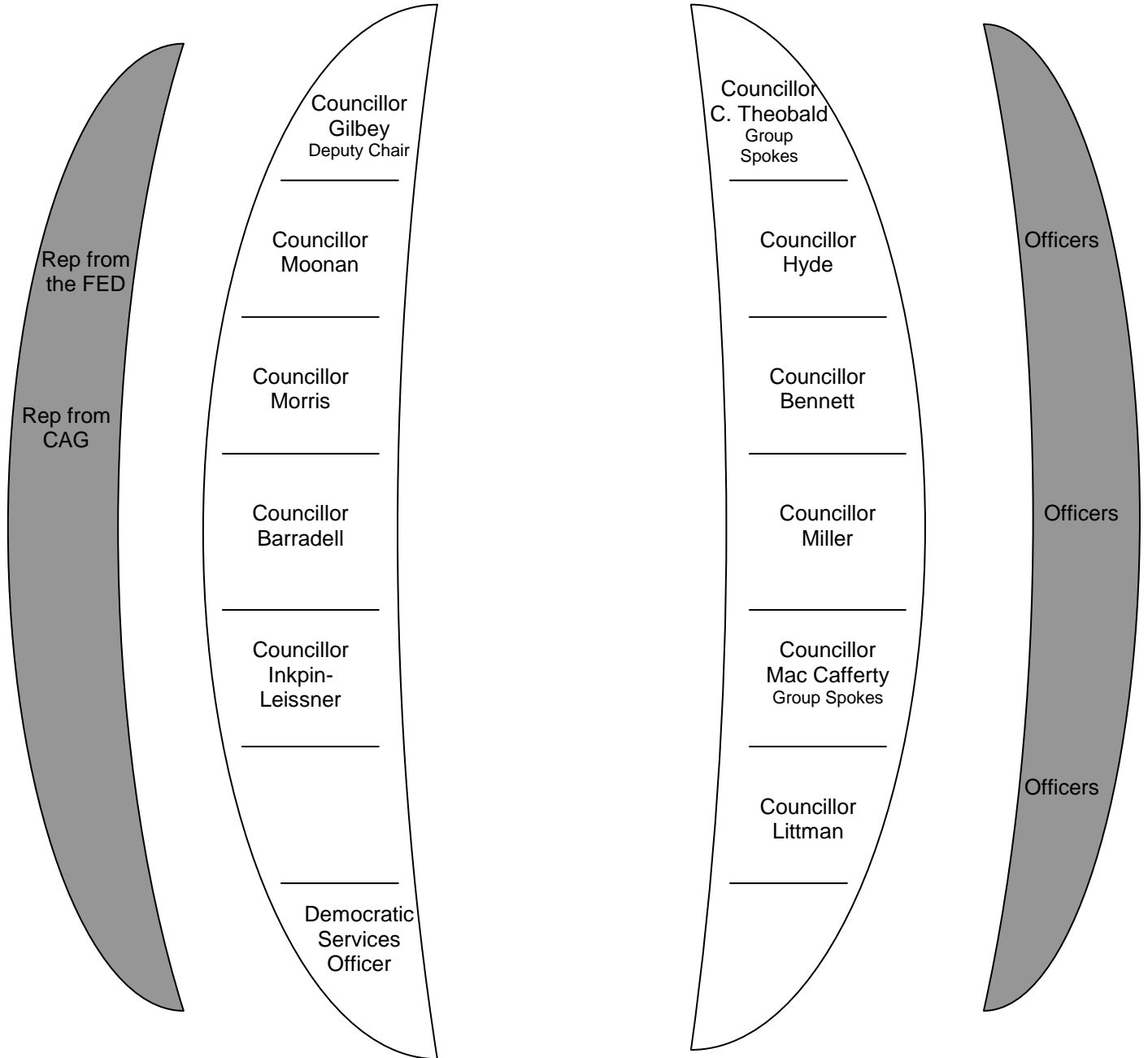
Planning Committee

Title:	Planning Committee
Date:	8 June 2016
Time:	2.00pm
Venue	The Ronuk Hall, Portslade Town Hall
Members:	<p>Councillors: Cattell (Chair), Gilbey (Deputy Chair), C Theobald (Group Spokesperson), Mac Cafferty (Group Spokesperson), Barradell, Bennett, Hyde, Inkpin-Leissner, Littman, Miller, Morris and Moonan</p> <p>Co-opted Members: Jim Gowans (Conservation Advisory Group)</p>
Contact:	<p>Cliona May Democratic Services Officer 01273 29-1064/29-1354 planning.committee@brighton-hove.gov.uk</p>

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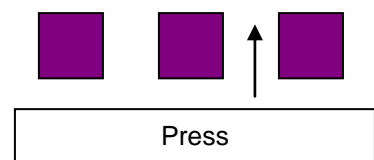
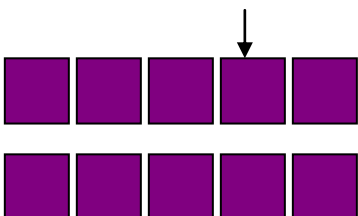
Democratic Services: Planning Committee

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



AGENDA

1 PROCEDURAL BUSINESS

(a) Declaration of Substitutes: Where Councillors are unable to attend a meeting, a substitute Member from the same Political Group may attend, speak and vote in their place for that meeting.

(b) Declarations of Interest or Lobbying

- (a) Disclosable pecuniary interests;
- (b) Any other interests required to be registered under the local code;
- (c) Any other general interest as a result of which a decision on the matter might reasonably be regarded as affecting you or a partner more than a majority of other people or businesses in the ward/s affected by the decision.

In each case, you need to declare

- (i) the item on the agenda the interest relates to;
- (ii) the nature of the interest; and
- (iii) whether it is a disclosable pecuniary interest or some other interest.

If unsure, Members should seek advice from the committee lawyer or administrator preferably before the meeting.

(d) All Members present to declare any instances of lobbying they have encountered regarding items on the agenda.

(c) Exclusion of Press and Public: To consider whether, in view of the nature of the business to be transacted, or the nature of the proceedings, the press and public should be excluded from the meeting when any of the following items are under consideration.

NOTE: Any item appearing in Part 2 of the Agenda states in its heading the category under which the information disclosed in the report is exempt from disclosure and therefore not available to the public.

A list and description of the exempt categories is available for public inspection at Brighton and Hove Town Halls.

(d) Use of mobile phones and tablets: Would Members please ensure that their mobile phones are switched off. Where Members are using tablets to access agenda papers electronically please ensure that these are switched to 'aeroplane mode'.

PLANNING COMMITTEE

2 MINUTES OF THE PREVIOUS MEETING 1 - 10

Minutes of the meeting held on 11 May 2016 (copy attached).

3 CHAIR'S COMMUNICATIONS

4 PUBLIC QUESTIONS

Written Questions: to receive any questions submitted by the due date of 12 noon on 1 June 2016.

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

6 TO CONSIDER AND DETERMINE PLANNING APPLICATIONS 11 - 14

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

MAJOR APPLICATIONS

A BH2016/00403 - 251-253 Preston Road, Brighton - Full Planning Permission 15 - 42

Demolition of non-original two storey link building. Erection of new 3no storey link building and conversion, extension and refurbishment works to existing buildings to facilitate creation of 22no apartments (C3). Erection of 6no single dwelling houses (C3) to rear of site to provide a total of 28no residential units incorporating provision of new car parking, cycle parking and refuse stores, landscaping, planting and other associated works.

RECOMMENDATION – MINDED TO GRANT

Ward Affected: Withdean

B BH2015/04474 - Units 1-6 Longley Industrial Estate, New England Street, Brighton - Full Planning Permission 43 - 62

Change of use of all units from light industrial (B1c) and warehousing (B8) to offices (B1a) together with external alterations and refurbishment including increase in height of building, installation of curtain walling system, metal faced cladding and glazed panelling, revised vehicular and pedestrian access, new cycle and motor cycle storage and disabled parking bays.

RECOMMENDATION – MINDED TO GRANT

Ward Affected: St Peter's & North Laine

PLANNING COMMITTEE

MINOR APPLICATIONS

- C BH2015/03868 - 39-41 Withdean Road, Brighton - Full Planning Permission 63 - 74**
- Variation of condition 2 of BH2013/03456 (demolition of existing houses and erection of 3no. detached houses with associated landscaping) to allow the addition of a roof extension to stairwell and a 'gloriette' timber structure and terrace area to Unit 2.
- RECOMMENDATION – GRANT**
Ward Affected: Withdean
- D BH2016/00926 - 3 Sylvester Way, Hove - Householder Planning Consent 75 - 84**
- Erection of single storey side and rear extension.
- RECOMMENDATION – GRANT**
Ward Affected: Hangleton & Knoll
- E BH2016-00302 - 107 Freshfield Road - Full Planning Permission 85 - 92**
- Change of use from five bedroom single dwelling (C3) to five bedroom small house in multiple occupation (C4). (Part retrospective)
- RECOMMENDATION – GRANT**
Ward Affected: Queen's Park
- F BH2015/04277 - 37 Lewes Road - Removal or Variation of Condition 93 - 104**
- Application for removal of condition 7 of application BH2012/02367 (Change of use from tool hire premises (Use Class A1) to car sales premises (Sui Generis) including the erection of an office cabin and installation of 3no wall mounted external lights), which states that vehicular access to the site shall be from Lewes Road only and all vehicles shall leave the site onto Newport Street only. (Part retrospective)
- RECOMMENDATION – GRANT**
Ward Affected: St Peter's & North Laine

PLANNING COMMITTEE

- G BH2015/02893 - 4-12 Lyndhurst Road - Full Planning Permission 105 - 120**

Change of use from nursing home (C2) to 6no houses (C3) with associated alterations.

RECOMMENDATION – MINDED TO GRANT

Ward Affected: Goldsmid

- H BH2016/00216 - Hazel Cottage, Warren Road, Brighton - Full Planning Permission 121 - 128**

Creation of enclosed entrance lobby and alterations to fenestration.

RECOMMENDATION – MINDED TO GRANT

Ward Affected: Woodingdean

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

INFORMATION ITEMS

- 8 INFORMATION ON PRE APPLICATION PRESENTATIONS AND REQUESTS 129 - 132**

(copy attached).

- 9 LIST OF APPLICATIONS DETERMINED UNDER DELEGATED POWERS OR IN IMPLEMENTATION OF A PREVIOUS COMMITTEE DECISION (INC. TREES MATTERS) 133 - 182**

(copy attached)

- 10 LIST OF NEW APPEALS LODGED WITH THE PLANNING INSPECTORATE 183 - 184**

(copy attached).

- 11 INFORMATION ON INFORMAL HEARINGS/PUBLIC INQUIRIES 185 - 186**

(copy attached).

- 12 APPEAL DECISIONS 187 - 216**

(copy attached).

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

PLANNING COMMITTEE

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

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

Agendas and minutes are published on the council's website www.brighton-hove.gov.uk. Agendas are available to view five working days prior to the meeting date.

Electronic agendas can also be accessed through our meetings app available through www.moderngov.co.uk

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

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

For further details and general enquiries about this meeting contact Penny Jennings, (01273 29-1064/29-1354, email planning.committee@brighton-hove.gov.uk) or email democratic.services@brighton-hove.gov.uk.

Date of Publication - Tuesday, 31 May 2016

BRIGHTON & HOVE CITY COUNCIL**PLANNING COMMITTEE****2.00pm 11 MAY 2016****THE RONUK HALL, PORTSLADE TOWN HALL****MINUTES**

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

Officers in attendance: Nicola Hurley (Planning Applications Manager), Kate Brocklebank (Principal Planning Officer), Steven Shaw (Principal Transport Officer), Hilary Woodward (Senior Solicitor) and Ross Keatley (Democratic Services Manager)

PART ONE**185 PROCEDURAL BUSINESS****(A) Declarations of substitutes**

185.1 Councillor A. Norman was present in substitution for Councillor Miller

(B) Declarations of interests

185.2 Councillor Barradell declared an instance of lobbying in respect of Application A) BH2016/00040 – Bingo Hall, Fairway Trading Estate, Moulsecoomb Way, Brighton as she had received an email from the applicant's agent.

(C) Exclusion of the press and public

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

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

(d) Use of mobile phones and tablets

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

186 MINUTES OF THE PREVIOUS MEETING

186.1 Councillor C. Theobald referenced Item 178 A) paragraph 33 and noted that her comments in relation to: the quality of the renovation; the retention of flint walls; the lack of affordable housing and accessible units and the impact on the historic field had been omitted from the record.

186.2 **RESOLVED** – That, with the addition at 186.1, the Chair be authorised to sign the minutes of the meeting held on 20 April 2016 as a correct record.

187 CHAIR'S COMMUNICATIONS

187.1 There were none.

188 PUBLIC QUESTIONS

188.1 There were none.

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

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

190 TO CONSIDER AND DETERMINE PLANNING APPLICATIONS

A BH2016/00040 - Bingo Hall, Fairway Trading Estate, Moulsecomb Way, Brighton - Full Planning - Change of use from bingo hall (D2) to mixed use general manufacturing (B2), offices (B1a), research and development (B1b), light industrial manufacturing (B1c), warehousing (B8) together with external alterations for new windows and doors and new entrance at ground floor level.

(1) It was noted that this application had formed the subject of a site visit prior to the meeting.

(2) The Principal Planning Officer (Kate Brocklebank) introduced the application with reference to plans, photographs and elevational drawings. A verbal update was provided in respect of Condition 4; the Planning Authority had received further information and were satisfied that this condition be amended to reference BREEAM 'very good' rather than 'excellent'. The application sought some minor external alterations, but was primarily concerned with the change of use of the building. The relocation of the business from Conway Street to this site would allow for the business to grow from 200 employees to approximately 250 by 2019. The use was categorised as sui generis as there was not one overriding planning use across the site. The bingo hall use had ceased in February 2016, and the vacated Conway Street site would form

part of redevelopment of the Hove Station area. The relocation to Moulsecoomb would allow the production site to be very close to the distribution centre. The appearance was considered acceptable and there were appropriate highways mitigation measures; for the reasons set out in the report the application was recommended for approval

Public Speaker(s) and Questions

- (3) Nicolas de Conde addressed the Committee in his capacity as a local resident objecting to the scheme. He stated that the application would take away much needed community facilities in the area as not all residents could afford to travel into the centre of Brighton and the site could potentially be used to relocate the Bridge Community Centre. The site was accessible for a number of neighbourhoods in that area of the city, and it would be impossible to replicate the site with its accessibility and parking provision. The area needed community facilities as well as jobs; the factory would be anti-social and potentially add to the traffic problems along the Lewes Road. In summary the speaker requested that a socially motivated development be considered at the site.
- (4) Simon Bareham, John Scott and Nigel Richardson the agent, project manager and Chief Executive of the business respectively, came forward and noted they had nothing to add to the Officer report, but were available for any questions from the Committee.
- (5) In response to Councillor Barradell the speakers explained that the nature of the business and the licensing controls ensured there would be no external emissions from the manufacturing process and the air extraction system had an 'absolute filter' which only expelled clean air.
- (6) In response to Councillor A. Norman it was explained that health and safety was crucial to the manufacturing process and the relocation of the facility would allow the business to achieve greater levels of containment.
- (7) In response to Councillor Littman it was clarified that the other Bingo facilities in the city were viewed as a sufficient alternative as the customer draw on the previous bingo hall had been county-wide, rather than locally focused.
- (8) In response to a further question from Councillor Littman it was explained that it was the intention of the applicant to continue a parking agreement with Mears up until construction – when it would not be appropriate for safety reasons. Once the building was at full occupation capacity it was considered there would still be some parking capacity to allow a long-term agreement with Mears.
- (9) In response to Councillor Mac Cafferty assurance was provided that most of the noisy equipment would be in the basement; the external equipment would be enclosed, but were any issues to arise the applicant would be fully prepared to enter into an open dialogue with residents to resolve this.
- (10) In response to a further question from Councillor Mac Cafferty it was explained that the BREEAM standards were more focused on achieving the standard in a typical office environment, not a pharmaceutical manufacturing facility. To achieve the 'excellent' standard would cost substantially more and threaten the viability of the project.

- (11) In response to Councillor C. Theobald it was estimated there were usually 8-10 employees on a night shift.

Questions for Officers

- (12) In response to Councillor Inkipin-Leissner it was explained that there were no powers in planning terms to agree any additional community group funding from the applicant.
- (13) It was confirmed for Councillor Morris that in determining the application the Planning Authority did not need to have an understanding of the products or manufacturing process as this was regulated by separate licensing legislation.
- (14) In response to Councillor Mac Cafferty the location of the acoustic louver was highlighted and it was added that there would be limited visibility of it due to the setting. In relation to waste disposal, it would not be appropriate to condition this as commercial waste was privately contracted.
- (15) In response to Councillor C. Theobald it was explained that the details of disabled parking were sought through condition, and there was a requirement, by condition, to maintain access to real time bus information at the site.
- (16) In response to Councillor Barradell the location of the closest objection in relation to the site was clarified.
- (17) In response to Councillor Bennett it was confirmed there was a bus shelter in close proximity to the site as well as a zebra crossing.

Debate and Decision Making Process

- (18) Councillor Barradell noted that the loss of the bingo hall was regrettable, but this was not linked to the application. She had received assurance in relation to emissions and would support the Officer recommendation.
- (19) Councillor Inkipin-Leissner noted the Planning Authority had no legal power to ask the application to retain any community use at the site, and he welcomed the additional jobs that would be created at the site.
- (20) Councillor Morris noted his support of the business expansion, in particular as it had links to both universities in the city.
- (21) Councillor C. Theobald noted it was shame that the bingo hall would be lost, but she felt it was excellent the business wanted to stay in the city and expand to provide additional employment.
- (22) The Chair stated that she would support the Officer recommendation and welcomed the links to universities and the expansion of the business.
- (23) A vote was taken of the 12 Members present and the Officer recommendation that the Committee approve the application was carried unanimously.

- 190.1 **RESOLVED** - That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in section 11 of the report and the policies and guidance in section 7 and resolves to be **GRANT** planning permission subject to the conditions and informatives set out in section 11 and the amended condition 4 set out below:

Condition 4:

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

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

- B BH2015/04574 - 14 Portland Villas, Hove - Full Planning** - Demolition of bungalow and erection of new detached house (C3) and outbuilding to rear garden.

- (1) The Principal Planning Officer (Kate Brocklebank) introduced the application and gave a presentation by reference to plans, photographs and elevational drawings. Attention was also drawn to matters on the late list; the deletion of conditions 10 & 13 and the amendment of condition 11 (part B) to seek 'details' rather than samples. The application followed a previous refusal of a larger scheme that was now the subject on an appeal, the scheme had been refused on the basis of design and amenity. There were changes to the scheme before the Committee, namely the removal of the second floor balcony to be replaced with a Juliet balcony. The amended scheme was considered acceptable in relation to design and scale; there would be no significant impact on neighbouring amenity and it was acceptable on the grounds of highways safety and sustainability. The application was recommended for approval for the reasons set out in the report.

Public Speaker(s) and Questions

- (2) Councillor Nemeth addressed the Committee in his capacity as the local Ward Councillor. He stated that he was pleased the applicant and the Planning Authority had been able to work together to put forward a mutually agreeable scheme and residents living directly behind the site were now in support. The issues in relation to the roof colour and materials had been addressed; he recommended the scheme to the Committee for approval.

Questions for Officers, Debate and Decision Making Process

- (3) In response to Councillor A. Norman the species of the tree in front of the property could not be confirmed.

- (4) In response to Councillor Hamilton the distance to the property to the rear was confirmed.
- (5) In response to Councillor Morris it was clarified that the applicant would need to apply for a drop kerb.
- (6) In response to Councillor Littman it was confirmed that conditions could only be added in relation to water and energy, in line with policy.
- (7) Councillor Inkpin-Leissner welcomed the resolution of the application and noted he would support the Officer recommendation.
- (8) Councillor C. Theobald noted that the previous concerns had been overcome; she felt the slate roof would fit in better with the street scene as well as the new scale of the property.
- (9) The Chair stated she was pleased to see the application had been resolved.
- (10) A vote was taken of the 12 Members present and the Officers recommendation that the Committee grant planning permission was carried unanimously.

190.2 **RESOLVED** - That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in section 11 of the report and the policies and guidance in section 7 and resolves to **GRANT** planning permission subject to the conditions and informatives set out in section 11, and the amended and additional conditions set out below:

Amend condition 2:

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

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

Plan Type	Reference	Version	Date Received
Site location plan and block plan	1115B01	C	18 th December 2015
Existing floor plan	1115B 02	B	18 th December 2015
Existing east and south elevations	1115B03	B	18 th December 2015
Existing west and north elevations	1115B04	B	18 th December 2015
Proposed ground floor plan	1115B10	E	15 th April 2016
Proposed first floor plan	1115B11	E	15 th April 2016
Proposed second floor plan	1115B12	G	10 th May 2016
Proposed section A-A	1115B13	F	10 th May 2016
Proposed east and west elevations	1115B14	E	10 th May 2016

Proposed south and north elevations	1115B15	D	15 th April 2016
Proposed roof plan	1115B16	D	15 th April 2016
Proposed home office	1115B17	A	15 th January 2016

Amend condition 11:

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

- a) Samples of all brick, render and tiling (including details of colour of render/paintwork to be used)
- b) Details of the proposed windows, doors and balcony treatments.

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

Reason: To ensure a satisfactory appearance to the development and to comply with policy CP12 of the Brighton and Hove City Plan Part One and policy QD14 of the Brighton and Hove Local Plan.

Additional condition:

Prior to first occupation of the dwelling hereby approved, details of the front walling shall be submitted to and approved in writing by the Local Planning. The walling shall then be constructed in accordance with the approved scheme and retained as such thereafter.

Reason: To ensure the development has an appropriate appearance and to comply with policy CP12 of the Brighton & Hove City Plan Part One.

C BH2015/03521 - Land west of 13 Dudwell Road, Brighton - Full Planning - Erection of 2no three bedroom semi-detached two storey houses (C3).

- (1) The Principal Planning Officer introduced the application and gave a presentation by reference to plans, photographs and elevational drawings. It was considered there would be no impact on highways safety and amenity; the application was recommended for approval for the reasons set out in the report.

Questions for Officers, Debate and Decision Making Process

- (2) In response to Councillor Barradell it was clarified that the change of use was implicit with the application.
- (3) In response to Councillor C. Theobald it was confirmed that one of the garages was under separate ownership though this was not a planning consideration.

- (4) A vote was taken of the 12 Members present and the Officer's recommendation that the Committee grant planning permission was carried unanimously.

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

D BH2016/00021 - Clarendon House, Conway Court, Ellen House, Livingstone House & Goldstone House, Clarendon Road, Hove - Full Planning - Alterations to lift motor rooms including raising roof height by 600mm. Installation of UPVC framed doors and installation of external smoke vents. General repair and decoration works.

- (1) The Principal Planning Officer (Kate Brocklebank) introduced the application with reference to plans, photographs and elevational drawings. The proposed materials would match those existing on the site and the proposals sought to enclose the stairwells with doors – smoke vents and smoke alarms would be fitted. The current works being undertaken on site were in relation to a previous approved application for new windows. The application was not considered harmful to the buildings or neighbouring amenity and was recommended for approval for the reasons set out in the report.

Public Speaker(s) and Questions

- (2) Valerie Paynter and Roy Croydon addressed the Committee as local residents in objection to the scheme. They stated that they were of the view that the contractors (Mears) were already undertaking some of this work without consent on the site. The repairs being undertaken were not being finished to a satisfactory standard. The application did not address design and health and safety issues to protect residents from concrete dust. The colour of the finished bricks should be agreed in the conditions, as the apricot bricks were being replaced with yellow ones that were being stained. The Committee were invited to abstain from the decision before them.
- (3) James Dealer addressed the Committee on behalf of the applicant (the Council) in his role as a lift engineer. He stated that the works sought to lift the roof heights of the motor rooms as these were currently not safe to undertake the necessary works to the lifts, which were at the end of their serviceable lives. The door installations sought to prevent pigeon infestations on the stairwells, as well as ensuring the stairwells were warm and adequately insulated.
- (4) It was confirmed for Councillor Morris that the only works to have commenced were to remove asbestos on site.

Questions for Officers, Debate and Decision Making Process

- (5) In response to Councillor Mac Cafferty it was clarified that the containment of dust would be covered through Environmental Health legislation.

- (6) In response to Councillor Barradell it was confirmed that the series of applications that had been submitted in relation to this site followed as the alternative to the cladding scheme that had been refused by the Committee previously.
- (7) Councillor Barradell stated she would abstain from the vote.
- (8) Councillor Gilbey stated she would support the scheme as she could see no reason in planning terms to refuse it.
- (9) A vote was taken of the 12 Members present and the Officer's recommendation that the Committee grant planning permission was carried on a vote of 9 in support with 3 abstentions.

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

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

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

192 INFORMATION ON PRE APPLICATION PRESENTATIONS AND REQUESTS

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

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

193.1 That the Committee notes the details of applications determined by the Executive Director Economy, Environment & Culture under delegated powers.

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

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

194 LIST OF NEW APPEALS LODGED WITH THE PLANNING INSPECTORATE

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

195 INFORMATION ON INFORMAL HEARINGS/PUBLIC INQUIRIES

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

196 APPEAL DECISIONS

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

The meeting concluded at 3.15pm

Signed

Chair

Dated this

day of

BRIGHTON & HOVE CITY COUNCIL
ENVIRONMENT
PLANNING COMMITTEE
Date: 08 June 2016

MAJOR APPLICATIONS

Application	Application Number	Ward	Address	Proposal	Recommendation	Decision
A	BH2016/00403 Full Planning	Withdean	251-253 Preston Road, Brighton	Demolition of non-original two storey link building. Erection of new 3no storey link building and conversion, extension and refurbishment works to existing buildings to facilitate creation of 22no apartments (C3). Erection of 6no single dwelling houses (C3) to rear of site to provide a total of 28no residential units incorporating provision of new car parking, cycle parking and refuse stores, landscaping, planting and other associated works.	Minded to Grant	
B	BH2015/04474 Full Planning	St Peters & North Laine	Units 1-6 Longley Industrial Estate, New England Street, Brighton	Change of use of all units from light industrial (B1c) and warehousing (B8) to offices (B1a) together with external alterations and refurbishment including increase in height of building, installation of curtain walling system, metal faced cladding and glazed panelling, revised vehicular and pedestrian access, new cycle and motor cycle storage and disabled parking bays.	Minded to Grant	

MINOR APPLICATIONS

Application	Application Number	Ward	Address	Proposal	Recommendation	Decision
C	BH2015/03868 Full Planning	Withdean	39-41 Withdean Road, Brighton	Variation of condition 2 of BH2013/03456 (demolition of existing houses and erection of 3no. detached houses with associated landscaping) to allow the addition of a roof extension to stairwell and a 'gloriette' timber structure and terrace area to Unit 2.	Grant	
D	BH2016/00926 Householder Planning Consent	Hangleton & Knoll	3 Sylvester Way, Hove	Erection of single storey side and rear extension.	Grant	
E	BH2016-00302 Full Planning	Queen's Park	107 Freshfield Road	Change of use from five bedroom single dwelling (C3) to five bedroom small house in multiple occupation (C4). (Part retrospective)	Grant	
F	BH2015/04277 Removal or Variation of Condition	St Peter's and North Laine	37 Lewes Road	Application for removal of condition 7 of application BH2012/02367 (Change of use from tool hire premises (Use Class A1) to car sales premises (Sui Generis) including the erection of an office cabin and installation of 3no wall mounted external lights), which states that vehicular access to the site shall be from Lewes Road only and all vehicles shall leave the site onto Newport Street only. (Part retrospective)	Grant	

G	BH2015/02893 Full Planning	Goldsmid	4-12 Lyndhurst Road	Change of use from nursing home (C2) to 6no houses (C3) with associated alterations.	Minded to grant	
H	BH2016/00216 Full Planning	Woodingdean	Hazel Cottage, Warren Road, Brighton	Creation of enclosed entrance lobby and alterations to fenestration.	Grant	

Site Visits

To be agreed at Chairs and Members Briefing on Wednesday 1st June 2016

Nicola Hurley & Paul Vidler

Planning Manager Applications

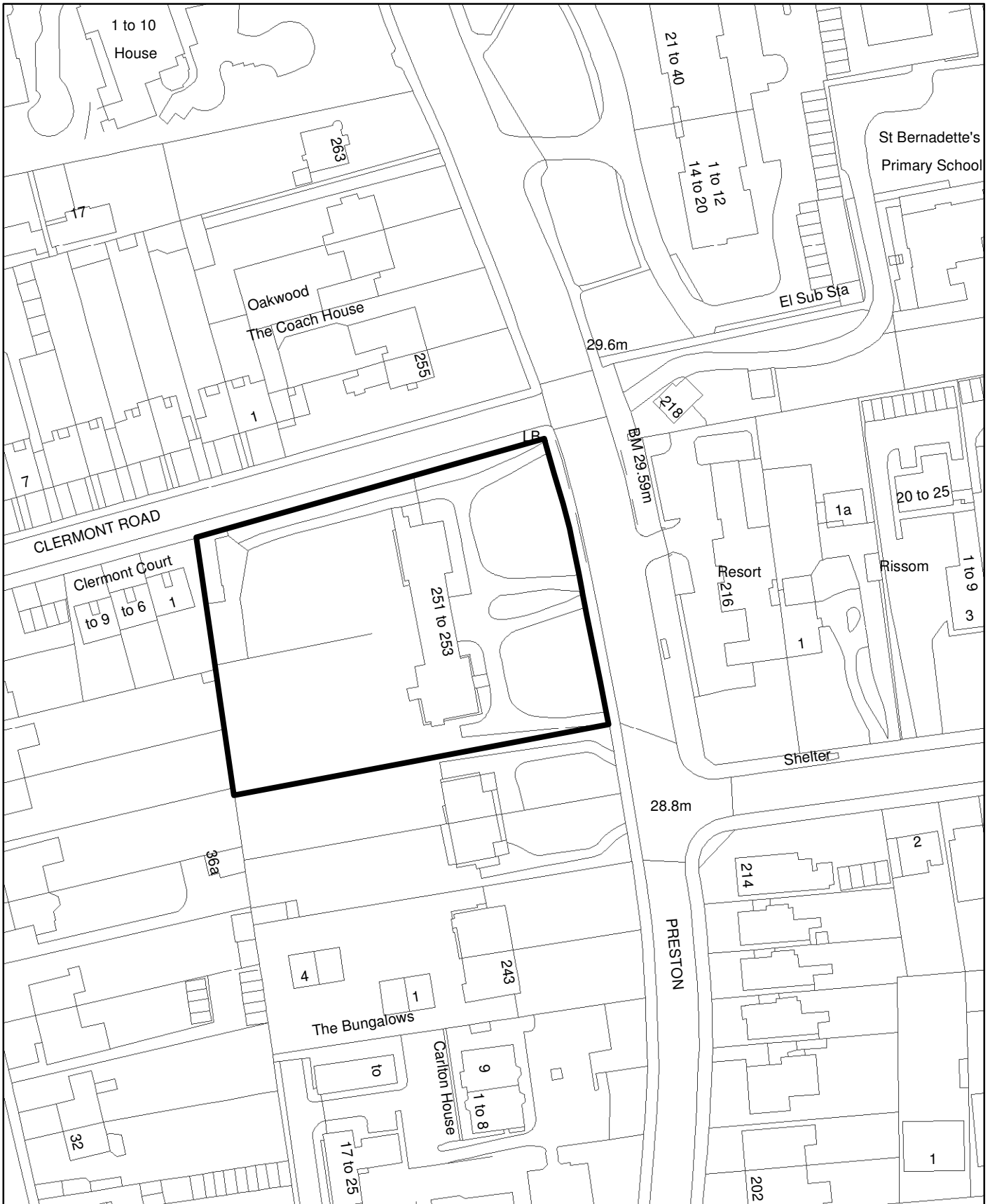
DATE May 2016

ITEM A

**251-253 Preston Rd Brighton
BH2016 / 00403
Full Planning**

08 June 2016

BH2016/00403 251-253 Preston Road, Brighton



**Brighton & Hove
City Council**



Scale: 1:1,250

<u>No:</u>	BH2016/00403	<u>Ward:</u>	WITHDEAN
<u>App Type:</u>	Full Planning		
<u>Address:</u>	251-253 Preston Road Brighton		
<u>Proposal:</u>	Demolition of non-original two storey link building. Erection of new 3no storey link building and conversion, extension and refurbishment works to existing buildings to facilitate creation of 22no apartments (C3). Erection of 6no single dwelling houses (C3) to rear of site to provide a total of 28no residential units incorporating provision of new car parking, cycle parking and refuse stores, landscaping, planting and other associated works.		
<u>Officer:</u>	Adrian Smith Tel 290478	<u>Valid Date:</u>	17/03/2016
<u>Con Area:</u>	Preston Park	<u>Expiry Date:</u>	16 June 2016
<u>Listed Building Grade:</u>	N/A		
<u>Agent:</u>	Yelo Architects Ltd, Olivier House 18 Marine Parade Brighton BN2 1TL		
<u>Applicant:</u>	Southern Housing Group, Mr Colin Thomas Spire Court Albion Way Horsham West Sussex RH12 1JW		

1 RECOMMENDATION

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

2 SITE LOCATION & DESCRIPTION

- 2.1 The application site comprises a pair of linked three-storey Victorian villas set in a substantial plot on the west side of Preston Road, at the junction with Clermont Road. The buildings are currently vacant having previously been in use by the City Council's Fostering and Adoption teams and the Child Protection Unit. A 2m high boundary wall fronts Preston Road and Clermont Road, punctuated by three main access points.
- 2.2 The site falls within the Preston Park Conservation Area. A number of mature trees sit throughout the site, of which 27 are covered by a Tree Preservation Order.
- 2.3 The adjacent buildings to the north and south along Preston Road form substantial mansions now converted into flats. A short terrace of modern flats sits to the rear/west, with Preston Park Hotel and a nursery school opposite to the east.

3 RELEVANT HISTORY

BH2015/00395- Demolition of non-original two storey link building. Erection of new 3no storey link building and conversion, extension and refurbishment works to existing buildings to facilitate creation of 25no apartments (C3). Erection of 7no single dwelling houses (C3) to rear of site to provide a total of 32no residential units, incorporating provision of new car parking, cycle parking and refuse stores, landscaping, planting and other associated works. Refused 17/07/2015 for the following reasons:

- 1. The proposed link extension, by virtue of its massing, detailing and material finish, represents an excessively scaled addition that would detract from the appearance of the period villas and wider Preston Park Conservation Area. The proposal therefore fails to preserve or enhance the character or appearance of the buildings, site or surrounding Preston Park Conservation Area, contrary to policy HE6 of the Brighton & Hove Local Plan, paragraphs 132 & 137 of the NPPF, and the statutory requirement set out in Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.*
- 2. The proposed development of seven houses in the rear gardens to the site, by virtue of their layout, positioning and site coverage, massing and material finish, represents excessively scaled additions that would permanently erode the original gardens to the site and the historic development pattern of the area, thereby detracting from the appearance of the site and wider Preston Park Conservation Area. The proposal therefore fails to preserve or enhance the character or appearance of the buildings, site or surrounding Preston Park Conservation Area, contrary to policies QD1, QD2 & HE6 of the Brighton & Hove Local Plan, paragraphs 132 & 137 of the NPPF, and the statutory requirement set out in Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.*

93/0764/CC/FP- Change of Use from a childrens community home to a mixed use childrens resource centre, comprising residential and non-residential social services for children. Approved 02/11/1993

81/276- Conversion/addition to form community home for residential accommodation for children with staff accommodation (reserved matters). Approved 31/03/1981

78/364- Outline application for the conversion of and additions to existing properties to form a community home providing residential and daycare accommodation for children together with staff accommodation. Approved 19/04/1978

50/581- Adaptation and use as a technical college. Deemed granted 08/08/1950.

Pre-Application Consultation:

Following the above refusal of application BH2015/00395 the applicants have undertaken positive pre-application discussion with officers, including a pre-application presentation with Members on 8 December 2015.

4 THE APPLICATION

- 4.1 Planning permission is again sought for the conversion of the two villas to form 22 one, two and three bedroom flats, including the demolition of the existing link and the erection of a new three storey link building. A further six two-storey dwellings are proposed within the rear garden along with communal garden space.

5 PUBLICITY & CONSULTATIONS

External

- 5.1 **Neighbours: One (1)** letter of representation has been received from **Unknown**, objecting to the application for the following reasons:

- The new houses do not appear congruent with the architecture of the existing houses on Clermont Road and Clermont Terrace
- The car parking assessment is unrealistic, with the survey assessing peak times (9am-7pm) only twice when there was a much lower availability of spaces (7-19)
- There is rarely any capacity for additional parking on Clermont Road during peak hours
- 1 parking space per unit is insufficient
- Insufficient parking for carers for the wheelchair units

- 5.2 **Environment Agency:** No comment received

- 5.3 **East Sussex Fire and Rescue:** No objection

- 5.4 **Southern Water:** No objection

- 5.5 **Sussex Police:** No objection

- 5.6 **County Archaeology:** No objection
No objection subject to a Programme of Archaeological Works being secured by condition

- 5.7 **Historic England:** No objection

- 5.8 **Conservation Advisory Group:** Objection

The Group recommend refusal for three reasons:

1. The Group was disappointed at the appearance of the houses. The design of the exterior is too fussy; the inclusion of an internal courtyard is inappropriate and the Group believe this will result in the houses being too small and lacking light. The proposed appearance is totally out of character with existing buildings in the conservation area.
2. The Group do not object to the principle of a link building and think this is a reasonable attempt, but consider the overall appearance is rather too bland

and would benefit from slightly more styling to the fenestration or outlining of the building.

3. The Group questions the location of the parking area, which requires a convoluted route around the building. It is suggested that parking in the north east corner of the site could possibly be more appropriate

Internal:

5.9 **Ecology:** Comment

Insufficient evidence has been provided to assess the potential impacts of the development on bats. Although no evidence of bats was found in the buildings, the buildings maintain low bat roost potential. There are also multiple records of bats from the local area (not identified in the ecology report). As such, further surveys are required to ascertain presence/absence and to inform appropriate mitigation. Surveys must be carried out prior to granting planning permission.

- 5.10 The site has the potential to support breeding birds. Under Section 1 of the Wildlife and Countryside Act 1981 (as amended), wild birds are protected from being killed, injured or captured, while their nests and eggs are protected from being damaged, destroyed or taken.

- 5.11 The site has been identified as having some potential to support reptiles, albeit low. Given the sub-optimal condition of the habitats present and the fact that the development site is surrounded by walls, roads and urban developments, it is considered that a precautionary approach to site clearance is acceptable. A method statement for the protection of reptiles during site clearance should be provided.

- 5.12 It is considered unlikely that the site supports any other protected species and therefore no specific mitigation is required.

5.13 **Arboriculture:** No objection

Twenty seven trees at the above site are covered by Tree Preservation Order (No 14) 1978.

- 5.14 The Arboricultural Report submitted with the application is useful and whilst there are a few minor differences of opinion the Arboricultural Section is in broad agreement with its contents.

- 5.15 Much of our observations follow those submitted under the earlier scheme and remain equally applicable. This latest scheme is in many ways an improvement on its predecessor with the dwellings aggregated together in a terrace towards the Western boundary. This reduces the overall impact on the trees and more securely contains the inevitable additional tree losses through indirect aspects such as roads and car parking. It also provides a more useful amenity space adjacent Clermont Road and between the new dwellings and the existing building.

- 5.16 The proposed roadway, car parking and cycle storage to the frontage and flank has potential for conflict with the trees. Whilst much of this is already hard surface

considerable care in its construction will be needed so as not to damage existing tree roots that will inevitably occupy the soil underneath. A detailed method statement and “no dig” form of construction will be essential if tree losses are to be avoided. In terms of design the location of the cycle storage appears to be obtrusive and poorly thought out. This is especially the case with the frontage where the cycle parking will cut into the green space and towards the South of the site where tree rooting is also likely to be damaged.

5.17 Overall, the Arboricultural Section has no objection to the principals proposed in this application subject to minor amendments and suitable conditions being attached to any consent granted regarding protection of the trees and replacement planting.

5.18 **Environmental Health:** No objection

5.19 **Heritage:** No objection

This application follows pre-application discussions arising from the refusal of a previous application and there are two main aspects to the application.

5.20 The principle of new houses within the rear garden area was previously considered acceptable in principle. This application proposes six two storey houses in terraced format along the rear boundary on the southern side of the site. The proposed siting would ensure that an appropriately large garden area is retained between the existing villas and the new development, thereby retaining the historic setting of the villas, and this siting would also limit the visibility of the new houses from Clermont Road. The short terraced form would be sympathetic to the traditional urban grain of the conservation area west of Preston Road and would echo a traditional mews arrangement, so creating an appropriate relationship with the two villas. The new houses would be clearly contemporary in design but in their scale, proportions and pitched roof form they would nevertheless reflect elements of a traditional mews form, whilst having sufficient design quality and interest in their own right.

5.21 The three storey link building is retained from the previous application with only a slight reduction in height. Concern remains about the appropriateness of linking the two villas at this scale and this aspect of the proposals does result in some harm to their significance as large, detached villas. However, the footprint of the link building has been notably reduced from the previous scheme and the building is sympathetically set back from the villas where they adjoin. The design of the building itself is now much improved. The rhythm of the elevations has been broken down into appropriate vertical divisions, with ‘voids’ at each end and centrally, whilst the proportions of the windows generally reflect the traditional window hierarchy seen on the villas. Although the rear elevation projects further than the existing main elevations it does align with the stair tower to 251 and it would not be unduly intrusive in the oblique views from Clermont Road. Views from Preston Road would still be significantly screened by trees, despite the removal of some trees, and therefore the harmful terracing effect of the link building would not be overly apparent at this distance. Subject to further details, the proposed materials are considered to be sympathetic to the original villas and surrounding area whilst at the same time distinguishing old from new.

5.22 The application proposes to retain the surviving part of the flint boundary wall that originally divided the two rear gardens and this is welcomed. The application also includes comprehensive landscaping proposals for the site which would enhance the role that the front and rear gardens play in visually greening the area and which would respect the setting of the villas.

5.23 **Education:** No comment received

5.24 **Housing:** No objection

5.25 **Planning Policy:** No objection

The application is a significant revision to an earlier scheme (BH2015/00395) which comprised 32 dwellings (25 self-contained flats and 7 detached houses). This application was refused on two grounds, neither of which were policy related.

5.26 The former uses of the site provided important services and facilities of a community nature. As such it is reasonable to consider Local Plan Policy HO20 'Retention of community facilities'. The policy seeks to resist the loss of community facilities but provides for certain exceptions. Information submitted with the planning application indicates that all the teams operating from Preston Road were successfully re-located to the Moulsecomb Hub at the end of 2012. This demonstrates compliance with clause b) of Policy HO20.

5.27 Where an exception to Policy HO20 applies, the policy indicates that the priority is for residential schemes which may include mixed use schemes such as live-work units. As such, a proposal for residential development is considered acceptable in principle. 40% affordable housing provision is indicated; this is welcomed and in compliance with City Plan Policy CP20.

5.28 City Plan Policy CP16 (part 2) requires new development to contribute to the provision of public open space, whilst Policy CP17 (part 5) makes a similar requirement for sport provision. An appropriate financial contribution towards meeting this need is determined using the open space 'ready reckoner', which gives a figure of £81,500, including £12,936 towards indoor sport.

5.29 **Sustainable Transport:** No objection

Recommended approval as the Highway Authority has no objections to this application subject to the inclusion of the necessary conditions and that the applicant enters into a S106 agreement to contribute towards pedestrian improvements and/or public transport improvements to the value of £17,500.

5.30 **Economic Development:** No comment

5.31 **Sustainability:** No objection

5.32 **Sustainable Drainage:** No objection

6 MATERIAL CONSIDERATIONS

- 6.1 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 states that “If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.”
- 6.2 The development plan is:
- Brighton & Hove City Plan Part One (adopted March 2016);
 - Brighton & Hove Local Plan 2005 (retained policies March 2016);
 - East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (Adopted February 2013);
 - East Sussex and Brighton & Hove Waste Local Plan (February 2006); Saved Policies WLP 7 and WLP8 only – site allocations at Sackville Coalyard and Hangleton Bottom and Hollingdean Depot.
- 6.3 The National Planning Policy Framework (NPPF) is a material consideration.
- 6.4 Due weight should be given to the relevant retained policies in the Brighton & Hove Local Plan 2005 according to their degree of consistency with the NPPF.
- 6.5 All material considerations and any policy conflicts are identified in the “Considerations and Assessment” section of the report.

7 RELEVANT POLICIES & GUIDANCE

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One

SS1	Presumption in Favour of Sustainable Development
CP1	Housing delivery
CP2	Sustainable economic development
CP3	Employment land
CP7	Infrastructure and developer contributions
CP8	Sustainable buildings
CP9	Sustainable transport
CP10	Biodiversity
CP12	Urban design
CP14	Housing density
CP15	Heritage
CP16	Open space
CP18	Healthy city
CP19	Housing mix
CP20	Affordable housing

Brighton & Hove Local Plan:

TR7	Safe development
TR14	Cycle access and parking
QD14	Extensions and alterations
QD15	Landscape design
QD16	Trees and hedgerows
QD18	Species protection

QD27	Protection of Amenity
HO5	Provision of private amenity space in residential development
HO13	Accessible housing and lifetime homes
HO20	Retention of community facilities
HE6	Development within or affecting the setting of conservation areas

Supplementary Planning Guidance:

SPGBH4 Parking Standards

Supplementary Planning Documents:

SPD03	Construction & Demolition Waste
SPD06	Trees & Development Sites
SPD11	Nature Conservation & Development
SPD12	Design Guide for Extensions and Alterations

8 CONSIDERATIONS & ASSESSMENT

- 8.1 The main considerations in the determination of this application relate to the principle of conversion, the design of the proposed extension and new buildings and their impact on the appearance of the site and Preston Park Conservation Area, the impact on the amenities of adjacent occupiers, the standard of accommodation to be provided, transport and sustainability matters.
- 8.2 The City Plan Part 1 Inspector's Report was received February 2016. This supports a housing provision target of 13,200 new homes for the city to 2030. It is against this housing requirement that the five year housing land supply position is assessed following the adoption of the Plan on the 24th March 2016. The City Plan Inspector indicates support for the Council's approach to assessing the 5 year housing land supply and has found the Plan sound in this respect. The five year housing land supply position will be updated on an annual basis.
- 8.4 **Principle of Change of Use:**
The villas at 251 & 253 Preston Road were originally constructed as single dwellings however they have not been in residential use for several decades, with planning records indicating use as a technical college from 1950, as a childrens community home from 1978, and as a childrens resource centre comprising residential and non-residential social services from 1993. The site was last occupied by the City Council's Fostering and Adoption teams and the Child Protection Unit as a mix of B1 and D1 uses. These uses included offices for health and social services staff, therapeutic services, assessment and consultation provision, training and meeting rooms. There was no residential use of the site. Given the longstanding mix of several uses on the site the last lawful use of the site is considered to be sui-generis in nature.
- 8.5 Policy HO20 of the Brighton & Hove Local Plan seeks the retention of community facilities unless one or more of four exception tests are met. These tests allow exceptions if the community use is replaced within a new development, is relocated to a location which improves its accessibility, nearby facilities are to be improved to accommodate the loss, or it can be

demonstrated that the site is not needed for community use. In this instance the existing community use and services have been relocated to the Moulsecomb Hub, a location with improved accessibility. As such both tests a) and b) of policy HO20 have been met. Where an exception has been met, policy HO20 attaches a priority to residential schemes. As such the return of the site to residential use is considered acceptable in principle.

8.6 Design and Appearance:

The NPPF attaches great importance to the design of the built environment and identifies good design as a key aspect of sustainable development. This is reflected in policy CP12 of the City Plan Part One which seeks to raise the standard of architecture and design in the city. CP12 requires new development in particular to establish a strong sense of place by respecting the diverse character and urban grain of the city's identifiable neighbourhoods. Policy CP15 seeks to conserve and enhance the city's historic environment, prioritising positive action for those assets at risk through, neglect, decay, vacancy or other threats, and ensuring that the city's built heritage guides local distinctiveness for new development in historic areas and heritage settings.

8.7 Policy HE6 requires development within conservation areas to show a high standard of design and detailing reflecting the scale and character or appearance of the area. Such development should preserve or enhance its character or appearance.

8.8 Paragraph 137 of the NPPF identifies that local planning authorities should look for opportunities for new development within Conservation Areas to enhance or better reveal their significance. Paragraph 132 states that 'when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification'. Paragraph 134 advises that where 'less than substantial harm' to a heritage asset is identified, this should be weighted against the public benefits of the development.

8.9 This is consistent with Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, which requires local planning authorities to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area. 'Preserving' means resulting in no harm. There is therefore a statutory presumption, and a strong one, against granting permission for any development which would cause harm to a conservation area. This presumption can though be outweighed by material considerations powerful enough to do so. Where the identified harm is limited or less than substantial, the local planning authority must nevertheless give considerable importance and weight to the preservation or enhancement of the conservation area.

- 8.10 The Preston Park Conservation Area Character Statement details that the site falls within the Clermont Estate. The Statement states that
'Along Preston Road the villas are mainly semi-detached and date from c.1870. They are two storeys plus a half basement tall, with canted bays and large sash windows beneath overhanging eaves supported on elegant brackets. These houses once stood in large gardens set well back from the busy road, but regrettably many of these have become car parking areas although the substantial front boundary walls and many mature trees and shrubs do conceal most of the buildings from public gaze. All of these houses have been converted into flats and many have been altered or extended unsympathetically as a result.'
- 8.11 The site as existing comprises two large painted stucco Victorian villas set in substantial plots on the west side of Preston Road. The villas sit behind large boundary walls within large vegetated gardens dominated by a number of trees, including 23 trees protected by a Tree Preservation Order. A two storey 1950's extension links the two villas. Within the Preston Park Conservation Area the villas and the sites adjacent at 247 & 249 Preston Road and to the rear at 38 & 39 Clermont Terrace form the last remaining original plots in the immediate area that have not otherwise been encroached with backland development or wholly redeveloped.
- 8.12 Previous uses of the buildings at 251-251 Preston Road and their subsequent alterations and extensions have eroded some of their original grand quality, as has the absence of maintenance within the largely overgrown gardens. Notwithstanding this, the villas and the large gardens that surround them contribute positively to the overall character and appearance of the conservation area and in the reading of its historical evolution. Historic maps show some previous buildings along the rear boundary, however these are of the scale of small stores/stables and orangeries/glasshouses ancillary and subservient to the main villas.
- 8.13 Conversion and link extension
The proposed conversion of the two villas back into residential use is welcome. The alterations to facilitate this conversion would remove many of the previous harmful alterations and restore original detailing to the benefit of their appearance. Likewise the landscaping proposals to reduce the overgrown site frontage and better expose the protected trees are welcome. As such these elements of the proposal would have a positive impact on the appearance of the site and wider conservation area.
- 8.14 The previous proposals included a three storey link extension between the villas to replace the existing two storey link. The link was considered to be excessively scaled and with a massing and detailing that would detract from the appearance of the period villas and the wider Preston Park Conservation Area.
- 8.15 The proposed link extension has been reduced in footprint and height, with the massing and detailing amended to reduce the horizontal volume of brickwork previously proposed. The link extension, although still large, now sits in a more subservient and less visually dominant manner between the two villas. The

reduced height and inset footprint from the main south elevation now sits free of the quoins and cornice detailing of the villas, with recessed balcony sections suitably breaking down the form of the extension into two solid elements that better respect the proportions of the villas. Similarly the scale of the windows has been reduced so that they now better complement the windows to both villas.

8.16 As before, the extension would be completed in contemporary vertical and horizontal clay banded cream/white bricks, with bronze detailed inset balconies and windows. Samples of these materials and finishes have been submitted, and visuals of the likely juxtaposition with the finishes to the villa buildings provided. The long cream/white clay brick has a rougher texture than previously proposed, whilst the bronze finish to the windows and balconies would be used less extensively than before. Overall, it is considered that these finishes, combined with the reduced form and massing of the link extension, would have a suitable recessive appearance that would not dominate or unduly detract from the primacy of the restored villa buildings to either side.

8.17 Houses

The previous application proposed seven houses within the original rear gardens to the villas, five of which were set in an arc through the centre of the gardens. It was considered that the layout, coverage, scale and massing of the houses would permanently erode the original gardens to the site and the historic development pattern of the area, thereby harming the appearance of the site and wider Preston Park Conservation Area. The gardens have remained undeveloped and now form one of the few remaining original garden spaces to the original buildings fronting Preston Road. As such the gardens and the resulting space between the buildings that surround contribute positively to the character and appearance of the Conservation Area.

8.18 This proposal seeks to place six houses in a linear terrace close to the rear boundary of the site, facing into the gardens and towards the rear of the villas. This positioning better respects the historic linear development pattern of the area, and would retain a substantial part of the original rear garden area to the front and north side. Historic maps show the site of the houses previously housed outbuildings and orangeries, therefore some development along this part of the rear boundary is not without historic precedent.

8.19 The houses all include pitched roofs and would be completed in the same materials (cream/white clay brick with bronze windows and zinc roofs) as the link extension, thereby bring a design continuity to the new building elements within the site. The design of the houses, although somewhat stark when seen in elevational form, is punctuated by brick detailing, windows and recessed elements that would bring suitable visual interest.

8.20 Heritage officers consider the principle of placing houses along the rear of the site to be acceptable, and consider the scale and treatment of the houses to be suitable.

8.21 It remains that the overall scale of the extension and the addition of dwellings within the previously undeveloped rear gardens would cause some harm to the appearance and setting of the two villas and the character and appearance of the Preston Park Conservation Area. However the improvements to the design and layout of the proposals are such that the identified harm is significantly less than that afforded by the previous proposals. This harm is considered 'less than substantial' under paragraph 134 of the NPPF, but nevertheless carries significant importance and weight under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

8.22 As with the previous scheme, the overall package of proposals include a number of heritage and other benefits. These include the restoration and re-occupation of the villas buildings, the design quality of the new build additions, the landscaping works, the maintenance works to the protected trees, and the provision of 28 residential units including 11 affordable units. Many of these benefits are public benefits that would significantly enhance the appearance of the site and conservation area and help meet the city's identified housing needs. Taken as a whole, it is considered that the overall benefits of the revised development now outweigh the harm afforded by the scale and impact of the new build elements. The proposals are therefore considered to comply with policies CP12 & CP15 of the Brighton & Hove City Plan Part One and HE6 of the Brighton & Hove Local Plan, paragraphs 132, 134 & 137 of the NPPF, and the statutory requirement set out in Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

8.23 Trees, Landscaping and Ecology

Trees

The site contains substantial gardens to the front and rear with a total of 95 individual trees and further smaller clusters. Of these, 27 are covered by a Tree Preservation Order (no.14, 1978), including three substantial Pines to the Preston Road frontage, a row of Cedars, Cypress and Oaks to the south side boundary, and further clusters within the rear garden to no.253, along the side boundary fronting Clermont Road, and in the southeast corner fronting Preston Road.

8.24 The trees throughout the site have not been fully maintained for a number of years, with the front and rear gardens in particular overgrown and unkempt. The volume of trees throughout the site is such that those of greatest amenity value appear overcrowded and their amenity value has been compromised accordingly.

8.25 A tree report has been submitted with the application which identifies that 49 of the 95 trees within the site will need to be removed. Of the 49 to be felled, 2 are protected by the TPO and 13 require immediate felling on safety grounds. The remaining 34 are to be felled to facilitate the development. These are in the main located across the rear of the site, southern side boundary, and in the front northeast corner. All except five are category C trees of generally small stature, low quality and low amenity value. The remaining five are category B trees within the rear garden to no.251 and not readily visible from the wider public realm.

- 8.26 The two TPO trees to be felled are a Robinia (category B) and a Cypress (category C) set in the rear gardens. The arboricultural report identifies that the Cypress is dying and of limited amenity value, and the other (Robinia) is a second generation tree out of sight to the rear of the site. Works to crown raise and trim a further 17 trees (10 covered by the TPO) are also recommended.
- 8.27 Although the plans include the loss of a substantial number of trees, this is largely a result of an absence of site maintenance over a long period. Those that are to be lost in the main clutter the site and encroach on the appearance and setting of both the buildings and the remaining trees subject to the TPO. The reduction in tree coverage across the site would better reveal the amenity value of the protected trees and the architectural quality of the existing buildings, and would allow for improved landscaping of the site to the benefit of the wider Preston Park Conservation Area. Whilst the loss of two protected trees is regrettable, in this instance they have been identified as being of limited amenity value. As such their loss is accepted. The Council's Arboricultural team have raised no objection to these works, subject to suitable conditions to retain and protect those trees that are to be retained.

Landscaping

- 8.28 The submission includes a detailed landscape plan and supporting specification which includes details of all materials, details of new tree planting along the front, rear and side boundaries of the site, and new soft landscaped areas throughout the site. The new trees would include Fruit trees, Lime trees and Silver Birches planted to a height of between 3m and 5m. Sketch 3D plans of the site have also been included in the specification to illustrate the high quality landscaping proposed. The landscape plans detail that communal lawns will be provided to the front of the site and in two linked areas to the rear. Further herb and vegetable beds are to be provided in the rear gardens, with discrete lighting throughout. Overall the landscape plans are of a high quality and provide assurance that the site will be well presented to the benefit of the appearance of the site and wider conservation area.

Ecology

- 8.29 In terms of ecology, an Ecological Scoping Survey Report has been submitted which identifies that at the time of the survey (January 2016) there was no evidence of bat or breeding birds, and no significant potential for the presence of reptiles. As a precaution the report advises that further bat survey work should be carried out prior to works commencing and this is secured by condition. The report (section 4.42) and landscape plans detail a series of measures to improve the ecological value of the development, including bee, bird and bat boxes, log stacks, native planting and meadow grass (section 4.42). These measures are secured by condition.
- 8.30 The County Ecologist has identified the building as having low bat roost potential and has recommended that further surveys should be carried out before permission is granted. In this instance, given that no evidence of bats were identified in the initial surveys, it is considered that a condition should be applied to ensure a final bat survey is carried out prior to works commencing.

The County Ecologist has not objected to this approach. Further method statements are secured by condition to secure appropriate mitigation in the event reptiles and/or nesting birds are uncovered during site clearance works, as recommended by the County Ecologist.

8.31 For these reasons the proposed tree works, landscaping scheme and ecology improvements are considered acceptable and in accordance with policies CP10 & CP15 of the City Plan Part One and QD15, QD16 & QD18 of the Brighton & Hove Local Plan.

8.32 Open space

The scale of the development is such that it would not provide all the necessary open space and outdoor recreation space within the site to comply with the requirements of policy CP16. In such circumstances policy CP16 allows for contributions within the s106 agreement to offset the needs generated by the development. In this instance, offsetting the 3,000sqm of communal garden space being provided onsite, the standard open space formula recommends that a contribution of £51,729 be sought, which includes £12,544 towards indoor sport.

8.33 These would be spent on improving indoor sports facilities at Withdean Sports Complex and/or Prince Regent Swimming Complex, outdoor sports facilities at Preston Park and/or Withdean Sports Complex, and play space at Preston Park and/or Dyke Road Park and/or Blakers Park, facilities that have not been allocated funds from more than five previous permissions since 6 April 2010. This level of contribution is secured in the s106 Heads of Terms.

8.34 Standard of Accommodation:

The development would comprise a total of 28 residential houses and flats. The converted villas would provide ten one-bedroom flats and four two-bedroom flats. The link extension would comprise two one-bedroom flats and six two-bedroom flats, with six three-bedroom houses to the rear. In total this amounts to 12 one-bedroom units, 10 two-bedroom units, and 6 three-bedroom units. This mix of unit sizes is considered acceptable and in broad compliance with policy CP19, which estimates that 65% of overall housing demand over the plan period will be for two and three bedroom properties.

8.35 All units are of a good size with good access to natural light and ventilation. Those within the extension would have access to small private balconies and patios, with all flats having access to the communal gardens to the front and rear. Each house would be served by a good sized private rear garden. This is an acceptable arrangement that broadly complies with policies QD27 and HO5 of the Brighton & Hove Local Plan.

8.36 The requirement to meet Lifetime Homes within policy HO13 has now been superseded by the accessibility and wheelchair housing standards within the national Optional Technical Standards. Step-free access to the new-build residential units is achievable therefore a condition is applied to ensure the development complies with Requirement M4(3) of the optional requirements in Part M of the Building Regulations for the two wheelchair accessible units at

ground floor level within the link extension, and Requirement M4(2) for all other units.

8.37 Affordable housing

Policy CP20 of the City Plan Part One requires new developments of this scale to provide 40% affordable housing, with the policy identifying a preferred split of 30% one-bedroom units, 45% two-bedroom units and 25% 3 bedroom units and above. The applicants state that 40% of the development will comprise affordable housing, amounting to 11 units (including the two wheelchair units). Of the 11 affordable units, 8 are to be offered as affordable rent and 3 as shared ownership. This split meets the requirements of policy CP20 and aligns with the preference within the Affordable Housing Brief for a greater proportion of affordable rent units than shared ownership units. Final details are secured within the s106 Heads of Terms.

8.38 Impact on Amenity:

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

8.39 The main impact would be on the amenities of occupiers to the rear/west and south of the site. Those to the north and front/east are set opposite Clermont Road and Preston Road respectively and would not be otherwise impacted given the separations, boundary walls and trees set between.

8.40 To the south, no.249 Preston Road forms a substantial period property split into six flats. The conversion of no.251 back to residential occupancy would not introduce untoward levels of overlooking, with a mix of principal, secondary and bathroom windows facing south towards mature trees along the boundary with no.249. Of the proposed six houses within the terrace to the rear, house 1 is set the closest to the boundary with no.249 at a separation of 2m. Although close to the boundary in an otherwise spacious setting, the terrace is at the rear part of the site 32m from the main building at no.249. This separation, in combination with the absence of any side facing windows, is sufficient to ensure that occupiers of no. 249 and the substantial gardens to the rear would not be unduly overlooked or enclosed.

8.41 To the rear are a number of flats on rising ground at Clermont Court (fronting Clermont Road) and Muirson House (fronting Clermont Terrace). Muirson House is set at a separation of 45m from the rear site boundary such that there would be no discernable impact from the proposed houses. Clermont Court is orientated north-south on higher ground level, offset at a separation of 10m from the east-west orientation of the proposed terrace. Given this separation, the changes in ground level, and the high level first floor windows proposed, it is not considered that the amenities of the ground, first or second floor flats within Clermont Court would be harmed to a degree that would warrant the refusal of permission. The impact of the bulk of the terrace would be offset by its position

5m from the shared boundary and by the retained and proposed tree planting between.

8.42 For these reasons the proposal is considered to accord with policy QD27 of the Brighton & Hove Local Plan.

8.43 Sustainable Transport:

The site retains four access points, three from Preston Road and one from Clermont Road. Currently the main access into the site is from the Clermont Road entrance, with the other three points closed. Parking is provided on a hardstanding to the front of the site and to the rear along the south side boundary.

8.44 The proposal seeks to retain parking to the front and rear accessed from the Clermont Road entranceway. The layout plans detail 30 parking spaces of which four would be disabled parking bays. This falls within the maximum standards set out in SPGBH4. The Sustainable Transport officer has raised no objection to the volume of parking, noting that Census data would indicate demand for 26 vehicles. As a result the Sustainable Transport officer advises that overspill parking onto surrounding streets would not be significant.

8.45 Cycle parking for 45 bicycles is proposed in compounds to the front and rear, with further cycle storage within the gardens to two of the houses. This is a suitable volume that meets the minimum standards set out in SPGBH4 for 37 spaces. The Sustainable Transport officer has raised no objection subject to amended details to securely cover the spaces. This is secured by condition.

8.46 In terms of access the Sustainable Transport officer has raised no objection to the retention of the vehicular access off Clermont Road, but has identified concern at potential conflict with pedestrians utilising the same access point. The Sustainable Transport officer has requested a separate pedestrian access adjacent to resolve this conflict, and has suggested that access points from Preston Road be retained for pedestrian use only to provide better linkages to Preston Road and the south. Amended plans have been received to retain a pedestrian access from Preston Road. A separate pedestrian access off Clermont Road would require a new entrance in the historic boundary wall to the detriment of its appearance. In this instance the width of the existing main access off Clermont Road is sufficient to ensure that pedestrians and vehicles entering and exiting the site would not be in undue conflict.

8.47 With regard servicing, the submission has been amended to allow for refuse and recycling to be collected off Clermont Road rather than from within the site as initially proposed. This arrangement is supported by Sustainable Transport officers.

8.48 The Sustainable Transport officer has raised requested a contribution of £17,500 to provide a shelter and real-time information to the bus stop directly outside the site, and to improve the footway at the junction of Clermont Road and Clermont Terrace. Whilst it is acknowledged that trip generation from the site would be broadly neutral or less given the previous use, that does not

necessarily preclude securing necessary infrastructure improvements to service the new development, in this case the improvements to the bus stop and junction would aid occupiers accessing Preston Park station to the north and accessing public transport directly outside the site. As such it is considered necessary, reasonable and related to the impact of the development. Subject to this contribution and the recommended conditions the proposal would accord with policies TR7 & TR14 of the Brighton & Hove Local Plan, and CP9 of the Brighton & Hove City Plan Part One.

Sustainability:

- 8.49 Policy CP8 of the City Plan Part One requires new-build residential development to achieve 19% above Part L for energy efficiency, and to meet the optional standard for water consumption. No standards are set for new residential units created by way of conversion. Conditions are applied to ensure the new-build residential units meet the above standards. Acceptable refuse and recycling facilities are provided in stores adjacent to the main Clermont Road entranceway.

8.50 Other Considerations:

A contribution of £14,000 towards the Local Employment Scheme and the provision of an Employment and Training Strategy, with the developer committing to using 20% local employment during the demolition and construction works, is secured within the s106 heads of terms. A further contribution of £52,988 is sought towards the cost of providing primary and secondary educational infrastructure for the school age pupils this development would generate.

9 CONCLUSION

- 9.1 The public benefits of the revised development, which include the restoration and re-occupation of the villas buildings, the landscaping works, the maintenance works to the protected trees and the provision of 28 residential units including 11 affordable units, outweigh the 'less than substantial' harm afforded by the scale and positioning of the new build elements on the appearance and historic layout of the site and Preston Park Conservation Area. The proposed new build elements are well-designed additions that would not harm the amenities of adjacent occupiers and would not result in highway safety or parking issues. The proposals are therefore considered to comply with the Brighton & Hove City Plan Part One and retained saved policies within the Brighton & Hove Local Plan, the relevant paragraphs of the NPPF, and the statutory requirement set out in Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

10 EQUALITIES

- 10.1 The development is required to meet Part M4(2) of the Building Regulations, with two of the units to be wheelchair accessible to meet Part M4(3).

11 PLANNING OBLIGATION / CONDITIONS / INFORMATIVES

S106 Heads of Terms

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- An Employment and Training Strategy that includes a commitment to at least 20% local labour during construction of the project.
- Contribution of £17,500 towards improving sustainable highway infrastructure in the vicinity of the site, as set out in the report.
- Contribution of £51,729 towards Open Space, Sport and Recreation in the area, as set out in the report.
- Contribution of £52,988 towards education provision.
- Contribution of £14,000 towards the Local Employment Scheme
- Construction and Environmental Management Plan
- Scheme for affordable housing

Regulatory Conditions:

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

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

Plan Type	Reference	Version	Date Received
Location plan	YO116-100	-	22/02/2016
Block plan	YO116-101	-	22/02/2016
Proposed site plan	YO116-120	D	24/05/2016
Proposed LGF plan (flats)	YO116-121	B	22/02/2016
Proposed GF plan (flats)	YO116-122	C	22/02/2016
Proposed FF plan (flats)	YO116-123	C	22/02/2016
Proposed roof plan (flats)	YO116-124	A	22/02/2016
Proposed Houses GF plan	YO116-125	A	22/02/2016
Proposed Houses FF plan	YO116-126	A	22/02/2016
Proposed Houses roof plan	YO116-127	A	22/02/2016
Proposed front elevation (flats)	YO116-130	A	22/02/2016
Proposed rear elevation (flats)	YO116-131	B	22/02/2016
Proposed north section	YO116-132	B	22/02/2016
Proposed east elevations and store unit	YO116-133	-	22/02/2016
Proposed elevations and sections HH, II, JJ	YO116-134	A	22/02/2016
Proposed east elevation	YO116-135	-	22/02/2016
Proposed house plans, sections and elevations	YO116-140	B	22/02/2016

- 3) No cables, wires, aerials, pipework (except rainwater downpipes as shown on the approved plans), meter boxes or flues shall be fixed to the front, north side and rear of the villa buildings and link extension, or to the front elevation of the houses.

Reason: To safeguard the appearance of the building and the visual amenities of the locality and to comply with policies HE6 of the Brighton & Hove Local Plan and CP15 of the City Plan Part One.

- 4) No extension, enlargement, alteration or provision within the curtilage of the of the dwellinghouses as provided for within Schedule 2, Part 1, Classes A - E of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended (or any order revoking and re-enacting that Order with or without modification) 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 and CP15 of the City Plan Part One.
- 5) Other than the dedicated balconies to each flat detailed on the approved plans, access to the flat roofs over the link extension hereby approved shall be for maintenance or emergency purposes only and the flat roofs shall not be used as a roof garden, terrace, patio or similar amenity area.
Reason: In order to protect adjoining properties from overlooking and noise disturbance and to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.
- 6) All hard surfaces hereby approved within the development site shall be made of porous materials and retained thereafter or provision shall be made and retained thereafter to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the site.
Reason: To reduce the risk of flooding and pollution and increase the level of sustainability of the development and to comply with policy CP11 of the Brighton & Hove City Plan Part One.
- 7) The development hereby permitted shall provide a minimum two new build wheelchair accessible residential units, to be completed in compliance with Building Regulations Optional Requirement M4(3)(2b) (wheelchair user dwellings) prior to first occupation and retained as such thereafter. All other new build residential units hereby permitted shall be completed in compliance with Building Regulations Optional Requirement M4(2) (accessible and adaptable dwellings) prior to first occupation and shall be retained as such thereafter. Evidence of compliance shall be notified to the building control body appointed for the development in the appropriate Full Plans Application, or Building Notice, or Initial Notice to enable the building control body to check compliance.
Reason: To ensure satisfactory provision of homes for people with disabilities and to meet the changing needs of households and to comply with policy HO13 of the Brighton & Hove Local Plan.
- 8) If during construction, contamination not previously identified is found to be present at the site then no further development (unless otherwise

agreed in writing by the Local Planning Authority), shall be carried out until a method statement identifying, assessing the risk and proposing remediation measures, together with a programme, shall be submitted to and approved in writing by the Local Planning Authority. The remediation measures shall be carried out as approved and in accordance with the approved programme.

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

11.3 Pre-Commencement Conditions

- 9) Prior to commencement of demolition works (including any works to fell trees), a detailed dusk/dawn bat survey shall have been submitted to and approved in writing by the Local Planning Authority. The bat survey shall have been carried out during the optimal period (May-August) prior to demolition commencing and in accordance with BCT2012. In the event bats are found to be evident the survey should include an appropriate scheme of mitigation, to be implemented in full prior to the commencement of any demolition or felling works .

Reason: This pre-commencement condition is required to safeguard these protected species from the impact of the development in accordance with policies QD18 of the Brighton & Hove Local Plan and CP10 of the City Plan Part One

- 10) No development or other operations shall commence on site in connection with the development hereby approved (including any tree felling, tree pruning, demolition works, soil moving, temporary access construction and or widening, or any operations involving the use of motorised vehicles or construction machinery) until the following Method Statements have been submitted to and approved in writing by the Local Planning Authority:

- i) An Arboricultural Method Statement, to include a detailed Tree Protection Plan and Treeworks Specification and means for their implementation, supervision and monitoring during works;
- ii) A Construction Method Statement to include details on how, amongst others, excavations, materials storage, drainage, servicing and hard surfaces will be managed and implemented to provide for the long-term retention of the trees;
- iii) A Method Statement including mitigation strategy for the identification and protection of any reptiles that may be present during site clearance works;
- iv) A Method Statement including mitigation strategy for the identification and protection of nesting birds that may be present during site clearance works

No development or other operations shall take place except in complete accordance with the approved Arboricultural and Construction Method Statements.

Reason: As this matter is fundamental to protecting the trees which are to be retained on the site and protected species that may be present during construction works in the interest of the visual amenities of the area and to

comply with policies QD16, QD18 & HE6 of the Brighton & Hove Local Plan and CP10, CP12 & CP15 of the City Plan Part One.

- 11) No development (including any tree felling, tree pruning, demolition work, soil moving, temporary access construction and/or widening or any operations involving the use of motorised vehicles or construction machinery) shall commence until the fences for the protection of the trees to be retained have been erected in accordance with details set out in the Arboricultural Implications Assessment (ref: J49.14 received on 10 February 2016) and the Tree Protection Plan approved under condition 10. The fences shall be erected in accordance with BS5837 (2012) and shall be retained until the completion of the development. No excavations for services, storage of materials or machinery, parking of vehicles, deposit or excavation of soil or rubble, lighting of fires or disposal of liquids shall take place within any area designated as being fenced off or otherwise protected in the Tree Protection Plan.
Reason: As this matter is fundamental to protecting the trees which are to be retained on the site during construction works in the interest of the visual amenities of the area and to comply with policies QD16 & HE6 of the Brighton & Hove Local Plan and CP12 & CP15 of the City Plan Part One.
- 12) No trees, shrubs or hedges within the site which are shown as being retained on the approved plans shall be felled, uprooted, wilfully damaged or destroyed, cut back in any way or removed without the prior written consent of the Local Planning Authority. Any trees, shrubs or hedges removed without such consent, or which die or become severely damaged or seriously diseased within 5 years from the completion of the development hereby permitted shall be replaced with trees, shrubs or hedge plants of similar size and species unless the Local Planning Authority gives written consent to any variation.
Reason: As this matter is fundamental to protecting the trees which are to be retained on the site during construction works in the interest of the visual amenities of the area and to comply with policies QD16 & HE6 of the Brighton & Hove Local Plan and CP12 & CP15 of the City Plan Part One.
- 13) i) No development shall take place until a programme of archaeological work has been secured in accordance with a Written Scheme of Archaeological Investigation which has been submitted to and approved in writing by the Local Planning Authority.
ii) The development hereby permitted shall not be brought into use until the archaeological site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under part [1] and that provision for analysis, publication and dissemination of results and archive deposition has been secured.
Reason: This pre-commencement condition is imposed because it is necessary to ensure that the archaeological and historical interest of the

site is safeguarded and recorded to comply with policy HE12 of the Brighton & Hove Local Plan

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

Reason: As this matter is fundamental to the acceptable delivery of the permission to prevent the increased risk of flooding and to prevent pollution of controlled waters by ensuring the provision of a satisfactory means of surface water disposal and to comply with policy SU3 of the Brighton & Hove Local Plan.

- 15) No development other than demolition works and works to trees shall take place until a detailed design and associated management and maintenance plan of surface water drainage for the site using sustainable drainage methods as per the recommendations of the Sustainable Drainage Report and Flood Risk Assessment received on 17 March 2016 has been submitted to and approved in writing by the Local Planning Authority. The approved drainage system shall be implemented in accordance with the approved detailed design prior to the building commencing.

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

11.4 Pre-Ground floor Slab Level Conditions

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

- a) samples of all brick,
- b) details of all hard surfacing materials
- c) samples of the proposed window, door and balcony treatments
- d) samples of all other materials to be used externally

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

Reason: To ensure a satisfactory appearance to the development and to comply with policies QD14 & HE6 of the Brighton & Hove Local Plan and CP12 and CP15 of the City Plan Part One.

- 17) No development above ground floor slab level of any part of the development hereby permitted shall take place until full details, at no less than 1:20 scale, of the following items have been submitted to and approved in writing by the Local planning Authority:

- The access ramp and steps to the link extension
- The metal railings to the lightwells to the link extension and villas

- Any vehicular or pedestrian entrance gate(s), including any associated alterations to boundary walls
- The restoration of the rear verandah to 253 Preston Road.

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 QD14 & HE6 of the Brighton & Hove Local Plan and CP12 & CP15 of the City Plan Part One.

11.5 Pre-Occupation Conditions

- 18) Prior to first occupation of the development hereby permitted, details of secure cycle parking facilities for the occupants of, and visitors to, the development shall have been submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be fully implemented and made available for use prior to the first occupation of the development and shall thereafter be retained for use at all times.
Reason: To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than private motor vehicles and to comply with policy TR14 of the Brighton & Hove Local Plan.
- 19) Prior to first occupation of the development hereby permitted a scheme for the storage of refuse and recycling shall have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be carried out in full as approved prior to first occupation of the development and the refuse and recycling storage facilities shall thereafter be retained for use at all times.
Reason: To ensure the provision of satisfactory facilities for the storage of refuse and to comply with policy QD27 of the Brighton & Hove Local Plan.
- 20) Prior to the first occupation of the development hereby permitted the applicant shall reinstate the redundant vehicle crossovers on Preston Road back to a footway by raising the existing kerb and footway.
Reason: In the interests of highway safety and to comply with policies TR7 of the Brighton & Hove Local Plan and CP9 of the City Plan Part One.
- 21) The vehicle parking bays, including the disabled parking bays and associated splays, shall be laid out in full accordance with drawing no. Y0116-120 Rev. D received on 24/05/2016 prior to first occupation of the development hereby permitted. The parking bays shall not be used otherwise than for the parking of private motor vehicles and motorcycles belonging to the occupants of and visitors to the development hereby approved.
Reason: To ensure that adequate parking provision is retained for occupiers and visitors of the development and to comply with policy CP9 of the City Plan Part One.
- 22) Prior to first occupation of the development hereby permitted, a scheme for landscaping shall have been submitted to and approved in writing by the Local Planning Authority. The scheme shall include the following:

- i) details of all hard and soft surfacing;
- ii) details of all boundary treatments;
- iii) the retention of a pedestrian access point from Preston Road into the site;
- iv) details of all external lighting;
- v) details of all proposed planting, including numbers and species of plant, and details of size and planting method of any trees; and
- vi) the measures to enhance the ecological value of the development as set out in section 4.4.2 of the Ecological Scoping Survey Report dated 11 January 2016.

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

Reason: To enhance the appearance of the site and increase the biodiversity of the development in the interest of the visual amenities of the area and to comply with policies QD15 of the Brighton & Hove Local Plan and CP10, CP12 & CP15 of the City Plan Part One and Supplementary Planning Document SPD11 'Nature Conservation and Development'.

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

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

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

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

Informatives:

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

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approve planning applications which are for sustainable development where possible.

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

The overall benefits of the revised development, which include the restoration and re-occupation of the villas buildings, the landscaping works, the maintenance works to the protected trees and the provision of 28 residential units including 11 affordable units, outweigh the 'less than substantial' harm afforded by the scale and positioning of the new build elements on the appearance and historic layout of the site and Preston Park Conservation Area. The proposed new build elements are well-designed additions that would not harm the amenities of adjacent occupiers and would not result in highway safety or parking issues. The proposals are therefore considered to comply with the Brighton & Hove City Plan Part One and retained saved policies within the Brighton & Hove Local Plan, the relevant paragraphs of the NPPF, and the statutory requirement set out in Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
3. The applicant is advised that a formal connection to the public sewerage system and water supply is required in order to service this development. Please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire, SO21 2W (tel: 0330 303 0119) or www.southernwater.co.uk
4. The applicant is advised that in order to provide policy compliant cycle parking the Highway Authority's preference is for the use of Sheffield Stands spaced in line with the guidance contained within the Manual for Streets section 8.2.22.
5. The applicant is advised that the proposed highways works should be carried out in accordance with the Council's current standards and specifications and under licence from the Streetworks team. The applicant should contact the Streetworks Team (01273 293366).
6. The applicant is advised that accredited energy assessors are those licensed under accreditation schemes approved by the Secretary of State (see [Gov.uk website](http://Gov.uk)); two bodies currently operate in England: National Energy Services Ltd; and Northgate Public Services. The production of this information is a requirement under [Part L1A 2013](#), paragraph 2.13.
7. The water efficiency standard required under condition 24 is the 'optional requirement' detailed in [Building Regulations Part G Approved Document](#)

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

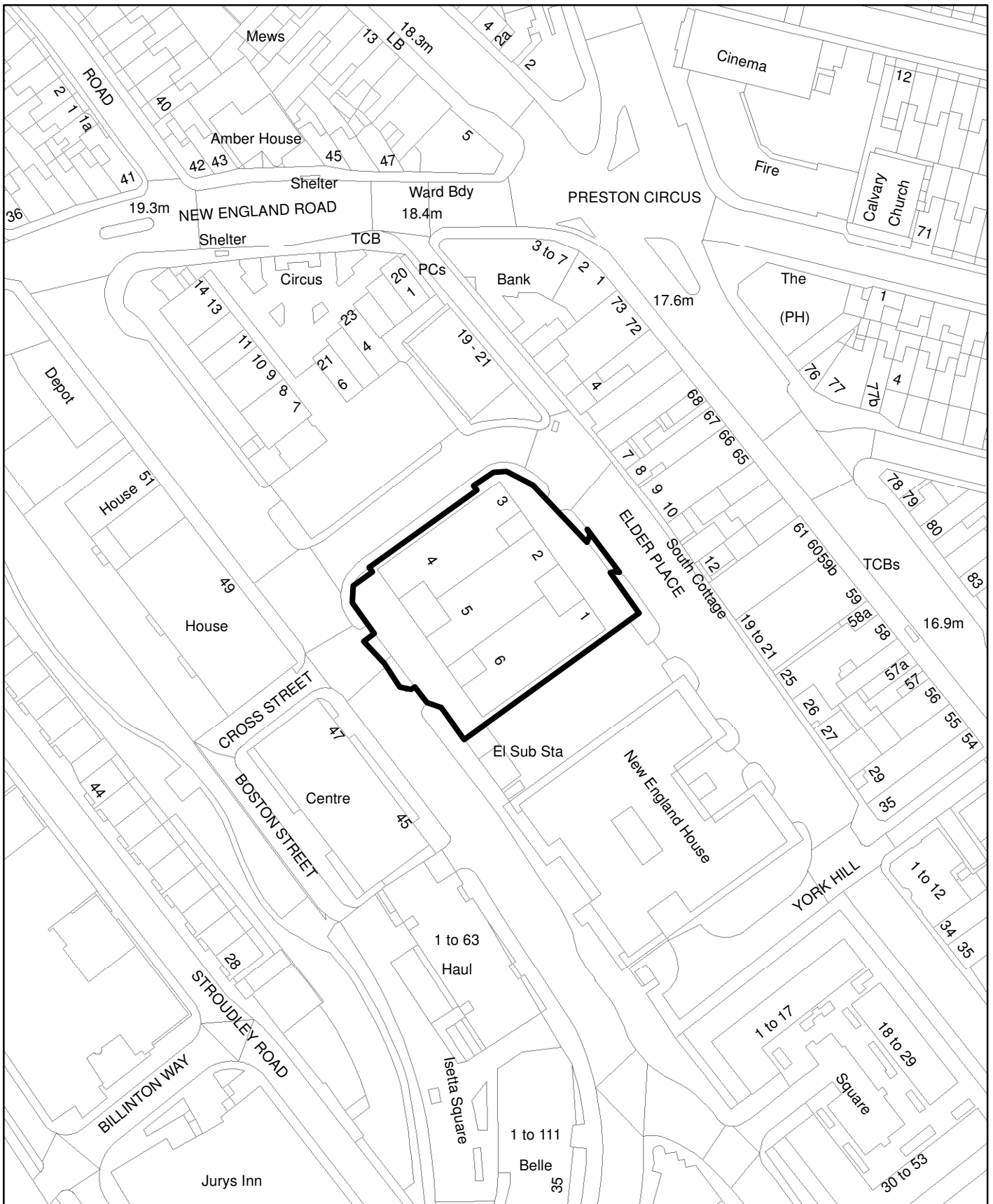
8. The applicant is advised that under Part 1 of the Wildlife and Countryside Act 1981 disturbance to nesting birds, their nests and eggs is a criminal offence. The nesting season is normally taken as being from 1st March – 30th September. The developer should take appropriate steps to ensure nesting birds, their nests and eggs are not disturbed and are protected until such time as they have left the nest.
9. The applicant is advised that the details required by Condition 17 are to be delegated for agreement to the Planning and Building Control Applications Manager in consultation with the Chair, Deputy Chair and the Opposition Spokesperson.

ITEM B

**Units 1-6 Longley Industrial Estate, New
England Street, Brighton
BH2015/04474
Full Planning**

08 June 2016

BH2015/04474 Units 1-6 Longley Industrial Estate, New England St



**Brighton & Hove
City Council**



Scale: 1:1,250

<u>No:</u>	BH2015/04474	<u>Ward:</u>	ST. PETER'S & NORTH LAINE
<u>App Type:</u>	Full Planning		
<u>Address:</u>	Units 1-6 Longley Industrial Estate New England Street Brighton		
<u>Proposal:</u>	Change of use of all units from light industrial (B1c) and warehousing (B8) to offices (B1a) together with external alterations and refurbishment including increase in height of building, installation of curtain walling system, metal faced cladding and glazed panelling, revised vehicular and pedestrian access, new cycle and motor cycle storage and disabled parking bays.		
<u>Officer:</u>	Maria Seale Tel 292175	<u>Valid Date:</u>	18/01/2016
<u>Con Area:</u>	N/A	<u>EOT Date:</u>	08/07/2016
<u>Listed Building Grade:</u>	N/A		
<u>Agent:</u>	Lewis & Co Planning, 2 Port Hall Road Brighton BN1 5PD		
<u>Applicant:</u>	Maplebright LLP, Mr David Christian Bailey House 4-10 Barttelot Road Horsham RH12 1DQ		

1 RECOMMENDATION

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

2 SITE LOCATION & DESCRIPTION

- 2.1 The site comprises a flat roofed brick and metal clad building on the east side of New England Street. It has a total floor area of approx. 3000sqm overall several floors. The building is the equivalent of about three domestic storeys high on New England Street (and appears as two-storeys due to being set down in site) and about four storeys high on Elder Place. The site is fully occupied for light industrial (B1c) and warehousing (B8) uses. There is vehicular access from the front (west) and rear (east).
- 2.2 The site is located within the DA4 Development Area as defined in the Brighton & Hove City Plan Part One.

3 RELEVANT HISTORY

BH2003/01211/FP New frontage to decorating contractor's trade unit. Approved 6/6/03

BN88/137 Installation of steel exhaust to external south east elevation of Unit 1. Approved 10/05/88.

BN85/904 Insertion of door to replace existing window in Unit 4. Approved 30/7/85.

BN85/779 Alterations to Unit 6 to provide inlet and outlet grills. Approved 2/7/85.

BN84/1329 Change of use of Unit 6 from light industrial to computer and printing centre. Approved 25/9/84.

BN80/2161 erection of building comprising 2 warehouses and 4 factory units on two floors with associated office accommodation. Approved 6/5/81.

Pre-Application Consultation: None.

4 THE APPLICATION

- 4.1 Planning permission is sought to change the use of all units in the building from light industrial (B1c) and warehousing (B8) to offices (B1a).
- 4.2 The plans include the creation of mezzanine floors providing 3059sqm of additional floor space, giving a total of approx. 6115 sqm. Whilst the mezzanine does not constitute 'development', it is intrinsic to the scheme and therefore the total floor area proposed has been taken into consideration when assessing the overall impact of the scheme.
- 4.3 External alterations and refurbishment are proposed including increasing the height of the main building by between 1-1.5 metres. A central roof lantern and plant on the roof rise up a further 1.5m. Installation of curtain walling system, metal faced cladding and glazed panelling is proposed. New extensions, taller than the main building on the west and east elevation are proposed for stairwells and lifts.
- 4.4 It is proposed to revise the vehicular and pedestrian access, by blocking up/reducing the size of some accesses.
- 4.5 New soft landscaping is proposed. New on site cycle and motor cycle storage and 2 disabled parking bays are proposed.
- 4.6 The scheme has been amended since first submitted to improve its external appearance. More soft landscaping and a more prominent entrance on Elder Place has been introduced plus reduced fencing. The materials have been revised to introduce more colour and the roof plant design has been amended.

5 PUBLICITY & CONSULTATIONS

External

- 5.1 **Neighbours: Three (3)** letters of representation have been received from **Chatham Place (un-numbered); Mayflower Square, New England Street (un-numbered); and 52 Horstead Court, Kingscote Way)** objecting to the application for the following reasons:
 - The area does not need more offices, there are already empty and underused ones
 - B1 light industrial is appropriate to the area
 - Live/work units would be more appropriate
 - Residential uses (particularly affordable housing) would be more appropriate
 - Increased traffic and general congestion
 - The proposed 2m high security fence is ugly

- Debatable that proposal will lead to increase in employment
 - City Plan refers to 'mixed use' development of the site
 - There should be more consultation
- 5.2 **East Sussex Fire & Rescue Service:** No objection. Access for fire appliances is satisfactory.
- 5.3 **Southern Gas Networks:** Raise no objection and comment that there is a gas mains near the site that must be protected.
- 5.4 **Southern Water:** Comment. Conditions should be imposed to ensure the necessary sewerage infrastructure is provided as there is currently inadequate capacity.
- 5.5 **Sussex Police:** There has been pre-application discussion and the developer has submitted an Secured by Design (SBD) Commercial Development application form. Should all the specifications and requirements of the SBD be followed a safe and secure environment will be created. It is important to consider implementation of out of hours security measures.
- 5.6 **UK Power Networks:** No objection.
- Internal:**
- 5.7 **Arboriculturalist:** Approve. The site currently has no soft landscaping other than a small neglected shrub bed. There are two semi-mature street trees neither of which will be effected by the development. The proposal will bring a little much needed soft landscaping. Regrettably it is only a few very small areas and little detail is provided. Despite this on balance the changes do represent a slight improvement and they are supported. [Note: the amended scheme incorporates more soft landscaping].
- 5.8 **County Archaeologist:** No objection. The proposal is unlikely to lead to significant archaeological impacts.
- 5.9 **County Ecologist:** The development is unlikely to have a significant impact on biodiversity and can be supported. The site has low ecological interest. As the roof is being altered nesting birds will need to be considered. The site offers opportunities for enhancement that will help the Council address its duties and responsibilities under the NPPF and the Natural Environment and Rural Communities Act. This could include using species of known value to wildlife, provision of a green roof and provision of bird boxes.
- 5.10 **Economic Development:** Support. The estate currently facilitates light industrial / office / trade counter retail uses within a key commercial area of the city and the site at present under-performs given its location.
- 5.11 The site also has a key potential role in contributing towards the City Plan's strategic aspiration to secure 20,000 square metres of new employment floor-space in the New England Quarter and London Road area.

- 5.12 There are sensitivities to consider in relation to development aspirations specifically for New England House which is supported by City Regeneration. New England House is the sub-region's creative tech hub and was a central feature of the Greater Brighton City Deal proposal. Expanding and renovating New England House in order to create new business and employment opportunities in the creative tech sector is a strategic priority for Greater Brighton, hence this particular application needs to be viewed with the wider development implications in mind.
- 5.13 On a stand-alone basis, we support the principal of this application which proposes the creation of 6115 square metres of new office space and a net internal increase in employment floor-space of 3056 square metres. The application also proposes an increase in full-time employment from 50 to 510 upon completion, which accurately follows the OffPAT Employer Densities Guidance and is also welcome by City Regeneration.
- 5.14 If approved, City Regeneration requests a contribution through a S106 agreement of £15,280 towards the Local Employment Scheme in accordance with the formula in the approved Developer Contributions Technical Guidance.
- 5.15 In addition, an Employment and Training Strategy is also required, to be submitted at least one month in advance of site commencement. The developer will be required to commit to using at least 20% local employment during the demolition phase (where applicable) and construction phase (mandatory).
- 5.16 **Environmental Health:** No objection. Provided mitigation measures indicated in the submitted acoustic report are implemented no adverse noise increase should result from this development.
- 5.17 **Flood Risk Management:** No objection.
- 5.18 **Planning Policy:** Comment It is recognised that the proposal would contribute positively towards the 20,000 sq. m of new office floorspace identified for the DA4 area in the City Plan Part 1 and thus accords with part of the strategic allocation, which requires delivering of an additional 3,000 sq. m of B1a floorspace for the site. However it is considered that the proposal does not optimise the potential of the site to accommodate mixed use development, and specifically address the residential requirement of the site to contribute to meeting the city's housing needs.
- 5.19 The City Plan Part 1 sets a housing target for a minimum of 13,200 new homes to 2030 to reflect the capacity and availability of land/sites in the city. This figure includes the housing contribution identified for the Strategic Allocations identified in DA4.C.1. Residential monitoring (SHLAA 2014) indicates that currently, housing delivery rates are less than the implied annual average rates associated with the City Plan Part 1 housing target in the early part of the Plan period (Annexe 3 Housing Implementation Strategy). In this situation, and given that mixed use proposals have not yet come forward on the other sites identified in DA4.C.1, the applicant needs to address the requirement to incorporate a

residential element to fully accord with the requirements of Strategic Allocation DA4C.1 and CP1 Housing Delivery in the City Plan Part 1.

- 5.20 DA4.C1.ii) seeks active uses to be incorporated at the ground floor and development to contribute to an improved public realm and connectivity to the wider development area for pedestrians and cyclists. Further consideration should be given by the applicant to address the requirements of DA4.C1.iii.
- 5.21 It would appear that the proposed business floor space is speculative. It would be beneficial for the applicant to provide further clarity of the potential end users. Supporting information should also be provided as to how existing occupiers would be relocated. DA4.C.1.v requires contributions towards training. Consideration should be given to whether this proposal triggers this requirement.
- 5.22 **Sustainability:** No objection. Policy CP8 requires that all development incorporate sustainable design features to avoid expansion of the city's ecological footprint, radical reductions in greenhouse gas emissions and mitigate against and adapt to climate change. Under CP8 standards major new built non-residential development is expected to achieve BREEAM 'excellent'. In instances when the standards recommended in CP8 cannot be met, applicants are expected to provide sufficient justification for a reduced level on the basis of site restrictions, financial viability, technical limitations and added benefits arising from the development.
- 5.23 The Sustainability Report submitted with the application concludes that the required BREEAM 'excellent' rating is achievable under the BREEAM UK Refurbishment and Fit-out 2014 scheme. A BREEAM pre-assessment report has been submitted demonstrating the pathway to achieving this score.
- 5.24 Aspects of the scheme that address sustainability standards particularly well include: energy efficiency measures indicating that compared to the existing building prior to refurbishment there are predicted to be significant reduction in the energy use and carbon emissions for the building post construction. Measures include heating via heat pump technology; mechanical ventilation with heat recovery; 'fabric first' approach improving thermal performance; LED lighting.
- 5.25 Water efficiency measures are targeting full credits under the BREAM water section, through specifying low water consuming sanitary ware such as dual and low flush WCs, low flow basin taps and low flow showers. The use of potable water will be further reduced with the inclusion of rainwater harvesting for toilet flushing.
- 5.26 The waste strategy will target a site waste management plan, which will target less than 1.2 tonnes of construction waste per 100sqm gross internal floor area. In addition to this at least 80% of non-demolition waste and 90% of demolition waste by weight will be diverted from landfill. Materials are planned to be selected to be A or A+ rated in the BRE Green Guide to Specification.

- 5.27 Considerate Constructors Scheme is proposed to achieve a 'Beyond Best Practice' score. Users will have operated solar control blinds.
- 5.28 The original scheme did not include sufficient greening, either green roof or walls, or other green infrastructure. This would have been particularly welcomed in this area which is relatively devoid of ecological habitats. However, the single existing tree on site will be protected during the construction works. [Note the amended scheme introduces more soft landscaping and green walls]
- 5.29 **Sustainable Transport:** The Highway Authority would not wish to restrict grant of consent of the above application subject to a S106 contribution for sustainable transport measures and inclusion of the necessary conditions and informative.
- 5.30 Although no objection is made to the proposed alterations to the existing accesses, amendments should be sought and be secured by condition. No general car parking is proposed which is appropriate in this location which has good access to sustainable modes and is subject to on-street parking controls. Provision of 2 on site disabled spaces whilst lower than SPG4 standard is considered acceptable given the site constraints. A condition to secure their precise design is appropriate. 80 Cycle spaces are proposed, well in excess of the 31 spaces required by SP4 but this is welcomed in this location. [note this total is now slightly reduced to 74 from the 80 originally proposed in order to incorporate more soft landscaping]. The provision of shower facilities is also welcomed. With regards to servicing, overall the proposal is likely to represent an improvement on the existing situation by removing a number of trips by larger vehicles. Surrounding on street loading facilities are satisfactory. A Travel Plan is recommended by condition.
- 5.31 A S106 contribution of £123,700 is requested in order to mitigate the impact of additional trips arising from the development and provide for the needs of those accessing it on bicycle, by foot or by public transport in accordance with Brighton & Hove City Plan Part One policies CP7 and CP9, Brighton & Hove Local Plan policies TR7 and TR15 and London Road Masterplan SPD10. The contribution will be allocated as follows:
- Public realm improvements on New England Street, Elder Place and/or York Hill; and/or
 - Cycle route and facility improvements on New England Street, Elder Place and New England Road and Preston Road/ A23 via Campbell Road; and/or
 - Pedestrian route improvements on New England Street, Elder Place and New England Road; and/or
 - Real time information at York Hill northbound bus stop on London Road.
- 5.32 The above is directly related to the development and necessary in order to ensure that the site is connected to wider walking and cycling networks and to provide access to surrounding services, including bus stops and London Road Station.

6 MATERIAL CONSIDERATIONS

- 6.1 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 states that “If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.”
- 6.2 The development plan is:
- Brighton & Hove City Plan Part One (adopted March 2016);
 - Brighton & Hove Local Plan 2005 (retained policies March 2016);
 - East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (Adopted February 2013);
 - East Sussex and Brighton & Hove Waste Local Plan (February 2006); Saved Policies WLP 7 and WLP8 only – site allocations at Sackville Coalyard and Hangleton Bottom and Hollingdean Depot.
- 6.3 The National Planning Policy Framework (NPPF) is a material consideration.
- 6.4 Due weight should be given to the relevant retained policies in the Brighton & Hove Local Plan 2005 according to their degree of consistency with the NPPF.
- 6.5 All material considerations and any policy conflicts are identified in the “Considerations and Assessment” section of the report.

7 RELEVANT POLICIES & GUIDANCE

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One

SS1	Presumption in Favour of Sustainable Development
DA4	New England Quarter and London Road
CP1	Housing delivery
CP2	Sustainable economic development
CP3	Employment land
CP7	Infrastructure and developer contributions
CP8	Sustainable buildings
CP9	Sustainable transport
CP10	Biodiversity
CP11	Flood risk
CP12	Urban design
CP13	Public streets and spaces
CP14	Housing density

Brighton & Hove Local Plan (retained policies March 2016):

TR4	Travel plans
TR7	Safe Development
TR14	Cycle access and parking
TR18	Parking for people with a mobility related disability
QD5	Design - street frontages
QD14	Extensions and alterations
QD15	Landscape design

- QD16 Trees and hedgerows
- QD27 Protection of amenity
- EM4 New business and industrial uses on unidentified sites

Supplementary Planning Guidance:

- SPGBH4 Parking Standards
- Interim Guidance on Developer Contributions

Supplementary Planning Documents:

- SPD03 Construction & Demolition Waste
- SPD06 Trees & Development Sites
- SPD10 London Road Central Masterplan
- SPD11 Nature Conservation & Development

Background studies to City Plan Part One:

- Brighton City Plan Capacity Assessments – Capacity testing 8/1/13
- Strategic Housing Land Availability Assessment (2015 Update)

8 CONSIDERATIONS & ASSESSMENT

The main considerations in the determination of this application relate to:

- The principle of the development
- Design and impact on character and appearance of the locality
- Impact on amenity
- Sustainable transport
- Sustainability

Planning Policy Context:

- 8.1 The site is located within the New England Quarter and London Road Development Area identified in Policy DA4 of the Brighton & Hove City Plan Part One. The strategy for this Area is to revitalise the London Road shopping area, create a major new business quarter connecting London Road to the New England Quarter, and to maintain and enhance a green gateway to the city to the west of Preston Road.
- 8.2 Part A.1. of Policy DA4 states that the provision of 20,000sqm of additional new office floorspace post 2016 is a priority.
- 8.3 Part B of the Policy allocates the Development Area for the following minimum amounts: 1185 residential units; 20,000sqm B1a and B1 b floorspace; and 300 student housing beds.
- 8.4 Part C.1. of the Policy strategically allocates the trade warehousing at the Longley Industrial Estate for a mixed use development. Provision is made for 3000sqm net additional B1a and B1b floorspace and it allocates the site for 165 residential units, to be shared across this and 4 other sites.
- 8.5 City Plan policy CP3 states that employment sites and premises will be safeguarded in order to meet the needs of the city.

- 8.6 The most up to date Strategic Housing Land Availability Assessment (SHLAA) is a background document to the City Plan and is thus a material consideration. It identifies the site together with the Vantage Point site as having potential for 90 residential units. The Urban Capacity Site Assessments (2012) is also a background document to the City Plan and is a material consideration, and this recommends the residential allocation is spread across the two sites to reduce the massing on Vantage Point and enliven Elder Place. This latter Assessment identifies Longley Industrial Estate as having capacity to accommodate 10 residential units, with the remaining 80 at Vantage Point. It identifies the site as having potential for 6000sqm of B1 floorspace and underground car parking within a development of between 3-6 storeys high.
- 8.7 The site lies within the area covered by Supplementary Planning Document 10: London Road Central Masterplan, which was adopted in December 2009. It is a material consideration and seeks the provision of an economically and environmentally healthy town centre and proposes a series of enhancements for the area. The Longley site is identified as being within a development zone and as having potential as part of a wider comprehensive redevelopment with Vantage Point/Elder Place or redevelopment with business units. It identifies the site as having potential for a tall building of about 11 storeys high. The adjacent site, New England House, is identified for refurbishment, or replacement within a wider comprehensive development with Longley Industrial Estate and Vantage Point. SPD10 identifies Elder Place and York Hill as having poor streetscape and maintenance, and active frontages, greenery and enhanced public realm are encouraged, together with improved pedestrian and cycling linkages.
- 8.8 With regard to design and amenity, CP12 of the City Plan Part One and retained policies QD5, QD14 and QD27 of the Brighton & Hove Local Plan are relevant.
- 8.9 City Plan policy CP12 expects all new development to be built to a high quality standard.
- 8.10 Retained Local Plan policy QD5 states that all new development should present an interesting and attractive frontage at street level for pedestrians. Policy QD14 states that extensions to buildings must be well designed, sited and detailed in relation to the main property, adjoining properties and the surrounding area and should not result in significant noise disturbance or loss of privacy, outlook, daylight/sunlight or amenity to neighbouring properties. Proposals should take into account the existing space around buildings and the character of the area and use materials sympathetic to the parent building.
- 8.11 Retained Local Plan Policy QD27 states that planning permission for any development will not be granted where it would cause material nuisance and loss of amenity to the proposed, existing and/or adjacent users, residents, occupiers or where it is liable to be detrimental to human health.
- 8.12 With regard to transport, City Plan Policy CP9 (Sustainable Transport) and retained Local Plan Policies TR4 (Travel Plans), TR7 (Safe Development),

TR14 (Cycle access and parking), TR15 (Cycle network), TR18 (Parking for people with a mobility related disability) are relevant. These seek to ensure development is safe, meets the demand for travel it creates and maximises use of sustainable modes. SPG4 sets out maximum parking standards for development and minimum standards for disabled parking. It recommends 1 disabled space per 100sqm B1 office floorspace and 1 secure cycle space per 200sqm floor area.

- 8.13 With regard to sustainability, City Plan Policy CP8 is relevant. It requires all development to incorporate sustainable design features and major commercial developments are required to achieve a minimum standard of BREEAM 'Excellent'. City Plan Policy CP10 relating to biodiversity is relevant and this states all schemes should conserve existing biodiversity and provide net gains wherever possible.

Principle of Development:

- 8.14 Whilst the mezzanine does not constitute 'development', it is intrinsic to the scheme and therefore the total floor area proposed (6115sqm) has been taken into consideration when assessing the overall impact of the scheme.
- 8.15 The site is located within a key central commercial area of the city and in this context the current trade/warehousing uses mean the site is 'under-performing'. The site also potentially has a key role in contributing towards the City Plan's strategic aspiration to secure 20,000 square metres of new employment floorspace in the New England Quarter and London Road area. In this context, the provision of 6115sqm of modern B1a office floorspace and the increase in jobs to potentially 500 (from 50) is therefore welcomed. Whilst the wider development aspirations for the area including New England House are recognised and shared, the application has the benefit of making effective use of the existing building, as well as enhancing its appearance, and the DA4 policy cannot itself insist landowners choose a more comprehensive redevelopment option. Whilst there are clearly benefits from a wider comprehensive scheme, on balance, it is considered that this issue is insufficient ground to refuse the application given the benefits delivered.
- 8.16 Whilst Policy DA4 allocates the site for a mixed use scheme including residential, the policy is clear that one of its main overarching aims is the creation of a new business quarter. The provision of over 6000sqm of new office floorspace is therefore given significant weight and on balance the single use proposed for the site is considered acceptable. Whilst it is recognised there is an acute need for new residential development, given that the site is identified as having potential for a low number (10 units) in the City Plan Capacity Assessment and the SHLAA, and that other sites are yet to come forward in the DA4 area which could accommodate residential uses, this exclusion is not considered significant. SPD10 does identify the site as potentially being able to accommodate more (about 11 storeys) than the 6 storeys suggested in the Capacity Assessment, which does indicate there may be capacity for more than 10 residential units or more office floorspace, however, further detailed assessment work is needed to establish this. The current scheme is for refurbishment and modest extension to the existing building rather than total

redevelopment, therefore opportunities to provide a residential element are limited.

- 8.17 It is understood the current tenants are on short term leases and it is hoped they would relocate within the city.
- 8.18 The applicant is agreeable to financially contribute towards the Local Employment Scheme, which is welcomed and is in accordance with the Developer Contributions Technical Guidance.
- 8.19 Overall therefore, the proposal is considered acceptable in principle as it would make a significant contribution towards the need for modern commercial premises and employment in this key location within the city.

Design and impact on the character and appearance of the locality:

- 8.20 The existing building is of rather stark utilitarian industrial design and has a rear servicing yard to Elder Place and does not positively contribute towards the appearance of the locality. The proposal to introduce new cladding and other changes are therefore considered a significant improvement.
- 8.21 The amendments to the scheme are considered to have improved the overall appearance of the scheme. The introduction of colour provides interest. The provision of more greenery helps soften the appearance of the scheme and enhances the appearance of the wider area. Whilst the roof plant and enclosure still remains quite prominent, given the mixed character and appearance of this location it is not considered to cause significant harm. The new cladding would provide a vertical emphasis to the building which takes references from nearby buildings and is considered appropriate. The contemporary materials proposed are considered appropriate and would be subject to condition.
- 8.22 The proposal as amended would help enliven Elder Place by introducing a more active frontage, through reduction of the amount of fencing, introduction of soft landscaping, removing unnecessary vehicular accesses and providing a prominent entrance with a canopy. The proposed front and rear extensions will be quite prominent but are considered to relate well to the building and the locality. Green walls will soften their appearance.
- 8.23 The proposal is therefore comply with relevant City Plan and retained Local Plan Policy and SPD10 aspirations with regards to visual amenity.

Impact on Amenity:

- 8.24 The site is centrally located in a busy mainly commercial area. There are only a small number of residential properties close to the site opposite in Elder Place. This road is wide and the proposal would not cause any undue overlooking. The extensions proposed are relatively modest in the context of this large building and would have minimal impact in terms of amenity. Whilst the use of the site would intensify and attract more people, this should not lead to more congestion. There would be no on-site parking except for 2 disabled spaces and the use would generate demand for less vehicles than existing. Reduction in large vehicles would be an improvement. The employees would be encouraged

to arrive on foot or by cycle. This is quite a busy and noisy location with significant traffic noise and in this context noise from plant is unlikely to be a concern but in any event conditions can adequately ensure no nuisance is caused. Appropriate mitigation measures are outlined in the submitted Acoustic report and on this basis the Council's Environmental Health Team raise no objection. The impact in terms of amenity is therefore considered acceptable.

- 8.25 Some concern was originally expressed that the introduction of a significant number of windows in the southern elevation could prejudice the adjacent car park site coming forward for redevelopment. This is an important site that will contribute towards wide regeneration of the area as identified under City Plan Policy DA4. The number of southern windows has now been reduced. They can be obscured glazed to prevent outlook. They are not the only source of light for the office and impact to commercial users is not considered as sensitive as that to residential users. On balance therefore this is considered acceptable and should not prevent the adjacent site coming forward for redevelopment in the future.

Sustainable Transport:

- 8.26 The Highway Authority raise no objection to the application. The proposal is considered to satisfactorily meet the demand for travel it creates. No general car parking is proposed however this is considered appropriate in this location which has good access to sustainable modes and is subject to on-street parking controls. Provision of two on-site disabled spaces, whilst lower than SPG4 standard, is considered acceptable given the site constraints. Sustainable modes of transport will be encouraged in the scheme through provision of on-site cycle parking and shower facilities and a Travel Plan, and S106 financial contributions towards walking and cycling improvements in the local area.
- 8.27 The proposal is not considered to prejudice highway safety. Required amendments to the existing accesses can be made via planning condition. On street servicing is considered acceptable and overall the proposal is likely to represent an improvement on the existing situation by removing a number of trips by larger vehicles.
- 8.28 The proposal is therefore considered to comply with relevant policy.

Sustainability:

- 8.29 In accordance with the requirements of Policy CP8 of the City Plan, a target of BREEAM 'excellent' under the BREEAM UK Refurbishment and Fit-out 2014 scheme is being aimed for by the applicant, which is welcomed. The Sustainability Report and BREEAM pre-assessment report submitted with the application satisfactorily demonstrate the pathway to achieving this score. The Council's Sustainability Team are supportive of the application. The scheme as amended has included more greenery including green walls and bird/bat boxes will be incorporated, which contribute towards the overall sustainability and biodiversity of the scheme.

9 CONCLUSION

9.1 The proposal would make effective use of the site and make a significant contribution towards the need for modern commercial premises and employment in this key location within the city. The proposal would significantly enhance the appearance of the building and locality. The proposal would help enliven Elder Place. The proposal meets the demand for travel and other infrastructure it creates. The proposal has an acceptable impact on amenity. The scheme would incorporate sustainable design.

10 EQUALITIES

10.1 Lift access, wheelchair accessible WCs, flush thresholds and disabled parking spaces are proposed.

11 PLANNING OBLIGATION / CONDITIONS / INFORMATIVES

11.1 S106 Heads of Terms

- Submission of an Employment and Training Strategy which commits to using at least 20% local employment during the construction phase
- A financial contribution of £15,280 towards the Local Employment Scheme
- A financial contribution of £123,700 towards public realm, pedestrian & cycle route and facility improvements and provision of real time bus information in the vicinity of the site

11.2 Regulatory Conditions:

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

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

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

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

Plan Type	Reference	Version	Date Received
Level 01 Plan	P0297 012	02	19/5/16
Level 02 Plan	P0297 013	02	19/5/16
Level 03 Plan	P0297 014	02	19/5/16
Level 04 Plan	P0297 015	02	19/5/16
Proposed site plan	P0297 010	01	27/4/16
Roof Plan	P0297 016	01	27/4/16
Proposed elevations	P0297 020	01	27/4/16
Proposed elevations	P0297 021	01	27/4/16
Proposed elevations (above road level)	P0297 022	01	27/4/16
Proposed sections	P0297 030	01	27/4/16
Existing Site Plan	P0297 001	00	10/12/15
Existing ground level floor plan	P0297 002	00	10/12/15
Existing Upper ground floor Plan	P0297 003	00	10/12/15
Existing first floor plan	P0297 004	00	10/12/15
Existing upper first floor	P0297 005	00	10/12/15
Existing elevations	P0297 006	00	10/12/15
Existing elevations	P0297 007	00	10/12/15

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Existing sections	P0297 009	00	10/12/15
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- 3) The premises shall be used as an office (Use Class B1(a)) only and for no other purpose (including any other purpose in Class B of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification). Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended (or any order revoking and re-enacting that Order with or without modification), no change of use shall occur without planning permission obtained from the Local Planning Authority.
Reason: To ensure the identified demand for office development in this locality is satisfactorily met, to comply with policies CP3 and DA4 of Brighton & Hove City Plan Part One.
- 4) All windows in the southern elevation shall be obscure glazed and non-opening.
Reason: To prevent outlook to the adjacent site which is identified for redevelopment in the wider interests of the regeneration of the area, to comply with Policy DA4 of the Brighton & Hove City Plan Part One.
- 5) The mitigation measures in the Anderson Acoustics Plant Noise Assessment December 2015 received on 10/12/15 shall be implemented before first occupation of the development hereby permitted and shall thereafter be retained as such.
Reason: To safeguard the amenities of the occupiers of neighbouring properties and to comply with retained policies SU10 and QD27 of the Brighton & Hove Local Plan.

Pre-Commencement Conditions:

- 6) No development above ground floor slab level of any part of the development hereby permitted shall take place until details and samples of all materials to be used in the construction of the external surfaces of the development have been submitted to and approved in writing by the Local Planning Authority. 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 QD14 of the Brighton & Hove Local Plan and CP12 of the Brighton & Hove City Plan Part One.
- 7) Notwithstanding what is shown on the submitted plans, no development shall take place until detailed drawings of the proposed access treatments, including dropped kerbs and tactile paving (as appropriate) and reinstatement of footway in place of redundant vehicle crossovers have been submitted to and approved in writing by the Local Planning Authority. The works shall be implemented in accordance with the details approved prior to the first occupation of the development.
Reason: In the interests of highway safety, for the benefit of the public and to comply with policies TR7 of the Brighton & Hove Local Plan and CP9 of the Brighton & Hove City Plan Part One.
- 8) No development above ground floor slab level shall take place until details of disabled car parking provision for the occupants of, and visitors to, the development have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented and

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

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

- 9) Unless otherwise agreed in writing by the Local Planning Authority, no development shall take place until a BREEAM Building Research Establishment issued Design Stage Certificate confirming that the development is designed to achieve a minimum BREEAM UK Refurbishment and Fit-out 2014 scheme rating of 'Excellent' has been submitted to, and approved in writing by, the Local Planning Authority.

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

Pre-Occupation Conditions:

- 10) Unless otherwise agreed in writing by the Local Planning Authority, the development hereby approved shall not be first occupied until a BREEAM Building Research Establishment issued Post Construction Review Certificate confirming that the development as built has achieved a minimum BREEAM UK Refurbishment and Fit-out 2014 scheme rating of 'Excellent' has been submitted to, and approved in writing by, the Local Planning Authority.

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

- 11) Prior to first occupation of the development hereby permitted details of 6 no. compensatory bird and bat boxes including their type, location and timescale for installation shall be 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 prior to first occupation and retained thereafter.

Reason: To ensure appropriate integration of new nature conservation and enhancement features in accordance with policies QD18 of the Brighton & Hove Local Plan and CP10 of the Brighton & Hove City Plan Part One.

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

- a) Details of all hard surfacing;
- b) Details of all boundary treatments, screens/fencing and gates;
- c) Details of all proposed planting, including numbers and species of plant, and details of size and planting method of any trees, and details of any raised planters.

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

season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: To enhance the appearance of the development in the interest of the visual amenities of the area and to comply with policies QD15 of the Brighton & Hove Local Plan and CP12 of the Brighton & Hove City Plan Part One.

- 13) No development above ground floor slab level of any part of the development hereby permitted shall take place until details of the proposed green walling including method of attachment and maintenance and irrigation programme have been submitted to and approved in writing by the Local Planning Authority, and shall be implemented prior to the first occupation of the development. The green walls shall thereafter be maintained and irrigated in accordance with the approved details.

Reason: To ensure that the development contributes to ecological and visual enhancement on the site and in accordance with policy CP10 and CP12 of the Brighton & Hove City Plan Part One.

- 14) Prior to the first occupation of the development hereby permitted a Developers Award Certificate or equivalent alternative shall be submitted to the Local Planning Authority to demonstrate that the development meets 'Secured by Design' standards.

Reason: In the interests of crime prevention and visual amenity, to comply with Policy CP21 of the Brighton & Hove City Plan Part One.

- 15) Prior to first occupation of the development hereby permitted a scheme for the storage of refuse and recycling shall have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be carried out in full as approved prior to first occupation of the development and the refuse and recycling storage facilities shall thereafter be retained for use at all times.

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

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

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

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

Reason: To ensure the promotion of safe, active and sustainable forms of travel and comply with policies TR4 of the Brighton & Hove Local Plan and CP9 of the Brighton & Hove City Plan Part One.

11.3 Informatives:

1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One the approach to making a

PLANNING COMMITTEE LIST – 08 JUNE 2016

decision on this planning application has been to apply the presumption in favour of sustainable development. The Local Planning Authority seeks to approve planning applications which are for sustainable development where possible.

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

The proposal would make effective use of the site and make a significant contribution towards the need for modern commercial premises and employment in this key location within the city. The proposal would significantly enhance the appearance of the building and locality. The proposal would help enliven Elder Place. The proposal meets the demand for travel and other infrastructure it creates. The proposal has an acceptable impact on amenity. The scheme would incorporate sustainable design.
3. The planning permission granted includes vehicle accesses that require alterations and amendments to areas of the public highway. All necessary costs including any necessary amendments to a Traffic Regulation Order (TRO), the appropriate license and application fees for the crossing and any costs associated with the movement of any existing street furniture will have to be funded by the applicant. Although these works are approved in principle by the Highway Authority, no permission is hereby granted to carry out these works until all necessary and appropriate design details have been submitted and agreed. The works are required to be completed under licence from the Head of Asset and Network Management. The applicant must contact the Streetworks Team (01273 293 366) prior to any works commencing on the public highway.
4. The Travel Plan shall include such measures and commitments as are considered necessary to mitigate the expected travel impacts of the development and should include as a minimum the following initiatives and commitments:
 - (i) Promote and enable increased use walking, cycling, public transport use, car sharing, and car clubs as alternatives to sole car use;
 - (ii) A commitment to reduce carbon emissions associated with business and commuter travel;
 - (iii) Increase awareness of and improve road safety and personal security;
 - (iv) Details of how tenant businesses will be engaged in the Travel Plan process;
 - (v) Identify targets focussed on reductions in the level of business and commuter car use;
 - (vi) Identify a monitoring framework, which shall include a commitment to undertake an annual staff travel survey utilising iTrace Travel Plan monitoring

software, for at least five years, or until such time as the targets identified in section (v) above are met, to enable the Travel Plan to be reviewed and updated as appropriate:

(vii) Following the annual staff survey, an annual review will be submitted to the Local Planning Authority to update on progress towards meeting targets:

(viii) Identify a nominated member of staff to act as Travel Plan Co-ordinator, and to become the individual contact for the Local Planning Authority relating to the Travel Plan.

5. The applicant is advised that a formal application for connection to the public sewerage system is required in order to service this development. To initiate a sewer capacity check to identify the appropriate connection point for the development, please contact Southern Water, Southern House, Sparrowgrove, Otterbourne, Hampshire, SO21 2SW (tel 0330 303 0119), or www.southernwater.co.uk

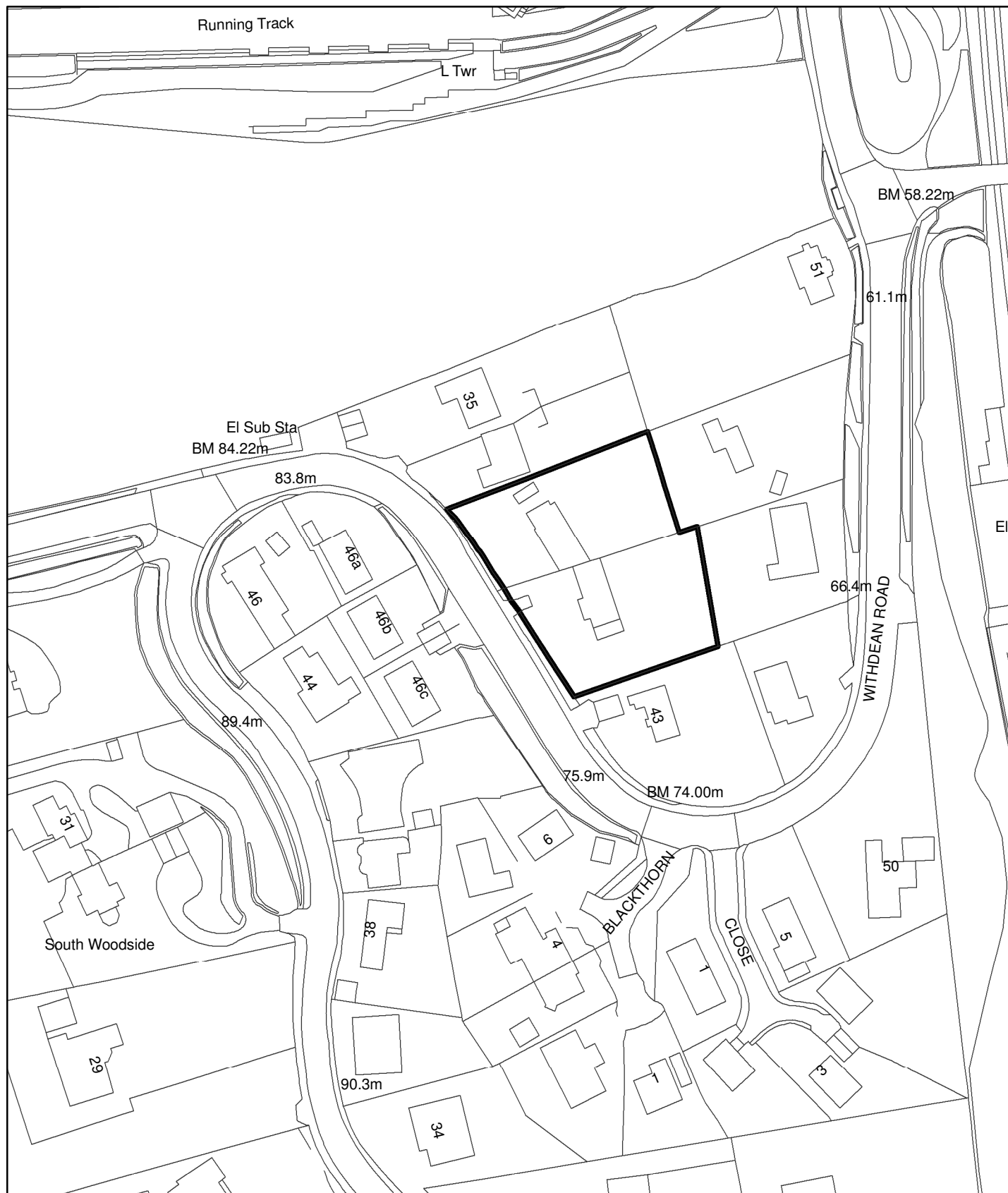
6. The applicant is advised that an agreement with Southern Water, prior to commencement of the development, the measures to be undertaken to divert/protect the public water supply main. Please contact Southern Water, Southern House, Sparrowgrove, Otterbourne, Hampshire, SO21 2SW (tel 0330 303 0119), or www.southernwater.co.uk

ITEM C

**39-41 Withdean Road, Brighton
BH2015/03868
Full Planning**

08 June 2016

BH2015/03868 39-41 Withdean Road, Brighton.



**Brighton & Hove
City Council**



Scale: 1:1,250

<u>No:</u>	BH2015/03868	<u>Ward:</u>	WITHDEAN
<u>App Type:</u>	Full Planning		
<u>Address:</u>	39-41 Withdean Road Brighton		
<u>Proposal:</u>	Variation of condition 2 of BH2013/03456 (demolition of existing houses and erection of 3no. detached houses with associated landscaping) to allow the addition of a roof extension to stairwell and a 'gloriette' timber structure and terrace area to Unit 2.		
<u>Officer:</u>	Maria Seale Tel 292175	<u>Valid Date:</u>	15/12/2015
<u>Con Area:</u>	N/A	<u>EOT Date:</u>	10 June 2016
<u>Listed Building Grade:</u>	N/A		
<u>Agent:</u>	Dowsett Mayhew Planning Partnership, 63A Ship Street Brighton BN1 1AE		
<u>Applicant:</u>	Baobab Developments, c/o agent		

1 RECOMMENDATION

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

2 SITE LOCATION & DESCRIPTION

- 2.1 The development site is located on the eastern side of Withdean Road and forms part of a larger site where previous residential properties were demolished. Unit 2 is the middle property of 3 new houses currently being built and the development is nearing completion. The area is predominantly residential in character with large detached properties of varying design set in mature landscaping. The site slopes down from north to south and also from west to east.

3 RELEVANT HISTORY

There are number of planning decisions relating to this and adjacent sites however the decision most relevant to this current application is the following: **BH2013/03456** Demolition of existing houses and erection of 3no detached houses with associated landscaping. Approved 9/4/14.

4 THE APPLICATION

- 4.1 Planning permission is sought to vary condition 2 of BH2013/03456 to allow revisions to a dwelling (Unit 2).
- 4.2 The proposal applied for is the addition of an extended stairwell to allow access to a new 'gloriette' timber structure and new terrace area on the top of the main flat roof of Unit 2.
- 4.3 The gloriette is essentially an open timber structure, 1.8m high above parapet level, that covers the width of the roof (5.5m). It covers the length of the stairwell (8.5m) in the middle part of the roof. The new roof top terrace would be bordered by a 1.1m high glass balustrade. An identical structure can be seen on

Unit 1 adjacent. The stairwell extension would increase its height by a further storey (2.3m).

5 PUBLICITY & CONSULTATIONS

5.1 External:

Neighbours:

Twelve (12) letters of representation have been received from **Owner of Unit 1 39-41, 43, 46A, 46C, 46B[x2], 47[x2], 49 [x3], 51 Withdean Road**, objecting to the application for the following reasons:

- Exceeds roof height of original permission and previous development and is effectively another storey
- Out of keeping and adverse impact to natural openness of landscape
- The gloriette at Unit 1 should not set a precedent
- Increased scale, bulk and height means proposal will be overbearing
- Increased noise and disturbance from terrace
- Increased overlooking and loss of privacy
- Loss of light
- Overdevelopment
- Council's previous assessment of original application was flawed
- Lack of floor plans and section plans [Note: floor plans have since been submitted]
- Additional floor plan does not overcome concerns

Cllr Nick Taylor: Objects to the application. See copy of letter at end of report.

5.2 Internal:

Arboriculturalist: No Objection

Environmental Health: No response

Sustainable Transport: No Objection

6 MATERIAL CONSIDERATIONS

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

6.2 The development plan is:

- Brighton & Hove City Plan Part One (adopted March 2016);
- Brighton & Hove Local Plan 2005 (retained policies March 2016);
- East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (Adopted February 2013);
- East Sussex and Brighton & Hove Waste Local Plan (February 2006); Saved Policies WLP 7 and WLP8 only – site allocations at Sackville Coalyard and Hangleton Bottom and Hollingdean Depot.

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

- 6.4 Due weight should be given to the relevant retained policies in the Brighton & Hove Local Plan 2005 according to their degree of consistency with the NPPF.
- 6.5 All material considerations and any policy conflicts are identified in the “Considerations and Assessment” section of the report.

7 RELEVANT POLICIES & GUIDANCE

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One

SS1 Presumption in Favour of Sustainable Development

CP12 Urban design

Brighton & Hove Local Plan (retained policies March 2016):

QD14 Extensions and alterations

QD27 Protection of amenity

Supplementary Planning Documents:

SPD12 Design Guide for Extensions and Alterations

8 CONSIDERATIONS & ASSESSMENT

- 8.1 The principle of developing the site for 3 houses was established through the original permission and indeed the development is almost complete. The main considerations in the determination of this application relate solely to the impact the extension and terrace structure would have on the character and appearance of the dwelling and that of the wider locality, and impact on amenity of occupiers of nearby residential properties.

Planning Policy Context:

- 8.2 City Plan policy CP12 seeks to ensure all new development is built to a high quality standard.
- 8.3 Retained Local Plan policy QD14 states that extensions to buildings must be well designed, sited and detailed in relation to the main property, adjoining properties and the surrounding area and should not result in significant noise disturbance or loss of privacy, outlook, daylight/sunlight or amenity to neighbouring properties. Proposals should take into account the existing space around buildings and the character of the area and use materials sympathetic to the parent building. When considering whether to grant permission for extensions account will be taken of sunlight and daylight factors, together with orientation, slope, overall height relationships, existing boundary treatment and how overbearing the proposal will be.
- 8.4 Retained Local Plan Policy QD27 states that planning permission for any development will not be granted where it would cause material nuisance and loss of amenity to the proposed, existing and/or adjacent users, residents, occupiers or where it is liable to be detrimental to human health.

Design:

- 8.5 The character and appearance of the locality is very mixed and made up of large detached properties of varying architectural styles. There are examples of some very large, tall buildings and examples of balconies and roof terraces. Unit 1 within the development has the same 'gloriette' structure and terrace as is now proposed for Unit 2.
- 8.6 In this context, there is no objection in visual terms to the proposal. The extension itself and the timber structure are relatively modest in scale and are located back from the main street frontage in the centre of the building, thus limiting their impact. Unit 2 still remains lower than Unit 1 and respects the topography and all 3 new dwellings still step down the hill sympathetically.
- 8.7 The proposal is well designed in relation to the existing building, it is a contemporary feature which respects the contemporary design of the main building and uses the same brick type. The timber and glass materials are sympathetic.

8.8 Impact on Amenity:

- Whilst additional information (a section plan through showing relationship with 49 Withdean Road and proposed block plan) has been repeatedly requested from the applicant to aid assessment, this has not been forthcoming. It is however considered that the application contains sufficient information to enable assessment of the proposal. A thorough site visit has been carried out and given that the building is nearing construction this has helped assess the impact of the proposal. A section plan through to no.47 Withdean Road is provided which also helps.
- 8.9 The existing dwelling is already quite large and tall, however, the proposed extension is quite small in scale, being to the stairwell only and is in the centre of the building so it is considered to have limited impact to amenity of nearby occupiers. The proposal would not increase the overall bulk or mass of the development unduly or result in it being more overbearing for adjacent residents. Given its siting and height and distance from adjacent properties it would not cause undue loss of light.
- 8.10 Unit 2 is in the centre of 3 new dwellings so the nearest properties to it that could potentially be affected are those to the rear, no.s 49 & 47 Withdean Road (as well properties directly opposite, no.s 46a/b/c). The gloriette is an open terrace structure and does not extend the full length of the property, limiting its impact. There is another terrace at first floor level nearer to the boundary of no. 49 than the current proposal. The proposed terrace would be set so high up, and no.s 49 and 47 set significantly lower, that very limited or no views directly downwards could be afforded. Any views out would be above neighbouring roof level or higher. There is also substantial mature screening on the boundary. An additional terrace would not give rise to undue extra noise or disturbance above the general domestic activities associated with the existing terrace and garden at the dwelling.

- 8.11 Objections have been received from the new owners of Unit 1 (which was yet to be occupied) which has a roof level terrace and ‘gloriette’, however, that dwelling would be screened from the proposal by the extended stairwell. That property is set higher and the extension is relatively modest, and any potential impact is considered very limited and acceptable to that property given its distance from the proposal. Any impact to Unit 3 would be limited given the difference in height between the 2 properties and Unit 3 has no accommodation at roof level.
- 8.12 A condition can ensure the new terrace is limited only to the area shown within the glass balustrade to limit potential use of the remaining roof.

9 CONCLUSION

- 9.1 The proposal is well designed in relation to the existing building and is in keeping with the character and appearance of the locality, which is very mixed and made up of large detached properties of varying architectural styles. Given the location of the extension and terrace in the centre of the building, and its height and distance away, it would have limited impact to the amenity of nearby properties.

10 EQUALITIES

- 10.1 The new terrace would only be accessible by the stairwell. The overall development meets Lifetime Homes standards as per condition 16 of the original permission.

11 CONDITIONS / INFORMATIVES

- 1) Not used.
- 2) The development hereby permitted shall be carried out in accordance with the approved drawings listed below. **Reason:** For the avoidance of doubt and in the interests of proper planning.

Plan Type	Reference	Version	Date Received
House 2 Proposed Elevations	1310/401		23/10/15
House 2 Previously Consented & Proposed Plans	1310/200		19/01/16
House 2 previously Consented Elevations	1310/200		23/10/15
Site Plan & Site Location Plan	1310/100		23/10/15
Existing Site Plan	1310-004_13.09.09		9/3/16
Site elevations & section	1310/030	P1	23/10/15
Tree Protection Plan	Wd13.03.06		23/10/15
Outline Site Proposal	Wd13.03.05		23/10/15
Unit 1 Plans	1310_003_P		16/10/2013
Unit 1 Elevations	1310_004_P		10/10/2013
Unit 3 Plans	1310_007_P	A	17/03/2014
Unit 3 Elevations	1310_008_	B	17/03/2014

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	P		
Existing Sections/Elevations	1310-016_13.09.09		16/10/2013
Existing Sections/Elevations	1310-017_13.09.09		16/10/2013
Tree Plan	J37.79/02		05/11/2013

- 3) No extension, enlargement or other alteration of the dwellinghouses as provided for within Schedule 2, Part 1, Classes A, B and C of the Town and Country Planning (General Permitted Development) Order 1995, as amended (or any order revoking and re-enacting that Order with or without modification) other than that expressly authorised by this permission shall be carried out without planning permission obtained from the Local Planning Authority. Reason: The Local Planning Authority considers that further development could cause detriment to the amenities of the occupiers of nearby properties and for this reason would wish to control any future development to comply with policy CP12 of the Brighton & Hove City Plan Part One and policies QD14 and QD27 of the Brighton & Hove Local Plan.
- 4) The materials to be used in the construction of the external surfaces of the development hereby permitted shall be in accordance with those agreed under application BH2014/01361 approved on 28/7/14. Reason: To ensure a satisfactory appearance to the development and to comply with policy CP12 of the Brighton & Hove City Plan Part One.
- 5) The boundary treatments shall be provided in accordance with the details approved under application BH2014/01361 on 28/7/14 before the buildings are first occupied and shall be retained as such thereafter. Reason: To enhance the appearance of the development in the interest of the visual and residential amenities of the area and to comply with policy CP12 of the Brighton & Hove City Plan Part One and policies QD15 and QD27 of the Brighton & Hove Local Plan.
- 6) Other than the stairwell extension hereby permitted, the height of the development including finished floor levels shall be in accordance with the details agreed under permission BH2014/01361 approved on 28/7/14. 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.
- 7) The vehicle parking areas shown on the approved plans shall not be used otherwise than for the parking of private motor vehicles and motorcycles belonging to the occupants of and visitors to the development hereby approved. Reason: To ensure that adequate parking provision is retained and to comply with policy CP9 of the Brighton & Hove City Plan Part One.
- 8) All construction works in connection with the development hereby approved (including any tree felling, tree pruning, demolition works, soil moving, temporary access construction and or widening, or any operations involving the use of motorised vehicles or construction machinery) shall be carried out in accordance with the approved Arboricultural Method Statement for tree protection agreed under permission BH2014/01361 on 28/7/14. No development or other operations shall take place except in complete

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- accordance with the approved details. Reason: To enhance the appearance of the development in the interests of the visual amenities of the area and to comply with policy QD15 of the Brighton & Hove Local Plan and policy CP12 of the Brighton & Hove City Plan Part One.
- 9) The landscaping of the site shall be carried out in accordance with the implementation programme approved under permission BH2014/01361 on 28/7/14. Reason: To enhance the appearance of the development in the interest of the visual amenities of the area and to comply with retained policy QD15 of the Brighton & Hove Local Plan and policy CP12 of the Brighton and Hove City Plan Part One.
- 10) Not Used.
- 11) The development hereby approved shall not be occupied until the refuse and recycling storage facilities indicated on the approved plans have been fully implemented and made available for use. These facilities shall thereafter be retained for use at all times. Reason: To ensure the provision of satisfactory facilities for the storage of refuse and recycling and to comply with policy QD27 of the Brighton & Hove Local Plan.
- 12) 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 as a minimum has been submitted to, and approved in writing by, the Local Planning Authority. Reason: To ensure that the development is sustainable and makes efficient use of energy, water and materials and to comply with policy CP8 of the Brighton & Hove City Plan Part One.
- 13) 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 policy QD15 of the Brighton & Hove Local Plan and policy CP12 of the Brighton & Hove City Plan Part One.
- 14) 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.
- 15) The extended crossover and access shall be constructed prior to the first occupation of the development hereby permitted and in accordance with a specification that has been approved in writing by the Local Planning Authority. Reason: In the interests of highway safety and to comply with policy TR7 of the Brighton & Hove Local Plan and policy CP9 of the Brighton & Hove City Plan Part One.

PLANNING COMMITTEE LIST – 08 JUNE 2016

- 16) The accessible measures incorporated within the buildings to meet Lifetime Homes standards shall be retained. 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.
- 17) Access to the remaining flat roofs of the development that are not explicitly annotated to be used as roof terraces on the approved drawings (including the second floor roof terrace at Unit 2 bordered by glass balustrading), shall be for maintenance or emergency purposes only and the flat roofs shall not be used as a roof garden, terrace, patio or similar amenity area. Reason: In order to protect adjoining properties from overlooking and noise disturbance and to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.

11.18

Informatives:

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

The proposal is well designed in relation to the existing building and is in keeping with the character and appearance of the locality, which is very mixed and made up of large detached properties of varying architectural styles. Given the location of the extension and terrace in the centre of the building, and its height and distance away, it would have limited impact to the amenity of nearby properties.

1st February 2016

Dear Ms Walsh,

RE: OBJECTION TO APPLICATION BH2015/03868

I am writing to you to register an objection to the above planning applications on behalf of residents of Withdean Road in Withdean ward.

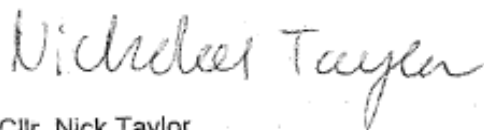
I am very concerned with this application to amend the existing planning applications to allow the addition of a fourth storey "gloriette" on the three properties under construction. The additional storey constitutes a gross invasion of privacy for residents on Withdean Road. The developments are no more than 20 feet away from the property at 49 Withdean Road and therefore affords them no privacy.

The previous plans that have been granted planning permission are more in keeping with the overall height of the other developments in the road. In addition, the height of the hill makes a fourth storey all the more difficult to adapt for local residents.

If the officer recommendation is to approve, I would ask that this matter be referred to the full Planning Committee for consideration.

I very much hope that my objections and those of local residents will be taken into account and appropriate mitigation strategies may be developed as appropriate.

With kind regards,



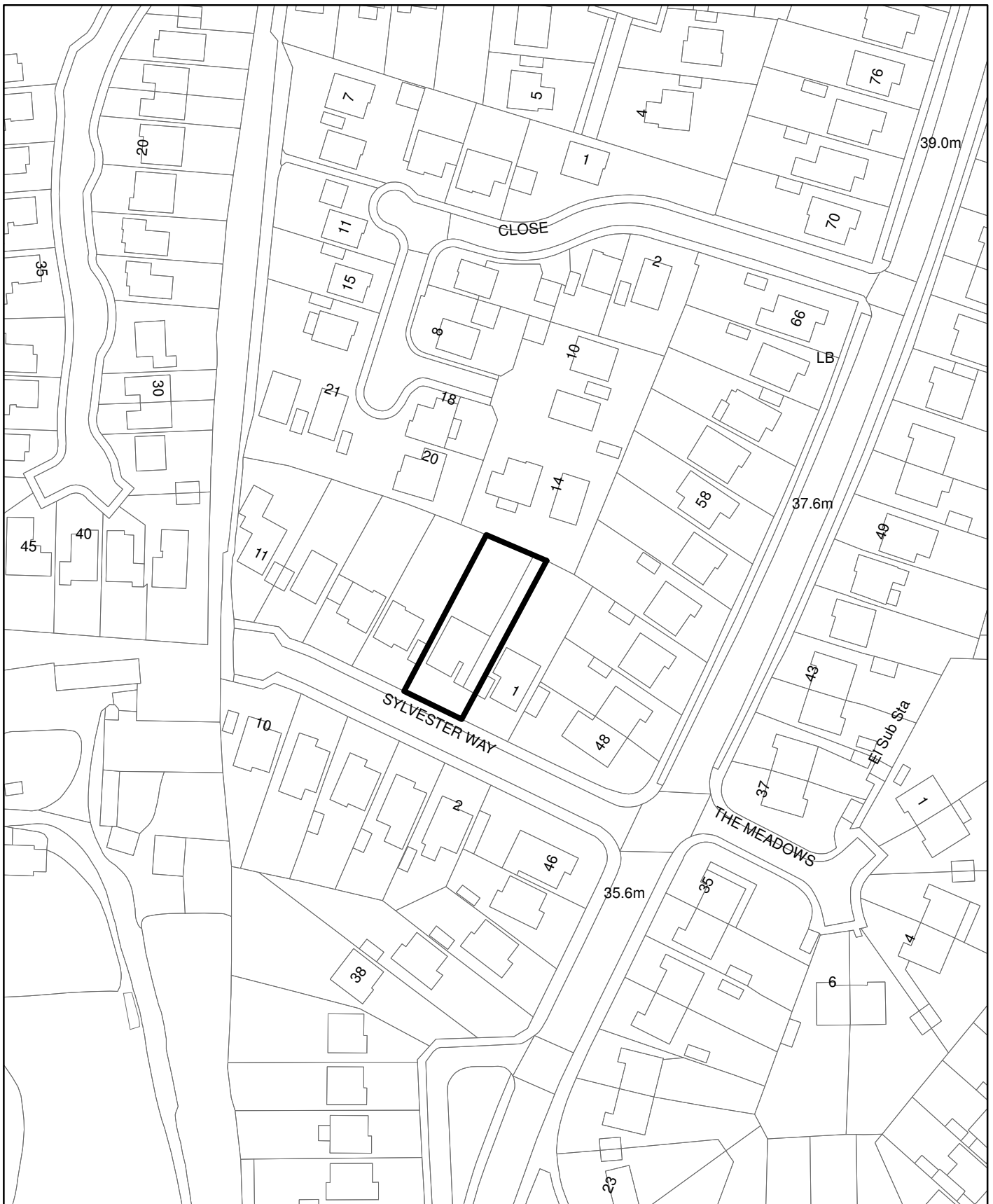
Cllr. Nick Taylor

ITEM D

**3 Sylvester Way, Hove
BH2016/00926
Householder Planning Consent**

08 June 2016

BH2016/00926 3 Sylvester Way, Hove



**Brighton & Hove
City Council**



Scale: 1:1,250

<u>No:</u>	BH2016/00926	<u>Ward:</u>	HANGLETON & KNOLL
<u>App Type:</u>	Householder Planning Consent		
<u>Address:</u>	3 Sylvester Way Hove		
<u>Proposal:</u>	Erection of single storey side and rear extension.		
<u>Officer:</u>	Luke Austin Tel 294495	<u>Valid Date:</u>	15/03/2016
<u>Con Area:</u>	N/A	<u>EOT Date:</u>	15 June 2016
<u>Listed Building Grade:</u>	N/A		
<u>Agent:</u>	Moore Planning, 11 Bowden Rise Seaford East Sussex BN25 2HZ		
<u>Applicant:</u>	Miss A Linkman, 3 Sylvester Way Hove BN3 8AR		

1 RECOMMENDATION

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

2 SITE LOCATION & DESCRIPTION

- 2.1 The application site relates to a detached bungalow located to the north of Sylvester Way. The property consists of a north-south gable roof design with a single storey flat roofed attached garage to the eastern side of the property. The bungalow has been altered in the past and includes a flat roof L-shaped extension that extends to the rear of the garage along the eastern side of the boundary and wraps around to the rear.
- 2.2 The existing side garage when measured from the land level at the eastern side of the property measures 2.8m in height and the wrap around extension measures 3.8m in height. The property includes a rear garden and a 3.1m strip of land to the east of the building that sits approximately 1m lower than the floor level of the building and separates the property from the boundary fence.

3 RELEVANT HISTORY

BH2015/01291 - Erection of single storey front, side and rear extension.
Refused 17/07/2015, Appeal Dismissed 08/01/2016.

BH2014/02616 - Erection of a single storey front side and rear extension.
Refused 30/09/14, Appeal Dismissed 21/03/2015.

4 THE APPLICATION

- 4.1 Permission is sought for the erection of a single storey front, side and rear extension. The extension would replace an existing single storey side extension and would project a maximum of 6.35m from the main body of the building, approximately 3.7m further than the existing side extension. The proposal would measure 4.4m at its tallest point and would have an eaves height of 2.6m.

4.2 The application follows a previous submission (see BH2015/01291) which was refused for the following reason:

1. *The proposed extension by reason of its height, length and close proximity to the shared boundary would result in a significant loss of light and overbearing impact on the eastern side facing kitchen and living room windows of no. 1 Sylvester Way, contrary to policies QD14 and QD27 of the Brighton & Hove Local Plan and the guidance within supplementary Planning Document 12, A Design Guide For Extensions and Alterations.*

4.3 The applicant appealed the decision (see APP/Q1445/D/15/3134130). The Inspector dismissed the appeal and concluded the following:

1. *It is concluded that the proposed development would detract from the living conditions of those at No. 1 Sylvester Way with special reference to visual impact. It would be contrary to Policies QD14 and QD27 of the Brighton & Hove Local Plan which seek to protect neighbours' amenity.*

5 PUBLICITY & CONSULTATIONS

5.1 External

Neighbours:

Five (5) letters of representation have been received from 1, 2, 4 and 6 Sylvester Way and 46 Hangleton Valley Drive objecting to the application for the following reasons:

- Not in keeping with the rest of the close
- Overshadowing
- Will close in on the neighbouring property
- Very overpowering and unsightly to view
- Contrary to policies QD14 and QD27
- Significant loss of sunlight and daylight to our kitchen area
- Great sense of enclosure
- Tunnel and terrace effect
- Already the largest extension in the street which has greatly impacted us
- Overlooking and loss of privacy from bi-fold doors
- Lighting will illuminate our garden and bedrooms
- Will lead to a precedent for properties to be overdeveloped
- Out of character
- Right to light report is biased
- Will take away our natural skyline
- Bungalows are needed in the area
- Major works would cause noise, dust and disruption
- Further extensions would considerably affect the living qualities of No. 1
- Overdevelopment
- Ignores previous reports from council and appeal process

5.2 Internal:

Sustainable Transport: No objection.

6 MATERIAL CONSIDERATIONS

- 6.1 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 states that “If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.”
- 6.2 The development plan is:
- Brighton & Hove City Plan Part One (adopted March 2016);
 - Brighton & Hove Local Plan 2005 (retained policies March 2016);
 - East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (Adopted February 2013);
 - East Sussex and Brighton & Hove Waste Local Plan (February 2006); Saved Policies WLP 7 and WLP8 only – site allocations at Sackville Coalyard and Hangleton Bottom and Hollingdean Depot.
- 6.3 The National Planning Policy Framework (NPPF) is a material consideration.
- 6.4 Due weight should be given to the relevant retained policies in the Brighton & Hove Local Plan 2005 according to their degree of consistency with the NPPF.
- 6.5 All material considerations and any policy conflicts are identified in the “Considerations and Assessment” section of the report.

7 RELEVANT POLICIES & GUIDANCE

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One

SS1 Presumption in Favour of Sustainable Development
CP12 Urban Design

Brighton & Hove Local Plan (retained policies March 2016):

QD14 Extensions and alterations
QD27 Protection of amenity

Supplementary Planning Documents:

SPD12 Design Guide for Extensions and Alterations

8 CONSIDERATIONS & ASSESSMENT

- 8.1 The main considerations in the determination of this application relate to the impact of the proposed alterations on the character and appearance of the building and wider street scene and impact on the amenity of neighbouring properties.

Design and Appearance:

- 8.2 The original form of the building consists of a bungalow with a north-south gable end roof. The property has been altered substantially in the past and includes a single storey flat roofed extension that projects from the rear of an existing garage and wraps around the full width of the rear elevation. The property currently retains a 3.1m gap to the east boundary.
- 8.3 Permission is sought for the erection of a single storey front, side and rear extension. The proposal would include demolition of the existing garage and the construction a new of side extension to the east of the property, infilling the space between no. 1 Sylvester Way adjacent. The proposal would be set down in height from main body of the property with a floor level approximately 0.9m lower. The proposed extension would consist of two roof forms with a hipped roof set to the front element of the extension and a dummy pitched roof to the rear.
- 8.4 The amendments further to the previous refusal are the removal of a single storey rear projection, setting back a portion of the extension by 1.2m from the boundary and the removal of a gable roof form to the rear of the main house. The main bulk added to the roof form has been shifted forward by 3.9m compared to the previous refusal which would increase the prominence of the extension within the street scene. The proposal would reduce the gap between the application site and no. 1 Sylvester way and is considerable in size in relation to the host building, however this is not considered to result in significant harm to the character and appearance of the host building or surrounding street scene.
- 8.5 Within the previous appeal the Inspector noted that reducing the gap between to the neighbouring property would have no adverse effect due to the varied relationship between the dwellings in the road. Furthermore the Inspector stated that the proposed pitched roof would represent an improvement over the existing flat roof extension.
- 8.6 On balance therefore the design of the proposal, although substantial in relation to the host building, is considered acceptable in terms of design.

Impact on Amenity:

- 8.7 Policy QD27 states that planning permission for any development will not be granted where it would cause material nuisance and loss of amenity to the proposed, existing and/or adjacent users, residents, occupiers or where it is liable to be detrimental to human health.
- 8.8 The property most affected by the proposal would be the adjacent property to the east, no. 1 Sylvester Way. The boundary treatment between the two properties currently consists of a 1.8m close board timber fence. The eastern side elevation of no. 3 is currently set back from the boundary by 3.1m. The eastern elevation currently consists of the 2.8m tall garage adjoining a 3.8m tall existing side extension, both of which are set away from the shared boundary by 3.1m.
- 8.9 Due to the topography of the area no. 1 Sylvester Way sits considerably lower than the application site. No. 1 includes a side living room and kitchen, that receive the majority of their light and outlook from the north-western facing

windows. The living room also includes glazed doors to the rear providing outlook to the rear garden. The existing extension at no. 3 Sylvester Way is currently highly visible from the windows due to its height in relation to the boundary treatment and differing land levels.

- 8.10 The previous application was refused due to loss of light and outlook to the north-western facing kitchen and living room windows at no. 1 Sylvester Way. At appeal the appellant provided a daylight and sunlight report which established that the loss of light as a result of the development would be minimal.
- 8.11 The Inspector agreed that the proposed extension would not result in a significant loss of daylight and sunlight to the side facing windows of no. 1 Sylvester Way. Furthermore the Inspector disagreed with the identified issues relating to the side facing kitchen window at the neighbouring property, stating that *'views from the neighbours' kitchen window, which also faces the appeal site, would not be adversely affected as outlook from it is already restricted by existing structures and overhanging eaves'*.
- 8.12 The Inspector, however, concluded that the proposed development would result in significant loss of outlook to the side facing living room windows and rear garden of no. 1 and stating overall *'given the substantial length of the extension along the boundary, and its proximity and height relative to No, 1 Sylvester Close, it would appear over-dominant and intrusive when seen in views forward of the neighbours' bungalow and from its rear garden/patio'*.
- 8.13 In order to overcome these issues the current scheme has made several amendments to the height and dimensions of the proposed extension. The proposal would retain a similar form to the previous submission as the 4.5m ridge height would be retained. The main hipped roof section has however been moved forward by 3.9m, substantially shifting the main bulk of the extension towards the front elevation of the building. Furthermore the proposed 2.7m deep projection to the rear has been removed from the plans.
- 8.14 The south-eastern wall of the rear portion of the extension, in line with the living room windows at no. 1, has also been set away from the shared boundary by 1.2m (a further 0.8m from the previous refusal). The eaves have also been set away by a further 0.5m. The height of this rear section has also been increased by approximately 0.3m however as the roof is hipped and the eaves are set away the additional bulk would be set away from the shared boundary.
- 8.15 Whilst the bulk of the extension would still be highly prominent when viewed from the side facing kitchen window of no. 1, the impact would be largely similar to the previous application, for which the Inspector's report specifically stated would not be adversely affected. A refusal based on the impact of the proposal on the side facing kitchen window is therefore considered unreasonable in this case.
- 8.16 The alterations to the rear section of the structure would assist in shifting the bulk of the structure away from the shared boundary and the reduced depth would also alleviate the overall impact of the structure on the neighbouring property and rear garden as identified within the Inspector's report. Although the proposal

would still be visible from the side facing windows and rear garden area on balance the current proposal is considered to have addressed the concerns identified within the dismissed appeal.

9 CONCLUSION

9.1 The proposed side extension due to its inset from the boundary, reduced depth and relocated bulk at roof level is considered to have overcome the issues identified within the Inspector’s appeal decision relating to the impact on the adjacent property, 1 Sylvester Way. Furthermore the proposed side extension is not considered to result in significant harm to the character and appearance of the host building or surrounding street scene. Approval is therefore recommended.

10 EQUALITIES

None identified.

11 PLANNING OBLIGATION / CONDITIONS / INFORMATIVES

11.1 Regulatory Conditions:

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

Plan Type	Reference	Version	Date Received
Location Plan	-	-	15/03/16
Block Plan	-	-	15/03/16
Existing Floor Plan	14/941/01	-	15/03/16
Existing Elevations	14/941/02	-	15/03/16
Proposed Floor Plan	14/941/03	-	15/03/16
Proposed Elevations	14/941/04	-	15/03/16
Existing and Proposed Roof Plans	14/941/05	-	15/03/16
Existing, Previously Proposed and Proposed Structures	14/941/06	A	01/04/16
Topographical Survey	14420216	-	15/03/16

- 3) The external finishes of the development hereby permitted shall match in material, colour, style, bonding and texture those of the existing building.
Reason: To ensure a satisfactory appearance to the development in the interests of the visual amenities of the area and to comply with policies QD14 of the Brighton & Hove Local Plan and CP12 of the Brighton & City Plan Part One.

11.2 Informatives:

PLANNING COMMITTEE LIST – 08 JUNE 2016

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

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

 - (ii) for the following reasons:-

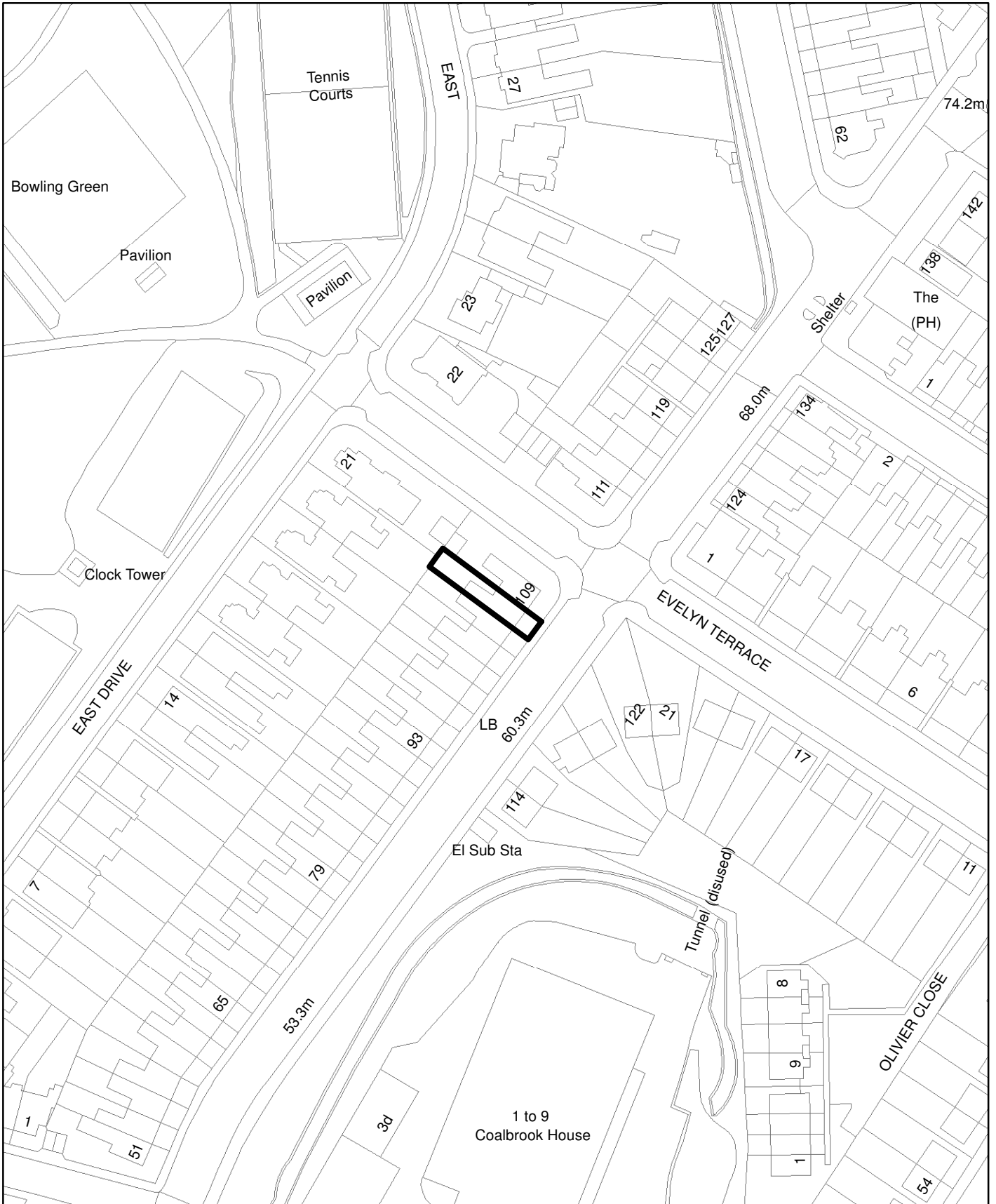
The proposed side extension due to its inset from the boundary, reduced depth and relocated bulk at roof level is considered to have overcome the issues identified within the Inspector's appeal decision relating to the impact on the adjacent property, 1 Sylvester Way. Furthermore the proposed side extension is not considered to result in significant harm to the character and appearance of the host building or surrounding street scene. Approval is therefore recommended.

ITEM E

**107 Freshfield Road, Brighton
BH2016/00302
Full Planning**

08 June 2016

BH2016/00302 107 Freshfield Road, Brighton



Scale: 1:1,250

<u>No:</u>	BH2016/00302	<u>Ward:</u>	QUEEN'S PARK
<u>App Type:</u>	Full Planning		
<u>Address:</u>	107 Freshfield Road Brighton		
<u>Proposal:</u>	Change of use from five bedroom single dwelling (C3) to five bedroom small house in multiple occupation (C4). (Part retrospective)		
<u>Officer:</u>	Chris Swain Tel 292178	<u>Valid Date:</u>	28/01/2016
<u>Con Area:</u>	Adjoining Queens Park CA	<u>E.O.T</u>	13/06/2016
<u>Listed Building Grade:</u>	N/A		
<u>Agent:</u>	N/A		
<u>Applicant:</u>	Ms Claire Johnson, 23 De Montfort Road Brighton BN2 3AW		

1 RECOMMENDATION

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

2 SITE LOCATION & DESCRIPTION

- 2.1 The site relates to a two storey terraced property with accommodation within the roofspace on the western side of Freshfield Road.

3 RELEVANT HISTORY

None relevant.

4 THE APPLICATION

- 4.1 Planning permission is sought for the change of use from five bedroom single dwelling (C3) to five bedroom small house in multiple occupation (C4). (Part retrospective).

5 PUBLICITY & CONSULTATIONS

External

5.1 Neighbours:

Twenty Five (25) letters of representation have been received from **39, 45, 51, 57, 59, 61(x2), 63, 69(x2), 73, 85, 89, 91(x2), 93, 95, 97, 101, 103, 105 Freshfield Road, 17, 18, 20 East Drive** and **17 Quebec Street** objecting to the application for the following reasons:

- Proposed HMO use is unsuitable for this family area,
- The proposed use will increase noise and disturbance,
- Increased parking stress,
- Potential highway danger,
- May set a precedent for further HMO conversions,

- Queens Park area is not suited to high turnover tenants be they students or professionals,
- If the application is granted it is likely that the property will be extended in the future to form a large HMO,
-

- The HMO use would erode the existing family character of the area,
- Loss of privacy,
- Increased refuse and recycling,
- Untidy gardens,
- No disabled access,
- The change of use is driven by profit and not to the benefit of the local community,
- Increased air pollution from increase traffic,
- Housing stock has little sound insulation and unsuited to multiple occupancy and potentially increased noise and disturbance,
- Would be contrary to the aims of the Article 4 direction.

5.2 **Thirty (30)** letters of representation have been received from **107(x3) 134 and 188 Freshfield Road, 11 Woodside Avenue, 81 Osborne Road, 20 Canning Street, 27 St. Helens Road, 15 (Flat 6) Buckingham Road, 11 Windmill Street, 17 Upper Wellington Road, 10 (Flat 2) College Terrace, 25 De Montfort Road, 2 Nesbitt Road, 33 Seville Street** and **14(x4) Cuthbert Road, 12(x5) Monk Close** and **11(x5) Nanson Road** supporting the application for the following reasons:

- The proposal would provide much needed affordable housing in the area,
- The landlord is considerate to its tenants,
- There is a lack of housing available in the area for professional sharers,
- The applicant would only let rooms to professional and responsible individuals,
- The house will be maintained to a high standard with no mess or noise.
- Cycle parking will be provided to the rear,
- The proposal would help to alleviate the housing shortage,
- The Article 4 direction is reducing the availability of homes for sharers, this application will help to elevate this.
- The Article 4 is contrary to the council's principles of creating a diverse, inclusive and economically stable population,
- Due to the housing shortage in Brighton more people will be compelled to live in shared houses,
- The property is well sited, close to local shops and amenities, the seafront public open space,
- There is no issues with parking within the immediate area,
- The area has good public transport links,
- High quality standard of accommodation and internal layout,
- Policies are biased towards existing home owners to the detriment of younger, poorer more transient occupiers,

- The property would encourage a mixed, diverse community.

Internal:

5.3 Sustainable Transport: No objection:

Whilst the change of use could result in an uplift in trip generation it is not considered that this would result in a significant impact upon the surrounding transportation and highway networks.

5.4 No car parking is proposed, however, the site is located within a Controlled Parking Zone which will limit opportunities for overspill parking.

The applicant has not proposed secure, covered cycle parking, in accordance with SPGBH4. There appears to be space on site and as such an appropriate condition should be attached.

6 MATERIAL CONSIDERATIONS

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

6.2 The development plan is:

- Brighton & Hove City Plan Part One (adopted March 2016);
- Brighton & Hove Local Plan 2005 (retained policies March 2016);
- East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (Adopted February 2013);
- East Sussex and Brighton & Hove Waste Local Plan (February 2006); Saved Policies WLP 7 and WLP8 only – site allocations at Sackville Coalyard and Hangleton Bottom and Hollingdean Depot.

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

6.4 Due weight should be given to the relevant retained policies in the Brighton & Hove Local Plan 2005 according to their degree of consistency with the NPPF.

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

7 RELEVANT POLICIES & GUIDANCE

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One

SS1	Presumption in Favour of Sustainable Development
CP8	Sustainable buildings
CP9	Sustainable transport
CP19	Housing mix
CP21	Student Accommodation and Houses in Multiple Occupation

Brighton and Hove Local Plan: (retained policies)

TR7	Safe Development
TR14	Cycle access and parking
SU10	Noise Nuisance
QD27	Protection of amenity
HO5	Provision of private amenity space in residential development
HO14	Houses of multiple occupancy

Supplementary Planning Guidance
SPGBH4: Parking Standards

8 CONSIDERATIONS & ASSESSMENT

8.1 The main considerations in the determination of this application relate to the principle of the change of use, impact upon neighbouring amenity, the standard of accommodation which the use would provide, transport issues and the impact upon the character and appearance of the property and the surrounding area.

Principle of development

8.2 The development is a change of use from a C3 dwelling to a use which would allow occupation of the property as a C4 HMO providing accommodation for up to 6 unrelated individuals (in this case 5 bedspaces) who share basic amenities including a kitchen and bathrooms.

8.3 Policy CP21 of the Brighton and Hove City Plan Part One specifically addresses the issue of changes of use to either class C4, a mixed C3/C4 use or to a sui generis House in Multiple Occupation and states that:

8.4 *'In order to support mixed and balanced communities and to ensure that a range of housing needs continue to be accommodated throughout the city, applications for the change of use to a Class C4 (Houses in multiple occupation) use, a mixed C3/C4 use or to a sui generis House in Multiple Occupation use (more than six people sharing) will not be permitted where:*

- *More than 10 per cent of dwellings within a radius of 50 metres of the application site are already in use as Class C4, mixed C3/C4 or other types of HMO in a sui generis use.'*
- A mapping exercise has taken place which indicates that there are 36 neighbouring properties within a 50m radius of the application property. One neighbouring property has been identified as being in HMO use within the 50m radius. The percentage of neighbouring properties in HMO use within the radius area is thus 2.77%.

8.5 Based upon the existing percentage of neighbouring properties in HMO use, which is less than 10%, the change to a C4 HMO would be in accordance with policy CP21.

Standard of accommodation:

8.6 The internal layout is unchanged, with kitchen, dining room, lounge and WC to the ground floor, two bedrooms and a shower room at first floor level and two

bedrooms and a shower room within the loft space. There is also a cellar below the front lounge.

- 8.7 The first floor bedrooms are all relatively spacious with good levels of natural light and outlook. The bedrooms within the loft space are much smaller, with restricted headroom in parts of these rooms.
- 8.8 In order to better demonstrate the usability of these rooms it would have been helpful to show an indicative layout in each bedroom which showed the basic items of furniture required; i.e. a bed, wardrobe and desk. This would have demonstrated whether such items could be sited within the bedrooms whilst still providing adequate circulation space. Whilst it is noted that built-in storage has been provided in the two loft level rooms, it may be more difficult to provide a usable layout in these rooms in comparison to the first floor bedrooms.
- 8.9 Notwithstanding the above, it is acknowledged that the communal space provided at ground floor level would provide sufficient amenity space for future occupants and overall the proposal is considered to represent a satisfactory standard of accommodation in accordance with policy QD27.

Impact on Amenity:

- 8.10 Whilst the development could result in up to 6 unrelated persons residing within the property it is not considered that any increased impact to adjoining occupiers in regards to noise and disturbance would be of a magnitude which would warrant the refusal of planning permission.

Transport:

- 8.11 Though the change of use could result in an uplift in trip generation, it is not considered that this would result in a significant detrimental impact upon the surrounding transportation and highway networks.
- 8.12 No car parking is proposed; however, the site is located within a Controlled Parking Zone which will limit opportunities for overspill parking.
- 8.13 Due to existing site constraints it is not considered that easily accessible secure cycle storage could be provided and the lack of provision is considered to be acceptable in this instance.

9 CONCLUSION

- 9.1 The change of use is considered to be acceptable in principle in this location and accords with the Council's policy on HMO's. The development does not result in significant harm to neighbouring amenity and would not create a harmful demand for travel.

10 EQUALITIES

None identified.

11 CONDITIONS / INFORMATIVES

- 11.1 Regulatory Conditions:

PLANNING COMMITTEE LIST – 08 JUNE 2016

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

Plan Type	Reference	Version	Date Received
Site location plan	001	-	28 January 2016
Existing and proposed floor plans	010	-	1 February 2016
Existing and proposed second floor plan and section	130	-	22 March 2016

- 2) The lounge, dining room, kitchen and cellar as detailed on drawing No.010 received on 1 February 2016 shall be retained as communal space at all times and none of these rooms shall be used as a bedroom. **Reason:** To ensure a suitable standard of accommodation for occupiers to comply with policy QD27 of the Brighton & Hove Local Plan.

11.2 Informatives:

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

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

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

- (ii) for the following reasons:-

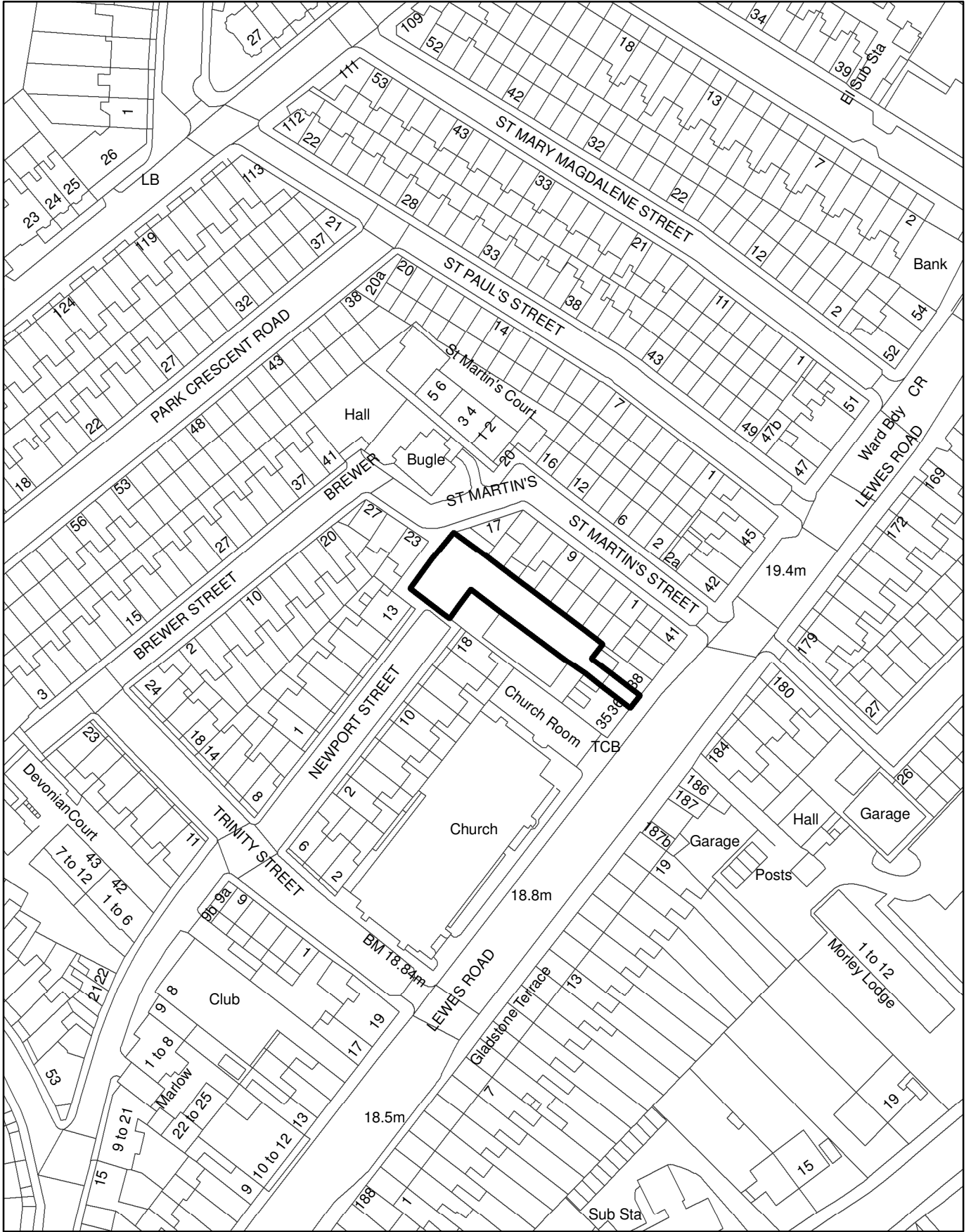
The change of use is considered to be acceptable in principle in this location and accords with the Council's policy on HMO's. The development does not result in significant harm to neighbouring amenity and would not create a harmful demand for travel.

ITEM F

**37 Lewes Rd, Brighton
BH2015 / 04277
Removal or Variation of Condition**

08 June 2016

BH2015/04277 37 Lewes Road, Brighton



**Brighton & Hove
City Council**



Scale: 1:1,250

<u>No:</u>	BH2015/04277	<u>Ward:</u>	ST. PETER'S & NORTH LAINE
<u>App Type:</u>	Removal or Variation of Condition		
<u>Address:</u>	37 Lewes Road Brighton		
<u>Proposal:</u>	Application for removal of condition 7 of application BH2012/02367 (Change of use from tool hire premises (Use Class A1) to car sales premises (Sui Generis) including the erection of an office cabin and installation of 3no wall mounted external lights), which states that vehicular access to the site shall be from Lewes Road only and all vehicles shall leave the site onto Newport Street only.		
<u>Officer:</u>	Chris Swain, tel: 292178	<u>Valid Date:</u>	26/11/2015
<u>Con Area:</u>	N/A	<u>E.O.T Date:</u>	13/06/16
<u>Listed Building Grade:</u>	N/A		
<u>Agent:</u>	SDR Designs, 14 Batemans Road Brighton BN2 6RD		
<u>Applicant:</u>	Pavilion Car Sales, Mr Naeem Khalid 37 Lewes Road Brighton BN2 3HQ		

1 RECOMMENDATION

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

2 SITE LOCATION & DESCRIPTION

- 2.1 The application site consists of the undercroft access from Lewes Road and most of the open area behind which is used for car sales. The site also has a vehicular access on to Newport Street to the rear. The western boundary of the site has a high boundary wall with a residential property on St. Martin's Street behind. The northern boundary of the site is also screened by a relatively high wall and adjoins residential gardens in association with the properties on St Martin's Street.
- 2.2 The access from Lewes Road is through an entrance which forms part of the ground floor of the building fronting on to Lewes Road. This access has a security shutter. The access onto Newport Street is secured by high metal gates with high walls to either side.
- 2.3 There is an existing storage building to the south of the site. This building is outside the red line of the application site and has no permission for use in association with car sales.

3 RELEVANT HISTORY

BH2015/04278 - Erection of detached toilet building. Approved on 9 February 2016.

BH2015/00662 - Application for removal of conditions 7 and 8 of application BH2012/02367 (Change of use from tool hire premises (Use Class A1) to car sales premises (Sui Generis) including the erection of an office cabin and installation of 3no wall mounted external lights). Condition 7 states that vehicular access to the site shall be from Lewes Road only and all vehicles shall leave the site onto Newport Street only. Condition 8 states that no vehicles exceeding 3000kg maximum gross weight shall enter the premises. Refused on 20/08/2015 for the following reason;

- *Conditions 7 and 8 of permission ref. BH2012/02367 were applied to ensure and preserve highway safety and neighbouring amenity. The information submitted fails to demonstrate that the grant of a new permission with these conditions omitted would not cause an increased highway safety risk and would not cause increased harm to neighbouring amenity through additional vehicular movements along Newport Street and additional noise and disturbance.*

BH2012/02367 (37 Lewes Road): Change of use from tool hire premises (Use Class A1) to car sales premises (Sui Generis) including the erection of an office cabin and installation of 3no wall mounted external lights. Approved 06/11/2012.

BH2010/00230 (35 Lewes Road): Change of use from retail at ground floor shop and basement (A1) to restaurant on ground floor and basement kitchen (A3) and conversion of ancillary first floor storage area (A1) to 2 no. bedroom flat (C3) and associated works including installation of rear extract system. Approved 19/04/2010.

BH2008/02662 (35-38 Lewes Road): Variation of Condition 2 of application 95/1064/FP for an extension of the existing hours of use. Approved 08/12/2008. Condition 1 of this approval: *'The premises shall not be open or in use except between the hours of 0730 to 1730 hours Monday to Friday, and between 0800 and 1700 hours on Saturdays.'*

BH2006/04059 (35-38 Lewes Road): Installation of security lighting (Retrospective). Approved 23/02/2007. Condition 1 of this approval: *'The lighting hereby approved shall only be switched on between the hours of 07.30 and 18.30 hours Monday to Friday and 08.00 and 18.00 Hours on Saturdays.'*

BH2006/03631 (35-38 Lewes Road): 'Variation of Condition 2 relating to planning permission 95/1064/FP to read "The Premises shall not be open for trade except between the hours of 07.30 to 17.30 hours Monday to Friday, and between 08.00 and 17.00 hours on Saturdays." Also Variation of Condition 9 to read "No vehicles, unless otherwise agreed in writing with the local planning

authority, shall be admitted to this site via Newport Street".' Approved 02/02/2007.

96/0660/AD (35-38 Lewes Road): Installation of non-illuminated 'Warning' sign at the exit onto Newport Street. Approved 15/08/1996.

96/0428/FP: Installation of gates to rear exit onto Newport Street and increase of wall height fronting St. Martins Street. (Retrospective). Approved 06/08/1996.

95/1064/FP: Alterations, including new shopfront and roller-shutters, to change the use from vehicle hire to hire of tools and equipment. Approved 21/11/1995.

95/0438/FP: Change of use from van hire to retail. Approved 17/07/1995.

91/0544/FP: Demolition of existing building in rear yard and erection of replacement single storey building. Approved 30/07/1991.

4 THE APPLICATION

4.1 Planning permission is sought to remove condition 7 of approved application BH2012/02367 which was an application for the change of use from tool hire premises (Use Class A1) to car sales premises (Sui Generis) including the erection of an office cabin and installation of 3 no. wall mounted external lights.

4.2 The applicant seeks to remove condition 7 which read as follows;

4.3 *“Vehicular access to the site shall be from Lewes Road only and all vehicles shall leave the site onto Newport Street only. **Reason:** In the interests of highway safety, to restrict the size of vehicles using Newport Street and to comply with policies TR7 and QD27 of the Brighton & Hove Local Plan”.*

5 PUBLICITY & CONSULTATIONS

External

5.1 **Neighbours: Eighteen (18)** letters of representation have been received from the occupiers of nos. **1, 4(x2), 7, 8, 10(x2), 10A, 12(x2), 13(x4), 14, 18(x2) Newport Street** and **an unspecified address** objecting to the application on the following grounds;

- Concerns that the consultation period is not sufficient in time to allow all responses,
- Concerns that the council's enforcement team has not committed the necessary resources to look into current breaches,
- The application is using other parts of the site for the car sales business outside the original consent,
- The proposal will result in a change of address and Newport Street will take on more commercial rather than a residential character,
- Increased highway safety concerns, especially for pedestrians,
- Increased noise and disturbance from additional traffic,
- Customers are more likely to use the Newport Street entrance,
- The condition has been in place for many years on this site for reasons of amenity and safety and it should not be removed,

- Test drivers, not used to a specific car could be more susceptible to accidents,
- The road is one way and introducing additional vehicles will result in a highway safety risk,
- Commercial businesses should be accessed from Lewes Road,
- Children often play on Newport Street,
- The increased vehicular movements would be out of character for this residential street,
- Parking stress and congestion for Newport Street residents,
- Concerns relating to light pollution,
- The proposed cabin is inappropriate in this location,
- Business has outgrown its current location,
- Environmental damages,
- Disturbed and interrupted sleeping patterns,
- No room to turn around on site,
- Whilst there are not a high number of vehicular movements associated with the current business there are concerns that a future business could generate a much higher amount of trips to the detriment of nearby residents,
- Existing problems with vehicles parking on double yellow lines on Newport Street,
- Graffiti and barbed wire on the perimeter of the site are unsightly,
- Harm to privacy of residents of Newport Street.

Councillor West: Objects to the application (comments attached).

Internal:

5.2 Sustainable Transport:

The Highway Authority has no objections to the removal of condition 7 subject to its replacement with a revised condition stating that all vehicles leaving the site must be in a forward gear and also that condition 8 is revised to ensure that no vehicles over 3500kg can enter the site or make deliveries of vehicles to the site.

5.3 This is to ensure that road safety on Lewes Road is not negatively impacted and that the movements of larger vehicles in Newport Street is restricted.

6 MATERIAL CONSIDERATIONS

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

6.2 The development plan is:

- Brighton & Hove Local Plan 2005 (saved policies post 2007);

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

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

7 RELEVANT POLICIES & GUIDANCE

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One

- SS1 Presumption in Favour of Sustainable Development
CP9 Sustainable transport

Brighton & Hove Local Plan:

- TR7 Safe development
SU9 Pollution and nuisance control
SU10 Noise nuisance
QD27 Protection of amenity

Supplementary Planning Guidance:

- SPGBH4 Parking Standards

8 CONSIDERATIONS & ASSESSMENT

- 8.1 The consideration in the determination of this application relates to the proposed removal of condition 7 of the approved scheme.

Planning History

- 8.2 Previously nos. 25-38 Lewes Road were in use as a tool hire business (Use Class A1). The open space to the rear and a large storage building situated on this land previously served as ancillary storage and servicing for the tool hire

business. The tool hire business closed and the ground floor units fronting on to Lewes Road are currently in A1/A3 use. This change meant that the open land to the rear of these units and the storage building became a 'leftover' area. Under application BH2012/02367 the open area was granted a change of use to car sales (sui generis).

- 8.3 Whilst the operational change of use has commenced the physical works which included the construction of a log cabin to use as an office were never implemented. A subsequent application for a toilet building in a similar location was approved in February 2016.
- 8.4 It is noted that there are a number of security lights attached to the main building to the south of the site. This building is outside the application site.
- 8.5 In 2015 an application for the removal of conditions 7 and 8 (BH2015/00662) was refused on the grounds that the applicant failed to demonstrate that the removal of these conditions would not negatively impact on highway safety and residential amenity.

Removal of condition 7:

- 8.6 Condition 7 which required all vehicles to enter via Lewes Road and exit via Newport Street was in place to ensure that vehicles did not reverse onto Lewes Road and also make deliveries via Newport Street in the interests of highway safety and residential amenity.
- 8.7 The applicant has attempted to address the previous reason for refusal by submitting a revised Planning Statement detailing the number of vehicular trips from the site each week and also stating that vehicles will be delivered to the site individually and not via transporters.
- 8.8 The Sustainable Transport Team does not object to the removal of condition 7, subject to a revised condition which requires all vehicles to access and exit the site in forward gear which would satisfy concerns relating to highway safety.
- 8.9 Condition 8 would also be revised to state that no vehicles over 3500kg can access the site or deliver vehicles to the site. This condition would ensure that vehicles for the car sales business could not be delivered via vehicle transporters.
- 8.10 It is considered that with these conditions in place that there would be no significant concerns in relation to highway safety or residential amenity.
- 8.11 The applicant is satisfied with the revised conditions.

9 CONCLUSION

- 9.1 To conclude, subject to accordance with the revised conditions the existing use as a car sales business would not result in significant harm to the residential amenity of neighbouring occupiers or result in highway safety concerns.

10 EQUALITIES

None identified.

11 CONDITIONS / INFORMATIVES

1) Not used.

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

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

Plan Type	Reference	Version	Date Received
Location plan	12/04-01	-	23/08/2012
Existing site plan	12/04-05	-	23/08/2012
Proposed site plan	12/04-02	-	23/08/2012
Proposed elevations & floorplan of sales office	12/04-03	-	23/08/2012

3) The permission hereby approved grants consent for car sales only. No other activities shall be carried out.

Reason: To protect the amenity of neighbouring occupiers and to comply with policies SU9, SU10 and QD27 of the Brighton & Hove Local Plan.

4) The use hereby permitted shall not be open to customers except between the hours of 09.30 and 17.00 on Mondays to Saturdays and 10.00 and 16.00 on Sundays, Bank or Public Holidays.

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

5) Deliveries to the premises hereby approved shall not take place except between the hours of 09.30 and 17.00 on Mondays to Saturdays and 10.00 and 16.00 on Sundays, Bank or Public Holidays.

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

6) The external lighting hereby approved shall not be in use except between the hours of 09.30 and 17.00 on Mondays to Saturdays and 10.00 and 16.00 on Sundays, Bank or Public Holidays.

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

7) All vehicles entering and leaving the site shall be in a forward gear.

Reason: In the interests of amenity and highway safety and to comply with policies TR7, TR8 and QD27 of the Brighton & Hove Local Plan and policy CP9 of the Brighton & Hove City Plan Part One.

- 8) No vehicles exceeding 3500kg maximum gross weight shall enter the premises or shall be used for the delivery of vehicles to the premises.
Reason: In the interests of amenity and highway safety, to restrict the size of vehicles entering the site or making deliveries to the site and to comply with policies TR7 and QD27 of the Brighton & Hove Local Plan and policy CP9 of the Brighton & Hove City Plan Part One.
- 9) The vehicle parking spaces for staff of and visitors to the premises shown on the approved plans shall not be used otherwise than for the parking of private motor vehicles belonging to the staff 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 and policy CP9 of the Brighton & Hove City Plan Part One.
- 10) The external lighting hereby approved shall not be installed until full details of the lighting has been submitted to and approved in writing by the Local Planning Authority. The lighting installation shall comply with the recommendations of the Institution of Lighting Engineers (ILE) "Guidance Notes for the Reduction of Light Pollution" (dated 2005,) for zone E or similar guidance recognised by the council. A certificate of compliance signed by a competent person (such as a member of the Institution of Lighting Engineers) shall be submitted with the details. The approved installation shall be maintained and operated in accordance with the approved details unless the Local Planning Authority gives its written consent to a variation.
Reason: To safeguard the amenities of the locality and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.

Informatives:

1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One the approach to making a decision on this planning application has been to apply the presumption in favour of sustainable development. The Local Planning Authority seeks to approve planning applications which are for sustainable development where possible.
2. This decision to grant Planning Permission has been taken:
 - (i) having regard to the policies and proposals in the National Planning Policy Framework and the Development Plan, including Supplementary Planning Guidance and Supplementary Planning Documents:
(Please see section 7 of the report for the full list); and
 - (ii) for the following reasons:-
Subject to compliance with appropriate conditions, the development is considered to be acceptable in this location, would not cause significant harm to neighbouring amenity and is acceptable having regard to transport considerations.



PLANNING COMMITTEE LIST
08 JUNE 2016

COUNCILLOR REPRESENTATION

From: Pete West
Date: 21 December 2015 18:17
To: Planning Applications
Subject: Re: Planning Application BH2015/04277

Dear Planning officers,

May I register my support for Mr Lavers thorough and well argued objection. May I also, as I am permitted to do as ward councillor, request that this planning application be determined by the Planning Committee rather than under officer delegated powers if the officer recommendation is to approve the application.

Best regards

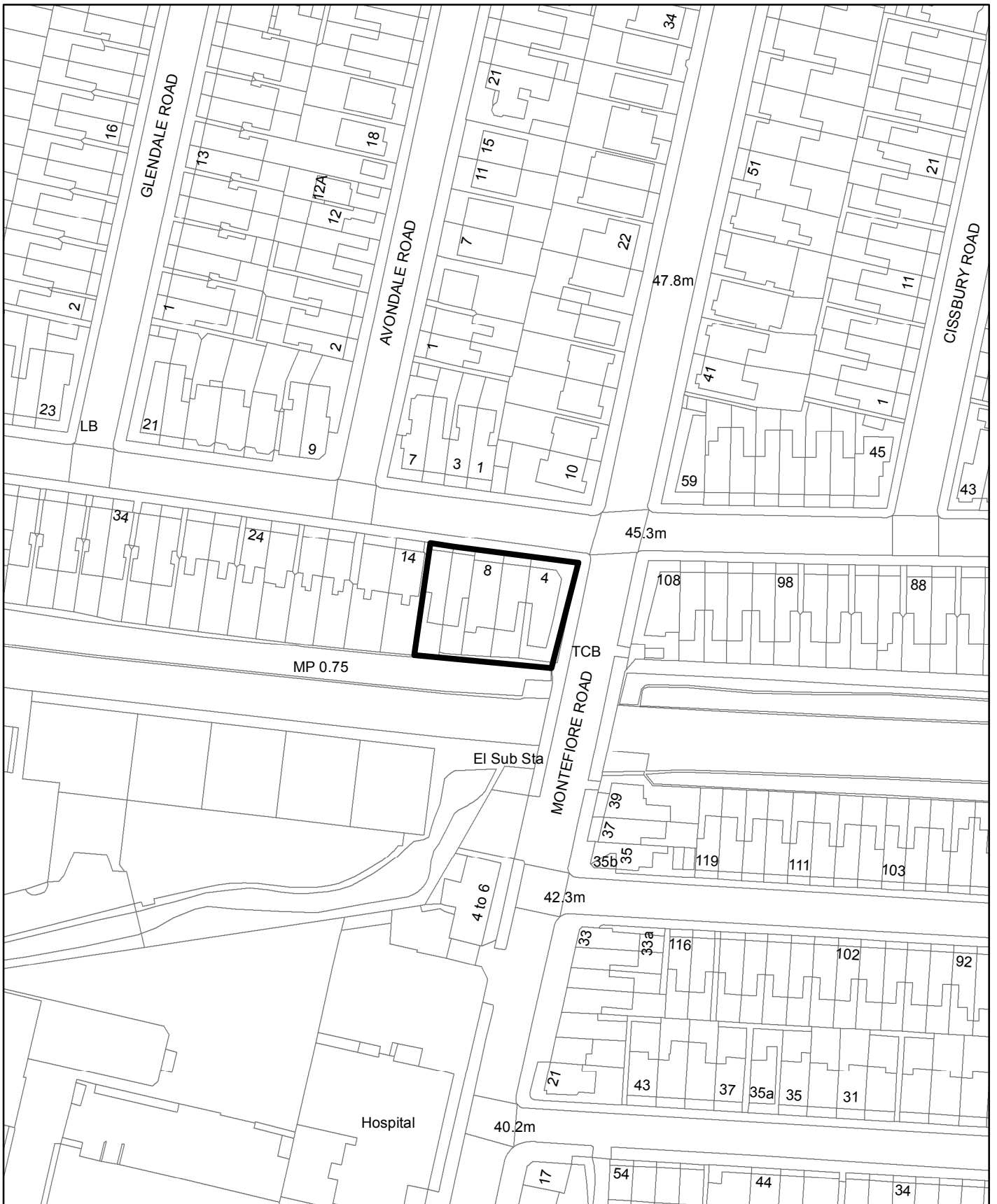
Pete West

Councillor Pete West
Green Party City Councillor for St Peter's & North Laine Ward.

ITEM G

**4-12 Lyndhurst Road
BH2015/02893
Full Planning**

08 June 2016



**Brighton & Hove
City Council**



Scale: 1:1,250

<u>No:</u>	BH2015/02893	<u>Ward:</u>	GOLDSMID
<u>App Type:</u>	Full Planning		
<u>Address:</u>	4 - 12 Lyndhurst Road Hove		
<u>Proposal:</u>	Change of use from nursing home (C2) to 6no houses (C3) with associated alterations.		
<u>Officer:</u>	Kate Brocklebank, tel: 292454	<u>Valid Date:</u>	03/08/2015
<u>Con Area:</u>	N/A	<u>E.O.T Date:</u>	30 June 2016
<u>Listed Building Grade:</u>	N/A		
<u>Agent:</u>	Graham Johnson Designs, 134 Hollingbury Road Brighton BN1 7JD		
<u>Applicant:</u>	Z & M Care Ltd, Mrs Zara Moussavi 8 Lyndhurst Road Hove BN3 6FA		

1 RECOMMENDATION

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

2 SITE LOCATION & DESCRIPTION

- 2.1 The application relates to a group of five two storey properties with attic accommodation on the southern side of Lyndhurst Road, on the junction with Montefiore Road. The properties are interlinked internally and operate as a care home providing a specialist facility for a variety of people including older people and those with mental health, learning disabilities and behavioural needs.
- 2.2 The surrounding area is predominantly residential characterised by two storey terraced and semi-detached properties in a mixture of brick and rendered elevations. The majority have front gardens contained behind low front boundary walling.

3 RELEVANT HISTORY

BH2005/00576/FP – Renewal of previously approved application BH2000/01874/FP for change of use from nursing home (C2) to 6 no. houses (C3) and alterations to front ground floor level. Approved 26/09/05.

BH2004/02677/FP – Upper floor rear extension and ground floor front extension to create 2 additional bedroom/lounge area as conservatory, together with additional windows to rear laundry/staff room. Refused 15/09/2005.

BH2004/01796 - Renewal of previously approved application BH2000/01874/FP for change of use from nursing home (use class C2) to 6 no. houses (use class C3) & alterations to front ground floor level. Refused 05/08/2004.

BH2000/01874/FP - Change of use from nursing home (use class C2) to 6 no. houses (use class C3) and alterations to front ground floor level. Approved 30/08/2000.

4 THE APPLICATION

4.1 The proposal includes removal of the central lobby entrance and reinstatement of two front doorways, along with erecting an infill section of boundary walling along Montefiore Road. To facilitate the conversion of the care home to 6 separate units various internal alterations are proposed along with the removal two existing conservatory structures and utility room to the rear of the site, the garden area will then be subdivided using close boarded fencing providing each unit with private amenity space and a common passageway will also be retained to the rear of the plots.

4.2 Since the submission of the application further supporting information has been sought in support of the loss of the care home use along with inclusion of replacement of uPVC windows to the front elevations and refurbishment of timber sashes (to be agreed by condition) as well as the removal of the redundant doorway on the north east corner to a timber sliding sash.

5 PUBLICITY & CONSULTATIONS

5.1 External:

Neighbours: Six (6) letters of representation have been received from the occupants of **Flat 1, Flat 2 and Flat 3, no.1 Lyndhurst Road, Flat 1 and Flat 2 no.3 Lyndhurst Road** and **Montefiore House**, objecting to the scheme on the following grounds:

- Increased parking pressure.
- Construction disruption to parking.
- Loss of care home is against council policy.
- Overdevelopment.
- Loss of jobs.
- Lack of demand for 5/6 bedroom homes in the city, particularly with small gardens.
- Increased demand on school places and doctors.
- Noise impacts from the construction.

5.2 Internal:

Adult Social Care: Support – Commissioners in Adult Social Care support the application for Lyndhurst to change use.

The service is provided in a homely setting, but one which can struggle to meet Care Quality Commission requirements. Problems with the building

are exacerbated by the range of differing service user needs that the provider seeks to meet. This range for those of physically and mentally very frail older people to much younger people with learning disabilities, whilst at times this mix is very successful it can be challenging in a building that is not designed for such a purpose. In addition, the physical layout of the property is such that adaptations necessary to meet the modern access requirements for Lyndhurst is not a suitable building for nursing care or extra care housing.

Further comment – Adult Social Care note that there are particular difficulties relating to the running of Lyndhurst as a Care facility on the basis of the differing service user's needs combined with the physical constraints of the building. In addition, smaller care homes such as Lyndhurst are acknowledged as suffering in viability terms; of note in this respect is that new build facilities coming forward in the market generally are of a minimum of 50 units. In addition, there has been a change in services in the City which have impacted on the viability of Lyndhurst Care Home - residents with learning disabilities are no longer being homed in group facilities such as Lyndhurst on the basis that this does not meet modern best practice for care.

- 5.3 **Environmental Health: No objection** - Although the proposed reversion to dwelling houses would match the existing residential uses already bordering the railway line, the expectation of modern housing has risen to expect an assessment and mitigation if necessary of the acknowledged detrimental effects of noise from transport and other local uses.

It is therefore recommended that a condition be applied so that before any approval is implemented, an acoustic assessment is submitted to the planning authority and any mitigation measures emerging are implemented before the development is occupied.

An acoustic assessment of the development shall be carried out under BS8233: 2014 with particular reference to section 6.4 'Noise from Railways' and the report submitted to the planning authority for approval. Any mitigation recommendations thereby approved shall be implemented before the building is occupied.

- 5.4 **Sustainable Transport: No objection** –
Pedestrian & Mobility Impaired Access:
Changing the use of this site from a nursing home (C2) to the 6no houses (C3) will generate more and further reaching pedestrian and mobility impaired trips. Access improvements to mitigate this increase in trip generation should be made by dropping the kerbs across Lyndhurst Road at its junction with Montefiore Road and at Montefiore Road's, Avondale Road's (by shop) , Glendale Road's, Ferndale Road's and Silverdale Road's junctions with Lyndhurst Road by and to the west of the site. All of these dropped kerbs should also have tactile paving to help the visually impaired.

Cycle parking:

Minimum of 8 cycle parking spaces should be provided – 6 plus 2 for visitors – secure by condition – none shown on the plans or referred to in the support documentation.

Vehicular access:

Existing crossover should be reinstated as pavement as it will become redundant.

Car parking:

Maximum parking standard for the development would be 14. The proposal will result in an increase in provision of on-street parking as a result of the removal of the disabled bays and the double yellow lines where the pavement will be reinstated resulting in an increase of 3 on-street parking bays.

Disabled Parking:

There are 2 disabled bays provided in Lyndhurst Road following on from a request from the owners of this site in the past. When the site ceases to be a care home the councils' Parking Infrastructure Team will revoke both of the existing disabled parking bays and turn them into ordinary parking bays.

There is an adequate provision for general disabled parking in the vicinity of the site. Therefore in this instance the Highway Authority would not consider the lack of on-site disabled car parking to be a reason for refusal.

Vehicular Access:

The applicant is not proposing any on-site car parking spaces therefore the existing vehicular access is now redundant. The Highway Authority would recommend that the existing crossover is reinstated back to footway via the inclusion of the suggested Grampian condition. Parking bays will subsequently be introduced by the Parking Infrastructure Team.

Car Parking:

SPGBH04 states that the maximum car parking standard for C3 dwelling houses within a CPZ is 2 spaces per dwelling plus 1 car space per 3 dwellings for visitors. The applicant is proposing 0 car parking spaces for each 4 plus bedroom property. For this development of 6 residential units the maximum car parking standard is 14 spaces (12 for residential units and 2 visitor spaces).

Trip Generation/Highway Impact:

There is not forecast to be a significant increase in vehicle trip generation as a result of these proposals therefore any highway impact will be minimal so the application is deemed acceptable in this case.

Developer Contribution:

The applicant is expected to make a financial contribution of £9000 based on the impacts of the scheme and to provide the improvements stated above.

6 MATERIAL CONSIDERATIONS

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

7 RELEVANT POLICIES & GUIDANCE

Brighton & Hove City Plan Part One:

- SS1 Presumption in Favour of Sustainable Development
- CP1 Housing Delivery
- CP8 Sustainable Buildings
- CP12 Urban Design

Brighton & Hove Local Plan:

- TR1 Development and the demand for travel
- TR14 Cycle access and parking
- SU10 Noise nuisance
- QD5 Design – street frontages
- QD14 Extensions and alterations
- QD27 Protection of Amenity
- HO5 Provision of private amenity space in residential development
- HO11 Residential care and nursing homes
- HO13 Accessible housing and lifetime homes

Supplementary Planning Document:

- SPD12 Design Guide for Extensions and Alterations

8 CONSIDERATIONS & ASSESSMENT

8.1 The main considerations in the determination of this application relate to the principle of the change of use/loss of care home and proposed residential conversion, design, impact on amenity and sustainable transport.

8.2 Principle

The City Plan Part 1 was formally adopted on 24 March 2016. This supports a housing provision target of 13,200 new homes for the city to 2030. It is against this housing requirement that the five year housing land supply position will be assessed once the Plan is adopted. The City Plan Inspector indicates support for the council's approach to assessing the 5 year housing land supply and has found the Plan sound in this respect. The five year housing land supply position will be updated on an annual basis.

8.3 It is noted that planning permission has been granted for similar proposals some time ago, the most recent being some 10 years prior. However, this permission has now expired and the application will be considered on its own merits having consideration of adopted policy.

8.4 Saved Local Plan Policy HO11 seeks to retain existing care and nursing homes which comply or are realistically capable of reaching, the respective standards required.

8.5 Since the application was submitted the applicant has provided additional information in support of the application in the form of marketing history/feedback received from Baron Estates who marketed the property since 2013 with no success, along with marketing information and feedback on interest in the property from DC Care - Specialist Healthcare Business Agents who were instructed in February 2015. In addition, information on the viability of the business from Lucraft Hodgson Dawes Chartered Accountants for Lyndhurst Care Home, providing an overview of the past 5 years of the business and opinions on projections going forward in the coming years. In addition to the above, the applicant also submitted correspondence from the Council's Commissioning Manager in Adult Social Care, who states that the team would not oppose the proposed change of use.

8.6 On conducting a site visit of the property, it was evident that as a result of the property consisting originally as group of individual dwellings which have over the years been converted into one unit, the access arrangements throughout the building vary quite considerably with a large number of rooms only being accessed via narrow staircases. There is also little opportunity to improve access to current standards across the site as a result of the physical constraints of the building and differing levels between the properties along with the small size of a number of the rooms.

8.7 In addition, to the correspondence submitted by the applicant from Adult

Social Care, further advice has been sought by Officer's to further understand the services position and opinions about the suitability of Lyndhurst Road in respect of meeting current standards and therefore the likelihood of finding another operator for the business. Their response, as set out above made it clear that the unique way the care home is currently run allows for good occupancy levels as the residents with learning disabilities are generally more physically able, allowing access to the accommodation in the building that can only be accessed via staircases.

- 8.8 The Adult Social Care Team note that the current mix of residents with some younger residents with learning difficulties and others older more physically and mentally frail residents has some benefits, as detailed above in relation to access. However, the mix presents a significant challenge for those running the service on the basis that some residents can have quite challenging behaviour which can be intimidating for some of the more frail residents. It is not appropriate under current standards of practice to physically segregate residents to different areas of the building in order to manage this issue as would perhaps have been done in the past, meaning staffing levels needs to cater for this risk to closely manage the operation to ensure all residents are appropriately cared for.
- 8.9 In addition, the health care provision in the City has changed and members of the community with learning disabilities requiring homing are no longer placed in group living accommodation such as Lyndhurst but are supported in other ways to live more independently. As such, the current care model and mix of residents at Lyndhurst is no longer supported as best practice meaning that if the site were to be taken over by a new operator, it would be most likely as a care home for older occupants which would make issues of access throughout the building paramount and as stated above very challenging. The Adult Social Care Team comments that the service is provided in a homely setting, but it does struggle to meet Care Quality Commission requirements which is exacerbated by the range of differing service user needs that the provider seeks to meet which is very challenging in a building that is not designed for such a purpose. The Team also note that the physical layout of the property is such that adaptations necessary to meet the modern access requirements for Lyndhurst is not a suitable building for nursing care or extra care housing.
- 8.10 In addition to the above information the applicant has submitted a statement from their accountant which indicates the current facility has experienced loss of income over the past 5 year period. In addition, the forthcoming changes to minimum wages along with pension requirements are stated to be likely to have a significant impact on the profitability of the use.
- 8.11 Marketing information has also been submitted from a local agent along with a specialist Healthcare business agent (DC Care) along with sales particulars who marketed the property between February 2015 and November 2015 carrying out a number of mailshots along with calling those

contacted along with following up any expressions of interest. However the agents state that they have been unsuccessful in selling the property.

- 8.12 In summary, the physical constraints of the site result in the property being unlikely to reasonably be able to meet access requirements to provide modern care as a nursing care or extra care housing; this view is supported by the Council's Adult Social Care Team who support the application. It appears that the success of Lyndhurst Care Home until now, given these access constraints is in part due to the mix of residents however, this in turn has challenging management issues as the building is not purpose built. In addition the model no longer meets modern care best practice for those with learning difficulties making it difficult to envisage a prospective purchaser seeing it as a viable business prospect in its current form. The financial and physical implications and limitations of trying to adapt the property to meet the needs of just elderly residents is also acknowledged and is further supported by the marketing information submitted with the application where a buyer has not been found. It is therefore considered that the proposal adequately meets the requirements of policy HO11 and the principle of residential use is therefore accepted.
- 8.13 **Design**
The proposal includes minor external alterations to facilitate the conversion as detailed above. The main entrance lobby and replacement with two front doorways adjacent to one another is considered acceptable subject to acceptable detailing and would have a similar appearance to the arrangement at 10 and 12 Lyndhurst Road adjacent.
- 8.14 The erection of the infill boundary wall along Montefiore Road is considered to be acceptable in principle subject to detailing to ensure it complements the existing walling it will extend from.
- 8.15 There are a number of structures which are being removed from the rear of the properties which represents and improvement to the currently rather cluttered rear of the building.
- 8.16 There are a number of timber sliding sash windows on the building which may be original and are in good condition which should be refurbished however a number of the windows are more modern uPVC and appear to be nearing the end of their useful life. It is therefore recommended that a condition is imposed on any permission to seek details of all windows to the front and east front elevation showing those to be refurbished and details of any replacement windows which should be painted timber which is more in keeping than the existing uPVC units. The redundant doorway on the north east corner is also proposed to be replaced with a timber sliding sash to match the originals which is fully supported.

With conditions to control details such as materials and boundary treatment along with landscaping, the proposal is considered to be acceptable in

design terms.

8.17 **Amenity**

Existing:

The proposed conversion to form 6 residential dwellings is considered appropriate for the character of the area and would be unlikely to give rise to adverse noise disturbance to any neighbouring dwelling. In addition, the scale and nature of the external alterations are such that they will not give rise to an adverse impact on neighbouring amenity by way of harmful loss of privacy, sunlight/daylight or having an overbearing impact.

Future:

The proposed units are each of a significant scale and provide an acceptable standard of accommodation in relation to outlook, natural light and ventilation and each has access to private amenity space.

The proposal would result in a level of inter-overlooking between the units, which would be limited and therefore acceptable.

To the rear of the site runs the railway line leading to Hove station. No assessment has been made of the potential impacts of this on future occupiers or how it would be mitigated. If the application were considered acceptable then a condition would be secured in accordance with Environmental Health's advice to seek a noise impact assessment and subsequent recommendations made which are likely to involve triple glazing and potentially passive ventilation.

8.18 **Sustainable Transport**

The proposed highway impacts are considered to be of an acceptable scale when compared with the existing use however the uplift in trips is recommended to be mitigated through the upgrading of junctions close to the site to introduce dropped curbs with tactile paving which is recommended to be secured via condition. It is also noted that on-street parking will be increased through the removal of two disabled parking bays.

Cycle parking is proposed for each unit along with an additional Sheffield stand for visitors a condition to secure this is also recommended.

8.19 **Affordable Housing**

City Plan Part One Policy CP20 seeks to secure affordable housing on developments of a net gain of 5 or more dwellings. The development secures a net gain of 6 units and therefore falls within criterion c) of the policy which seeks to secure 20% affordable housing as an equivalent financial contribution on sites between 5 and 9 (net) units. This percentage equates to 1 unit, the site is located in Zone 2 'Value Area' and as such the contribution is calculated at £285,250 which is recommended to be secured via S106.

9 CONCLUSION

9.1 The principle of the loss of the care home use has been adequately justified in relation to policy HO11 and the conversion to create six new dwellings deemed acceptable, with the imposition of suggested conditions the impacts on the character of the area, neighbouring amenity and the highway network are considered acceptable.

10 EQUALITIES

None identified.

11 PLANNING OBLIGATION / CONDITIONS / INFORMATIVES

11.1 S106 Heads of Terms

- Contribution of £9,000 towards sustainable infrastructure improvements – in the form of dropped curbs within the vicinity of the site.
- £285,250 affordable housing contribution.

11.2 Regulatory Conditions:

1. BH01.01 Full Planning.
2. The development hereby permitted shall be carried out in accordance with the approved drawings listed below.

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

Plan Type	Reference	Version	Date Received
Location Plan	35023/4		3 August 2015
Site plan	35023/5		3 August 2015
Out-rigger elevations exist and proposed	35023/6		
Ground floor details proposed	35023/8		2 February 2016
Proposed plans and elevation	35023/2	B	10 February 2016

3. Prior to first occupation, details of all windows and doors to be refurbished along with those to be replaced on the north/front elevation of each unit hereby approved along with those on the east elevation fronting Montefiore Road shall be submitted to and approved in writing by the Local Planning Authority. Details shall include method of opening, their reveals and cills including 1:20 scale elevational drawings and sections and these replacement windows and doors shall be constructed of painted timber with concealed trickle vents. The windows and doors shall then be installed in accordance with the approved details prior to first occupation.

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

CP12 of the Brighton & Hove City Plan Part One.

4. Prior to first occupation of the development hereby permitted a plan detailing the positions, height, design, materials and type of all existing and proposed boundary treatments along with existing and proposed gate details shall have been submitted to and approved in writing by the Local Planning Authority. The boundary treatments shall be provided in accordance with the approved details prior to first occupation of the development.

Reason: To enhance the appearance of the development in the interest of the visual and residential amenities of the area and to ensure a satisfactory appearance to the development and to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan and policy CP12 of the Brighton & Hove City Plan Part One.

5. Prior to the first occupation of the development hereby permitted the applicant shall reinstate the redundant vehicle crossover on Montefiore Road to the south-east side of site back to a footway by raising the existing kerb and replacing the ramp with appropriate paving materials.

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

6. Prior to first occupation of the development hereby approved, an acoustic assessment of the development shall be carried out and the report submitted to and approved in writing by the Local Planning Authority. Agreed mitigation recommendations shall then be implemented in accordance with the approved details prior to first occupation.

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

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

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

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

season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: To enhance the appearance of the development in the interest of the visual amenities of the area and to comply with policy QD15 of the Brighton & Hove Local Plan and policy CP12 of the Brighton & Hove City Plan Part One.

8. The development hereby permitted shall not commence 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: This pre-commencement condition is imposed in order to allow the Traffic Regulation Order to be amended in a timely manner prior to first occupation to ensure that the development is car-free and to comply with policy CP9 of the Brighton & Hove City Plan Part One.

9. The replacement front doors to units 6 and 8 shall be constructed of painted timber and the surfaces surrounding the doorways shall be repaired in materials to match in colour, style, bonding and texture those of the adjacent surfaces of the existing building.

Reason: To ensure a satisfactory appearance to the development in the interests of the visual amenities of the area and to comply with policy QD14 of the Brighton & Hove Local Plan and policy CP12 of the Brighton & Hove City Plan Part One.

10. The development hereby permitted shall not be occupied until the cycle parking facilities shown on the approved plans have been fully implemented and made available for use. The cycle parking facilities shall thereafter be retained for use by the occupants of, and visitors to, the development at all times.

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

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

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

12. The replacement brickwork surround the replacement window hereby approved and as shown on drawing no. 35023/8 received 2 February 2016 shall match in material, colour, style, bonding and texture those of the existing building.

Reason: To ensure a satisfactory appearance to the development in the interests of the visual amenities of the area and to comply with policy QD14 of the Brighton & Hove Local Plan and policy CP12 of the Brighton & Hove City Plan Part One.

13. The first floor window in the west elevation servicing the bathroom to unit 2 of the development hereby permitted shall not be glazed otherwise than with obscured glass and thereafter permanently retained as such.

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

11.3 Informatives:

1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One (submission document) the approach to making a decision on this planning application has been to apply the presumption in favour of sustainable development. The Local Planning Authority seeks to approve planning applications which are for sustainable development where possible.
2. This decision to grant Planning Permission has been taken:
 - (i) having regard to the policies and proposals in the National Planning Policy Framework and the Brighton & Hove Local Plan, including Supplementary Planning Guidance and Supplementary Planning Documents:
(Please see section 7 of the report for the full list); and
 - (ii) for the following reasons:-
The principle of the loss of the care home use has been adequately justified and the conversion to create six new dwellings deemed acceptable, with the imposition of suggested conditions and securing a planning obligation, the impacts on the character of the area, neighbouring amenity and the highway network are acceptable.
3. The applicant is advised that the proposed highways works should be carried out in accordance with the Council's current standards and specifications and under licence from the Streetworks team. The applicant should contact the Streetworks Team (01273 293366).
4. The applicant is advised in reference to condition 6 that the Acoustic Assessment shall be carried out under BS8233:2014 with particular reference to section 6.4 'Noise from Railways'.
5. The applicant is advised that the scheme required to be submitted by Condition 8 should include the registered address of the completed development; an invitation to the Council as Highway Authority

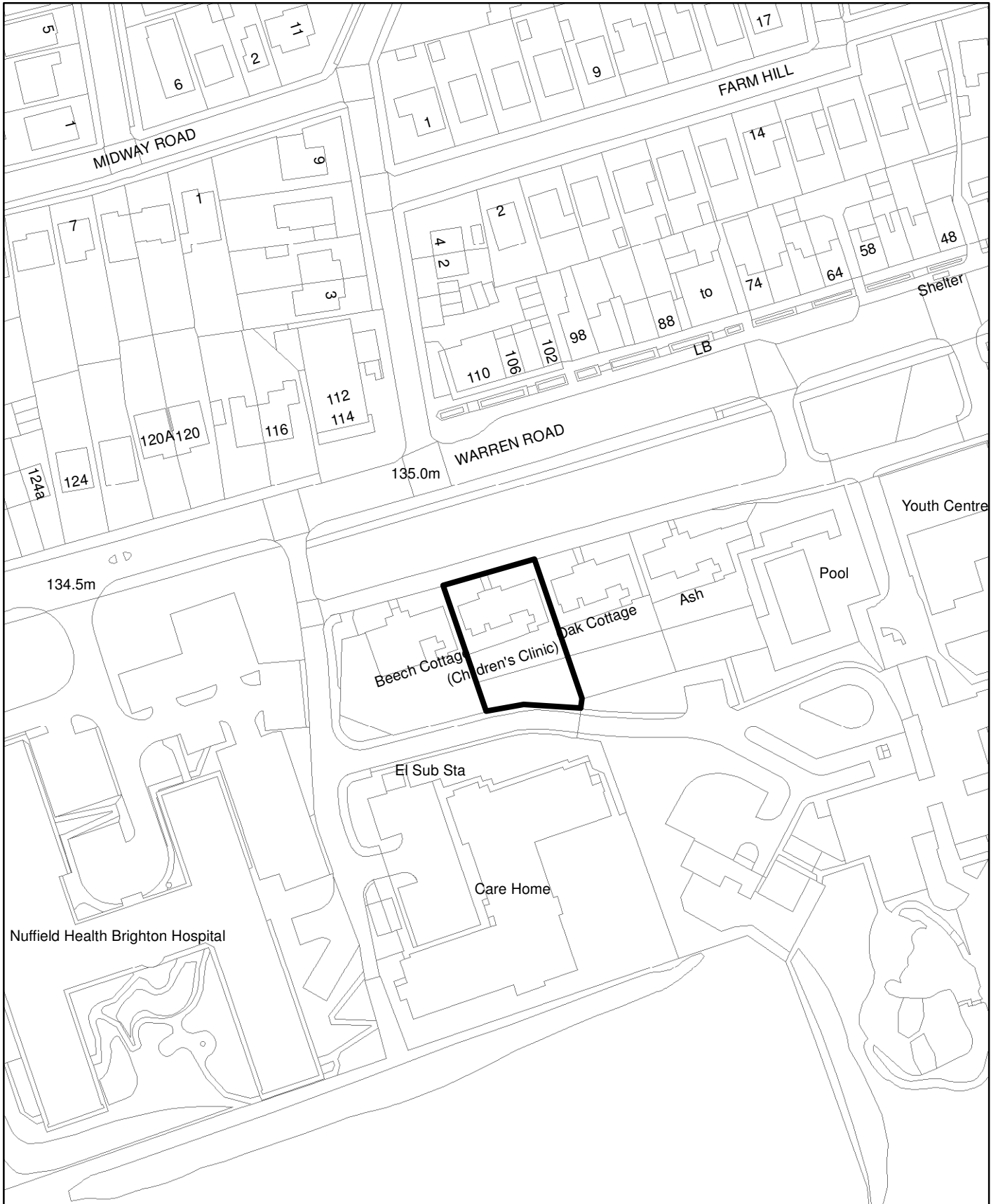
(copied to the Council's Parking Team) to amend the Traffic Regulation Order; and details of arrangements to notify potential purchasers, purchasers and occupiers that the development is car-free.

ITEM H

**Hazel Cottage, Warren Road, Brighton
BH2016/00216
Full Planning**

08 June 2016

BH2016/00216 Hazel Cottage, Warren Road, Brighton



**Brighton & Hove
City Council**



Scale: 1:1,250

<u>No:</u>	BH2016/00216	<u>Ward:</u>	WOODINGDEAN
<u>App Type:</u>	Full Planning		
<u>Address:</u>	Hazel Cottage Warren Road Brighton		
<u>Proposal:</u>	Creation of enclosed entrance lobby and alterations to fenestration.		
<u>Officer:</u>	Allison Palmer Tel 290493	<u>Valid Date:</u>	25/01/2016
<u>Con Area:</u>	n/a	<u>E.O.T Date:</u>	15 Jun 2016
<u>Listed Building Grade:</u>	n/a		
<u>Agent:</u>	Insite Planning Ltd, 5 Beechwood Avenue Brighton BN1 8ED		
<u>Applicant:</u>	Mr Slabbert, Hazel Cottage Warren Road Brighton BN2 6DA		

1 RECOMMENDATION

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

2 SITE LOCATION & DESCRIPTION

- 2.1 The application site comprises of a large two-storey detached property on the south side of Warren Road, adjacent to the hospital. It is one of four similar properties set back from the main road. The property is currently vacant, it was previously used as medical consulting rooms.

3 RELEVANT HISTORY

- 3.1 **BH2016/00722** - Formation of 12no parking bays and creation of 4no cycle stands with vehicle crossover and other associated alterations to the rear. Withdrawn 20 May 2016.

4 THE APPLICATION

- 4.1 Planning permission is sought for the creation of an enclosed entrance lobby and alterations to fenestration. The original application has been amended to replace the windows with white uPVC to match the existing windows, smooth white render to replace the existing pebbledash on the front elevation and alter the front protrusions fenestration to accommodate the proposed porch.

5 PUBLICITY & CONSULTATIONS

External

Neighbours: None received.

- 5.1 **Councillor Dee Simson** Objects to the application (comments attached).

6 MATERIAL CONSIDERATIONS

- 6.1 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 states that “If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.”
- 6.2 The development plan is:
- Brighton & Hove City Plan Part One (adopted March 2016);
 - Brighton & Hove Local Plan 2005 (retained policies March 2016);
 - East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (Adopted February 2013);
 - East Sussex and Brighton & Hove Waste Local Plan (February 2006); Saved Policies WLP 7 and WLP8 only – site allocations at Sackville Coalyard and Hangleton Bottom and Hollingdean Depot.
- 6.3 The National Planning Policy Framework (NPPF) is a material consideration.
- 6.4 Due weight should be given to the relevant retained policies in the Brighton & Hove Local Plan 2005 according to their degree of consistency with the NPPF.
- 6.5 All material considerations and any policy conflicts are identified in the “Considerations and Assessment” section of the report.

7 RELEVANT POLICIES & GUIDANCE

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One

SS1 Presumption in Favour of Sustainable Development
CP12 Urban design

Brighton & Hove Local Plan (retained policies March 2016):

QD14 Extensions and alterations
QD27 Protection of amenity

Supplementary Planning Documents:

SPD12 Design Guide for Extensions and Alterations

8 CONSIDERATIONS & ASSESSMENT

- 8.1 The main considerations in the determination of this application relate to the impact of the proposed development on the appearance and character of the building, the wider street scene and the amenities of adjacent occupiers

Design:

Fenestration

- 8.2 The proposal is to replace the existing timber windows to the front elevation and one to the east elevation, with white uPVC windows with glazing bars to match the existing windows. The far east ground floor window is to be blocked and a new window is proposed in line with the window above, to create symmetry.

The 2no asymmetric windows in the front protrusion are proposed to be replaced with 2no horizontally aligned windows on the first floor above the proposed porch, again creating symmetry to the front elevation.

Front porch

- 8.3 The single storey porch proposed on the front protrusion would align with the proposed first floor windows, with a depth of 1.4m and width 3.65m. The proposed materials are brick walls and roof tiles to match the host building.
- 8.4 The design and materials are acceptable and would improve the appearance of the building. The development would result in a façade that would be sympathetic to the design of the original building, thus it is considered that the appearance would enhance the appearance of the property and the wider area.

Impact on Amenity:

- 8.5 Policy QD27 states that planning permission for any development will not be granted where it would cause material nuisance and loss of amenity to the proposed, existing and/or adjacent users, residents, occupiers or where it is liable to be detrimental to human health.
- 8.6 The proposed development is not considered to be detrimental to neighbour amenity.

9 CONCLUSION

- 9.1 The proposed development is considered to be satisfactory in terms of design and appearance, in relation to the building to be altered and its surroundings, and would not have a detrimental impact on visual amenity or the appearance of the wider area. No significant adverse impact on amenity would result from the development.

10 EQUALITIES

None identified.

11 PLANNING OBLIGATION / CONDITIONS / INFORMATIVES

11.1 Regulatory Conditions:

- 1) The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.
Reason: To ensure that the Local Planning Authority retains the right to review unimplemented permissions.
- 2) The 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 QD14 of the Brighton & Hove Local Plan and CP12 of the City Plan Part One.
- 3) The development hereby permitted shall be carried out in accordance with the approved drawings listed below.
Reason: For the avoidance of doubt and in the interests of proper planning.

PLANNING COMMITTEE LIST – 08 JUNE 2016

Plan Type	Reference	Version	Date Received
Location plan			21/01/2016
Existing ground floor plan and elevations	1606/1927		21/01/2016
Existing first floor and roof plan	1606/1928		21/01/2016
Proposed entrance lobby and external alterations	1606/1929	B	09/05/2016
Proposed first floor plan	1606/1930	A	09/05/2016

Informatives:

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

2. This decision to grant Planning Permission has been taken:
 - (i) having regard to the policies and proposals in the National Planning Policy Framework and the Development Plan, including Supplementary Planning Guidance and Supplementary Planning Documents: (Please see section 7 of the report for the full list); and
 - (ii) for the following reasons:- The proposed development is considered to be satisfactory in terms of design and appearance, in relation to the building to be altered and its surroundings, and would not have a detrimental impact on visual amenity or the appearance of the wider area. No significant adverse impact on amenity would result from the development.



**COUNCILLOR DEE SIMSON
Chair of Overview & Scrutiny**

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

Alison Palmer
Planning Department
Brighton & Hove City Council

9th March 2016

Re: BH2016/00216
Hazel Cottage, Warren Road, Woodingdean.

Dear Alison

I am writing on behalf of my residents to object to the above planning application.

This cottage is one of four very similar that has great historical value to the Woodingdean community.

Any changes to its appearance will have a detrimental effect and greatly alter the street scene because of its prominent position on the main road through the village.

I am concerned at the narrow extent of the consultation, which I believe is flawed, and ask that this is immediately extended to all those affected both opposite and behind the site.

If you are minded to grant this application then I would ask that the final decision is made by the Planning Committee following a site visit so that I have the opportunity to speak on behalf of my residents.

Yours sincerely

Dee Simson

Clr. Dee Simson

From: Dee Simson
Sent: 28 April 2016 07:14
To: Allison Palmer
Subject: RE: BH2016/00216 Hazel Cottage, Warren Road

Dear Alison

I have taken the time to consult with residents regarding the amended drawings.

It is felt that any alteration to the front of Hazel Cottage, apart from the replacement of like for like windows, will greatly affect the street scene and should not be approved. These historical cottages are currently uniform in their appearance and should remain so.

Therefore my objection and request for a decision by committee still stands.

Kind regards

Dee

*Ellr Dee Simson
Conservative Councillor Woodingdean Ward
Deputy Leader & Whip Conservative Group
Chair Overview & Scrutiny Committee
Opposition Spokesperson Neighbourhoods, Communities & Equalities
Member of Licensing Committee*

PLANNING COMMITTEE	Agenda Item 8 Brighton & Hove City Council
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Information on Pre-application Presentations and Requests 2016

Date	Address	Ward	Proposal
tbc – 7 June requested	Former Peter Pan playground, adj to Yellow Wave, Madeira Drive, Brighton	East Brighton & Queens Park	Mixed use development including A1/A3/D1/D2 uses and open air swimming pool and boardwalk access to sea.

Previous presentations - 2015 / 6

Date	Address	Ward	Proposal
10 May 2016	76-80 Buckingham Road, Brighton	St Peters and North Laine	Conversion of historic townhouses (numbers 76-79) from D1 to residential. Demolition of number 80 and replacement with 21 flats and D1 use.
10 May 2016	Selsfield Drive, Brighton	Hollingdean & Stanmer	Demolition of existing structures and erection of 6 storey building comprising 27 1, 2 & 3-bed flats, with associated parking and landscaping.
19 April 2016	65 Orchard Gardens, Hove	Hove Park	Demolition of existing buildings and erection of a five storey building comprising 324sqm offices (B1) on the ground floor, 23no one, two and three bedroom flats (C3) on the upper floors, 22no car parking spaces, cycle storage, refuse/recycling facilities, and associated landscaping.
29 March 2016	1-3 Conway Street, Hove	Goldsmid	Mixed use development of 188 dwellings, 1,988 sqm office floorspace, 226 sqm retail floorspace and 66 parking spaces, 4 to 17 storeys in height.
29 March 2016	Anston House and site adjacent, 137-147 Preston Road, Brighton	Preston Park	Residential-led redevelopment to provide 218 dwellings and 1,428 sqm commercial floor space (B1/A3) within 3 towers of 13 to 15 storeys in height
08 March 2016	Coombe Farm Westfield Avenue North	Rottingdean Coastal	Residential development comprising of 64 dwellings
16 February 2016	University of Sussex	Hollingdean and Stanmer	Life Science building

NOTE: The Pre Application Presentations are not public meetings and as such are not open to members of the public. All Presentations will be held in King's House on the date given after scheduled site visits unless otherwise stated.

16 February 2016	Shelter Hall, 150-151 Kings Rd Arches & 65 Kings Rd (bottom of West St) & East Street Bastion, Grand Junction Rd	Regency	Demolition of former gym and construction of part 2, part 3 storey building for mixed commercial use (A1/A3) plus public toilets, substation and new seafront stairs. Erection of relocated seafront kiosk (A1/A3 use) to East Street Bastion
08 December 2015	251- 253 Preston Road, Brighton	Withdean	Demolition of non-original two storey link building. Erection of new three storey link building and conversion, extension and refurbishment works to existing buildings to facilitate creation of 22no apartments (C3). Erection of 6no single dwelling houses (C3) to rear of site to provide a total of 28no residential units, incorporating provision of new car parking, cycle parking and refuse stores, landscaping, planting and other associated works.
08 December 2015	Former Texaco Garage, Kingsway, Hove	Central Hove	Circa 50 flats set out over 7 storeys with basement car parking accessed off St Aubyns South, circa 400sqm retail floorspace on the ground floor with associated surface parking accessed off Kingsway.
17 th November 2015	University of Sussex	Hollingdean and Stanmer	Reserved matters application for approximately 2000 new student accommodation bedrooms.
27 th October 2015	78 West Street & 7-8 Middle Street, Brighton	Regency	Demolition of vacant night club buildings and erection of mixed use building 5-7 storeys high plus basement comprising commercial A1/A3/A4 (retail/restaurant/bar) uses on ground floor & basement and C1 (hotel) use on upper floors with reception fronting Middle St.
4 th August 2015	121-123 Davigdor Road, Brighton	Goldsmid	Replacement of existing building with three-part stepped building comprising 48 residential flats and 153sqm of community floorspace.
23 rd June 2015	Land directly adjacent to American Express Community Stadium, Village	Moulsecoomb & Bevendean	Erection of a 150 bedroom hotel.

Last updated: 10/03/2016 14:29

	Way, Falmer		
23 rd June 2015	Former St. Aubyns School, High Street, Rottingdean	Rottingdean Coastal	Residential development of the site to provide 48 dwellings through refurbishment and conversion of Field House to provide 6no. apartments; refurbishment of 4no. existing curtilage listed cottages; demolition of remaining former school buildings and former headmaster's house; erection of 38 new dwellings and 62 bed care home; retention of sports pavilion and war memorial; provision and transfer of open space for public use; formation of accesses to Newlands Road and alterations to existing access off Steyning Road; provision of associated car parking and landscaping; alterations to flint wall.
2 nd June 2015	Land bound by Blackman Street Cheapside and Station Street, Brighton	St Peter's and North Laine	Proposed part nine, part seven storey building to provide office and student accommodation for Bellerby's College.
2 nd June 2015	Brighton College, Eastern Road, Brighton	Queens Park	Demolition of existing Sports and Science building fronting Sutherland Road and erection of new three storey Sports and Science building comprising swimming pool, Sports Hall, teaching rooms and rooftop running track and gardens.
10 th March 2015	106 Lewes Road, Brighton	St Peter's and North Laine	Eight storey block of student accommodation.

PLANS LIST 08 June 2016**BRIGHTON & HOVE CITY COUNCIL LIST OF APPLICATIONS DETERMINED
BY THE HEAD OF PLANNING & PUBLIC PROTECTION
FOR EXECUTIVE DIRECTOR ENVIRONMENT, DEVELOPMENT & HOUSING
UNDER DELEGATED POWERS OR IN IMPLEMENTATION OF A PREVIOUS
COMMITTEE DECISION****PATCHAM****BH2015/03658****Land to the Rear and Side of 146 Mackie Avenue Brighton**

Demolition of existing garages and erection of 3no two storey three bedroom dwellings.

Applicant: Judith Rottenstreich & Neil Foreman

Officer: Clare Flowers 290443

Refused on 11/05/16 DELEGATED

BH2015/03920**72 Rotherfield Crescent Brighton**

Outline application with all matters reserved for the erection of detached residential dwelling.

Applicant: Ms Donna Howard

Officer: Clare Flowers 290443

Refused on 06/05/16 DELEGATED

BH2016/00399**31 Hartfield Avenue Brighton**

Demolition of existing outbuilding and erection of single storey rear extension to rear and side elevations.

Applicant: Ms Karen Prout

Officer: Luke Austin 294495

Approved on 09/05/16 DELEGATED

BH2016/00483**2 Highview Way Brighton**

Erection of single storey extensions to south and north elevations. Landscaping works including raised decking and new driveway, alterations to front boundary and other associated works.

Applicant: Mr Randell Dimery

Officer: Justine Latemore 292138

Refused on 29/04/16 DELEGATED

BH2016/00570**435 Ditchling Road Brighton**

Application for Approval of Details Reserved by Condition 5 of application BH2015/04269

Applicant: Perth Securities

Report from 21/04/2016 to 11/05/2016

Officer: Chris Swain 292178
Approved on 28/04/16 DELEGATED

BH2016/00585**44 Fernhurst Crescent Brighton**

Erection of single storey side extension.

Applicant: Mr Wayne Maher

Officer: Molly McLean 292097

Approved on 03/05/16 DELEGATED

BH2016/00719**34 Heston Avenue Brighton**

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

Applicant: Mr & Mrs Coomber

Officer: Ross O'Ceallaigh 293817

Approved on 29/04/16 DELEGATED

BH2016/00831**91 Greenfield Crescent Brighton**

Erection of single storey rear extension with balustrade and steps to garden level.

Applicant: Mr C Bailey

Officer: Justine Latemore 292138

Approved on 27/04/16 DELEGATED

BH2016/00834**26 Windmill View Brighton**

Erection of single storey rear extension and alterations to garage to form habitable room.

Applicant: Martin Clark

Officer: Laura Hamlyn 292205

Approved on 26/04/16 DELEGATED

BH2016/00931**23 Heston Avenue Patcham Brighton**

Prior approval for the erection of a single storey rear extension, which would extend beyond the rear wall of the original house by 6m for which the maximum height would be 3.82m, and for which the height of the eaves would be 2.6m.

Applicant: Ms Denise Roots

Officer: Justine Latemore 292138

Prior approval not required on 25/04/16 DELEGATED

BH2016/01045**14 Baranscraig Avenue Brighton**

Prior approval for the erection of a single storey rear extension, which would extend beyond the rear wall of the original house by 4m, for which the maximum height would be 3.72m, and for which the height of the eaves would be 2.35m.

Applicant: Mr & Mrs Gillespie

Report from 21/04/2016 to 11/05/2016

Officer: Molly McLean 292097

Prior approval not required on 09/05/16 DELEGATED

BH2016/01047

74 Mackie Avenue Brighton

Prior approval for a single storey rear extension, which would extend beyond the rear wall of the original house by 3.98m, for which the maximum height would be 2.84m, and for which the height of the eaves would be 2.84m.

Applicant: Mr Nick Maslen

Officer: Ross O'Ceallaigh 293817

Prior approval not required on 26/04/16 DELEGATED

BH2016/01082

161 Braeside Avenue Brighton

Prior approval for the erection of a single storey rear extension, which would extend beyond the rear wall of the original house by 4m, for which the maximum height would be 3.5m, and for which the height of the eaves would be 2.6m.

Applicant: Mr & Mrs Martin

Officer: Ross O'Ceallaigh 293817

Prior approval not required on 26/04/16 DELEGATED

BH2016/01251

222 Mackie Avenue Brighton

Prior approval for the erection of a single storey rear extension, which would extend beyond the rear wall of the original house by 3.65m for which the maximum height would be 3.10m, and for which the height of the eaves would be 2.6m.

Applicant: Dave Frake

Officer: Molly McLean 292097

Prior approval not required on 09/05/16 DELEGATED

PRESTON PARK

BH2016/00316

92 Hythe Road Brighton

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

Applicant: Mr Chris Talman

Officer: Ross O'Ceallaigh 293817

Approved on 09/05/16 DELEGATED

BH2016/00485

Second Floor Flat 1 Upper Hamilton Road Brighton

Installation of rooflights to facilitate loft conversion.

Applicant: Mr Ross Marks

Officer: Clare Flowers 290443

Approved on 29/04/16 DELEGATED

BH2016/00520

Report from 21/04/2016 to 11/05/2016

66 Ashford Road Brighton

Certificate of Lawfulness for proposed loft conversion incorporating rear dormer and front rooflights.

Applicant: Dan Cowley
Officer: Ross O'Ceallaigh 293817
Approved on 26/04/16 DELEGATED

BH2016/00586**Preston Lawn Tennis Club Preston Drove Brighton**

Installation of new lighting scheme to courts 7 to 10 incorporating removal and lowering of height of existing floodlight posts and provision of 10no 8 metre high floodlight posts.

Applicant: Preston Lawn Tennis Club
Officer: Sonia Gillam 292265
Approved on 27/04/16 DELEGATED

BH2016/00656**94 Rugby Road Brighton**

Erection of single storey rear/side extension.

Applicant: Mr & Mrs Mason
Officer: Emily Stanbridge 292359
Approved on 29/04/16 DELEGATED

BH2016/00704**48 Grantham Road Brighton**

Installation of vent and soil pipe to front elevation.

Applicant: Mr & Mrs C De Cornet
Officer: Laura Hamlyn 292205
Refused on 26/04/16 DELEGATED

BH2016/00732**106 Beaconsfield Villas Brighton**

Erection of single storey rear extension to replace existing conservatory and replacement of front elevation windows with timber sash windows.

Applicant: Mr Frazer Streaes
Officer: Clare Flowers 290443
Approved on 04/05/16 DELEGATED

BH2016/00776**34 Chester Terrace Brighton**

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

Applicant: Mr & Mrs Sam and Vicky Stoakes
Officer: Laura Hamlyn 292205
Approved on 27/04/16 DELEGATED

BH2016/00835**28 Cleveland Road Brighton**

Revised fenestration to side and rear elevations.
Report from 21/04/2016 to 11/05/2016

Applicant: Mr Oli Rahman
Officer: Molly McLean 292097
Approved on 03/05/16 DELEGATED

BH2016/00916**8 Havelock Road Brighton**

Erection of single storey rear extension.

Applicant: Mrs Bea Aling
Officer: Laura Hamlyn 292205
Approved on 06/05/16 DELEGATED

BH2016/00925**56 Rugby Road Brighton**

Erection of single storey rear extension.

Applicant: Ms Lucy Downey
Officer: Laura Hamlyn 292205
Approved on 06/05/16 DELEGATED

BH2016/00985**55 Coventry Street Brighton**

Prior approval for a single storey rear extension, which would extend beyond the rear wall of the original house by 3.82m, for which the maximum height would be 3.40m, and for which the height of the eaves would be 2.40m.

Applicant: Jeremy Long
Officer: Molly McLean 292097
Prior approval not required on 26/04/16 DELEGATED

REGENCY**BH2014/01117****11-16 Brighton Square Brighton**

Erection of single storey rear extensions to units at 11-16 Brighton Square with infill of rear access way. Replacement of existing external access stair to rear of 16 Brighton Square.

Applicant: Centurion Group
Officer: Gareth Giles 293334
Approved on 25/04/16 DECISION ON APPEAL

BH2015/03383**Flat 10 65 - 66 Regency Square Brighton**

Internal alterations to layout of flat together with enlargement of existing window opening and unblocking of existing bricked up window on Queensbury Mews elevation to allow for insertion of new double glazed sliding timber sash windows.

Applicant: Mahindra Chauhan
Officer: Emily Stanbridge 292359
Approved on 05/05/16 DELEGATED

BH2015/03947

Report from 21/04/2016 to 11/05/2016

47 Sillwood Street Brighton

Erection of four storey side extension incorporating front balcony and rear terrace.

Applicant: Mr Perry Lee

Officer: Joanne Doyle 292198

Approved on 26/04/16 DELEGATED

BH2015/04562**16 - 19 North Street Brighton**

Alterations to ground and first floor retail units including new shop fronts. Extension of second floor and creation of a third floor within roof space to create 3no two bedroom apartments and 1no one bedroom apartment (C3) with associated alterations.

Applicant: Redevco UK 1 BV

Officer: Wayne Nee 292132

Approved on 06/05/16 DELEGATED

BH2015/04661**Flat 1, 1 Montpelier Terrace Brighton**

Replacement of existing windows and door with timber bi folding doors to rear elevation and installation of an air brick to the front and a boiler flue to the rear.

Applicant: Ms Lowri Marno

Officer: Charlotte Bush 292193

Approved on 22/04/16 DELEGATED

BH2015/04662**Flat 1, 1 Montpelier Terrace Brighton**

Internal alterations to layout of flat with replacement of existing windows and door with timber bi folding doors to rear elevation and installation of an air brick to the front and a boiler flue to the rear.

Applicant: Ms Lowri Marno

Officer: Charlotte Bush 292193

Approved on 22/04/16 DELEGATED

BH2016/00261**1-3 Brighton Place Brighton**

Demolition of existing first floor conservatory and erection of new conservatory to the rear.

Applicant: Mr Leo Addis

Officer: Joanne Doyle 292198

Approved on 06/05/16 DELEGATED

BH2016/00343**2A Regency Mews Brighton**

Conversion of existing offices/workshop (B1) to 1no four bedroom single dwelling (C3) with associated alterations.

Applicant: Mr J Watts

Officer: Helen Hobbs 293335

Refused on 29/04/16 DELEGATED

Report from 21/04/2016 to 11/05/2016

BH2016/00593**36 Montpelier Road Brighton**

Alterations to front steps to basement.

Applicant: Mr Graham Pratt

Officer: Mark Dennett 292321

Approved on 25/04/16 DELEGATED

BH2016/00764**9-12 Middle Street Brighton**

Display of 1no externally-illuminated hanging sign. (Retrospective).

Applicant: The Laine Pub Company

Officer: Charlotte Bush 292193

Approved on 26/04/16 DELEGATED

BH2016/00779**12 Montpelier Crescent Brighton**

Internal damp proofing works and installation of new door to basement store room.

Applicant: Mrs Mary DArcy

Officer: Tim Jefferies 293152

Approved on 26/04/16 DELEGATED

BH2016/00890**Park Royal 66 Montpelier Road Brighton**

Replacement of existing UPVC weatherboarding with slate grey cedar lap boards.

Applicant: Ms Anne Thomson

Officer: Ross O'Ceallaigh 293817

Refused on 04/05/16 DELEGATED

BH2016/00912**29 Dean Street Brighton**

Roof alterations including raising of ridge height with creation of dormers to front and rear.

Applicant: Ms Catherine Lane

Officer: Justine Latemore 292138

Refused on 11/05/16 DELEGATED

BH2016/00983**Flat 1 5 Montpelier Crescent Brighton**

Installation of internal damp proofing works. (Retrospective).

Applicant: Mrs Rebecca Partridge

Officer: Tim Jefferies 293152

Approved on 04/05/16 DELEGATED

ST. PETER'S & NORTH LAINE

Report from 21/04/2016 to 11/05/2016

BH2015/02927**Land at Centurion Road Rear of 46 Church Street Brighton**

Change of use of part of public highway (Sui Generis) to private residential garden (C3) with associated erection of boundary wall with timber gate.

Applicant: Mr Giles Haywood

Officer: Wayne Nee 292132

Approved on 22/04/16 DELEGATED

BH2015/03808**4 Guildford Street Brighton**

Change of use from three bedroom single dwelling (C3) to three bedroom small house in multiple occupation (C4).

Applicant: Mr Duncan Hedges

Officer: Joanne Doyle 292198

Approved on 29/04/16 DELEGATED

BH2015/04024**24 North Place Brighton**

Replacement of existing timber entrance doors with steel doors and frame.

Applicant: Hyde Martlet

Officer: Kate Brocklebank 292454

Approved on 05/05/16 DELEGATED

BH2015/04357**51A Stanley Road Brighton**

Certificate of Lawfulness for existing use as a small house in multiple occupation (C4).

Applicant: Mr Adrian Hill

Officer: Mark Thomas 292336

Approved on 06/05/16 DELEGATED

BH2016/00053**9 Jubilee Street Brighton**

Certificate of Lawfulness for proposed use of the ancillary office and store as part of the retail and wine bar (A1/A4) with associated alterations to layout.

Applicant: Ten Green Bottles Ltd

Officer: Mark Dennett 292321

Refused on 25/04/16 DELEGATED

BH2016/00330**4 Gerard Street Brighton**

Erection of a single storey rear extension.

Applicant: Mr Scott Appleton

Officer: Ryan OSullivan 290480

Refused on 29/04/16 DELEGATED

BH2016/00381**4 St Martins Street Brighton**

Certificate of Lawfulness for proposed loft conversion incorporating rear dormer and insertion of rooflight and erection of single storey rear extension at basement
Report from 21/04/2016 to 11/05/2016

level.

Applicant: Dr C W Hopkins
Officer: Molly McLean 292097
Split Decision on 25/04/16 DELEGATED

BH2016/00398**12A Queens Road Brighton**

Change of use from sandwich bar (A1) to noodle bar takeaway (A5) with associated increase in height of existing rear flue.

Applicant: Mr Pavel Preobrazhenskiy
Officer: Joanne Doyle 292198
Refused on 25/04/16 DELEGATED

BH2016/00417**77A London Road Brighton**

Conversion of lower ground floor ancillary storage to form 1no two bedroom flat (C3) with associated alterations (Retrospective).

Applicant: Daniels
Officer: Mark Dennett 292321
Refused on 28/04/16 DELEGATED

BH2016/00458**First Floor Flat 84 Ditchling Rise Brighton**

Installation of front rooflight and rear dormers.

Applicant: Mr & Mrs T Moore
Officer: Justine Latemore 292138
Approved on 25/04/16 DELEGATED

BH2016/00537**Flat 1 29 Buckingham Street Brighton**

Replacement UPVC window and doors to rear.

Applicant: Mr Brian Joseph Trappe
Officer: Ross O'Ceallaigh 293817
Refused on 06/05/16 DELEGATED

BH2016/00629**Chapel Royal 164 North Street Brighton**

Variation of condition 16 of application BH2015/00226 (Variation of condition 2 of application BH2014/00843) (Original permission for Change of Use to restaurant/cafe (A3) incorporating alterations to entrance.) to state that prior to occupation 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 (part-retrospective).

Applicant: Jo & Marcus Thompson
Officer: Liz Arnold 291709
Approved on 27/04/16 DELEGATED

BH2016/00651**Mocatta House Trafalgar Place Brighton**

Report from 21/04/2016 to 11/05/2016

Creation of roof terrace, hip to gable roof extension and insertion of rooflight.
Installation of new plant to replace existing with associated alterations and works to front entrance.

Applicant: Aberdeen Asset Management

Officer: Helen Hobbs 293335

Approved on 10/05/16 DELEGATED

BH2016/00688**10 Cheltenham Place Brighton**

Certificate of Lawfulness for proposed single storey rear extension and alterations to fenestration.

Applicant: Dixon Hurst Ltd

Officer: Ross O'Ceallaigh 293817

Refused on 09/05/16 DELEGATED

BH2016/00798**4 Caledonian Road Brighton**

Insertion of 4no rooflights to front and rear elevations.

Applicant: Mr D Golding

Officer: Ross O'Ceallaigh 293817

Approved on 28/04/16 DELEGATED

BH2016/00837**Units 2 & 3 Brighton Station Queens Road Brighton**

Certificate of lawfulness for proposed works to listed building including internal alterations to layout and refurbishment works, including removal of part of stud wall to form opening into existing pub area.

Applicant: Greenwell and Tipple

Officer: Tim Jefferies 293152

Refused on 25/04/16 DELEGATED

BH2016/00868**28 Wakefield Road Brighton**

Roof alterations incorporating rear dormers and insertion of 2no rooflights to front elevation.

Applicant: Mr James Taylor

Officer: Sonia Gillam 292265

Refused on 28/04/16 DELEGATED

BH2016/00869**Site J Land East of Brighton Station New England Quarter Brighton,**

Application for Approval of Details Reserved by Conditions 17a(i) and 19 of application BH2010/03999, as amended by BH2012/01627.

Applicant: The Hyde Group

Officer: Sarah Collins 292232

Approved on 05/05/16 DELEGATED

BH2016/00878**24 Buckingham Street Brighton**

Report from 21/04/2016 to 11/05/2016

Creation of rear dormers and front rooflight.

Applicant: Mr James Cheek
Officer: Ross O'Ceallaigh 293817
Approved on 03/05/16 DELEGATED

BH2016/00905**24 Belton Road Brighton**

Installation of rooflight to front roofslope.

Applicant: Ms Zoe Cutting
Officer: Ryan O'Sullivan 290480
Approved on 26/04/16 DELEGATED

BH2016/00907**74 Princes Road Brighton**

Replacement of existing UPVC bay windows to front with timber.

Applicant: Mrs Lynne Newland
Officer: Ryan O'Sullivan 290480
Approved on 09/05/16 DELEGATED

BH2016/01204**Land at rear of 47 Lewes Road Brighton**

Application for Approval of Details Reserved by Condition 5 of application BH2015/00127.

Applicant: Mr Craig Dwyer-Smith
Officer: Chris Swain 292178
Approved on 05/05/16 DELEGATED

WITHDEAN**BH2015/00108****35 Hillcrest (and part of 33 Hillcrest) Brighton**

Erection of single storey rear extension to replace existing conservatory.
(Retrospective)

Applicant: Mr Lewis Smith
Officer: Luke Austin 294495
Refused on 26/04/16 DELEGATED

BH2015/04182**76 Tongdean Lane Brighton**

Removal of existing conservatory and erection of part two, part three storey rear and side extension incorporating revised fenestration, creation of terraces to lower ground and ground floor levels with associated works (Part retrospective).

Applicant: Mr T Stojanovic
Officer: Laura Hamlyn 292205
Approved on 27/04/16 DELEGATED

BH2015/04335**1 The Parade Valley Drive Brighton**

Report from 21/04/2016 to 11/05/2016

Display of internally illuminated fascia sign.

Applicant: The Brighton Hair Loss Clinic

Officer: Gareth Giles 293334

Approved on 09/05/16 DELEGATED

BH2015/04336

1 The Parade Valley Drive Brighton

Change of use from retail (A1) to studio for cosmetic treatments (D1).

Applicant: The Brighton Hair Loss Clinic

Officer: Gareth Giles 293334

Approved on 09/05/16 DELEGATED

BH2016/00220

284 Dyke Road Brighton

Application for variation of condition 2 of application BH2013/03772 (Conversion of property from flat and maisonette into three self-contained flats (C3) incorporating rooflights to front and rear, parking and associated alterations) to permit the demolition and rebuild of the rear garage and boundary wall.

Applicant: Mr Roman Lelic

Officer: Helen Hobbs 293335

Approved on 03/05/16 DELEGATED

BH2016/00346

5 Tongdean Rise Brighton

Erection of first floor pitched roof extension.

Applicant: Mr & Mrs Barnes

Officer: Laura Hamlyn 292205

Approved on 22/04/16 DELEGATED

BH2016/00383

67 Millers Road Brighton

Erection of a single storey rear extension and raised terrace.

Applicant: Dominic Rickhards

Officer: Laura Hamlyn 292205

Refused on 25/04/16 DELEGATED

BH2016/00517

23 Preston Drove Brighton

Installation of aluminium double doors and alterations to fenestration to front elevation.

Applicant: Ms J Gideon

Officer: Laura Hamlyn 292205

Approved on 09/05/16 DELEGATED

BH2016/00691

31 Cornwall Gardens Brighton

Certificate of Lawfulness for proposed detached outbuilding to replace existing to rear.

Applicant: Mr & Mrs Dabadiede Lurbe

Officer: Molly McLean 292097

Report from 21/04/2016 to 11/05/2016

Approved on 25/04/16 DELEGATED**BH2016/00723****20 Tongdean Lane Brighton**

Application for Approval of Details reserved by Condition 7 of application BH2014/03864.

Applicant: Mr Steve Wood

Officer: Stewart Glassar 292153

Refused on 29/04/16 DELEGATED**BH2016/00792****6 Gordon Road Brighton**

Certificate of Lawfulness for proposed loft conversion incorporating rear dormer and front rooflights

Applicant: Ms Emma Fish

Officer: Ross O'Ceallaigh 293817

Approved on 09/05/16 DELEGATED**BH2016/00799****17 Varndean Holt Brighton**

Certificate of Lawfulness for proposed loft conversion incorporating rear dormer and front rooflights.

Applicant: Mr Charlie Walker

Officer: Ross O'Ceallaigh 293817

Approved on 09/05/16 DELEGATED**BH2016/00913****17 Green Ridge Brighton**

Roof alterations including hip to barn end roof extension with gable extension to rear, creation of 2no front dormers and rear rooflight and creation of enclosed glazed front porch.

Applicant: Mr James Booth

Officer: Luke Austin 294495

Refused on 09/05/16 DELEGATED**BH2016/00953****409 Ditchling Road Brighton**

Application for Approval of Details Reserved by Conditions 10 and 12 of application BH2014/01921 (allowed on appeal).

Applicant: Bruce Atkinson

Officer: Liz Arnold 291709

Split Decision on 27/04/16 DELEGATED**BH2016/00962****28 Friar Road Brighton**

Certificate of lawfulness for proposed roof alterations incorporating hip to barn end roof extension, creation of 2no. dormers to rear elevation and replacement of 3no. rooflights to front elevation.

Applicant: Mr & Mrs L Fenwick

Report from 21/04/2016 to 11/05/2016

Officer: Ross O'Ceallaigh 293817
Approved on 11/05/16 DELEGATED

BH2016/00986**7 Reigate Road Brighton**

Prior approval for the erection of a single storey rear extension, which would extend beyond the rear wall of the original house by 3.8m, for which the maximum height would be 3.05m, and for which the height of the eaves would be 2.9m.

Applicant: Eva Field
Officer: Allison Palmer 290493

Prior approval not required on 26/04/16 DELEGATED

BH2016/01062**2 Surrenden Park Brighton**

Prior approval for the erection of a single storey rear extension, which would extend beyond the rear wall of the original house by 4m, for which the maximum height would be 2.95m, and for which the height of the eaves would be 2.65m.

Applicant: Mr & Mrs Khalaf
Officer: Ross O'Ceallaigh 293817

Prior approval not required on 26/04/16 DELEGATED

EAST BRIGHTON**BH2016/00212****32 Princes Terrace Brighton**

Conversion of basement level to form 1 no bedroom dwelling. (Part retrospective)

Applicant: Ms A Morley
Officer: Emily Stanbridge 292359

Approved on 27/04/16 DELEGATED

BH2016/00516**The MacMillan Horizon Centre 2 Bristol Gate Brighton**

Application for Approval of Details Reserved by Condition 22 of application BH2011/02181

Applicant: Macmillan Cancer Support
Officer: Laura Hamlyn 292205

Approved on 25/04/16 DELEGATED

HANOVER & ELM GROVE**BH2016/00436****101 Hartington Road Brighton**

Installation of metal bike store to front garden. Front boundary alterations including removal of gate and extension of wall and installation of railings.

Applicant: Ms Clare Halstead
Officer: Molly McLean 292097

Report from 21/04/2016 to 11/05/2016

Refused on 25/04/16 DELEGATED**BH2016/00552****46 Hampden Road Brighton**

Erection of two storey rear extension.

Applicant: Mr Nick Adams

Officer: Justine Latemore 292138

Approved on 25/04/16 DELEGATED

BH2016/00728**47B Islingword Road Brighton**

Change of use of store (B8) to an office / workshop (B1) with associated alterations including excavation to create basement level, increase in roof height and revised fenestration.

Applicant: Mr Glen Cartwright

Officer: Chris Swain 292178

Approved on 03/05/16 DELEGATED

BH2016/00741**22 Newark Place Brighton**

Erection of rear dormer extension including raised ridge height.

Applicant: Mrs Nancy Howard

Officer: Molly McLean 292097

Refused on 22/04/16 DELEGATED

BH2016/00786**22 Cromwell Street Brighton**

Certificate of Lawfulness for proposed loft conversion incorporating rear dormer and front rooflight.

Applicant: FCM Renovations Limited

Officer: Ross O'Ceallaigh 293817

Approved on 26/04/16 DELEGATED

BH2016/00832**13 Hallett Road Brighton**

Erection of two storey rear extension.

Applicant: Tom Green

Officer: Molly McLean 292097

Approved on 25/04/16 DELEGATED

BH2016/00958**84 Bernard Road Brighton**

Erection of second floor extension.

Applicant: Mr R Lane

Officer: Charlotte Bush 292193

Refused on 05/05/16 DELEGATED

BH2016/00995**119 Lewes Road Brighton**

Report from 21/04/2016 to 11/05/2016

Application for Approval of Details Reserved by Condition 3i) b and c of application BH2015/01121.

Applicant: McLaren (119 Lewes Road) Ltd

Officer: Mick Anson 292354

Approved on 22/04/16 DELEGATED

HOLLINGDEAN & STANMER

BH2016/00111

The Old Cottage 1 Hollingdean Lane Brighton

Removal of condition 14 of application BH2014/02022 (Erection of 1 no. two storey 2 bed house and associated works.) which states that no development shall commence until fences for the protection of trees to be retained has been submitted to and approved in writing by the Local Planning Authority.

Applicant: Mrs Janet O'Byrne

Officer: Emily Stanbridge 292359

Approved on 25/04/16 DELEGATED

BH2016/00138

12 Hollingdean Road Brighton

Change of use from dwelling house (C3) to form 7no bedroom House in Multiple Occupation (Sui generis) with revised fenestration to rear.

Applicant: Metrocity Consultants Ltd

Officer: Emily Stanbridge 292359

Refused on 27/04/16 DELEGATED

BH2016/00592

Hertford Infant School Hertford Road Brighton

Installation of emergency exit door and staircase and associated alterations to east elevation (retrospective).

Applicant: Brighton & Hove City Council

Officer: Stewart Glassar 292153

Approved on 27/04/16 DELEGATED

BH2016/00915

64 Roedale Road Brighton

Erection of single storey rear extension.

Applicant: Mr Simon Heath

Officer: Emily Stanbridge 292359

Approved on 29/04/16 DELEGATED

MOULSECOOMB & BEVENDEAN

BH2016/00016

2 Upper Bevendean Avenue Brighton

Change of use of ground floor from office (B1) and storage (B8) to 1no. dwelling (C3) with associated external alterations.

Report from 21/04/2016 to 11/05/2016

Applicant: Mr Bernie Bird
Officer: Chris Swain 292178
Refused on 09/05/16 DELEGATED

BH2016/00123**34A Riley Road Brighton**

Certificate of lawfulness for existing second floor rear extension with terrace and timber balustrading.

Applicant: Mr Peter Boorman
Officer: Molly McLean 292097
Approved on 25/04/16 DELEGATED

BH2016/00252**53 Barcombe Road Brighton**

Change of use from five bedroom small house in multiple occupation (C4) to seven bedroom house in multiple occupation (Sui Generis) incorporating hip to gable roof extension, dormer to rear and front rooflights. (Retrospective).

Applicant: Dr Ryan Scott
Officer: Chris Swain 292178
Refused on 26/04/16 DELEGATED

BH2016/00350**71 Hillside Brighton**

Application for Approval of Details Reserved by Conditions 3 and 4 of application BH2015/01402.

Applicant: Ms Ruth Grier
Officer: Chris Swain 292178
Approved on 28/04/16 DELEGATED

BH2016/00545**First Floor Flat 96 Riley Road Brighton**

Roof alterations incorporating front and rear rooflights and rear dormer.

Applicant: Ms Carolyn Davis
Officer: Emily Stanbridge 292359
Refused on 09/05/16 DELEGATED

BH2016/00833**17 Barcombe Road Brighton**

Certificate of Lawfulness for proposed loft conversion with rear dormer.

Applicant: Roger Whittington
Officer: Molly McLean 292097
Approved on 09/05/16 DELEGATED

BH2016/00991**2 Coombe Terrace Brighton**

Application for Approval of Details Reserved by Conditions 1, 2, 3, 4, 5 and 6 of application BH2014/01394.

Applicant: Mr Amir Mohammed
Officer: Emily Stanbridge 292359
Report from 21/04/2016 to 11/05/2016

Approved on 22/04/16 DELEGATED

QUEEN'S PARK**BH2015/03826****Freshfield Inn 230 Freshfield Road Brighton**

Demolition of public house (A4) and erection of 2no buildings comprising of 8no dwelling flats (C3).

Applicant: Wichelo Developments Ltd

Officer: Rebecca Fry 293773

Refused on 22/04/16 DELEGATED

BH2015/04516**St Luke's Church Queens Park Road Brighton**

Erection of porch and brick with flint screen walls to north east elevation.

Applicant: The PCC of St Lukes Church

Officer: Allison Palmer 290493

Approved on 21/04/16 DELEGATED

BH2016/00028**11A Dawson Terrace Brighton**

Change of use from three bedroom single dwelling (C3) to three bedroom small house in multiple occupation (C4). (Retrospective)

Applicant: Mr Neil Jenner

Officer: Chris Swain 292178

Approved on 26/04/16 DELEGATED

BH2016/00126**1 Bloomsbury Place Brighton**

Internal alterations to layout of top floor.

Applicant: Mr Andre Mattar

Officer: Tim Jefferies 293152

Approved on 05/05/16 DELEGATED

BH2016/00255**25 St James's Street Brighton**

Application for Approval of Details Reserved by Condition 6 of application BH2010/02012.

Applicant: Bouygues Uk

Officer: Adrian Smith 290478

Approved on 04/05/16 DELEGATED

BH2016/00300**220 Queens Park Road Brighton**

Certificate of Lawfulness for proposed loft conversion incorporating front rooflights and rear dormer.

Applicant: Mr James Howard

Officer: Molly McLean 292097

Report from 21/04/2016 to 11/05/2016

Approved on 09/05/16 DELEGATED**BH2016/00345****2 Steine Gardens Brighton**

Erection of first floor rear glazed extension, removal of chimney and replacement of bay window with double glazed window to front elevation, revised fenestration to rear and replacement roof.

Applicant: Mr Geoff Falk

Officer: Helen Hobbs 293335

Refused on 11/05/16 DELEGATED**BH2016/00410****10 Royal Crescent Brighton**

Demolition of rear cottage, internal alterations, third floor rear extension and associated works.

Applicant: Mr Martin Venables

Officer: Emily Stanbridge 292359

Approved on 25/04/16 DELEGATED**BH2016/00411****10 Royal Crescent Brighton**

Demolition of rear cottage, internal alterations, third floor rear extension and associated works.

Applicant: Mr Martin Venables

Officer: Emily Stanbridge 292359

Approved on 25/04/16 DELEGATED**ROTTINGDEAN COASTAL****BH2015/03099****Flat 7 17 Lewes Crescent Brighton**

Alteration to rear including replacement of roof hatch to flat roof with rooflight, insertion of timber sash window to side and repair and remedial works.

Applicant: Miss Suzanna Collis

Officer: Wayne Nee 292132

Approved on 22/04/16 DELEGATED**BH2015/03100****Flat 7 17 Lewes Crescent Brighton**

Internal alterations to layout of flat. External alterations to rear including replacement of roof hatch to flat roof with rooflight, insertion of timber sash window to side and repair and remedial works.

Applicant: Miss Suzanna Collis

Officer: Wayne Nee 292132

Approved on 22/04/16 DELEGATED**BH2015/03108****St Aubyns School 76 High Street Rottingdean Brighton**

Demolition of rectangular block and associated extensions to north of Field
Report from 21/04/2016 to 11/05/2016

House (main school building), demolition of building to north-east of Field House and other associated structures. Retention of existing sports pavilion, war memorial, water fountain and chapel. Residential conversion and refurbishment works to Field House, terraced cottages and Rumneys building, construction of new residential blocks and dwellings houses to provide a total of 48no residential dwellings (C3). Construction of part 2no, part 3no storey residential care home building providing a total of 62 bedrooms (C2). Revised access and landscaping works, provision of garages, car parking spaces, cycle storage and refuse facilities, alterations to boundary flint wall along Steyning Road and The Twitten and other associated works.

Applicant: Linden Homes & The Cothill Educational Trust

Officer: Liz Arnold 291709

Refused on 22/04/16 COMMITTEE

BH2015/03110

St Aubyns School 76 High Street Rottingdean Brighton

Conversion and refurbishment works to Field House (main school building), terraced cottages and Rumneys building to provide 9no two bedroom and 1no three bedroom dwellings with associated works and alterations to boundary flint wall along Steyning Road and The Twitten.

Applicant: Linden Homes & The Cothill Educational Trust

Officer: Liz Arnold 291709

Refused on 22/04/16 COMMITTEE

BH2015/03112

St Aubyns School 76 High Street Rottingdean Brighton

Demolition of rectangular block and associated extensions to north of Field House (main school building), demolition of building to north-east of Field House and other associated structures.

Applicant: Linden Homes and The Cothill Educational Trust

Officer: Liz Arnold 291709

Refused on 22/04/16 COMMITTEE

BH2015/03681

90 Greenways Brighton

Partial demolition of existing dwelling and erection of 1no two storey four bedroom dwelling (C3) in rear garden with off-street parking.

Applicant: Robert Middleton

Officer: Rebecca Fry 293773

Refused on 27/04/16 DELEGATED

BH2015/03700

39 Grand Crescent Rottingdean Brighton

Application for variation of condition 2 of application BH2015/00171 (Erection of two storey side extension at lower ground floor and ground floor level with associated roof extensions. Removal of front steps and relocation of front entrance, alterations to existing rear dormer, alterations to fenestration and associated works) to allow amendments to the approved drawings to permit alterations to the roof of the extension and infill extension to rear.

Report from 21/04/2016 to 11/05/2016

Applicant: Mr & Mrs Henry
Officer: Stewart Glassar 292153
Approved on 26/04/16 DELEGATED

BH2015/04144**Grange Lodge The Green Rottingdean Brighton**

Erection of part one and part two storey side extension.

Applicant: Mr & Mrs Bernie & Joan Clark
Officer: Luke Austin 294495
Refused on 26/04/16 DELEGATED

BH2015/04435**Land at Brighton Marina comprising Outer Harbour West Quay and adjoining land Brighton Marina Village Brighton**

Application for variation of conditions 15 and 30 of BH2014/02883 to amend the wording of each condition as follows: Condition 15 to read 'The premises for Use Class A (A1, A2, A3, A4 and A5) hereby permitted shall not be open for trade except between the hours of 07.00 and 23.30 hours Mondays to Thursdays, and between 07.30 and 00.30 hours on Fridays and Saturdays and between 08.00 and 23.00 hours on Sundays or Bank Holidays'. Condition 30 to read 'Occupation of the Class A floorspace within the development hereby permitted shall not include more than 600sqm of floorspace used for Class A4 use'.

Applicant: Brunswick Developments Group plc
Officer: Sarah Collins 292232
Approved after Section 106 signed on 27/04/16 DELEGATED

BH2015/04535**1-3 The Cliff Brighton**

Variation of condition 7 of application BH2015/00858 (Demolition of existing bungalows and erection of 3no. dwelling houses.) to allow changes to proposed windows.

Applicant: Sussex Transformations Ltd
Officer: Luke Austin 294495
Approved on 06/05/16 DELEGATED

BH2016/00049**37 Chailey Avenue Rottingdean Brighton**

Erection of single storey rear extension with rear terrace and privacy screen.

Applicant: Ms C Genders
Officer: Luke Austin 294495
Approved on 25/04/16 DELEGATED

BH2016/00081**8 Rowan Way Rottingdean Brighton**

Erection of single storey rear extension.

Applicant: Mr Falah Ali
Officer: Luke Austin 294495
Approved on 22/04/16 DELEGATED

Report from 21/04/2016 to 11/05/2016

BH2016/00108**54A Nevill Road Rottingdean Brighton**

Erection of single storey rear extension with terrace and side porch.

Applicant: Dr Hilary Bruffell

Officer: Justine Latemore 292138

Approved on 11/05/16 DELEGATED

BH2016/00304**68 Chichester Drive West Saltdean Brighton**

Erection of a single storey rear extension.

Applicant: Michael Setz

Officer: Charlotte Bush 292193

Approved on 26/04/16 DELEGATED

BH2016/00372**16 Park Road Rottingdean Brighton**

Certificate of lawfulness for proposed single storey rear extension.

Applicant: Mr & Mrs Fitzgerald

Officer: Ross O'Ceallaigh 293817

Approved on 25/04/16 DELEGATED

BH2016/00440**Saltdean Lido Saltdean Park Road Saltdean Brighton**

Application for Approval of Details Reserved by Condition 12 of application BH2015/01048.

Applicant: Mr Michael Harris

Officer: Maria Seale 292175

Approved on 09/05/16 DELEGATED

BH2016/00525**8 Wivelsfield Road Saltdean Brighton**

Certificate of Lawfulness for proposed single storey side extension and conservatory.

Applicant: Mr G Caddick

Officer: Ross O'Ceallaigh 293817

Approved on 25/04/16 DELEGATED

BH2016/00654**Land at Brighton Marina comprising Outer Harbour West Quay and adjoining land Brighton Marina Village Brighton**

Application for Approval of Details Reserved by Conditions 62 and 63 of application BH2014/02883 for Phase 2 of the development

Applicant: West Quay Development Co Partnership LLP

Officer: Sarah Collins 292232

Approved on 21/04/16 DELEGATED

BH2016/00663**11 Ashdown Avenue Saltdean Brighton**

Erection of first floor rear extension with side facing window.

Report from 21/04/2016 to 11/05/2016

Applicant: Mr Tony O'Connor
Officer: Justine Latemore 292138
Approved on 21/04/16 DELEGATED

BH2016/00718**41 Gorham Avenue Rottingdean Brighton**

Erection of single storey rear extension, alterations to fenestration and associated alterations.

Applicant: Mr & Mrs Sagar
Officer: Justine Latemore 292138
Approved on 21/04/16 DELEGATED

BH2016/00729**11 Ainsworth Close Brighton**

Certificate of lawfulness for proposed rear and side dormer, conversion of existing garage into habitable living space, replacement of existing garage door with UPVC window, removal of existing conservatory and creation of raised terrace with balustrading.

Applicant: Mr Adrian McClinton
Officer: Ross O'Ceallaigh 293817
Split Decision on 26/04/16 DELEGATED

BH2016/00782**41 Rock Grove Brighton**

Application for Approval of Details Reserved by Conditions 2 and 3 of application BH2015/03471.

Applicant: Mrs Emma Read
Officer: Justine Latemore 292138
Approved on 29/04/16 DELEGATED

BH2016/00821**19 Ainsworth Avenue Brighton**

Erection of two storey front/side extension with integral garage and erection of single storey side extension, roof alterations including raised ridge height and extensions, revised fenestration and associated works.

Applicant: Mr & Mrs Buckle
Officer: Charlotte Bush 292193
Approved on 26/04/16 DELEGATED

BH2016/00828**11 Coombe Vale Saltdean Brighton**

Roof alterations incorporating hip to barn end roof extensions, rear dormers, front rooflight and front and side windows and erection of front porch extension.

Applicant: Mr A White
Officer: Charlotte Bush 292193
Refused on 10/05/16 DELEGATED

BH2016/00964

Report from 21/04/2016 to 11/05/2016

6 Roedean Crescent Brighton

Demolition of existing house and erection of three storey, six bedroom house (C3).

Applicant: Mr Richard Page

Officer: Stewart Glassar 292153

Refused on 11/05/16 DELEGATED

BH2016/01036**27 Chorley Avenue Saltdean Brighton**

Prior approval for the erection of a single storey rear extension, which would extend beyond the rear wall of the original house by 4.5m, for which the maximum height would be 3.97m, and for which the height of the eaves would be 2.56m.

Applicant: Mr & Mrs Ashworth

Officer: Luke Austin 294495

Prior Approval is required and is approved on 03/05/16 DELEGATED

WOODINGDEAN**BH2016/00662****Beech Cottage Warren Road Brighton**

Replacement of existing windows with UPVC windows.

Applicant: Mr Stephen Licence

Officer: Charlotte Bush 292193

Approved on 26/04/16 DELEGATED

BRUNSWICK AND ADELAIDE**BH2015/01874****36-37 Brunswick Terrace Hove**

Relocation of existing satellite dish to roof and replacement of existing internal door to flat. (Retrospective)

Applicant: Brightspace

Officer: Wayne Nee 292132

Approved on 22/04/16 DELEGATED

BH2015/01875**36-37 Brunswick Terrace Hove**

Relocation of existing satellite dish to roof. (Retrospective)

Applicant: Brightspace

Officer: Wayne Nee 292132

Approved on 22/04/16 DELEGATED

BH2015/02760**Flat 2 36 Brunswick Square Hove**

Creation of new exterior opening and door to rear roof terrace at first floor level.

Applicant: Mr Ian Walton

Report from 21/04/2016 to 11/05/2016

Officer: Charlotte Bush 292193

Approved on 09/05/16 DELEGATED

BH2015/02761

Flat 2 36 Brunswick Square Hove

Creation of new exterior opening and door to rear roof terrace at first floor level.

Applicant: Mr Ian Walton

Officer: Charlotte Bush 292193

Approved on 09/05/16 DELEGATED

BH2015/03362

22 Brunswick Street East Hove

Conversion of ground floor garages to form two self-contained units with associated alterations. (Part retrospective)

Applicant: Ms Justina Grigaite

Officer: Clare Flowers 290443

Refused on 29/04/16 DELEGATED

BH2015/03527

50 Brunswick Road Hove

Installation of asphalt covering to floor of existing main front balcony.

Applicant: DK Majo Estates Ltd

Officer: Justine Latemore 292138

Refused on 04/05/16 DELEGATED

BH2015/03528

50 Brunswick Road Hove

Installation of asphalt covering to floor of existing main front balcony.

Applicant: DK Majo Estates Ltd

Officer: Justine Latemore 292138

Refused on 04/05/16 DELEGATED

BH2015/03665

6A Palmeira Square Hove

Replacement of existing windows and doors and internal alterations to layout of flat.

Applicant: Mrs Roz Sutton

Officer: Ryan OSullivan 290480

Approved on 06/05/16 DELEGATED

BH2015/03666

6A Palmeira Square Hove

Replacement of existing windows and doors to front and rear.

Applicant: Mrs Roz Sutton

Officer: Ryan OSullivan 290480

Approved on 06/05/16 DELEGATED

BH2015/04688

20 Upper Market Street Hove

Report from 21/04/2016 to 11/05/2016

Conversion of storage (B8) to 1no. one bedroom flat (C3) at basement level including replacement of existing shopfront with bay window, creation of a lightwell and installation of railings.

Applicant: Park Avenue Estates Ltd

Officer: Helen Hobbs 293335

Refused on 09/05/16 DELEGATED

BH2015/04689

20 Upper Market Street Hove

Conversion of storage at basement level and office at ground floor level into 2no. one bedroom flats (C3) including replacement of existing shopfront with bay windows, creation of lightwell and installation of railings.

Applicant: Park Avenue Estates Ltd

Officer: Helen Hobbs 293335

Refused on 09/05/16 DELEGATED

BH2016/00119

34 Brunswick Road Hove

Installation of metal railings to front ground floor steps.

Applicant: Southern Housing Group

Officer: Ryan OSullivan 290480

Approved on 10/05/16 DELEGATED

BH2016/00163

47 Lansdowne Street Hove

Insertion of 4no rooflights.

Applicant: Geoff Grantham

Officer: Laura Hamlyn 292205

Refused on 25/04/16 DELEGATED

BH2016/00823

34 Brunswick Road Hove

Installation of metal railings to front ground floor steps.

Applicant: Mears Home Improvements Ltd

Officer: Ryan OSullivan 290480

Approved on 29/04/16 DELEGATED

CENTRAL HOVE

BH2015/03264

Flat 6 Courtenay House 1 Courtenay Terrace Hove

Internal alterations to layout of flat, installation of replacement aluminum sliding doors to rear terrace and installation of new timber windows in place of existing steel framed windows to west elevation.

Applicant: Ms Jojo Moyes

Officer: Joanne Doyle 292198

Approved on 22/04/16 DELEGATED

Report from 21/04/2016 to 11/05/2016

BH2015/03833**41 Vallance Gardens Hove**

Partial conversion of existing garage into habitable space, erection of single storey rear extension and other associated alterations.

Applicant: Mr & Mrs Verguson

Officer: Joanne Doyle 292198

Approved on 27/04/16 DELEGATED

BH2015/03911**Albany Towers 6-7 St Catherines Terrace Hove**

Erection of 2no self-contained flats on roof incorporating roof gardens and cycle store.

Applicant: Anstone Properties Ltd

Officer: Wayne Nee 292132

Refused on 22/04/16 DELEGATED

BH2015/04428**6 Vallance Gardens Hove**

Application for Approval of Details Reserved by Condition 3 and 4 of application BH2015/03014.

Applicant: Mr Samy Sadek

Officer: Emily Stanbridge 292359

Approved on 04/05/16 DELEGATED

BH2016/00060**17B Blatchington Road Hove**

Erection of single storey rear extension.

Applicant: Mr William Chambers

Officer: Molly McLean 292097

Approved on 26/04/16 DELEGATED

BH2016/00604**25 George Street Hove**

Installation of 4no external condenser units on flat roof at rear of property.

Applicant: Boots Opticians

Officer: Joanne Doyle 292198

Approved on 04/05/16 DELEGATED

BH2016/00673**5 Kings Gardens Hove**

Conversion of ancillary store rooms into 1no self-contained studio flat (C3) at lower ground floor including installation of roof lantern.

Applicant: J B Howard Properties Ltd

Officer: Mark Dennett 292321

Refused on 27/04/16 DELEGATED

Report from 21/04/2016 to 11/05/2016

BH2016/00707**Flat 4 5 Kings Gardens Hove**

Installation of 5no rooflights to facilitate loft conversion.

Applicant: J B Howard Properties Ltd

Officer: Mark Dennett 292321

Approved on 05/05/16 DELEGATED

BH2016/00880**144 Church Road Hove**

Erection of 1no single storey studio dwelling with mono pitched roof (C3) adjoining existing property to rear.

Applicant: Peermark Ltd

Officer: Wayne Nee 292132

Refused on 04/05/16 DELEGATED

BH2016/01179**30 Brooker Street Hove**

Prior approval for the erection of a single storey rear extension, which would extend beyond the rear wall of the original house by 5.9m, for which the maximum height would be 3.1m, and for which the height of the eaves would be 2.6m.

Applicant: Mr & Mrs Paul & Trudi Ford-Hutchison

Officer: Gareth Giles 293334

Prior Approval is required and is refused on 29/04/16 DELEGATED

GOLDSMID**BH2015/03596****77 The Drive Hove**

Re-formation of ground floor level entrance forecourt, terracotta balustrade and replacement of tiling. Alterations to first floor bay roof to front elevation and internal alterations to Flats 1, 2 & 4 including damp proofing works.

Applicant: 77 The Drive Ltd

Officer: Ryan OSullivan 290480

Approved on 22/04/16 DELEGATED

BH2015/03902**11 York Avenue Hove**

Roof alterations incorporating rooflights and removal of chimney. Demolition of existing conservatory, conversion of garage into habitable space, alterations to fenestration and associated landscaping.

Applicant: Mr & Mrs S Mackenzie

Officer: Ryan OSullivan 290480

Approved on 27/04/16 DELEGATED

BH2015/04390**Flat 2 14 Addison Road Hove**

Report from 21/04/2016 to 11/05/2016

Replacement of existing timber sash windows with UPVC sash windows to front elevation.

Applicant: David Sewell
Officer: Charlotte Bush 292193
Approved on 05/05/16 DELEGATED

BH2015/04620**2 Wilbury Gardens Hove**

Change of use from sheltered housing (C2) to single dwelling house (C3).

Applicant: Abbeyfield South Downs Ltd
Officer: Wayne Nee 292132
Approved on 26/04/16 DELEGATED

BH2015/04648**Flat 2 98 Cromwell Road Hove**

Erection of single storey rear extension.

Applicant: Mrs T Schaanning
Officer: Laura Hamlyn 292205
Approved on 27/04/16 DELEGATED

BH2016/00433**Sussex County Cricket Club Eaton Road Hove**

Application for variation of condition 10 of application BH2014/03701 (Erection of single storey buildings and conversion of existing kiosk to create 6no office units (B1) in North-East corner of ground) to permit use of the buildings for education (D1).

Applicant: Highbury College
Officer: Wayne Nee 292132
Approved on 06/05/16 DELEGATED

BH2016/00539**40 Osmond Road Hove**

Erection of a single storey rear extension.

Applicant: Mr Stuart Brumhill
Officer: Joanne Doyle 292198
Approved on 21/04/16 DELEGATED

BH2016/00564**The Clinical Centre of Chinese Medicine 98 The Drive Hove**

Erection of single storey front/side extension to replace existing single storey extension and staircase. First floor flat roof partially removed and rooflight over stair removed and replaced with glazed stair atrium to side/rear with associated alterations.

Applicant: Mr Mazin & Mrs Pia Al-Khafaji
Officer: Mark Dennett 292321
Approved on 22/04/16 DELEGATED

BH2016/00670**108 Goldstone Road Hove**

Report from 21/04/2016 to 11/05/2016

Application for Approval of Details Reserved by Conditions 6 and 7 of application BH2013/02064.

Applicant: Mr Thomas Kozdon
Officer: Helen Hobbs 293335
Approved on 28/04/16 DELEGATED

BH2016/00700**Flat 3 17 Cromwell Road Hove**

Installation of downpipe and ventilation grille to side and re-instatement of window to rear.

Applicant: Mr Robert Gilbert
Officer: Ryan OSullivan 290480
Approved on 11/05/16 DELEGATED

BH2016/00701**Flat 3 17 Cromwell Road Hove**

Internal alterations to layout and installation of downpipe and ventilation grille to side and re-instatement of window to rear.

Applicant: Mr Robert Gilbert
Officer: Ryan OSullivan 290480
Approved on 11/05/16 DELEGATED

BH2016/00710**Dubarry House Hove Park Villas Hove**

Prior approval for change of use from offices (B1) to 2no two bedroom flats. (C3)

Applicant: Mr Paul Johnston
Officer: Stewart Glassar 292153
Prior Approval is required and is approved on 26/04/16 DELEGATED

BH2016/00745**Flat 4 57 Palmeira Avenue Hove**

Erection of single storey rear extension.

Applicant: Mr Michael Morley
Officer: Laura Hamlyn 292205
Approved on 29/04/16 DELEGATED

BH2016/00758**9 Lyndhurst Road Hove**

Prior approval for change of use of ground and lower ground floor retail unit (A1) to residential (C3) to form 1no three bedroom flat, with associated alterations including replacement of shopfront with windows.

Applicant: Mr Naz Kotadia
Officer: Emily Stanbridge 292359
Prior Approval is required and is approved on 29/04/16 DELEGATED

BH2016/00850**105 Addison Road Hove**

Erection of single storey rear extension.

Applicant: Ms Halyey Whitehead
Report from 21/04/2016 to 11/05/2016

Officer: Joanne Doyle 292198

Approved on 05/05/16 DELEGATED

BH2016/00927

11 Livingstone Road Hove

Installation of rooflights to front and rear elevations (part-retrospective).

Applicant: Mr & Mrs Greg Allum

Officer: Ryan OSullivan 290480

Approved on 09/05/16 DELEGATED

BH2016/00946

5A Eaton Grove Hove

Application for Approval of Details Reserved by Condition 3 of application BH2015/04519.

Applicant: Sevenbuild Properties Ltd

Officer: Justine Latemore 292138

Approved on 26/04/16 DELEGATED

BH2016/00965

23 Chanctonbury Road Hove

Prior approval for the erection of a single storey rear extension, which would extend beyond the rear wall of the original house by 6m, for which the maximum height would be 3m, and for which the height of the eaves would be 3m.

Applicant: Ms Catherine Jennings

Officer: Allison Palmer 290493

Prior approval not required on 21/04/16 DELEGATED

BH2016/01046

25 Bigwood Avenue Hove

Prior approval for a single storey rear extension, which would extend beyond the rear wall of the original house by 4.9m, for which the maximum height would be 3.6m, and for which the height of the eaves would be 2.8m.

Applicant: Mr Bruce Phillips

Officer: Molly McLean 292097

Prior Approval is required and is refused on 27/04/16 DELEGATED

BH2016/01058

46 Wilbury Avenue Hove

Prior approval for a single storey rear extension, which would extend beyond the rear wall of the original house by 4.325m, for which the maximum height would be 2.8m, and for which the height of the eaves would be 2.8m.

Applicant: Mr Robert Leggatt

Officer: Allison Palmer 290493

Prior approval not required on 05/05/16 DELEGATED

BH2016/01060

33 Silverdale Road Hove

Prior approval for the erection of a single storey rear extension, which would extend beyond the rear wall of the original house by 3.910m, for which the Report from 21/04/2016 to 11/05/2016

maximum height would be 3.100m, and for which the height of the eaves would be 2.850m.

Applicant: Miss N Khan

Officer: Charlotte Bush 292193

Prior approval not required on 04/05/16 DELEGATED

BH2016/01086

25 Chanctonbury Road Hove

Prior approval for a single storey rear extension, which would extend beyond the rear wall of the original house by 6m, for which the maximum height would be 3.5m, and for which the height of the eaves would be 3m.

Applicant: Mr T White

Officer: Ross O'Ceallaigh 293817

Prior approval not required on 27/04/16 DELEGATED

HANGLETON & KNOLL

BH2016/00112

30 Meadway Crescent Hove

Demolition of rear extension and conservatory and erection of non single storey rear extension with hipped roof. Insertion of 5no. rooflights and associated alterations.

Applicant: Mrs Valerie Whittington

Officer: Laura Hamlyn 292205

Approved on 21/04/16 DELEGATED

BH2016/00441

372 Old Shoreham Road Hove

Change of use of ground floor take-away (A5) to two bedroom flat (C3) incorporating single storey rear extension and associated alterations.

Applicant: Mr Wenyi Huang

Officer: Sonia Gillam 292265

Refused on 21/04/16 DELEGATED

BH2016/00696

Goldstone Primary School Laburnum Avenue Hove

Installation of canopy to playground.

Applicant: Goldstone Primary School

Officer: Stewart Glassar 292153

Approved on 05/05/16 DELEGATED

BH2016/00709

41 Meadway Crescent Hove

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

Applicant: Mario Colaco

Officer: Ross O'Ceallaigh 293817

Approved on 29/04/16 DELEGATED

Report from 21/04/2016 to 11/05/2016

BH2016/00739**30 Hangleton Close Hove**

Demolition of existing garage and erection of single storey rear and side extension including rooflight.

Applicant: Mrs Kirsten Mason

Officer: Laura Hamlyn 292205

Approved on 06/05/16 DELEGATED

BH2016/00787**207 Nevill Avenue Hove**

Prior approval for a single storey rear extension, which would extend beyond the rear wall of the original house by 4.1m, for which the maximum height would be 3.75m, and for which the height of the eaves would be 2.5m.

Applicant: Mr & Mrs Kohls

Officer: Charlotte Bush 292193

Prior approval not required on 09/05/16 DELEGATED

BH2016/00968**4 Windmill Close Hove**

Erection of single storey rear extension, alterations to existing roof incorporating hip to gable extension to rear and insertion of 3no rooflights and other associated works.

Applicant: Mr Adam Ingleby

Officer: Laura Hamlyn 292205

Approved on 29/04/16 DELEGATED

NORTH PORTSLADE**BH2015/03881****Bestwood Works Drove Road Portslade**

Replacement of concrete and clay roof tiles with corrugated sheet metal.

Applicant: Mr Catchpole

Officer: Justine Latemore 292138

Approved on 03/05/16 DELEGATED

BH2016/00947**69 Drove Crescent Portslade**

Erection of single storey rear extension.

Applicant: Mr & Mrs M Almeida

Officer: Luke Austin 294495

Approved on 04/05/16 DELEGATED

BH2016/01094**46 Sheppard Way Portslade**

Prior approval for the erection of a single storey rear extension, which would extend beyond the rear wall of the original house by 4m, for which the maximum height would be 4m, and for which the height of the eaves would be 3m.

Report from 21/04/2016 to 11/05/2016

Applicant: Mr Tony O'Neil & Ms Sarah Hitchman
Officer: Molly McLean 292097
Prior approval not required on 04/05/16 DELEGATED

SOUTH PORTSLADE**BH2016/00432****119 Dean Gardens Portslade**

Hip to gable roof extension with creation of 2no side dormers

Applicant: Mr Ross Garwood
Officer: Molly McLean 292097
Refused on 28/04/16 DELEGATED

BH2016/00595**17 Bampfield Street Portslade**

Certificate of Lawfulness for existing use of property as a Sui Generis mixed use of retail (A1) and light industrial (B1).

Applicant: Shoulders of Shoreham
Officer: Stewart Glassar 292153
Approved on 27/04/16 DELEGATED

BH2016/00667**291 Old Shoreham Road Portslade**

Installation of sliding doors in enlarged opening to rear and rooflight to existing upper ground floor terrace.

Applicant: Mr James Follows
Officer: Molly McLean 292097
Approved on 25/04/16 DELEGATED

BH2016/00948**93 Vale Avenue Brighton**

Erection of first floor rear extension with associated roof extensions.

Applicant: Mrs A Doyle
Officer: Luke Austin 294495
Refused on 27/04/16 DELEGATED

HOVE PARK**BH2015/03585****The Pavilion Tea House Park View Road Hove**

Erection of single storey extension.

Applicant: Hove Park Cafe Ltd
Officer: Laura Hamlyn 292205
Approved on 22/04/16 DELEGATED

BH2015/03876**2 The Conifers Tongdean Avenue Hove**

Report from 21/04/2016 to 11/05/2016

Demolition of existing house and erection of 2no dwelling houses (C3) and garages.

Applicant: Ms N Mutawa

Officer: Maria Seale 292175

Refused on 26/04/16 DELEGATED

BH2015/04563

20 Tongdean Avenue Hove

Demolition of existing house (C3) and erection of 1no five bedroom house (C3).

Applicant: Mr & Mrs Coleman

Officer: Emily Stanbridge 292359

Refused on 03/05/16 COMMITTEE

BH2015/04579

31 Old Shoreham Road Hove

Application for variation and removal of conditions of application BH2013/00588 (Demolition of existing house and erection of 6no bedroom detached dwelling). Variation of condition 2 to allow amendments to the approved drawings and removal of condition 14 that requires a Code for Sustainable Homes rating of level 4 to be achieved.

Applicant: Mr James Heath

Officer: Emily Stanbridge 292359

Approved on 25/04/16 DELEGATED

BH2016/00032

184-186 Old Shoreham Road Hove

Enlargement of existing mezzanine floor and alterations to front entrance.

Applicant: Barker and Stonehouse

Officer: Justine Latemore 292138

Approved on 06/05/16 DELEGATED

BH2016/00293

3 Greyfriars Close Hove

Certificate of Lawfulness for proposed replacement of existing rear conservatory with new single storey rear extension with pitched roof and associated alterations.

Applicant: Mr Martin Hornsby

Officer: Molly McLean 292097

Approved on 25/04/16 DELEGATED

BH2016/00325

20 Benett Drive Hove

Erection of single storey side/front extension with associated roof alterations including roof extension, front dormer and rooflights to front roofslope.

Applicant: Mr T O Connor

Officer: Laura Hamlyn 292205

Refused on 03/05/16 DELEGATED

BH2016/00452

21 Hill Brow Hove

Report from 21/04/2016 to 11/05/2016

Application for Approval of Details Reserved by Conditions 6, 7 and 8 of application BH2014/04173

Applicant: Mr Leo Nugent

Officer: Joanne Doyle 292198

Split Decision on 21/04/16 DELEGATED

BH2016/00512

146 Woodland Drive Hove

Erection of rear extension at first floor level.

Applicant: Mr Robbie Raggio

Officer: Laura Hamlyn 292205

Approved on 06/05/16 DELEGATED

BH2016/00575

37 Hill Brow Hove

Remodelling of existing dwelling incorporating roof extensions and raised ridge height to enable the creation of an additional floor, installation of front and rear rooflights and rear dormer, creation of balcony to front elevation, alterations to fenestration and associated works.

Applicant: Channel Site Services

Officer: Luke Austin 294495

Approved on 29/04/16 DELEGATED

BH2016/00626

74 Nevill Road Hove

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

Applicant: Mr Joseph Pdeen

Officer: Ross O'Ceallaigh 293817

Approved on 29/04/16 DELEGATED

BH2016/00637

46 Hove Park Way Hove

Demolition of existing garage and erection of single storey rear extension, relocation of driveway and other associated alterations.

Applicant: Mr & Mrs Neil Myers

Officer: Laura Hamlyn 292205

Approved on 06/05/16 DELEGATED

BH2016/00674

75 Old Shoreham Road Hove

Temporary retention of 1no 34 metre high tower, 4no antennas and 2no equipment cabinets for a period of 9 months.

Applicant: Vodafone UK Limited

Officer: Mark Thomas 292336

Refused on 11/05/16 DELEGATED

BH2016/00794

35 Hill Brow Hove

Report from 21/04/2016 to 11/05/2016

Replacement of existing fence with new brick wall at front of property and insertion of new first floor window on north west elevation.

Applicant: Mr Sean Goodman
Officer: Justine Latemore 292138
Approved on 29/04/16 DELEGATED

BH2016/00807**317 Dyke Road Hove**

Non Material Amendment to BH2013/03802 to amend the side and rear fenestration arrangement, styles and size.

Applicant: Mr Nick Quincey
Officer: Emily Stanbridge 292359
Split Decision on 05/05/16 DELEGATED

BH2016/00849**35 Sandringham Drive Hove**

Erection of two storey side extension.

Applicant: Ms Kate Hood
Officer: Justine Latemore 292138
Approved on 04/05/16 DELEGATED

BH2016/00853**Cardinal Newman Catholic School, The Upper Drive, Hove**

1no Horse chestnut - weak unions - 20% reduction

Applicant: Mr Henry Stach
Officer: Ian Brewster 294393
Approved on 29/04/16 DELEGATED

BH2016/00894**46 Tongdean Avenue Hove**

Application for Approval of Details Reserved by conditions 4, 5, 6, 7 and 9 of application BH2015/03341.

Applicant: Mr & Mrs K Phoon
Officer: Emily Stanbridge 292359
Approved on 10/05/16 DELEGATED

BH2016/00900**3 Yorklands, Dyke Road Avenue, Hove**

Group (G1)- mature Monterey Cypress: Raise the canopies to give approximately 5m ground clearance and cut back canopies from building by approximately 1.5m to give a minimum 1m clearance from guttering.

Applicant: Mr Richard Maennling
Officer: Ian Brewster 294393
Approved on 22/04/16 DELEGATED

BH2016/00950**44 Woodland Avenue Hove**

Erection of ground floor North extension and first floor South extension.

Applicant: Mr & Mrs M McDonnell
Report from 21/04/2016 to 11/05/2016

Officer: Laura Hamlyn 292205

Approved on 09/05/16 DELEGATED

BH2016/00981

15 Mallory Road Hove

Certificate of Lawfulness for proposed loft conversion with hip to gable rear roof extension and rooflights to front and rear elevations.

Applicant: Mrs Colette McBeth

Officer: Laura Hamlyn 292205

Approved on 09/05/16 DELEGATED

BH2016/00987

74 Nevill Road Hove

Prior approval for a single storey rear extension, which would extend beyond the rear wall of the original house by 5.7m, for which the maximum height would be 3.0m, and for which the height of the eaves would be 2.75m.

Applicant: Mr Joseph Pdeen

Officer: Charlotte Bush 292193

Prior Approval is required and is refused on 26/04/16 DELEGATED

BH2016/00990

15 Mallory Road Hove

Erection of single storey rear extension.

Applicant: Mrs Colette McBeth

Officer: Laura Hamlyn 292205

Approved on 10/05/16 DELEGATED

BH2016/01039

26 Aldrington Avenue Hove

Prior approval for the erection of a single storey rear extension, which would extend beyond the rear wall of the original house by 6m, for which the maximum height would be 3.4m, and for which the height of the eaves would be 3.4m.

Applicant: Mrs Abigail Eden-Green

Officer: Ross O'Ceallaigh 293817

Prior Approval is required and is refused on 09/05/16 DELEGATED

WESTBOURNE

BH2015/04341

8 Sackville Gardens Hove

Alterations to rear of property at ground floor level including raising the conservatory height, replacement of existing roof coverings, insertion of metal flue and associated alterations.

Applicant: Mrs Aileen Beddison

Officer: Joanne Doyle 292198

Refused on 27/04/16 DELEGATED

BH2016/00419

Report from 21/04/2016 to 11/05/2016

Flat 3 80 Langdale Road Hove

Replacement UPVC windows to front elevation.

Applicant: Mr D Wilks**Officer:** Sonia Gillam 292265**Approved on 26/04/16 DELEGATED****BH2016/00459****30 Carlisle Road Hove**

Erection of single storey rear extension to replace existing extension.

Applicant: Mr Matthew Rance**Officer:** Joanne Doyle 292198**Approved on 25/04/16 DELEGATED****BH2016/00773****42 Shakespeare Street Hove**

Prior approval for the erection of a single storey rear extension, which would extend beyond the rear wall of the original house by 3.8m, for which the maximum height would be 2.8m, and for which the height of the eaves would be 2.1m.

Applicant: Mr Mark Jackson-Aish**Officer:** Allison Palmer 290493**Prior Approval is required and is refused on 22/04/16 DELEGATED****BH2016/01080****67 Cowper Street Hove**

Prior approval for the erection of a single storey rear extension, which would extend beyond the rear wall of the original house by 3.82m, for which the maximum height would be 3.39m, and for which the height of the eaves would be 2.27m.

Applicant: Benjamin Clarke**Officer:** Molly McLean 292097**Prior approval not required on 04/05/16 DELEGATED****WISH****BH2015/04188****First and Second Floor Flat 3 Marine Avenue Hove**

Creation of dormer and installation of rooflights to rear.

Applicant: Mr M Nicholas**Officer:** Molly McLean 292097**Refused on 29/04/16 DELEGATED****BH2016/00493****392 Portland Road Hove**

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

Applicant: Mr Nick Eastham**Officer:** Molly McLean 292097

Report from 21/04/2016 to 11/05/2016

Approved on 09/05/16 DELEGATED

BH2016/00494

7 Mornington Mansions New Church Road Hove

Replacement of existing window to front elevation (retrospective).

Applicant: Miss Suzanne Smith

Officer: Molly McLean 292097

Approved on 26/04/16 DELEGATED

BH2016/00679

17 Derek Avenue Hove

Erection of two storey side and rear extension

Applicant: Mr Jon Clark

Officer: Emily Stanbridge 292359

Approved on 26/04/16 DELEGATED

BH2016/00712

14 Bolsover Road Hove

Certificate of lawfulness for proposed loft conversion incorporating dormer to rear and front rooflights.

Applicant: Mr Inaki Illarramendi

Officer: Molly McLean 292097

Approved on 25/04/16 DELEGATED

BH2016/00754

5 Portland Avenue Hove

Erection of single storey rear extension. (Part retrospective)

Applicant: Coastal Management Ltd

Officer: Laura Hamlyn 292205

Approved on 26/04/16 DELEGATED

BH2016/00755

5 Portland Avenue Hove

Certificate of Lawfulness for proposed loft conversion incorporating side dormer.

Applicant: Coastal Management Ltd

Officer: Laura Hamlyn 292205

Approved on 29/04/16 DELEGATED

BH2016/00861

379 Kingsway Hove

Application for Approval of Details Reserved by Conditions 8 and 10 of Application BH2014/02767.

Applicant: High Spec. Developments Ltd

Officer: Mark Dennett 292321

Approved on 09/05/16 DELEGATED

BH2016/00886

191B Portland Road Hove

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

Report from 21/04/2016 to 11/05/2016

Applicant: Mr Paul Antenen
Officer: Sonia Gillam 292265
Approved on 29/04/16 DELEGATED

Withdrawn Applications

NONE

PLANS LIST 08 June 2016**BRIGHTON AND HOVE CITY COUNCIL****LIST OF APPLICATIONS DETERMINED BY THE HEAD OF CITY
INFRASTRUCTURE UNDER DELEGATED POWERS OR IN IMPLEMENTATION OF
A PREVIOUS COMMITTEE DECISION****PATCHAM****Application No: BH2016/01593****8 Church Hill, Brighton**

1no Lime T13 - Reduce to previously pruned height and reduce lateral spread by 1.5m. 1no Lime T14 - Reduce crown by 2m. 1no Sycamore T15 - Reduce to previously pruned height and raise to 2m above garage. 4no Elm and Sycamore CH1 - CH4 - Reduce to previously pruned points.

Applicant: Mr Kevin Rodgers

Approved on 13 May 2016

Application No: BH2016/01597**8 Church Hill, Brighton**

Fell 1no Whitebeam

Applicant: Mr Kevin Rodgers

Approved on 13 May 2016

PRESTON PARK**Application No: BH2016/01031****18 Park Mansions Stanford Avenue Brighton**

1no Sycamore T1 - reduce by 3-4m from top and 4-5m on sides 1no Sycamore T3 raise canopy by removing lowest lateral limbs 1no Sycamore T4 - Multi stemmed raise canopy by removing lowest lateral limbs. 1no Sycamore T5 raise canopy by removing lowest stem over garage.

Applicant: Mr Kevan Mclurg

Approved on 25 May 2016

Application No: BH2016/01504**18 Park Mansions Stanford Avenue Brighton**

Fell 1no Sycamore T2

Applicant: Mr Kevan Mclurg

Approved on 25 May 2016

Application No: BH2016/01582**5 Preston Park Avenue, Brighton**

Fell 1no Eucalyptus (The tree has limited public visibility and does not warrant a TPO)

Applicant: Mr Nyall Thompson
Approved on 13 May 2016

Application No: BH2016/01601
19 Preston Park Avenue, Brighton

1no Yew T1 - Reduce overhang to boundary. 1no Sycamore T2 - Reduce height and spread by 3m. 1no Elm T3 - Reduce height and spread by 2m.

Applicant: Mr G O'Flanagan
Approved on 13 May 2016

REGENCY

Application No: BH2016/01017
22 Vernon Terrace Brighton

1no -Sycamore T1- Remove leaning stem over garden

Applicant: Mr
Approved on 13 May 2016

ST. PETER'S & NORTH LAINE

Application No: BH2016/00902
47 Buckingham Road, Brighton

1no BAY TREE

SHAPE PROFILE OF CANOPY, REDUCE OVERHANG TO GARDEN.
REDUCE HEIGHT APPROX BY 3.6M

Applicant: Mr David Morgan-Jones
Approved on 29 Apr 2016

Application No: BH2016/00903
36 West Hill Street, Brighton

Fell 1no Silver Birch Tree (No public visibility)

Applicant: Mr David Morgan-Jones
Approved on 29 Apr 2016

Application No: BH2016/00939

Vantage Point, Circus Parade, New England Road, Brighton

Fell 1no Indian Bean Tree (Trunk of this tree is heavily inclined towards shop/residential units; requires constant pruning to remain a comfortable relationship to the building:- conclusion; not sustainable in the long term)

Applicant: Mr Tim Cording
Approved on 05 May 2016

Application No: BH2016/00940

Vantage Point, Circus Parade, New England Road, Brighton

3no False Acacia T5,T6,T7 - Reduce crown by 30%

Applicant: Mr Tim Cording
Refused on 05 May 2016

Application No: BH2016/01034

Communal Gardens Park Crescent Brighton

1no Sycamore T1- Remove low branch. 1no Ash T3 - Re-Pollard. 1no Holly T5 -Trim all around into conical form. 1no Sycamore T6 - Remove low trunk growth. 1no Strawberry tree T7- Remove x2 low branches. 1no Elm T9- Remove low dead branches 1no Elm T10- Remove x2 lateral branches extending towards Horsechestnut to allow more space.

1no Beech T11 -Reduce to 5m monolith.

Applicant: Mr Ben Macdonald

Approved on 13 May 2016

Application No: BH2016/01575**Communal Gardens Park Crescent Brighton**

Fell 2no Sycamore T2. Fell 3no Elm T4. Fell 1no Holly T8. (The 6no small trees to be felled are of poor form and constitute good arboricultural practice)

Applicant: Mr Ben Macdonald

Approved on 13 May 2016

Application No: BH2016/01802**7A Wykeham Terrace, Brighton**

1no Malus T1 - prune by a maximum of 30%

Applicant: Mr B McWalter

Approved on 25 May 2016

WITHDEAN**Application No: BH2016/00901****Holly Close, Varndean Drive, Brighton**

1no Western Red Cedar T149 - Reduce the canopy in height by up to 3m from 15m to 12m. Raise the canopy to give 1.5m ground clearance.

Applicant: Mr Terry Sinclair

Approved on 29 Apr 2016

Application No: BH2016/00971**66 Surrenden Road, Brighton**

1no Elm T1 - Reduce/thin crown of Elm back to where previous remedial works were undertaken. 1no Sycamore T2 - reduce and reshape by 30%. 2no Acer T4 & T6 - Repollard.

Applicant: Mr Barney Coleman

Approved on 13 May 2016

Application No: BH2016/00974**66 Surrenden Road, Brighton**

Fell 1no Willow T3. Fell 2no Acer T5 & T7.

Applicant: Mr Barney Coleman

Approved on 13 May 2016

Application No: BH2016/01139

39 Tongdean Lane Brighton

Fell 2no Beech T1 & T3

Applicant: Mrs Emma Fulkes

Refused on 13 May 2016

Application No: BH2016/01308**Leahurst Court, Leahurst Court Road, Brighton**

Fell 1no Oak, 1no Sycamore, 2no Ash and 2no Holm Oak

Applicant: Ms Lesley Baker

Approved on 29 Apr 2016

Application No: BH2016/01324**7 Varndean Road, Brighton**

Fell 1no Monterey Cypress

Applicant: Mr D Archer

Approved on 29 Apr 2016

Application No: BH2016/01495**27 Clermont Terrace Brighton**

T1 - Yew - Lateral prune away from Church and house by 1.5m

T2 - Bay - Reduce to 2.5m

T3 - Holly - Lateral Prune away from Church by 1.5m

T4 & T5 - Horse Chestnuts - Reduce to previous pollard points

T6, T7 & T8 - Sycamores - Reduce to previous pollard points

Applicant: Mr Malcolm Prescott

Approved on 25 May 2016

Application No: BH2016/01569**39 Tongdean Lane Brighton**

1no Beech T2 - Reduce to 2-3m above decay

Applicant: Mrs Emma Fulkes

Approved on 18 May 2016

EAST BRIGHTON**Application No: BH2016/00508****Belle Vue Court Belle Vue Gardens, Brighton**

3no Sycamores T1, T2, T3. Reduce height from approx. 13 - 8m, and radial branch spread from approx. 7 to 5m.

Applicant: Mr James Parsons

Approved on 13 May 2016

HANOVER & ELM GROVE**Application No: BH2016/00748****Downs Crematorium Bear Road Brighton**

Fell 2no Holly

Applicant: Mr Paul Young

Approved on 29 Apr 2016

Application No: BH2016/01137

Downs Crematorium Bear Road Brighton

1no Red chestnut T1- Prune back all overhang to private garden to boundary or suitable growth points.

1no Elm T2 - Prune back overhang by approx. 3m and blend in .1no

Lime T3- Prune back all overhang to private garden to boundary or

suitable growth points.1no Sycamore T4 - Remove Ivy clad stem over private garden.

Applicant: Mrs Janet Bonwick

Approved on 13 May 2016

Application No: BH2016/01305**Downs Crematorium Bear Road Brighton**

1no group Sycamores - Remove leaning stem touching wall. Prune back 2nd stem over garden to previous points.

Applicant: Mr Paul Young

Approved on 29 Apr 2016

QUEEN'S PARK**Application No: BH2016/01500****3 South Avenue, Brighton**

1no Holly - Prune back face side by 0.5m. 1no Bramley - Reduce and reshape by 1 to 2m. 1no Pear - Lightly shape by no more than 0.5m.

1no Sycamore - Crown raise secondary branches over pergola by no more than 1.5m. 1no Cherry - Prune small growths back to main stem by no more than 0.25m.

Applicant: Rob Stevens

Approved on 18 May 2016

Application No: BH2016/01612**13 West Drive, Brighton**

Fell 1no Ash (Tree has no public visibility)

Applicant: Prof E Yeo

Approved on 13 May 2016

BRUNSWICK AND ADELAIDE**Application No: BH2016/00963****114 Lansdowne Place Hove**

1no Lime T1 reduce by 4 meters to previous pollard points

Applicant: Mr Michael Cain

Approved on 29 Apr 2016

Application No: BH2016/01429**64 Brunswick Place, Hove**

2no Elm Reduce height and spread by up to 3m, shaping and balancing the remaining crown accordingly. Reduce lower epicormic growth.

Applicant: Mr G O'Flanagan

Approved on 13 May 2016

Application No: BH2016/01499

51 York Road, Hove

1no Sycamore T1 - Reduce height down by 2.5m to previous pruning points, shape in remaining crown accordingly. 1no Sycamore T2 - Reduce height and spread by 2.5m. 1no Sycamore T3 - Reduce the height by by a maximum of 2.5m and the spread by 1.5m. 1no Portuguese Laurel T4 - Reduce back lower growth.

Applicant: Alice Wilsdon

Approved on 13 May 2016

CENTRAL HOVE

Application No: BH2016/01138

85 Church Road Hove

1no Sycamore T1 - Reduce entire tree by 2-3m.

Applicant: Mr jeremy hatch

Approved on 13 May 2016

Application No: BH2016/01398

Arundel House, 22 The Drive, Hove

4no Elm 30% Crown reduction of height and width.

Applicant: Mr W Paternoster

Approved on 29 Apr 2016

GOLDSMID

Application No: BH2016/01154

Champions Row, Wilbury Avenue, Hove

3no Elm Front gardens of no's 2, 3, 4 - reduce by 2-3m. 1no Elm Front garden of no 5 - Reduce by 4-5m. 1no Elm Front garden no 8 - Reduce height by 4-5m and sides by 2-3m.

Applicant: J Hatch

Refused on 29 Apr 2016

SOUTH PORTSLADE

Application No: BH2016/01148

Loxdale Centre, Loxdale, Locks Hill, Portslade

1no Holm Oak Reduce crown by 2m throughout - LC1. 1no Cherry Remove first lateral limb - LC5. 1no group variuos Crown raise entire group to approx 5m LC16.

Applicant: Mr Kevin Rodgers

Approved on 25 May 2016

Application No: BH2016/01152

Loxdale Centre, Loxdale, Locks Hill, Portslade

Fell 1no Elm

Applicant: Mr Kevin Rodgers

Refused on 25 May 2016

Application No: BH2016/01605

Loxdale, Locks Hill, Portslade

Fell 1no Acacia

Applicant: Mr T Jennings

Approved on 13 May 2016

HOVE PARK**Application No: BH2016/00855****Cardinal Newman Catholic School, The Upper Drive, Hove**

4no Malus and Ash -

dead wood and crown raise

Applicant: Mr Henry Stach

Approved on 29 Apr 2016

Application No: BH2016/00856**Cardinal Newman Catholic School, The Upper Drive, Hove**

1no Sycamore

remove limb that is overhanging tennis courts

Applicant: Mr Henry Stach

Approved on 29 Apr 2016

Application No: BH2016/01315**8 Elm Close, Hove**

1no Elm T1 - Reduce crown by a maximum of 2m and uplift to 3m. 1no

Em T2 - Reduce crown by a maximum of 1.5m and uplift to 3m. 1no Em

T3 - Reduce crown by a maximum of 1m and uplift to 3m. 1no Elm T5

- Uplift to 3m. 1no Elm T6 - Reduce crown by a maximum of 1.5m and

uplift to 3m. 1no Beech T7 - Reduce by a maximum of 1.5m to shape.

1no Sycamore T8 - Reduce crown by a maximum 1.5m. 4no Sycamore G9

- Reduce crowns by a maximum of 2m. 2no Sycamore G10 - Reduce

crowns by a maximum of 2m. 2no Sycamores T11 & T12 - Reduce crowns

by a maximum of 2m. 1no Elm T13 - Reduce crown by a maximum of

1.5m.

Applicant: Mr D Holder

Approved on 29 Apr 2016

WESTBOURNE**Application No: BH2016/01716****26 Hove Street, Hove**

1no Holm Oak T1 - Cut to owners boundary approx 4ft max.

Applicant: Mr N Thompson

Approved on 25 May 2016

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

BH2015/04040

96 The Ridgway Brighton

Demolition of existing garage and conservatory to rear, and erection of single storey rear extension, roof extension incorporating 6no. dormers and rooflight, revised fenestration and associated alterations.

APPEAL LODGED

21/04/2016

Delegated

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

BH2015/04318

21 Warren Avenue Brighton

Erection of single storey rear extension.,

APPEAL LODGED

26/04/2016

Delegated

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

BH2015/04273

Land rear of 1-45 Wanderdown Road

Ovingdean Brighton

Outline application with some matters reserved for 9 detached houses and access with maintenance and protection of the existing chalk grassland meadow to the north.

APPEAL LODGED

04/05/2016

WARD**APPEAL APP NUMBER****ADDRESS****DEVELOPMENT DESCRIPTION****HOLLINGDEAN & STANMER**

BH2015/04691

11 Nanson Road Brighton

Change of use from small house in multiple occupation (C4) to seven bedroom house in multiple occupation (Sui Generis).(retrospective).

<u>APPEAL STATUS</u>	APPEAL LODGED
<u>APPEAL RECEIVED DATE</u>	10/05/2016
<u>APPLICATION DECISION LEVEL</u>	Delegated

<u>WARD</u>	HOVE PARK
<u>APPEAL APP NUMBER</u>	BH2015/03809
<u>ADDRESS</u>	14 Tongdean Road Hove
<u>DEVELOPMENT DESCRIPTION</u>	Demolition of existing dwelling and erection of 1no three storey, 5 bedroom detached house with basement (C3).
<u>APPEAL STATUS</u>	APPEAL LODGED
<u>APPEAL RECEIVED DATE</u>	10/05/2016
<u>APPLICATION DECISION LEVEL</u>	Delegated



**Brighton & Hove
City Council**

INFORMATION ON HEARINGS / PUBLIC INQUIRIES
08th June 2016

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

Planning application no:	BH2015/04273
Description:	Public Inquiry
Decision:	
Type of appeal:	Public Inquiry Non Determination
Date:	Inquiry - tbc
Location:	Wanderdown Road , Ovingdean, East Sussex BN2 7AB

Planning application no:	BH2014/03394
Description:	Public Inquiry
Decision:	
Type of appeal:	Public Inquiry Against Refusal
Date:	Inquiry - tbc
Location:	Land adjacent 6 Falmer Avenue Saltdean

Planning application no:	BH2013/0323
Description:	Public Inquiry
Decision:	
Type of appeal:	Public Inquiry Against Enforcement
Date:	Inquiry - tbc
Location:	34 Freshfield Road

APPEAL DECISIONS

	Page
A – 146 ISLINGWORD ROAD, BRIGHTON – HANOVER & ELM GROVE	189

Application BH2015/02270 – Appeal against refusal to grant planning permission for for the development of land without complying with conditions subject to which a previous planning permission was granted. **APPEAL ALLOWED** (delegated decision)

B – AUDLEY HOUSE, HOVE STREET, HOVE – CENTRAL HOVE	193
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Application BH2015/00860 – Appeal against refusal to grant planning permission for a new two bed detached dwelling and car park alterations to vacant space to the south of Audley House. **APPEAL DISMISSED** (delegated decision)

C – UNIGLOBE PREFERRED TRAVEL, 11 SOUTH ROAD, BRIGHTON - WITHDEAN	199
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Application BH2015/01281 – Appeal against refusal to grant planning permission for the change of use of first floor offices B1 (a) to one 1 bedroom apartment and one studio flat. **APPEAL DISMISSED** (delegated decision)

D – 52 BARCOMBE ROAD, BRIGHTON – MOULSECOOMB & BEVENDEAN	203
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Application BH2015/02683 – Appeal against refusal to grant planning permission for change of use of a small house in multiple occupation (C4) to a large house in multiple occupation (sui generis). **APPEAL DISMISSED** (delegated decision)

E – 8 HIGHFIELD CRESCENT, BRIGHTON – PATCHAM	207
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Application BH2015/03821 – Appeal against refusal to grant planning permission for a rear ground floor extension. **APPEAL ALLOWED** (delegated decision)

F – 165 COWLEY DRIVE, WOODINGDEAN, BRIGHTON – WOODINGDEAN	209
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Application BH2015/02277 – Appeal against refusal to grant planning permission for a two storey side extension to the existing dwellinghouse to facilitate a ground floor disabled bedroom & en-suite accommodation. **APPEAL DISMISSED** (delegated decision)

G – 115 PRESTON DROVE, BRIGHTON – PRESTON PARK 211

Application BH2015/02992 – Appeal against refusal to grant planning permission for a single storey rear extension to the side of the rear outrigger and a roof conversion with rear dormers and front rooflights. **APPEAL DISMISSED** (delegated decision)

H – 17 OLD FARM ROAD, BRIGHTON – PATCHAM 213

Application BH2015/03331 – Appeal against refusal to grant planning permission for Resubmission of application for roof terrace with metal railings and other associated works. **APPEAL ALLOWED** (delegated decision)



Appeal Decision

Site visit made on 14 March 2016

by Megan Thomas BA(Hons) in Law, Barrister

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

Decision date: 22 April 2016

Appeal Ref: APP/Q1445/W/15/3139732 146 Islingword Road, Brighton BN2 9SH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Mr Nigel Hughes against the decision of Brighton & Hove City Council.
 - The application Ref BH2015/02270, dated 20 June 2015, was refused by notice dated 5 November 2015.
 - The application sought planning permission for the demolition of a single storey commercial building and its replacement with a domestic dwelling house without complying with a condition attached to planning permission Ref BH2013/03755, dated 28 January 2015.
 - The condition in dispute is no.2 which states that: The development hereby permitted shall be carried out in accordance with the following approved plans: site location plan; 2227/13/01A; 2227/13/02A; and 2227/13/03A.
 - The reason given for the condition is: In the interests of good planning and to ensure a high standard of design.
-

Decision

1. The appeal is allowed and planning permission is granted for the demolition of a single storey commercial building and its replacement with a domestic dwelling house at 146 Islingword Road, Brighton BN2 9SH in accordance with the application Ref BH2015/02270, dated 20 June 2015, without compliance with condition numbers 1 and 2 previously imposed on planning permission Ref BH2013/03755 dated 28 January 2015 but subject to the other conditions imposed therein, so far as the same are still subsisting and capable of taking effect and subject to the following new conditions:
 - 1) The development hereby permitted shall begin not later than 28 January 2018.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: site location plan; 2227/13/01B; 2227/13/02B & 2227/13/03B.
 - 3) The roof area of the building hereby permitted shall not be used as a balcony, roof garden or similar amenity area without the grant of further specific permission from the local planning authority.
-

Procedural Matters

2. The appellant obtained planning permission on appeal for the demolition of a single storey commercial building and its replacement with a domestic dwelling house. The appeal decision was dated 28 January 2015. The permitted scheme included a pitched roof and a condition was attached to the planning permission which tied the development to the submitted plans.
3. The appellant seeks to build a similar scheme but with a flat roof behind a parapet wall and seeks to substitute new plans in the relevant condition. The proposed new plans are numbered as follows: 2227/13/01B; 2227/13/02B & 2227/13/03B.

Main Issue

4. The appeal site is within the Valley Gardens Conservation Area. The main issue in the appeal is whether the proposal would preserve or enhance the character or appearance of the Valley Gardens Conservation Area and its effect on the setting of the nearby listed buildings.

Reasons

5. The appeal site is a small parcel of land occupied by a single storey flat-roofed building which was once used for commercial purposes. It is currently vacant. It is situated on a gradient on the corner of Islingword Road and Hanover Mews. To its north west there is an electricity substation and then a small private parking area for the Percy and Wagner almshouses. The almshouses were built in about 1795 in an early but modest Gothic revival style. They are listed as grade II buildings and are rather different in scale and style to the buildings around them.
6. The Valley Gardens area lies immediately to the east of the Old Town and was not built to any planned layout nor in a common architectural style. The Conservation Area is made up of different terraces or groups of buildings as well as several larger individual buildings. It is linked by a large swathe of mainly public gardens forming a green valley.
7. In coming to my decision I have borne in mind the statutory duties on me found in s.66 and s.72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
8. The resulting development would comprise a three storey house with a flat roof hidden by a deep parapet. The overall height would be in the region of 9.5m. The building would have a vertical emphasis as its profile to Islingword Road would be narrow, but it would not be overly tall or incongruous as it would be seen in the context of a higher building uphill, to its south east, and in the context of the lower almshouses, downhill.
9. There are several different roof forms in the immediate area, some hybrid flat and pitched, some pitched, some with curved or straight parapets with low pitches behind. The flat roof and parapet on the proposed building would not be out of place in the Conservation Area. Most, if not all, views of it would take in a number of other roof forms including parapets or other flat roofs.

10. Owing to the slightly lower ground on which the almshouses sit in comparison with the appeal site, the front view of the houses is dominated by the crenelated parapet punctuated by taller chimneys. At the rear the pitch of the roof of the almshouses is more prominent but it is not deep nor is it a strongly defining feature of the dwellings. Coupled with the difference in heights, I do not consider that the proposed flat roof and parapet of the appeal building would diminish the significance of the almshouses or jar with their setting.
11. I conclude therefore that the proposal would preserve the character and appearance of the Valley Gardens Conservation Area and preserve the setting of the nearby listed buildings. It would not be in conflict with policies HE3 or HE6 of the Brighton & Hove Local Plan 2005 nor with policies CP15, CP14 or CP12 of the Brighton & Hove City Plan Part One (adopted 2016).

Conditions

12. As I have allowed the appeal, a new planning permission is created by this decision letter and it has required the amendment of condition 1 to the original planning permission in order that the time period in which the planning permission must be commenced is no longer than was allowed pursuant to the original permission. Therefore, condition 1 above requires that this planning permission shall be commenced not later than 28 January 2018.
13. This planning permission is also subject to the other conditions attached to the original planning permission so far as they are still subsisting and capable of taking effect. In order to protect the privacy of nearby dwellings and notwithstanding that there would be photovoltaic panels and an air source heat pump on the flat roof behind the parapet, I have attached a condition which prohibits the use of the flat roof as an amenity area.

Conclusion

14. Having taken into account all representations made, for the reasons above I allow the appeal.

Megan Thomas

INSPECTOR

Appeal Decision

Site visit made on 9 February 2016

by Karen Radford BA (Hons), Dip Arch, Dip Arch Cons, IHBC

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

Decision date: 26 April 2016

Appeal Ref: APP/Q1445/W/15/3135402

Audley House, Hove Street, Hove, Sussex, BN3 2DE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Alex Cosgrove against the decision of Brighton & Hove City Council.
 - The application Ref BH2015/00860, dated 11 March 2015, was refused by notice dated 3 August 2015.
 - The development proposed is for a new two bed detached dwelling and car park alterations to vacant space to the south of Audley House.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have given consideration to the recently adopted City Plan Part One and note that following the adoption of it on 24 March 2016, the development plan for the City changed and some but not all, of the Brighton & Hove Local Plan 2005 policies were removed and superseded by new policies.
 3. Furthermore, I note that the City Plan Part One along with the retained Local Plan Policies form part of the Development Plan for Brighton & Hove, and the retained Local Plan policies will continue to apply until replaced by the City Plan Part Two Development Plan Document at some future date.
 4. In the case of this appeal, former Local Plan Policies QD1, QD2 and QD3 have all now been replaced with Policy CP12 (entitled Urban Design) of the City Plan Part One, whilst in addition former Policy QD3 has been replaced by Policies CP8 (Sustainable Buildings) and CP14 (Housing Density) of the City Plan Part One.
 5. However, Local Plan Policies HE6, HE10 and QD27 have all been retained. I have given full weight to the Policies in the City Plan Part One and to the retained policies.
 6. I have noted a number of minor inconsistencies between the submitted drawings. In particular, the exact location of the proposed building varies slightly in relation to the existing boundary wall which runs east to west, and the exact location of the two existing masonry piers to Audley House also varies. However, notwithstanding these anomalies, I acknowledge that the
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Council consider the proposed building would be located 4.5 metres away from the north elevation of Hove Manor and I have considered the appeal on this basis.

Main Issues

7. The main issues of the appeal are the effect of the proposed development on :
- heritage assets;
 - the living conditions of the existing occupants of adjacent properties in respect of outlook, and sense of enclosure; and
 - the living conditions of future occupants of the development in respect of private amenity space, and the proximity of the existing car parking area.

Reasons

Heritage assets

8. The appeal site is located in an existing access driveway and parking area to Vallence Court, and is between Audley House and Hove Manor. It is within the Old Hove Conservation Area, which is a designated heritage asset. The adjoining Audley House, is also locally listed and is therefore a non-designated heritage asset.
9. The proposed development would be the erection of a detached three-storey two bedroom dwelling with a pitched roof, having a gable end on the front elevation with recessed external balconies at first and second floor levels. The building would fill the width of the fairly narrow plot, would be positioned close to the back edge of pavement and would not make provision for a private garden area.
10. In respect of the appeal site being in a Conservation Area, under section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, I am required to give special attention to the desirability of preserving or enhancing the character or appearance of that area. Paragraph 132 of the National Planning Policy Framework (the Framework), anticipates, amongst other things, that great weight shall be given to the conservation of designated heritage assets. Further, paragraph 135 of the Framework sets out that "*the effects of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing application that affect directly or indirectly non designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset*".
11. The surrounding area is mixed in terms of architectural styles, age of buildings and building uses. Immediately behind the site is Vallence Court a residential development, to the south is Hove Manor a block of flats with a retail and commercial parade at street level and Audley and Regent House dating from the 1920's, are to the north.
12. Audley House is a large building which was originally constructed as a purpose built fire station. It has since been converted to residential and office accommodation. It is a neo-classical architectural design with an almost symmetrical front elevation. Although it has been converted to another use, its

- front elevation has retained the integrity of the original design with a commanding attractive visual street presence.
13. Hove Manor, a 1930s six-storey block of flats is positioned immediately to the south of the appeal site and is a large development both in terms of height and footprint. On its north elevation facing the appeal site, there are some balconies, a ground floor entrance door and windows to habitable rooms. Despite its age this building has been relatively unaltered, retaining much of its original architectural quality and to my mind is a positive building within the street.
 14. The appeal site being located between these two large buildings is a very important gap in the street scene. This space allows views of the side elevations of these large buildings and also oblique views of the area behind them, including some trees in the rear gardens of properties in the next street being visible and together with views of Vallenge Court.
 15. The proposed house would erode this space, and as a result would harm the spatial settings of both Audley House and Hove Manor and obscure the longer distant views of the rear gardens and Vallenge Court.
 16. In addition, the development on the narrow plot would appear cramped and the proposed vertical proportions, gable roof form and balcony features on the front elevation together with the external materials and finishes would all combine to make the building very visually prominent.
 17. The appellant states that the proposed development relates well to the density of the surrounding area and strikes the right balance between making efficient use of the site and respecting the existing context. However I disagree with this, because whilst the density of the immediate area is one of large buildings (i.e. Audley House and Hove Manor) of high density, these buildings do have some space around them and between them, and the proposed development would erode that existing spacial context thus increasing the existing density.
 18. In particular the proposal would be visually challenging to Audley House which is in close proximity, thus detracting from it. To my mind this would result unbalancing the visual symmetry of the front elevation of Audley House, which contributes to its significance. Furthermore, the scale, proportions, general design and siting of the new building on the plot would not relate well to the other detached or semi-detached houses in the area. These factors would result in the development being incongruous, visually discordant and generally a poor design. Therefore, the development would harm the setting and significance of Audley House, and would fail to preserve or enhance the character or appearance of the Conservation Area and therefore not comply with section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, and would not comply with paragraphs 132 and 135 of the Framework. I consider that the proposal could cause less than substantial harm to the Conservation Area as a whole, given its nature. However, the public benefits of one dwelling would not be sufficient to outweigh this harm.
 19. Also, the development would not be in accordance with Policies CP12, and CP14 of the adopted City Plan Part One, which seek, amongst other things, to ensure new development is of a high standard of design, respects the sense of place and diverse character of the neighbourhood. Neither would the development be in accordance with retained Policies HE6, and HE10 of the Brighton and

Hove Local Plan, which seek, amongst other things, to ensure new development is of a high standard of design, takes into account the design of existing buildings and the spaces between buildings, preserves or enhances the character or appearance of the conservation area, and is of a high standard of design which is compatible with the locally listed building (i.e. Audley House).

Living conditions of the existing occupants of adjacent properties

20. There are bedroom, kitchen and bathroom windows at first and second floor levels in the north flank elevation of Hove Manor and the development would be 4.5 metres away from this elevation and some of these windows.
21. Given that the development would be on the north side of these windows, there would not be a loss of sunlight, and the proposed pitched roof to the development would not result in an unacceptable loss of daylight to these windows. However, due to the close proximity of the development and its height, the outlook from some of these windows, in particular the bedroom windows would be affected. This would result in the residents of the affected flats having their living conditions harmed by an increased sense of enclosure and the visually overbearing impact.
22. I acknowledge that the appellant considers that the windows in the side elevation of the neighbouring building are secondary windows or windows serving bathrooms and as such as less sensitive. However, the Council's Officer report states and two residents of Hove Manor also comment, that the windows in the north elevation are bedroom windows and secondary living room windows as well as non-habitable room windows serving bathrooms and kitchens. Consequently, I have given little weight to the appellant's comments that these windows are less sensitive.
23. Therefore, the development would not be in accordance with retained Policy QD27 of the Brighton and Hove Local Plan, which seeks, amongst other things, to ensure new development would not cause a loss of amenity to adjacent residents.

The living conditions of future occupants

24. The bedrooms in the development would be located on the ground floor in a prominent position in relation to the street, pedestrians, vehicles and the existing car park area. These bedroom windows would be separated from the public space by a very small area of planting. The lack of private amenity space would result in little separation between the dwelling and passing pedestrians, causing lack of suitable privacy for the ground floor rooms. Whilst in my view, the close proximity of the existing car parking area to the proposed dwelling, would give rise to vehicle fumes, noise and light pollution from car headlights all combining to cause an unpleasant environment, and would not lead to attractive living conditions for the future occupiers.
25. In addition, the front door would open onto the communal driveway with little defensible space. Given that the existing parking area serves both office and residential accommodation, it is likely to be continually busy throughout a prolonged period. Consequently, I consider that the proposed development would provide an unacceptable living environment for the future occupiers of the proposed dwelling, regarding the lack of defensible space and lack of private amenity space.

26. I acknowledge that the internal floor area of the development would be in line with the Government standards, and I accept that not all residents want a garden.
27. However, my findings regarding the lack of private amenity space outweigh these other living condition considerations such as meeting the minimum floor space standards and not all residents wanting a garden; and in light of this the development would conflict with retained Policy QD27 of the Brighton and Hove Local Plan, which seeks, amongst other things, to ensure new development would not cause a loss of amenity to future occupiers.

Other Matters

28. The Council have acknowledged that they cannot currently demonstrate a five year housing land supply, and in light of this the appellant points to paragraph 49 of the Framework. This sets out that relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites. In such circumstances, paragraph 14 of the Framework advises that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

Conclusion

29. I have found that the proposal would result in a poor form of development which would not preserve or enhance the character or appearance of the Old Hove Conservation Area, would cause harm to the setting of and significance of Audley House, cause harm to the living conditions of the existing residents of the adjacent property Hove Manor, and would not provide adequate living conditions for the future residents of the new development. Although the net gain of an additional dwelling unit counts in its favour, this along with any other benefits individually or in combination, are significantly and demonstrably outweighed by the totality of the identified harm. The proposal does not therefore constitute sustainable development, when considered against the Framework as a whole.
30. For the reason given above, and taking all other matters into consideration, including the submissions of nearby residents, I conclude that the appeal should be dismissed.

Karen Radford

INSPECTOR



Appeal Decision

Site visit made on 24 March 2016

by Philip Willmer BSc Dip Arch RIBA

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

Decision date: 27 April 2016

Appeal Ref: APP/Q1445/W/15/3140266

Uniglobe Preferred Travel, 11 South Road, Brighton, East Sussex, BN1 6SB.

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Uniglobe Preferred Travel (Mr J Burroughes) against the decision of Brighton and Hove City Council.
 - The application Ref BH2015/01281, dated 10 April 2015, was refused by notice dated 24 June 2015.
 - The development proposed is for the change of use of first floor offices B1 (a) to one 1 bedroom apartment and one studio flat.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The property the subject of this appeal, 11 South Road, is a two-storey building with attic space accommodation. It is located in the Preston Park Conservation Area and is one of a row of grade II listed buildings. It currently comprises a flat within the roof space and offices at ground and first floor level. The appellant proposes the conversion of the first floor offices to a one bedroom apartment and self-contained studio flat for which listed building consent was granted by the Council Ref: BH2015/01282 on the 24 June 2015. The ground floor offices along with the flat in the roof space would be retained.
3. In addition the appeal site is located in a Conservation Area and therefore I am required to take account of section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended. However, the external alterations proposed are de minimis and there is no dispute between the parties in respect of this consideration. I shall therefore confine my deliberations only to the proposed change of use.
4. The Council adopted the Brighton and Hove City Council's Development Plan – *Brighton and Hove City Plan Part One* on the 24 March 2016 (CP Pt.1). The Council has confirmed, and the appellant acknowledged, that it is able to demonstrate a 5-year housing land supply. I have noted from the Inspector's report that there were some weaknesses in the plan in this respect but that she has afforded the Council the opportunity to address these in its subsequent documents. Nevertheless, on the basis of the Inspector's findings and in accordance with the advice in the National Planning Policy Framework (the Framework), I consider that the relevant policies for the supply of housing should be considered up-to-date in this case.

5. Further, I have been advised by the Council of the up to date position with regard to policies that have been replaced as a result of the adoption of the CP Pt.1, and will determine the appeal on that basis.

Main Issue

6. I consider the main issue to be whether the proposed change of use would result in the loss of viable Class B1 premises.

Reasons

7. Policy CP3 of CP Pt.1 seeks to safeguard employment sites and premises in order to meet the needs of the city to 2030 to support job creation, the needs of modern business and the attractiveness of the city as a business location. The Council intends to achieve this through a number of measures including only permitting the loss of unallocated sites or premises in, or whose last use was, employment use (Use Classes B1–B8) where the site or premises can be demonstrated to be redundant and incapable of meeting the needs of alternative employment uses (Use Classes B1–B8). Where the loss is permitted, the priority for re-use will be for employment generating uses or housing (in accordance with CP Pt.1 Policy CP20 Affordable Housing).
8. The current users occupy both the ground and first floor office accommodation. From the appellant's evidence I understand that if the change of use of the first floor were to be allowed then the current business would remain on site with the existing staff being moved to the ground floor which, it is contended, would result in a more efficient business operation by making use of modern technology. Whilst the existing business may no longer require the first floor offices, there is no evidence before me, for example by way of active marketing, to suggest that the first floor offices are genuinely redundant for other employment uses.
9. I appreciate it is proposed that the business would be retained on the ground floor. However, the conversion of the first floor to residential would nevertheless result in the loss of part of the premises currently in employment use contrary to the aims of CP Pt.1 Policy CP3.
10. Listed building consent has been granted for the conversion to residential occupation as proposed. Nevertheless, as the building was originally designed and built for an office use, I am not persuaded that the only practicable way of preserving the special architectural or historic interest of the building would be its conversion as proposed. Further, the fact that an application for listed building consent has been found acceptable for the change of use does not necessarily mean that the continued use of the first floor as offices would cause harm to the heritage asset. There is no evidence before me to suggest that this is the case.
11. I see from the Council's evidence that the Economic Development Officer had no adverse comments with regard to the original application, stating that the commercial space is not, in his opinion, best suited for modern business requirements because of its form, layout and location away from the main business core of the city. Accordingly, the first floor offices would not be attractive to potential occupiers. However, in my experience, the first floor offices may well be likely to provide attractive accommodation to any number of small, emerging or specialist/professional business who do not necessarily wish or need to be located in the main businesses core and may be looking for attractive individual self-contained offices. Even if I am mistaken in this respect, the offices have not been marketed

and therefore their attractiveness or otherwise to potential occupiers has not been tested and cannot be objectively assessed.

12. I therefore conclude that the appellant has failed to adequately demonstrate that the existing Class B1 premises are no longer viable and are genuinely redundant. Accordingly, the proposal is contrary to CP Pt.1 Policy CP3 as it relates to the need to safeguard employment sites and premises.
13. The appeal site is within CP Pt.1 Policy Area DA4. This policy is designed to support housing development and includes a number of specific strategic sites for those houses. However, the appeal site does not lie within one of the strategic sites identified. Furthermore, the overall approach of this policy is to provide for the regeneration of the New England Quarter and London Road Area. I therefore consider that the provision of two small residential units here, even with the retention of the ground floor office, would not in my view make a significant contribution to the wider objectives of this policy.
14. The appeal site falls within an Article 4 Direction - Removal of Permitted Development Rights office to residential (dated 25 July 2014). The Council has advised that the intention of this direction is to allow it to maintain a managed approach to the loss of offices in the Article 4 Direction Area and to ensure that the existing office accommodation that is suitable and not redundant is retained to support the city's economy. Nevertheless, I have noted the appellant's evidence suggesting that there are characteristics that are particular to this site that justify a different consideration for the appeal proposal. In particular the appellant identified the character of the appeal site being a listed building separated and detached in townscape terms from the main office area consisting of multi-storey purpose built office buildings. As I concluded above, I consider the site is likely to be attractive to small or emerging businesses so there is no reason to depart from the Council's general approach to protect office developments within the area of the Article 4 direction.
15. The scheme design, while retaining an economic role for the building by reason of the ground floor offices, would provide two additional small housing units. The provision of two dwellings here, however, is not to my mind such a significant contribution to housing numbers or the wider social infrastructure of the area as to warrant the change of use as proposed.
16. In the light of the above I have decided, on balance, that there are no material considerations to indicate that a decision contrary to the development plan is applicable in this particular case.

Conclusions

17. For the reasons given above and having regard to all other matters raised, I conclude that the proposal is not in accordance with the development plan, read as a whole, and the appeal should be dismissed.

Philip Willmer

INSPECTOR

Appeal Decision

Site visit made on 15 March 2016

by Andrew Steen BA(Hons) DipTP MRTPI

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

Decision date: 29 April 2016

Appeal Ref: APP/Q1445/W/15/3139159
52 Barcombe Road, Brighton BN1 9JR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 as amended against a refusal to grant planning permission.
 - The appeal is made by Mr Oliver Dorman against the decision of Brighton & Hove City Council.
 - The application Ref BH2015/02683, dated 21 July 2015, was refused by notice dated 14 October 2015.
 - The development is described as "the change of use of a small house in multiple occupation (C4) to a large house in multiple occupation (sui generis)."
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The development has been completed and I was able to view inside the property during my visit.
3. There is some dispute as to the use of the existing building and whether the present lawful use is as a dwellinghouse under use class C3 of the Town and Country Planning (Use Classes) Order 1987 as amended or as a small house in multiple occupation under use class C4 of that Order. I understand that there is an Article 4 Direction in place that restricts changes of use such that planning permission would be required for the change of use between those use classes. The appellant asserts that the property was in use under class C4 on the date the Article 4 Direction became effective.
4. I note that evidence has been provided as to the use of the property on the relevant date. However, it is not for me, under a section 78 appeal, to determine the lawful use on the date the Article 4 Direction became effective. It is open to the appellant to apply to the Council for a separate determination under sections 191/192 of the Act regardless of the outcome of the appeal. In the absence of any such determination I consider that there is greater force in the Council's argument that the lawful use is class C3.
5. The Brighton & Hove City Plan Part One (CP) was adopted during the course of this appeal and policies within this plan supersede a number of policies contained within the Brighton & Hove Local Plan (LP). The Council provided a policy update along with copies of CP Policies that superseded LP Policies. The

appellant was given the opportunity to comment on this and I have based my decision on the current adopted policies.

Main Issues

6. The main issues in this appeal are:

- whether the development and any associated increase in noise and disturbance would undermine the provisions of the development plan aimed at providing healthy and mixed communities across the city; and
- whether the development provides adequate living conditions for occupiers of the property, having particular regard to the suitability of the internal spaces.

Reasons

Mixed and balanced community

7. As set out above, the lawful use of the property is a dwellinghouse under use class C3 and the development would result in the change of use of the property to a house in multiple occupation. It is alleged by the Council that the over-concentration of houses in multiple occupation in an area leads to increased noise and disturbance for other residents and this is the reason given for introducing the Article 4 Direction in this part of the city.
8. In order to address that issue, Policy CP21 of the CP, at section ii), restricts changes of use to houses in multiple occupation where more than 10% of dwellings within 50m of the site are in that use. In this case, the parties agree that the proposed development would result in at least 10% of dwellings within 50m of the site being houses in multiple occupation, such that the proposal is contrary to that policy.
9. I consider that the appeal scheme would result in the proliferation of houses in multiple occupation in this part of the street that would be likely to result in an unacceptable increase in noise and disturbance for neighbouring residents. This adverse effect upon the living conditions of existing residents would not lead to a healthy and mixed community in this part of the city and would be contrary to Policy CP21 which seeks to provide for a range of housing needs within the city.

Living accommodation

10. The appeal premises now comprises nine bedrooms with shared bathroom, shower room and separate toilet, along with a communal living room including kitchen.
11. Each of the bedrooms contains a double bed, small desk and small chest of drawers with some space to hang clothes. There is a limited amount of circulation space in each bedroom. The communal living room comprises kitchen units with a large breakfast bar in the centre providing space to sit and eat. It is unlikely that all nine occupants would want to use the kitchen and eating area at the same time, consequently it adequately provides for the needs of residents in this regard. However, there is no space, other than the bar stools around the breakfast bar, for seating, nor for additional furniture or other personal items within communal areas of the building.

12. I found the bedrooms to be cramped, and the amount of storage space was extremely limited. Combined with the limited amount of communal space provided in the living room, the property is inadequate to provide suitable living accommodation for the number of occupants.
13. On 25 March 2015 the Secretary of State for Communities and Local Government issued a written ministerial statement that introduced a new national space standard when new local policies are set. No such policies are contained within the CP. Most of the bedrooms would comply with the national space standard for single bedrooms, although not all. All the bedrooms contained double beds and none comply with the standard for double bedrooms. Whilst this counts against the development, it was not determinative in coming to my decision.
14. I note that the Council's Private Sector Housing Department have issued a licence for the use of the property as a house in multiple occupation. The Inspector into appeal reference APP/Q1445/W/15/3006221 found that the licence in that case supported their view that the accommodation was satisfactory, but I have been provided with limited details of that appeal in order to compare with this case. However, as the Inspector acknowledged, the licence is a separate regulatory matter and the considerations relating to the licence application differ from those relating to a planning application. Consequently, the existence of the licence can only carry limited weight in the planning considerations of the case and, as set out above, I find the living accommodation inadequate in this instance.
15. For the above reasons, I conclude that the accommodation at the property does not provide adequate living conditions for the intended number of occupants. As such, the proposal is contrary to Policy QD27 of the LP that seeks to ensure adequate living conditions for occupants of properties.

Other matters

16. Reference is made in the appeal documents to the three strands of sustainability referred to in the National Planning Policy Framework, being economic, social and environmental. In this case, the economic benefits of students, the most likely tenants, to the local economy and environmental benefits arising from its proximity to two universities and other facilities would not outweigh the social harms to living conditions of neighbouring and future residents identified above.

Conclusion

17. For the above reasons and taking into account all other matters raised, I conclude that the appeal should be dismissed.

Andrew Steen

INSPECTOR

Appeal Decision

Site visit made on 26 April 2016

by Martin Andrews MA(Planning) BSc(Econ) DipTP & DipTP(Dist) MRTPI

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

Decision date: 05 May 2016

Appeal Ref: APP/Q1445/D/16/3142599

8 Highfield Crescent, Brighton BN1 8JD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Steve Morgan against the decision of Brighton & Hove City Council.
 - The application, Ref. BH2015/03821, dated 19 October 2015, was refused by notice dated 16 December 2015.
 - The development proposed is a rear ground floor extension.
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Decision

1. The appeal is allowed and planning permission is granted for a rear ground floor extension at 8 Highfield Crescent, Brighton in accordance with the terms of the application, Ref. BH2015/03821, dated 19 October 2015, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision;
 - 2) The development shall be carried out in accordance with the following approved plans: Drawing Nos. 01; 02; 03; 04;
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

Main Issue

2. The main issue the effect of the proposed extension on the character and appearance of the existing dwelling.

Reasons

3. The original dwelling is a bungalow on a road that slopes down to both the north and the west. The building already has a two storey extension to the rear which takes advantage of the lower land level to the west. The appeal proposal is to add a further single storey extension on to that earlier addition at a still lower level. The Council's concern is that the host dwelling would be over-extended by an inappropriate and bulky addition.
 4. I recognise that the existing two storey extension approved by the Council in 2011 together with the current single storey further addition would by any normal standards, including those in the Council's SPD12 Design Guide for
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Extensions and Alterations 2013, amount to an over-extension of the original bungalow.

5. However in this case, because of the steep (as opposed to 'slight' in the Planning Officer's report) westward fall in the land to the rear, the existing two storey extension is not at all visible from Highfield Road. Nor do I consider that it is prominent in views from the rear garden of neighbouring dwellings, whilst to the limited extent that it can be seen it does not appear bulky or incongruous.
6. The further single storey addition now proposed would be entirely to the rear of the existing two storey addition and the above factors would again apply, albeit to an even greater degree. In addition, the garage of No. 8 would screen the development from No. 6 and the property's much lower level than No. 10 negates any possibility of an adverse impact on that dwelling.
7. Furthermore, in addition to this lack of prominence, the step down of the two extensions is a logical addition that maintains a coherent and acceptable building profile from the limited private views. The Council says that the character of the original bungalow will be lost given the over-extended appearance, but this has already happened as a result of the two storey extension. I also saw on my visit that a considerable length of rear garden would remain, so there is no issue of overdevelopment in relation to the plot.
8. Because of these site-specific considerations I conclude that there would be no harmful conflict with Policy QD14 of the Brighton & Hove Local Plan 2005 or with Government policy in the National Planning Policy Framework 2012. I shall therefore allow the appeal.
9. I shall impose a condition requiring the development to be carried out in accordance with the approved plans for the avoidance of doubt and in the interests of proper planning. A condition relating to external materials will safeguard the appearance of the host dwelling.

Martin Andrews

INSPECTOR

Appeal Decision

Site visit made on 26 April 2016

by Martin Andrews MA(Planning) BSc(Econ) DipTP & DipTP(Dist) MRTPI

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

Decision date: 09 May 2016

Appeal Ref: APP/Q1445/D/15/3141133

165 Cowley Drive, Woodingdean, Brighton BN2 6TE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr & Mrs Handley against the decision of Brighton & Hove City Council.
 - The application, Ref. BH2015/02277, dated 19 June 2015, was refused by notice dated 14 October 2015.
 - The development proposed is a two storey side extension to the existing dwellinghouse to facilitate a ground floor disabled bedroom & en-suite accommodation.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed extension on the character and appearance of the existing building and the surrounding area.

Reasons

3. The appeal dwelling is one half of a semi-detached pair with the house to the west and has a flank to the junction of Cowley Drive with Littleworth Close, a cul-de-sac. Both of these factors are relevant to my appraisal of the appeal application.
 4. On the first point there are differences between the front elevations of each house in the pair, in particular the attached garage at the adjoining property. However, there is a pleasing symmetry and balance between each house and the overall appearance of the building as a whole would be harmed by the proposed two story extension, especially as the extension would not be set back at first floor level. This would be contrary to the Council's SPD12 Design Guide for Extensions and Alterations 2013 and have a harmful impact on the existing building and the Cowley Drive street scene.
 5. On the second point, the Design Guide says that on corner plots a sufficient gap should be left between the extension and the site boundary so as not to appear intrusive, and that two storey extensions need to leave more of a gap to the boundary than single storey additions so as to avoid a cramped and dominant appearance.
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6. However, in this case only a minimal gap would remain between the side wall of the extension and the back of the footpath in Littleworth Close and I consider that the result would be one of the extended building closing down the openness at the junction and appearing unduly intrusive in the street scene. I saw on my visit that No. 169 on the opposite side of Littleworth Close has had an extension to the side. However, this is set down from the main ridge of the original dwelling and leaves a reasonable gap to the pavement.
7. I have taken careful account of the grounds of appeal relating to the initial contact with the Council and the personal circumstances of the appellants, which require the accommodation sought in the proposed development. However whilst I have sympathy with the points raised I am unable to give them more weight than the permanent harmful effects on the character and appearance of the building and its surroundings.
8. For the above reasons I conclude that the appeal should be dismissed. The proposed extension would have an unacceptable effect on the character and appearance of the existing building and the surrounding area. This would be in harmful conflict with Policy QD14 of the Brighton & Hove Local Plan 2005; the Council's SPD12 guidance, and Government policy in Section 7: 'Requiring Good Design' of the National Planning Policy Framework 2012.

Martin Andrews

INSPECTOR



Appeal Decision

Site visit made on 26 April 2016

by Martin Andrews MA(Planning) BSc(Econ) DipTP & DipTP(Dist) MRTPI

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

Decision date: 09 May 2016

Appeal Ref: APP/Q1445/D/15/3138203

115 Preston Drove, Brighton BN1 6EW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mrs Jan Burgess against the decision of Brighton & Hove City Council.
 - The application, Ref. BH2015/02992, dated 14 August 2014 was refused by notice dated 9 October 2015.
 - The development proposed is a single storey rear extension to the side of the rear outrigger and a roof conversion with rear dormers and front rooflights.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are (i) the effect of the proposal on the character and appearance of the existing dwelling and whether it would preserve or enhance the character or appearance of the Preston Park Conservation Area, and (ii) the effect on the living conditions for occupiers of No. 113 Preston Drove as regards outlook and light.

Reasons

3. On the first issue, the appeal scheme includes the erection of a single storey infill extension in the space between the two storey outrigger and single storey 1998 extension and the boundary with No. 113. A new single storey rear elevation would be formed across the full width of the building with the roof of the infill sloping down to the boundary.
 4. Whilst I can appreciate the reason for the infill proposal in terms of its benefit to the property's living area, the block plan forming part of Drawing No. CH 699/001 clearly shows the original layout of the terrace, with the outriggers paired, in this case No. 115 with 117. The infill of the space to the boundary with No. 113 would fail to preserve that original plan form and to some degree harm the character of the building.
 5. I note that the Council's SPD12 Design Guide for extensions and alterations specifically discusses this type of proposal, and whilst it does not entirely preclude them there is a caveat that the infill extension should not normally extend beyond the rear wall of the outrigger or wrap around it. In this case the proposal does extend beyond it through encompassing the 1998 addition and
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would be tantamount to a wrap around. On this issue I therefore agree with the Council's view that the proposed extension would relate poorly to the main dwelling, detracting from the original plan form and resulting in the house having an over-extended appearance.

6. At the front of the building the appeal scheme includes three rooflights within an area of roofscape (Nos. 101-117) where there are none at present and of a size and spacing unsympathetic to the existing front elevation. As with the rear infill, it would be unreasonable to entirely preclude rooflights bearing in mind other approvals and given their importance to habitation of the roofspace. However, I consider that the existing number proposed and their size / spacing would be harmful to the building and the streetscene.
7. The effect of the changes to the front and rear of the building would in my view fail to preserve the character and appearance of the conservation area in conflict with Policies QD14 & HE6 of the Brighton & Hove Local Plan 2005 ('the Local Plan'). In respect of Section 12: 'Conserving and enhancing the historic environment' of the National Planning Policy Framework 2012 and in particular paragraph 134, I consider that although unacceptable for the reasons stated, the proposal would result in 'less than substantial harm' to the significance of the conservation area as a designated heritage asset. Nevertheless, whilst I acknowledge that the increase in accommodation at No. 113 is a 'public benefit', it would not outweigh the harm caused.
8. In reaching my conclusion on this issue I have had regard to the grounds of appeal, which include reference to a number of other permissions. However, each case is always different to some degree, and although in respect of both the infill extension and the rooflights I consider there are unacceptable aspects, I have not rejected the principle of the alterations.
9. Turning to the second issue, the infill extension would replace the boundary wall with an extension flank wall of increased height. Even allowing for the reduction in ground level as part of the proposal, I consider that this additional degree of enclosure would close down the outlook from the conservatory in the rear wall of No. 113 and the large window to the kitchen / diner in the flank wall of the outrigger. There would inevitably be an associated reduction in the amount of daylight reaching those rooms.
10. I acknowledge that the existing occupiers of No. 113 have not objected to the scheme and this is a material consideration in its favour. However, the planning system serves to safeguard the public interest, which includes the living conditions for future occupiers of the property. With this in mind, in its present form I consider that the infill extension would have an unacceptable effect on outlook and light in conflict with Local Plan Policy QD27 and the Council's SPD. I have taken the argument of a reduction in the existing overlooking of No. 113 into account, but whilst this may be a benefit of the scheme it does not in my judgement make the impact on outlook and daylight acceptable.

Martin Andrews

INSPECTOR



Appeal Decision

Site visit made on 8 April 2016

by Timothy C King BA (Hons) MRTPI

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

Decision date: 09 May 2016

Appeal Ref: APP/Q1445/D/16/3142275
17 Old Farm Road, Brighton, BN1 8HE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr J Allen against the decision of Brighton & Hove City Council.
 - The application Ref BH2015/03331, dated 14 September 2015 was refused by notice dated 30 November 2015.
 - The development proposed is '*Resubmission of application for roof terrace with metal railings and other associated works.*'
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Decision

1. The appeal is allowed and planning permission is granted for a roof terrace with metal railings and other associated works at 17 Old Farm Road, Brighton, BN1 8HE in accordance with the terms of the application Ref BH2015/03331, dated 14 September 2015, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: jef 01B, jef 05A, jef 06A, jef 10D, jef 15D and jef 16D.

Procedural Matter

1. Since the appeal was lodged the Council, on 24th March 2016, adopted its City Plan Part 1 document (CP). Nonetheless, Policies QD14 and QD27 of the Brighton & Hove Local Plan 2005 (LP), as cited in the Council's Reason for Refusal are retained, and in reaching my decision I have had regard to the overarching CP Policy SS1 which promotes sustainable development. In the circumstances, I am satisfied that the adoption of the CP document does not materially affect this appeal.

Main Issues

2. The main issues are the effect of the proposal on the character and appearance of the host property and the surrounding area, and also the effect on the living conditions of neighbouring occupiers, with particular regard to privacy and overlooking.
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Reasons

Character and appearance

3. The appeal dwelling is a two-storey semi-detached dwellinghouse with a flat-roofed extension to the side. It is set back from Old Farm Road which rises sharply in ground level eastwards. As such, the residential properties in Graham Avenue, whose lengthy rear gardens abut the side curtilage of the appeal site, are at a significantly lower level and with their main rear building lines some considerable distance away.
4. It is proposed that a door be installed in the dwelling's main flank wall, as a replacement for a landing window, in order to access a section of the side extension's flat roof. This would effectively be in respect of a compound formed, set in from the roof's perimeter at its front, side and rear, and bounded by metal railings with horizontal cabling to a height of approximately 1.1m.
5. LP Policy QD14 and the Council's Supplementary Planning Document 12 'Design Guide for Extensions and Alterations' (SPD) both aim for good design, requiring that such development does not detract from the appearance of the property or the street's general character. In this particular instance I find that certain factors mitigate in favour of the proposal. In illustration, with the dwelling set back from the street, and with the proposed railings set in from the extension's edges, I do not consider that the railings' presence, due to their setting and limited height and expanse, would represent a particularly unsympathetic feature, or certainly one of such incongruity as to create visual harm. Neither do I consider that the railings would be of such prominence as to detract from the host property nor the relationship between the appeal dwelling and No 16 Old Farm Road, its semi-detached neighbour.
6. On this main issue I thereby conclude that the proposal would not be harmful to the character and appearance of the host dwelling nor that of the surrounding area, and I find no material conflict with LP Policy QD14 or the Council's SPD.

Living conditions

7. At my site visit I was afforded access to the side extension's flat roof and was thereby able to survey the immediate surroundings and, in particular, the property's relationship with the neighbouring dwellings in Graham Avenue and their rear gardens which rise up to meet the appeal site's western boundary.
8. Immediately beyond the side wall of the flank extension is an area of garden within the appeal site's curtilage which stretches approximately 10 m to the common boundary. This itself is well screened by high hedging and also mature coniferous trees which impede and obscure views towards the Graham Avenue properties. Moreover, these are properties with substantial rear garden depths of some 40m.
9. With the distances involved, and the dwelling being significantly positioned away from the side boundary, the screening thereto and also the terrace's proposed set-in from the roof's flank edge I am satisfied that the occupiers of the neighbouring Graham Avenue properties would neither experience actual nor perceived overlooking, and its privacies would not be compromised by the proposal. The Council has acknowledged that No 16 would not be affected in

this regard and, as the rear section of railings would fall short of the dwellings' main rear building line, I agree with this consideration.

10. On this main issue I conclude that the living conditions of neighbouring occupiers would not be harmed by the proposal and, to this end, I find no conflict with LP Policy QD27.

Conclusion

11. I have not found that harm would result on either of the two main issues. As such, for the above reasons, and having had regard to all matters raised, I conclude that the appeal should succeed. In terms of conditions, apart from the statutory time limit, for the avoidance of doubt and in the interest of good planning, I impose a condition which requires full observance and implementation of the approved plans.

Timothy C King

INSPECTOR

