





**Brighton & Hove
City Council**

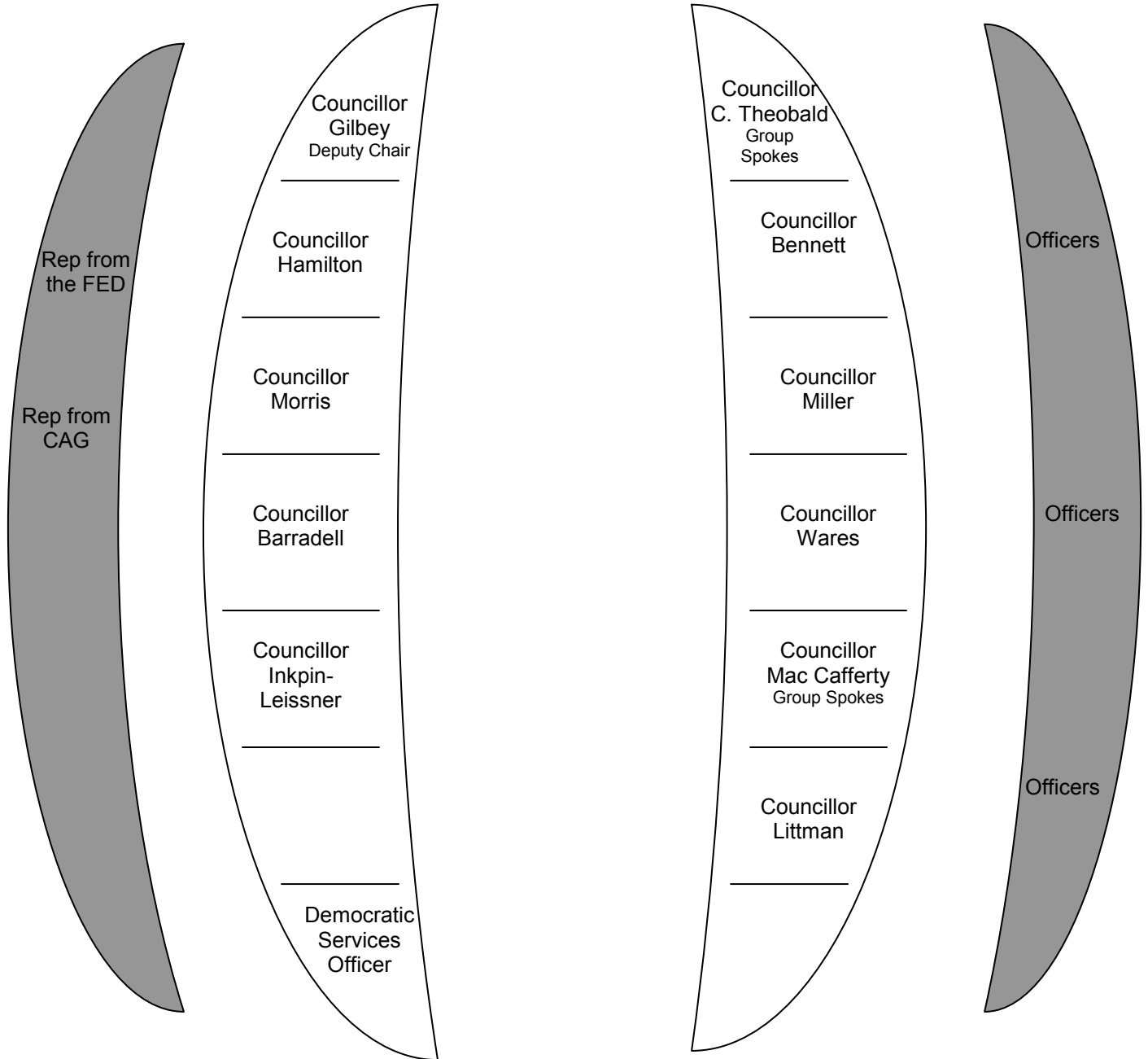
Planning Committee

Title:	Planning Committee
Date:	28 October 2015
Time:	2.00pm
Venue	The Ronuk Hall, Portslade Town Hall
Members:	<p>Councillors: Cattell (Chair), Gilbey (Deputy Chair), C Theobald (Group Spokesperson), Mac Cafferty (Group Spokesperson), Barradell, Bennett, Hamilton, Inkpin-Leissner, Littman, Miller, Morris and Wares</p> <p>Co-opted Members: Jim Gowans (Conservation Advisory Group)</p>
Contact:	<p>PennyJennings Democratic Services Officer 01273 29-1064/5 planning.committee@brighton-hove.gov.uk</p>

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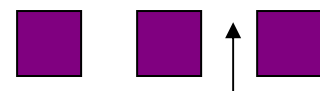
Democratic Services: Planning Committee

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



Press

AGENDA

89 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

90 MINUTES OF THE PREVIOUS MEETING

1 - 8

Minutes of the meeting held on 7 October 2015 (copy attached).

91 CHAIR'S COMMUNICATIONS

92 PUBLIC QUESTIONS

Written Questions: to receive any questions submitted by the due date of 12 noon on 21 October 2015.

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

94 TO CONSIDER AND DETERMINE PLANNING APPLICATIONS

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

MAJOR APPLICATIONS

A BH2015/02403, Brighton College, Eastern Road, Brighton - Full Planning 9 - 40

Demolition of existing Sports Hall, Chowen building and Blackshaw building and Pavilion to facilitate erection of a new 4 storey (including lower ground) Sports and Sciences building together with associated works. Removal of a section of the boundary wall facing Sutherland Road to create new car park entrance with car lift to underground parking area.

RECOMMENDATION – GRANT

Ward Affected: Queen's Park

B BH2015/02941, Former Whitehawk Library site, Findon Road/Whitehawk Road, Brighton - Full Planning 41 - 70

Construction of 2 residential blocks to provide a total of 57 self-contained flats incorporating creation of vehicular access points from Whitehawk Road and Findon Road, car parking spaces, refuse facilities, landscaping and other associated works. (Amended Scheme.)

RECOMMENDATION- MINDED TO GRANT

Ward Affected: East Brighton

C BH2015/01434, Royal Sussex County Hospital, Eastern Road, Brighton - Full Planning 71 - 88

Demolition of existing single storey double stacked modular units (C2) and single storey brick store and construction of a 3

PLANNING COMMITTEE

storey building (C2) situated at the junction of North (Service) Road and Bristol Gate to provide clinical offices, workshops, storage and plant with associated works.

RECOMMENDATION – GRANT

Ward Affected: East Brighton

MINOR APPLICATIONS

- D BH2014/03996, 4a Blatchington Road, Hove - Full Planning 89 - 104**
Change of use from retail (A1) to hot food take away (A5) and installation of new entrance door and extract duct.
RECOMMENDATION – GRANT
Ward Affected: Central Hove
- E BH2015/00914, 17 Marmion Road, Hove - Full Planning 105 - 126**
Demolition of existing building and erection of 5no three/four bedroom dwelling houses.
RECOMMENDATION – MINDED TO GRANT
Ward Affected: Wish
- F BH2014/02331, 59 Hill Drive, Hove- Full Planning 127 - 144**
Erection of detached single storey residential dwelling to rear incorporating landscaping and access.
RECOMMENDATION – GRANT
Ward Affected; Hove Park

95 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

- 96 INFORMATION ON PRE APPLICATION PRESENTATIONS AND REQUESTS 145 - 146**
(copy attached).
- 97 LIST OF APPLICATIONS DETERMINED UNDER DELEGATED POWERS OR IN IMPLEMENTATION OF A PREVIOUS COMMITTEE DECISION (INC. TREES MATTERS) 147 - 192**
(copy attached)
- 98 LIST OF NEW APPEALS LODGED WITH THE PLANNING INSPECTORATE 193 - 196**
(copy attached).

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99 INFORMATION ON HEARINGS/PUBLIC INQUIRIES

197 - 198

(copy attached).

100 APPEAL DECISIONS

199 - 262

(copy attached).

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

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

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

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

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

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

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

Date of Publication - Tuesday, 20 October 2015

PLANNING COMMITTEE

PLANNING COMMITTEE	Agenda Item 90 Brighton & Hove City Council
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BRIGHTON & HOVE CITY COUNCIL

PLANNING COMMITTEE

2.00pm 7 OCTOBER 2015

THE RONUK HALL, PORTSLADE TOWN HALL

MINUTES

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

Co-opted Members: Apologies were received from Mr Gowans, CAG

Officers in attendance: Nicola Hurley (Planning Manager – Applications); Paul Vidler (Planning Manager - Major Applications); Steven Shaw (Development and Transport Assessment Manager); Hilary Woodward (Senior Solicitor) and Penny Jennings (Democratic Services Officer)

PART ONE

77 PROCEDURAL BUSINESS

(a) Declarations of substitutes

77.1 Councillor Simson was present in substitution for Councillor Miller and Councillor Brown was present in substitution for Councillor Wares

(b) Declarations of interests

72.2 The Chair, Councillor Cattell, declared an interest in respect of application (A) – BH20015/00544, Media House, 26 North Road, Brighton. The agent for the scheme was known to her having been a colleague a number of years previously when they had both been employed by the city council, however, she had not pre-determined the application and remained of a neutral mind and would remain for the discussion and vote on the application.

(c) Exclusion of the press and public

72.3 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.

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

(d) Use of mobile phones and tablets

72.5 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’.

78 MINUTES OF THE PREVIOUS MEETING

78.1 **RESOLVED** – That the Chair be authorised to sign the minutes of the meeting held on 16 September 2015 as a correct record.

79 CHAIR'S COMMUNICATIONS

79.1 There were none.

80 PUBLIC QUESTIONS

80.1 There were none.

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

81.1 There were none.

82 TO CONSIDER AND DETERMINE PLANNING APPLICATIONS

A BH2015/00544, Media House, 26 North Road, Brighton -

Alterations to main building to facilitate the conversion from office/general industrial (B1/B2) to form 3no. residential dwellings (C3). Extension to secondary building (The Coach House) to provide additional office space (B1), revised fenestration and associated works. It was noted that one further letter of representation had been received setting out concerns in respect of the proposed office use, potential overlooking and pressure on existing on-street parking.

(1) The Planning Manager, Major Applications, Paul Vidler, introduced the report by reference to plans including details of the existing and proposed floor plans, photographs and elevational drawings detailing proposed changes including those to the roof and to the Coach House. It was explained that permission was sought for conversion of the main building from office/general industrial (B1/B2) to form 3 residential dwellings (C3) including associated external alterations. The secondary

building (The Coach House) would be extended to provide additional office space (B1), including associated external alterations. Amendments had been made during the course of the application which removed the proposed side extension to the main building and reduced the number of proposed dwellings from 4 to 3.

- (2) The main considerations in determining this application related to the principle of the development; visual impact of the external alterations; impact on amenity; and sustainable transport considerations. The loss of office use was considered acceptable in this instance and significant weight had been given to the previously approved prior approval application (BH2014/03962) which allowed conversion of the first and second floors to residential. The development would create an acceptable standard of accommodation for future residents. The proposed use and external alterations would enhance the character and appearance of the building and preserve the wider setting of Preston Village Conservation Area. It was not considered that the development would result in significant harm to neighbouring amenity through loss of light, outlook, privacy or increased noise and disturbance; approval was therefore recommended.

Questions for Officers

- (3) Councillor Mac Cafferty sought clarification of the distance between the application site and the residential property located at 17 North Road and also sought confirmation regarding the configuration and specification of the proposed office space and whether the space would be utilised by one or several other users. Councillor Mac Cafferty also sought clarification regarding comments contained in the officer report in relation to policies EM5 and EM3 in relation to meeting the needs of modern employment uses and to the statement that in this instance Policy CP3 was considered to hold more weight than the Local Plan Policy.
- (4) Councillor Cattell, The Chair sought confirmation regarding the provision of bi-folding doors to the office. It was explained that these internal doors could be closed in cooler weather.
- (5) Councillor Barradell enquired regarding the planning history of the site and the weight attached to it, including the fact that prior approval had recently been given to the change of use of the first and second floors of Media House to form two self contained units. Councillor Barradell expressed concern that the Committee had not had the opportunity to consider an application for use as a live-work unit. Councillor Barradell also sought confirmation regarding the date of at which planning permission had been granted for the existing building. The Planning Manager, Major Applications, explained that he had been unable to ascertain when planning permission had been granted. Councillor Barradell queried whether the building had been erected without permission and it was confirmed that was unlikely.
- (6) Councillors Mac Cafferty and Littman sought confirmation regarding the level and siting of on-site parking and location and distances from the proposed scheme and neighbouring buildings. Councillor Littman referred to the fact that the letter of objection had been signed by Councillors A and K Norman, not solely Councillor K Norman as indicated in the report.

- (7) Councillor C Theobald enquired regarding the hours of operation of the proposed office use and parking associated it and the amenity space provided with each of the residential units. It was confirmed that each would have a rear garden.

Debate and Decision Making Process

- (9) Councillor Barradell stated that she was dismayed that the Committee’s decision making appeared to be fettered as a result of previous decisions, she considered this was unfortunate, as she considered that a better scheme could have been brought forward. The legal adviser to the Committee, Hilary Woodward, confirmed that whilst every application needed to be considered on its merits, the Committee were charged with considering any application as submitted. Application BH2014/03962 was a material consideration in determining this application. The prior approval could be implemented which would result in loss of all the B1 employment floor space currently located on the first and second floors.
- (8) Councillor Mac Cafferty stated that he was of the view that there were no reasonable grounds for refusing the application and Councillor Littman concurred in that view. Both noted that future access to the site would be via Lauriston Road also considering that in view of the level of on-site parking to be provided there would not be a significant impact in the vicinity.
- (9) Councillors Gilbey and Simson stated that they considered the scheme was acceptable
- (10) Councillor Inkpin-Leissner supported the proposals which would provide family housing.
- (11) Councillor Cattell, the Chair considered that it would be appropriate for approval of materials to be delegated to the Planning and Building Control Applications Manager in consultation with herself as Chair, the Deputy Chair and both opposition spokespersons.
- (12) A vote was taken and on a vote of 11 with 1 abstention planning permission was granted.

82.1 **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 set out in section 7 and resolves to **GRANT** planning permission subject to the Conditions and Informatives set out in section 11 and to the additional informative set out below.

Additional Informative:

The details submitted in relation to external materials to discharge Condition 8 are delegated to the Planning and Building Control Applications Manager for agreement in consultation with the Chair, the Deputy Chair and the Opposition spokespersons.

B BH2015/02127, Rear of 15 Welesmere Road, Brighton -

Erection of detached four bedroom dwelling with associated landscaping and access.

- (1) It was noted that this application had formed the subject of a site visit prior to the meeting.
- (2) The Planning Manager, Major Applications, Paul Vidler introduced the report by reference to plans, photographs and elevational drawings. Permission was sought for the erection of a two-storey detached four-bed dwelling house on land to the rear of 15 Welesmere Road which would be accessed via a driveway between nos. 13 and 15 Welesmere Road. The building would incorporate an L-shaped footprint with a hipped roof; materials would comprise a stock brick with plain clay tiles. The proposal included new hedging to the north-west of the proposed dwelling to create formal separation with no. 15. The gradient of the land fell away steeply to the south and east and as a result the dwelling would be set into the slope with a retaining wall built up to the rear of the building. There would be an integral garage to the front elevation and a terraced area at first floor level to the south west facing side elevation. Off street parking was proposed to the front of the property with garden to the south and west of the dwelling.
- (3) The main considerations in determining the application related to the principle of the plot's sub-division and the subsequent impact on the character and appearance of the site and the surrounding area, including the adjoining South Downs National Park. The standard of accommodation and impact on neighbouring amenity and transport were also material considerations. It was considered that the proposal would not detract significantly from the appearance or character of the site, the surrounding area or the adjoining South Downs National Park or result in significant harm to the residential amenity of neighbouring properties and was appropriate in terms of highway safety and sustainability; approval was therefore recommended.

Questions for Officers

- (4) Councillor Barradell sought confirmation regarding the height and pitch of the roof slope of the proposed dwelling and also the distance between it and distances from the neighbouring dwellings. It was proposed, that permitted development rights would be removed by condition for roof extensions and alterations and for fenestration within the north west elevation to protect neighbouring amenity from overlooking or visual intrusion.
- (5) Councillor Bennett requested confirmation as to whether it was proposed that any of the upper windows would be obscure glazed/fixed shut. It was confirmed that this was not considered necessary in view of the distance(s) and configuration of the site. Also, regarding measures to protect the boundary with the national park
- (6) Councillor Mac Cafferty sought clarification regarding proposed boundary treatment(s) and level of existing trees and planting to be retained and whether any of the trees were the subject of TPO's. It was confirmed that none were. However, the separation distances and existing boundary screening would be protected by condition.
- (7) Councillor Brown requested details of the proposed boundary treatment and sought assurances that this would not be reduced. She was concerned that if the current level of planting was not retained it could impact detrimentally either on the adjoining national park or neighbouring dwellings.

- (8) Councillor C Theobald requested details of the arrangements to be put into place for refuse collection, also, the area of the site. It was explained that refuse collection would take place from the access way. It was confirmed in response that the roof would be of clay tile material.
- (9) Councillor Simson sought clarification of the distances between the proposed property and nos 45 and 47, considering that the greatest impact was likely to be on no 45. Photographs were displayed showing the relationship between the site and existing buildings and the proposed development.
- (10) Councillor Morris sought details regarding proposed access arrangements to the site and measures which would be undertaken to ensure that this did not impact on the existing adjacent property and also details about, the point at which the new access would join the existing driveway, its length and extent. It was confirmed that screening would be provided between the adjoining properties at nos 13 and 15.
- (11) Councillor Littman also enquired whether it was envisaged that safety issues could arise in consequence of the screening proposals, either for pedestrian or vehicular movements. The Development and Transport Assessment Manager, Steven Shaw explained that as the new access way would result in a limited number of pedestrian and vehicular movements it was not envisaged this would create a safety hazard.

Debate and Decision Making Process

- (12) Councillor Gilbey explained that having attended the site visit the previous day, which had been valuable as a tool in appreciating its configuration, she considered that given the steep changes in levels across the site and the separation distances involved that there would not be a detrimental impact on either the neighbouring dwellings or the setting of the national park.
- (13) Clarification was also given that although the adjoining properties located in Gorham Avenue were considerably lower than the application site it was considered that the depth of the rear gardens would prevent any harm to amenity through loss of light or outlook.
- (14) Councillor Barradell stated that having had the benefit of Councillor Gilbey's input and having viewed photographs taken from various locations across/adjoining the site she was satisfied that the scheme was acceptable.
- (15) Councillor Littman stated that whilst he considered the design uninspiring and whilst also having some sympathy with the objections put forward he considered it was acceptable and supported the officer recommendation.
- (16) Councillor Inkipin-Leissner concurred in that view.
- (17) Councillor C Theobald stated that notwithstanding that this represented a back land development, which she tended not to favour, in this instance given the distances involved and configuration of the site she considered the application was acceptable.

(18) A vote was taken and members voted unanimously that planning permission be granted.

82.2 **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. with Condition 9 to be amended as set out below:

Condition be 9 to be amended to read:

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

- a. details of all hard surfacing;
- b. details of all boundary treatments;
- c. details of all existing vegetation to be retained and 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 and retained as such thereafter. All planting, seeding or turfing comprised in the approved scheme of landscaping shall be carried out in the first planting and seeding seasons following the first occupation of the building or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

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

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

83.1 There were none.

84 INFORMATION ON PRE APPLICATION PRESENTATIONS AND REQUESTS

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

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

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

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

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

86 LIST OF NEW APPEALS LODGED WITH THE PLANNING INSPECTORATE

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

87 INFORMATION ON HEARINGS/PUBLIC INQUIRIES

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

88 APPEAL DECISIONS

88.1 Councillor Mac Cafferty queried whether the decision in respect of the Toby Inn, Cowley Drive had been a Committee decision. It was explained that whilst the subject of an earlier Committee decision the subsequent decision on which the appeal had been made had been taken by officers under their delegated powers.

88.2 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 3.40pm

Signed

Chair

Dated this

day of

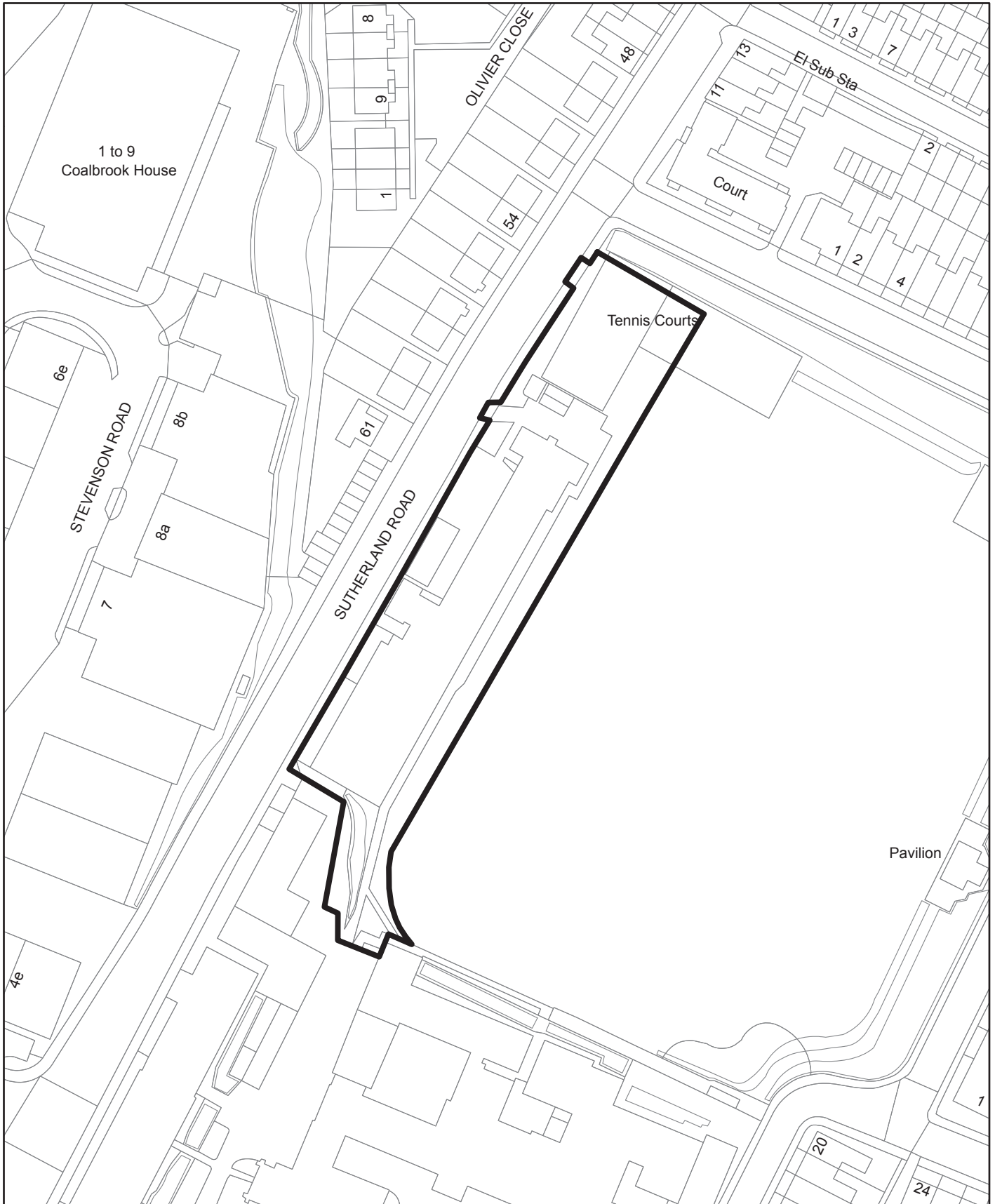
ITEM A

Brighton College, Eastern Road, Brighton

BH2015/02403
Full planning

28 OCTOBER 2015

BH2015/02403 Brighton College Eastern Road



Scale: 1:1,250

<u>No:</u>	BH2015/02403	<u>Ward:</u>	QUEEN'S PARK
<u>App Type:</u>	Full Planning		
<u>Address:</u>	Brighton College Eastern Road Brighton		
<u>Proposal:</u>	Demolition of existing Sports Hall, Chowen building and Blackshaw building and Pavilion to facilitate erection of a new 4 storey (including lower ground) Sports and Sciences building together with associated works. Removal of a section of the boundary wall facing Sutherland Road to create new car park entrance with car lift to underground parking area.		
<u>Officer:</u>	Adrian Smith Tel 290478	<u>Valid Date:</u>	28/07/2015
<u>Con Area:</u>	College Adjoining East Cliff	<u>Expiry Date:</u>	27 October 2015
<u>Listed Building Grade:</u>	Grade II listed wall		
<u>Agent:</u>	Nathaniel Lichfield & Partners, 14 Regents Wharf All Saints Street London N1 9RL		
<u>Applicant:</u>	Brighton College, c/o Nathaniel Lichfield & Partners 14 Regents Wharf All Saints Street London N1 9RL		

1 RECOMMENDATION

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

2 SITE LOCATION & DESCRIPTION

- 2.1 The application site comprises a complex of four linked buildings located on the western side of the Brighton College campus, fronting Sutherland Road. The buildings comprise the College's Sports Hall, Pavilion, Chowen and Blackshaw buildings.
- 2.2 Brighton College forms part of the College Conservation Area and lies adjacent to the north of the East Cliff Conservation Area. The College campus is bounded to the east by Walpole Road and Walpole Terrace, to the north by College Terrace, and to the west by Sutherland Road. The majority of the buildings are located to the southern half of the site and along the western boundary, with playing fields to the northern part of the site.
- 2.3 The College is formed of a collection of historic buildings by George Gilbert Scott (1849-1865), Thomas Graham Jackson (1882-1923) and FT Cawthorn (1913-1929). All these buildings are either Grade II listed or are listed curtilage buildings. Other more modern buildings sit throughout the site.

- 2.4 The Sports Hall, Pavilion, Chowen and Blackshaw buildings are post-war developments dating from the mid-1970s. They are situated in the northwest part of the campus set between the College's Home Ground playing field to the east and Sutherland Road to the west. The College's tennis courts sit to the north adjacent to the northern site boundary with College Terrace. The northern boundary wall fronting College Terrace is Grade II listed with a non-listed return section extending part the way down Sutherland Road.
- 2.5 The buildings predominantly face towards garages and the Freshfield Road industrial estate to the west, with residential properties to the northern end. The land rises to the north such that the residential properties on Sutherland Road and College Terrace sit on appreciably higher ground to the Campus.

3 RELEVANT HISTORY

BH2015/02404- Listed building consent for the removal of a section of the boundary wall facing Sutherland Road to create new car park entrance with car lift to underground parking area. Under consideration

BH2014/02054- Demolition of existing swimming pool and old music school buildings and erection of a 5no storey new academic building with connections to the Great Hall and Skidelsky building, including removal of existing elm tree and other associated works. Refused 22/09/2014. Appeal Allowed

BH2014/00771: Partial removal of existing roof structure and erection of clock tower above existing second floor level and associated works. (Part retrospective). Under consideration

BH2012/02925 & BH2012/02926: Planning and Listed Building Consent for removal and rebuilding of part of wall with railings to facilitate temporary site access. (Part retrospective). Approved 14/05/2013

BH2012/02378 & BH2012/02379: Planning and Listed Building Consent for demolition of existing science department building and partial demolition of dining hall and adjoining buildings and erection of new music and drama school buildings and dining hall with associated works. Approved 13/12/2012

BH2012/01992 & BH2012/01993/LB: Planning and Listed Building Consent for construction of a new four storey self-contained boarding house adjoining existing Dawson Hall. Dismantlement and reinstatement of part of boundary wall along Eastern Road. Approved 10/10/2012.

BH2012/02016 & BH2012/02017: Planning and Listed Building Consent for partial removal of existing roof structure and erection of clock tower above existing second floor level and associated works. Approved 13/09/2012.

BH2012/01229 & BH2012/01230/LB: Planning and Listed Building Consent for alterations to layout and associated works including demolition of extensions, erection of new temporary wall and repair works. Approved 18/06/2012.

BH2009/02460 & BH2009/02454: Planning and Listed Building Consent for demolition of existing bedroom extension and health centre and erection of a new 3 storey building. Associated landscaping works. Approved 13/04/2010

BH2008/03802 & BH2008/03803: Planning and Listed Building Consent for demolition of former art school building and construction of new lower school building. Approved 06/05/2009

BH2005/05965 & BH2005/05967: Planning and Listed Building Consent for 3-storey Visual Arts Centre with basement & glazed link to adjoining Listed Building. Refused 03/02/2006.

4 THE APPLICATION

- 4.1 Planning permission is sought for the demolition of the existing Sports Hall, Chowen building, Blackshaw building and Pavilion and the erection of a replacement four storey (including lower ground) Sports and Sciences building comprising the following mix of teaching and sports facilities:
- Basement level swimming pool, changing facilities, plant room, stores and car park for 20 vehicles and 36 bicycles
 - Ground floor level Sports Hall, fitness studios and café
 - First floor lecture theatre, stores and four classrooms
 - Second floor 15 science classrooms, preparation rooms and greenhouse
 - Roof level amenity terraces, running track and non-accessible sedum roofs
- 4.2 To facilitate access to the basement car park a section of flint boundary wall fronting Sutherland Road is to be removed, along with all fencing and walls fronting the new building. The section of wall to be removed sits within a flint wall that attaches to a Grade II listed flint wall extending along College Terrace and is considered listed by virtue of its attachment.

5 PUBLICITY & CONSULTATIONS

External:

- 5.1 **Neighbours: Thirty Three (33)** letters of representation has been received from **47 (x2), 51, 53, 56, 58, 59, 61 Sutherland Road; Top Flat 3, 3, Flat 1 4, 7, Second Floor Flat 21, 27 (x2) Walpole Terrace; Flat 4 12 College Terrace; 6, 8, 12, 14, 18, 20 St Matthews Court Sutherland Road (x5); Hamilton Lodge School and College; 8, 24 Canning Street; 28 Eaton Place; and Unknown (x3), objecting** to the application for the following reasons:
- Excessive height, scale, bulk and proximity to Sutherland Road out of keeping and will dwarf existing structures
 - The building is too big and industrial looking
 - The back of the building will front Sutherland Road
 - Overdevelopment
 - Loss of character within conservation area
 - Imposing and overbearing impact

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- The building will dominate views southwest from the corner of College Terrace and Walpole Terrace, and treat Sutherland Road as a 'back street'
- Loss of heritage nature of Walpole Terrace
- The building is overly modern and not in keeping with its surroundings
- Insufficient information on detailed design of the building, including materials
- The building will dominate a quiet residential road
- Sutherland Road will effectively become a long string of concrete buildings
- Loss of old protected trees of heritage status
- Loss of open green space
- Loss of light and privacy
- Overshadowing
- Loss of views across site, including from Whitehawk Hill which is a scheduled monument
- Increased noise disturbance from the College. Use of the roof terrace should be restricted
- The roof should be soft landscaped to preserve privacy
- Increased traffic noise, congestion and pollution
- Additional congestion on Eastern Road obstructing police cars and ambulances
- Disturbance from construction works, adding to the existing
- Disruption from construction vehicles on roads and pavements creating pedestrian hazards, especially for disabled children
- Increased numbers of parents and children and associated traffic.
- Sutherland Road is already congested with coaches and parents parked on the street
- The underground car park is inappropriate and unnecessary
- Proximity of car park entrance to College Terrace hazardous
- Highway safety. Traffic calming and build outs are required to allow for safer pedestrian crossings
- The existing recreational space in the northwest corner of the site should be preserved rather than diminished
- Light pollution
- Reduction in house prices
- Lack of infrastructure
- Structural instability to nearby homes
- Contributions should be sought towards improving community facilities in the area
- The new facilities will not be available for the public
- The College is not offering any public to offset the building
- Native common lizards, which are protected by law, have been seen on the boundary wall to the College campus

5.2 A petition with 16 signatories from the **Saint Matthews Court Residents Association Company Ltd** has been received, objecting on the following grounds:

- Loss of light and privacy
- Increased noise and disturbance from the car park

- Gates opening onto the highway will result in safety issues and a traffic hazard
 - Loss of trees
 - Overlarge structure out of keeping with the conservation area
 - It offers no benefits to residents
- 5.3 **Councillors Barford and Chapman** object. A copy of their letter is attached to the report.
- 5.4 **Simon Kirby MP** has commented that the concerns of a constituent over the size and amenity impact of the development should be looked into, along with highway safety risk of the car park exit.
- 5.5 **One (1)** letter of representation has been received from **B1 Marine Gate**, supporting to the application for the following reasons:
- The building will enhance the area and replace existing outdated buildings
- 5.6 **Brighton & Hove Economic Partnership**, support the application on the following grounds:
- The development will promote and secure inward investment
 - The high quality contemporary building will make a positive addition to the streets scene and will enhance the character of the conservation area
 - The building will provide much needed new science classrooms and sports facilities
- 5.7 **Conservation Advisory Group: No objection.**
The Group recommend approval of the application, subject to two conditions; the railings in College Terrace and Walpole Terrace are renovated, and a significant amount of funding for tree planting along Sutherland Road is provided. The Group feel the slate grey colouring (particularly on the Sutherland Road elevation) is sombre and inappropriate. The Group note that the plans indicate that people will be able to see into the building through the glass panes on the Sutherland Road elevation, and question if this is the intention. If not, the Group would like to see what the panes will look like.
- 5.8 **Historic England: No objection.**
Brighton College consists of a series of grade II listed buildings, among them the main classroom range by George Gilbert Scott, the school House by Thomas Graham Jackson and the Great Hall by FT Cawthorn. Built in the gothic revival style utilising brick, stone and flint, they are arranged in the form of a quadrangle in the western part of the campus, with the home ground playing fields occupying the eastern half. The campus occupies the centre and the majority of the College Conservation Area, which also includes Walpole and College Terraces which overlook and border the school grounds.
- 5.9 The proposal is for a new Sports and Science building replacing the existing sports building and other unremarkable modern buildings on the western edge of the playing fields. This new building will be the last phase of the College's transformation of the campus which has been overseen by a number of

prominent architects, aspiring to the highest architectural standards and informed by the site's history and a well thought through and comprehensive masterplan.

- 5.10 Historic England recognise that the proposed replacement building is of a significantly larger scale and different from the other buildings on the site and those that it replaces. However, we do not consider that the proposal will impact on the setting of the listed buildings as its location along the home ground has meant that it is clearly separated from the Sir Gilbert Scott and Sir Thomas Jackson defined quadrangle. It will not be any higher than the peak of these buildings and therefore will not be prominent in views of them.
- 5.11 In addition to the above, it is important that the new building fits in and respects the character of the conservation area. Therefore, as required by NPPF paragraphs 59, 60, 63 and 137, it should aspire to the highest standards of design and execution, to enhance the significance of the conservation area and to promote or reinforce locally distinctive features.
- 5.12 In this respect, Historic England consider the proposal to be a ground breaking, innovative design that will replace uninspiring buildings that currently do not make a positive contribution to the conservation area. The design has been informed by and taken references from the long linear terrace opposite and the rhythm of the bays that divide it, but is expressed in a contemporary form. The impact of its large mass and scale has been reduced by placing one level underground, by creating a reveal in the form of a covered entry terrace at the southern end and by breaking up the horizontal emphasis through a series of stepped terraces of regular blocks or cells.
- 5.13 The full length of the building will be viewed from Walpole Terrace and Sutherland Road. In terms of impacts on views from Walpole Terrace, the new building is sited some distance away from this on the far side of the playing fields and will not therefore be unduly dominant. As regards Sutherland Road, Historic England are pleased that pre-application comments relating to this elevation have been taken into account so that roofline has been broken up and greater animation of the building elevation at the street has been provided to reduce the impact of the massing.
- 5.14 Overall Historic England is supportive of the proposals which will provide state of the art facilities and sustain the life of the college. Historic England are content to defer to the Authority on matters of detail with input from its conservation specialists, including that relating to the treatment the landscaping and surface treatment surrounding the building.
- 5.15 **UK Power Networks:** No objection.
- 5.16 **Sussex Police:** No objection.
- 5.17 **East Sussex Fire and Rescue:** No objection.
- 5.18 **Southern Water:** No objection.

5.19 **Environment Agency:** No objection.

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

The applicant is advised that a gas main is located on close proximity to the site and appropriate precautions should be made during works.

5.21 **County Archaeology:** No objection

Internal:

5.22 **Heritage:** No objection

Brighton College campus forms the bulk of the College Conservation Area and comprises a core collection of grade II listed buildings which formed the historic origins of the school on this site spanning 1849 through to 1897. These have gradually been augmented through the 20th century and into the 21st century to form a tightly knit composition of buildings on the southern half of the college site.

5.23 The sports field, known as Home Ground, occupies almost half of the college site and is a large, important piece of open space viewed from surrounding streets and buildings.

5.24 The site of the proposed sports and science building is on the Western periphery of the campus and is part of the Sutherland Road frontage and the Home Ground boundary, providing part of the setting of the sports field from Northern and Eastern vantage points.

5.25 This plot is largely developed and contains an uncoordinated accumulation of modern brick buildings where function rather than form has led the design approach. The existing buildings lack engagement with the public realm, and the Sutherland Road boundary treatments are varied and for the most part low grade. This is in contrast to the main public image of the College which is gained from Eastern Road.

5.26 The northernmost part of the Sutherland Road Boundary is formed by a section of flint wall, part of which is listed, and all of which is considered to make a positive contribution to the character of the conservation area.

5.27 The submitted Heritage Townscape and Visual Impact Assessment provides a detailed analysis of the significance of the heritage assets affected by this proposal and the Heritage Team is in agreement with the level of significance attributed to the assets in this document.

5.28 This proposal is part of a long term project of investment to upgrade facilities at the college in line with a masterplan, which recognizes the importance of the historic buildings along with opportunities to introduce high quality contemporary architecture.

5.29 The loss of the existing buildings on this plot in order to accommodate the new development is considered acceptable in principle. The loss of a large section of flint wall is regrettable, but accepted as necessary. In terms of the requirements

of the NPPF it is considered that the harm would be less than substantial and that it would be outweighed by the public benefit.

- 5.30 The proposed building is of a considerably greater scale and bulk than all other buildings on the campus and in surrounding roads, and will have a notable impact on views into and across the school grounds, and along Sutherland Road.
- 5.31 The size and openness of Home Ground is such that the scale and form of the proposed building are easily accommodated within the general scene viewed from the North and East, and it is considered that it will form an excellent backdrop to the sports ground.
- 5.32 The proposed development is well spaced from the historic core and it is noted that its height is below that of the main Scott building and the new music and drama developments. It is therefore considered that it will not have a harmful impact on the listed buildings.
- 5.33 The greatest impact is considered to be on Sutherland Road, due to the increased footprint, dramatic massing and overall scale of the proposal.
- 5.34 The design approach is influenced by the form of terraced housing which predominates in the northern part of the College Conservation Area. It takes a linear form broken by a bold architectural display of structural floors and walls loosely defining a grain and rhythm which reflects the storeys and bays of the terraces. The cellular form taken by the masonry will have deep reveals, and the elevations will be further enlivened by the use of clear and textured glass set at various depths. The avoidance of a rigid grid, the introduction of the diagonal element at the position of the stairs and the break in the roof line with the greenhouse element add interest which avoids a harsh impact.
- 5.35 As a result it is considered that the proposed scheme is an exciting, inspiring building and will make a worthy addition to the collection of high quality historic and modern buildings within the campus and will make a positive contribution to the College Conservation Area. It is considered that the requirements of s.66 and s.72 of the Planning (Listed Building and Conservation Areas) Act 1990 are met in that the setting of the listed buildings and the character of the conservation area will be preserved.
- 5.36 The amendment retaining more of the existing flint wall is welcome, subject to clarification of the proposed treatment of the returns.
- 5.37 **Arboriculture: No objection**
The Arboricultural report submitted with the application is comprehensive and the Arboricultural Section is in full agreement with its contents.
- 5.38 Should this application be granted consent, six trees and one hedge will be lost. None of the trees are worthy of Preservation Order, having either limited public amenity value or of insufficient impact.

- 5.39 The Arboricultural Section therefore has no objection to the loss of the trees subject to at least four replacement trees being planted as part of a landscaping plan. If there is insufficient space within the College grounds to accommodate replacement planting, the Arboricultural Section would be happy to accept donated trees on the street in the vicinity of the College grounds.
- 5.40 A condition should be attached to any planning consent granted regarding the protection of all trees that are to remain both on site and on-street in close proximity to the proposed development.
- 5.41 **Environmental Health:** No objection
No objection subject to conditions relating to land contamination, noise and securing a Construction Environment Management Plan.
- 5.42 **Sustainable Transport:** No objection
Vehicular Access
A new vehicular access is proposed from Sutherland Road to the south of its junction of College Terrace. The Highway Authority has no objections in principle to the proposed vehicle crossover.
- 5.43 The creation of this new access is likely to lead to the loss of 2 existing on-street parking spaces. There is scope to relocate these spaces in other locations along Sutherland Road and this could be done as part of the necessary change to the TRO to implement double yellow lines at the proposed access.
- 5.44 The Highway Authority would look for the standard vehicle crossover condition to be included on any permission granted and the applicant should be informed that they are liable for all the costs associated with the creation of this crossover.
- 5.45 Car Parking
The applicant is proposing 22 car parking spaces in total. Of the total 22 spaces 1 is for a disabled user and 2 are electric charging spaces. This parking will be for the use of staff at the college.
- 5.46 SPG04 states that the maximum car parking standard is 1 car parking space per staff member plus 1 space per 3 other staff. The applicant has stated that the number of proposed spaces are less than the maximum permitted under SPG04.
- 5.47 The car park is at basement level and will be accessed via a car lift from the new access on Sutherland Road. In order to ensure a safe and efficient access and egress the Highway Authority would look to secure further details as to how the lift will operate. The applicant should also note that it is an offence under the Highways Act 1980 for doors to open out over the adopted highway. Therefore further details should be secured which demonstrate doors will not open out over the highway.
- 5.48 Given that the proposed development will re-provide existing facilities it is not forecast in its self to result in a net increase of trips. The proposals are not intended to facilitate the increase in pupil numbers attending the college. The proposed development is an improvement to the facilities rather than an

intensification of use. In light of there not being a forecast increase in trips above existing levels the Highway Authority would not request a S106 contribution in this instance.

5.49 Ecology: No objection

No objection subject to a precautionary approach to demolition and felling being undertaken.

5.50 Common lizards have been identified in the local area, although it should be noted that records of them and their potential presence on site have already been considered in the application.

5.51 Having reconsidered the Phase 1 report submitted with the application, the proposed development is unlikely to impact on any habitats which could potentially support reptiles, and therefore it is considered unlikely that there will be any negative impacts on reptiles. However, as a precautionary approach, it is recommended that a method statement be provided describing how works will be undertaken to avoid harm to reptiles, and how the site will be enhanced for reptiles. Such a requirement can be secured by condition.

5.52 Planning Policy: No objection

The proposed development will greatly improve the quality of the sports and science facilities provided on the site. There is not considered to be a conflict with Local Plan Policy HO19 which relates to the provision of community facilities, including schools, subject to the case officer's assessment of conformity with part (b), which relates to amenity.

5.53 The loss of a tennis court (open space) in the north west corner of the site is considered to be adequately mitigated by the provision of outdoor recreation space on the roof of the new building, and allows an exception to Submission City Plan Policy CP16 to be made.

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

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

7 RELEVANT POLICIES & GUIDANCE

The National Planning Policy Framework (NPPF)

Brighton & Hove Local Plan:

- TR1 Development and the demand for travel
- TR7 Safe development
- TR14 Cycle access and parking
- TR19 Parking standards
- SU2 Efficiency of development in the use of energy, water and materials
- SU3 Water resources and their quality
- SU4 Surface water run-off and flood risk
- SU5 Surface water and foul sewage disposal infrastructure
- SU13 Minimisation and re-use of construction industry waste
- QD1 Design – quality of development and design statements
- QD2 Design – key principles for neighbourhoods
- QD3 Design – efficient and effective use of sites
- QD4 Design – strategic impact
- QD14 Extensions and alterations
- QD15 Landscape design
- QD16 Trees and hedgerows
- QD17 Protection and integration of nature conservation features
- QD18 Species protection
- QD27 Protection of Amenity
- HO19 New community facilities
- HE1 Listed buildings
- HE3 Development affecting the setting of a listed building
- HE6 Development within or affecting the setting of conservation areas

Supplementary Planning Guidance:

- SPGBH4 Parking Standards

Supplementary Planning Documents:

SPD06	Trees & Development Sites
SPD09	Architectural Features

Brighton & Hove City Plan Part One (submission document)

SS1	Presumption in Favour of Sustainable Development
CP8	Sustainable buildings
CP15	Heritage
CP16	Open space

8 CONSIDERATIONS & ASSESSMENT

- 8.1 The main considerations in the determination of this application relate to the principle of the demolition of the buildings, the acceptability of the design of the proposed building and its impact on the appearance and setting of the adjacent listed buildings and College Conservation Area. Also of consideration is the impact of the development on the amenities of adjacent occupiers, the impact of the basement parking on highway safety, the acceptability of the loss of trees adjacent to the building, and the acceptability of the removal of a section of Grade II listed boundary wall.
- 8.2 The application states that the proposal is to improve existing facilities that do not meet current standards, and is not to facilitate an increase in pupil numbers at the college. Paragraph 72 of the NPPF states that planning authorities should take a proactive, positive and collaborative approach to development that will widen choice in education, giving great weight to the need to create, expand or alter schools. This is a material consideration in the determination of this application.

Background:

- 8.3 Brighton College forms the focal point of the College Conservation Area and is formed of a collection of historic buildings by George Gilbert Scott (1849-1865), Thomas Graham Jackson (1882-1923) and FT Cawthorn (1913-1929). All these buildings are either Grade II listed or are listed curtilage buildings. A number of other post-war buildings occupy the site, being located in the main along the western site boundary with Sutherland Road. These buildings are not listed and impact variously on the setting of the above historic College buildings.
- 8.4 This application forms the final part of a seven-stage master plan to improve the College facilities and better rationalise the site as a whole. The first six parts of the masterplan have gained planning permission and have either been completed or are in the process of construction. These include the construction of the Skidelsky Building, Simon Smith Building and New House building which have won RIBA awards. A Clock Tower has recently been completed fronting Eastern Road, whilst construction of the new Music School is largely complete. The associated Drama School has planning permission under application BH2012/02378 but has yet to commence as it requires existing classrooms to be relocated first.

Principle of Demolition and Loss of Tennis Courts:

- 8.5 The application relates to the Sports Hall, Pavilion, Chowen and Blackshaw buildings which form a series of linked post-war additions set along the Sutherland Road boundary to the site. They are set at a minimum separation of 70m from the listed buildings and do not immediately impose on their setting. The Heritage Assessment identifies that the buildings provide a poor quality frontage to Sutherland Road that lacks coherence, with the Sports Hall in particular providing a blank frontage to the street. The buildings are generally considered poor quality additions that do not contribute to the significance of the campus or conservation area.
- 8.6 Having regard policies HE3 & HE6 of the Local Plan and paragraph 134 of the NPPF, the loss of these non-listed buildings is considered acceptable in principle and presents an opportunity to improve the quality of the development along the western boundary of the campus fronting Sutherland Road. Such development would be to the benefit of the overall appearance of the site, conservation area, and setting of the listed buildings within the site.
- 8.7 To facilitate the development a number of the College's tennis courts in the northwest corner of the campus are to be removed. The loss of these playing facilities would though be appropriately compensated by the new enlarged sports hall, swimming pool, running tracks and fitness facilities within the new building.

Design and Appearance:

- 8.8 The proposed building would extend 121m along the Sutherland Road boundary and provide 9,100sqm of accommodation spread across four floors. The basement level would comprise a swimming pool, changing rooms, plant rooms and a car park for 23 vehicles and 30 bicycles. The ground and part-first floor levels would comprise the main Sports Hall, fitness rooms and a café, with the remaining first floor and second floor comprising fifteen classrooms. The roof of the building would be part accessible with general green amenity space to the south side and a running track set centrally to the north side. The remaining areas to the northern part of the roof would form an inaccessible green roof. To the north of the building the car park entrance would comprise a twin car lift set within a single storey box structure behind the existing flint boundary wall. A new gated entrance is proposed within this wall.
- 8.9 The building is detailed to be a long horizontal slab sunk partially into the land such that it would be four storeys in height at the southern end and two storeys in height at the northern end. The building has been designed to reflect the rhythm and proportions of the terraces along Walpole Terrace and College Terrace whilst echoing the traditional beach groynes of the seafront. This has resulted in a building that comprises a bold slate grey re-enforced concrete skeletal frame with large full height glazing set in a semi-regular linear pattern. The Sutherland Road frontage has been broken through the use of flush and inset windows both clear glazed and translucent, the integration of a stairwell tower, and alterations to the geometry of the window voids. The internal east elevation comprises a stepped central roofline and taller double height glazing to the north and south sides. Both end elevations form blank perforated walls one storey in height, with the southern elevation forming a dramatic part-double

part-triple height cantilevered overhang. Acceptable details of all materials have been submitted with the application, and can be finalised by condition in the event permission is granted.

- 8.10 Both the scale of the building and its overall design and finish marks a significant departure from the other buildings on the campus however in this instance this is considered to have been successfully managed. The bulk of the buildings onsite form a tight complex of listed and non-listed structures in the southern half of the campus, with high quality modern designs sitting adjacent and amongst the traditional listed school buildings. The proposed building would sit somewhat detached from this character, being the only building (other than the small cricket pavilion to the east side) to the northern half of the site. The length of the building and its compartmentalisation articulated through the skeletal frame visually relates to the long terraces of Walpole Terrace and College Terrace, whilst the dark grey finish relates to the Skidelsky building further down Sutherland Road and similar other finishes within the site. The sense of massing has been reduced through the use of large areas of glazing which dominate both the main eastern and western facades and avoid the building having an unduly imposing impact. Whilst the main height of the building exceeds that of the Boys Day House adjacent by 2.2m, it remains below the height of the main listed Scott building and the new music and drama developments and as such would not have a significant impact.
- 8.11 In views from Sutherland Road the scale of the building, which would be predominantly three storeys, would exceed both the adjacent school buildings on the east side of the street and the houses on the west. In this instance this arrangement is considered acceptable given the separation and articulation of the southern corner of the building from the Boys Day House, and the steady reduction of the massing of the building as it sinks into the land to the north.

Boundary treatments

- 8.12 The existing boundary along Sutherland Road comprises a flint wall with railings above that connects to a Grade II listed flint wall at the junction of Sutherland Road and College Terrace. The flint wall extends 43m down Sutherland Road and is considered listed by virtue of its attachment to the listed wall at the junction. South of the flint wall the site boundary comprises a mix of fences and walls, including the flank wall of the Chowen building. This arrangement south of the flint wall makes for a poor quality site boundary that detracts from the setting of the campus and conservation area.
- 8.13 The application seeks to remove all existing boundary treatments fronting the proposed building, including a 20m section of the flint wall, leaving the building set open to the street behind a 2.8m deep section of grasscrete. A new 11m section of flint wall is proposed at the southern end of the building to connect to the remaining boundary walls south, whilst a 6.9m opening is proposed in the remaining flint wall to accommodate bi-folding metal gates to the car lifts.
- 8.14 The loss of the 20m section of historic flint wall is regrettable, particularly given the heritage value of the historic boundary treatments to the campus along College Terrace and Walpole Terrace in particular. The absence of a boundary

fronting the new building is considered a weakness in this context, and instead serves to emphasise the dominance and prominence of the building in the street scene. The applicants have been requested to consider a stronger boundary treatment outside the building to help better define the campus boundary and visually recess the building into the site, but have declined on the grounds that a boundary would harm the design strength of the building which they consider provides a suitable boundary in itself.

- 8.15 On balance, and having regard the overall benefits of the re-development of this part of the campus and the associated enlivenment of the Sutherland Road street scene, it is not considered that the absence of a boundary wall at this point is so detrimental as to warrant the refusal of permission. Conditions are recommended to secure details of the new gates, posts and treatments of the new wall-ends, prior to works to the wall commencing.
- 8.16 Both Historic England and the Council's Heritage officers have expressed support for the proposal, with Historic England considering the proposal to be 'a ground breaking, innovative design that will replace uninspiring buildings that currently do not make a positive contribution to the conservation area'. The Council's Heritage officer considers the proposal to be 'an exciting, inspiring building [that] will make a worthy addition to the collection of high quality historic and modern buildings within the campus and will make a positive contribution to the College Conservation Area'.
- 8.17 The loss of the Sports Hall, Pavilion, Chowen and Blackshaw buildings and the sections of flint boundary wall fronting Sutherland Road represents 'less than substantial' harm under paragraph 134 of the NPPF. However, this harm is outweighed by the public benefit of the development in providing a high quality development that makes a positive contribution to the College Conservation Area. The proposal is therefore considered a strong addition to the Brighton College site that suitably preserves and enhances the special interest and setting of its Grade II listed buildings, the appearance of the site when viewed from Sutherland Road, and the character and appearance of the College Conservation Area as a whole, in accordance with policies QD1, QD2, HE3 & HE6 of the Brighton & Hove Plan, the relevant policies in the NPPF, and the statutory duty within sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, to which considerable weight has been given.
- 8.18 Objections have been raised citing the harmful impact of the building on the Whitehawk Hill Scheduled Ancient Monument. This site is located over 600m from the proposed building on considerably higher ground level and separated by residential terraces. It is not considered that the scale or appearance of the building would impact on the setting of this designated heritage asset given this degree of separation.

Landscaping, Trees and Ecology:

- 8.19 The footprint of the building would be in the main in place of existing buildings, hard surfaced areas and tennis courts. The plans include alterations to the playing field land and new stepped access at the southern part of the site within the campus. These alterations would not have a detrimental impact on the

appearance of the site. Green roofs to soften the appearance of the building are proposed to the main roof and above the lower car park section to the north side and full details are secured by condition. Fronting Sutherland Road, a 2.8m deep strip of grasscrete is proposed adjacent to the footway along the entire 121m length of the building. Heritage officers have raised concern at the use of grasscrete, and have stated a preference for a permeable resin-bound aggregate instead. Final details of all materials, including all hard surfacing, are secured by condition whereby further detail can be sought.

8.20 Trees:

The application proposes the loss of six trees to facilitate the development and an Arboricultural Report and Impact Assessment has been submitted to assess this impact. A number of other trees sit in close proximity to the north and west of the proposed building which are also considered in the Assessment. A small hedge within the site is to be removed however this is of little amenity value.

8.21 Of the six trees to be removed, two are located at the southern end of the building, rear of the Boys Day House. The Arboricultural Assessment identifies these trees as being category B Sycamore trees approximately 14m in height. The other four trees are located within the College grounds along the western site boundary. These are identified as being category C Lime, Rowan, Field Maple and Prunus trees up to 7m in height.

8.22 The four category C trees along the western boundary are of low quality and provide little benefit to the character of the street, which is otherwise dominated by more mature street trees. Their loss would not therefore have a detrimental impact on the street or conservation area. The two category B trees are of greater maturity and overall quality, but are set behind the existing Boys Day House and Sport Hall. As such they are not readily visible from the wider public realm along Sutherland Road. To compensate for their loss additional tree planting is proposed and final details of their size, species and location are secured by condition.

8.23 A further 21 trees have been identified along the western and northern site boundaries. The majority of these are sufficiently set away from the development such that their root protection areas would not be impacted. Of the five trees most impacted, the Assessment identifies that the incursion into the root protection areas would not be significant such that their long term health would be harmed.

8.24 The Council's Arboriculturalist has raised no objection, advising that none of the impacted trees are worthy of a Protection Order. Subject to a condition requiring the protection of all affected trees to be retained during construction works and a minimum four replacement trees being planted, no objection is raised.

Ecology:

8.25 The application is supported by an Ecology Report and Bat Survey. The report and survey identify no risk to protected species, with no roosting bats being found within the buildings to be demolished. The County Ecologist has raised no objection accordingly. A residents has identified native common lizard on the

boundary walls along the College Terrace and Walpole Road, however the Ecologist does not consider the development likely to harm their habitat. In accordance with policies QD17 and QD18, a condition is attached requiring a scheme to enhance the nature conservation interest of the site to be submitted in accordance with the recommendations set out in the Ecology Report. These include the provision of swift and bat boxes and diverse green roof and grasscrete planting mixes. A further precautionary condition is attached to secure a method statement for the protection of reptiles during the course of development works.

Impact on Amenity:

- 8.26 The main impact would be on the amenities of properties opposite along Sutherland Road. The properties on College Terrace are set on higher ground level at a separation of 39m and would not be unduly impacted. Those along Walpole Terrace are set at a distance of 140m across the Home Ground and again would not be unduly impacted.
- 8.27 The western side of Sutherland Road comprises warehouse units and garages at the southern end and two storey houses on higher ground at the northern end. The houses commence midway along the length of the proposed building, with approximately 50m of its main 121m frontage sitting directly opposite nos 56-61 (inclusive) Sutherland Road. Section drawings have been provided which detail the building will sit 24.6m from these properties at its closest point.
- 8.28 Owing to the rising land the building would be between 11m and 14m in height above street level opposite these houses, with the 14m height set opposite no.61 Sutherland Road. Although a considerably taller structure than the existing buildings, the section drawings confirm that a 25° line from the ground floor windows to 56-61 Sutherland Road would not be broken. As a result the building complies with the BRE thresholds such that substantial and appreciable loss of daylight to these properties would not arise. In terms of outlook the building would have a considerably more dominating impact than the existing, being three storeys in height. The massing is broken by the large areas of clear and translucent glazing which, whilst reducing the dominance of the building, would provide for considerable potential light spillage, particularly in winter months.
- 8.29 The plans details that the ground and first floors facing 56-61 Sutherland Road would comprise the new Sports Hall, an internal running track and a meeting room and toilets. The second floor would comprise four classrooms and a greenhouse. Within the southern part of the building, the Sutherland Road elevation would largely comprise stairwell and corridor spaces. The application states that the building will be lit only during the hours of 8am to 9pm, thereby keeping any potential intrusive light spillage from the sports hall, four classrooms and store rooms opposite the houses on Sutherland Road to a minimum during winter months only.
- 8.30 The nature of the use of the ground and first floors is such that no significant overlooking would arise, with the plans detailing all windows to be translucent. The plans detail that 3 of the 4 classrooms at second floor level would comprise

translucent glazing bar a single end panel. The fourth, which would sit opposite 61 Sutherland Road, is detailed to be clear glazed. Although this window would result in potential overlooking, given the presence of a street tree directly outside and the separation of no.61 across Sutherland Road, it is not considered that any overlooking would be significant or harmful.

- 8.31 At roof level, the plans detail that only the central running track and southernmost roof areas would be accessible, with the northern areas around the running track comprising non-accessible sedum roofing. The accessible areas are sufficiently inset and/or to the south of the building such that no significant or harmful overlooking across the street to 56-61 Sutherland Road would occur. For the avoidance of doubt a condition is recommended to secure the accessible and non-accessible areas as detailed on the plans.
- 8.32 In terms of noise impact, use of the roof would result in intermittent noise potential but to no greater intrusion that already arises from the use of the site and Home Ground. A Noise Impact Assessment has been submitted to address potential harm from plant and ventilation units and use of the building. The report concludes that noise from the plant units, which are in the main at basement level, would not result in disturbance. Further no significant or harmful noise break-out from the use of the building would arise. The Council's Environmental Health officer has raised no objection accordingly, subject to conditions to ensure the recommendations of the noise report are fully implemented, and to ensure any contaminated land is suitably remediated.
- 8.33 Subject to the recommended conditions, no significant harm to the amenities of residents adjacent to the site would result.

Sustainable Transport:

- 8.34 The application proposes a basement level car park for 22 vehicles (including 1 disabled bay and 2 eco/charging spaces) and 36 bicycles, accessed via a two-space car lift opening onto Sutherland Road. The application details that the parking spaces are to be used by the Senior Management Team of the college, controlled by the use of permits. The number of bays accords with the number of staff within the Senior Management Team, who generally arrive and leave at the start and end of the working day. The provision of additional onsite parking and cycle spaces to serve existing employees of the college is considered welcome, and Sustainable Transport officers have raised no objection accordingly. The disabled parking bay does not conform with the appropriate standards however this can be addressed by condition.
- 8.35 The car lift will open via new inward opening boundary gates onto Sutherland Road, 12m south of its junction with College Terrace. Residents have identified existing high levels of vehicular movements and manoeuvres along Sutherland Road, particularly at the start and end of the school day, and have raised concern that this proposal will exacerbate this issue. Further concern has been raised at the proximity of the new access with the College Terrace junction. Given the intended use of the car park for staff only, the number of movements at the start and end of the working day will be limited to approximately 44 (22 in the morning and 22 in the evening after the school day

has ended). Sustainable Transport officers have raised no objection to this proposed arrangement, noting that the separation from the College Terrace junction is sufficient to avoid potential highway safety concerns and that the limited number of additional movements would not result in undue highway safety issues.

- 8.36 In order to form the new crossover onto Sutherland Road, two designated onstreet parking bays are to be lost. Sustainable Transport officers have identified that there is capacity to introduce two further bays along Sutherland Road to compensate and this can be achieved via an amendment to the Traffic Regulation Order. This amendment would also be necessary to introduce double yellow lines fronting the new car park access in any event.
- 8.37 For these reasons the proposed new car park and associated access arrangements would not result in highway safety issues, in accordance with policies TR1, TR7, TR14 & TR19 of the Brighton & Hove Local Plan.

Sustainability:

- 8.38 Policy SU2 of the Brighton & Hove Local Plan and CP8 of the submission City Plan Part One requires efficiency of development in the use of energy, water and materials and recommends that non-residential developments of this scale achieve BREEAM 'Excellent'. This is secured by condition.
- 8.39 The application is accompanied by a Sustainability Statement and BREEAM Preliminary Assessment. Both documents confirm that the building will achieve BREEAM 'Excellent', identifying measures such as a small combined heat and power engine to generate electricity, a highly efficient design, photovoltaics and rainwater harvesting. These measures provide assurance that the required sustainability standard can be reasonably achieved.

9 CONCLUSION

- 9.1 The proposed development represents a well-designed addition to the Brighton College site that suitably preserves and enhances the special interest and setting of its Grade II listed buildings, the appearance of the site when viewed from Sutherland Road, and the character and appearance of the College Conservation Area as a whole, without resulting in undue harm to neighbouring amenity or highway safety, in accordance with development plan policies, the NPPF when considered as a whole, and the statutory duty within sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

10 EQUALITIES

- 10.1 The building would be fully accessible for all.

11 PLANNING OBLIGATION / CONDITIONS / INFORMATIVES

Regulatory Conditions:

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

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

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

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

Plan Type	Reference	Version	Date Received
Site location plan	07_001	-	28/07/2015
Existing block plan	07_002	-	28/07/2015
Existing campus floor plan	07_100	-	02/07/2015
Existing ground floor plan	07_101	-	02/07/2015
Existing first floor plan	07_102	-	02/07/2015
Existing second floor plan	07_103	-	02/07/2015
Existing elevations	07_300	-	02/07/2015
Existing sections	07_200	-	02/07/2015
Proposed block plan	07_003	-	28/07/2015
Proposed campus floor plan	07_110	A	07/10/2015
Proposed field level floor plan	07_111	A	07/10/2015
Proposed first floor plan	07_112	-	02/07/2015
Proposed second floor plan	07_113	-	02/07/2015
Proposed roof plan	07_114	-	02/07/2015
Proposed elevations	07_310	A	07/10/2015
Proposed sections	07_210	-	02/07/2015
Existing and proposed boundary wall	07_400	A	07/10/2015

- 3) Unless otherwise agreed in writing by the Local Planning Authority, no cables, wires, aerials, pipework (except rainwater downpipes as shown on the approved plans), meter boxes or flues shall be fixed to any elevation facing a highway.

Reason: To safeguard the appearance of the building and the visual amenities of the locality and to comply with policies QD1, HE6 and QD27 of the Brighton & Hove Local Plan.

- 4) Access to the sedum roofs as set out on drawing no.07_114 received on 02 July 2015 shall be for maintenance or emergency purposes only and the sedum 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 policy QD27 of the Brighton & Hove Local Plan.

- 5) The vehicle parking area shown on the approved plans shall not be used otherwise than for the parking of private motor vehicles and motorcycles belonging to the staff of Brighton College only.

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

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- 6) Noise associated with plant and machinery incorporated within the development shall be controlled such that the Rating Level measured or calculated at 1-metre from the façade of the nearest existing noise sensitive premises, shall not exceed a level 5dB below the existing LA90 background noise level. The Rating Level and existing background noise levels are to be determined as per the guidance provided in BS 4142:2014.
Reason: To safeguard the amenities of the occupiers of neighbouring properties and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.
- 7) The glazing and ventilation requirements shall be installed in full accordance with the Rambol Acoustic report dated 16 September 2015 (reference 34524-AC-R01-Rev2) and shall be maintained as such thereafter.
Reason: To safeguard the amenities of the occupiers of neighbouring properties and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.
- 8) The new/extended crossover and access fronting Sutherland Road shall be constructed prior to the first occupation of the development hereby permitted.
Reason: In the interests of highway safety and to comply with policies TR1 and TR7 of the Brighton & Hove Local Plan.
- 9) The car lift and car park access arrangements shall be operated in full accordance with the methodology detailed within paragraph 2.9 of the Mode Transport Planning Technical Note dated 12th October 2015.
Reason: To ensure safe access to and from the car park and in the interest of highway safety and to comply with policy TR7 or the Brighton & Hove Local Plan.
- 10) All new flintwork, including the new flint wall, and works of making good of the flintwork shall match the original flint walls along Sutherland Road in the type of flints, coursing, density of stones, and the mortar's colour, texture, composition, lime content and method of pointing and the pointing of the brick dressings shall match the colour, texture, lime content and style of the original brick pointing.
Reason: To ensure a satisfactory appearance to the development and to comply with policy HE6 of the Brighton & Hove Local Plan.

11.2 Pre-Commencement Conditions:

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

Reason: As this matter is fundamental to protecting the trees which are to be retained on the site during construction works in the interest of the visual amenities of the area and to comply with policies QD1, QD16 and HE6 of the Brighton & Hove Local Plan.

- 12) No development shall take place (including any demolition, ground works, site clearance) until a method statement for the protection of any reptiles within the vicinity of the development site has been submitted to and approved in writing by the local planning authority. The works shall be carried out strictly in accordance with the approved details and shall be retained in that manner thereafter.

Reason: As this matter is fundamental to mitigating any impact from the development on protected species and to comply with policy QD18 of the Brighton & Hove Local Plan.

- 13) No development shall commence until a scheme to enhance the nature conservation interest of the site has been submitted to and agreed in writing by the Local Planning Authority. The scheme shall include the provision of swift and bat boxes in accordance with the recommendations set out in the Ecology Report received on 2 July 2015 and shall be implemented in full prior to the occupation of the development hereby approved.

Reason: To increase the biodiversity of the site, to mitigate any impact from the development hereby approved and to comply with policies QD17 and QD18 of the Brighton & Hove Local Plan.

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

Reason: To prevent the increased risk of flooding and to prevent pollution of controlled waters by ensuring the provision of a satisfactory means of surface water disposal and to comply with policies SU3, SU4 and SU5 of the Brighton & Hove Local Plan.

- 15) No development shall take place until a detailed design and associated management and maintenance plan of surface water drainage for the site, as per the Surface Water Drainage – Response to Comments (Ref. 23946), dated October 2015, has been submitted to and approved in writing by the Local Planning Authority. The approved drainage system shall be implemented in accordance with the approved detailed design prior to the use of the building commencing.

Reason: This pre-commencement condition is required to ensure that the principles of sustainable drainage are incorporated into this proposal from the start and to comply with policy SU4 of the Brighton & Hove Local Plan.

- 16) (i) The development hereby permitted shall not be commenced until there has been submitted to and approved in writing by the Local Planning Authority:

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

(ii) The development hereby permitted shall not be occupied or brought into use until there has been submitted to the Local Planning Authority verification by the competent person approved under the provisions of (i) (a) above that any remediation scheme required and approved under the provisions of (i) (a) above has been implemented fully in accordance with the approved details (unless varied with the written agreement of the Local Planning Authority in advance of implementation). Unless otherwise agreed in writing by the Local Planning Authority such verification shall comprise:

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

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

Reason: To prevent pollution of the water environment and to safeguard the health of future residents or occupiers of the site and to comply with policies SU3 and SU11 of the Brighton & Hove Local Plan.

- 17) 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.

- 18) No development shall take place until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include:

- (i) The phases of the Proposed Development including the forecasted completion date(s)
- (ii) A commitment to apply to the Council for prior consent under the Control of Pollution Act 1974 and not to Commence Development until such consent has been obtained
- (iii) A scheme of how the contractors will liaise with local residents to ensure that residents are kept aware of site progress and how any complaints will be dealt with reviewed and recorded (including details of any considerate constructor or similar scheme)
- (iv) A scheme of how the contractors will minimise complaints from neighbours regarding issues such as noise and dust

management vibration site traffic and deliveries to and from the site

- (v) Details of hours of construction including all associated vehicular movements
- (vi) Details of the construction compound
- (vii) A plan showing construction traffic routes
- (viii) An audit of all waste generated during construction works

The construction shall be carried out in accordance with the approved CEMP.

Reason: As this matter is fundamental to the protection of amenity, highway safety and managing waste throughout development works and to comply with policies QD27, SU2, SU9, SU10, SU13 and TR7 of the Brighton & Hove Local Plan and WMP3d of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan 2013 and Supplementary Planning Document 03 Construction and Demolition Waste.

- 19) No development shall commence until full details of the retaining boundary wall structure, including land drainage from behind the wall, surface water drainage away from the highway, cross sections, depth of footings, retained height, thickness of wall, construction materials, method of construction and design calculations, have been submitted to and agreed in writing by the Local Planning Authority.

Reason: This pre-commencement condition is required to ensure the stability of the adjacent pavement and to comply with Policy TR7 of the Brighton & Hove Local Plan.

- 20) No development above basement 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 external wall surfaces, including any treatments
- b) samples of all hard surfacing materials
- c) samples of the proposed window, door and balustrade 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 QD1, QD2 & HE6 of the Brighton & Hove Local Plan.

- 21) No development above basement floor slab level shall take place until sample elevations and sections at 1:5 scale of all window frames, profiles and reveals have been submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in strict accordance with the approved details.

Reason: To ensure a satisfactory appearance to the development and to comply with policies QD1 and HE6 of the Brighton & Hove Local Plan.

- 22) No development above basement floor slab level of any part of the development hereby permitted shall take place until details of the

construction of the green roofs have been submitted to and approved in writing by the Local Planning Authority. The details shall include a cross section, construction method statement, the seed mix, and a maintenance and irrigation programme. The roofs shall then be constructed in accordance with the approved details and shall be retained as such thereafter.

Reason: To ensure that the development contributes to ecological enhancement on the site and in accordance with policy QD17 of the Brighton & Hove Local Plan.

- 23) No demolition or alteration of the flint boundary wall shall take place until full details of all new boundary treatments, including detailed elevations and cross-sections at 1:5 scale of the new gates and gate posts, and details of the treatment of the new wall openings, have been submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in strict accordance with the approved details.

Reason: To ensure a satisfactory appearance to the development and to comply with policies QD1, HE1 and HE6 of the Brighton & Hove Local Plan.

11.4 Pre-Occupation Conditions:

- 24) The development hereby approved shall not be occupied until a scheme for the planting of a minimum four trees within the vicinity of the building has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include the location of the new trees, their size (to be a minimum Heavy Standard with a 12-14cm girth), and planting method, and a maintenance programme. The trees shall be planted in the first planting season following the first occupation of the building or the completion of the development, whichever is the sooner; and any trees which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: To enhance the appearance of the development in the interest of the visual amenities of the area and to comply with policies QD1, QD15 and HE6 of the Brighton & Hove Local Plan.

- 25) 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.

- 26) Prior to first occupation of the development hereby permitted, details of disabled car parking provision for the occupants of, and visitors to, the development shall have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall include 1.2m clear zones either side of the bays in accordance with TAL 5/95 guidance, and be fully implemented and made available for use prior to the first occupation of the development. The bays shall thereafter be retained for use at all times.

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

- 27) Unless otherwise agreed in writing by the Local Planning Authority, the development hereby approved shall not be occupied until a BREEAM Building Research Establishment issued Post Construction Review Certificate confirming that it has achieved a minimum BREEAM 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 SU2 of the Brighton & Hove Local Plan and policy CP8 of the Submission 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 (submission document) the approach to making a decision on this planning application has been to apply the presumption in favour of sustainable development. The Local Planning Authority seeks to approve planning applications which are for sustainable development where possible.
2. This decision to grant Planning Permission has been taken:
 - (i) having regard to the policies and proposals in the National Planning Policy Framework and the Development Plan, including Supplementary Planning Guidance and Supplementary Planning Documents:
(Please see section 7 of the report for the full list); and
 - (ii) for the following reasons:-

The proposed development represents a well-designed addition to the Brighton College site that suitably preserves and enhances the special interest and setting of its Grade II listed buildings, the appearance of the site when viewed from Sutherland Road, and the character and appearance of the College Conservation Area as a whole, without resulting in undue harm to neighbouring amenity or highway safety, in accordance with development plan policies, the NPPF when considered as a whole, and the statutory duty within sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

3. The applicant is advised that formal applications for connection to the public sewerage system and to the water supply are required in order to service this development. Please contact Southern Water, Southern House, Sparrowgrove, Otterbourne, Hampshire, SO21 2SW (tel 0330 303 0119), or www.southernwater.co.uk
4. The applicant is advised that as the scheme includes a basement, the detailed design of the proposed drainage system should take account the possibility of surcharging within the public sewerage system in order to protect the development from potential flooding.
5. The applicant is advised that this planning permission does not override the need to go through the Approval in Principle (AIP) process for the necessary works adjacent to the highway, prior to the commencement of any construction works. The applicant must contact the Council's Highway Engineering & Projects Team for further information.
6. The applicant is advised that under Part 1 of the Wildlife and Countryside Act 1981 disturbance to nesting birds must not occur and the applicant must comply with all relevant legislation. Nesting season is from March – September inclusive, any nest found on the site should be protected until such time as they have fledged and left the nest.
7. The applicant is advised that all works should be undertaken at a time when bats are unlikely to be present and vulnerable (i.e. autumn or spring) and under the supervision of a suitably qualified and experienced ecologist. Any features on the buildings to be demolished with bat roost potential should be soft stripped by hand. The trees to be felled should be soft felled following a pre-felling check, and the bird boxes currently present on the trees should also be checked. Replacement boxes should be provided on mature trees and/or buildings on site. If any bats are encountered, works should stop and advice should be sought on how to proceed. In this case, a European Protected Species Mitigation licence is likely to be required. Any external lighting scheme should take account of national best practice guidance to avoid any impacts on foraging and commuting bats.
8. The applicant is advised that a permeable, resin-bound aggregate may be a more appropriate material to run alongside the Sutherland Road footway than the proposed Grasscrete and further consideration of this item would be welcomed.
9. The planning permission granted includes a vehicle crossover which requires alterations and amendments to areas of the public highway. All necessary costs including any necessary amendments to a Traffic Regulation Order (TRO), the appropriate license and application fees for the crossing and any costs associated with the movement of any existing street furniture will have to be funded by the applicant. Although these works are approved in principle by the Highway Authority, no permission is

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hereby granted to carry out these works until all necessary and appropriate design details have been submitted and agreed. The crossover is required to be constructed under licence from the Head of Asset and Network Management. The applicant must contact the Streetworks Team (01273 293 366) prior to any works commencing on the public highway.

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

Karen Barford
44 Oaklands Avenue
Brighton
BN2 8LQ

14th August 2015

Dear Adrian

Objection to the Planning Application: BH2015/02403 (Brighton College Eastern Road)

I am writing to object to the planning application referenced above. My reasons for objection are as follows:

- The height and the location of the proposed new building and its close proximity to Sutherland Road will overshadow existing properties on the opposite side.
- The height of the proposed building will block out light to the other properties on Sutherland Road affecting their quality of life.
- The height of the proposed building will overlook existing properties on Sutherland Road invading on their privacy.
- The height and location of the proposed building will encroach negatively on the residents in College Terrace and those living in St Matthews Court, restricting sunlight and invading on their privacy.
- The proposed building would increase number of vehicles in the vicinity, resulting in an increase in pollution, traffic congestion and noise which would negatively impact on residents quality of life in the surrounding area.
- The increase in traffic would have a negative impact on neighbouring schools and special schools and this would pose a significant risk to disabled children attending these schools, many of whom are deaf, blind and suffer with mobility issues.

I would suggest that alternatives or adjustments are considered in this planning application to minimalise the effect to residents and other local schools.

- Not build extensively beyond existing buildings
- Reducing the height of the proposed building
- Building further south away from the residential properties on Sutherland Road
- If planning permission is granted, that a traffic management analysis is carried out and that traffic calming measures are put in place as part of the planning agreement.

I therefore urge you to reject this planning application on the basis of the above reasons and to consider the proposed adjustments to the application

Yours sincerely



Karen Barford

Councillor, Queen's Park Ward

Brighton and Hove City Council

Adrian Smith
Planning Dept.
Brighton & Hove City Council
King's House
Grand Avenue
Hove BN3 2LS

Daniel Chapman
Top Floor, 55 Shaftesbury Road
Brighton
BN1 4NF

14th August 2015

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- The height of the proposed building will overlook existing properties on Sutherland Road invading on their privacy.
- The height and location of the proposed building will encroach negatively on the residents in College Terrace and those living in St Matthews Court, restricting sunlight and invading on their privacy.
- The proposed building would increase number of vehicles in the vicinity, resulting in an increase in pollution, traffic congestion and noise which would negatively impact on residents quality of life in the surrounding area.
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Yours sincerely

Daniel Chapman

Councillor, Queen's Park Ward

Brighton and Hove City Council

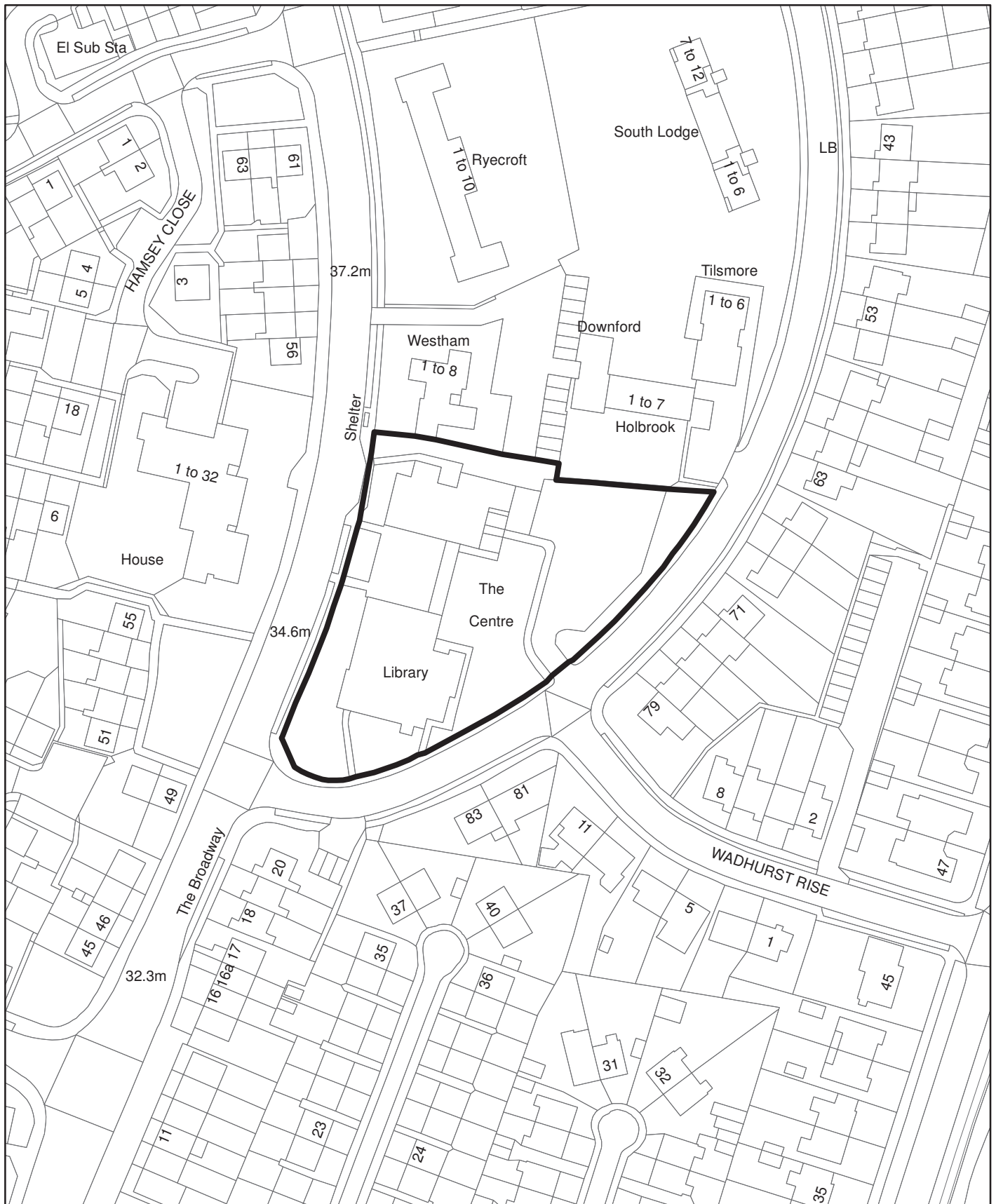
ITEM B

**Former Whitehawk Library site,
Findon Road / Whitehawk Road, Brighton**

**BH2015/02941
Full planning**

28 OCTOBER 2015

BH2015/02941 Former Whitehawk Library site Findon Road/ Whitehawk Road



**Brighton & Hove
City Council**



Scale: 1:1,250

<u>No:</u>	BH2015/02941	<u>Ward:</u>	EAST BRIGHTON
<u>App Type:</u>	Council Development (Full Planning)		
<u>Address:</u>	Former Whitehawk Library site Findon Road/Whitehawk Road Brighton		
<u>Proposal:</u>	Construction of 2no residential blocks to provide a total of 57 self-contained flats incorporating creation of vehicular access points from Whitehawk Road and Findon Road, car parking spaces, refuse facilities, landscaping and other associated works. (Amended Scheme)		
<u>Officer:</u>	Jason Hawkes Tel 292153	<u>Valid Date:</u>	14/08/2015
<u>Con Area:</u>	N/a	<u>Expiry Date:</u>	13 November 2015
<u>Listed Building Grade:</u>	N/a		
<u>Agent:</u>	Brighton & Hove City Council, Property & Design, Kings House, Grand Avenue, Hove, BN3 2LS		
<u>Applicant:</u>	Brighton & Hove City Council, Mr Sam Smith, Kings House, Grand Avenue, Hove, BN3 2LS		

1 RECOMMENDATION

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

2 SITE LOCATION & DESCRIPTION

- 2.1 The application site relates to a vacant site located on the corner of Whitehawk Road and Findon Road. The site is mainly surrounded by hoardings which surround a grassed area. The site also includes a car parking area to the east side. The site was formerly occupied by two buildings which formed the Whitehawk Community Complex. The complex included the former Whitehawk library. The buildings were demolished in 2011. The Whitehawk Community Hub and Library have been moved further south and are now located at 179A Whitehawk Road. The current car park on site serviced the former library and community centre. The site has an area of 4,667 square metres.

The site is subject to level changes. The east side of the site is set at a higher ground level than the south and west side. This is reflected in Findon Road being set at a much higher ground level than Whitehawk Road. The site includes a number of trees. Most notably there is a group of four Sycamores on the southern corner of the site. There are also a number of trees along the eastern side of Findon Road which includes two Elm trees. The Elm trees are protected under a Tree Preservation Order.

The immediate surrounding properties are residential in character. Directly to the north of the site are modern blocks of flats at Tilsmore, Holbrook and Westham. Facing the site on Findon Road is a terrace of two-storey houses.

The west of the site at Whitehawk Road is comprised of a mix of terraced houses and blocks of flats.

3 RELEVANT HISTORY

BH2015/02285: Former Whitehawk Library site Findon Road/Whitehawk Road. Construction of 2no residential blocks to provide a total of 58 self-contained flats incorporating creation of two vehicular access points from Whitehawk Road and Findon Road, car parking spaces, refuse facilities, landscaping and other associated works. Withdrawn 18/08/2015.

BH2001/02953/FP: Single storey rear extension to provide disabled toilet. Approved 09/01/2002.

91/1052/CD/FP: Single storey extension to existing housing office. Approved 10/11/1992.

4 THE APPLICATION

- 4.1 Planning permission is sought for the construction of two blocks to form 57 flats. The land is Council owned and the scheme would provide 57 housing units. The scheme is part of the New Homes for Neighbourhoods programme to build 500 new council homes on the Housing Revenue Account by 2030.
- 4.2 During the course of the application, the Estates teams have commented that the scheme will either be built as a 100% affordable rented scheme or with a minimum of 50% affordable rented and a percentage of market sale depending on final viability.
- 4.3 The two blocks would be positioned on the east and west sides of the site with a north to south orientation. The western block would be part four – five storeys tall. The five storey section would be to the southern section of the building. The eastern block would be four storeys tall. Due to the topography of the site, the eastern block is set at a higher ground level. This would result in the two blocks having a similar finished height. The two blocks are modern in design and includes frameless balconies and ground floor patios. The blocks are proposed in buff bricks with powder coated aluminium windows and doors. Both blocks would have flat roofs with solar panels. The main entrance to the blocks would be from a central landscaped area which separates the blocks. Both blocks include a central lobby and stairwell as well as lifts. Solar panels are proposed at roof level.
- 4.4 The scheme would retain the existing car park (15 spaces) to the eastern side of the site accessed from Findon Road. Additional car parking (5 disabled spaces) would also be provided to the north of the site. The scheme includes the provision of 110 cycle storage spaces are proposed within the buildings and within external cycle stores. A new vehicular access is proposed from Whitehawk Road.
- 4.5 The proposal would result in the loss of five trees on site (3 x Sycamores, 1 x Midland Thorn and 1 x Cypress). 8 trees would retained on site (2 x Elms, 1 x Midland Thorn, 3 x Sycamores, 2 x Swedish Whitebeam). Soft and hard landscaping is proposed as part of proposal including additional tree planting

fronting Whitehawk Road. The scheme includes 3 enclosed timber refuse stores.

4.6 The following units are proposed:

- 10 x one bed units.
- 33 x two bed units.
- 14 x three bed units.

5 of the units would be wheelchair accessible.

4.7 The application was subject to a 'Planning for Real' consultation with local residents. The Design & Access Statement states that around 80 local residents attended and over 250 comments were submitted. The outcome of the consultation indicated concern over parking provision and the height of the buildings.

4.8 This application is an amended scheme following a recent application for 58 flats within two blocks. The former application was withdrawn as the scheme resulted in the loss of protected Elm trees on site. The current scheme has been designed to retain the Elm trees in situ.

5 PUBLICITY & CONSULTATIONS

External

5.1 **Neighbours: Seven (7)** letters of representation have been received from **51 (x2), 61, 75, 77 Findon Road** and **53, 54, Whitehawk Road** objecting to the application for the following reasons:

- The scheme should be higher to get more affordable housing in the city.
- Concern is raised about a tree inside the site which is not commonly found.
- The scheme only supplies 25 car parking spaces for 57 units. This is a reduction from 28 spaces proposed in the previous scheme. More spaces should be provided. This is not a Controlled Parking Zone and the area is used by people who don't have a permit and work in Brighton. This makes it hard for services to access the roads. The scheme would greatly reduce on street parking for local residents. The parking survey submitted is inaccurate.
- An objection is raised about the amended scheme and the need to resubmit objections.
- The scheme would impact on the struggling infrastructure of the area such as doctors, dentists and schools.
- The proposal is too large for this site. Five and four storeys is too high and the scheme doesn't fit in with the street scene. Houses would be more appropriate.

A petition has been received with **79 signatures** objecting to the scheme on the grounds that the development is too dense for the area and 20 parking spaces for 57 flats is totally inadequate.

5.2 **Environment Agency: No objection.** The site is within Flood Zone 1 as having a low probability of flooding. The applicant is advised that all precautions must

be taken to avoid discharges and spills to the ground during and after construction. For advice on pollution prevention measures, the applicant should refer to the Environment Agency guidance.

- 5.3 **East Sussex County Council Archaeologist:** No objection.
- 5.4 **East Sussex County Council Ecologist:** No objection. Subject to the implementation of the recommended mitigation measures, the proposed development is unlikely to have a significant impact on biodiversity.
- 5.5 **East Sussex Fire & Rescue Service:** No objection. The Fire Safety Officer recommends the installation of sprinkler systems.
- 5.6 **Southern Water:** No objection.
- 5.7 **Sussex Police:** No objection. The Crime Prevention Designer Adviser is pleased to see that the scheme incorporates crime prevention measures. Further measures can be incorporated such as video entry systems and limiters fitted to ground floor windows.
- Internal:**
- 5.8 **Access Consultant:** No objection subject to level access to all entrances and internal amendments to the wheelchair accessible housing.
- 5.9 **Arboricultural Section:** No objection subject to suitable conditions relating to measures for the protection of trees to be retained on site during construction works and landscaping details to be submitted and agreed by the Local Planning Authority in writing prior to commencement of works.
- 5.10 **Economic Development:** Support subject to a contribution of £28,500 towards the Local Employment Scheme and the provision of an Employment and Training Strategy with the developer to using 20% local employment during the demolition and construction phase.
- 5.11 **Environmental Health:** No objection subject to conditions relating to land contamination and the submission of details of soundproofing of the building.
- 5.12 **City Clean:** No objection subject to the provision of the bin allocation for this site completed in accordance with the submitted details.
- 5.13 **Head of Education Capital:** No objection subject to a contribution towards the cost of providing educational infrastructure for this development for £116,348. The contribution would go towards primary and secondary provision. The primary provision would be spent at City Academy Whitehawk, St Marks C of E Primary, St John the Baptist RC Primary, Queens Park Primary. The secondary provision would be Longhill School, Dorothy Stringer High School and Vardean School.

- 5.14 **Housing Strategy:** Support. The provision of affordable rented accommodation and wheelchair accessible rented units is particularly welcomed at the present time.
- 5.15 **Flood Risk Management Officer:** No objection subject to a condition requiring the submission of a detailed design and associated management and maintenance plan of surface water drainage for the site using sustainable drainage methods.
- 5.16 **Policy Section:** Support. The development is supported as a valuable contribution on helping the city's need for more affordable housing. A contribution is required of £180,934.20 towards open space recreation improvements in the area.
- 5.17 **Private Sector Housing:** No comment.
- 5.18 **Sustainability Section:** No objection.
- 5.19 **Sustainable Transport:** No objection subject to the following:
- S106 contribution to secure the following:
 - A contribution of £55,643 towards sustainable transport improvement. The contribution would be used for the provision of an accessible kerb and/or bus shelter and real time passenger information sign at the bus stop adjacent to the development site on Whitehawk Road and for a pedestrian crossing and footway improvements on Findon Road and Whitehawk Road/ Whitehawk Way to provide acceptable routes between the development site and local facilities including the shops and public transport provision on Whitehawk Road.
 - The provision of a welcome pack for new residents providing details of sustainable transport facilities within the vicinity of the site, including cycle and bus routes and timetable brochures and the provision of 2 years City Car Club membership per household.
 - An amended Construction and Environmental Management Plan to secure the implementation of the submitted CEMP with amendments to include measures to promote and monitor staff travel to and from the site.
 - The vehicle parking area 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.
 - No development shall take place until a full scheme including layout and constructional drawings, setting out the highway works associated with the site accesses on Findon Road and Whitehawk Road, the removal of the loading bay on Whitehawk Road and the reinstatement of footway in its place, the relocation of the south bound Whitehawk Community Centre bus shelter and the re-provision of a shelter, accessible Kassell kerb and Real Time Passenger Information sign and associated footway works and the access roads within the site have been submitted to and approved in writing by the local planning authority. No dwelling shall be occupied until the approved highway works have been carried out in accordance with the approved scheme.

- Prior to first occupation of the development hereby permitted, details of the 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.
- The applicant is advised that no works should start on the adopted highway until license is granted by the Highway Authority to undertake these works on the highway. The applicant is liable for all the costs associated with these works including the need to advertise Traffic Regulation Orders associated with the changes.

6 MATERIAL CONSIDERATIONS

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

7 RELEVANT POLICIES & GUIDANCE

The National Planning Policy Framework (NPPF)

Brighton & Hove Local Plan:

TR1	Development and the demand for travel
TR4	Travel Plans

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TR7	Safe development
TR14	Cycle access and parking
TR19	Parking standards
SU2	Efficiency of development in the use of energy, water and materials
SU4	Surface water run-off and flood risk
SU5	Surface water and foul sewage disposal infrastructure
SU9	Pollution and nuisance control
SU13	Minimisation and re-use of construction industry waste
QD1	Design – quality of development and design statements
QD2	Design – key principles for neighbourhoods
QD3	Design – efficient and effective use of sites
QD5	Design – street frontages
QD7	Crime prevention measures through environmental design
QD15	Landscape design
QD16	Trees and hedgerows
QD18	Species protection
QD20	Urban open space
QD27	Protection of Amenity
QD28	Planning obligations
HO2	Affordable housing – ‘windfall’ sites
HO3	Dwelling type and size
HO4	Dwelling densities
HO5	Provision of private amenity space in residential development
HO6	Provision of outdoor recreation space in housing schemes
HO13	Accessible housing and lifetime homes
HO20	Retention of community facilities

Supplementary Planning Guidance:

SPGBH4 Parking Standards
Interim Guidance on Developer Contributions

Supplementary Planning Documents:

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

Brighton & Hove City Plan Part One (submission document)

SS1 Presumption in Favour of Sustainable Development
CP14 Housing Density

8 CONSIDERATIONS & ASSESSMENT

- 8.1 The main considerations in the determination of this application relate to the loss of the former community use, the provision of affordable housing, the design and appearance of the proposed development, impact on residential amenity, standard of accommodation, transport and highway concerns, land

contamination, impact on trees and landscaping, sustainability, ecology considerations and crime prevention measures.

8.2 Provision of Housing:

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

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

8.3 Loss of Community Use

Policy HO20 of the Brighton & Hove Local Plan seeks to protect community facilities. The policy states that planning permission will not be granted for development proposals that involve the loss of community facilities unless one of four exception tests is met. One of the exceptions allows the loss of a community use provided the existing community use is replaced within a new development.

The site is currently vacant with the exception of a car park. Previously the site housed the Whitehawk Community Complex, which included a library. The buildings were demolished in 2011. The Whitehawk Community Hub and Library have been moved further south and are now located at 179A Whitehawk Road. The new centre opened in 2011. Given the relocation of the community use, the scheme is in accordance with policy HO20.

8.4 Provision of Affordable Housing:

Policy HO2 of the Brighton & Hove Local Plan states that where a proposal is made for residential development, capable of 10 or more dwellings, the Local Planning Authority will negotiate with developers to secure a 40% element of affordable housing.

The application as originally submitted proposed 100% affordable housing with 57 units of affordable rented units. During the course of the application, the Estates teams have commented that the scheme will either be built as a 100% affordable rented scheme or with a minimum of 50% affordable rented and a percentage of market sale depending on final viability. The applicant has advised that whilst it is intended to provide 100% affordable housing, this may not be possible. The viability of this scheme is not finalised at this stage.

Notwithstanding the uncertainty of the amount of affordable housing provision, the provision of 50% affordable rented housing units (29 units) would be appropriate as this would still be above the 40% required by policy HO2. This

would be subject to 10% of the affordable units (3 units) to be wheelchair accessible. The applicant has stated that the affordable housing will remain as Council Housing and would not be transferred to a Social Housing Provider.

Subject to the provision of a minimum of 40% affordable housing, the scheme would still be policy compliant. Consequently, no objection would be raised to the provision of 50% affordable rented units (with 10% of the affordable units being wheelchair accessible) and 50% market housing. To ensure the provision of a minimum of 40% affordable housing, a condition is recommended. The condition will ensure the delivery of a minimum amount of affordable housing and wheelchair accessible units. The condition would also ensure that full details of the affordable housing within the development, including layout plans, is agreed by the Local Planning Authority prior to occupation.

The condition would also allow flexibility in the event the applicant can provide a higher level of affordable housing.

8.5 **Design:**

Policies QD1 & QD2 of the Brighton & Hove Local Plan states that all proposals must demonstrate a high standard of design and make a positive contribution to the visual quality of the surrounding area. Policies QD1 & QD2 states that it does not seek to restrict creative design provided that new development can still be integrated successfully into its context.

Planning permission is sought for 57 flats within two blocks of flats. The flats would be parallel with each other with a north to south orientation. The west block fronts Whitehawk Road and is a larger building accommodating 43 flats. This building would be part four and five storeys tall. The five storey section of the building would be to the southern section of the building. This section would have a height of 15.6m. The four storey section would front the Westham block of flats to the north of the site which is also four storeys tall.

The smaller building on the Eastern edge of the site overlaps the retained car park accessible from Findon Road. This building would provide 14 flats. Due to the difference in ground level, this building would sit at a higher ground level than the western block. The scheme includes a landscape buffer zone separating the two buildings. Given the difference in ground levels, the eastern block would be approximately the same height as the five storey section of the western block. The buildings are seen as masonry structures with groupings of windows and cantilevered balconies. Windows frames will be light grey aluminium. Balconies would have powder coated aluminium fascias, with pale green glass balustrades and stainless steel handrails. The brick proposed is a light pale brick.

With respect to the existing street scene and surrounding area, the site is surrounded by mainly red brick flats and houses to the east and west of the site. To the west, there is a block of three storey flats at Walter May House. To the south of the flats is row of 51-55 Whitehawk Road which are set back from the street. There is also a terrace of dwellinghouses of modern design directly south of the site across the road facing east. The east side of Findon Road is

comprised of two-storey dwellinghouses. These houses are set at a higher ground level rising up the street and are accessed by steps. To the north of the site are modern blocks of flats at Westham, Holbrook and Tilmore. These blocks are utilitarian in design. All the blocks that face the site are four storeys tall with a rendered finish.

In terms of height, the four storey sections of the proposed blocks would be comparable to the height of the adjacent blocks of flats directly to the north of the site. The scheme would also retain a suitable gap between the proposed blocks and existing blocks of flats. With the five storey element, the proposed western block would be higher than the adjacent houses and blocks of flats. The development would be visually prominent when viewed from the south on Whitehawk Road. However, on this corner plot, the increase in height is considered appropriate and would give the scheme gravitas as a landmark addition. Additionally, in the context of the surrounding area, the five storeys would not appear overly dramatic or imposing.

The site is located just outside the centre of town and includes elements of suburbia. Given the mix of houses and blocks of flats in the area, the resulting development would not stand out as an inappropriate form of development or as an overdevelopment of the site. With 57 dwellings within nearly 5,000 square metres of land, the scheme would be a higher density than that typically found in surrounding residential development. However, this is not considered to be detrimental to the character and appearance of the area.

Policy HO4 states that to make full and effective use of the land available, residential development will be permitted at higher density than those typically found in the locality where it can be demonstrated that the proposal exhibits a high standard of design. Having regard to the importance of supplying affordable council housing for the city and to the appropriate design of the development, the density proposed for this development is considered acceptable.

Policy CP14 of the City Plan states that new residential development will be expected to achieve a minimum of 50 dwellings per hectare. This expectation of higher density is a shift in approach from policy HO4 of the Local Plan, which permitted higher densities rather than explicitly seeking such forms of development.

It should also be noted that the scheme includes extensive landscaping including the retention of several trees on site and the addition of further trees around the site. The proposal also maintains the space around the eastern block with the retention of the car park which keeps a gap between the development and Findon Road. The modern design of the building with the buff brick and triangular balconies to the Eastern Block also gives the building visual interest. Having regard to the above, the scheme is considered in accordance with policy HO4 of the Brighton & Hove Local Plan and CP4 of the City Plan.

Overall, the scale and massing of the development is considered appropriate. The development would also maintain an adequate gap between the proposed

building and adjacent properties, with the resulting buildings not appearing cramped or unduly dominant. Additionally, having regard to design of the scheme and the inclusion of trees and landscaping, the blocks would be sympathetic and appropriate additions in the street scene.

8.6 Impact on Amenity:

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

With respect to the properties to the immediate east (Walter May House and 51-55 Whitehawk Road), these properties are positioned across the development and are set back from the pavement. The nearest dwellings to the west at Walter May House would be just over 24m from the west facing elevation of the larger block of flats. The houses at 51-55 Whitehawk Road are set much further back with a large grassed area in front. Given this distance, the scheme would not result in a significant impact on the amenity of the residents of these properties.

The properties directly to the south are also a significant distance from the nearest proposed block. Nos. 81 and 83 are a pair of semi-detached houses facing the site with a north facing orientation. These properties would mainly look out onto a landscaped area and the retained trees along the south eastern boundary and would not be significantly affected by the proposed development.

Turning to the potential impact on the terraced houses running up the eastern side of Findon Road, these properties are set at a higher ground level with raised front gardens and stepped entrances to the houses. With the retained car park for the flats, the houses would be set a significant distance from the proposed eastern block of flats.

With respect to the existing blocks of flats directly to the north, the four storey block at Westham facing Whitehawk Road would be set 11m from the north facing elevation of proposed western block. The proposed eastern block would be set closer to the northern boundary in order to accommodate the protected Elm trees on site. This block would still be set over 18m from the south facing elevation of the Holbrook flats which front Findon Road. Both of the proposed blocks of flats would emulate the existing ground levels of the adjacent blocks of flats to the north. Given the distance between the proposed buildings and the existing blocks of flats directly to the north, the scheme would not result in a detrimental impact on these properties with respect to loss of light, outlook or an increased of enclosure.

The proposal includes north facing windows to both proposed blocks which would serve bedrooms. To limit overlooking of the adjacent gardens and south facing windows at Holbrook and Westham, the proposal includes angled windows to the north facing windows to both blocks. With the angled windows in place, the proposal would not result in any direct overlooking or loss of privacy to any adjacent properties.

The scheme includes balconies for both blocks. The balconies would be to the east, west and southern elevations of the blocks. The scheme does not include balconies to the northern elevations. Having regard to the distance of the balconies from the adjacent residential properties, the scheme would not result in any significant noise impact or overlooking.

The proposal would result in some balconies and windows for the two blocks facing each other. This would result in some overlooking between the two properties. The distance between the two blocks is 15m. With the proposed east block positioned further north than the western block, the prospect for mutual overlooking and overshadowing is limited between the blocks. Whilst not ideal, it is considered that the distance and positioning between the properties would limit overlooking and noise impact and that a refusal based on loss of amenity would not be justified on these grounds.

To limit overlooking from the balconies of the proposed eastern block of the gardens and south facing of the Holbrook flats, the scheme includes 1.8m screens to the balconies to the northern parts of the balconies. A condition is recommended to ensure the screens are in place, prior to the use of these balconies.

Subject to this condition, the scheme would not result in a significant impact on the amenity of any adjacent properties and is in accordance with policy QD27.

8.7 Standard of Accommodation

Brighton & Hove Local Plan policy QD27 requires new residential development to provide suitable living conditions for future occupiers. The proposal is for a mix of 1 bedroom, 2 bedroom and 3 bedroom flats. All of the flats which include appropriate sized rooms with adequate light and outlook to all habitable rooms.

New residential buildings are expected to be built to a lifetime homes standard whereby it can be adapted to meet the needs of people with disabilities without major structural alterations. The Council's Access Advisor commented that amendments were required to the wheelchair access units and also to ensure the scheme is fully Lifetime Homes compatible. The applicant has submitted amendments to address these concerns.

Policy HO5 requires suitable external amenity space to be provided for new residential development. The majority of the flats proposed have access to either a private ground floor garden or a balcony. Due to the restraints of the site, it has not been possible to provide private external amenity space for three of the ground flats in the western block. The provision of an outdoor private amenity space in the form of a balcony or garden for the majority of flats is considered appropriate.

8.8 Sustainable Transport:

Brighton & Hove Local Plan policy TR1 requires new development to address the related travel demand, and policy TR7 requires that new development does not compromise highway safety.

The Sustainable Transport Manager has made the following comments on the proposal:

8.9 Access and Highway Works Proposals

The proposal includes retaining the existing vehicle access on Findon Road together with the creation of a new vehicle access on Whitehawk Road. These are acceptable in principle though further details of the design will be required by condition. Provision for pedestrians should be provided at both accesses with the Highway Authority's preference being for the pedestrian crossing to be at footway level. Tactile paving should be provided in accordance with the Department for Transport's Guidance on the Use of Tactile Paving Surfaces.

A shared surface treatment is proposed for the Whitehawk Road access. This is considered acceptable in principle; however, it is again recommended that further details of the design be obtained by condition. Two additional dedicated pedestrian accesses will also be provided off Findon Road, one for the proposed west block and one for the proposed east block. These are also considered acceptable.

It is noted that an existing loading bay on Whitehawk Road will be removed and the footway reinstated so as that this is parallel with the carriageway and the pedestrian desire line.

With the new vehicular access from Whitehawk Road, the proposal would necessitate the relocation of the southbound bus stop. The Highway Authority has no objection to this in principle; however, all associated costs, including the provision of an accessible kerb, shelter and Real Time Passenger Information sign for the relocated bus stop and Traffic Regulation Order for the removal of the existing loading bay will need to be funded by the applicant.

The details of the external highway works to relocate the bus stop, provide new vehicular access and footway works are to be secured via a recommended condition.

8.10 Cycle Parking

SPG4 requires one cycle parking space per dwelling (57) and one space per three dwellings for visitors (19), equivalent to a total of 76 spaces. The proposals include for 60 spaces in a secure store within the west block, together with an external cycle stand for visitors. The east block has an external store providing 20 spaces for residents and a separate external rack for visitors. This would be in accordance with the minimum requirement; however, the proposed design is unclear. Further details are therefore requested by a recommended condition. In order to comply with Brighton & Hove Local Plan policy TR14, cycle parking should be secure, covered and convenient to access with the Highway Authority's preference being for the use of Sheffield stands spaced in accordance with Manual for Streets paragraph 8.2.22.

8.11 Deliveries and Servicing

It is noted that the applicant has shown marked parking bays adjacent to the site on Findon Road with gaps for the refuse stores to be serviced. As the site is outside a Controlled Parking Zone, enforceable restrictions covering these access points cannot be provided. Nevertheless, the Highway Authority would not object to the principle of the development being serviced from the highway, subject to consultation with City Clean.

8.12 Car Parking

In this location, which is not within a Controlled Parking Zone, SPG4 would permit one car parking space per dwelling together with one space per two dwellings for visitors. For the proposed development of 57 units, this would equate to a maximum of 86 spaces. The proposed level of provision of 20 spaces would therefore be well within the maximum permitted. The Highway Authority would support a degree of parking restraint though this would be subject to the proposals not having a significant adverse impact on streets surrounding the site as a result of overspill car parking.

Census 2011 data for the Brighton & Hove 025B lower output area covering the northern part of Whitehawk (where on-street car parking is uncontrolled) indicates that average car ownership for the area is 0.60 cars per household. Excluding visitors, this would equate to a demand of 34 vehicles for the proposed development, suggesting that overspill parking by 14 vehicles could be expected. The applicant has however submitted a parking survey which indicates that there is sufficient capacity on surrounding streets to absorb this demand. This remains the case when Whitehawk Road to the south of the site is excluded on the basis that it is within a Controlled Parking Zone (CPZ). The survey indicates that there is spare night time capacity for 158 vehicles within 250m of the site which would suggest 14 vehicles could be accommodated. This would remain the case when accounting for any reductions in capacity as a result of the servicing proposals discussed above.

The applicant's Transport Consultant has reported in the Transport Statement that initial discussions have been had with City Car Club and that there is interest in a vehicle being located in the area with the car club recommending that future residents of the development receive two years' free membership. This would be welcomed and in line with the Highway Authority's expectations.

The Highway Authority would support this proposal in terms of allocating space on the highway in the vicinity of the site. A scheme of Travel Plan measures including car club membership is considered necessary in order to mitigate the potential on-street car parking impacts associated with the proposed development and to encourage sustainable travel. These measures are therefore requested as part of the S106 agreement in accordance with Brighton & Hove Local Plan policies TR1 and TR4.

Taking account of the submitted parking survey together with the recommended package of Travel Plan measures, the Highway Authority would not consider that the level of overspill parking forecast could be deemed to represent a

severe impact on the highway. This would therefore not warrant a reason for refusal.

8.13 Disabled Car Parking

Six of the proposed 20 spaces would be allocated to the wheelchair accessible units and be suitable for disabled users. This level of provision is in accordance with the SPG4 minimum requirement of one space per ten units. The layout of spaces is in accordance with Traffic Advisory Leaflet 5/95 which is applied by the Highway Authority and specifies an access margin of 1.2m on both sides of each bay.

8.14 Trip Generation

The Transport Statement submitted by the applicant contains a trip generation exercise using the TRICS database. The applicant's agent has stated that a robust assessment has been undertaken in that no allowance has been made for existing trips from the site on the basis that it is currently unoccupied with use of the library and community centre having ceased approximately five years ago. The Highway Authority would agree that this is a sensible and robust approach.

Post development trips have been calculated by reference to the TRICS database. The land use category selected, namely 'affordable/ local authority flats' is concurrent with the development proposals. All the TRICS sites selected are classified as being in 'suburban' or 'edge of centre' locations and are therefore considered appropriate matches on these grounds. The average number of bedrooms for the proposed development is 2 bedrooms per unit whilst the average of the selected TRICS sites is 1.6 meaning that it is possible that the forecast vehicle trips could have been underestimated.

The resultant calculations indicate a daily trip rate of approximately two trips per dwelling per day, equivalent to 110 trips in total; however, inspection of the appended TRICS output shows that this relates to vehicle trips only. In contrast, total person trips are used for the purposes of calculating sustainable transport contributions in accordance with the council's standard methodology.

Taking into account the Council's standard methodology, in order to mitigate the impacts of the proposed development, a contribution to sustainable transport measures in the vicinity of the site is therefore requested. The sustainable transport contribution requested has been calculated in accordance with the council's standard contributions methodology outlined within the Developer Contributions Technical Guidance and comes to £55,643.

This will be allocated to pedestrian and public transport improvements in the vicinity of the site to cater for users of the proposed development in accordance with Brighton & Hove Local Plan policies TR5 and TR8.

In addition, the Highway Authority would also expect a scheme of Travel Plan measures including, but not limited to, the following:

- The provision of a welcome pack for new residents providing details of sustainable transport facilities within the vicinity of the site, including cycle and bus routes and timetable brochures;
- The provision of 2 years' City Car Club membership per household.

The above measures should be implemented prior to the occupation of the development and are required to ensure the development maintains a sustainable transport strategy and to comply with policies TR1, TR4 and TR14 of the Brighton & Hove Local Plan.

8.15 Impact on Trees and Landscaping:

The Council's Arboriculturist has commented that the Arboricultural report submitted with the application is comprehensive and the Arboricultural Section is in full agreement with its contents.

Should this application be granted consent, five trees will be lost: 3 x Sycamores and 1 Thorn, all have been categorised as "B" grade trees, ie, trees of moderate quality with an estimated remaining life expectancy of at least 20 years. 1 x Cypress has been categorised as a "C" grade specimen, ie, trees of low quality with an estimated remaining life expectancy of 10 – 20 years.

The Arboricultural Section has no objection to the loss of the above trees subject to at least four replacement trees being planted as part of a landscaping plan. If there is insufficient space within the grounds of the proposed development to accommodate replacement planting, the Arboricultural Section would be happy to accept donated trees on the street in the vicinity.

The Arboricultural Section has recently placed the remaining trees on this site, including two fine Elms, under Tree Preservation Order 2015 (6). These trees are retained as part of the development. The scheme also retains an additional 6 trees which are along the south eastern boundary of the site (1 x Midland Thorn, 3 x Sycamores, 2 x Swedish Whitebeam). A condition is recommended requiring the submission of an Arboricultural Method Statement.

Overall, the Arboricultural Section has no objection to the proposals in this application subject to the imposition of the recommended conditions.

8.16 Sustainability:

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

The proposal includes refuse store for the development in the form of external three timber enclosures. City Clean have commented that they have no objection to the bin allocation for this site. A condition is recommended requiring the implementation of the stores prior to the occupation of the dwellings.

8.17 Land Contamination:

The Environmental Health Section has commented that there is potential for this site to be contaminated. To address potential land contamination of the site, the applicant has submitted land contamination reports. The Environmental Health Section has commented that the reports submitted are acceptable and that a full contaminated land condition is required for this planning development. The condition requires the submission of a site investigation report documenting the ground conditions of the site and incorporating chemical and gas analysis identified as appropriate by the desk top study to be submitted as a minimum requirement. Further reports, such as details of remedial works, may be required depending on the outcome of the desk top study.

The Environmental Health Officer has also requested details of soundproofing of the proposal to be submitted for approval prior to commencement of development. This is required due to the positioning of internal plant rooms and cycle stores adjacent to proposed bedrooms.

8.18 Ecology:

The scheme includes Ecology Surveys to address the impact of the proposal on ecology and biodiversity within the site. The East Sussex County Ecologist has commented that the surveys were carried out broadly in line with national best practice. No reptiles were recorded on site, but the Ecologist has commented that the site retains the potential for them to be present. A precautionary approach to site clearance during the reptile's active period is therefore recommended. In light of the above, a condition is recommended requiring the submission of a method statement for the avoidance of harm to reptiles that may be present on site to be submitted to and approved in writing by the local planning authority.

The Ecologist has also commented that the site is used for foraging and commuting by badgers and there is suitable sett building habitat on site, although no sets were found in March 2015. The proposals include the retention of some foraging habitat and commuting routes for badgers, although the access point is changed, and the creation of some new foraging/commuting habitat. Badgers tend to use the same pathways to foraging areas and will continue to try to do so despite any obstacles that are placed in their way. It is therefore recommended that either the site is left permeable to badgers throughout, or that badger-proof fencing and strong landscaping is used to encourage badgers to use the new access routes.

Given the fact that badgers are known to use the site, best practice working methods should be employed during construction to avoid harm to badgers. A condition is therefore recommended regarding the protection of badgers on site during construction sites.

Provided the recommended mitigation measures are carried out, the proposed development is unlikely to have a significant impact on biodiversity and can be supported from an ecological perspective.

8.19 Other Considerations:

The applicant has submitted a Construction Environmental Management Plan (CEMP) which outlines details of proposed operations on site to reduce the impact on the amenity of adjacent proposed during construction works. The Sustainable Transport Management has commented that an amended CEMP is required to include measures to promote and monitor staff travel to and from the site.

With respect to crime prevention measures, Sussex Police have commented that they no objection to the proposal. The scheme includes some crime prevention measures to be incorporated into the development which is welcomed. This includes not linking the two buildings and including natural surveillance of all external areas. The Crime Prevention Advisor has suggested further measures such as video entry systems and limiters fitted to ground floor windows.

The Floor Risk Management Officer has no objection to the proposal. This is subject to the submission of further information in the form of a detailed design and maintenance plan of surface water drainage for the site using sustainable drainage methods to be submitted to and approved in writing by the Local Planning Authority. A condition is recommended requiring the submission of these details prior to commencement of works.

In accordance with policy QD28 of the Brighton & Hove Local Plan, a planning obligation is sought, relevant to planning, through a Section 106 agreement to mitigate the impact of the proposal on the surrounding area. For a scheme of this scale the contributions and measures are outlined in Section 11.

9 CONCLUSION

The loss of the existing community use is acceptable given the historical relocation of the previous community use to a nearby location. The development is of an appropriate height, scale, bulk and design and would fit in with the character of the area. The development would not cause significant harm to neighbouring amenity by way of loss of light, privacy or outlook, or increased overshadowing, noise or disturbance and is also appropriate in terms of highway safety, ecology and sustainability.

10 EQUALITIES

The new dwellings are required to comply with Part M of the Building regulations and the Council's Lifetime Homes policy.

11 PLANNING OBLIGATION / CONDITIONS / INFORMATIVES

Section 106 agreement to secure:

- £55,643 towards improving sustainable highway infrastructure in the area. The contribution would be used for the provision of an accessible kerb and/or bus shelter and real time passenger information sign at the bus stop adjacent to the development site on Whitehawk Road: and for a pedestrian crossing and footway improvements on Findon Road and Whitehawk Road/ Whitehawk Way to provide acceptable routes between

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the development site and local facilities including the shops and public transport provision on Whitehawk Road.

- The provision of 2 years' City Car Club membership per household.
- Construction Environmental Management Plan (CEMP).
- £116,348 towards the cost of providing educational infrastructure for this development. The contribution would go towards primary and secondary provision. The primary provision would be spent at City Academy Whitehawk, St Marks C of E Primary, St John the Baptist RC Primary, Queens Park Primary. The secondary provision would be Longhill School, Dorothy Stringer High School and Varndean School.
- £28,500 towards the Local Employment Scheme and the provision of an Employment and Training Strategy with the developer to using 20% local employment during the demolition and construction phase.
- £180,934.20 towards open space recreation improvements in the area.

and subject to the following Conditions and Informatives:

Regulatory Conditions:

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

Plan Type	Reference	Version	Date Received
Site Location Plan as Existing	031		10 th August 2015
Block Plan as Existing	032		10 th August 2015
Site Location Plan as Proposed	033		10 th August 2015
Block Plan as Proposed	034		10 th August 2015
External Works Site Plan with Landscape Proposed	035	B	6 th October 2015
West Block Floor Plans as Proposed	036		6 th October 2015
East Block Floor Plans as Proposed	037		6 th October 2015
Site Section – As Existing – As Proposed	039		10 th August 2015
West Block Ground Floor Plan as Proposed	040	A	6 th October 2015
West Block First Floor Plan as Proposed	041		10 th August 2015
West Block Second Floor Plan as Proposed	042		10 th August 2015
West Block Third Floor Plan as Proposed	043		10 th August 2015

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West Block Fourth Floor Plan as Proposed	044		10 th August 2015
West Block Roof Plan as Proposed	045		10 th August 2015
West Block Proposed Elevations	046		10 th August 2015
West Block Contextual Elevations	047	B	14 th October 2015
East Block Lower Ground Floor Plan as Proposed	050		10 th August 2015
East Block Ground Floor Plan as Proposed	051	A	6 th October 2015
East Block First Floor Plan as Proposed	052		10 th August 2015
East Block Second Floor Plan as Proposed	053		10 th August 2015
East Block Third Floor Plan as Proposed	054		10 th August 2015
East Block Roof Plan as Proposed	055		10 th August 2015
East Block Proposed Elevations	056	A	6 th October 2015
East Block Contextual Elevations as Proposed	057	B	14 th October 2015
Detail Section & Elevation	058	A	5 th October 2015
Site Setup	2471/DS/001		10 th August 2015
Preliminary Drainage Layout	DR01	A	10 th August 2015
Site Layout External Electrical Services	E07	P1	10 th August 2015
External Works Site Plan with Landscape Proposed	RWG-NDJ-15-32C		10 th August 2015

- 3) The new dwellings hereby permitted shall be constructed to Lifetime Homes standards prior to their first occupation and shall be retained as such thereafter.
Reason: To ensure satisfactory provision of homes for people with disabilities and to meet the changing needs of households and to comply with policy HO13 of the Brighton & Hove Local Plan.
- 4) The Party Walls/Floors between the ground floor uses and the first floor residential units should be designed to achieve a sound insulation value of 5dB better than Approved Document E performance standard, for airborne and structural sound insulation for floors of purpose built dwelling-houses and flats.
Reason: To protect residential amenity and in accordance with policy QD27 of the Brighton & Hove Local Plan.
- 5) The vehicle parking area 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 TR19 of the Brighton & Hove Local Plan.

- 6) The hard surface hereby approved shall be made of porous materials and retained thereafter or provision shall be made and retained thereafter to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the property.

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

- 7) No cables, wires, aerials, pipework (except rainwater downpipes as shown on the approved plans), meter boxes or flues shall be fixed to any elevation facing a highway.

Reason: To safeguard the appearance of the building and the visual amenities of the locality and to comply with policies QD1 and QD27 of the Brighton & Hove Local Plan.

Pre-Commencement Conditions:

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

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

- 9) (i) The development hereby permitted shall not be commenced until there has been submitted to and approved in writing by the Local Planning Authority:

(a) a site investigation report documenting the ground conditions of the site and incorporating chemical and gas analysis identified as appropriate by the desk top study in accordance with BS10175:2001;

and, unless otherwise agreed in writing by the Local Planning Authority,

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

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

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Authority verification by the competent person approved under the provisions of (i) (b) above that any remediation scheme required and approved under the provisions of (i) (b) above has been implemented fully in accordance with the approved details (unless varied with the written agreement of the Local Planning Authority in advance of implementation). Unless otherwise agreed in writing by the Local Planning Authority such verification shall comprise:

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

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

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

- 10) No development shall take place until a detailed design and associated management and maintenance plan of surface water drainage for the site using sustainable drainage methods has been submitted to and approved in writing by the Local Planning Authority. The approved drainage system shall be implemented in accordance with the approved detailed design prior to the use of the building commencing.

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.

- 11) No development shall commence until a scheme for the soundproofing of the building has been submitted to and approved in writing by the Local Planning Authority. The measures shall be implemented in strict accordance with the approved details prior to the occupation of the development and shall thereafter be retained as such.

Reason: As this matter is fundamental to protecting residential amenity and in accordance with policy QD27 of the Brighton & Hove Local Plan.

- 12) No development shall take place (including any demolition, ground works, site clearance) until a method statement for the avoidance of harm to reptiles that may be present on site has been submitted to and approved in writing by the local planning authority. The scheme shall be implemented in accordance with the agreed details.

Reason: As this matter is fundamental in order to preserve protected species and in accordance with policy QD18 of the Brighton & Hove Local Plan.

- 13) No works which include the creation of trenches or culverts or the presence of pipes shall commence until measures to protect badgers from being trapped in open excavations and/or pipe and culverts are submitted to and approved in writing by the local planning authority. The scheme shall be

implemented in accordance with the agreed details. The measures may include:

- i. creation of sloping escape ramps for badgers, which are achieved by edge profiling of trenches/excavations or by using planks placed into them at the end of each working day; and
- ii. open pipework greater than 150 mm outside diameter being blanked off at the end of each working day.

Reason: As this matter is fundamental in order to preserve protected species and in accordance with policy QD18 of the Brighton & Hove Local Plan.

- 14) No development or other operations shall commence on site in connection with the development hereby approved (including any tree felling, tree pruning, demolition works, soil moving, temporary access construction and or widening, or any operations involving the use of motorised vehicles or construction machinery) until a detailed Arboricultural Method Statement regarding tree protection has been submitted to and approved in writing by the Local Planning Authority. No development or other operations shall take place except in complete accordance with the approved Method Statement.

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

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

- a) samples of all brick, render and tiling (including details of the colour of render/paintwork to be used)
- b) samples of all cladding to be used, including details of their treatment to protect against weathering
- c) samples of all hard surfacing materials
- d) samples of the proposed window, door and balcony treatments
- e) samples of all other materials to be used externally

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

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

Pre-Occupation Conditions:

- 16) Prior to first occupation of the development hereby permitted a scheme for the provision of a minimum of 40% affordable housing (with 10% wheelchair affordable accessible housing), as part of the development, shall have been submitted to and approved in writing by the Local Planning Authority. The affordable housing shall be provided in accordance with the approved scheme which shall include:

- i) the timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;

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- ii) the tenure, mix and location of the affordable units, including floor plans;
- iii) the arrangements to ensure that the affordable housing remains as affordable housing for both first and subsequent occupiers of the affordable housing; and
- iv) the occupancy criteria.

For the purposes of this condition 'affordable housing' has the meaning ascribed to it by the National Planning Policy Framework.

Reason: To ensure the provision and retention of an appropriate amount of affordable housing in accordance with policy HO2 of the Brighton & Hove Local Plan.

- 17) 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 at least four replacement trees.
- b) details of all hard surfacing.
- c) details of all boundary treatments.
- d) details of all proposed planting, including numbers and species of plant, and details of size and planting method of any trees.

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

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

- 18) Prior to the occupation of the development hereby permitted, a full scheme including layout and constructional drawings shall be submitted and approved in writing by the Local Planning Authority. The scheme shall include the following:

- a) Details of the highway works associated with the site accesses on Findon Road and Whitehawk Road, including the removal of the loading bay on Whitehawk Road and the reinstatement of the footway in its place.
- b) Details for the relocation of the south bound Whitehawk Community Centre bus shelter and the re-provision of a new shelter with accessible Kassell kerb and Real Time Passenger Information sign.
- c) Details of the associated footway works and the access roads within the site.

The approved highway works have been carried out in accordance with the approved scheme.

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Reason: To ensure that there suitable footway and public transport provision is provided to and from the development and to comply with policies TR1, TR7 and TR8 of the Brighton & Hove Local Plan.

- 19) 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.

- 20) Prior to first occupation of the development hereby permitted, details of external lighting shall be submitted to and approved in writing by the Local Planning Authority. The external lighting shall be installed in accordance with the approved details and thereafter retained as such.

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

- 21) Prior to first occupation of the eastern block of flats hereby permitted, the balcony screens shall be installed to all north facing balconies to a height of 1.8m from the finished floor levels, as indicated on drawing no.56A, and shall thereafter retained as such.

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

- 22) Prior to first occupation of the development hereby permitted, all north facing windows to both blocks shall be constructed with the obscure glazing panels to the larger part of the oriel windows as indicated on the approved drawings nos.056A and 046. The windows shall be retained as such thereafter.

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

- 23) Prior to the first occupation of the development hereby permitted, a Travel Plan for the development shall have been submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall include details of a welcome pack for new residents providing details of sustainable transport facilities within the vicinity of the site, including cycle and bus routes and timetable brochures. The Travel Plan shall thereafter be fully implemented in accordance with the approved details.

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

- 24) 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.

Informatives:

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

The loss of the existing community use is acceptable given the historic relocation of the previous community use to a nearby location. The development is of an appropriate height, scale, bulk and design and would fit in with the character of the area. The development would not cause significant harm to neighbouring amenity by way of loss of light, privacy or outlook, or increased overshadowing, noise or disturbance and is also appropriate in terms of highway safety, ecology and sustainability.
3. The Environment Agency has commented that all precautions must be taken to avoid discharges and spills to the ground both during and after construction. For advice on pollution prevention measures, the applicant should refer to the guidance 'PPG1 – General guide to the prevention of pollution', which is available on the Environment Agency website under Pollution Prevention Guidance. In the event of a pollution incident, all works should cease immediately and the Environment Agency should be contacted via the incident hotline 0800 807060.
4. Sussex Police have commented that further crime prevention measures could be incorporated into the development as outlined by Secured by Design (www.securedbydesign.com).
5. When considering active fire safety measures, the East Sussex Fire & Rescue Service would recommend the installation of sprinkler systems. Information concerning guidance and standards for domestic sprinkler

systems is available by reference to British Standard, Codes of Practice BS 9251 & BS EN 12845.

6. Southern Water refer the applicant to the plan of the water main records showing the approximate position of a public water distribution main within the site. The exact position of the public water main must be determined on site by the applicant before the layout of the proposed development is finalised. All existing infrastructure, including protective coatings and cathodic protection, should be protected during the course of construction works. No excavation, mounding or tree planting should be carried out within 4 metres of the public water main without consent from Southern Water. For further advice, the applicant should contact Southern water directly.
7. With respect to the method statement for protecting reptiles on site, the statement should include the following:
 - i. purpose and objectives for the proposed works;
 - ii. detailed design(s) and/or working method(s) necessary to achieve stated objectives (including, where relevant, type and source of materials to be used;
 - iii. extent and location of proposed works shown on appropriate scale maps and plans;
 - iv. timetable for implementation, demonstrating that works are aligned with the proposed phasing of construction;
 - v. persons responsible for implementing the works;
 - vi. initial aftercare and long-term maintenance (where relevant);
 - vii. disposal of any waste arising from the works.
8. The applicant is advised that no works should start on the adopted highway until license is granted by the Highway Authority to undertake these works on the highway. The applicant is liable for all the costs associated with these works including the need to advertise Traffic Regulation Orders associated with the changes.
9. 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.

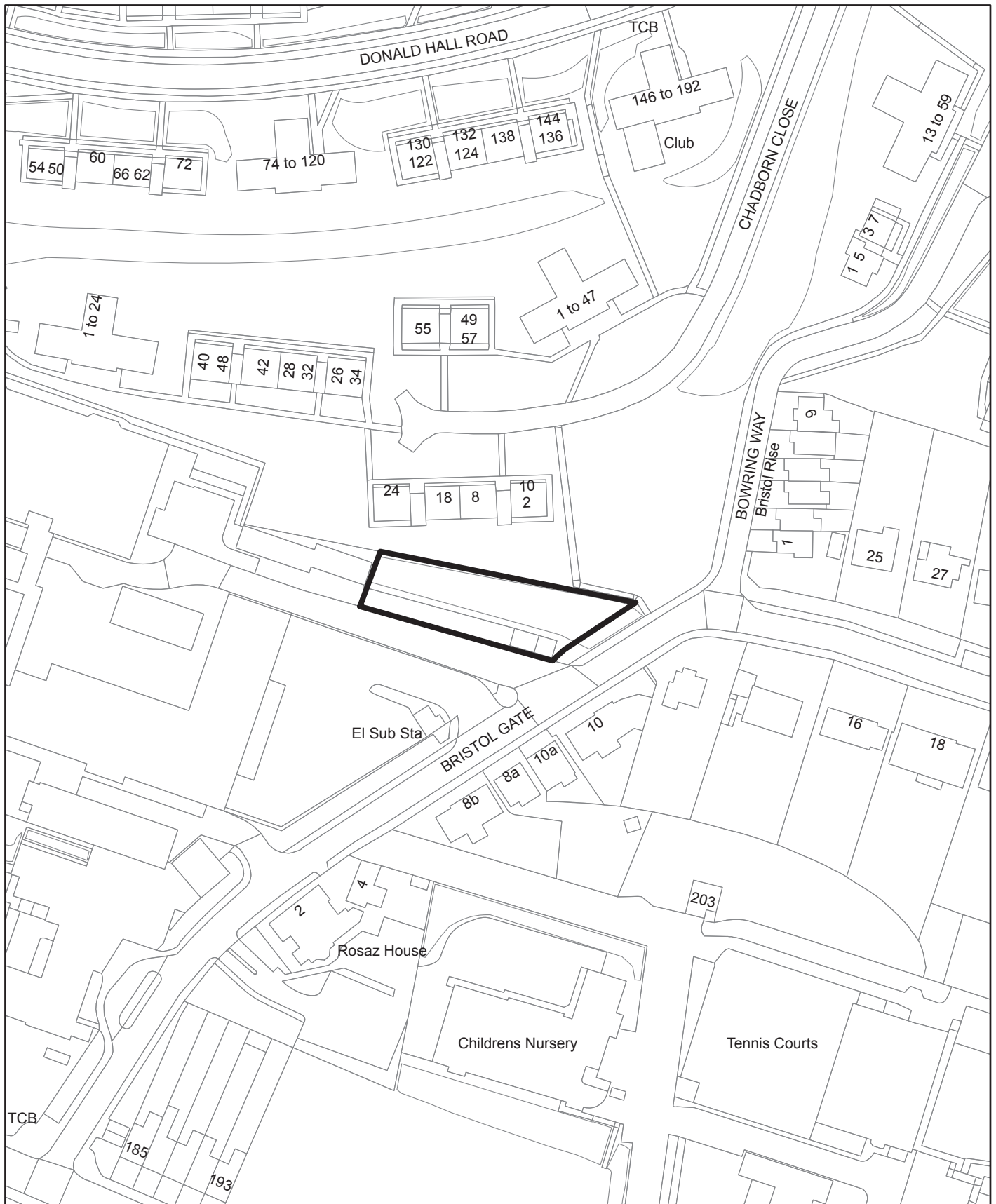
ITEM C

**Royal Sussex County Hospital,
Eastern Road Brighton**

**BH2015/01434
Full planning**

28 OCTOBER 2015

BH2015/01434 Royal Sussex County Hospital



Scale: 1:1,250

<u>No:</u>	BH2015/01434	<u>Ward:</u>	EAST BRIGHTON
<u>App Type:</u>	Full Planning		
<u>Address:</u>	Royal Sussex County Hospital Eastern Road Brighton		
<u>Proposal:</u>	Demolition of existing single storey double stacked modular units (C2) and single storey brick store and construction of a 3no storey building (C2) situated at the junction of North (Service) Road and Bristol Gate to provide clinical offices, workshops, storage and plant with associated works.		
<u>Officer:</u>	Mick Anson Tel 292354	<u>Valid Date:</u>	27 May 2015
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	26 August 2015
<u>Listed Building Grade:</u>	N/A		
<u>Agent:</u>	Nathaniel Lichfield & Partners, 14 Regents Wharf All Saints Street London N1 9RL		
<u>Applicant:</u>	Brighton and Sussex University Hospitals NHS Trust, c/o Nathaniel Lichfield & Partners 14 Regents Wharf All Saints Street London N1 9RL		

1 RECOMMENDATION

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

2 SITE LOCATION & DESCRIPTION

- 2.1 The application site is located to the north east of the main hospital campus. The site is bounded to the north by a bank of unmanaged dense shrubbery and to the south and east by the North Service Road and Bristol Gate respectively. On the south east side of Bristol Gate opposite the access to the North access road are two storey dwellings.
- 2.2 The site comprises a 0.1 hectare rectangular parcel of land which is occupied by a pair of double stacked, modular buildings as well as a single storey brick structure and associated hard standing. These existing buildings are currently used as meeting and training space. The site and the land slopes steeply from north to south. To the north overlooking the site is an existing block of 3 storey purpose built residential flats on Chadborn Close. In front of the flats at the top of a retaining embankment is a mature hedgerow.

3 RELEVANT HISTORY

BH2011-02886 Demolition of existing hospital buildings located to the north of Eastern Road and to the south of the existing children's hospital building and

Thomas Kemp Tower. Addition of a helicopter landing pad and associated trauma lift on top of Thomas Kemp Tower. Erection of new hospital buildings incorporating Stage 1: Part 10, 11 and 12 storey building including reinstatement of the interior of the Chapel; Stage 2: 5 storey building; and Stage 3: Service yard with single storey building. Site wide infrastructure including substation, energy centre and flues, 2 floors of underground parking (390 spaces) with new access from Bristol Gate and associated highway works. Cycle parking, external amenity spaces including roof gardens and landscaping on Eastern Road. Granted 28th March 2012

4 THE APPLICATION

- 4.1 Planning permission is sought for the demolition of existing double stacked modular units and the single storey brick structure and the erection of a three storey building (Use Class C2) and associated works. The proposed building will accommodate administration departments currently based within the main hospital. The development would enable staff to be relocated as part of the decanting operation in preparation of the main redevelopment of the front part of the Royal Sussex County Hospital site, known as the 3T's (Trauma, Teaching and Tertiary) development. Implementation is subject to final approval of The Full Business Case by the Treasury.
- 4.2 The north east corner of the proposed new building will accommodate a new sub-station, transformers and generators to serve the new building and other buildings on the hospital estate. The remaining rooms in the building would be for administrative purposes and would accommodate approximately 80 members of staff.
- 4.3 The footprint of the proposed building will measure 46 metres by 14 metres at its widest and its maximum depth. The gross floorspace of the building would be 1736 sq. m. The proposed building line would extend along the north side of the North access road up to the corner of Bristol Gate. The building would be set within the grass embankment to the north. The roof of the building comprises two shallow pitched roofs sloping to the front and rear but would not meet to form a ridge. The north sloping roof, which sits slightly higher than the roof to the south, will be a bio-diverse sedum roof. The southern roof will be made from a 264 sq. m standing seam metal clad roof covering and a new 487 sq.m sedum roof. The building would be built into the embankment to the north as well as the slope of the north access road which rises up from Bristol Gate. Thus from lower ground floor level to the highest ridge would be 11.5m in height but in appearance, the south elevation would be 8.7m in height from the western end up to 11.3m maximum (excluding proposed flues) from road level to maximum ridge height at the eastern end. The applicant proposes two narrow (750mm) stainless steel flues above the generator at the eastern end of the building. They would terminate 2.7m above roof level.
- 4.4 Within the proposed building, a secure cycle store with capacity for 96 cycle spaces would also be accommodated. This cycle parking relates to Condition 9 of the 3Ts planning permission (reference BH2011/02886) which requires the provision of cycle parking around the whole site. Part of the cycle parking requirement was indicated to be located here at the time of consideration of that application. A separate application to formally discharge the cycle parking condition will be submitted to the Council in due course.

- 4.5 Associated ground and landscaping works will be undertaken as part of the proposal. The landscape is proposed to accommodate new hard and soft landscaping around the new building. The existing hedge on the northern boundary with flats in Chadborn Close which overlook the site, is to be replaced/ reinforced as necessary and the two existing sycamore trees that have self-seeded on this boundary will be replaced by native variety sample specimen trees. The triangle of land to the Bristol Gate boundary would be cleared and replaced with native varieties of shrubs and planting. The areas immediately adjacent to the new building would be surfaced in hard paved using materials to match those already being used elsewhere on the site.

5 PUBLICITY & CONSULTATIONS

External

- 5.1 **Neighbours:** 1 letter of objection received from: **13 Clarendon House, Clarendon Road, Hove**. No letters of representation have been received from local residents. The letter raises concerns about access for ambulances from Bristol Gate arising from the historic closure of the exit onto Upper Abbey Road causing congestion it is stated. This application would worsen the situation.
- 5.2 **Brighton & Hove Archaeological Society:** Comment:
The proposed development is close to a number of find spots dating from the Middle Bronze age through to the Anglo Saxon period. The Society would suggest that you contact the County Archaeologist for his recommendations prior to the approval of this planning application.
- 5.3 **Conservation Advisory Group:** Support: Recommend approval on the grounds that the building was elegant and not imposing, moreover that people living in the dwellings across the road will not be affected.
- 5.4 **East Sussex County Archaeologist:** No objections. Although the site is within an Archaeological Notification Area, I do not believe that any significant archaeological remains are likely to be affected by these proposals.
- 5.5 **East Sussex Fire and Rescue Service:** Comment:
Access for fire appliances is satisfactory.
- 5.6 **Southern Water:** Comment:
Request informative related to connection to the public sewerage system.
- 5.7 **Sussex Police:** No objections

Internal:

- 5.8 **Ecology:** Initial Comment

It is unclear when the Ecological Survey was carried out and whether any of the trees have bat roosting potential. If the survey was prior to 2013, then a repeat of the walk over survey is required to assess the likely impacts of the scheme on biodiversity.

Revised comment

As the survey was carried out in 2013, it is sufficient to inform mitigation/compensation/enhancement. The additional information provided also confirms that no trees on site have potential for roosting bats. No specific mitigation is therefore required. Precautions should be taken during clearance of the site for breeding birds and common mammals, a programme for the control and eradication of Japanese knotweed should be agreed and implemented, and opportunities should be sought to enhance the site for biodiversity.

5.9 Environmental Health: Support

Noise: Approve with condition.

5.10 Flood Risk Management Officer: Initial Comment

The Lead Local Flood Authority (LLFA) cannot recommend approval until we receive further information.

Revised comment:

The LLFA have no objections to the proposed development provided that a management and maintenance plan are provided and the satisfactory implementation of the agreed SuDS scheme.

5.11 Planning Policy: Support

The proposed scheme will provide a net increase of 1542m² C2 floorspace. Community facilities such as health centres are covered by Local Plan Policy HO19, which supports additional provision provided that four criteria are met. No concerns are raised from a policy perspective. The scheme will support the redevelopment of the hospital site and as such is supported by Submission City Plan policies DA5, CP2 and CP18.

5.12 Sustainability: Support

In instances when the standards recommended in SPD08 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 (SPD08 p. 9). The application provides justification for a reduced level of BREEAM 'very good' on the grounds of affordability and technical/site constraints. These detail how the path to achieve 'excellent' would require installation of a biomass boiler for which a high flue would be required under Clean Air Act requirements, plus regular fuel deliveries by road, and fuel storage on a site that is already constrained for space. Given these reasons it is reasonable to allow the proposals to target a 'very good' standard.

5.13 Sustainable Transport: Recommend approval:

Recommended for approval as the Highway Authority has no objections to this application subject to the inclusion of the necessary conditions.

Revised comments

Welcome the pedestrian improvements as proposed in the drawing entitled Planning info – Pedestrian Access. In light of these proposed amendments the Highway Authority has no objections to the application but would recommend conditions and informatives related to provision of pedestrian circulation and access and works to the public footway on Bristol Gate.

6 MATERIAL CONSIDERATIONS

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

7 RELEVANT POLICIES & GUIDANCE

The National Planning Policy Framework (NPPF)

Brighton & Hove Local Plan:

TR1	Development and the demand for travel
TR7	Safe development
TR8	Pedestrian routes
TR14	Cycle access and parking
TR19	Parking standards
SU2	Efficiency of development in the use of energy, water and materials
SU13	Minimisation and re-use of construction industry waste
QD1	Design – quality of development and design statements
QD2	Design – key principles for neighbourhoods
QD3	Design – efficient and effective use of sites
QD4	Design – strategic impact
QD15	Landscape design
QD16	Trees and hedgerows
QD17	Protection and integration of nature conservation features
QD27	Protection of Amenity

HO19 Community facilities

Supplementary Planning Guidance:

SPGBH4 Parking Standards
Interim Guidance on Developer Contributions

Supplementary Planning Documents:

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

Brighton & Hove City Plan Part One (submission document)

SS1 Presumption in Favour of Sustainable Development
DA5 Eastern Road and Edward Street
CP2 Planning for Sustainable Development
CP8 Sustainable Buildings
CP10 Biodiversity
CP18 Healthy City
CP19 Transport

8 CONSIDERATIONS & ASSESSMENT

8.1 Matters raised by the objector relating to the historic closure of the exit onto Upper Abbey Road are not pertinent to the proposals. The main considerations in the determination of this application relate to the scale and design of the proposed building. The use of the building and its relationship to the decanting phase of the main 3T's RSCH hospital redevelopment which is scheduled to start in 2016 is another issue as well as any potential impacts on residential amenity due to loss of outlook or noise or emissions from the building.

Planning Policy:

8.2 The proposals do not raise any land use policy issues. The proposals would provide medical staff office space, administrative space as well workshop and engineering space which are partly accommodated in the existing modular buildings. The increase in floorspace would allow staff to be relocated as part of a wider strategic plan across the whole site to vacate the older buildings fronting Eastern Road which will be demolished.

8.3 The site lies within the strategic Policy DA5 (Eastern Road and Edward Street) area where the RSCH is identified for redevelopment. The proposals would result in a net increase of 1542 sq metres of Class C2 medical or health use defined as a community centre under policy HO19 of the adopted Brighton & Hove Local Plan subject to criteria a) to d). Criteria a) would not be pertinent as there would be no outpatient facilities within the building. Criteria b) relates to the impact on amenity which is considered later in the report. Criteria c) relates to being accessible by sustainable transport means. Part of the building will be used to provide cycle storage required by the main 3Ts development and the site is located on a sustainable transport corridor. Criteria d) requires adequate cycle and car parking provision. There are no planned increases in staff associated with the proposals and with no

outpatient facilities planned, there would be no additional parking demands or requirements. The main 3Ts redevelopment would provide two floors of underground car parking for 342 spaces as part of the planning consent.

- 8.4 The planning policy team have recommended approval and it is considered that the proposals would comply with policies in the adopted Local Plan and the emerging City Plan.

Design:

- 8.5 There have been considerable pre-application discussions with officers about the scale and appearance of the building. The proposed scale and footprint of the building are considered to be appropriate in this context and have taken particular account of the relationship with the flats to the north, nos. 2-12 Chadborn Close. The 3 storey proposed building would be a maximum of 1.5m above the existing ground level at the top of the embankment upon which the neighbouring flats in Chadborn Close are sited.
- 8.6 The character of the area is mixed with housing dating from the mid-20th Century and neighbouring hospital buildings which were constructed in the 1990's in yellow buff brick with grey mock mansard roofs. The modern split pitched roof design is acceptable and provides visual interest to the building profile with a strong overhanging eaves line to the front and rear elevations.
- 8.7 Following amendments, the elevations would be of a similar appearance to the pre-application proposals by providing a more balanced glazing to solid ratio. The general appearance is of a linear building which extends close to the junction of the North access road and Bristol Gate. The siting of the building, set back on the eastern end from the Bristol Gate road frontage, would result in a building which was not overbearing for pedestrians. This elevation would be heavily screened by existing vegetation on Council owned land behind the footway. The east elevation features some glazing and would thus avoid a blank street elevation. At three storeys, the height of the proposed east elevation would not be out of scale with the two storey detached dwellings opposite and would be set back in order not to appear out of scale nor overbearing.
- 8.8 The eastern end of the south elevation would be seen in medium distant views from the lower end of Bristol Gate as the road bends eastward after the North Road access. The design has taken some account of this to provide some visual interest albeit in the street scene with a profiled canopy above the metal louvred entrance to the double height plant rooms. Since the pre-application submissions, it has become necessary for the RSCH to accommodate additional plant for clinical services to be relocated from the Princess Royal Hospital (PRH) in Haywards Heath. This end of the building is the only possible means of accommodating the generator in the proposed building and being able to provide flue extraction away from adjoining residential properties. The appearance of the flues would not be overly prominent, it is considered, given the topography and the surrounding built form in the background.
- 8.9 The elevations are proposed in a yellow buff brick with a clear maple coloured smooth timber cladding. The brick would match the adjoining plant building and main hospital buildings nearby. The aluminium parapet and first floor profiled elements are proposed in an aqua marine colour. As a stand-alone

building, it was not considered that there was a particular vernacular to follow in this location although officers resisted a predominant gun metal grey colour and encouraged a brighter more welcoming appearance to the building at this arrival point where patients and visitors would approach for car parking. It is considered that final choices of colours can be conditioned if permission is granted.

- 8.10 On balance, it is considered that the proposed design and appearance of the building would be acceptable in a location which has no discernable character or neighbouring buildings of special architectural merit. The use of the building proposed is functional but the design would successfully provide some depth, profile and visual interest to the roofscape and elevations which would be visible from a number of views and vantage points. It is considered therefore that the proposals would comply with policies QD1 and QD2 of the adopted Local Plan and policy CP12 of the Submission draft City Plan.

Landscaping:

- 8.11 The proposed building is located in a well landscaped location with existing amenity space, trees and hedgerows evident. The loss of two sycamore trees on the north boundary of the site as a result of the proposals would be acceptable subject to replacement by more appropriate native species in accordance with policy QD16 and QD17 of the adopted Local Plan. The trees are a very modest in size and have no wider amenity value except to residents of Chadborn Close.
- 8.12 It is also a consideration that the development is of Regional importance as it would enable the implementation of the 3Ts RSCH redevelopment into a major sub-regional health facility. The north boundary currently comprises a low rise chain link fence with a hedgerow which would need to be removed to facilitate construction. The hedge is proposed to be replaced with shrub planting. Details of replacement planting would be required by condition. On the east elevation the existing planting would be retained and enhanced. Some of this planting is on Council owned land. Two replacement trees would be required to compensate for the tree loss and details of all compensatory and enhancement landscaping would need to be submitted as a condition of any consent. The proposal includes a green roof which would provide both visual relief from higher ground and would contribute towards the BREEAM rating.

Ecology/Nature Conservation:

- 8.13 The Ecologist had queried the date of the walkover survey of the site which has been confirmed by the applicant as being in 2013 which is recent enough to be acceptable. There was also a query about the bat roosting potential of the trees to be removed but they are very modest size trees and have no potential for bat roosting in the tree bark. Precautions should be taken to avoid site clearance during the nesting season which is not an issue as the works are required to be completed this winter as part of the decanting works for 3Ts. The plans indicate that the existing fence and hedgerow would be replaced after construction works are completed. The proposals are considered to be acceptable subject to the applicant removing the invasive plant species found on site and providing opportunities for enhancement of planting and species habitat and would comply with adopted Local Plan policies QD16 and QD17 and SPD06 as well as emerging City Plan policy CP10 Biodiversity.

Impact on Amenity:

- 8.14 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. As considered above, the building proposed would have no impact on neighbouring residents on the grounds of loss of outlook, overshadowing nor loss of sunlight.
- 8.15 The other potential impact on neighbouring amenity could be due to noise or fume extraction from the plant room and generator. The Environmental Health Officer has not raised any concerns in this regard subject to conditions to prevent any possibility of noise and vibration disturbing adjoining residents.
- 8.16 The proposed building would contain emergency generators which would occasionally be tested or used if there is a mains failure. They would be situated inside the building at ground floor level (Level 5 on site). Due to the occasional use of these generators as back up and their indoor location in the cut into the slope of the site, in the opinion of the Environmental Health team the generators should not cause significant noise problems to nearby residents when they are operating.
- 8.17 However, a condition is still recommended to ensure that some vibration and noise insulation measures are introduced into the development, to prevent vibration being transferred through the ground to nearby residents, and to minimise the impact on future occupiers of the building.
- 8.18 A Construction Environmental Management Plan (CEMP) is intended to be submitted by the applicants, prior to a decision being made, outlining how the developers will minimise the impacts of noise, dust and vibration on local residents, as much as possible. The early submission as part of the application seeks to avoid a pre-commencement condition such is the tight timescale for construction in advance of the main 3Ts construction commencing in 2016. Any comments from the Council's Environmental Health Team will be provided and a compliance condition added if appropriate.

Sustainable Transport:

- 8.19 Policy TR1 requires development proposals to meet the demands for transport that they generate. As there would be no clinical activities within the building that would attract patients and visitors and there are no increases in staff anticipated, it is considered that the proposal complies with policy TR1. Vehicular access to the North access Road will not change. The building line proposed would follow the current building line so the access road would be unaffected. The objector's concerns about the access road width and access for ambulances would appear to be unfounded. This is an operational matter for the applicants in any case.
- 8.20 The Highway Authority has recommended that a safe pedestrian route in front of the proposed building be required by condition to link up with the existing walkway towards the Millennium Wing to the west and safe access across the North access road to the Accident and Emergency department opposite. This may alleviate the objectors concerns but nevertheless the safe access is considered to be necessary as there would be an increase in pedestrian activity to and from the building compared to the current modular buildings.

- 8.21 It is considered that subject to the above provision, the proposals would comply with policies TR7, TR8, TR14 and TR14 of the adopted Brighton & Hove Local Plan and City Plan policy CP19.

Sustainability:

- 8.22 Local Plan Policy SU2, states that planning permission will be granted for proposals that demonstrate a high standard of efficiency in the use of energy, water and materials provided that they are otherwise in accordance with the other policies of the development plan. Policy SU2 is supported by SPD08, which states that all new build non-residential major developments, should score at least 60% in the energy and water sections of the relevant BREEAM assessment within a minimum overall rating of 'Excellent'. This position is reinforced in the emerging City Plan (Policy CP8).

As referred to in the Sustainability Adviser's comments, the proposal would meet BREEAM 'Very good' but she has recommended a relaxation of the policy standard as achieving BREEAM 'Excellent' would require a high flue due to the topography and location of neighbouring residential occupiers as well as regular fuel deliveries by road. There would be however other positive sustainability benefits proposed including passive design including thermal mass and natural ventilation, a green sedum roof and rainwater harvesting. There are no renewable energy features but given the site constraints, this is also considered to be reasonable. It is recommended that conditions be added to any approval to secure BREEAM 'Very Good' and details of the green roof. It has been agreed with the Sustainability Adviser that connection to a future district heating network is impractical and would be disproportionately costly given the low demand for energy that the building would generate. It is considered that overall the sustainability measures would be acceptable and would comply with policy SU2 of the adopted Local Plan and SPD 08.

Waste Management:

- 8.23 Policy WMP3d of the Waste and Minerals Plan requires development proposals to minimise and manage waste produced during construction demolition and excavation.
- 8.24 Paragraph 49 of the National Planning Practice Guidance provides guidance on what could be covered in order to meet the requirements of the policy. No information has been provided to demonstrate compliance with this policy. This could be provided by condition.
- 8.25 Policy WMP3e of the WMP requires proposals for new development to identify the location and provision of facilities intended to allow for the efficient management of waste.
- 8.26 The RSCH site as a whole has an existing waste strategy and indeed a requirement of the 3Ts redevelopment would also include details of the Waste Management Strategy to be submitted for approval. This is considered to be an acceptable way of dealing with these issues and a condition for waste arising post occupation would not be necessary. The BREEAM pre-assessment has targeted "Excellent" for Construction Waste Management and therefore it is not considered necessary to require a pre-commencement condition for details of a Site Waste Management Plan (SWMP).

9 CONCLUSION

9.1 The proposed development would provide a key component in the decanting operation required for the 3Ts development by providing permanent and replacement accommodation for the temporary buildings in situ. The principle of the development therefore complies with policy HO19 of the Brighton & Hove Local Plan and City Plan policies DA5, CP2 and CP18. The scale, height and footprint of the development would be acceptable and would not have any impact on adjoining occupiers due to loss of outlook or overshadowing and would comply with policy QD27. The design of the new building is modern but is considered to be acceptable in this area of mixed character and would be in keeping with the main hospital buildings in accordance with policies QD1, QD2 and QD5 of the adopted Local Plan. The design of the building is well proportioned with a good mix of solid to glazed elements and the modern split pitched roof profile provides visual interest, reflecting the local vernacular.

10 EQUALITIES

10.1 There are no issues related to equalities that have been raised by this application. The building is accessible from ground floor level and includes a lift and disabled WCs. The building would not be open to the public for clinical purposes.

11 PLANNING CONDITIONS / INFORMATIVES

Regulatory Conditions:

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

Plan Type	Reference	Version	Date Received
Proposed Plans	NRB-A-TA-00-DR-A-PL001	Rev C	03.09.15
Proposed Elevations 1 of 2	NRB-A-TA-00-DR-A-PL002	Rev C	03.09.15
Proposed Elevations 2 of 2	NRB-A-TA-00-DR-A-PL003	Rev C	03.09.15
Proposed Sections 1 of 2	NRB-A-TA-00-DR-A-PL004	Rev C	03.09.15
Proposed Sections 2 of 2	NRB-A-TA-00-DR-A-PL005	Rev C	03.09.15
Existing Plan	NRB-A-TA-00-DR-A-PL006	Rev A	07.05.15
Existing Elevations	NRB-A-TA-00-DR-A-PL007	Rev A	07.05.15
Site Location Plan	NRB-A-TA-00-DR-A-PL008	Rev B	07.05.15

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Block Plan	NRB-A-TA-00-DR-A-PL009	Rev A	07.05.15
Pedestrian Access	NRB-A-TA-L5-DR-A-PL1011		08.10.15
Japanese Knotweed Survey			08.10.15

3. No open storage such as refuse or recycling shall take place within the curtilage of the development hereby approved without the prior written approval of the Local Planning Authority.

Reason: To safeguard the amenities of the occupiers of adjoining properties, the visual amenity of the street scene and to avoid obstructing the North access road and pedestrian routes and to comply with policies SU10; QD27; TR7 and TR8 of the Brighton & Hove Local Plan.

4. Construction of the development hereby approved shall be carried out in accordance with the Construction Environmental Management Plan submitted.

Reason: In order to protect the amenity of adjoining residents and highway safety throughout development works and to comply with policies QD27, SU2, SU9, SU10 and TR7 of the Brighton & Hove Local Plan.

Pre-commencement

5. Prior to the commencement of development, works shall be carried out by a specialist contractor to remove and dispose of the invasive plant species identified on site in accordance with the submitted Japanese Knotweed Survey dated 24th June 2015 submitted on 8th October 2015.

Reason: As this matter is fundamental to the acceptable delivery of the permission to ensure that the development contributes to ecological enhancement on the site and in accordance with policy QD17 of the Brighton & Hove Local Plan.

Prior to construction above slab level.

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

- a) samples of all brick, render and tiling (including details of the colour of render/paintwork to be used)
- b) samples of all cladding to be used, including details of their treatment to protect against weathering
- c) samples of all hard surfacing materials
- d) samples of the proposed window, door and balcony treatments
- e) samples of all other materials to be used externally

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

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

7. No development above ground floor slab level of any part of the development hereby permitted shall take place until details of the

construction of the green roofs have been submitted to and approved in writing by the Local Planning Authority. The details shall include a cross section, construction method statement, the seed mix, and a maintenance and irrigation programme. The roofs shall then be constructed in accordance with the approved details and shall be retained as such thereafter.

Reason: To ensure that the development contributes to ecological enhancement on the site and in accordance with policy QD17 of the Brighton & Hove Local Plan.

8. No development above ground floor slab level of any part of the development hereby permitted shall take place until details of a management and maintenance plan of the SUDS scheme have been submitted to and approved in writing by the Local Planning Authority.

Reason: To prevent the increased risk of flooding and to prevent pollution of controlled waters by ensuring the provision of a satisfactory means of surface water disposal and to comply with policy SU3 of the Brighton & Hove Local Plan.

Pre-Occupation Conditions:

9. Prior to occupation, a scheme for the suitable treatment of all plant and machinery against the transmission of sound and/or vibration shall be submitted to and approved in writing by the Local Planning Authority. The measures shall then be implemented in strict accordance with the approved details prior to the occupation of the development and shall thereafter be retained as such.

Prior to construction above slab level, a scheme for the suitable treatment of all plant and machinery against the transmission of sound and/or vibration shall be submitted to and approved in writing by the Local Planning Authority. The measures shall then be implemented in strict accordance with the approved details prior to the occupation of the development and shall thereafter be retained as such.

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

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

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

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

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

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

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

12. Prior to first occupation of the development hereby approved, the proposed pedestrian improvements as detailed on drawing number NRB-A-TA-L5-DR-A-PL 1011 "Planning Info – Pedestrian Access" submitted on 8th October 2015 shall be carried out in accordance with the approved drawings.

The scheme shall include a segregated footway and pedestrian crossing on the North Service Road outside of the building hereby approved and public footway improvements on Bristol Gate at the North Service Road and Accident and Emergency vehicular access points.

Reason: To ensure that satisfactory pedestrian provision to and from the proposed building and to comply with policy TR1, TR7 and TR8 of the adopted Brighton & Hove Local Plan.

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

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

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

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

Informatives:

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

The proposed development would provide a key component in the decanting operation required for the 3Ts development by providing permanent and replacement accommodation for the temporary buildings in situ. The principle of the development therefore complies with policy HO19 of the Brighton & Hove Local Plan and City Plan policies DA5, CP2 and CP18. The scale, height and footprint of the development would be acceptable and would not have any impact on adjoining occupiers due to loss of outlook or overshadowing and would comply with policy QD27. The design of the new building is modern but is considered to be acceptable in this area of mixed character and would be in keeping with the main hospital buildings in accordance with policies QD1, QD2 and QD5 of the adopted Local Plan. The design of the building is well proportioned with a good mix of solid to glazed elements and the modern split pitched roof profile provides visual interest, reflecting the local vernacular.
3. The applicant is advised that details of the BREEAM assessment tools and a list of approved assessors can be obtained from the BREEAM websites (www.breeam.org). Details about BREEAM can also be found in Supplementary Planning Document SPD08 Sustainable Building Design, which can be accessed on the Brighton & Hove City Council website (www.brighton-hove.gov.uk).
4. 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
5. 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.
6. The applicant is advised that under the provisions made within the Wildlife and Countryside Act 1981, it is an offence to cause Japanese

PLANNING COMMITTEE LIST 28 October 2015

knotweed to grow in the wild. Much of its spread can be via topsoil movement or construction traffic. The applicant is advised that Japanese knotweed is classed as 'controlled waste' under the Environmental Protection Act 1990 and must be disposed of at a licensed landfill site.

7. The applicant is advised that they must obtain all necessary highway approvals from the Highway Authority prior to any works commencing on the adopted highway.
8. In order to comply with Policy TR14 of the Brighton & Hove Local Plan 2005, the Local Planning Authority will be seeking cycle parking that is secure, convenient, well lit, well signed and wherever practical, sheltered. The Highway Authority's preference is for the use of Sheffield type stands arranged in line with the guidance contained within the Communities and Local Government Document 'Manual for Streets' section 8.2.22.

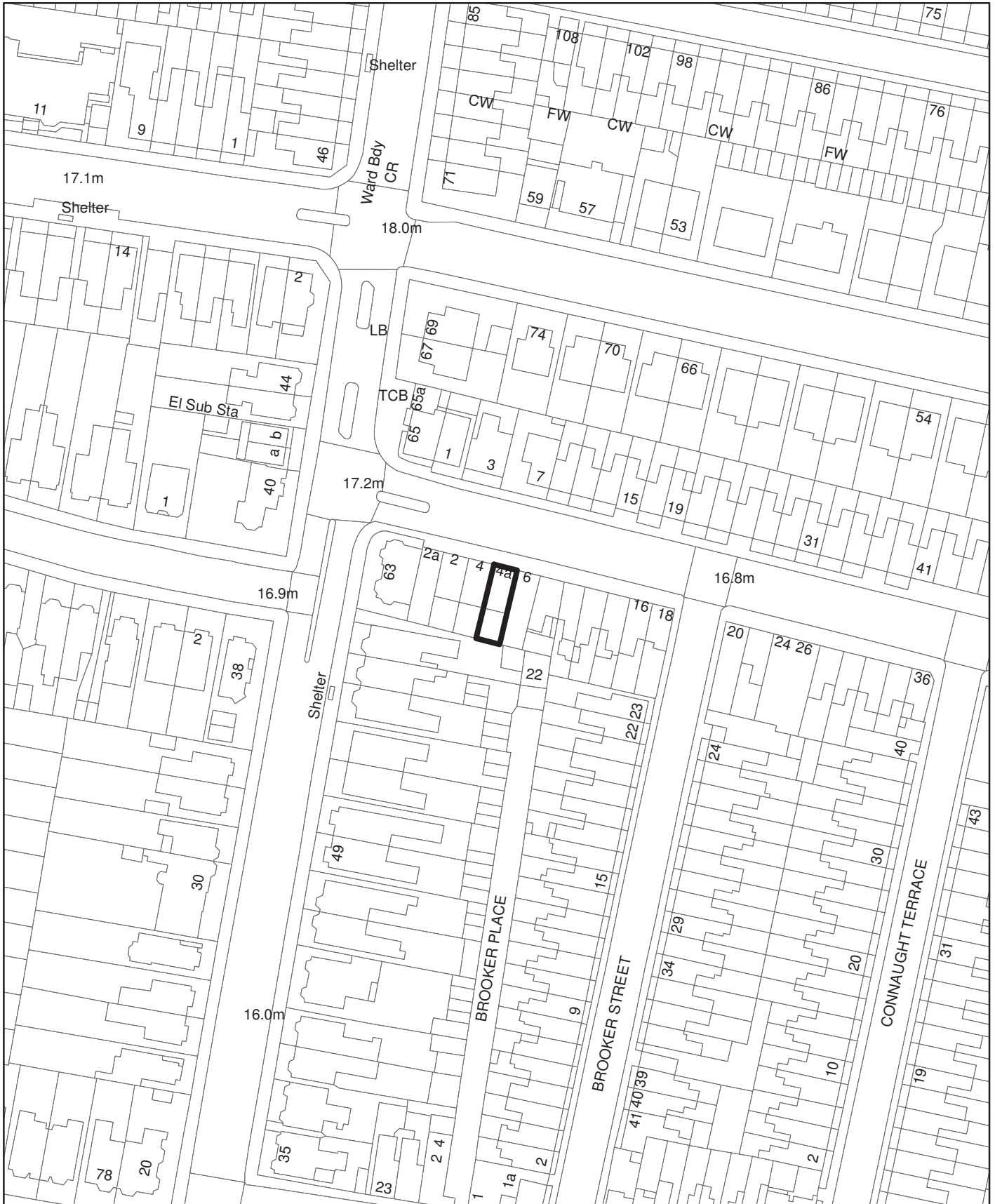
ITEM D

4a Blatchington Road, Hove

BH2014/03996
Full planning

28 OCTOBER 2015

BH2014/03996 4a Blatchington Road



**Brighton & Hove
City Council**



Scale: 1:1,250

<u>No:</u>	BH2014/03996	<u>Ward:</u>	CENTRAL HOVE
<u>App Type:</u>	Full Planning		
<u>Address:</u>	4A Blatchington Road Hove		
<u>Proposal:</u>	Change of use from retail (A1) to hot food take away (A5) and installation of extract duct.		
<u>Officer:</u>	Mark Thomas Tel 292336	<u>Valid Date:</u>	10/12/2014
<u>Con Area:</u>	Adj. Old Hove	<u>Expiry Date:</u>	04 February 2015
<u>Listed Building Grade:</u>	N/A		
<u>Agent:</u>	Cunnane Town Planning LLP, 67 Strathmore Road Teddington London TW11 8UH		
<u>Applicant:</u>	Basilico Ltd, C/O Cunnane Town Planning LLP 67 Strathmore Road Teddington London TW11 8UH		

This application was deferred from Planning Committee on 5th August 2015 to allow further research comments raised regarding the accuracy of the acoustic report.

1 RECOMMENDATION

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

2 SITE LOCATION & DESCRIPTION

The application relates to a vacant ground floor retail unit within a three storey mid-terrace property on the south side of Blatchington Road. Residential flats are housed on the upper floors, including within the roof space. There is a single storey flat roofed extension located to the rear occupying the entire rear garden area. The property is situated adjacent the Old Hove Conservation Area.

3 RELEVANT HISTORY

BH2014/03995 Display of internally illuminated projecting sign and externally illuminated fascia sign. Approved- 21/01/2015.

4 THE APPLICATION

Planning permission is sought for the change of use of the ground floor retail (A1) unit to a hot food takeaway (A5). The application also includes the installation of an extraction duct to the rear elevation of the building. The application originally proposed a new shopfront, although the application has since been amended to retain the existing shopfront.

5 PUBLICITY & CONSULTATIONS

External

5.1 **Neighbours: Eighteen (18)** letters of representation have been received from **nos. 2a and 2b Blatchington Road, Flats 1, 2, 3, 4 and 5, 4 Blatchington Road, nos. 18a and 38 Leighton Road, no. 41 Franklin Road, Flats 1 and 2, 61 Sackville Road, no. 63 Sackville Road, no. 3 Caxton Court, Park Street, no. 2 South Bank, 80-88 Brighton Road (Lancing), no. 127 Wordsworth Street and no. 43 Chiltern Close** objecting to the application for the following reasons:

- There is no need for another takeaway- there are many similar businesses on the road.
- There is a lack of soundproofing between the ground floor and flats above.
- Noise and disturbance from the ventilation, extraction, delivery bikes and customers.
- Fire risk from pizza oven- lack of fire escape from upper floors.
- Excessive heat and fumes from the takeaway and extraction would represent a hazard for occupiers of the flats above.
- The extraction would deposit grease on nearby windows.
- Odour problems.
- Lack of suitable waste storage.
- Parking problems/ congestion caused by delivery bikes and customers.
- The development would attract pests and vermin to the property.
- A new takeaway would not be in accordance with the council's duty to promote healthy eating.
- The acoustic report is inaccurate- the measurements were taken at a different location on the flat roof than stated in the report and the equipment was also moved during the period of recording.

5.2 **One (1)** letter of representation has been received from **no. 36 Carlisle Road** supporting the application for the following reasons:

- The new business would attract further development and other businesses to the area.

5.3 **Councillor Hawtree** objects to the application (email attached).

5.4 **Councillor Wealls** objects to the application (email attached).

5.5 **Councillor Moonan** objects to the application (email attached).

5.6 **Sussex Police** comment as follows:

- Recommend that all new and existing doors and glazing are checked to ensure they are fit for purpose with locks conforming to a minimum standard of BS3621.
- Consideration should be given to the fitting of a monitored intruder alarm within the premises.

Internal:

5.7 **Highway Authority** recommend approval as follows:

- Change of use
Whilst the proposed change of use is likely to generate more trips at different times of the day (evening rather than day time) it is unlikely to generate a significant increase to the site overall therefore the proposed change of use from retail to hot food takeaway is deemed acceptable.
- Delivery Service
The applicant states in the design and access statement that there will be 6 delivery bikes associated with the proposed delivery service and these will be parked in the motorcycle bays east of the site on Blatchington Road or Connaught Terrace in the quieter periods i.e. the daytime hours and in the nearby parking bays in the evening when restrictions are lifted on Blatchington Road (when the takeaway is likely to be more busy) . This arrangement is deemed reasonable. (It is noted that there are no loading restrictions adjacent to the site and also that vehicles parked illegally are liable to receive a Penalty Charge Notice (PCN))
- Cycle parking
The applicant does not propose cycle parking as required by the City Council's Parking Standards SPG04 however it is acknowledged that the site is constrained and that there is on street cycle parking adjacent to the site. The Highway authority does not wish to object on these grounds.

5.8 **Environmental Health:** Comment as follows:

- No objection subject to conditions relating to soundproofing plant/ machinery and odour control equipment.
- No objection to the proposed hours of use (11am-11.30pm each day).

In response to the neighbour representation concerning the accuracy of the acoustic report the following comments have been provided:

- The slightly different measurement position should not affect the results to any significant degree.
- The objection may have warranted further investigation if the acoustic report had found that there was not an issue and did not recommend any attenuation measures. But, the fact is that the report calculated that without further noise control, the extraction would operate at level above the standard we normally set for new plant & machinery in Brighton and Hove (5dB(A) below the background noise level. Therefore, appropriate attenuation measures have been recommended as a condition of any planning permission granted.
- Whilst the requisite planning permission may be granted, this does not preclude this department from carrying out an investigation under the provisions of the Environmental Protection Act 1990, should any

complaints be received with regards to noise or odour from the functioning of the external flue.

6 MATERIAL CONSIDERATIONS

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

7 RELEVANT POLICIES & GUIDANCE

The National Planning Policy Framework (NPPF)

Brighton & Hove Local Plan:

TR1	Development and the demand for travel
TR7	Safe development
TR14	Cycle access and parking
TR19	Parking standards
QD14	Extensions and alterations
QD27	Protection of Amenity
SR5	Town and district shopping centres

Supplementary Planning Guidance:

SPGBH4	Parking Standards
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8 CONSIDERATIONS & ASSESSMENT

8.1 The main considerations in the determination of this application relate to the principle of the change of use, the impact of the external alterations of the character and appearance of the recipient building and the wider area, the impact of the development on the amenity of occupiers of neighbouring properties and the impact on parking and the highway network in the locality.

8.2 Planning Policy:

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.

8.3 Policy SR5 states that outside the prime frontage in the town and district centres, the loss of retail use will be permitted providing that a healthy balance and mix of uses (including A1 retail) is retained and concentrations of uses other than A1 are avoided. The proposed use should still attract pedestrian activity to the centre and should not have a significantly harmful impact on the amenity of the area.

8.4 Change of use:

The application property is situated within the Hove Town Centre as allocated by policy SR5 of the Brighton & Hove Local Plan. The premises is situated outside of the prime frontage of the centre and, as such, a change of use is permitted considering that a healthy balance of uses would retain. As a result of the proposed development, the area outside of the prime frontage of the Hove Town Centre situated on Blatchington Road would retain a strong retail (A1) presence (over 65% of commercial premises), and would not have an over-proliferation or over-concentration of takeaway (A5) units (8.6% of all commercial units). It is noted, further, that the proposed takeaway unit would occupy one half of a unit which has recently been subdivided and that a retail use would remain to the other half. As such, there has been no net loss of retail units in the centre.

8.5 Design:

The external alterations are restricted to the rear of the building and comprise the installation of extract ducting. The ducting would rise to roof level, and would discharge approximately 0.3m above a flat roof section approximately the same height as the ridge of the main roof. The flat roof section and proposed duct would be set back sufficiently from the front of the building to be only visible in glimpses when travelling west towards the south. The duct would be screened when walking east on Blatchington Road by the bulk and height of the main roof.

The application property backs onto the Old Hove Conservation Area but the proposed ductwork would not be readily visible from or affect the character and appearance of the area. There is an alleyway situated to the rear of the property and the garden to no. 61 Sackville Road beyond. The duct would not be readily visible from these locations due to the screening afforded by boundary treatments and the rear extension at the application property. The rear of the property and the ductwork would not be visible from Sackville Road at the break between nos. 61 and 63, nor would it be visible from Brooker Place to the south where views would be screened by existing residential properties and garages.

8.6 Given the minor nature of the proposed external works and the relationship between the application property and other properties in the vicinity, it is not considered that the proposed development would have a significantly detrimental impact on the character and appearance of the recipient property or the wider Old Hove Conservation Areas.

8.7 Impact on Amenity:

The proposed change of use would have the greatest impact on the occupiers of the residential flats to the upper floors of the application property. The potential impact of a change of use from retail (A1) to takeaway (A5) would be noise and odour from plant and machinery associated with ventilation and cooking extraction and well as noise and disturbance from patrons and hot food delivery activities.

8.8 The applicant has submitted an acoustic report that demonstrates that noise associated with the proposed plant and machinery would be at a suitable level providing that an attenuator is installed as part of the development. The Environmental Health officer has recommended that a condition be attached to any approval to secure this detail. Representation received verbally at Committee previously suggested the acoustic equipment installed to measure noise levels may have been measured and was positioned differently from that stated. The acoustic consultant and Environmental Health Officers have advised that the slightly different measurement positions are unlikely to have affected the results to a significant degree. Moreover, appropriate noise attenuation measures are recommended to be secured by condition. The proposed hours of operation are 11am to 11.30pm. These hours are considered reasonable in this location and would prevent unacceptable noise levels from customers or delivery bike drivers.

8.9 Sustainable Transport:

The applicant states in the design and access statement that there will be 6 delivery bikes associated with the proposed delivery service and these will be parked in the motorcycle bays east of the site on Blatchington Road or Connaught Terrace in the quieter periods i.e. the daytime hours, and in the nearby parking bays in the evening when restrictions are lifted on Blatchington Road (when the takeaway is likely to be more busy). This arrangement is deemed reasonable. It is noted that there are no loading restrictions adjacent to the site and also that vehicles parked illegally are liable to receive a Penalty Charge Notice (PCN).

8.10 The application does not propose cycle parking as required by the Parking Standards SPG0. It is acknowledged, however, that the site is constrained and that there is on street cycle parking adjacent to the site. The Highway authority has not objected to the proposed development on these grounds.

9 CONCLUSION

9.1 The proposed change of use would not have a significantly detrimental impact on the vitality and viability of the Hove Town Centre. The proposed external works would not have an unacceptably harmful impact on the character and appearance of the recipient property or the wider streetscene. The proposed change of use would not have a significantly harmful impact on the amenity of occupiers of neighbouring properties, nor would it result in undue parking street or traffic congestion in the locality.

10 EQUALITIES

No issues identified.

11 PLANNING CONDITIONS / INFORMATIVES

Regulatory Conditions:

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

Plan Type	Reference	Version	Date Received
Site location plan	-	-	27 th November 2014
Existing plan and elevations	2345/A000	Rev. B	17 th July 2015
Proposed plan and elevations	2345/A200	Rev. E	17 th July 2015
Existing and proposed roof plans	2345/A201	-	17 th July 2015
Environmental Noise Survey and Plant Noise Impact Assessment by 'NSL'	BS 33812/NIA	-	5 th May 2015
Extraction unit specification by 'Elta Select'	-	-	10 th December 2015

- 3) The takeaway (A5) use hereby permitted shall not be operational except between the hours of 11:00 and 23:30 each day.
Reason: To safeguard the amenities of the locality and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.

Pre-Occupation Conditions:

- 4) The applicant must ensure the installation of a suitable circular attenuator as per the specification detailed in Environmental Noise Survey and Plant Noise impact Assessment' dated the 29th April produced by Noise Solutions Limited. Specifics are found on Page 4 - 6.0 Mitigation - Table 4 Minimum attenuator insertion losses. Evidence showing that attenuation is correctly fitted to the oven extract system at 4A Blatchington Road shall be submitted to the Local Planning Authority. The commercial use of the flue shall not commence until the works have been carried out to the satisfaction of the Local Planning Authority.
Reason: To safeguard the amenities of the occupiers of nearby properties and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.
- 5) Evidence showing that a 'ON 100 Odour Neutraliser' manufactured by 'Purified Air' is correctly fitted to the oven extract system at 4A Blatchington Road shall be submitted to the Local Planning Authority. The commercial use of the flue shall not commence until all odour control equipment works have been carried out to the satisfaction of the Local Planning Authority.
Reason: To safeguard the amenities of the occupiers of adjoining properties and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.

Informatives:

1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One (submission document) the approach to making a decision on this planning application has been to apply the presumption in favour of sustainable development. The Local Planning Authority seeks to approve planning applications which are for sustainable development where possible.
2. This decision to grant Planning Permission has been taken:
- (i) having regard to the policies and proposals in the National Planning Policy Framework and the Development Plan, including Supplementary Planning Guidance and Supplementary Planning Documents:
(Please see section 7 of the report for the full list); and
- (ii) for the following reasons:-
The proposed change of use would not have a significantly detrimental impact on the vitality and viability of the Hove Town Centre. The proposed external works would not have an unacceptably harmful impact on the character and appearance of the recipient property or the wider streetscene. The proposed change of use is not foreseen to have a significantly harmful impact on the amenity of occupiers of neighbouring

properties, nor would it result in undue parking street or traffic congestion in the locality.

Mark Thomas Esq,
Planning Department,
Brighton and Hove City Council,
Hove Town Hall,
Hove,
BN3 4AH

27th July 2015

Dear Sir,

Ref: BH2014/03996 4 Blatchington Road, BN3 3YN

I would like to object to the above planning application for a change of use from A1(retail) to A5 (hot food take-away).

I have the following objections

- The proposed premises are below residential properties and will cause considerable disruption to the resident as a result of the customer's noise and the coming and going of deliveries.
- The premises opening hours are until 23.30, which is late into the evening causing disruption to residents, particularly those with young children.
- The application states that there will be up to six scooters operating to and from the premises until 23.30, which will cause considerable noise and take up precious parking spaces.
- The end of the proposed extract flue finishes 1 metre above the fourth floor window. It is unclear whether this is a sufficient distance from the window to ensure no ingress of odour when the wind is in certain directions. There is no information in the application on its distance from neighbouring windows.
- It is unclear from the plans where refuse, particularly food waste, will be stored.
- There will be an overconcentration of A5 use in the area. In the parade of shops which makes up Blatchington Road there is already; Kentucky Fried Chicken, Wimpy (now closed), Fortune House Chinese, Ramsbottom's Fish and Chips, Thai Connection, Singapore Kitchen, Seahorse Fish and Chips.
- There are also several pizza take-aways/delivery services within a reasonable distance of 4 Blatchington Road; Yummie Pizza (107 Church Road), Pizza Hut Delivery (180 Portland Road), Dial a Pizza (84 Portland Road), Domino's (93 Old Shoreham Road), Pizzaface (1 Coleridge Street).
- There is considerable opposition from local residents.

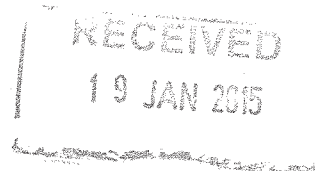
I hope the planning committee will take these considerations into account.

Yours sincerely,

Councillor Clare Moonan

Mark Thomas Esq,
Planning Department,
Brighton and Hove City Council,
Hove Town Hall,
Hove,
BN3 4AH

14th January 2014



Dear Sir,

Ref: BH2014/03996 4 Blatchington Road, BN3 3YN

I would like to object to the above planning application for a change of use from A1(retail) to A5 (hot food take-away).

My objections are as follows;

The proposed premises lie directly below residential accommodation, and a take-away business is likely to negatively impact the amenity of those living above through cooking smells and customer noise. As deliveries are to be considered from the premises, there will be the additional impact of noise from delivery motor scooters arriving and departing from the premises. The application states that there will be up to six scooters operating from a parking bay only 25 metres from the premises until 23.30 in the evening.

The proposed hours of opening (until 23.30) means that those living above and nearby, especially those with children, will be disturbed late into the evening.

The end of the proposed extract flue finishes 1 metre above the fourth floor window. It is unclear whether this is a sufficient distance from the window to ensure no ingress of odour when the wind is in certain directions. There is no information in the application on its distance from neighbouring windows.

There will be an overconcentration of A5 use in the area. In the parade of shops which makes up Blatchington Road there is already;

Kentucky Fried Chicken (107)
Wimpy (now closed) (105)
Fortune House Chinese (83)
Ramsbottom's Fish and Chips (58)
Thai Connection (14)
Singapore Kitchen (19)
Seahorse Fish and Chips (12)

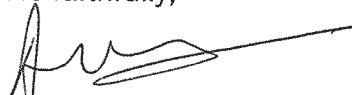
Between numbers 2 and 18 Blatchington Road (Sackville Road and Brooker Street), there are already two take-aways. There are pizza take-aways/delivery services within a

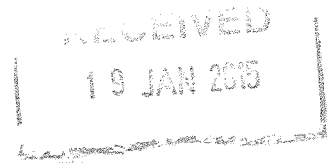
reasonable distance of 4 Blatchington Road; Yummie Pizza (107 Church Road), Pizza Hut Delivery (280 Portland Road), Dial a Pizza (84 Portland Road), Domino's (93 Old Shoreham Road), Pizzaface (1 Coleridge Street).

Lastly, it is unclear from the plans where refuse, particularly food waste, will be stored.

Please let me know when this application is to be considered by the Planning Committee.

Yours faithfully,


Councillor Andrew Wealls



From: Christopher Hawtree [<mailto:christopher.hawtree@talktalk.net>]
Sent: 22 April 2015 8:40 AM
To: Jeanette Walsh
Subject: Blatchington Road - Councillor's Letter

Dear Jeanette,

H2014 / 03996

I wish to object on behalf of residents about this change of use, there being considerable uncertainty about the noise levels, and also the venting; all of which would have an adverse effect upon those nearby.

In view of this, should the Application be recommended for acceptance, I would like it to be brought to the Committee for discussion and decision.

All the best,

Christopher Hawtree

22 iv 2014

ITEM E

17 Marmion Road, Hove

BH2015/00914
Full planning

28 OCTOBER 2015

BH2015/00914 17 Marmion Road



**Brighton & Hove
City Council**



Scale: 1:1,250

<u>No:</u>	BH2015/00914	<u>Ward:</u>	WISH
<u>App Type:</u>	Full Planning		
<u>Address:</u>	17 Marmion Road Hove		
<u>Proposal:</u>	Demolition of existing building and erection of 5 three/four bedroom dwelling houses.		
<u>Officer:</u>	Jason Hawkes Tel 292153	<u>Valid Date:</u>	21/04/2015
<u>Con Area:</u>	N/a	<u>Expiry Date:</u>	16 June 2015
<u>Listed Building Grade:</u>	N/a		
<u>Agent:</u>	Liam Russell Architects Ltd, 3 Broad Reach Mews, Ropetackle, Shoreham-by-Sea, BN43 5EY		
<u>Applicant:</u>	YMCA Downslink Group, Mr Chas Walker, Reed House, 47 Church Road, Hove, BN3 2BE		

1 RECOMMENDATION

That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in section 11 and the policies and guidance in section 7 and resolves to **MINDED TO GRANT** subject to the expiry of the consultation period on 19 October 2015 and the receipt of no new material representations revising new material planning considerations and the conditions and informatives set out in Section 11.

2 SITE LOCATION & DESCRIPTION

- 2.1 The application site relates to two-storey community centre located on the north side of Marmion Road. The centre is owned and run by the YMCA and is called the YMCA Downslink Group. The building dates from the early 1900's and is a pitched roof red brick building with a large central gable ended addition. The front entrance is in a central position and includes a ramped access. The building includes upvc windows and a louvred chimney. The front of the building is a hardstanding area with Sheffield stands and two small trees. The building is in close proximity to the Drill Hall to the rear. To each side of the building is a small alleyway.
- 2.2 The building is directly adjacent to the Territorial Drill Hall at 9-11 Marmion Road. This building includes an extension which stretches around the rear of 19 & 21 Marmion Road. Marmion Road is mainly comprised of two-storey dwellinghouses of traditional design. The majority of houses have a part brick / part rendered finish.

3 RELEVANT HISTORY

BH2009/01220: Construction of a new access ramp to front of property, including alterations to front entrance door. Approved 28/07/2009.
3/83/0366: Ground and first floor extensions at rear. Approved 1983.
M/597/49: Alterations and additions to provide cloakroom and changing accommodation, kitchen etc. Approved 1949.

Of relevance is the permission for 8 three-storey dwellinghouses approved at Stoneham Road in 2005 (ref: **BH2005/01529/FP**). These dwellings have been constructed and are off modern design with a rendered finish.

4 THE APPLICATION

- 4.1 Planning permission is sought for the demolition of the existing YMCA building and the construction of five dwellinghouses. The dwellings would form a terrace of three-storey houses of modern design with a part brick and part rendered finish. Each dwelling would include three bedrooms and a front and rear garden. The roofs of the dwellings are proposed as sedum roofs.
- 4.2 The following amendments were received during the course of the application:
- Amended appearance indicating a mix of render and brick to different sections of the dwellings. The front of the terrace was also pulled back so that it is now proposed to have the same building line as the adjacent row of houses at 19-51 Marmion Road.
 - Details of a front boundary wall.
 - Amended layout to allow access to all of the rear gardens from the side of the buildings.
 - Amended internal layout to fully comply with Lifetime Homes.

5 PUBLICITY & CONSULTATIONS

External

- 5.1 **Neighbours: One hundred and twenty three (123)** representations have been received from **10, 12, 19 (x4), 21, 23, 27, 35, 44 (x3), 46, 50, 72 Marmion Road, Flat 3, 88 Goldstone Road, 46 Holmes Avenue, 2, 3 & 10 (x2) Lennox Road, 39 Mansfield Road, 7 Sheridan Terrace, 58 Berriedale Avenue, 8 Elder Close, 67 Bolsover Road, 17, 29D, 52, 60, 66 & 74 Stoneham Road, 47 (x2) & 76 Cowper Street, 5 & 19 Alpine Road, 22, 45 (x2) & 51 Woodhouse Road, 5 Scott Road, 8 Rutland Gardens, 12, 14, 15 & 30 Raphael Road, 19 & 71 Byron Street, 3 Hallyburton Road, 19 Milnthorpe Road, 51 Orchard Gardens, 50 Benson Court, Ingram Crescent East, 22 & 45 Coleman Avenue, Flat 5, 50 New Church Road, 25 & 70 (x2) Westbourne Gardens, 17 Molesworth Street, 52 (x2) & 65 Portland Avenue, 13, 19 & 67 (x2) Tamworth Road, 7 Amherst Crescent, 42 Langdale Gardens, 8 Whichelo Place, Flat 2 Gilmour House, Albany Villas, 14 Denmark Mews, 7 Wayfield Avenue, 3 & 70 Victoria Road, 13 Mansfield Road, 26 Walsingham Road, 13 & 18 Kendal Road, 13 & 26 Grange Road, 54 Roman Road, 5, 25 & 41A Shelley Road, 15C Sussex Place, 2, 7 & 25 Lullington Avenue, 35 Stanford Avenue, 175 & 251B Old Shoreham Road, 4 & 20 Chelston Avenue, 39 & 43 Payne Avenue, 103 Montgomery Street, 2 Amesbury Crescent, 34 Belfast Street, 25 Wordsworth Street, Top Flat, 7, 32 & 49 (x2) Ruskin Road, 15 Pendragon Court, Arthur Street, 86 Sompting Road, 41 Arundel Road, 8 Amherst Crescent, 14 Landseer Road, Flat 8, 46 Palmeira Avenue, 11 Thane Villas, London, 355 Kingsway and 10 anonymous residents objecting to the application for the following reasons:**
- The YMCA is the centre of the community and it would be an outrage to lose such a vital focal point and community facility for the area. The YMCA supports local children, young mothers and the elderly and is a wonderful

resource for the area. It also provides after school facilities and sports. It is an affordable way for families to make friends. This would be a huge loss. There are limited facilities in the area and no alternative community facilities have been offered.

- The proposal would result in a loss of privacy, daylight and overshadowing for adjacent properties.
- The proposal would look out of place in the street. The houses are too tall in the street. The scheme uses the Stoneham Road scheme as an example. This development is of poor quality. The development does not respect the character of the area.
- The scheme would cause disruption for adjacent properties through noise dirt and noise.
- The proposal would result in extra traffic and parking problems on the street. The services and roads for the area are already oversubscribed. The development would affect highway safety.
- The replacement houses would not be affordable and are therefore no benefit to the area.
- Concern is raised about the lack of consultation undertaken.
- The materials (as originally proposed in all render) would look totally out of place in the street scene. Previous new builds have been in keeping with the area.
- The area is already built up enough with the development of Gala bingo hall to flats.
- The scheme would not provide studio flats which are required in the area.
- The proposal would result in more children vying for school places in the area.
- The Council should not put the profit of a housing company over the needs of the community.
- The claims of the YMCA that the maintenance of the building is high are unproven.
- The size of the proposed houses is inappropriate. The gardens of the new houses are also too small.
- The scheme would result in the loss of two street trees.

Councillor Gary Peltzer Dunn: Objection (email attached).

Internal:

5.2 **Access Consultant:** No objection subject to the following:

- Approach to all entrances should be level or gently sloping. The elevations appear to show a single step at the front and rear of the houses.
- There should be a weather canopy over the main entrance of each house.
- The entrance level WCs should have side transfer space and at least 1100mm clear space in front of the basin. A suitable WC and transfer space cannot be achieved in a compartment less than 1400mm wide.

- 5.3 **Arboricultural Section:** No objection subject to a condition requiring a landscaping scheme to be submitted for the approval of the Local Planning Authority.
- 5.4 **Environmental Health:** No objection subject to the following conditions:
- Submission of a desk top study for the approval of the Local Planning Authority documenting all the previous and existing uses of the site and adjacent land with respect to potential land contamination. If contamination is identified, a further site investigation report and a detailed scheme for remedial works and measures to be undertaken to avoid risks from contaminants on site will be required.
 - A Construction Environmental Management Plan (CEMP) to be submitted for the approval of the Local Planning Authority. The CEMP shall document how dust and noise shall be controlled during the demolition and construction phases of the development.
- 5.5 **Estates Team:** Comment. The council would be not interested in taking over the existing community use as it does not have the resources to do so. This advice is based on the council's lack of resources and is not based on any assessment of community need.
- 5.6 **Planning Policy:** No objection. The loss of the existing community facility is acceptable in the context of the Local Plan policy HO20 as exception tests (b) and (d) are considered to apply. The provision of residential dwellings as a replacement complies with HO20 and the proposed family homes meet an identified need in the city and consequently Local Plan Policy HO3.
- 5.7 **Sustainable Transport:** No objection subject to the following:
- 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.
 - 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.

6 MATERIAL CONSIDERATIONS

- 6.1 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 states that "If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."
- 6.2 The development plan is:
- Brighton & Hove Local Plan 2005 (saved policies post 2007);

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

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

7 RELEVANT POLICIES & GUIDANCE

The National Planning Policy Framework (NPPF)

Brighton & Hove Local Plan:

- TR1 Development and the demand for travel
- TR7 Safe development
- TR14 Cycle access and parking
- TR19 Parking standards
- SU2 Efficiency of development in the use of energy, water and materials
- SU9 Pollution and nuisance control
- SU10 Noise nuisance
- SU11 Polluted land and buildings
- SU13 Minimisation and re-use of construction industry waste
- QD1 Design – quality of development and design statements
- QD2 Design – key principles for neighbourhoods
- QD3 Design – efficient and effective use of sites
- QD15 Landscape design
- QD27 Protection of Amenity
- HO3 Dwelling type and size
- HO4 Dwelling densities
- HO5 Provision of private amenity space in residential development
- HO13 Accessible housing and lifetime homes
- HO20 Retention of Community Facilities

Supplementary Planning Guidance:

- SPGBH4 Parking Standards

Supplementary Planning Documents:

SPD03 Construction and demolition waste

SPD08 Sustainable Building Design

Brighton & Hove City Plan Part One (submission document)

SS1 Presumption in Favour of Sustainable Development

CP1 Housing delivery

8 CONSIDERATIONS & ASSESSMENT

- 8.1 The determining issues in this application are whether the proposal has justified the loss of the existing community use, whether the proposal is appropriate with respect to its design in the context of the surrounding area, whether the proposal would have a detrimental impact on neighbouring amenity, standard of accommodation, highway considerations and sustainability.
- 8.2 **Provision of Housing:**
At present, there is no agreed up-to-date housing provision target for the city against which to assess the five year housing land supply position. Until the City Plan Part 1 is adopted, with an agreed housing provision target, appeal Inspectors are likely to use the city's full objectively assessed need (OAN) for housing to 2030 (estimated to fall within the range 18,000 – 24,000 units) as the basis for the five year supply position.
- 8.3 The Local Planning Authority is unable to demonstrate a five year supply against such a high requirement. As such, applications for new housing development need to be considered against paragraphs 14 and 49 of the NPPF. These paragraphs set out a general presumption in favour of sustainable development unless any adverse impacts of development would significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework taken as a whole. The merits of the proposal are considered below.
- 8.4 **Loss of Community Use:**
Policy HO20 of the Brighton & Hove Local Plan states that planning permission will not be granted for development proposals, including changes of use, that involve the loss of community facilities, including: hospitals, health centres, surgeries/clinics, museums, art galleries, exhibition halls, places of worship, day care centres, libraries, schools, crèches, public toilets, church and community halls, theatres and cinemas.
- 8.5 Exceptions may apply when:
- a. the community use is incorporated, or replaced within a new development; or
 - b. the community use is relocated to a location which improves its accessibility to its users; or
 - c. existing nearby facilities are to be improved to accommodate the loss; or
 - d. it can be demonstrated that the site is not needed, not only not only for its existing use but also for other types of community use.

- 8.6 The YMCA Downlink Group at 17 Marmion Road has provided a number of community uses including after school clubs, sports activities and groups for the elderly and toddler groups.
- 8.7 The applicant has stated that the loss of the community facility is appropriate due to the following:
- The charity has stated that it has made considerable efforts to maintain and update the building for modern use over many decades. However the cost of maintenance and adaptation is now so great that the building is no longer reasonably viable as a community facility and the cost of converting to any other use prohibitive.
 - There are a legacy of maintenance works relating to the property which have been estimated at £79,000 (February 2013). The YMCA has actioned around £12,000 of these works which were deemed urgent, relating to a fire escape and damage caused by pigeon infestation. The upkeep costs of the building are a continuing drain on the Charity's resources.
 - There are fundamental problems with the layout of the building, as well as lighting, insulation and heating etc, which make any use of the building restrictive and expensive. A number of reviews have been undertaken to consider conversion or modernisation of the building, none of which have proved viable.
 - In the past the Charity has offered a number of community-based activities at the Marmion Road site, for example, after-school clubs, toddler groups, and Senior Citizen lunch clubs. However none of these activities were funded and are not part of the Charity's core activities. The YMCA Board of Trustees took the decision therefore that they could not continue to run these activities.
 - The current usage of 17 Marmion Road is a mix of activities that are either not part of the Mission of the YMCA or are not community-based. For example, the main use of the Marmion Road site is currently for an Education programme offering alternative curriculum activities to young people aged 14 plus. However the catchment for this activity is City-wide rather than the immediate Poets Corner/West Hove area of the City. The YMCA plan to relocate the Education activities to another site. This is likely to be within existing provision, for example, to the Youth Advice Centres in Blatchington Road, Hove and West Street, Brighton. Both these sites are in more central locations and more easily accessible by public transport by the young people who use these services.
 - The YMCA statistics show that activities such as dance classes and gym activities (which do not form part of the aims and objectives of the Charity) taking place at the Centre attract more participants from outside the West Hove area than from the neighbourhoods surrounding Marmion Road.
 - The YMCA have a number of key contracts coming to an end (in particular the Youth Service contracts) which will decrease the usage of the building even further during the course of 2015. Overall the environment of public sector cuts has impacted on the type of activities they are able to deliver and the way the Charity structures the delivery of existing activities.
 - The YMCA has stated that their overall investment in the City is considerable. During the current financial year they have attracted funding from contracts and charitable funds in the region of £5.5million (excluding

our supported housing funding and provision) which has been used to provide direct services to children, young people and their families across the City.

- The YMCA have further maintained a community-based provision at the Youth Advice Centre, in Blatchington Road, Hove despite funding cuts. The catchment area for this provision is broadly similar to 17 Marmion Road, except that it is predominantly local young people who are using this provision.
- The YMCA has stated that its core work is in delivering alternative education services and that this can be better provided in alternative locations in the city.

8.8 The applicant has also submitted a letter from Crickmay Chartered Surveyors. The letter states that the premises were put on the market but no interest was received. The surveyors state the following reasons for lack of interest:

- Gymnasium and Leisure Use - The operators in this field require far greater concentration of open plan space which the building does not have and would be extremely difficult/expensive to convert. Parking was also flagged as an issue.
- Social/Cultural Centre -The building was rejected on the grounds that it provided no off street parking, seen as being imperative for the principal users. Those currently looking in this market require a minimum of 6 spaces to deal with concentrated audiences attending at any one time. The building does not provide any allocated parking, it was also noted that traffic congestion in a fairly narrow road would be an issue.
- Office Users - The building is not very well ergonomically designed and would need a considerable sum of expenditure to convert it to an Office HQ. The problems of heating, asbestos removal and security were raised in addition to problems with parking. Unfortunately all small/medium range office users will require more economical and more practical space particularly to adhere to DDA compliance.

8.9 The Policy Section has commented that the existing building is classed as a community facility, and Policy HO20 of the Local Plan therefore applies. This policy states that planning permission will not be granted for development proposals that involve the loss of community facilities unless one of four exception tests is met.

8.10 The Planning Statement submitted in support of the application states that “the cost of maintenance and adaptation is now so great that the building is no longer reasonably viable as a community facility and the cost of converting to any other use prohibitive.” It goes on to state that that the current uses of the building are not directly related to community activities, with the main educational use proposed to be relocated elsewhere in the city to other existing facilities in more central locations. These circumstances indicate that exception (b) apply, as the use is being relocated to a location which improves its accessibility to users.

- 8.11 Furthermore, information has been provided detailing how the building has been considered by other potential occupiers for alternative community uses, but none have chosen to progress their interest as the building and surroundings are considered unsuitable. This indicates that exception (d) of Policy HO20 also applies. It should also be noted that the YMCA is a charity with no obligation to keep this facility running at its own cost.
- 8.12 The Estates have also commented that the council would be not interested in taking over the existing community use as it does not have the resources to do so. This advice is based on the council's lack of resources and is not based on any assessment of community need.
- 8.13 The loss of the community facility is regrettable. However, taking into account the justification put forward by the YMCA, the loss of the community facility has been justified and the scheme is considered to be meet the exceptions which allow the loss of community uses as outlined in policy HO20 of the Local Plan.
- 8.14 **Character and appearance**
Policies QD1, QD2 and QD3 seek to ensure that developments make an efficient and effective use of sites, demonstrating a high standard of design that makes a positive contribution to the visual quality of the environment.
- 8.15 Policy HO4 states that to make full and effective use of the land available, residential development will be permitted at higher density than those typically found in the locality where it can be demonstrated that the proposal exhibits a high standard of design.
- 8.16 Planning permission is sought to demolish the existing building and construct a terrace of five dwellings. 17 Marmion Road dates from the 1919 and has the appearance of a functional Victorian building. The building has some visual merit but is not listed and is not included in the local list of buildings of local interest. Given this, no objection is raised to its loss.
- 8.17 The replacement terrace of houses would be three-storeys tall with a flat roof. The design of the buildings takes its inspiration from the existing terrace of modern houses in place at 29A – 29H Stoneham Road. The proposed houses at Marmion Road have emulated the block design of the rendered houses at Stoneham Road. It should also be noted that there are other other examples of modern design within the area including the development of the former Gala Bingo site onto Portland Road and the new flats at 80 Stoneham Road.
- 8.18 The proposed houses would have a vertical emphasis with a set back second floor. The set back allows roof terraces to the front and rear. The front of the properties would have a staggered façade. Each house would include a front garden with a low brick wall.
- 8.19 As amended, the houses would have a part brick and part rendered appearance. The houses were originally proposed with a complete rendered appearance. This was considered inappropriate in the context of the street scene and would have made the houses stand out in stark contrast to the

adjacent houses. The part brick and part rendered appearance would soften the appearance of the proposed terrace and would reflect the design of the majority of the dwellinghouses on the street which also have a part rendered and brick façade. The development would also fit in with the appearance of Territorial Drill Hall immediately adjacent the site which also has a part brick and render exterior.

- 8.20 The scale and massing of the development is also considered appropriate. With the second floor set back from the front of the houses, in views from the public realm, the terrace would have the appearance of two-storey houses with a comparable height to the eaves of the adjacent row of houses. The overall height of the terrace would also be lower than the ridge height of the adjacent houses and the Drill Hall. The development would also maintain an adequate gap between the proposed building and adjacent properties, with the resulting building not appearing cramped or unduly dominant. As amended, the building line of the proposed terrace is in line with the adjacent terraced houses at 19-51 Marmion Road.
- 8.21 Overall, the proposed scale footprint and positioning in the site is considered appropriate in the context of Marmion Road. Additionally, with the part render and part brick appearance, the modern design of the houses would be a sympathetic and appropriate addition in the street scene.
- 8.22 **Impact on Amenity:**
Policy QD27 states that planning permission for any development will not be granted where it would cause material nuisance and loss of amenity to the proposed, existing and/or adjacent users, residents, occupiers or where it is liable to be detrimental to human health.
- 8.23 The proposal would most affect the Drill Hall to the immediate east and north of the site and the immediate houses to the west and south of the site on Marmion Road.
- 8.24 With respects to the Drill Hall, the hall does not include side facing windows which would be affected by the proposal. As stated, the hall extends round the rear of the YMCA building. The rear section of the Drill Hall includes a walkway and windows at a higher ground level which would partly overlook the proposed gardens of the houses through a chain link fence. As amended, the scheme includes a path along the rear of the proposed gardens to allow access from Marmion Road.
- 8.25 To limit overlooking of the gardens of the proposed houses, the scheme includes a 2m high garden fence along the rear of the gardens onto the pathway. A condition is recommended requiring details of the fencing proposed to be submitted for the approval of the Local Planning Authority. Ideally, the fence should be 2.5m to limit overlooking. The condition would ensure the fence is of an appropriate height and design to limit overlooking from the Drill Hall. Due to the difference in ground levels, the proposed gardens would not allow any significant overlooking of the Drill Hall offices and rooms to the rear.

- 8.26 Turning to the Marmion Road houses affected by the proposal, the houses on the opposite side of the road at 40 and 48 Marmion Road would be facing the site and would be separated by a distance of over 16m. Given the scale and distance of the proposed dwellings, the development would not result in a significant impact on these properties with respect to loss of light, outlook or an increased sense of enclosure.
- 8.27 No.19 Marmion Road is directly adjacent the site to the west. No.19 would be separated from the terrace by a distance of 1.6m. The rear of the proposed terrace would project 2.5m more than the rear of no.19. Given the set back of the terrace from no.19 and its scale, the proposed development would not significantly affect the amenity of no.19. It should also be noted that, when compared to the existing building, the new build would be a significant improvement for the amenity of the occupiers of no.19. The existing building infills the site to the rear with a large two-storey block going almost right up to the rear boundary. The proposed development results in a significant reduction in bulk when compared to the existing building in place.
- 8.28 The proposed dwellings include roof terraces to the front and rear. To limit overlooking of the immediate properties to the west of the site, a condition is recommended that details are submitted of a 1.7m screen to the side (west facing) elevation of the roof terrace for the dwelling proposed adjacent to no.19 Marmion Road. With this screen in place, there will be limited views from the terrace of the rear gardens to the west of the site.
- 8.29 To the front, the proposed terraces would allow some views across Marmion Road. However, given the distance between the houses (over 16m), the terraces would not result in a significant loss of privacy or overlooking. A similar relationship has been established at the houses at 29A-29H Stoneham Road which also include front terraces.
- 8.30 Overall, the proposal would not result in a significant impact on the amenity of any adjacent properties and is in accordance with policy QD27.
- 8.31 **Standard of Accommodation**
Brighton & Hove Local Plan policy QD27 requires new residential development to provide suitable living conditions for future occupiers. The proposed houses include appropriate sized rooms with adequate light and outlook to all habitable rooms.
- 8.32 New residential buildings are expected to be built to a lifetime homes standard whereby it can be adapted to meet the needs of people with disabilities without major structural alterations. As amended, the proposal meets Lifetime Homes requirements.
- 8.33 Policy HO5 requires suitable external amenity space to be provided for new residential development. The scheme includes appropriate outside amenity space for the proposed houses with adequate front and rear gardens. The scheme, as amended, includes a pathway which allows access to the rear of every garden. This pathway reduces the size of the gardens. However, the

reduction is considered appropriate given that the pathway allows access to the gardens from the street which allows suitable access to cycle and refuse storage in the rear gardens. This is preferable to having these storage areas in the front garden areas. With the pathway in place, the proposal would still have adequate sized rear gardens which would be 7m long and 5.4m wide.

8.34 Sustainable Transport:

Brighton & Hove Local Plan policy TR1 requires new development to address the related travel demand, and policy TR7 requires that new development does not compromise highway safety.

8.35 The Sustainable Transport Manager has commented that the proposal for 5 houses is not considered to significantly increase trip generation when compared to the existing use of a community centre.

8.36 SPG04 states that a minimum of 1 cycle parking space is required for every dwelling plus 1 space per 3 dwellings for visitors. For this development of 5 residential units the minimum cycle parking standard is 7 cycle parking spaces in total (5 for residents and 2 visitor spaces).

8.37 In order to be in line with Policy TR14 of the Brighton & Hove Local Plan 2005 cycle parking must be secure, convenient, well lit, well signed and wherever practical, sheltered. The Highway Authority's preference is for the use of Sheffield type stands spaced in line with the guidance contained within the Manual for Streets section 8.2.22.

8.38 The nature of the cycle parking is not apparent from the submission. Therefore the Highway Authority would look for further details to be secured via condition. As amended, the scheme includes access to the rear gardens. Therefore, cycle storage would be most suitable in the rear garden areas. An informative is recommended advising the applicant to place appropriate cycle storage in the rear gardens in accordance with details to be agreed by condition.

8.39 SPG04 states that the maximum car parking standard for a residential property within a CPZ is 1 space per dwelling plus 1 car space per 2 dwellings for visitors. The applicant is not proposing any on-site car parking. In order to meet policy H07 and TR1 of the Brighton & Hove Local Plan the Highway Authority would look for the development to be made car free. The development site lies within CPZ R and benefits from being in a sustainable location close to public transport routes and local services.

8.40 Therefore on this basis as the site is in close proximity to a range of public transport the Highway Authority would look for the standard car free condition to be included on any planning permission granted, to ensure that sustainable transport trips are promoted from this sustainable location.

8.41 Subject to the above conditions, the scheme is considered appropriate with respects to demand for travel and highway safety.

8.42 Sustainability:

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

8.43 Brighton & Hove Local Plan policy SU13 requires the minimisation and re-use of construction waste. Further detail of the information required to address this policy is set out in SPD03 Construction and Demolition Waste. The applicant has submitted an appropriate waste minimisation statement.

8.44 The proposal includes a refuse store in the rear gardens. A condition is recommended requiring the implementation of the stores prior to the occupation of the dwellings.

8.45 Other Considerations:

The Council's Arboriculturist has commented that should this application be granted consent, two x *Sorbus aucuparia* (Rowan) will be lost. Both trees are 7 – 8 meters in height and situated on the Marmion Road frontage of the property. One is in a severe state of decline. The other is triple stemmed from approx. 2 meters, with weak unions.

8.46 Neither of these trees are worthy of Preservation Order and the Arboricultural Section have not objected to the loss of the trees. However, this is subject to replacement trees planted as part of a landscaping scheme.

8.47 Overall, the Arboricultural Section has no objection to the proposals in this application subject to a suitable condition regarding landscaping being attached to any planning consent granted.

8.48 The Environmental Health Section has commented that as the plans for the future development include both front and back soft landscaped gardens, suitable top soil will need to be brought onto site once the building has been demolished. A full contaminated land condition is therefore recommended for this planning development.

8.49 Due to the close proximity of residents, the Environmental Health Section also recommends that a Construction Environment Management Plan is conditioned for this application. This condition would outline how dust and noise would be controlled during the demolition and construction phases of the development. Details of how local residents can contact the developers regarding complaints shall also be provided as part of management plan.

9 CONCLUSION

The loss of the existing community use has been justified given the evidence put forward by the YMCA. The justification includes the relocation of the main use of the building for educational purposes, the cost of maintaining the building and the lack of interest in continuing the community use by an outside user.

The development is of an appropriate height, scale, bulk and design and would fit in with the character of the area. The development would not cause significant harm to neighbouring amenity by way of loss of light, privacy or outlook, or increased overshadowing, noise or disturbance and is also appropriate in terms of highway safety and sustainability.

10 EQUALITIES

The new dwellings are required to comply with Part M of the Building regulations and the Council’s Lifetime Homes policy.

11 PLANNING OBLIGATION / CONDITIONS / INFORMATIVES

Regulatory Conditions:

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

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

Plan Type	Reference	Version	Date Received
Site location Plan, Block Plan, Topographical Survey and Existing Images	1223-PA-001	B	7 th July 2015
Street Elevations & Existing Images	1223-PA-002		21 st April 2015
Proposed Ground Floor Plan	1223-PA-010	D	1 st October 2015
First Floor Plan	1223-PA-011	C	1 st October 2015
Second Floor Plan	1223-PA-012	B	1 st October 2015
Roof Plan	1223-PA-013	A	1 st October 2015
Proposed Floor Plans	1223-PA-015		1 st October 2015
Proposed Front & Rear Elevations	1223-PA-020	B	1 st October 2015
Proposed East & West (Side) Elevations and Sections A-A and B-B	1223-PA-021	B	1 st October 2015
Canopy Details			26 th August 2015

- 3) The hard surfaces hereby approved shall be made of porous materials and retained thereafter or provision shall be made and retained thereafter to

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

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

- 4) The new dwellings hereby permitted shall be constructed to Lifetime Homes standards prior to their first occupation and shall be retained as such thereafter.

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

- 5) No extension, enlargement, alteration or provision within the curtilage of the of the dwellinghouses as provided for within Schedule 2, Part 1, Classes A, B, D & E 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: To protect the amenity of adjacent properties and in accordance with policy QD27 of the Brighton & Hove Local Plan.

- 6) No cables, wires, aerials, pipework (except rainwater downpipes as shown on the approved plans), meter boxes or flues shall be fixed to any elevation facing a highway.

Reason: To safeguard the appearance of the building and the visual amenities of the locality and to comply with policies QD1 and QD27 of the Brighton & Hove Local Plan.

Pre-Commencement Conditions:

- 7) No development shall commence until full details of the existing and proposed land levels of the proposed development in relation to Ordinance Datum and to surrounding properties have been submitted to and agreed in writing by the Local Planning Authority. The details shall include finished floor levels and elevations with datum levels clearly marked. The development shall be constructed in accordance with the agreed details.

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

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

- a) samples of all brick, render and tiling (including details of the colour of render/paintwork to be used)
- b) samples of all cladding to be used, including details of their treatment to protect against weathering

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

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

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

- 9) (i) The development hereby permitted shall not be commenced until there has been submitted to and approved in writing by the Local Planning Authority:
- (a) a site investigation report documenting the ground conditions of the site and incorporating chemical and gas analysis identified as appropriate by the desk top study in accordance with BS10175:2001; and, unless otherwise agreed in writing by the Local Planning Authority,
 - (b) a detailed scheme for remedial works and measures to be undertaken to avoid risk from contaminants and/or gases when the site is developed and proposals for future maintenance and monitoring. Such scheme shall include the nomination of a competent person to oversee the implementation of the works.
- (ii) The development hereby permitted shall not be occupied or brought into use until there has been submitted to the Local Planning Authority verification by the competent person approved under the provisions of (i) (b) above that any remediation scheme required and approved under the provisions of (i) (b) above has been implemented fully in accordance with the approved details (unless varied with the written agreement of the Local Planning Authority in advance of implementation). Unless otherwise agreed in writing by the Local Planning Authority such verification shall comprise:
- a) as built drawings of the implemented scheme;
 - b) photographs of the remediation works in progress; and
 - c) certificates demonstrating that imported and/or material left in situ is free from contamination.

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

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

- 10) No development shall commence until a Construction Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall outline how noise and dust shall be controlled during the demolition and construction phases of this development. Details about how local residents can contact the developers regarding complaints shall also be provided. The methods and details outlined in the CEMP shall be strictly adhered to throughout the demolition and construction of this development.

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

- 11) No development above ground floor slab level of any part of the development hereby permitted shall take place until details of the construction of the green roofs have been submitted to and approved in writing by the Local Planning Authority. The details shall include a cross section, construction method statement, the seed mix, and a maintenance and irrigation programme. The roofs shall then be constructed in accordance with the approved details and shall be retained as such thereafter.
Reason: To ensure that the development contributes to ecological enhancement on the site and in accordance with policy QD17 of the Brighton & Hove Local Plan.

Pre-Occupation Conditions:

- 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.
c) details of all proposed planting, including numbers and species of plant, and details of size and planting method of any trees.
All hard landscaping and means of enclosure shall be completed in accordance with the approved scheme prior to first occupation of the development. All planting, seeding or turfing comprised in the approved scheme of landscaping shall be carried out in the first planting and seeding seasons following the first occupation of the building or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.
Reason: To enhance the appearance of the development in the interest of the visual amenities of the area and to comply with policies QD1 and QD15 of the Brighton & Hove Local Plan.
- 13) 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.
- 14) Prior to first occupation of the development hereby permitted, a scheme shall have been submitted to and approved in writing by the Local Planning Authority to provide that the residents of the development, other than those residents with disabilities who are Blue Badge Holders, have no entitlement to a resident's parking permit.
Reason: To ensure that the development is car-free and to comply with policy HO7 of the Brighton & Hove Local Plan.

- 15) 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.
- 16) Prior to the first occupation of the dwelling immediately adjacent 19 Marmion Road, details of a screen adjacent to the western side of the rear roof terrace shall be submitted to and approved by the Local Planning Authority. The screen shall be 1.7m high from the finished floor level and shall be implemented strictly in accordance with the agreed details and thereafter retained as such.
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.
- 17) None of the residential units hereby approved shall be occupied until each residential unit built has achieved an energy efficiency standard of a minimum of 19% CO2 improvement over Building Regulations requirements Part L 2013 (TER Baseline).
Reason: To ensure that the development is sustainable and makes efficient use of energy to comply with policy SU2 of the Brighton & Hove Local Plan and policy CP8 of the Brighton & Hove Submission City Plan Part One (Proposed Further Modifications September 2015).
- 18) None of the residential units hereby approved shall be occupied until each residential unit built has achieved a water efficiency standard using not more than 110 litres per person per day maximum indoor water consumption.
Reason: To ensure that the development is sustainable and makes efficient use of water to comply with policy SU2 of the Brighton & Hove Local Plan and policy CP8 of the Brighton & Hove Submission City Plan Part One (Proposed Further Modifications September 2015).

Informatives:

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

(Please see section 7 of the report for the full list); and

(ii) for the following reasons:-

The loss of the existing community use has been justified given the justification put forward by the YMCA. The justification includes the relocation of the main use of the building for educational purposes, the cost of maintaining the building and the lack of general interest in continuing the community use.

The development is of an appropriate height, scale, bulk and design and would fit in with the character of the area. The development would not cause significant harm to neighbouring amenity by way of loss of light, privacy or outlook, or increased overshadowing, noise or disturbance and is also appropriate in terms of highway safety and sustainability.

3. The applicant is advised that the scheme required to be submitted by Condition 14 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.
4. With respect to condition 15, the applicant is advised that the cycle storage should be placed in the rear gardens of each dwelling. The cycle parking must be secure, convenient, well lit, well signed and wherever practical, sheltered. The Highway Authority's preference is for the use of Sheffield type stands spaced in line with the guidance contained within the Manual for Streets section 8.2.22.
5. The applicant is advised that accredited energy assessors are those licensed under accreditation schemes approved by the Secretary of State (see Gov.uk website); two bodies currently operate in England: National Energy Services Ltd; and Northgate Public Services. The production of this information is a requirement under Part L1A 2013, paragraph 2.13.
6. The water efficiency standard required under condition XX is the 'optional requirement' detailed in Building Regulations Part G Approved Document (AD) Building Regulations (2015), at Appendix A paragraph A1. The applicant is advised this standard can be achieved through either: (a) using the 'fittings 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.
7. The applicant is advised that the landscaping scheme should include at least 2 trees to compensate for the loss of the existing trees on site.

From: Garry.peltzerdunn@brighton-hove.gov.uk
Sent: 18 May 2015 12:23
To: Planning Comments
Subject: Planning Application BH2015/00914 - comment

Planning Application - BH2015/00914

I want to provide the Authority with comments on the Planning Application

Sender's details

Garry peltzer Dunn
234 new church road hove
Bn3 4eb
01273 414615
Garry.peltzerdunn@brighton-hove.gov.uk

Comment

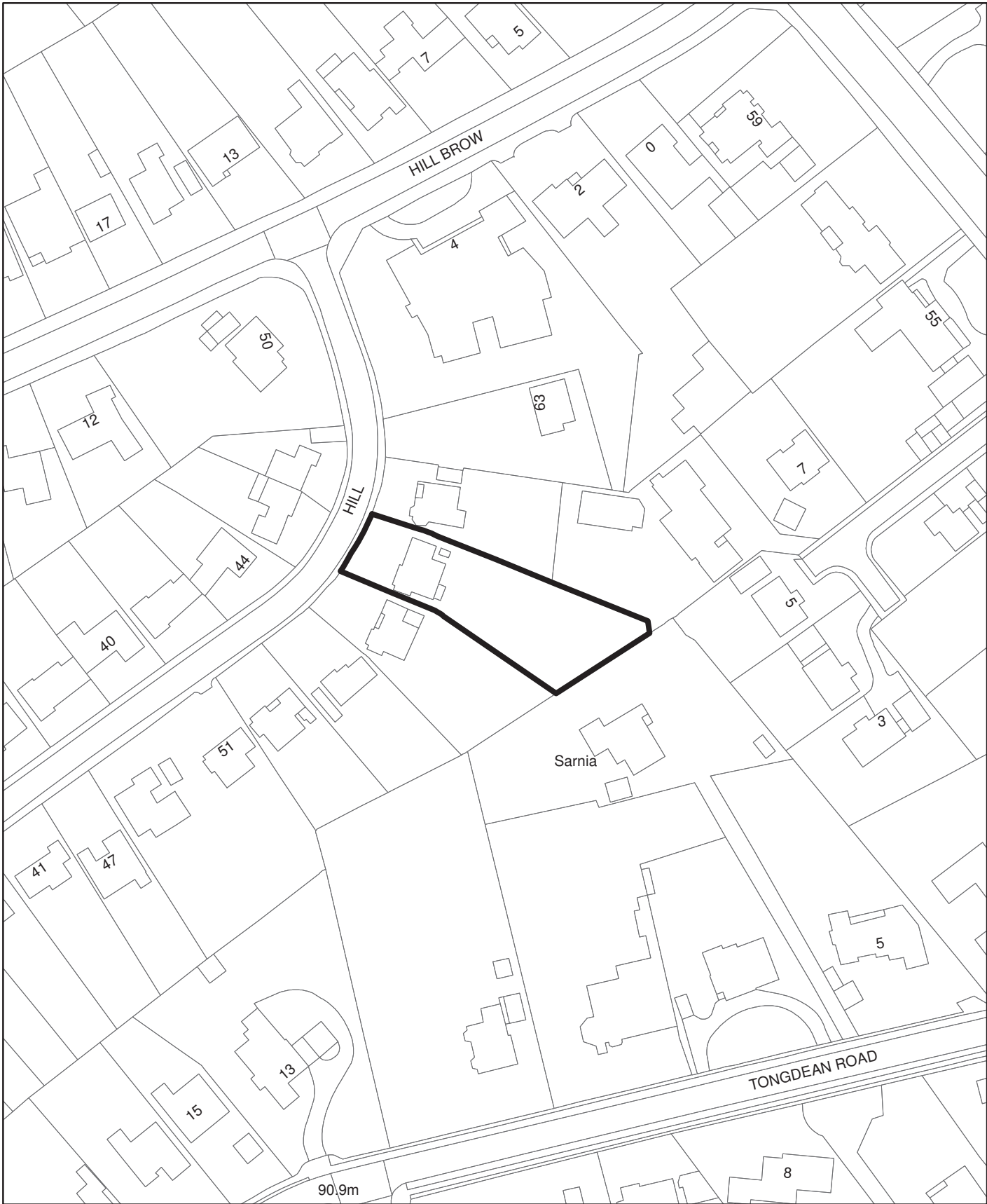
I am disturbed that such a major application had not been advised to residents who back onto the site. I would make a formal request that this application be considered by full committee and not dealt with under delegated powers. I would request that I receive a non automated response to this equestrian. Garry pd

ITEM F

59 Hill Drive, Hove

BH2014/02331
Full planning

28 OCTOBER 2015



**Brighton & Hove
City Council**



Scale: 1:1,250

<u>No:</u>	BH2014/02331	<u>Ward:</u>	HOVE PARK
<u>App Type:</u>	Full Planning		
<u>Address:</u>	59 Hill Drive Hove		
<u>Proposal:</u>	Erection of detached single storey residential dwelling to rear incorporating landscaping and access.		
<u>Officer:</u>	Guy Everest Tel 293334	<u>Valid Date:</u>	14/07/2014
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	08 September 2014
<u>Listed Building Grade:</u> N/A			
<u>Agent:</u>	Yelo Architects Ltd, Olivier House 18 Marine Parade Brighton BN2 1TL		
<u>Applicant:</u>	Miss Natasha Church, 59 Hill Drive Hove BN3 6QL		

1 RECOMMENDATION

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

2 SITE LOCATION & DESCRIPTION

The application site relates to the rear curtilage of 59 Hill Drive, a two-storey detached dwellinghouse on the eastern side of Hill Drive. The rear curtilage ranges in length from approximately 35m to 50m, and approximately 17m to 30m in width. The ground level increases to the rear of the site, which is well vegetated on most boundaries. The surrounding area is residential, primarily comprising two-storey detached dwellinghouses of individual design set in substantial plots.

3 RELEVANT HISTORY

BH2014/001143: Erection of detached single storey residential dwelling to rear incorporating landscaping and modification of existing dwelling to form new driveway access. Withdrawn 06/07/2014.

BH2006/02288: Erection of detached dwelling in rear garden. Refused 03/10/2006 for the following reasons:-

1. *The surrounding area is open in character comprising of expansive rear gardens and the applicant has failed to demonstrate that the existing garden is of an adequate size to form a separate plot whilst retaining the open character of the area. The Local Planning Authority*

considers that the proposal would represent a visually cramped and conspicuous form of development to the detriment of the character of the area and contrary to polices QD1, QD2 and QD3 of the Brighton and Hove Local Plan.

2. *The proposed dwelling in the rear garden would, by virtue of its location, be poorly related to neighbouring properties, representing an unduly dominant form of development which is considered unneighbourly and thereby detrimental to the amenities enjoyed by neighbouring occupiers. The proposal is therefore contrary to policy QD27 of the Brighton and Hove Local Plan.*

4 THE APPLICATION

- 4.1 Planning permission is sought for the erection of a detached single-storey two-bedroom dwellinghouse within the rear garden of no. 59. The building would comprise reclaimed face brickwork and heat treatment timber cladding to the external elevations with the flat roof form accommodating a sedum roof with photovoltaic solar panels.
- 4.2 The proposal incorporates a new pedestrian access to the dwellinghouse, with a pathway sited along the northern boundary of the site (adjacent with no. 61 Hill Brow); there would be no vehicular access to the proposed dwellinghouse.
- 4.3 No alterations are proposed to the existing frontage building.

5 PUBLICITY & CONSULTATIONS

External:

- 5.1 **Neighbours: Four (4)** letters of representation have been received from **57 & 61 Hill Drive; 5 The Spinney;** and **Sarina, Tongdean Road** objecting to the application for the following reasons:-
 - This is backland development and an over intensive use of the site; the garden is not large enough to form a separate plot;
 - The design is for a property with a large footprint on a very small plot in a location where large detached properties are within spacious plots. The result is an overdevelopment which will be to the detriment of the area and neighbouring amenity;
 - Approval would set a precedent for the development of other small garden areas;
 - Proposal is to shoehorn a dwelling and its associated driveway into an existing residential plot which will result in noise and disturbance to the neighbouring dwellings and parent dwelling;
 - Movement of persons late at night and early in the morning will involve noise very close to habitable rooms either side of the access way;
 - The footpath could be subsequently converted to a vehicular driveway as permitted development;
 - The applicant's house is used from time to time for hen parties and this may intensify if additional accommodation is furnished. Evidence of these short

term rentals are available online. Should planning permission be granted such an option should be denied through a Section 106 Obligation;

- Windows to habitable rooms are close to boundaries, and if trees are felled will lead to overlooking and disturbance;
- Proposed dwelling will be seen from the Tongdean Conservation Area. The proposed small squat flat roofed building being placed centrally within an area currently comprised of mature rear gardens will be out of character with the area generally and will have an adverse impact on the conservation area;
- The lack of vehicular access will increase parking problems on the already heavily parked corner of Hill Drive. The proposal will result in more traffic in an already congested road leading to safety issues;
- The configuration of parking spaces is such that double parking is almost inevitable. It is impractical to leave vehicles on the hardstanding to the front of No.59 and haul everything up a fairly steep incline for about 90m to the proposed dwelling. How will the house be built without access for lorries;
- The proposal leads to the loss of three trees, and looks unrealistically close to conifers on the back border;
- There is a large pond where the house is to be built, which is home to frogs.

5.2 Councillors Brown & Bennett object – letters attached.

Internal:

- 5.3 **Access Officer:** No objection, recommend that the gravel surface of the path should be resin bonded as loose chippings are problematic for disabled users.
- 5.4 **Arboriculturalist:** No objection. The proposal results in the loss of four trees (an apple, Holly, a juvenile Ash and a Cordyline) none of which are worthy of Preservation Order. On the rear boundary of the property is a line of Leylandii and mixed conifers that create a fine screen between the application site and the property to the rear. On the southern side of the garden are two fine trees that are at a sufficient distance to not be affected by the proposed development. All trees to be retained on site should be protected and the foundations of the proposed property should also be designed to accommodate tree roots in this vicinity, i.e. an above-ground foundation system.
- 5.5 **Environmental Health:** No objection.
- 5.6 **Planning Policy:** No objection. The proposed increase in housing density that result from the development, from 7.69 dwelling per hectare (dph) to 15.38, would have an acceptable impact on the character of the neighbourhood, given the need for additional units of housing in the city and the expectation set out in policy CP14 to achieve high densities in new residential development. Since the refusal of the previous application in 2006 the council have submitted the City Plan Part One to the Secretary of State for examination, and public hearings have been held. Policy CP14 of the City Plan states that new residential development will be expected to achieve a minimum net density of 50 dwellings per hectare, provided it meets certain criteria. This expectation of higher densities is a shift in approach from policy HO4 of the Local Plan, which permitted higher densities rather than explicitly seeking such forms of development. It is recognised that

properties in Hill Drive and the surrounding area are generally very low density with large gardens, and that this contributes to the open character of the area. In this location, densities approaching 50 dph would be highly likely to have a detrimental impact on this character.

- 5.7 It is considered that the impact on the character of the neighbourhood, in terms of increased density and the nature of the backland development, would not significantly and demonstrably outweigh the benefits of the additional unit of accommodation, given the acute need for housing in the city.
- 5.8 **Sustainable Transport:** No objection. The provision of additional dwelling is not considered to generate a significant increase in trips to warrant refusal of planning permission. The existing vehicular access is to be retained and parking is to be retained in front of the existing property. The Highway Authority has no objection to this arrangement. A cycle store is proposed which provides adequate secure and covered cycle storage. Request conditions to ensure the retention of the existing parking area and to ensure the implementation of cycle parking.

6 MATERIAL CONSIDERATIONS

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

7 RELEVANT POLICIES & GUIDANCE

The National Planning Policy Framework (NPPF)

Brighton & Hove Local Plan:

TR1	Development and the demand for travel
TR7	Safe development
TR14	Cycle access and parking
TR19	Parking standards
SU2	Efficiency of development in the use of energy, water and materials
SU13	Minimisation and re-use of construction industry waste
QD1	Design – quality of development and design statements
QD2	Design – key principles for neighbourhoods
QD3	Design – efficient and effective use of sites
QD15	Landscape design
QD16	Trees and hedgerows
QD17	Protection and integration of nature conservation features
QD27	Protection of Amenity
HO3	Dwelling type and size
HO4	Dwelling densities
HO5	Provision of private amenity space in residential development
HO13	Accessible housing and lifetime homes

Supplementary Planning Guidance:

SPGBH4	Parking Standards
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Supplementary Planning Documents:

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

Brighton & Hove City Plan Part One (submission document)

SS1	Presumption in Favour of Sustainable Development
CP8	Sustainable Buildings
CP14	Housing Density

8 CONSIDERATIONS & ASSESSMENT

8.1 The main considerations in the determination of this application relate to the suitability of the site to accommodate an additional dwellinghouse and the subsequent impact on visual amenity, neighbouring amenity, standard of accommodation and transport and sustainability issues.

8.2 Background

This application follows the refusal of a previous scheme for the erection of a single dwellinghouse (ref: BH2006/02288, see section 3). Since this refusal the Council has submitted the City Plan Part One to the Secretary of State for

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

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

8.4 Principle of plot subdivision

Hill Drive and the surrounding area are generally very low density, with large gardens, and this contributes to the open character of the area. Policy CP14 of the City Plan states that new residential development will be expected to achieve a minimum net density of 50 dwellings per hectare. This expectation of higher densities is a shift in approach from policy HO4 of the Local Plan, which permitted higher densities rather than explicitly seeking such forms of development.

8.5 In this location it is considered that densities approaching 50 dwellings per hectare would have a detrimental impact on the prevailing character of the area. The proposed development would though result in an increase from 7.69 dwellings per hectare to 15.38 dwellings per hectare. It is considered that this increase in density would be relatively modest and well within the densities advocated by City Plan policy CP14. There is a recognised need for additional units of housing within the City and this weighs in favour of approving the scheme.

8.6 The visual impact of the subdivided plot would be limited by the siting of the proposed dwellinghouse to the rear of the curtilage, the single-storey form and the presence of established vegetation along shared boundaries. While the proposal represents a form of backland development the immediate surroundings include similarly sited development to the rear of adjoining properties on Tongdean Road (nos. 5 through 11) and properties on The Spinney (to the rear of 55 Dyke Road Avenue). In this context it is considered that the formation of an additional plot would not appear unduly incongruous and no substantial harm to the prevailing character or appearance of the area would result. It is also noted that the proposal would provide an additional unit of housing within the City.

8.7 Design

Local Plan policies QD1, QD2 and QD3 states that new development should emphasise and enhance the positive qualities of the local neighbourhood by taking into account local characteristics including height, scale, bulk and design of existing buildings, and materials.

- 8.8 The rear of the application site is surrounded by mature trees and hedges which affords privacy to the site. The dwelling would be single-storey, with a maximum height of approximately 4 metres, sited to the rear of the curtilage. As a result of the proposed scale and siting and existing boundary screening the dwelling would not be readily visible from public view. The footprint of the proposed building has been significantly reduced as part of the application process and is considered proportionate to the size of the site. In views from adjoining properties the single-storey flat roofed form and materials, comprising face brickwork and treated timber with aluminium windows and doors, would not appear overly dominant or incongruous and the use of a sedum roof would help integrate the building with the garden surroundings.
- 8.9 For the reasons outlined it is considered that the impact of the proposal on the character and appearance of the neighbourhood, in terms of increased density and the nature of the backland development, would not result in significant harm to the visual amenities of the area. The proposal is considered to comply with Local Plan policies QD1, QD2 and QD3.
- 8.10 The site is surrounded by extensive and well established landscaping the majority of which would be retained as part of the proposal. The four trees which would be removed are not considered worthy of retention and as such there is no objection to their loss. The Arboricultural Team has raised no objections to the proposal subject to conditions relating to the retention and protection of existing planting and requiring the submission of details relating to foundation design. It is considered that subject to these conditions the proposal would comply with Local Plan policies QD15 and QD16.
- 8.11 The proposed building incorporates a sedum roof which would create opportunities for biodiversity on the site and this is welcomed. A further condition is recommended to include a scheme for ecological enhancement measures on the site. These measures are considered sufficient to offset the loss of a small garden pond, which does not appear to support any protected species, and would ensure the proposal complies with Local Plan policies QD17 and SPD11.
- 8.12 Impact on neighbouring amenity:
Policy QD27 states that planning permission for any development will not be granted where it would cause material nuisance and loss of amenity to the proposed, existing and/or adjacent users, residents, occupiers or where it is liable to be detrimental to human health.
- 8.13 *Future occupants*
The proposal would create a two-bedroom dwellinghouse suitable for family occupation with adequate room sizes, natural light and ventilation throughout. The dwellinghouse would have access to private amenity space appropriate to the scale and character of the development. The Access Officer has raised no objections to the design, which would incorporate Lifetime Homes standards.
- 8.14 This application follows the withdrawal of an earlier application in 2014 which proposed a driveway adjacent to the boundary with 61 Hill Drive. The current scheme allows for pedestrian access only so as to remove the potential for noise

and disturbance from vehicular movements along the boundary. While the absence of a vehicular access would arguably be less convenient for future residents it would not, given the above considerations, result in poor or substandard accommodation.

8.15 *Adjoining occupants*

The proposed dwellinghouse would be sited a considerable distance from adjoining properties and as a result no harmful loss of light or outlook would result to neighbouring properties. The site is heavily screened by existing vegetation and this would prevent harm to adjoining garden areas, with windows openings to main living accommodation orientated away from surrounding dwellings.

8.16 The introduction of a new dwellinghouse in an established residential location would not be expected to generate harmful levels of noise or disturbance for occupants of adjoining properties, particularly given the absence of a vehicular access to the site. The representations regarding future use of the building, for stag and hen parties, are noted. The application seeks consent though for a dwellinghouse and it could not be presumed that the proposal would inevitably cause nuisance of adjoining properties. If complaints regarding the nature of occupation arose in the future they could be investigated under separate Environmental Health legislation.

8.17 The proposed dwellinghouse would not incorporate a vehicular access and this would prevent disturbance from vehicular movements along shared boundaries of the site. A condition is recommended to remove 'permitted development' rights for the dwellinghouse and curtilage, and this would prevent future alterations / extensions (including the formation of a hardstanding / driveway) without planning permission.

8.18 **Transport**

The existing dwelling has an integral garage and drive which can accommodate at least two vehicles and which the submission advises would be shared between the existing and proposed dwellinghouses. Hill Drive is not within a controlled parking zone and there is no evidence to suggest that any displaced parking, which may occur as a result of the development, would result in a highway safety hazard. The Transport Team has raised no objections to this arrangement with the level of car parking according with standards set out in SPGBH4.

8.19 The development should provide a minimum of 2 cycle parking spaces and further details of this provision, which should be covered and secure, are sought through condition.

8.20 **Sustainability**

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

9 CONCLUSION

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

10 EQUALITIES

The proposed plans incorporate Lifetime Homes standards in the design.

11 CONDITIONS / INFORMATIVES

Regulatory Conditions:

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

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

Plan Type	Reference	Version	Date Received
Block Plan	Y092-A01		12/08/2015
Location Plan	Y092-A02		14/07/2014
Existing Site Plan	Y092-A03		14/07/2014
Existing Ground Floor Plan	Y092-A04		14/07/2014
Existing First Floor Plan	Y092-A05		14/07/2014
Existing Elevations	Y092-A06		14/07/2014
Existing Tree Survey	Y092		14/07/2014
Tree Protection Plan	Y092-A05		12/08/2015
Proposed Site Plan	Y092-D01	E	12/08/2015
Proposed Ground Floor Plan	Y092-D02	F	12/08/2015
Proposed Roof Plan	Y092-D03	B	12/08/2015
Proposed East/West Elevations	Y092-D04	C	12/08/2015
Proposed North/South Elevations	Y092-D05	C	12/08/2015
Proposed Elevations	Y092-D06		12/08/2015

- 3) No extension, enlargement, alteration or provision within the curtilage of the of the dwellinghouse as provided for within Schedule 2, Part 1, Classes A – F of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification) other than that expressly

authorised by this permission shall be carried out without planning permission obtained from the Local Planning Authority.

Reason: The Local Planning Authority considers that further development could cause detriment to the amenities of the occupiers of nearby properties and to the character of the area and for this reason would wish to control any future development to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.

Pre-Commencement Conditions:

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

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

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

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

- 6) No development or other operations shall commence on site in connection with the development hereby approved until a detailed Construction Specification / Method Statement for foundation design has been submitted to and approved in writing by the Local Planning Authority. The Specification / Method Statement shall provide for the long-term retention of trees as outlined on drawing no. Y092-A05 (Tree Protection Plan). No development or other operations shall take place except in complete accordance with the approved Construction Specification / Method Statement.

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

- 7) No development above ground floor slab level of any part of the development hereby permitted shall take place until samples of all materials to be used in the construction of the external surfaces of the

development have been submitted to and approved in writing by the Local Planning Authority, including (where applicable):

- a) samples of all brick;
- b) samples of all cladding to be used, including details of their treatment to protect against weathering;
- c) samples of all hard surfacing materials; and
- d) samples of the proposed windows and doors

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

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

- 8) No development above ground floor slab level of any part of the development hereby permitted shall take place until details of the construction of the sedum roof have been submitted to and approved in writing by the Local Planning Authority. The details shall include a cross section, construction method statement and a maintenance and irrigation programme. The sedum roof shall be constructed in accordance with the approved details and shall be retained as such thereafter.

Reason: To ensure that the development contributes to ecological enhancement on the site and in accordance with policy QD17 of the Brighton & Hove Local Plan.

Pre-Occupation Conditions:

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

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

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

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

and shall be implemented in full prior to the first occupation of the development hereby approved.

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

- 11) The residential unit hereby approved shall not be occupied until it has achieved an energy efficiency standard of a minimum of 19% CO2 improvement over Building Regulations requirements Part L 2013 (TER Baseline).

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

- 12) The residential unit hereby approved shall not be occupied until it has achieved a water efficiency standard using not more than 110 litres per person per day maximum indoor water consumption.

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

- 13) 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.

- 14) 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.

Informatives:

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

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

The development would provide an additional residential unit and make efficient and effective use of land within the built up area boundary without significant detriment to the prevailing character and appearance of the site and wider surrounding area. The development would provide a good standard of accommodation for future occupants and would not result in significant harm to neighbouring amenity or highway safety.
3. The applicant is advised that accredited energy assessors are those licensed under accreditation schemes approved by the Secretary of State (see [Gov.uk website](#)); two bodies currently operate in England: National Energy Services Ltd; and Northgate Public Services. The production of this information is a requirement under [Part L1A 2013](#), paragraph 2.13.
4. The water efficiency standard required under condition 10 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](#).

COUNCILLOR REPRESENTATION

From: Vanessa Brown
Sent: 04 August 2014 17:34
To: Paul Earp
Cc: Jayne Bennett
Subject: BH2014\02331

Dear Mr Earp

As Ward Cllrs we are writing to object to this application for a bungalow in the garden of 59 Hill Drive.

The dwelling is the same as in the previous application that we objected to. The only difference is that there is now no vehicular access.

It is not a suitable plot to be sub divided like this. There will be no access for lorries to transport materials to the site for the dwelling to even be built.

Hill Drive is narrow and very steep and No. 59 is right on the bend. As there is no parking for cars it will mean more vehicles parked on this dangerous bend.

If this application should be recommended to pass we would request that it goes before the planning committee.

Yours sincerely

Vanessa Brown.

Jayne Bennett

Cllr Vanessa Brown

From: Vanessa Brown
Sent: 27 August 2015 13:20
To: Planning Applications
Subject: BH2014\02331

Classification: NOT ENCRYPTED

Dear Sir\Madam

Re: BH2014\02331. 59 Hill Drive Hove

As with the previous application I am writing as a Ward Councillor to strongly object to this application.

Hill Drive is a road characterised by primarily detached houses in spacious but steep plots. This house would be situated in the back garden of 59 Hill Drive. It would be a large footprint on a small plot and will give the original house a very much reduced plot size. It is an overdevelopment of the site and would be detrimental to the character of the area.

There is no room for vehicular access to this rear plot. There is only pedestrian access. This means that cars will have to be left on the steep narrow road right on a bend.

This house will also cause overlooking and a loss of privacy to the residents of No. 61 as their main sun terrace is at the rear of their garden.

If this application should be recommended to be passed I would request that it goes before the planning committee for determination

Yours sincerely

Vanessa Brown

Cllr Vanessa Brown

PLANNING COMMITTEE	Agenda Item 96 Brighton & Hove City Council
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Information on upcoming Pre-application Presentations and Requests

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

Previous presentations

Date	Address	Ward	Proposal
4 th August 2015	121-123 Davigdor Road, Brighton	Goldsmid	Replacement of existing building with three-part stepped building comprising 48 residential flats and 153sqm of community floorspace.
23 rd June 2015	Land directly adjacent to American Express Community Stadium, Village Way, Falmer	Moulsecoomb & Bevendean	Erection of a 150 bedroom hotel.
23 rd June 2015	Former St. Aubyns School, High Street, Rottingdean	Rottingdean Coastal	Residential development of the site to provide 48 dwellings through refurbishment and conversion of Field House to provide 6no. apartments; refurbishment of 4no. existing curtilage listed cottages; demolition of remaining former school buildings and former headmaster's house; erection of 38 new dwellings and 62 bed care home; retention of sports pavilion and war memorial; provision and transfer of open space for public use; formation of accesses to Newlands Road and alterations to existing access off Steyning Road; provision of associated car parking and landscaping;

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.

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

PLANS LIST 28 October 2015

**BRIGHTON AND HOVE CITY COUNCIL LIST OF APPLICATIONS
DETERMINED BY THE HEAD OF PLANNING & PUBLIC PROTECTION FOR
EXECUTIVE DIRECTOR ENVIRONMENT, DEVELOPMENT & HOUSING
UNDER DELEGATED POWERS OR IN IMPLEMENTATION OF A PREVIOUS
COMMITTEE DECISION**

PATCHAM

BH2015/01287

12 Tangmere Road Brighton

Erection of a part one part two storey rear extension.

Applicant: Mrs Katherine Wilding

Officer: Luke Austin 294495

Approved on 24/09/15 DELEGATED

BH2015/01658

Carden Primary School County Oak Avenue Brighton

Replacement of existing windows with aluminium casement windows to North and South stairwells.

Applicant: Brighton & Hove City Council

Officer: Mark Thomas 292336

Refused on 21/09/15 DELEGATED

BH2015/02350

28 Ladies Mile Road Brighton

Certificate of lawfulness for proposed erection of single storey rear extension and front porch.

Applicant: Mrs P Conlon

Officer: Eleanor Price 292337

Approved on 22/09/15 DELEGATED

BH2015/02754

6 Morecambe Road Brighton

Erection of single storey front extension.

Applicant: Mr C Miller Cooper

Officer: Justine Latemore 292138

Approved on 22/09/15 DELEGATED

BH2015/02774

9 Highview Avenue North Brighton

Erection of single storey rear extension and front porch.

Applicant: Mr Jon Moore

Officer: Justine Latemore 292138

Approved on 23/09/15 DELEGATED

BH2015/02782

7 Midhurst Rise Brighton

Application for approval of details reserved by conditions 4, 7 and 9 of application BH2013/03074. (Allowed on Appeal)

Applicant: Mr Neil Holmes

Officer: Chris Swain 292178

Approved on 29/09/15 DELEGATED

BH2015/02814

2A Braybon Avenue Brighton

Demolition of existing side conservatory and erection of two storey side extension with pitched roof.

Applicant: Mr Magdy Khayal

Officer: Luke Austin 294495

Approved on 29/09/15 DELEGATED

BH2015/02908

83 Fernhurst Crescent Brighton

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

Applicant: Mr Joseph Dowsing

Officer: Eleanor Price 292337

Approved on 18/09/15 DELEGATED

BH2015/03068

9 Thornhill Avenue Brighton

Prior approval for the erection of a single storey rear extension, which would extend beyond the rear wall of the original house by 3.5m, for which the maximum height would be 2.9m, and for which the height of the eaves would be 2.9m.

Applicant: Mr Hugh Woodhouse

Officer: Ryan OSullivan 290480

Prior Approval is required and is refused on 01/10/15 DELEGATED

BH2015/03069

9 Thornhill Avenue Brighton

Prior approval for the erection of a single storey rear extension, which would extend beyond the rear wall of the original house by 3.3m, for which the maximum height would be 3.6m, and for which the height of the eaves would be 2.9m.

Applicant: Mr Hugh Woodhouse

Officer: Ryan OSullivan 290480

Prior approval not required on 01/10/15 DELEGATED

PRESTON PARK

BH2014/01155

1- 6 Port Hall Mews Brighton

Application for Approval of Details Reserved by Conditions 3 and 6 of application BH2012/03806 (Appeal ref. APP/Q1445/A/13/2204382).

Applicant: E F Shareef

Officer: Sue Dubberley 293817

Split Decision on 02/10/15 DELEGATED

BH2014/03831

7 & 8 Port Hall Mews Brighton

Application for Approval of Details Reserved by Conditions 6, 7, 8 and 9 of application BH2014/01124.

Applicant: Essam Barakat

Officer: Sue Dubberley 293817

Split Decision on 02/10/15 DELEGATED

BH2015/01270

25 Chester Terrace Brighton

Erection of single storey rear extension.

Applicant: Mrs Kirsty Torode

Officer: Guy Everest 293334

Approved on 25/09/15 DELEGATED

BH2015/01286

50 Old Shoreham Road Brighton

Roof alterations including dormers and rooflights to front and rear roof slopes and installation and new front door to replace existing and associated external alterations.

Applicant: Mr Rob Beer

Officer: Mark Thomas 292336

Refused on 23/09/15 DELEGATED

BH2015/01495

68 Havelock Road Brighton

Installation of new roof and bi-fold doors to existing rear extension and conservatory and alterations to side fenestration.

Applicant: Mr Gareth Mitchell

Officer: Luke Austin 294495

Approved on 25/09/15 DELEGATED

BH2015/01602

St Martins House 177 Preston Road Brighton

Replacement of existing window with emergency escape door to northwest elevation, enlargement of existing entrance to northeast elevation and additional plant to south east elevation.

Applicant: Brighton & Sussex University Hospitals NHS Trust

Officer: Chris Swain 292178

Approved on 23/09/15 DELEGATED

BH2015/01787

58 Sandgate Road Brighton

Erection of rear extensions at ground and first floor.

Applicant: Rebecca Mannau

Officer: Chris Swain 292178

Approved on 21/09/15 DELEGATED

BH2015/01870

36C Preston Park Avenue Brighton

Erection of first floor rear and two storey side extension incorporating revised access and fenestration.

Applicant: Mr Steve Sanham

Officer: Rebecca Fry 293773

Approved on 24/09/15 DELEGATED

BH2015/01899

Land To The Rear Of 42 Stanford Road Brighton

Replacement of existing detached double garage with two storey 2no bedroom residential dwelling with single storey detached outbuilding incorporating open glazed link and associated works.

Applicant: Malcolm Cook

Officer: Wayne Nee 292132

Refused on 02/10/15 DELEGATED

BH2015/01926

18 Beaconsfield Villas Brighton

Erection of single storey rear extension.

Applicant: Craig & Hannah Bolding

Officer: Clare Flowers 290443

Approved on 29/09/15 DELEGATED

BH2015/02012

21 Cleveland Road Brighton

Erection of a single storey rear infill extension.

Applicant: Mrs Sarah Digon

Officer: Joanne Doyle 292198

Refused on 06/10/15 DELEGATED

BH2015/02114

21 Sandgate Road Brighton

Demolition of existing rear extension and erection of part one, part two storey rear extension.

Applicant: Mr L Leishman

Officer: Jason Hawkes 292153

Approved on 29/09/15 DELEGATED

BH2015/02234

92 Hythe Road Brighton

Erection of first floor extension to rear.

Applicant: Chris Talman

Officer: Mark Thomas 292336

Approved on 17/09/15 DELEGATED

BH2015/02235

92 Hythe Road Brighton

Erection of single storey rear extension.

Applicant: Chris Talman

Officer: Mark Thomas 292336

Refused on 17/09/15 DELEGATED

BH2015/02288

89C Ditchling Rise Brighton

Creation of rear dormer and installation of 3no. rooflights.

Applicant: Ms V Bamford

Officer: Justine Latemore 292138

Refused on 07/10/15 DELEGATED

BH2015/02569

36C Preston Park Avenue Brighton

Erection of first floor rear and two storey side extension incorporating revised access and fenestration.

Applicant: Mr Steve Sanham

Officer: Rebecca Fry 293773

Approved on 24/09/15 DELEGATED

BH2015/02574

203 Ditchling Road Brighton

Certificate of Lawfulness for the proposed conversion of two flats to a single dwelling house.

Applicant: Jenny King

Officer: Luke Austin 294495

Approved on 06/10/15 DELEGATED

BH2015/02602

111 Osborne Road Brighton

Erection of single storey extension to front at basement level.

Applicant: Ms Corinna Edwards-Colledge

Officer: Luke Austin 294495

Approved on 22/09/15 DELEGATED

BH2015/02654

43 Chester Terrace Brighton

Erection of single storey rear extension.

Applicant: Mr Michael Fielding

Officer: Justine Latemore 292138

Refused on 25/09/15 DELEGATED

BH2015/02897

16 Upper Hamilton Road Brighton

Prior approval for change of use from retail (A1) to residential (C3) to create one single dwelling with associated alterations to front.

Applicant: Mr P Bowler

Officer: Allison Palmer 290493

Prior Approval is required and is refused on 05/10/15 DELEGATED

BH2015/02903

39 Port Hall Road Brighton

Erection of single storey side extension to replace existing timber extension.

Applicant: Ms Nina Dunn

Officer: Luke Austin 294495

Approved on 01/10/15 DELEGATED

BH2015/02906

59 Hamilton Road Brighton

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

Applicant: Mr Will Nahum

Officer: Guy Everest 293334

Refused on 29/09/15 DELEGATED

BH2015/02984

59 Hamilton Road Brighton

Prior approval for the erection of a single storey rear extension which would extend beyond the rear wall of the original house by 4.375m, for which the maximum height would be 3.225m, and for which height of the eaves would be 2.460m.

Applicant: Will Nahum

Officer: Allison Palmer 290493

Prior Approval is required and is refused on 28/09/15 DELEGATED

BH2015/03168

18 Ashford 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 3.27m, for which the maximum height would be 3.1m, and for which the height of the eaves would be 2.3m.

Applicant: Paul Herbertson

Officer: Emily Stanbridge 292359

Prior Approval is required and is refused on 07/10/15 DELEGATED

REGENCY

BH2015/00575

13 14 15 16-17 18 19 20 20-24 21 22 and Pugets Cottage North Street Brighton

Demolition of building at 15 North Street and store to west of Puget's Cottage and creation of a new link lane, 'Puget's Lane', linking North Street to the previously consented 'Hannington's Lane'. Erection of new building at 15 North Street to provide 1 no ground floor retail unit (A1) and 1 no residential unit (C3) over including over part of 14 North Street. Alterations to rear of 16-17 North Street to provide 2 no additional ground floor retail units (A1) and 3 no residential units (C3) above accessed from the new lane.

Restoration of Puget's Cottage, extension to existing historic paving through new lane, alterations to shop fronts along North Street elevation and other associated works.

Applicant: West Register (Property Investments) Ltd

Officer: Jason Hawkes 292153

Approved on 30/09/15 DELEGATED

BH2015/01250

60 Western Road Brighton

Display of internally illuminated fascia and projecting signs. Installation of digital screen signage internally within shop. (Retrospective)

Applicant: Vodafone UK

Officer: Christopher Wright 292097

Approved on 07/10/15 DELEGATED

BH2015/01426

24 Windlesham Road Brighton

Change of use to offices (B1). (Retrospective)

Applicant: YMCA Downslink Group

Officer: Guy Everest 293334

Approved on 22/09/15 DELEGATED

BH2015/01789

21-23 and 37-40 Brighton Square Brighton

Application for variation of condition 2 of application BH2014/01118 (Demolition of existing buildings at 21, 22, 23 and 37 Brighton Square. Conversion and extension of existing dwellings at 38, 39 and 40 Brighton Square to create additional 8 no residential units (C3) and 2 no restaurant units (A3) with associated works. Erection of four storey building fronting Brighton Place comprising 1 no retail unit (A1) and offices (B1) above, with revised access from Brighton Place to existing underground car park) to permit alterations including enlargement of first floor residential units, relocation of passenger lift and external alterations.

Applicant: Centurion Group

Officer: Jason Hawkes 292153

Approved on 02/10/15 DELEGATED

BH2015/01972

18 Regent Hill Brighton

Erection of single storey rear extension.

Applicant: Mr Mark Pownall & Mrs Rachel Haynes

Officer: Rebecca Fry 293773

Approved on 21/09/15 DELEGATED

BH2015/01973

18 Regent Hill Brighton

Erection of single storey rear extension.

Applicant: Mr Mark Pownall & Mrs Rachel Haynes

Officer: Rebecca Fry 293773

Approved on 22/09/15 DELEGATED

BH2015/02095

1 Clifton Road Brighton

Installation of new canopy to first floor bay window to front elevation to replace existing.

Applicant: Bernard Howells

Officer: Rebecca Fry 293773

Approved on 25/09/15 DELEGATED

BH2015/02103

Friends Meeting House Prince Albert Street Brighton

Insertion of 3 no rooflights, two replacement windows, replacement of internal door with double doors and internal alterations to layout of kitchen.

Applicant: Miss Claire Potter

Officer: Sonia Gillam 292265

Approved on 22/09/15 DELEGATED

BH2015/02167

12 Meeting House Lane Brighton

Change of use from retail unit (A1) to boutique tattoo studio (Sui Generis).

Applicant: Destan Ltd

Officer: Jason Hawkes 292153

Approved on 01/10/15 DELEGATED

BH2015/02315

56 Osprey House Sillwood Place Brighton

Replacement of existing metal framed single glazed windows and door with UPVC double glazed units

Applicant: Mr Richard Gamman

Officer: Luke Austin 294495

Approved on 01/10/15 DELEGATED

BH2015/02418

8E Sussex Heights 14 St Margarets Place Brighton

Replacement of existing windows with UPVC windows.

Applicant: Ms Zeinab SM Adam

Officer: Joanne Doyle 292198

Approved on 29/09/15 DELEGATED

BH2015/02460

Flat 1 30 Montpelier Street Brighton

Replacement of existing crittal bay window to the front with timber bay window at ground floor level.

Applicant: Jayne Cuckney

Officer: Joanne Doyle 292198

Approved on 24/09/15 DELEGATED

BH2015/02864

40 Duke Street Brighton

Application for approval of details reserved by conditions 2, 3, 4, 5, 7, 8 and 10 of applications

BH2014/04334 and BH2015/02705.

Applicant: Fabrica Gallery

Officer: Liz Arnold 291709

Approved on 21/09/15 DELEGATED

BH2015/02894

Unit 31 Churchill Square Brighton

Display of 2 no internally illuminated fascia signs.

Applicant: Twinmar Group Ltd

Officer: Clare Simpson 292321

Approved on 01/10/15 DELEGATED

BH2015/02931

20 Clifton Hill Brighton

Replacement of existing roof canopy above ground floor front bay window.

Applicant: Mr & Mrs Sankey

Officer: Laura Hamlyn 292205

Approved on 23/09/15 DELEGATED

BH2015/02981

14 Ship Street Brighton

Application for approval of details reserved by conditions 5, 6 and 7 of application BH2013/02844.

Applicant: Saeid Zareham

Officer: Liz Arnold 291709

Approved on 05/10/15 DELEGATED

ST. PETER'S & NORTH LAINE

BH2014/02359

26 Gloucester Place Brighton

Demolition of existing garage and erection of 2 bedroom three storey townhouse.

Applicant: Mrs De Silva

Officer: Sue Dubberley 293817

Approved on 29/09/15 DELEGATED

BH2014/02360

26 Gloucester Place Brighton

Demolition of existing garage and erection of 2 bedroom three storey townhouse.

Applicant: Mrs De Silva

Officer: Sue Dubberley 293817

Approved on 25/09/15 DELEGATED

BH2014/04062

11B Dyke Road Mews Dyke Road Brighton

Change of use from offices (B1) to dance school (D1) (retrospective).

Applicant: Wendy Whatling School of Dance

Officer: Jason Hawkes 292153

Approved on 22/09/15 DELEGATED

BH2015/00127

Land Rear of 47 Lewes Road Brighton

Erection of a two storey dwelling house (C3).

Applicant: C & L Dwyer-Smith Ltd

Officer: Chris Swain 292178

Approved on 24/09/15 DELEGATED

BH2015/00281

Derwent Court 16 Dyke Road & Derwent Lodge 103 Buckingham Road Brighton

Conversion of undercroft garages and part of courtyard into 2 self contained flats (C3) with patios and associated alterations.

Applicant: Mr Jack Gilbert & Mr M DeSilva

Officer: Guy Everest 293334

Refused on 07/10/15 DELEGATED

BH2015/01228

Block K Cityview 103 Stroudley Road Brighton

Application for Approval of Details Reserved by Conditions 2iii and 5 of application BH2008/01148.

Applicant: McAleer & Rushe Limited

Officer: Maria Seale 292175

Approved on 29/09/15 DELEGATED

BH2015/01423

11 York Place Brighton

Display of externally illuminated fascia sign.

Applicant: The Smokin Seagull Ltd

Officer: Joanne Doyle 292198

Approved on 17/09/15 DELEGATED

BH2015/01494

Flat 1 1 Alfred Road Brighton

Installation of external stairs to rear to replace existing and new door to side elevation.

Applicant: Hudson Designers Ltd

Officer: Mark Thomas 292336

Refused on 07/10/15 DELEGATED

BH2015/01815

15 Bond Street Brighton

Insertion of timber door and fixed window to south elevation.

Applicant: Mr Jeremy Buckingham

Officer: Rebecca Fry 293773

Approved on 17/09/15 DELEGATED

BH2015/02088

2 Alexandra Villas Brighton

Creation of vehicle crossover and hardstanding with associated alterations to front boundary wall.

Applicant: Meadowswell Ltd

Officer: Joanne Doyle 292198

Refused on 22/09/15 DELEGATED

BH2015/02294

Telephone Kiosk Outside Brighton Station Surrey Street Brighton

Replacement of existing telephone kiosk with kiosk containing telephone and ATM.

Applicant: BT Payphones

Officer: Liz Arnold 291709

Refused on 21/09/15 DELEGATED

BH2015/02313

Chapel Royal 164 North Street Brighton

Application for Approval of Details Reserved by Conditions 4, 5, 6, 7, 11, 12, 13,14 and 15 of application

BH2015/00226.

Applicant: Mrs J Thompson & Mr M Thompson

Officer: Liz Arnold 291709

Approved on 22/09/15 DELEGATED

BH2015/02364

20A Caledonian Road Brighton

Erection of single storey rear extension at lower ground floor level.

Applicant: Mr K Keehan

Officer: Charlotte Bush 292193

Approved on 24/09/15 DELEGATED

BH2015/02428

6 Wakefield Road Brighton

Application for Approval of Details Reserved by Condition 3 of application
BH2014/03102.

Applicant: Mrs Samantha Bennett

Officer: Mark Thomas 292336

Refused on 05/10/15 DELEGATED

BH2015/02489

63 Church Street Brighton

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

Applicant: Mr Ben Hatch

Officer: Ryan OSullivan 290480

Approved on 06/10/15 DELEGATED

BH2015/02550

7 West Hill Road Brighton

Conversion of existing upper floor maisonette and basement flat into a single dwellinghouse with alterations to fenestration and other associated works.

Applicant: Mr Daniel Bernstein

Officer: Liz Arnold 291709

Approved on 25/09/15 DELEGATED

BH2015/02692

Richmond House Richmond Road Brighton

Replacement of existing metal crittall windows with UPVC casement windows to South elevation.

Applicant: Matsim Properties

Officer: Liz Arnold 291709

Approved on 17/09/15 DELEGATED

BH2015/02708

Flat A The Ocean Building 18 Frederick Street Brighton

Replacement of existing window and sliding door with bi-folding doors, replacement of existing box balustrading with obscure glass balustrading and creation of raised deck to existing balcony.

Applicant: Mr Nick Ellis

Officer: Justine Latemore 292138

Approved on 17/09/15 DELEGATED

BH2015/02716

9 Round Hill Street Brighton

Installation of front rooflights and rear dormer.

Applicant: Mr J Murphy

Officer: Justine Latemore 292138

Refused on 25/09/15 DELEGATED

BH2015/02847

35 Princes Crescent Brighton

Insertion of front rooflight.

Applicant: Ms Becky Bistry

Officer: Justine Latemore 292138

Refused on 28/09/15 DELEGATED

BH2015/02902

Upper Flat 13 Clyde Road Brighton

Insertion of 3no rooflights to front and rear roof slopes.

Applicant: Mr Thomas Evans

Officer: Joanne Doyle 292198

Approved on 06/10/15 DELEGATED

BH2015/03114

36 Baker Street Brighton

Application for Approval of Details Reserved by Conditions 2, 4 and 5 of application BH2015/01005.

Applicant: Mrs Lotus Loan-Thu Nguyen

Officer: Liz Arnold 291709

Split Decision on 07/10/15 DELEGATED

WITHDEAN

BH2015/01198

Withdean Stadium Tongdean Lane Brighton

Installation of electric vehicle rapid charger.

Applicant: Freedom Leisure

Officer: Joanne Doyle 292198

Approved on 21/09/15 DELEGATED

BH2015/01440

1 Withdean Close Brighton

Roof alterations including raising of ridge height, roof extensions, creation of dormer and insertion of 4no rooflights.

Applicant: Mr Stefan Avey

Officer: Joanne Doyle 292198

Approved on 06/10/15 DELEGATED

BH2015/01454

Block D Kingsmere London Road Brighton

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

Applicant: Anstone Properties Ltd

Officer: Sonia Gillam 292265

Approved on 24/09/15 XXXX

BH2015/01497

Varndean College Surrenden Road Brighton

Erection of second floor extension to east attic to house fire escape stairs with associated alterations. (Retrospective)

Applicant: Varndean College

Officer: Rebecca Fry 293773

Approved on 02/10/15 DELEGATED

BH2015/01833

101 Green Ridge Brighton

Erection of front/side extension with pitched roof and associated alterations.

Applicant: Mr & Mrs Modern

Officer: Guy Everest 293334

Approved on 25/09/15 DELEGATED

BH2015/01908

76 Tongdean Lane Brighton

Application for Approval of Details Reserved by Conditions 3, 5 and 6 of application BH2014/03474.

Applicant: Mr Tomislav Stojanovic

Officer: Liz Arnold 291709

Refused on 06/10/15 DELEGATED

BH2015/01947

67 Gordon Road Brighton

Certificate of lawfulness for proposed loft conversion incorporating creation of rear dormer and insertion of front rooflights.

Applicant: Mr Sean Garrick

Officer: Mick Anson 292354

Approved on 23/09/15 DELEGATED

BH2015/02047

18 Windmill Drive Brighton

Remodelling of existing house including raising of ridge height to create a two storey dwelling, creation of new porch and other associated alterations.

Applicant: Mr V Clark

Officer: Chris Swain 292178

Refused on 21/09/15 DELEGATED

BH2015/02417

105 Tivoli Crescent North Brighton

Application for Approval of Details Reserved by Condition 4 of application BH2014/03419.

Applicant: Channel Site Services

Officer: Mark Thomas 292336

Refused on 30/09/15 DELEGATED

BH2015/02775

37 Glen Rise Brighton

Remodelling of existing bungalow incorporating roof extensions and raised ridge height to enable the creation of an additional floor, erection of two storey side extension, single storey rear extension and associated alterations.

Applicant: Mr John Blankson

Officer: Luke Austin 294495

Refused on 22/09/15 DELEGATED

BH2015/02804

19 Westdene Drive Brighton

Alterations to roof incorporating hip to gable roof extension, insertion of front rooflights and side window and creation of rear dormer.

Applicant: Jim & Rebecca Thomson

Officer: Laura Hamlyn 292205

Refused on 07/10/15 DELEGATED

BH2015/02816

43 Green Ridge Brighton

Erection of first floor side extension.

Applicant: Mr & Mrs Tucknott

Officer: Laura Hamlyn 292205

Approved on 23/09/15 DELEGATED

BH2015/02821

15 The Beeches Brighton

Non material amendment to BH2014/01226 to allow for the proposed folding sliding door to the north west elevations to be increased in width. The proposed utility window is reduced in width. The high level window in the gable end (south west elevation) has been omitted.

Applicant: Mrs Olivia Olorenshaw

Officer: Joanne Doyle 292198

Approved on 21/09/15 DELEGATED

BH2015/02839

101 Tivoli Crescent North Brighton

Erection of a single storey rear extension.

Applicant: Mrs F Baldwin

Officer: Laura Hamlyn 292205

Approved on 06/10/15 DELEGATED

BH2015/02936

111 Valley Drive Brighton

Erection of single storey rear extension.

Applicant: Mr & Mrs C Bowley

Officer: Laura Hamlyn 292205

Approved on 06/10/15 DELEGATED

BH2015/02959

1 Elms Lea Avenue Brighton

Conversion of existing garage into habitable living space with associated alterations.

Applicant: Mr Sue Norgrove-Moore

Officer: Allison Palmer 290493

Approved on 07/10/15 DELEGATED

EAST BRIGHTON

BH2015/02101

1 Great College Street Brighton

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

Applicant: Mr Spencer Wiffen

Officer: Allison Palmer 290493

Approved on 18/09/15 DELEGATED

BH2015/02580

39 College Place Brighton

Erection of two storey rear extension and alterations to fenestration and extension to existing roof terrace.

Applicant: Ms Coates

Officer: Allison Palmer 290493

Approved on 01/10/15 DELEGATED

BH2015/02592

15 - 17 Portland Place Brighton

Replacement of 3 existing rooflights and installation of access rooflight.

Applicant: 15, 16, 17 Portland Place Kemptown Management Co Ltd

Officer: Allison Palmer 290493

Approved on 22/09/15 DELEGATED

BH2015/02593

15 - 17 Portland Place Brighton

Replacement of 3no existing rooflights and installation of access rooflight.

Applicant: 15, 16, 17 Portland Place Kemptown Management Co Ltd

Officer: Allison Palmer 290493

Approved on 22/09/15 DELEGATED

BH2015/02735

8 College Gardens Brighton

Replacement of existing timber bay windows, with UPVC at ground and first floor level to front elevation.

Applicant: Dr Leonie Sugarman

Officer: Justine Latemore 292138

Refused on 05/10/15 DELEGATED

BH2015/02913

25 Sweda Court Chesham Street Brighton

Replacement of existing metal windows with UPVC to south and east elevations (Retrospective).

Applicant: Mr Bryn Nicholas

Officer: Justine Latemore 292138

Approved on 30/09/15 DELEGATED

HANOVER & ELM GROVE

BH2015/01015

10-12 Elm Grove Brighton

Extension and part conversion of existing laundrette (sui generis) to form 1no one bedroom flat (C3) at ground floor level. Erection of a single storey rear extension.

Applicant: Mr M Mousavi

Officer: Wayne Nee 292132

Approved on 17/09/15 DELEGATED

BH2015/01143

26A St Martins Place Brighton

Application for Approval of Details Reserved by Conditions 4, 8, 9, 11 and 13 of application BH2012/0263.

Applicant: Pam Ken Ltd

Officer: Sue Dubberley 293817

Split Decision on 23/09/15 DELEGATED

BH2015/01328

14 Richmond Terrace Brighton

Erection of single storey extension and associated alterations. (Part retrospective)

Applicant: Chabad Lubavitch South East Counties Ltd

Officer: Helen Hobbs 293335

Approved on 22/09/15 DELEGATED

BH2015/01358

Park Court 153 Queens Park Road Brighton

Replacement of existing windows and doors with UPVC windows and doors and installation of insulated render cladding with associated external alterations.

Applicant: Brighton & Hove City Council

Officer: Chris Swain 292178

Refused on 21/09/15 DELEGATED

BH2015/01734

48 Jersey Street Brighton

Replacement of existing UPVC double glazed windows with sash bay UPVC double glazed windows.

Applicant: Allie Rundle

Officer: Rebecca Fry 293773

Approved on 06/10/15 DELEGATED

BH2015/01869

47 Islingword Road Brighton

Erection of first floor extension to north east elevation.

Applicant: Mr George Birtwell

Officer: Luke Austin 294495

Approved on 18/09/15 DELEGATED

BH2015/02637

1 Hanover Crescent Brighton

Replacement of windows, doors and railings to the rear.

Applicant: Tim Howarth

Officer: Emily Stanbridge 292359

Approved on 06/10/15 DELEGATED

BH2015/02734

26A St Martins Place Brighton

Application for approval of details reserved by conditions 5 and 7 of application BH2012/02631.

Applicant: Pam Ken Ltd

Officer: Sue Dubberley 293817

Approved on 29/09/15 DELEGATED

BH2015/02787

Flat 1 13 Gladstone Terrace Brighton

Erection of single storey conservatory extension to rear.

Applicant: Mr David Laughton

Officer: Justine Latemore 292138

Approved on 07/10/15 DELEGATED

HOLLINGDEAN & STANMER

BH2015/01302

21 Hawkhurst Road Brighton

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

Applicant: Dr Steve Singh

Officer: Chris Swain 292178

Approved on 07/10/15 DELEGATED

BH2015/01316

58 Beatty Avenue Brighton

Erection of single storey extension to first floor.

Applicant: Mr P Blee

Officer: Joanne Doyle 292198

Approved on 24/09/15 DELEGATED

BH2015/01767

35 Hollingbury Park Avenue Brighton

Erection of single storey rear extension.

Applicant: Mr & Mrs I Thompson

Officer: Luke Austin 294495

Approved on 24/09/15 DELEGATED

BH2015/02381

40 Beatty Avenue Brighton

Application for Approval of Details Reserved by Conditions 5, 6, 8, 12 and 14 of application BH2014/01223

Applicant: Mr S Malins

Officer: Jonathan Puplett 292525

Approved on 17/09/15 DELEGATED

BH2015/02441

Chichester 1 Building North South Road University of Sussex, Brighton

Internal alterations to layout of building

Applicant: Ms Louisa Way
Officer: Tim Jefferies 293152
Approved on 17/09/15 DELEGATED

BH2015/02836
61 Roedale Road Brighton
Erection of first floor rear extension.

Applicant: Mr A Fisher
Officer: Justine Latemore 292138
Approved on 29/09/15 DELEGATED

MOULSECOOMB & BEVENDEAN

BH2015/01683
6 Hornby Road Brighton
Demolition of existing single storey side extension and erection of two storey side extension with extension of roof over.

Applicant: Mr Allen Shepard
Officer: Chris Swain 292178
Refused on 30/09/15 DELEGATED

BH2015/01700
38 Heath Hill Avenue Brighton
Change of use from four bedroom dwelling (C3) to four bedroom small house in multiple occupation (C4). (Retrospective)

Applicant: Mr Brian Constable
Officer: Chris Swain 292178
Approved on 07/10/15 DELEGATED

BH2015/01895
11 Chailey Road Brighton
Erection of single storey rear extension (Part retrospective)

Applicant: Mr Mark Lambert
Officer: Rebecca Fry 293773
Approved on 29/09/15 DELEGATED

BH2015/02117
29 Norwich Drive Brighton
Change of use from four bedroom dwelling (C3) to five bedroom small house in multiple occupation (C4).

Applicant: Mrs Lisa Bradley
Officer: Emily Stanbridge 292359
Refused on 18/09/15 DELEGATED

BH2015/02410
Unit 2 Fairway Trading Estate Eastergate Road Brighton
Installation of 4no evaporative cooling units and 2no extract fans to roof.

Applicant: Custom Pharmaceuticals
Officer: Emily Stanbridge 292359
Approved on 23/09/15 DELEGATED

BH2015/02823

The Keep Woollards Way Brighton

Application for approval of details reserved by condition 27 of application BH2010/03259.

Applicant: East Sussex County Council

Officer: Maria Seale 292175

Approved on 24/09/15 DELEGATED

BH2015/02932

90 Riley Road Brighton

Erection of a single storey rear extension.

Applicant: Ms Nicola Ashby

Officer: Justine Latemore 292138

Refused on 07/10/15 DELEGATED

QUEEN'S PARK

BH2015/00594

10 Marine Parade Brighton

Alterations to front entrance areas incorporating ramped flooring, replacement entrance gates, new entrance lobby, revised fenestration and associated works.

Applicant: Mothership Brighton

Officer: Christopher Wright 292097

Approved on 23/09/15 DELEGATED

BH2015/01165

113 Marine Parade Brighton

Conversion of existing property from 3no flats (C3) to 1 one bedroom flat and 1 six bedroom maisonette (C3) with replacement of existing timber French doors with timber sash window to front elevation.

Applicant: Mr A Hills

Officer: Chris Swain 292178

Approved on 25/09/15 DELEGATED

BH2015/01646

78 Albion Hill Brighton

Erection of first floor rear extension and external alterations.

Applicant: Ms Lesley Smith

Officer: Christopher Wright 292097

Approved on 25/09/15 DELEGATED

BH2015/01649

Aquarium Station Volks Railway Madeira Drive Brighton

Demolition of existing Aquarium Station building, including undercroft and adjacent steps. Erection of new Aquarium Station and Visitor's Centre incorporating cafe, ticket sales and exhibition space with new steps and new railings to match existing and alterations to existing railings.

Applicant: Brighton & Hove City Council

Officer: Guy Everest 293334

Approved on 21/09/15 DELEGATED

BH2015/02086

1 Ardingly Street Brighton

Application for Approval of Details Reserved by Conditions 6, 10 and 11 of application BH2015/00067.

Applicant: Brighton and Hove City Council

Officer: Adrian Smith 290478

Approved on 21/09/15 DELEGATED

BH2015/02359

20 Freshfield Street Brighton

Relocation of existing external stairs and alterations to fenestration.

Applicant: Mrs Siobhan Collett

Officer: Allison Palmer 290493

Refused on 22/09/15 DELEGATED

BH2015/02383

St James House High Street Brighton

Application for Approval of Details Reserved by Conditions 4 and 5 of application BH2014/02888.

Applicant: Brighton & Hove City Council

Officer: Wayne Nee 292132

Approved on 22/09/15 DELEGATED

BH2015/02405

16 Grand Parade Brighton

Application for Approval of Details Reserved by Condition 4 of application BH2014/02844.

Applicant: Ms Emma Clayton

Officer: Robin Hodgetts 292366

Approved on 21/09/15 DELEGATED

BH2015/02534

Former Municipal Market Circus Street Brighton

Application for Approval of Details Reserved by Condition 5 of application BH2013/03461

Applicant: Cathedral Brighton Ltd

Officer: Mick Anson 292354

Split Decision on 25/09/15 DELEGATED

BH2015/02669

6 Marine Gardens Brighton

Erection of a single storey side extension.

Applicant: Mr Kim Gordon

Officer: Emily Stanbridge 292359

Approved on 29/09/15 DELEGATED

BH2015/02695

46 St Lukes Road Brighton

Erection of a single storey rear extension.

Applicant: Mr Simon Cockfield

Officer: Justine Latemore 292138

Refused on 01/10/15 DELEGATED

BH2015/02747

2 Crescent Place Brighton

Application for Approval of Details Reserved by Condition 2 of application BH2015/00427

Applicant: Mr Ian Courtier

Officer: Luke Austin 294495

Approved on 25/09/15 DELEGATED

BH2015/03115

Former Municipal Market Circus Street Brighton

Application for approval of details reserved by conditions 4, 8 and 9 of application BH2013/03461.

Applicant: Miss Karen McCormick

Officer: Mick Anson 292354

Approved on 02/10/15 DELEGATED

ROTTINGDEAN COASTAL

BH2015/01496

112 Longhill Road Brighton

Erection of a single storey rear extension.

Applicant: Mr Steve Jutton

Officer: Mark Thomas 292336

Approved on 17/09/15 DELEGATED

BH2015/01719

80 Coombe Vale Brighton

Roof alterations incorporating revised ridge height, extension of front dormer, side rooflights and gable windows to front and rear.

Applicant: Ms C Vincent

Officer: Wayne Nee 292132

Refused on 17/09/15 DELEGATED

BH2015/01858

Flat 2 23 Sussex Square Brighton

Installation of timber sash window to lightwell.

Applicant: Mr A Meredith

Officer: Liz Arnold 291709

Approved on 22/09/15 DELEGATED

BH2015/01859

Flat 2 23 Sussex Square Brighton

Installation of timber sash window to lightwell. (Part-Retrospective)

Applicant: Mr A Meredith

Officer: Liz Arnold 291709

Approved on 22/09/15 DELEGATED

BH2015/02021

7 Dean Court Road Rottingdean Brighton

Application for Approval of Details Reserved by Conditions 3, 4, 6, 7 and 9 of application BH2014/03302.

Applicant: Mr N Kermode

Officer: Joanne Doyle 292198

Approved on 05/10/15 DELEGATED

BH2015/02069

1 Shepham Avenue Saltdean Brighton

Conversion of existing undercroft and garage to form habitable accommodation incorporating excavation works, removal of steps and relocation of main entrance, erection of porch, alterations to fenestration and alterations to garden levels (Part Retrospective).

Applicant: Mr Russell Salter

Officer: Liz Arnold 291709

Approved on 01/10/15 DELEGATED

BH2015/02097

Saltdean Lido Saltdean Park Road Saltdean Brighton

Application for Approval of Details Reserved by Condition 7 of application BH2014/03415.

Applicant: Saltdean Lido Community Interest Company

Officer: Maria Seale 292175

Approved on 29/09/15 DELEGATED

BH2015/02330

Timbers The Green Rottingdean

Erection of gable end roof extension supported by oak posts to rear elevation.

Applicant: Mr S Pickering

Officer: Christopher Wright 292097

Refused on 07/10/15 DELEGATED

BH2015/02462

16 Westmeston Avenue Saltdean Brighton

Application for Approval of Details Reserved by Condition 4 of application BH2014/03516.

Applicant: Greg Redwood

Officer: Mark Thomas 292336

Approved on 05/10/15 DELEGATED

BH2015/02733

9 Coombe Rise Saltdean Brighton

Application for approval of details reserved by conditions 4 and 5 of application BH2015/00528.

Applicant: Ms Eva Weaver

Officer: Allison Palmer 290493

Approved on 21/09/15 DELEGATED

BH2015/02768

Ground Floor Flat 9 Beacon Hill Brighton

Erection of single storey rear extension.

Applicant: Mr & Mrs Yeomans

Officer: Justine Latemore 292138

Approved on 02/10/15 DELEGATED

BH2015/02829

49 High Street Rottingdean Brighton

Erection of two storey rear extension.

Applicant: Mr Darren Giles

Officer: Luke Austin 294495

Refused on 02/10/15 DELEGATED

BH2015/02830

49 High Street Rottingdean Brighton

Erection of two storey rear extension.

Applicant: Mr Darren Giles

Officer: Luke Austin 294495

Refused on 02/10/15 DELEGATED

BH2015/02833

157 Marine Drive Saltdean Brighton

Extension and alterations to roof and insertion of new windows and doors at second floor level.

Applicant: Mr Derrick Orman

Officer: Emily Stanbridge 292359

Refused on 28/09/15 DELEGATED

BH2015/02854

27 Little Crescent Rottingdean Brighton

Installation of dormer to south elevation and rooflight to north elevation.

Applicant: Mr Kevin Moran

Officer: Emily Stanbridge 292359

Refused on 28/09/15 DELEGATED

BH2015/02978

2 Tudor Close Dean Court Road Rottingdean Brighton

Alterations to north garden including erection of trellis to boundary wall and creation of seating area.

Applicant: Mrs June Cosgrove

Officer: Allison Palmer 290493

Approved on 05/10/15 DELEGATED

BH2015/02979

2 Tudor Close Dean Court Road Rottingdean Brighton

Alterations to north garden including erection of trellis to boundary wall and creation of seating area.

Applicant: Mrs June Cosgrove

Officer: Allison Palmer 290493

Approved on 05/10/15 DELEGATED

BH2015/03225

24 Ainsworth Close Brighton

Certificate of lawfulness for proposed side dormers, rooflights and erection of single storey rear extension.

Applicant: Roz Denny

Officer: Chris Swain 292178

Approved on 07/10/15 DELEGATED

WOODINGDEAN

BH2015/01003

Land Adjoining 64 Connell Drive Brighton

Application for Approval of Details Reserved by Conditions 4, 10, 11 and 15 of application BH2012/01394

Applicant: Mr G Wells

Officer: Wayne Nee 292132

Approved on 21/09/15 DELEGATED

BH2015/02380

2 Littleworth Close Brighton

Application for Approval of Details Reserved by Conditions 3, 4 and 5 of application BH2014/02869

Applicant: Mr D Simson

Officer: Chris Swain 292178

Approved on 05/10/15 DELEGATED

BH2015/02819

Nuffield Heath Hospital Warren Road Brighton

Prior approval for the installation of PV solar panel equipment to roof of building.

Applicant: Lightsource Renewable Energy Limited

Officer: Jonathan Puplett 292525

Prior Approval is required and is approved on 25/09/15 DELEGATED

BH2015/02822

21 Falmer Gardens Brighton

Erection of single storey rear extension including conversion of existing garage into habitable living space, creation of chimney stack and other associated works.

Applicant: Mr & Mrs L & P Madge

Officer: Emily Stanbridge 292359

Approved on 30/09/15 DELEGATED

BH2015/03095

71 The Ridgway Brighton

Prior approval for the erection of a single storey rear extension which would extend beyond the rear wall of the original house by 7m, for which the maximum height would be 3.27m, and for which height of the eaves would be 2.32m.

Applicant: Mr Chris Browning

Officer: Ryan OSullivan 290480

Prior Approval is required and is refused on 02/10/15 DELEGATED

BRUNSWICK AND ADELAIDE

BH2015/01272

19 Second Avenue Hove

Conversion of loft space to form one bedroom flat incorporating rear dormers and rooflights to front and rear.

Applicant: Bayleaf Homes

Officer: Mark Thomas 292336

Approved on 23/09/15 DELEGATED

BH2015/02026

Flats 3 & 4 15 First Avenue Hove

Replacement of existing timber windows with UPVC.

Applicant: Mr John Beetham

Officer: Joanne Doyle 292198

Approved on 01/10/15 DELEGATED

BH2015/02203

Flat 1 1 Adelaide Crescent Hove

Internal alterations to layout of flat. (Retrospective)

Applicant: Mrs Renata Jack

Officer: Tim Jefferies 293152

Approved - no conditions on 07/10/15 DELEGATED

BH2015/02729

16 Second Avenue Hove

Installation of rooflight to side elevation.

Applicant: Dr Verena Moser

Officer: Laura Hamlyn 292205

Approved on 07/10/15 DELEGATED

BH2015/02764

First Floor Flat 33 Brunswick Terrace Hove

Internal alterations to layout of flat. (Retrospective).

Applicant: Mr Michael Morley

Officer: Tim Jefferies 293152

Approved on 06/10/15 DELEGATED

BH2015/02799

Waterloo Street Arch Waterloo Street Hove

Application for approval of details reserved by condition 2 of application BH2013/04302.

Applicant: Brighton & Hove City Council

Officer: Helen Hobbs 293335

Approved on 05/10/15 DELEGATED

BH2015/02825

19 Upper Market Street Hove

Prior approval for change of use from offices (B1) to residential (C3) to form 2 self contained flats and 1 studio flat.

Applicant: Mr & Mrs Brewer

Officer: Christopher Wright 292097

Prior Approval is required and is approved on 24/09/15 DELEGATED

BH2015/03065

Garage South of 30 Farm Road Hove

Application for Approval of Details Reserved by Conditions 9, 10, 11, 12, 13 and 14 of application BH2013/03019.

Applicant: Alaa Hussein

Officer: Liz Arnold 291709

Split Decision on 05/10/15 DELEGATED

CENTRAL HOVE

BH2015/01155

Flat 5 3 Kings Gardens Hove

Extension of existing balcony and railings to rear elevation.

Applicant: Mr Peter Reader

Officer: Mark Thomas 292336

Refused on 06/10/15 DELEGATED

BH2015/01158

Flat 5 3 Kings Gardens Hove

Extension of existing balcony and railings to rear elevation.

Applicant: Mr Peter Reader

Officer: Mark Thomas 292336

Refused on 06/10/15 DELEGATED

BH2015/01290

Goldstone Business Centre 2 Goldstone Street Hove

Application for Approval of Details Reserved by Conditions 1 and 2 of application BH2014/03656

Applicant: Perth Securites

Officer: Christopher Wright 292097

Refused on 21/09/15 DELEGATED

BH2015/01764

23 Third Avenue Hove

Conversion of existing garage into 1no studio flat (C3).

Applicant: Mr Jonathan Stern

Officer: Chris Swain 292178

Refused on 07/10/15 DELEGATED

BH2015/02015

9 Kings Court 9 Kings Gardens Hove

Installation of rooflight to rear roof slope and to flat roof.

Applicant: Mr Stephen Vickers

Officer: Chris Swain 292178

Approved on 29/09/15 DELEGATED

BH2015/02023

145 Church Road Hove

Application for Approval of Details Reserved by Condition 1 of application BH2014/03696.

Applicant: Ms D Ley

Officer: Christopher Wright 292097

Approved on 21/09/15 DELEGATED

BH2015/02124

Flat 2, 56 Ventnor Villas Hove

Removal of existing timber shed and erection of new timber shed to rear garden.

Applicant: Mr Jason Smith

Officer: Maria Seale 292175

Approved on 06/10/15 DELEGATED

BH2015/02211

177 Church Road Hove

Application for Approval of Details Reserved by Conditions 3, 4, 5i and 5ii of application BH2015/00960

Applicant: LAN Estates

Officer: Liz Arnold 291709

Approved on 22/09/15 DELEGATED

BH2015/02214

21A St Aubyns Hove

Replacement of existing windows with timber sliding sash windows, installation of new timber sliding sash window to side elevation, replacement of existing rear door and installation of boiler flue to side elevation.

Applicant: Mr Geoff Raymond

Officer: Ryan OSullivan 290480

Approved on 25/09/15 DELEGATED

BH2015/02275

Flat 2 31 St Aubyns Hove

Replacement of existing timber door with UPVc door.

Applicant: Mr Schoff

Officer: Ryan OSullivan 290480

Refused on 18/09/15 DELEGATED

BH2015/02386

187 Church Road Hove

Installation of rear dormer and 1no. rear rooflight.

Applicant: Mrs Mandy Patel

Officer: Emily Stanbridge 292359

Approved on 06/10/15 DELEGATED

BH2015/02657

125 Church Road Hove

Display of non-illuminated ATM sign.

Applicant: HSBC Bank PLC

Officer: Emily Stanbridge 292359

Approved on 29/09/15 DELEGATED

BH2015/02678

Plinth Kings Esplanade Hove

Display of 3no public sculptures on Hove Plinth, one at a time for a period of between 12 to 18 months each.

Applicant: Hove Civic Society

Officer: Clare Simpson 292321

Approved on 02/10/15 DELEGATED

BH2015/02751

4A Blatchington Road Hove

Prior approval for change of use from retail (A1) to residential (C3) to form 1no self-contained unit with installation of windows to replace existing shopfront.

Applicant: Homemakers Property Ltd

Officer: Mark Thomas 292336

Prior Approval is required and is refused on 21/09/15 DELEGATED

GOLDSMID

BH2015/00626

Flat 1 58 The Drive Hove

Erection of detached summer house.

Applicant: Mr Nicholas Harrop

Officer: Mark Thomas 292336

Approved on 21/09/15 DELEGATED

BH2015/01031

Ground Floor Flat 33 Wilbury Road Hove

Erection of garden room in rear garden.

Applicant: Miss Dee Cooper

Officer: Clare Flowers 290443

Approved on 17/09/15 DELEGATED

BH2015/02025

24 Lyndhurst Road Hove

Erection of single storey rear extension.

Applicant: Mr Matt Maunders

Officer: Christopher Wright 292097

Approved on 07/10/15 DELEGATED

BH2015/02033

24 Davigdor Road Hove

Application for Approval of Details Reserved by Conditions 7, 8, 9, 11, 12, 13, 14 and 15 of application BH2014/04191.

Applicant: Ms Carol Taplin

Officer: Jason Hawkes 292153

Split Decision on 29/09/15 DELEGATED

BH2015/02204

6 The Upper Drive Hove

Conversion of existing garage into habitable living space, erection of single storey rear extension, demolition of existing structure to rear garden and creation of exercise pool. Erection of side and front extensions to first floor level with roof extensions and alterations, installation of rooflights to front and rear roof slopes, alterations to fenestration and other associated works.

Applicant: Mr Martin Rees

Officer: Jason Hawkes 292153

Approved on 01/10/15 DELEGATED

BH2015/02384

22 Lyndhurst Road Hove

Erection of single storey rear extension.

Applicant: Mr Dan Clark

Officer: Ryan OSullivan 290480

Approved on 07/10/15 DELEGATED

BH2015/02600

Flat 6 5 Cromwell Road Hove

Internal alterations to layout of flat.

Applicant: Ms Holly Caulfield

Officer: Tim Jefferies 293152

Approved on 30/09/15 DELEGATED

BH2015/02648

Ground Floor Flat 27 Hartington Villas Hove

Erection of single storey rear extension.

Applicant: Mr Tom Stanbury

Officer: Laura Hamlyn 292205

Approved on 28/09/15 DELEGATED

BH2015/02748

4-6 Montefiore Road Hove

Non Material Amendment to BH2014/01178 (allowed on appeal) to alter the windows, sliding doors and balustrade.

Applicant: Mr Richard Hunnisett
Officer: Helen Hobbs 293335
Approved on 02/10/15 DELEGATED

BH2015/02750
55 & 55A Wilbury Crescent Hove
Creation of vehicle crossover and hard standing.

Applicant: Jayashree Srinivasah
Officer: Charlotte Bush 292193
Approved on 06/10/15 DELEGATED

BH2015/02791
95 Goldstone Road Hove
Insertion of rooflights and sun pipe to roofslope.

Applicant: Karen MacMillan
Officer: Laura Hamlyn 292205
Approved on 24/09/15 DELEGATED

BH2015/02838
42 Goldstone Road Hove
Prior approval for change of use from office (B1) to residential (C3) to form 1no flat to rear of property.

Applicant: Bourne Property Services
Officer: Allison Palmer 290493
Prior Approval is required and is refused on 30/09/15 DELEGATED

BH2015/02874
201 Dyke Road Hove
Prior Approval for change of use from offices (B1) to residential (C3) to form 1no self contained flat to rear of property.

Applicant: D Ives
Officer: Christopher Wright 292097
Prior approval not required on 29/09/15 DELEGATED

BH2015/02875
201 Dyke Road Hove
Prior Approval for change of use from offices (B1) to residential (C3) to form 4no two bedroom flats and 3 one bedroom flats.

Applicant: Bravo Property Partnership
Officer: Christopher Wright 292097
Prior approval not required on 29/09/15 DELEGATED

BH2015/02920
39 Osmond Road Hove
Certificate of lawfulness for proposed side dormer.

Applicant: Anastasia Heywood
Officer: Charlotte Bush 292193
Approved on 05/10/15 DELEGATED

BH2015/02938

Sussex County Cricket Ground Eaton Road Hove

Application for approval of details reserved by conditions 4, 6, 7 and 9 of application BH2014/03701.

Applicant: SCCC

Officer: Jason Hawkes 292153

Approved on 05/10/15 DELEGATED

BH2015/03073

3B Cambridge Grove Hove

Application for approval of details reserved by condition 3 of application BH2015/01773.

Applicant: Mr Richard Morris

Officer: Jason Hawkes 292153

Approved on 21/09/15 DELEGATED

BH2015/03217

64 Old Shoreham 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 5m, for which the maximum height would be 3.68m, and for which the height of the eaves would be 2.88m.

Applicant: Mr Guy Winter

Officer: Ryan OSullivan 290480

Prior approval not required on 07/10/15 DELEGATED

HANGLETON & KNOLL

BH2015/02123

20 Elm Drive Hove

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

Applicant: Mrs Susan Loxley

Officer: Wayne Nee 292132

Approved on 18/09/15 DELEGATED

BH2015/02305

Aldrington Free Church 386 Old Shoreham Road Hove

Application for Approval of Details Reserved by Conditions 6, 7, 8, 9, 10, 11 and 12 of application BH2014/03768.

Applicant: Mrs N Girgis

Officer: Liz Arnold 291709

Split Decision on 29/09/15 DELEGATED

BH2015/02420

58 Meadway Crescent Hove

Erection of outbuilding in rear garden. (Part retrospective).

Applicant: Mr Jonathan Ware

Officer: Allison Palmer 290493

Approved on 22/09/15 DELEGATED

BH2015/02584

Land to Rear of Harmsworth Crescent Hardwick Road Hove

Application for approval of details reserved by conditions 7(i)a&b, 10, 11 and 15 of application BH2014/02489.

Applicant: Brighton and Hove City Council

Officer: Jason Hawkes 292153

Approved on 28/09/15 DELEGATED

BH2015/02834

180 Hangleton Road Hove

Erection of a single storey rear extension with associated alterations to ground floor roof

Applicant: Mrs D Lees

Officer: Laura Hamlyn 292205

Refused on 29/09/15 DELEGATED

BH2015/02956

11 Sunninghill 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 4.72m, for which the maximum height would be 2.9m, and for which the height of the eaves would be 2.9m.

Applicant: Mr David Bryant

Officer: Charlotte Bush 292193

Prior approval not required on 17/09/15 DELEGATED

NORTH PORTSLADE

BH2015/02399

Mile Oak Primary School Graham Avenue Portslade

Installation of static double decker bus on playing field to facilitate science education.

Applicant: Mile Oak Primary School

Officer: Clare Simpson 292321

Approved on 07/10/15 DELEGATED

BH2015/02471

Mile Oak Clinic Chalky Road Portslade

Display of non-illuminated fascia signs. (Retrospective).

Applicant: Bestway Group

Officer: Christopher Wright 292097

Approved on 07/10/15 DELEGATED

BH2015/02506

16 Cornford Close Portslade

Certificate of lawfulness for proposed conversion of existing garage into habitable living space with insertion of rooflights and replacement of conservatory.

Applicant: Mr & Mrs Ingram

Officer: Charlotte Bush 292193

Split Decision on 29/09/15 DELEGATED

BH2015/02567

Flint Close Portslade

Application for Approval of Details Reserved by Conditions 7, 10, 12(i)a and 12(i)b of application BH2014/02490.

Applicant: Brighton and Hove City Council

Officer: Adrian Smith 290478

Approved on 28/09/15 DELEGATED

BH2015/03038

14 Anvil Close Portslade

Prior approval for the erection of a single storey rear extension, which would extend beyond the rear wall of the original house by 7.4m, for which the maximum height would be 2.9m, and for which the height of the eaves would be 2.9m.

Applicant: Mr David Redinha

Officer: Charlotte Bush 292193

Prior approval not required on 17/09/15 DELEGATED

SOUTH PORTSLADE

BH2015/02148

78 Benfield Way Portslade

Creation of 2no dormers to front.

Applicant: Louise Medhurst & Paul Stevens

Officer: Sonia Gillam 292265

Refused on 29/09/15 DELEGATED

BH2015/02469

St Nicolas Church Manor Road Portslade

Alterations to existing boundary wall.

Applicant: Miss Gen Smith

Officer: Jason Hawkes 292153

Refused on 07/10/15 DELEGATED

BH2015/02549

86 Foredown Drive Portslade

Erection of single storey rear extension.

Applicant: Mr Olsi Kraja

Officer: Luke Austin 294495

Approved on 25/09/15 DELEGATED

BH2015/02551

1 Sharpthorne Crescent Portslade

Creation of pitched roof over existing garage.

Applicant: Mr J Thorpe

Officer: Joanne Doyle 292198

Approved on 06/10/15 DELEGATED

BH2015/02568

Land to Rear of Easthill Drive Adjacent to 10 Foredown Road Portslade

Application for approval of details reserved by conditions 8, 10, 12, 13 and 21 of

application BH2014/02488.

Applicant: PMC Construction

Officer: Jason Hawkes 292153

Approved on 28/09/15 DELEGATED

BH2015/02815

24 Hurst Crescent Portslade

Prior approval for the erection of a single storey rear extension, which would extend beyond the rear wall of the original house by 4.500m, for which the maximum height would be 2.820m, and for which the height of the eaves would be 2.750m.

Applicant: Brighton & Hove City Council

Officer: Allison Palmer 290493

Prior Approval is required and is approved on 24/09/15 DELEGATED

BH2015/02919

3 Station Road Portslade

Application for approval of details reserved by condition 3 of application BH2015/00349.

Applicant: William Hill Organization Limited

Officer: Mark Thomas 292336

Approved on 05/10/15 DELEGATED

BH2015/03092

182 Old Shoreham Road Portslade

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 4m, and for which the height of the eaves would be 3m.

Applicant: Mr John Cramer

Officer: Charlotte Bush 292193

Prior approval not required on 30/09/15 DELEGATED

HOVE PARK

BH2015/01781

27 Hill Brow Hove

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

Applicant: Mrs Jayne Bennett

Officer: Wayne Nee 292132

Approved on 24/09/15 XXXX

BH2015/01838

40 Tongdean Avenue Hove

Non material amendment to BH2012/03574 to small increase in size of proposed south-easterly extension to increase room sizes and improve facilities. Change to proposed materials to extensions from brick and render to timber.

Applicant: Mrs Leonie Achurch
Officer: Helen Hobbs 293335
Refused on 05/10/15 DELEGATED

BH2015/01988

38 Tongdean Road Hove

Erection of first floor rear extension, enlargement of existing side dormer and installation of a pitched roof to replace existing flat roof to front and rear elevations. Installation of solar panels and rooflight to rear roofslope and associated works.

Applicant: Mr Brian Childs
Officer: Clare Flowers 290443

Approved on 05/10/15 DELEGATED

BH2015/02050

12 Mallory Road Hove

Variation of condition 7 of application BH2014/03964 (Application for variation of condition 7 of application BH2014/01015 (Demolition of existing dwelling and erection of five bedroom dwelling, detached outhouse in rear garden and associated works) to permit alterations to windows) to permit the enlargement of the terrace area.

Applicant: Mr & Mrs Matthew Ansell
Officer: Clare Simpson 292321

Refused on 21/09/15 DELEGATED

BH2015/02064

Hove Service Station Dyke Road Hove

Display of externally illuminated freestanding information signs and externally illuminated and non-illuminated projecting signs.

Applicant: Esso Petroleum Co. Ltd
Officer: Sue Dubberley 293817

Approved on 23/09/15 DELEGATED

BH2015/02365

64 - 66 The Upper Drive Hove

Roof alterations incorporating front and rear dormers, rooflights and new windows to facilitate creation of 2 one bedroom self-contained flats (C3). Erection of two storey rear extension to existing House in Multiple Occupation (Sui Generis).

Applicant: Geneva Investment Group Ltd
Officer: Sonia Gillam 292265

Approved on 23/09/15 DELEGATED

BH2015/02387

16 Deanway Hove

Remodelling of dwelling including erection of additional storey and alterations to fenestration.

Applicant: Ms Holley
Officer: Emily Stanbridge 292359

Refused on 22/09/15 DELEGATED

BH2015/02501

44 Sandringham Drive Hove

Certificate of lawfulness for proposed conversion of integral garage into habitable accommodation.

Applicant: Mr Godarz Nekoei

Officer: Charlotte Bush 292193

Approved on 18/09/15 DELEGATED

BH2015/02516

77 Nevill Avenue Hove

Installation of dormers to side elevation and alterations to fenestration.

Applicant: Caroline Treval

Officer: Laura Hamlyn 292205

Approved on 01/10/15 DELEGATED

BH2015/02570

32 Hove Park Road Hove

Enlargement of existing patio area including creation of steps, installation of timber screening and planters.

Applicant: Ms Catherine Moore

Officer: Laura Hamlyn 292205

Approved on 01/10/15 DELEGATED

BH2015/02601

93 King George VI Drive Hove

Certificate of Lawfulness for proposed single storey rear extension, alterations to garage and installation of rooflights to rear and side elevations.

Applicant: Mr K Smith

Officer: Eleanor Price 292337

Refused on 18/09/15 DELEGATED

BH2015/02778

215 Nevill Road Hove

Application for Approval of Details Reserved by Conditions 11, 12 and 14 of application BH2014/01552.

Applicant: Bowles Building Co

Officer: Jason Hawkes 292153

Approved on 06/10/15 DELEGATED

BH2015/02832

8 Poynter Road Hove

Erection of single storey rear extension.

Applicant: Mrs Kate Backhouse

Officer: Laura Hamlyn 292205

Refused on 07/10/15 DELEGATED

BH2015/02971

42 Hill Drive Hove

Prior approval for the erection of a single storey rear extension, which would

extend beyond the rear wall of the original house by 5.4m, for which the maximum height would be 3m, and for which the height of the eaves would be 3m.

Applicant: Mr & Mrs Durand

Officer: Charlotte Bush 292193

Prior Approval is required and is approved on 22/09/15 DELEGATED

BH2015/02974

212 Nevill 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 3.95m, and for which the height of the eaves would be 2.955m.

Applicant: John Miles

Officer: Allison Palmer 290493

Prior approval not required on 23/09/15 DELEGATED

BH2015/03093

130 Nevill 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 3.6m, and for which the height of the eaves would be 2.8m.

Applicant: Mr Dax Ginn

Officer: Guy Everest 293334

Prior approval not required on 29/09/15 DELEGATED

BH2015/03151

15 Sandringham Drive Hove

Prior approval for the erection of a single storey rear extension, which would extend beyond the rear wall of the original house by 4m, for which the maximum height would be 3.4m, and for which the height of the eaves would be 2.25m.

Applicant: Mr D Kendall

Officer: Charlotte Bush 292193

Prior Approval is required and is refused on 07/10/15 DELEGATED

BH2015/03221

35 Hill Brow Hove

Application for Approval of Details Reserved by Condition 3 of Application BH2015/01033.

Applicant: Mr Sean Goodman

Officer: Liz Arnold 291709

Approved on 29/09/15 DELEGATED

WESTBOURNE

BH2015/01230

25 Arthur Street Hove

Application for Approval of Details Reserved by Condition 2 of application BH2015/00216.

Applicant: N F Barakat

Officer: Christopher Wright 292097

Refused on 21/09/15 DELEGATED

BH2015/01902

56 Walsingham Road Hove

Roof alterations incorporating rooflight to front and side and dormer to rear.

Applicant: Ms Francine Kay Briscoe

Officer: Clare Flowers 290443

Approved on 29/09/15 DELEGATED

BH2015/02153

4 Princes Square Hove

Removal of existing conservatory and erection of single storey rear extension. Removal of existing garage and erection of new garage to side. Creation of enclosed front porch, insertion of rooflights and other associated works.

Applicant: Mrs Nicole Tomlin

Officer: Laura Hamlyn 292205

Approved on 28/09/15 DELEGATED

BH2015/02201

9 Lawrence Road Hove

Installation of metal railings on top of existing boundary wall.

Applicant: Mr M Lovegrove

Officer: Christopher Wright 292097

Approved on 01/10/15 DELEGATED

BH2015/02301

Flat 3 52 Rutland Gardens Hove

Replacement of existing timber windows with UPVC windows.

Applicant: Ms Alexis Sheftz

Officer: Clare Flowers 290443

Approved on 24/09/15 DELEGATED

BH2015/02500

35 Pembroke Crescent Hove

Roof alterations incorporating side dormer and rooflights and front and rear windows.

Applicant: Mr Matthew Keenan

Officer: Rebecca Fry 293773

Approved on 17/09/15 DELEGATED

BH2015/02812

59 Coleridge Street Hove

Application for approval of details reserved by condition 16 of application BH2014/01873.

Applicant: Mr Dean Golding

Officer: Christopher Wright 292097

Approved on 21/09/15 DELEGATED

WISH

BH2015/00279

14 Portland Villas Hove

Demolition of existing property and erection of new detached house.

Applicant: Mr & Mrs R Emery

Officer: Helen Hobbs 293335

Refused on 29/09/15 DELEGATED

BH2015/01103

60 Worcester Villas & 430 Portland Road Hove

Erection of ground floor infill extension.

Applicant: Mr John White

Officer: Helen Hobbs 293335

Approved on 25/09/15 DELEGATED

BH2015/01675

39 St Heliers Avenue Hove

Certificate of lawfulness for proposed single storey rear extension, front porch and loft conversion incorporating hip to gable roof extension, rear dormer, side window and 2no front rooflights.

Applicant: Mr B Khan

Officer: Luke Austin 294495

Split Decision on 18/09/15 DELEGATED

BH2015/01817

50 Berriedale Avenue Hove

Erection of first floor rear extension with hipped roof over.

Applicant: Mr John Austin

Officer: Joanne Doyle 292198

Approved on 24/09/15 DELEGATED

BH2015/02339

Room 1 & Flat 3 9 Norman Road Hove

Erection of single storey rear extension.

Applicant: Mr M Sorokin

Officer: Emily Stanbridge 292359

Approved on 25/09/15 DELEGATED

BH2015/02346

First Floor Flat 4 St Leonards Road Hove

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

Applicant: Mr J Williams

Officer: Clare Flowers 290443

Approved on 29/09/15 DELEGATED

BH2015/02758

34 Woodhouse Road Hove

Erection of single storey rear extension.

Applicant: Mr Colin Olding

Officer: Laura Hamlyn 292205

Approved on 21/09/15 DELEGATED

BH2015/02853

74 Marmion Road Hove

Erection of single storey rear extension.

Applicant: Mr Daniel Connolly

Officer: Laura Hamlyn 292205

Approved on 25/09/15 DELEGATED

BH2015/02888

3 Coleman Avenue Hove

Erection of single storey rear extension.

Applicant: Mr & Mrs Murphy

Officer: Laura Hamlyn 292205

Approved on 23/09/15 DELEGATED

BH2015/02929

332 Kingsway Hove

Application for approval of details reserved by conditions 6 and 7 of application BH2011/03300.

Applicant: Weatherstone Properties Ltd

Officer: Jason Hawkes 292153

Approved on 05/10/15 DELEGATED

BH2015/02960

2 Worcester Villas Hove

Erection of timber shed to rear garden.

Applicant: Mr Colin Wood

Officer: Joanne Doyle 292198

Approved on 05/10/15 DELEGATED

BH2015/02968

46 St Leonards Gardens Hove

Erection of single storey rear extension and hip to gable roof extension incorporating rear dormer and front rooflights.

Applicant: Mrs Laura Glynn

Officer: Laura Hamlyn 292205

Refused on 07/10/15 DELEGATED

BH2015/03152

38 Hogarth Road Hove

Prior approval for the erection of a single storey rear extension, which would extend beyond the rear wall of the original house by 4.5m, for which the maximum height would be 3.8m, and for which the height of the eaves would be 2.15m.

Applicant: Mike Harwood

Officer: Charlotte Bush 292193

Prior Approval is required and is refused on 07/10/15 DELEGATED

PLANS LIST 28 October 2015

BRIGHTON AND HOVE CITY COUNCIL

LIST OF APPLICATIONS DETERMINED BY THE HEAD OF CITY INFRASTRUCTURE UNDER DELEGATED POWERS OR IN IMPLEMENTATION OF A PREVIOUS COMMITTEE DECISION

PATCHAM

Application No: BH2015/03297
2 Ashley Close, Brighton

2no Horse Chestnut (T1 & T2) - Reduce and thin lower branches by 30%. 1no Cedar (T3) - Crown thin by 30%.

Applicant: Mr Andrew Munday

Approved on 09 Oct 2015

Application No: BH2015/03376
All Saints Church, Church Hill

2no Sycamores T1 & T2 - Re-pollard 1-2ft above original pollard point at approx. 20ft.

Applicant: J Hatch

Approved on 25 Sep 2015

PRESTON PARK

Application No: BH2015/03266
15 Stanford Avenue, Brighton

Fell 1no Sycamore T2. Fell 1no Cherry T3. Fell 1no Ash T4. (T2, T3 & T4 - Trees have limited public amenity value - T2 is causing structural damage that is not sustainable in the long term.

Applicant: Mr Mark Haddock

Approved on 08 Oct 2015

Application No: BH2015/03335
Fiveways Playgroup, Rear of 8-10 Florence Road, Brighton

2no Leyland Cypress (G1) - Reduce in height by approx. 6m and shape tops.

Applicant: Mr Carlos Daly

Approved on 25 Sep 2015

WITHDEAN

Report from 22/09/2015 to 12/10/2015

Application No: BH2015/03423
1 Elms Lea Avenue, Brighton

Fell one Purple Myrobalan Plum (T1). (Will replace with Twisted Hazel.)

Applicant: Ms S Norgrove-Moore

Approved on 22 Sep 2015

EAST BRIGHTON

Application No: BH2015/02969
St Marys Square, Brighton

1no Lime T1 - crown reduction, from an approx. existing radial spread of 4m to 2m on the west, north and east. No reduction to the south. Fell 1no Hornbeam T2. (T2 - tree has no public visibility value.)

Applicant: Paul Gibb

Approved on 09 Oct 2015

Application No: BH2015/03614
Findon Road, Whitehawk, Brighton

2no Sycamores (T3 & T4) - Reduce and reshape crown by approx. 2.5m to 3m. 1no Elm (T5) - Reduce and reshape crown by approx. 2.5m to 3m and crown lift to approx. 4m above ground level. 2no Swedish Whitebeams (T6 & T7) - Reduce and reshape crowns by approx. 2.5m. 1no Sycamore (T8) - Reduce and reshape crown by approx. 2.5m to 3m.

Applicant: Mr N Jones

Approved on 08 Oct 2015

QUEEN'S PARK

Application No: BH2015/03367
129 Edward Street, Brighton

Fell 1no multi-stemmed Sycamore. (Very limited public visibility and not sustainable in the long term.)

Applicant: Mr Keith Hunter

Approved on 25 Sep 2015

BRUNSWICK AND ADELAIDE

Application No: BH2015/03349
13 Selborne Road, Hove

Report from 22/09/2015 to 12/10/2015

1no Bay (T2) - Reduce and re shape by approx. 2m all around. Remove basal suckers. 1no Purple Cherry (T1) - Crown reduce by approx. 2m all around.

Applicant: Miss Alison Hayes

Approved on 09 Oct 2015

CENTRAL HOVE

Application No: BH2015/03191

Flat 1, 51 Tisbury Road, Hove

Fell 1no Sycamore (T1). (Tree has no public amenity value.)

Applicant: Ms Kylie Lucas

Approved on 25 Sep 2015

Application No: BH2015/03271

24 Hova Villas, Hove

Fell 1no Robina (T2). (Tree has no public visibility.)

Applicant: Mrs Julia Schwaiger

Approved on 25 Sep 2015

GOLDSMID

Application No: BH2015/03300

56 Wilbury Road, Hove

1no Purple-leaf Plum (T1) - Reduce height and radial growth by 3m. 2no Sycamores (T2 & T3) - reduce height and radial growth by 3m (pollard) back to previous pruning points.

Applicant: Mr Stephen Duance

Approved on 25 Sep 2015

NORTH PORTSLADE

Application No: BH2015/03374

4 Crest Way, Portslade

1no Sycamore (T1) - Reduce limbs by 2-3m leaving 3-4m. Remove lowest 2 limbs.

Applicant: J Hatch

Approved on 25 Sep 2015

Report from 22/09/2015 to 12/10/2015

NEW APPEALS RECEIVED

WARD

APPEAL APP NUMBER

ADDRESS

DEVELOPMENT DESCRIPTION

APPEAL STATUS

APPEAL RECEIVED DATE

APPLICATION DECISION LEVEL

ROTTINGDEAN COASTAL

BH2015/01643

38 Wanderdown Road Brighton

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

APPEAL LODGED

23/09/2015

Delegated

WARD

APPEAL APP NUMBER

ADDRESS

DEVELOPMENT DESCRIPTION

APPEAL STATUS

APPEAL RECEIVED DATE

APPLICATION DECISION LEVEL

WITHDEAN

BH2014/03842

1 Mill Rise Brighton

Erection of two storey side extension and creation of two dormers to front.

APPEAL LODGED

30/09/2015

Delegated

WARD

APPEAL APP NUMBER

ADDRESS

DEVELOPMENT DESCRIPTION

APPEAL STATUS

APPEAL RECEIVED DATE

APPLICATION DECISION LEVEL

SOUTH PORTSLADE

BH2015/01493

1 Sharpthorne Crescent Portslade

Removal of existing conservatory and erection of part one, part two storey extension to rear and creation of pitched roof over existing garage.

APPEAL LODGED

01/10/2015

Delegated

WARD

APPEAL APP NUMBER

ADDRESS

DEVELOPMENT DESCRIPTION

APPEAL STATUS

APPEAL RECEIVED DATE

APPLICATION DECISION LEVEL

HOVE PARK

BH2015/01087

5 Hill Drive Hove

Erection of two storey rear extension, first floor front extension and remodelling of roof.

APPEAL LODGED

01/10/2015

Delegated

WARDAPPEAL APP NUMBERADDRESSDEVELOPMENT DESCRIPTIONAPPEAL STATUSAPPEAL RECEIVED DATEAPPLICATION DECISION LEVEL**PATCHAM**

BH2015/01196

7 Eastwick Close Brighton

Demolition of existing timber and glass lean to and chimney and erection of two storey side extension to South West facing elevation, erection of single storey side extension to North East facing elevation, roof extension and raised ridge height with four rooflights and associated alterations.

APPEAL LODGED

01/10/2015

Delegated

WARDAPPEAL APP NUMBERADDRESSDEVELOPMENT DESCRIPTIONAPPEAL STATUSAPPEAL RECEIVED DATEAPPLICATION DECISION LEVEL**HANGLETON & KNOLL**

BH2015/01291

3 Sylvester Way Hove

Erection of single storey front, side and rear extension.

APPEAL LODGED

02/10/2015

Planning (Applications) Committee

WARDAPPEAL APP NUMBERADDRESSDEVELOPMENT DESCRIPTIONAPPEAL STATUSAPPEAL RECEIVED DATEAPPLICATION DECISION LEVEL**SOUTH PORTSLADE**

BH2015/01265

7 Benfield Crescent Portslade

Erection of a single storey rear extension.

APPEAL LODGED

06/10/2015

Delegated

WARDAPPEAL APP NUMBERADDRESSDEVELOPMENT DESCRIPTIONAPPEAL STATUSAPPEAL RECEIVED DATEAPPLICATION DECISION LEVEL**ROTTINGDEAN COASTAL**

BH2015/00258

4 Tudor Close Dean Court Road

Rottingdean Brighton

Installation of sun tunnel to east elevation roof slope.

APPEAL LODGED

02/10/2015

Delegated

WARDAPPEAL APP NUMBERADDRESSDEVELOPMENT DESCRIPTIONAPPEAL STATUSAPPEAL RECEIVED DATEAPPLICATION DECISION LEVEL**NORTH PORTSLADE**

BH2015/01500

15 Foredown Close Portslade

Erection of single storey side extension.

APPEAL LODGED

05/10/2015

Delegated

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

BH2015/00259

4 Tudor Close Dean Court Road

Rottingdean Brighton

Installation of sun tunnel to east elevation roof slope.

APPEAL LODGED

02/10/2015

Delegated

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

BH2015/01594

44 Victoria Street Brighton

Removal of existing pitched roof and creation of roof terrace with glass balustrading to front and rear.

APPEAL LODGED

06/10/2015

Delegated

WARD**APPEAL APP NUMBER****ADDRESS****DEVELOPMENT DESCRIPTION****APPEAL STATUS****APPEAL RECEIVED DATE****APPLICATION DECISION LEVEL****HOLLINGDEAN & STANMER**

BH2014/04235

First Floor Flat 2 Hollingbury Park Avenue Brighton

Roof alterations including installation of rear dormer and front and rear rooflights.

APPEAL LODGED

17/09/2015

Delegated

WARD**APPEAL APP NUMBER****ADDRESS****DEVELOPMENT DESCRIPTION****APPEAL STATUS****APPEAL RECEIVED DATE****APPLICATION DECISION LEVEL****ST. PETER'S & NORTH LAINE**

BH2015/01347

28 Wakefield Road Brighton

Roof alterations incorporating front roof lights and rear dormer.

APPEAL LODGED

01/10/2015

Delegated

**INFORMATION ON HEARINGS / PUBLIC INQUIRIES**
7th October 2015**Brighton & Hove
City Council**

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

Land South of Ovingdean Road, Brighton

Planning application no:	BH2014/02589
Description:	Outline planning application with appearance reserved for the construction of 85no one, two, three and four bedroom dwellings with associated garages, parking, estate roads, footways, pedestrian linkages, public open space and strategic landscaping. New vehicular access from Ovingdean Road and junction improvements.
Decision:	Planning Committee
Type of appeal:	Informal Hearing
Date:	6 th January 2016
Location:	Brighton Town Hall

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Application BH2014/04059 – Appeal against refusal to grant planning permission for removal for demolition and removal of existing two storey detached house and swimming pool and replacement with 3 new detached dwellings. **APPEAL DISMISSED** (delegated decision)



Appeal Decision

Site visit made on 4 August 2015

by Patrick Whelan BA(Hons) Dip Arch MA MSc ARB RIBA RTPI

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

Decision date: 21 September 2015

Appeal Ref: APP/Q1445/W/15/3022945

Waldegrave Court, Westfield Avenue, Saltdean, Brighton BN2 8HW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr David Rose against the decision of Brighton and Hove City Council.
 - The application Ref BH2014/03310, dated 2 October 2014, was refused by notice dated 26 March 2015.
 - The development proposed is resubmission of BH/2013/03810 Three new dwellings on land at the rear of Waldegrave Court, Westfield Avenue BN2 8HW.
-

Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mr David Rose against Brighton and Hove City Council. This application is the subject of a separate Decision.

Main Issues

3. The main issues in this case are:
 - The effect of the development on the character and appearance of the area;
 - The effect of the development on the living conditions of surrounding occupiers having particular regard to outlook.

Reasons

Character and appearance of the area

4. The site contains a dilapidated parcel of sloping land and two compounds of garages, enclosed on all four sides and with access from two adjoining roads. The site straddles two areas with two different characters. The more urban area contains the two-storey flats of Waldegrave Court and the flats above the shops fronting Saltdean Vale – the other, the more semi-rural area, which reflects the wider, distinctive character of the village, is made up of generally single storey houses, detached or semi-detached, set on relatively large plots with significant gaps between them.
5. The location of the proposed terrace is visually disconnected from the more urban area by the retained garage block and by the distance between the flats above the shops and the front of the proposed terrace. The proposed terrace

would appear to belong more to the character of the semi-rural area of bungalows, which being on higher ground than the site, dominates it both topographically and figuratively.

6. I note the amendments to this scheme following the unsuccessful appeal¹, last year, including the provision of private front gardens and larger back gardens to the houses. However, in the surrounding context, I find the proposal would appear as overdevelopment; the plot sizes would appear more constrained, and the house footprints narrower than the character of the semi-rural, surrounding development. The mass of the houses in a terrace form would disrupt the characteristic detached or semi-detached form prevailing in the area, and the terrace would relate awkwardly to the retained garage block.
7. The proposed development would be contrary to Policies QD1 and QD3 of the Brighton and Hove Local Plan 2005 (LP) which seek development which takes into account local characteristics, and an intensity of development appropriate to the prevailing townscape. It also conflicts with LP Policy QD2, which in areas of drab and uninteresting character, expects the opportunity to be taken to create new buildings and areas of distinction, and seeks development which takes into account local character including the developed background against which the development will be set.
8. It would fail to take the opportunities available for improving the character and quality of the area, contrary to paragraph 64 of the National Planning Policy Framework² (Framework), and would be contrary to the Planning Practice Guidance³ (PPG) which advises that development should seek to promote character in townscape and landscape by responding to and reinforcing locally distinctive patterns of development.
9. Both the submitted drawings and the Design and Access statement indicate that the garages in the retained block would have to have their doors moved from their east to their west elevations for the proposed scheme to be viable. Whilst I note that not all of these garages are under the direct control of the appellant, it would nonetheless have been possible for me to impose a Grampian condition to this effect, had I found in favour of the proposed development.

The living conditions of surrounding occupiers

10. The dwellings to the south, east, and west of the proposal would be sufficiently distant or on sufficiently higher ground than the proposal such that living conditions would not be materially affected. I note that the distance between the flank of the proposed terrace and the rear wall of Waldegrave Court has been increased since the proposal in the dismissed appeal. I also note that the eaves of the proposal would be lower than the eaves of Waldegrave Court.
11. However, at this proximity, the proposed terrace would still result in a material degree of visual intrusion and would have an unacceptable impact on the outlook of the occupiers of the flats closest to the centre of Waldegrave Court, particularly from the gardens and the rooms in the ground floor. The development would therefore be harmful to the living conditions of surrounding occupiers with regard to outlook, and would in this respect be contrary to LP

¹ Appeal Ref: APP/Q1445/A/14/2216987

² Department for Communities and Local Government National Planning Policy Framework, March 2012

³ Planning Practice Guidance, DCLG 2014 as amended, Paragraph:007, ID 26-007-20140306

Policy QD27 which requires development not to cause material loss of amenity to adjacent occupiers.

Other matters

12. Local residents raise a number of other matters, including noise and the loss of privacy, additional pressure on parking in the surrounding streets and regarding the retained garage block, the manoeuvrability of vehicles in the service area following the relocation of the garage doors, as well as the retention of access from adjoining roads.
13. Regarding noise and the loss of privacy, I find that the houses, taking account of the shape of the site, would be unlikely to produce excessive amounts of noise and that there would be sufficient separation distances provided around the development to maintain the privacy of surrounding occupiers, in accordance with LP Policy QD27.
14. As regards parking and access, I do not think parking pressure in the surrounding streets would be unacceptably increased by the proposed number of houses, which would be provided with their own off-street parking, and the layout would continue to provide access to the service area behind the shops, via Westfield Avenue. In regard to manoeuvrability, the Council's Traffic Engineer raised no objection to the plans, which suggest that there would be sufficient space for cars to access the garages via the side with the relocated doors.
15. The Council accepts that it cannot demonstrate a five year supply of deliverable housing sites. In such situations Paragraph 49 of the Framework makes clear that relevant policies for the supply of housing should not be considered to be up to date. Paragraph 14 of the Framework indicates in the fourth bullet point that where policies are out of date then development proposals should be approved unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits. However, the development plan policies referred to by the Council relate to the quality of the development rather than strictly to the supply of housing, and therefore the fourth bullet point of paragraph 14 is not in this case relevant.
16. I acknowledge that the proposed dwellings would be designed to Lifetime Homes standards, that the provision of three dwellings would be a benefit in terms of the housing situation, and that due to viability issues the appeal site could remain derelict for the foreseeable future. These matters do not however, outweigh my findings with respect to the two main issues.

Conclusion

17. For the reasons given above, and taking account of all matters raised, I conclude that the appeal should be dismissed.

Patrick Whelan

INSPECTOR



Costs Decision

Site visit made on 4 August 2015

by Patrick Whelan BA(Hons) Dip Arch MA MSc ARB RIBA RTPI

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

Decision date: 21 September 2015

Costs application in relation to Appeal Ref: APP/Q1445/W/15/3022945 Waldegrave Court, Westfield Avenue, Saltdean, Brighton BN2 8HW

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Mr David Rose for a full award of costs against Brighton & Hove City Council.
 - The appeal was against the refusal of planning permission for resubmission of BH/2013/03810 Three new dwellings on land at the rear of Waldegrave Court, Westfield Avenue BN2 8HW.
-

Decision

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

Reasons

2. Planning Policy Guidance advises that irrespective of the outcome of an appeal, costs may only be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary expense in the appeal process.
3. The appellant considers that the imposition of a condition relating to the retained garage block may have avoided the need for one of the grounds for refusal. However, the Council, in their report, referred to the relocation of garage doors in the retained block as being an improvement over the refused scheme, but as being insufficient to overcome previous concerns regarding the overdevelopment of the site. A condition could not have overcome the concerns of the Council in this respect, and the application was refused for other reasons.
4. The appellant also claims that the decision on the planning application was inconsistent with pre-application advice. Whilst I have not been provided with a copy of this advice, it is noted that informal advice given before an application is made is given without prejudice, and cannot pre-determine the outcome of a subsequent application, which must take account of all material factors.
5. I appreciate that the outcome of the planning application will have been a disappointment to the appellant; however, the Council was not unreasonable in coming to that decision, and indeed following consideration of the application on its merits alone, I have concurred with the Council.

6. The other grounds in this application for costs relate to administrative matters arising during the determination of the planning application, and do not relate to costs during the appeal process. They are therefore not a matter before me.

Conclusion

7. I conclude that for the reasons set out above, unreasonable behaviour resulting in unnecessary expense during the appeal process has not been demonstrated. For this reason, and having regard to all other matters raised, an award for costs is therefore not justified.

Patrick Whelan

INSPECTOR



Appeal Decision

Site visit made on 23 September 2015

By Lynne Evans BA MA MRTPI MRICS

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

Decision date: 1 October 2015

Appeal Ref: APP/Q1445/W/15/3024048

Land to rear of 59-61 Lustrells Vale, Saltdean, Sussex BN2 8FA.

- 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 First Charterhouse LLP against the decision of Brighton & Hove City Council.
 - The application Ref: BH2014/03026 dated 7 September 2014, was refused by notice dated 12 November 2014.
 - The development proposed is replacement structure to form 1 bed, detached bungalow, with off street parking together with increase of amenity space to rear of No 61 Lustrells Vale.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this appeal are:
 - a) The effect of the proposal on the street scene, and
 - b) Whether the proposal would result in satisfactory living conditions for the future residents of the proposed property as well as the adjoining property at No 61 Lustrells Vale, with particular regard to the provision of private amenity space.

Reasons

Issue a) Street Scene

3. The appeal site lies on the corner of Chilmington Way and School Lane, to the rear of Lustrells Vale within a generally sustainable location in terms of access to local shops and services. It comprises an overgrown area of land with a disused garage in the rear corner. Apart from the retail and commercial premises within Lustrells Vale, the surrounding area is predominantly residential, with a wide range of dwelling styles and plot sizes, but the predominant character and appearance of the local area is of well-spaced properties in good sized plots.
-

4. The proposed single storey property would occupy almost the full width of the plot frontage to Chiltington Way, as well as a substantial part of the return frontage to School Lane. Although single storey in form, I consider that the scale and the proportions of the dwelling in relation to the plot size would appear as an overdevelopment of the site and would be an incongruous addition to the street scene. It would appear as a cramped form of development which would detract from the more spacious pattern of development in the immediate locality.
5. I therefore conclude that the proposal would harm the street scene. This would conflict with Policies QD1, QD2, QD3 and HO4 of the Brighton & Hove Local Plan 2005 (Local Plan) as well as the National Planning Policy Framework (Framework), all of which seek a high quality of design which respects the local context.

Issue b) Living Conditions

6. The scheme proposals would provide an area of outside amenity space for the proposed dwelling. However, if a car were to occupy the proposed parking area, this would reduce the amount of usable space substantially to a relatively small area. Furthermore the area available would be significantly overlooked by windows at the rear of the upper floors in residential use in Lustrells Vale. I therefore conclude that the proposal would not offer an adequate useable area of private amenity space for the benefit of the proposed residents of the unit. This would conflict with Policies HO5 and QD27 of the Local Plan, as well as one of the Core Principles of the Framework, all of which seek a good standard of amenity for existing and future occupiers.
7. The Council advises, on the basis of information supplied with previous applications that the land the subject of this proposal, used to serve as a garden and garage to the residential unit at No 61. The Council has raised as part of its second reason for refusal that the proposal would result in the loss of the original garden area connected with that residential unit, which would result in harm to the living conditions of residents of that property.
8. However, and whilst I have no reason to dispute the Council's information, I do not have any evidence before me to confirm the position or to suggest that there is any relationship now in terms of ownership and control between the appeal site and No 61 Lustrells Vale. The red line around the site area is specific to the appeal site and there is no indication of any adjoining land in the same ownership. Notwithstanding this position, the ground floor residential unit of No 61 currently appears to have a negligible area of garden space and very limited outlook from the rear, and the proposed scheme would provide for the provision of an additional area of garden land for this unit. However, I have been provided with no details of how this transfer of land would be brought into effect.
9. On the basis of the very limited information before me, I am therefore unable to reach a conclusion on whether the scheme would have an adverse effect on the existing and future living conditions of the occupiers of No 61, through the loss of the original garden area associated with their property, or indeed a beneficial effect on the living conditions of these neighbours through the provision of an enlarged garden. However, this finding does not override the harm I have

already concluded in terms of the unsatisfactory provision of private amenity space for the residents of the proposed dwelling.

Planning Balance and Conclusions

10. The Council acknowledges that at the present time it is unable to demonstrate a five year supply of deliverable housing land and although the contribution would be modest, the proposal would contribute an additional housing unit to its supply, with associated social and economic benefits. However, the harm I have concluded under both of my main issues is compelling and would significantly and demonstrably outweigh the benefits of the additional dwelling, when assessed against the policies in the Framework taken as a whole, and in particular following the requirements of Paragraph 14 of the Framework.
11. For the reasons given above and having regard to all other matters raised, including in representations, I conclude that this appeal should be dismissed.

L J Evans

INSPECTOR

Appeal Decision

Site visit made on 4 August 2015

by **Patrick Whelan BA(Hons) Dip Arch MA MSc ARB RIBA RTPI**

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

Decision date: 5 October 2015

Appeal Ref: APP/Q1445/W/15/3012826

59 Foxdown Road, Brighton BN2 6TJ

- 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 Mears against the decision of Brighton & Hove City Council.
 - The application Ref BH2014/04354, dated 18 December 2014, was refused by notice dated 3 March 2015.
 - The development proposed is the demolition of existing flat roof double garage and erection of a detached dwelling.
-

Decision

1. I allow the appeal and grant planning permission for the demolition of existing flat roof double garage and erection of a detached dwelling at 59 Foxdown Road, Brighton BN2 6TJ in accordance with the terms of the application, Ref BH2014/04354, dated 18 December 2014, and the plans submitted with it, subject to conditions 1) to 5) on the attached schedule.

Main Issues

2. The main issues in this case are:
 - The effects of the development on the character and appearance of the area;
 - The effects of the development on the living conditions of the occupiers of No57 and No59 Foxdown Road, having particular regard to outlook and overlooking.

Reasons

Character and appearance of the area

3. The site is part of an estate of housing carefully laid out on the slopes of the Downs. It is occupied by a large double garage accessed from Larch Close, behind an end of terrace house which faces Foxdown Road. Larch Close rises steeply from Foxdown Road with the closest plot to the site being occupied by a bungalow. At the top of the Close are two terraces of three-storey houses. The character of enclosure in Larch Close ranges from buildings or walls and fences along the back edge of the footway to open plan front gardens.
4. I appreciate the concern of the Council with regard to the location of buildings in the street scene, however, the present structure runs up to the footway and there is no consistent front building line established on this side of the street; the present arrangement of the double garage with its long, blind wall and wide pull-up area

facing onto the street weakens the continuity of the street enclosure and contributes little townscape value.

5. Whilst the front line of the two-storey element of the house would be forward of the front building line of 1 Larch Close, this line would be set a reasonable distance from the footway, and would not be out of character with the front lines of the houses at the top of Larch Close. Given the location of the present structure and the lack of consistency in enclosure character and position in the street, I do not consider that the proposal's position in relation to the street scene would be harmfully forward. Whilst the proposed house would be taller than the garage, it would be set facing along the slope of the hill and within the range of scales already established along the sloping section of Larch Close. I do not therefore find that the house would dominate the street scene.
6. Given that the house would provide two bedrooms, and that other plots in Larch Close are of comparable footprint and volume, and with relatively small back gardens, the proposed plot would not be out of character with the area and would not appear as overdevelopment.
7. I find the proposal would be in accordance with Policies QD1, QD2 and QD3 of the Brighton and Hove Local Plan 2005 (LP) which seek amongst other things, buildings which make a positive contribution to the visual quality of the environment, which take account of the background against which the development would be set, and which have an intensity of development appropriate to the locality and townscape of the area.

The living conditions of the occupiers of No57 and No59 Foxdown Road

8. Whilst the proposed house would be higher up the hill in relation to No57 and No59 Foxdown Road and taller than the existing double garage, its position would be oblique to the terrace and not in the direct outlook of the occupiers of No57 and No59. Whilst the outlook from No57 and No59 would be different after development, given the height of the existing structure, and the distance between the proposal and the terrace, I do not consider the house would have an overbearing impact on the outlook from the windows and back gardens of No57 and No59 Foxdown Road.
9. The first floor bedroom at the back of the proposed house would include two windows; one in the back wall set perpendicular to the terrace on Foxdown Road, and one in the flank wall directly facing the terrace. The window in the rear wall would allow a limited degree of overlooking towards No57, however, given the restricted angle of view, the separation distance between the proposal and No57, the fall of the land and the screening on the side boundary to No57; it would not cause a material loss of privacy to No57.
10. The same window would allow limited overlooking towards No59, however, the angle of view would be even more restricted than to No57, and given the separating distance, it would not cause a material loss of privacy to No59. The secondary window of the first floor bedroom, and the kitchen window on the ground floor, both in the flank wall of the proposed house, would overlook the side garden of No59 and would provide the opportunity for direct overlooking into the rear windows of No59. However, this could be overcome by an appropriate condition to secure the privacy of No59.
11. I find the development would not be harmful to the occupiers of No57 and No59 Foxdown Road, having particular regard to outlook and overlooking, and would accord

with Policy QD27 of the LP which requires development not to cause material nuisance and loss of amenity to adjacent occupiers.

Other matters

12. I note the objection from No61 Foxdown Road on the opposite side of Larch Close, regarding overlooking and noise, traffic and parking. However, the development would not materially exacerbate the present overlooking situation from the surrounding houses, which is similar to the rest of the estate, and it would be unlikely to result in a nuisance level of noise. The proposed house and No59 would each have space for parking one car off-street, which means the development would be unlikely to increase pressure for on-street parking. I find nothing in the proposals to suggest an adverse impact on highway safety.
13. The Council accepts that it has not demonstrated a five-year supply of deliverable housing sites, which anticipates a significant boost to housing land supply. However, the site is within the identified settlement boundary, and the development plan policies referred to by the Council relate to the quality of development rather than strictly to the supply of housing. In any event, I have found that the proposal would be sustainable development as set out in paragraph 7 of the Framework.

Conditions

14. I have considered the conditions that have been suggested by the Council against the advice in the PPG and retained Annex A (model conditions) of former Circular 11/95: Use of Conditions in Planning Permission.
15. A condition setting a time limit for the commencement of development is necessary in the interests of proper planning. For the avoidance of doubt and in the interests of proper planning, a condition requiring the development to be carried out in accordance with the approved plans is necessary. So too, is a condition relating to external materials also necessary, to ensure the satisfactory appearance of the development. However, I do not find it necessary to require the landscaping of private gardens, nor to require details of the refuse and recycling store and secure cycle parking. I agree that a condition is required to protect the privacy of the occupiers of 59 Foxdown Road from the windows in the south-east elevation of the house.
16. The Framework advises that conditions should restrict permitted development rights only where there is clear justification to do so. I am not satisfied that the Council's suggested condition removing many householder rights is necessary as no detailed explanation is given for it. However, I consider that a condition restricting development in classes A, B and E is necessary to protect the living conditions of adjoining residential occupiers. In accordance with the Written Ministerial Statement of 25 March 2015 and the introduction of the new system of housing standards, I have not applied the proposed conditions for accessibility and energy performance.

Conclusion

17. I find no adverse impacts from the proposal which significantly and demonstrably outweigh the benefit of providing an additional house, and for the reasons given above, and taking into account all matters raised, I conclude that the appeal should succeed.

Patrick Whelan

INSPECTOR

Schedule of 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: 1392014/01 Existing site layout plan street scene elevation and garage elevations Location plan and block plan; 1392014/02 Proposed floor plans elevations and sections A-A/ B-B Proposed site layout plan and street scene elevation.
- 3) No development above ground floor slab level of the building hereby approved shall take place until samples of the external materials to be used for the construction of the building hereby permitted have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
- 4) Before occupation the ground and first floor windows in the east elevation of the building hereby permitted shall be glazed in obscure glass and shall thereafter be so retained.
- 5) No extension, enlargement, alterations or provision within the curtilage of the dwelling house as provided for within Schedule 2, Part 1, Classes A, B and E of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification) shall be carried out.



Appeal Decision

Site visit made on 23 September 2015

By Lynne Evans BA MA MRTPI MRICS

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

Decision date: 28/09/2015

Appeal Ref: APP/Q1445/D/15/3128827

11 Wentworth Street, Brighton BN2 1TT

- 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 Mark Powney against the decision of Brighton & Hove City Council.
 - The application Ref: BH2015/00876 dated 6 March 2015, was refused by notice dated 22 June 2015.
 - The development proposed is new French doors and balcony at rear ground level.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this appeal are:
 - a) The effect of the proposal on the living conditions of adjoining neighbours, with particular regard to noise and disturbance and overlooking, and
 - b) The effect of the proposal on the character and appearance of the East Cliff Conservation Area.

Reasons

Issue a) Living Conditions

3. The appeal property is a three storey terraced house fronting onto and with access from Wentworth Street. There is a small alleyway leading off Margaret Street, which runs parallel with Wentworth Street, which provides access to a very small rear external area at the appeal property at lower ground level. There is, however, no access to the inside of the property from this alleyway.
 4. The siting of the property at the northern end of Wentworth Street, close to the junction with St James's Street, as well as the densely developed nature of the local area, results in several windows serving properties in the three streets enclosing the alleyway having an outlook over this small yard. Although some of these windows appear to serve hallways and bathrooms, and the window
-

closest to the proposed balcony serves a commercial premises, on the basis of the limited information before me as well as my site visit, some of the windows also appear to serve habitable rooms.

5. There is already the potential for an element of mutual overlooking as well as noise and disturbance because of the very close proximity of some of the windows as well as doorways facing onto the alleyway. However, the introduction of a raised external terrace, which would enable people to congregate in this confined area would have the potential to lead to significant levels of noise and disturbance which would be harmful to the living conditions of the adjoining neighbours. There would also be more direct overlooking of some of the neighbouring windows, with resultant loss of privacy, from the terrace which would exacerbate the harm I have found to the living conditions of the surrounding neighbours.
6. The Appellant has contended that any noise and disturbance from use of the balcony would be no more than from the use of the existing yard space relating to the property. However, I consider that the proposal of a purpose built balcony, with access direct from the property would be more conducive for use, compared with the existing yard which necessitates leaving the appeal property and accessing from the alleyway.
7. I therefore conclude that the proposal would harm the living conditions of the immediate surrounding neighbours, with particular regard to noise and disturbance as well as overlooking and loss of privacy. This would conflict with one of the Core Principles of the National Planning Policy Framework (Framework) which states that planning should secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings, as well as Policies QD14 and QD27 of the Brighton & Hove Local Plan 2005 (Local Plan) and the guidance in the Supplementary Planning Document: Design Guide for Extensions and Alterations (SPD12), all of which similarly seek to protect the amenities of neighbours.

Issue b) Character and Appearance

8. The appeal property lies within the designated heritage asset of the East Cliff Conservation Area which is focussed on the densely built traditional terraces of properties with their historic street pattern, to the east of Brighton Pier. There would be no effect from the proposed works on the Wentworth Street elevation of the property and it would only be visible from within the alleyway leading off Margaret Street. From within the alleyway there is an irregular pattern of openings relating to the surrounding properties, which is often typical of rear elevations and contrasts with the more ordered form of fenestration to the main street elevations. In addition and within the alleyway, there are steps and stairs leading to various entrances. The small scale and simple, functional design of the balcony would, in my view, be unobtrusive and not harm the character and appearance of this small enclave of built development. Furthermore, the window at the rear is off centre as existing, and the continuation of this pattern with the proposed opening would preserve the character and appearance of the rear of the property.
9. I am therefore satisfied that the proposal would not harm but would preserve the character and appearance of the East Cliff Conservation Area. There would

be no conflict with Policy QD14 of the Local Plan and SPD12 as well as the Framework in terms of protecting local distinctiveness and heritage assets. However, my conclusions on this issue do not outweigh the conclusions I have drawn under my first main issue.

10. For the reasons given above and having regard to all other matters raised, including in representations, I conclude that this appeal should be dismissed.

L J Evans

INSPECTOR



Appeal Decision

Site visit made on 7 September 2015

by **Clive Tokley MRTPI**

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

Decision date: 29/09/2015

Appeal Ref: APP/Q1445/W/15/3033689
238 Elm Grove, Brighton, BN2 3DA.

- 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 Brighton Builds Ltd against the decision of Brighton and Hove City Council.
 - The application Ref BH2014/03825, dated 12 November 2014, was refused by notice dated 30 March 2015.
 - The development proposed is a part two, part three storey rear extension and associated alterations to facilitate the conversion of single dwelling house to 5 self contained flats.
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Decision

1. The appeal is dismissed.

Procedural matters

2. The description on the application form makes no reference to the rear extension and relates only to the conversion of the building. The proposal includes the rear extension and in the interests of accuracy and clarity I have used the description that appears on the Council's decision and the appeal form.
3. The submitted drawings are inconsistent as regards the length of the rear extension. The floor plans (161/PA2/201) and cross section (161/PA2/203) indicate that the overall length of the east flank wall would be about 12.8m whereas the side elevation (161/PA2/202) indicates that it would be about 12m. (These figures scaled from the drawings and corrected for print size). At the site visit it was confirmed that the proposal was as indicated on the floor plans and cross sections and I have determined the appeal on that basis.

Main Issues

4. The main issues are the standard of accommodation and the effect of the proposal on the character and appearance of the area.

Reasons

Character and appearance

5. Elm Grove is a busy route passing through this predominantly residential area. The appeal property occupies a corner site at the junction of Elm Grove and
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Hallett Road. The east flank wall of the building is at the back edge of the pavement in Hallett Road as it rises quite steeply from Elm Grove. Hallett Road then curves across the rear of the appeal property and the first floor and roof at the back of the building are clearly in view from the street.

6. Flat-roofed two-storey rear projections, with their roofs at about rear eaves level, are common to all of buildings in the terrace containing the appeal property. About half of the buildings also have rear dormers. The rear of the appeal building has been altered and extended and does not share the symmetry and detailing of the front elevation.
7. The proposal would result in the building being bulkier than the neighbouring properties and the unusual "table-top" design of the roof with its recessed terrace would be apparent from Hallett Road. I consider that as a result of its height and length the proposed extension would compete with the scale of the host building and would be a dominant structure extending along the back edge of the pavement. The table-top roof adds to the bulk of the proposal and would be a prominent and incongruous element of the proposal that would detract from the appearance of the building and the immediate area.
8. I consider that as a result of its bulk and design the proposal would conflict with the objectives of Policy QD14 of the Brighton and Hove Local Plan 2005 (LP) which indicates that extensions should be well designed in relation to the host property and the surrounding area. It would also conflict with the National Planning Policy Framework which indicates that planning should always seek to secure high quality design.
9. I noted a number of examples of rear extensions to corner buildings in the vicinity of different sizes and designs. Some are more successful than others in turning the corner; however none of them share the combination of height, length, bulk and prominence of the appeal proposal and nothing that I saw in the area convinces me that the proposal would be acceptable.

Standard of accommodation

10. The officer report indicates that the Council's principal concern lies with the size of the proposed flats and specific reference is made to the bedrooms (where it is indicated that there is limited scope for furniture and storage) and the second floor accommodation where useable space is limited by low ceilings. The Council has no adopted standards for residential accommodation and has not directed me to any other standards against which to assess the proposal.
11. The drawings of the ground floor and first floor flats appear to include reasonable representations of beds and bedside cabinets. The layout of the proposed bedrooms would be a matter for the occupants of the flats but in my view there would be scope for additional storage and furniture such as dressing tables. The sloping ceilings of the second floor flat would reduce the scope for full-height cupboards and wardrobes; however the overall floor area of that flat is greater than the other two-bedroom flats and opportunities would exist for low-level storage in the eaves. The sloping ceilings in the kitchen would limit the flexibility of the kitchen layout but I have no reason to conclude that the normal range of appliances could not be accommodated.

12. In the absence of any specific guidance to the contrary I consider that the standard of accommodation would be adequate and that the proposal would not conflict with the objectives of LP Policy QD27 which seeks to ensure that proposals would not be detrimental to human health.

Other considerations

13. The Council does not have an agreed five-year supply of housing land and the appellant's evidence indicates a significant shortfall of identified housing land against the objectively assessed need for the City. Therefore based on the indications in Paragraph 49 of the Framework the housing policies of the Council are not up-to-date. Paragraph 14 of the Framework indicates that where relevant policies of the development plan are out-of-date permission should be granted for development unless any adverse effects of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework taken as a whole.

14. The proposal would make a contribution towards housing in the City in a sustainable location and would be a small boost to development and supplies businesses in the City. However I consider that the proposal would conflict with the objectives of the Framework as regards design and the benefits arising from the proposal would be significantly outweighed by its adverse effect on the character and appearance of the area.

Conclusion

15. Taking account of all matters I have concluded that the proposed accommodation would be of an acceptable standard; however I conclude that the proposal would be unacceptably harmful to the character and appearance of the area and for that reason the appeal should not succeed.

Clive Tokley

INSPECTOR

Appeal Decision

Site visit made 23 September 2015

by Lynne Evans BA MA MRTPI MRICS

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

Decision date: 02 October 2015

Appeal Ref: APP/Q1445/Z/15/3049375

Hugo Boss, 52 East Street, Brighton BN1 1HN

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 against a refusal to grant express consent.
 - The appeal is made by Hugo Boss UK Ltd against the decision of Brighton & Hove City Council.
 - The application Ref: BH2015/00309 dated 26 January 2015, was refused by notice dated 1 May 2015.
 - The advertisement proposed is 3 x backlit fascia signs (window) at first floor level.
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Decision

1. The appeal is allowed and express consent for 3 x backlit fascia signs (window) at first floor level at Hugo Boss, 52 East Street, Brighton BN1 1HN as applied for, is granted. The consent is for five years from the date of this decision and is subject to the five standard conditions set out in the Regulations.

Preliminary Matters

2. The Council issued a split decision, approving, subject to conditions, that part of the application relating to an internally illuminated fascia and projecting sign to the shopfront, but refusing consent for the first floor signs. My consideration in this appeal is specific to that part of the application that was refused and does not affect that part for which consent has already been approved.
3. The proposals were revised at the application stage, in response to a request from the Council for the mirrored film proposed for the left window on the first floor with alternative materials to avoid a reflective glare, and in its place the Appellant submitted revised plans with black high gloss film. My decision is based on these revised proposals.
4. At the time of my site visit, it appeared that all the signs, including those approved as well as those refused had been installed. However, I have considered the appeal on the basis of the submitted application and plans, as I am obliged so to do. I have used the description as set out on the application forms in my decision.

Main Issue

5. The main issue in this appeal is the effect of the proposal on visual amenity, with particular regard to the effect on the character and appearance of the Old Town Conservation Area.

Reasons

6. The appeal building lies on the east side of a pedestrianised shopping and commercial street in the centre of Brighton. It is two storey brick building in retail use over both floors with a building attached on its northern side. The building is attractive with three identical projecting windows at first floor. The appeal building and the surrounding buildings lie within the Old Town Conservation Area, which has a rich variety of individual buildings making up the street scene.
7. The three fascia signs at first floor level would be sited neatly within the existing windows, utilising a small part of each window area. As a result the signs would not, in my view, detract from the attractiveness of the windows and the appearance of the building as a whole. The level of lighting would not be intrusive, particularly when seen against the commercial lighting of the interior of the premises. Whilst I agree with the Council that fascia signs are not a regular feature of the upper floors along East Street, I did note some examples in the vicinity, all in association with the commercial use of or the continuation of retail uses on the upper floors. From the street it is apparent that many of the retail uses at ground floor extend to the upper floors. In the particular circumstances of this case, taking into account the nature of the proposed signage and the form of the building, I consider that the proposed signs would be visually unobtrusive as proposed.
8. I conclude that the proposed fascia (window) signs would be well proportioned in respect of each of the windows, and would not detract from the appearance of the building as a whole or the wider street scene. I am therefore satisfied that the three signs at first floor level would not harm visual amenity and would preserve the character and appearance of the Old Town Conservation Area.
9. I am advised that the adjoining building is listed and have therefore taken into account the effect of the signs at first floor level on the character and appearance of that building. However, given the small scale and discreet nature of the signs and the variety in the appearance of the individual buildings, I do not consider that the signs before me would harm, but would preserve the setting of the adjoining listed building. The Council also did not raise this as a reason for refusal.
10. The Council has referred to Policy HE9 of its Local Plan and guidance within its Supplementary Planning Document 07, Advertisements (SPD). In so far as these relate to issues of amenity, I have taken them into account in my decision as material considerations. Given that I have concluded that the proposal would not harm but would preserve the character and appearance of the Old Town Conservation Area, the proposal would not conflict with the objectives of Local Plan policy HE9 and the guidance and objectives in the SPD.
11. For the reasons given above and taking into account all other matters raised, I conclude that the appeal should be allowed.

L J Evans

INSPECTOR

Appeal Decision

Site visit made on 8 September 2015

by Simon Warder MA BSc(Hons) DipUD(Dist) MRTPI

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

Decision date: 30 September 2015

Appeal Ref: APP/Q1445/D/15/3065772

2 Friar Road, Brighton BN1 6NG

- 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 Richard Allen against the decision of Brighton and Hove City Council.
 - The application Ref BH2014/03421, dated 7 October 2014, was refused by notice dated 21 April 2015.
 - The development is a proposed two storey side extension and alterations to existing.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Both the officer's report and the reason for refusal are clear that the Council's concern is limited to the dormer windows in the proposed extension and an enlarged dormer in the west slope of the existing roof, rather than the side extension itself. I see no reason to disagree with that approach. However, the enlarged dormer window in the west slope of the existing roof has subsequently been constructed using, I understand, permitted development rights. I have framed the main issue accordingly.
3. The proposal was amended prior to its determination by the Council. There appear to be discrepancies between the sizes and positions of the dormers shown on the amended elevation drawing (No 1763/06 Rev A) and the proposed first floor plan drawing (No 1763/03¹). For the avoidance of doubt, I have relied the amended elevation drawing.

Main Issue

4. The main issue is the effect of the dormers in the north and south elevations of the proposed extension on the character and appearance of the host building and the surrounding area.

Reasons

5. The appeal property is a detached chalet style bungalow with gabled roof. The proposed side extension would also have a gabled roof. This section of Friar Road, and the nearby Ditchling Road, contain a mix of bungalows and two storey dwellings and a variety of architectural styles.

¹ The Council has subsequently confirmed that this was incorrectly listed as 1763/04 on the decision notice.

6. A number of buildings in the area include first floor dormer windows, some of which are comparable in width to those under consideration in this appeal. However, most, including those at Nos 3, 4 and 5 Friar Road and 385 Ditchling Road which are referred to by the appellant, have flat roofs. This flat roof form limits the bulk of the dormers and its simplicity jars less with the pitched roofs which characterise the appeal property and its neighbours than would the crown roof form used in the appeal dormers.
7. The dormer proposed in the north (front) elevation of the extension would face Friar Road and would be prominent in the street scene. It would be set in from the top, bottom and sides of the roof slope and would be centred over the garage door below. The areas of cladding on both sides of the window would be narrow and finished in plain tiles to match the roof of the host building and extension. However, the crown roof over the dormer would add to its bulk and would be at odds with the gabled roofs of the host building and extension. The dormer would, therefore, draw the eye and appear as a prominently located and incongruous feature.
8. The dormer proposed in the south (rear) roof slope would not be seen from the street but would be visible in private views from neighbouring properties. It would be set in from the top, bottom and sides of the roof slope. However, the cladding on both sides of the window and the crown roof would add to the bulk of the dormer. It would also take up a significant proportion of the rear roof slope of the extension. Consequently the dormer would dominate the rear the host building.
9. Overall therefore, I find that the dormers in north and south elevations of the proposed extension would have a harmful effect on the character and appearance of the host building and the surrounding area. As such, they would conflict with policy QD14 of the Brighton and Hove Local Plan 2005 which, among other things, requires extensions and alterations to be well designed and detailed in relation to the host property and surrounding area. Nor would the dormers accord with the Council's Design Guidance for Extensions and Alterations Supplementary Planning Document (SPD12). Section 3.5 advises that dormer windows should be clearly subordinate to the roof and that the structure around the window should be minimised to avoid giving the dormer a 'heavy' appearance.
10. I have had regard to the other concerns expressed locally, but none has led me to a different overall conclusion.

Conclusion

11. For the reasons set out above, the appeal should be dismissed.

Simon Warder

INSPECTOR



Appeal Decision

Site visit made on 25 August 2015

by Alex Hutson MATP CMLI MArborA

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

Decision date: 18 September 2015

Appeal Ref: APP/Q1445/D/15/3106071

4 Harrington Road, Brighton BN1 6RE

- 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 Clodagh and Emma Warde-Robinson against the decision of Brighton & Hove City Council.
 - The application Ref BH2015/00303, dated 28 January 2015, was refused by notice dated 2 April 2015.
 - The development proposed is a new driveway/hard standing with new crossover.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the proposal would preserve or enhance the character or appearance of the Preston Road Conservation Area (PRCA).

Reasons

Conservation Area

3. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) requires that with respect to development affecting buildings or other land in a conservation area, "special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area."
4. In order to determine whether the proposal preserves or enhances the character or appearance of the PRCA, it must first be determined what the character and appearance of the PRCA as a whole is.
5. The PRCA Character Statement provides details on the character and appearance of the conservation area, noting that it "includes two areas of predominantly residential property dating mainly from the mid to the late 19th century." It further notes that there are differing levels of tranquillity as a result of varying levels of traffic. Harrington Road is noted as being one of the busier and less tranquil locations within the PRCA. Front boundary walls are identified as a key feature along some roads within the PRCA. By virtue of its statutory designation, the PRCA is a heritage asset of great importance.
6. The PRCA Character Statement describes the character of Harrington Road in more detail, noting views along the hill to the top of Harrington Road as

- important. Harrington Road is described as having a varied architecture and periods of development that give a less cohesive streetscape than other roads within the PRCA. Trees, deep front gardens and mature planting are noted as contributing to the character and appearance of Harrington Road.
7. The appeal property is a semi-detached residential dwelling located at the western end of Harrington Road. It is one of few residential dwellings along the western end of Harrington Road that does not have a dropped kerb and off-road parking. It is also one of few properties, along with its neighbour 6 Harrington Road that has retained the front boundary brick piers and wall in its original form. The proliferation of off-road parking in the vicinity of the appeal property and loss of or substantial alteration of original front boundary walls has, to a noticeable extent, eroded the rhythm within the streetscape that Supplementary Planning Document 09- Architectural Features, adopted 17 December 2009 (SPD 09), seeks to protect.
 8. Notwithstanding the above, the proposed removal of one of the front boundary brick piers and section of wall to allow off-street parking would give rise to additional harm to the rhythm of front boundaries that remain along the western end of Harrington Road with resulting harmful effects on the character and appearance of the conservation area and in contravention of the requirements of SPD 09. However, in the context of the PRCA as a whole and Harrington Road's less cohesive streetscape, in combination with no effect on identified views and no loss of trees or mature planting of any importance, I consider the harm arising to the significance of the PRCA designated heritage asset as a result of the proposal would be less than substantial.
 9. I acknowledge that the front garden to the fore of the bay window would be retained and that the front steps and other key features of the appeal property would remain undisturbed or in some cases enhanced. I also acknowledge that the bay window would not be impeded by the presence of a vehicle. However, this does not outweigh the harm as set out above.
 10. I sympathise with the Appellant that parking on Harrington Road may indeed be difficult and the proposal would allow improved access to the appeal property. I also acknowledge the Appellant's claims that the provision of off-street parking could improve highway safety. However, I have no evidence before me to demonstrate a significant improvement to highway safety and therefore a public benefit that would arise from the proposal that would outweigh the harm caused.
 11. I therefore conclude that the proposal would fail to preserve or enhance the character or appearance of the PRCA contrary to the requirements of s72(1) of the Act and that the harm identified, albeit less than substantial, would not be outweighed by public benefits as required by paragraph 134 of the Framework. The proposal would also be contrary to saved policy HE6- Development Within or Affecting the Setting of Conservation Areas of the Brighton and Hove Local Plan 2005 (Local Plan) that requires development to preserve or enhance the character or appearance of a conservation area, through amongst other things, the retention of original features including boundary walls.
 12. In addition, given the great importance of the heritage asset, the proposal would be contrary to the core planning principles of the National Planning Policy Framework (the Framework), that require, amongst other things, the conservation of heritage assets in a manner appropriate to their significance.

13. The Council also cites conflict with Local Plan saved policy QD14- Extensions and Alterations but does not explain that conflict. Saved policy QD14 concerns the design of extensions, space provision between buildings, neighbour amenity and the use of materials and therefore does not apply to the proposal.

Conclusion

14. For the reasons set out above, the appeal is dismissed.

Alex Hutson

INSPECTOR



Appeal Decision

Site visit made on 25 August 2015

by **Alex Hutson MATP CMLI MArborA**

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

Decision date: 5 October 2015

Appeal Ref: APP/Q1445/W/15/3025119

31 and 33 Selbourne Road, Hove, Brighton and Hove BN3 3AL

- 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 S Hardwick against the decision of Brighton & Hove City Council.
 - The application Ref BH2015/00232, dated 25 January 2015, was refused by notice dated 23 March 2015.
 - The development proposed is for the conversion of the existing loft space at 31 & 33 Selbourne Road to create a single flat.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect on the living conditions of the future occupiers of the proposal with particular regard to internal space, outlook, ventilation and light; and whether the proposal would preserve or enhance the character or appearance of the Willet Estate Conservation Area (WECA).

Reasons

Living Conditions

3. Whilst I accept the proposed living room, kitchen and wetroom would provide reasonable living conditions and useable space, the proposed rear bedroom, by virtue of the limited ceiling height over a large proportion of the room and its poor layout, would result in a cramped and poor form of living space for the future occupiers. In addition, I consider the size and positioning of the rooflight, located in a corner of the front bedroom and on the side roofslope, would give rise to unacceptable levels of natural light and ventilation to this room and furthermore would result in a poor outlook for future occupiers. This would compound the substantial harm to living conditions that would arise from the above mentioned cramped and unacceptable living space and renders the proposal unacceptable on these grounds alone.
4. I therefore conclude that the significantly harmful effects of the proposal on the living conditions of future occupiers is contrary to saved policy QD27- Protection of Amenity of the Brighton and Hove Local Plan 2005 (Local Plan) that seeks to protect the amenity of, amongst others, the future occupiers of new developments. This policy is consistent with the National Planning Policy Framework (the Framework) which seeks in Paragraph 17, amongst other

things, to secure a good standard of amenity for all existing and future occupants of land and buildings; and in Section 6 to deliver a wide choice of high quality homes.

Conservation Area

5. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) requires that with respect to development affecting buildings or other land in a conservation area, "special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area."
6. The Appellant sets out, with reference to the WECA Character Statement, that the character and appearance of the WECA "is derived in the main from large bay fronted, detached, semi-detached and terraced houses, set in spacious tree lined streets, behind walls with railings." It is further set out in the Appellant's statement that the predominant building materials with the WECA are yellow/cream gault brick and slate. The appeal properties clearly conform to this prevailing character and appearance.
7. By virtue of its statutory designation, the WECA is a heritage asset of great importance and I must therefore give great weight to its conservation, in accordance with paragraph 132 of the National Planning Policy Framework (the Framework).
8. The appeal properties, located within the WECA, are large four-storey, semi-detached residential properties currently classed as Houses in Multiple Occupation, located within a residential street displaying properties of a similar character and appearance. Street trees along Selbourne Road and trees along the rear boundaries of residential properties along Selbourne Road, including the appeal properties, provide a verdant quality to this part of the WECA.
9. Regarding the proposed skylights, I agree that these would not be visible in views from Selbourne Road given their location on a flat roof and set back from the roof edge, as illustrated on plan 599/04.
10. Turning to the proposed rooflights on the side roofslopes of the appeal properties, these would be barely visible in views from Selbourne Road given the angle and orientation of the roofslopes and the proximity of neighbouring buildings. As a result, the very limited views that would be obtained would be of a glimpsed nature only. Whilst I acknowledge the Council points out that the rooflights on the side sloping roof of No 25 are the only example along Selbourne Road, I also observed that No 41 has rooflights on the side roofslope. However, the rooflights at No 41 are not easily discernible, as would be the case for those proposed, given the angle and orientation of the roofslope of No 41 and the proximity of neighbouring buildings. However, as a result of changes in levels along Selbourne Road, the side roofslope of No 25 and associated rooflights are substantially more prominent. I therefore consider that the side rooflights would have no significant effects and would preserve the character and appearance of the WECA.
11. I acknowledge that the Council accepts that the proposed rear dormer windows would be an acceptable addition to the appeal properties and raises concerns relating only to the four proposed rear rooflights and the effect of these on views from private properties and gardens along Selbourne Road and Wilbury

Road. However, it was clear to me from observing from the rear garden of the appeal properties that as a result of the height of the appeal properties and length of the rear gardens, the proposed rear rooflights would not be visible from these rear gardens. I also consider it unlikely that the proposed rear rooflights would be visible from other rear gardens of residential properties along Selbourne Road for the same reasons, and indeed, even less likely to be visible from the windows of these properties as a result of their rear aspect that faces Wilbury Road.

12. Following on from this, views of the proposed rear rooflights from the gardens and lower level windows of residential properties along Wilbury Road would be substantially filtered by the presence of mature trees along the rear boundaries. Notwithstanding this, I do accept that views would likely be obtained by a limited number of occupiers from upper floor windows. However, I consider that the presence of two rooflights on either side of the proposed dormer windows would not cause a significant level of additional visual clutter. Furthermore, I consider the positioning of the proposed rear rooflights would relate to the rear fenestration of the appeal properties, notably in the way they would line up with the fenestration of the rear bays to provide an element of uniformity.
13. I therefore conclude that the proposal would preserve the character and appearance of the WECA, in compliance with section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. The proposal would therefore comply with Local Plan policies HE6- Development Within or Affecting the Setting of Conservation Areas and QD14- Extensions and Alterations; and Supplementary Planning Document 12- Design Guide for Extensions and Alterations that seek, amongst other things, for development to preserve or enhance the character or appearance of conservation areas and be of a high quality design that respects the character of surrounding areas. These policies are consistent with the broad aims and principles of the Framework that requires, amongst other things, the conservation of heritage assets and for development to respect local character and appearance.
14. However, whilst I find no harm to the character or appearance of WECA, this does not outweigh the substantial harm to living conditions as set out above.

Other Matters

15. Whilst the Council can not demonstrate a five year housing supply, the proposal would make a negligible contribution to the overall level of housing provision and as such, I have attached very limited weight to this issue.

Conclusion

16. For the reasons set out above and having regard to all other matters raised, the appeal is dismissed.

Alex Hutson

INSPECTOR



Appeal Decision

Site visit made on 25 August 2015

by **S M Holden BSc MSc CEng MICE TPP MRTPI FCIHT**

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

Decision date: 21 September 2015

Appeal Ref: **APP/Q1445/W/15/3017322**

13 Wilbury Road, Hove, East Sussex BN3 3JJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant consent, agreement or approval to details required by a condition of a planning permission.
 - The appeal is made by D & K Ives of Haydon Investment Management Ltd against the decision of Brighton & Hove City Council.
 - The application Ref BH2014/03022, dated 5 September 2014, sought approval of details pursuant to conditions Nos 3, 5 & 6 of a planning permission Ref: BH2013/04367 granted on 21 July 2014.
 - The application was refused by notice dated 2 March 2015 in respect of condition No 6 only.
 - The development proposed is the demolition of two storey rear extension and shed to south; reconfiguration of existing flats and erection of four storey rear extension to form 4no two bedroom additional flats.
 - The details for which approval is sought are samples of the materials (including colour of render, paintwork and colourwash) to be used in the construction of the external surfaces of the development permitted under BH2013/04367.
-

Decision

1. The appeal is allowed and the details relating to the use of materials pursuant to condition No 6 attached to planning permission Ref: BH2013/04367, granted on 21 July 2014 in accordance with the application Ref: BH2014/03022, dated 5 September 2014 are approved, in so far as they relate to the rear extension of the building:
 - White render;
 - Rainwater goods in anthracite grey;
 - Aluminium powder coated window frames by 'Velfac' in anthracite grey.

Background

2. The appeal property is a Victorian villa sited within the Willett Estate Conservation area. Planning permission was granted in July 2014 for the demolition of an existing rear extension to the building and the erection of a modern extension in order to provide four additional flats within the property. An application to approve details reserved by conditions 3, 5 and 6 was submitted in September 2014 and the Council issued a split decision.
 3. Condition 6 was a standard form of words requiring samples of all materials to be used in the external surfaces of the development permitted to be approved prior to commencement. No distinction was made between the requirements
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that relate to the original building and the extension. However, when the application for approval of the materials was submitted, details of the rainwater goods and render were not provided and samples of the windows were considered to be unacceptable. The Council therefore did not approve the details pursuant to condition 6 of the permission.

4. The proposal was in the process of being implemented at the time of my site visit. The rear extension was completed in respect of its external appearance. Windows and doors have been installed, as have the rainwater goods. The walls of the extension have been rendered and painted white.

Main Issue

5. The main issue is therefore whether the materials that have been used in the external surfaces of the extension would preserve or enhance the character or appearance of the Willett Estate Conservation Area.

Reasons

6. No 13 is a large, detached Victorian villa constructed of gault bricks under a slate roof. It has steps leading to a large and imposing front entrance. There are similar villas on either side of the appeal property and on the opposite side of the street. The front elevation of the building appears to have been renovated to ensure that original features, such as timber sash windows, have been retained and others have been restored. The rear extension is a simple and elegant contemporary design, which contrasts with the host property, enabling the original building to be clearly distinguished from the new extension. The only parts of the extension that are visible from Wilbury Road are small sections of the flank walls. However, these are set in from the main flank elevations and are not prominent in views from the street.
7. The application form for the extension, Ref: BH2013/04367, stated that the existing walls comprise gault brick whereas the materials proposed for the extension would be 'render: off-white'. Materials to be used on the roof and for the windows of the extension were stated to be the same as the existing, namely slate and solid timber sashes. No other details of materials were provided on the application form, which also indicated that no additional information relating to materials was supplied on the submitted plans, drawings or design and access statement. On this basis it is reasonable to assume that the Council anticipated that the windows for the rear elevation would be timber sashes.
8. However, the design and access statement did, in fact, provide a more detailed list of existing and proposed materials. It set out a clear intention to retain existing materials on the original building whilst using different ones on the extension, which could be considered to be appropriate on an extension of contemporary design. This has resulted in a conflict between the documentation associated with the original application form and the details set out in the design and access statement.
9. Government policy in respect of the historic environment is set out in the National Planning Policy Framework. Paragraph 126 recognises that historic assets are an irreplaceable resource that local authorities should conserve in a manner appropriate to their significance. Any harm, which is less than

substantial, must be weighed against the public benefit of the proposal. Furthermore, section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990 requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of conservation areas.

10. Criterion (b) of saved Policy HE6 of the Brighton & Hove Local Plan requires proposals within a conservation area to use building materials and finishes which are sympathetic to the area. The footnotes to the policy state that the alteration of the style and detail of traditional timber sliding sash windows will be resisted in respect of a building that contributes to the area's character and appearance. However, as the rear extension is a contemporary addition, whose windows are not visible from the street, there is nothing in the policy to suggest that alternative materials could not be considered to be appropriate.
11. In considering the application for the extension and refurbishment of the building, the Council's conservation officer was satisfied that the removal of the previous two storey extension was acceptable and that, with the exception of the flank walls, the proposal would not be visible from public parts of the conservation area. The heritage comments were limited to those aspects of the scheme that would be visible from the public realm and largely focused on the need to secure improvements to the area in front of the house and along the front boundary.
12. There were very few specific comments relating to the design or materials for the rear extension in the officer's report. Due to the difficulty of matching the gault bricks the use of render was not considered to be unacceptable. Some concerns were raised about the lack of information about rainwater goods. In particular it was considered important that no pipework should be added to the front elevation and on side elevations they should be positioned in recesses to minimise their impact.
13. The report did not refer to the windows on the rear elevation or suggest any specific requirements relating to their materials in order to protect the character or appearance of the conservation area. Neither did the report address any apparent conflict between the information on the application form and that set out in the design and access statement. On this basis it was reasonable for the appellant to assume that details that were consistent with those in the design and access statement were likely to be approved.
14. On my site visit I was able to view the completed exterior of the building. The extension is clearly read as a modern addition that does not seek to compete with, or replicate, the original Victorian details. The side walls of the extension are only visible at certain limited points on Wilbury Road. This is because they are set in from the main flank walls of the building, the original building has a considerable depth and gaps between the adjoining villas are modest. The rear of the building is visible from the adjoining properties, but only at oblique angles.
15. The treatment and colour of the rear extension contrasts with the adjoining villas, which have largely retained their original form and are constructed of gault brick. However, the render on the lower part of the building has incorporated horizontal detailing which helps to break up what would otherwise be very large areas of smooth rendered finish. Although the appellant failed to

provide details of the rendering prior to commencement of the development, there is no evidence to suggest that the Council considers it to be unacceptable. As only very small areas of it are visible from the street, I am satisfied that it is not harmful to the character or appearance of the host property or the conservation area.

16. Similarly, the rainwater goods that have been installed are discretely located and appropriate in scale and colour for the approved extension. Whilst the required details were not submitted and approved prior to installation, there was no evidence to suggest that the Council consider them unsatisfactory and I consider them to be acceptable.
17. The use of anthracite coloured, powder coated aluminium for the windows provides a sharp contrast between the window frames and the white render and helps to break up the rear elevation, providing visual interest. Furthermore, the use of different materials helps to distinguish the extension from the original building. As this elevation is only visible from the rear of other buildings in the vicinity, I am not persuaded that the use of contemporary materials in the window frames is harmful to the wider conservation area.
18. The Council expressed concern about the wide profile of the window frames. However, having viewed the windows as installed in the building, I consider that their appearance is proportionate and appropriate for the elevation in which they are located. In addition the simple fenestration detail, with each window having a single horizontal divide, reflects the design of traditional sash windows and looks appropriate in this context. In my view, they do not appear overly large or bulky.
19. I conclude that the materials used in the construction of the rear extension are not harmful to the Willett Estate Conservation Area. Consequently, their use does not conflict with the aims and objectives of saved Policy HE6 of the Local Plan, or the advice of the Framework to conserve historic assets in a manner that is appropriate to their significance.
20. For the reasons given above I conclude that the appeal should be allowed and condition No. 6 will be discharged insofar as it relates to the materials used on the rear extension.

Sheila Holden

INSPECTOR



Appeal Decision

Site visit made on 22 July 2015

by Y Wright BSc (Hons) DipTP MSc DMS MRTPI

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

Decision date: 5 October 2015

Appeal Ref: APP/Q1445/W/15/3007084

1-6 Garages, Sackville Gardens, Hove BN3 4GH

- 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 Welstead Properties against the decision of Brighton & Hove City Council.
 - The application Ref BH2014/01990, dated 18 June 2014, was refused by notice dated 31 December 2014.
 - The development proposed is demolition of existing garages and proposed 6 unit residential scheme.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. I understand that the occupier of the adjoining property claims that his rights to light would be adversely affected by the development proposed. Whilst this may have implications for implementation, were this appeal to succeed, I have made my decision only on the planning merits of the case.

Main Issues

3. The main issues raised are:
 - The effect of the development on the character and appearance of the Sackville Gardens Conservation Area; and
 - The effect of the development on the living conditions of the occupiers of neighbouring properties, particularly in relation to outlook and light.

Reasons

Character and appearance

4. The site is located to the rear of No 187 Kingsway, fronts onto Sackville Gardens and is within the Sackville Gardens Conservation Area. The existing row of 6 single storey garages, are set back from the pavement with an area of hardstanding to the front. The appeal proposal would replace these with a 4 storey building containing 4 no 1 bedroom flats and 2 no 2 bedroom maisonettes. The properties would have a frontage on to Sackville Gardens.
5. The Council's Sackville Gardens Conservation Area Character Study has been provided. On my site visit I saw that the Conservation Area is predominantly

residential and is characterised by 3 straight and wide north to south streets with views down to the sea and 2 roads (Kingsway and New Church Road) which form the main routes for traffic movements from east to west. I also saw that there is a mix of modern and historic large properties containing mainly residential flats along Kingsway and smaller mainly 2 storey Victorian terraced and semi-detached dwellings along Sackville Gardens, set back from the wide road with small front gardens. There is a pair of 3 storey semi-detached properties adjacent to the northern side of the appeal site with the taller, larger and more grand scale of No 187 Kingsway to the south. To the east are the rear gardens of residential properties on Kingsway.

6. Although the garages do not contribute aesthetically to the architecture of the street, as existing single storey structures they do form part of the low level and unobtrusive open character that exists between the adjacent taller buildings. The proposal would, by contrast, introduce a 4 storey scale of development which, although smaller in height than the adjacent buildings on Kingsway, would nevertheless reduce the existing prominent gap and feeling of spaciousness within this part of the street.
7. In support of the appeal, the appellant has drawn my attention to other modern developments in the area, particularly along Kingsway. However I do not have details for most of these so cannot be sure that they represent a direct parallel to the appeal proposal. However the appellant has provided a copy of an appeal decision for the former Sackville Hotel site which is located directly opposite the appeal site on the corner of Kingsway and Sackville Gardens (APP/Q1445/A/12/2174044). This development was allowed by the Inspector, but has yet to be completed. I note that this development includes the construction of a modern 5 storey building containing 2 no flats and 2 no maisonettes facing Sackville Gardens and 5 no 3 storey town houses facing Kingsway, but as it replaces a large building occupying a much larger plot than the appeal before me, I do not consider that the situation is directly comparable. In addition I understand that the site of the garages was formerly the rear garden of No 187 Kingsway, so I consider that it has always contributed to the relative open and spacious gap in this locality. In any case, similar development elsewhere would not justify harmful development in this location. I have therefore determined this appeal on its own individual merits.
8. The siting, form and scale of the appeal proposal would result in the loss of a visually important spacious gap between the rear elevations of properties in Kingsway and those in Sackville Gardens, which does not reflect the original open design. It would also introduce a dominant, bulky and uncharacteristic scale of development, resulting in overdevelopment of the site. Notwithstanding the permission granted opposite the site, I consider the proposal would not reflect the established pattern of development in the area. I also agree with the Council's view that the proposed detailing, form and materials on the proposal, coupled with the lack of separation distances between properties would result in a building that would appear incongruous in relation to adjacent buildings. This would appear out of keeping with the design and character of the Conservation Area.
9. The National Planning Policy Framework (the Framework) recognises that heritage assets are an irreplaceable resource that should be conserved in a manner appropriate to their significance. Great weight should be given to the conservation of designated heritage assets, including any harm or loss of

significance through development within their setting. The Framework also places great importance on development being of good design and responding to local character to ensure the integration of new development into the existing environment.

10. Consequently, taking the above into account, I conclude that the development would not accord with the Framework in these respects, as it would form an incongruous feature within the street scene. This would result in adverse harm that would fail to preserve or enhance the character or appearance of the Sackville Gardens Conservation Area.
11. It has been put to me by the appellant that the development would replace the current dead street frontage with an active residential frontage, which would make efficient use of previously developed land and would be built to a high level of energy efficiency and carbon reduction. I have considered these benefits, but they would not significantly or demonstrably outweigh the harm I have identified. Therefore whilst harm to the significance of the Conservation Area is less than substantial, the benefits highlighted would not be sufficient to outweigh this harm.
12. The proposal would therefore be contrary to the Brighton & Hove Local Plan 2005 (LP) Policies QD1, QD2, QD3 and QD5 which together seek to ensure that new development is of a high standard of design, including street frontages, and reflects local characteristics; and LP Policy HE6 which seeks to ensure that new development preserves or enhances the character or appearance of conservation areas.

Living conditions

13. The development would be sited in close proximity to neighbouring properties, particularly No 185 and No 187 Kingsway to the south of the site and No 1 Sackville Gardens to the north. The occupants of No 187 Kingsway would directly overlook the southern side elevation of the development whilst the occupants of No 185 Kingsway would overlook the rear elevation which would be immediately adjacent to the western boundary of the rear garden of Flat 1. Due to the scale of the proposed building, particularly in relation to its height and its close proximity to neighbouring properties, the development would result in a dominating, overbearing and enclosing effect on the outlook of the occupiers of these and other neighbouring dwellings. It would appear as a large oppressive and imposing structure which would be exacerbated by the large expanse of solid brick wall forming the rear elevation and the large areas of dark grey terracotta battens and brick on the side elevations.
14. In addition, and as accepted by the appellant, the development would result in some loss of daylight, particularly to occupiers of those flats on lower floor levels, the occupiers of No 1 Sackville Gardens in relation to their side elevation windows and several rear gardens. This would not just affect rooms such as bathrooms but also a main bedroom at Flat 1, No 185 Kingsway, causing significant overshadowing. I also understand that due to the low single storey height of the existing garages, the gardens to the rear of the flats and No 1 Sackville Gardens currently receive sunlight from the west in the late afternoon and evenings. The development would therefore also result in the loss of this sunlight.

15. Taken together, these effects would result in a negative impact on the living conditions of the occupants of neighbouring properties, particularly in relation to how they might use their small rear gardens and rear habitable rooms. The resultant loss of light and outlook together with the overshadowing and overbearing nature of the development would limit everyday outdoor activities such as clothes drying, children's play, gardening and sitting out and could affect the growth of existing garden trees and plants.
16. The Framework seeks, amongst other things, to secure a good standard of amenity for all existing occupants of buildings. I therefore conclude that, taking all the above factors into account the proposed development would result in material harm to the living conditions of the occupiers of neighbouring properties, which would be contrary to the Framework and LP Policy QD27 which includes seeking development that does not cause loss of amenity to existing occupiers.
17. Loss of privacy has been raised as a concern but the proposed flats would be single aspect facing west, with only obscure glazed bathroom window openings in the rear and side elevations. I note that the Council does not object to the proposal in this respect and I am satisfied that the development would not cause loss of privacy to occupants of neighbouring properties. The Council is also satisfied that the development would not cause harmful levels of noise and disturbance to existing residents and I have no reason to disagree with this view. However the lack of harm on privacy, noise and disturbance does not outweigh the harm I have identified on living conditions.

Other matters

18. The Framework aims to boost the supply of housing and there is no dispute that the Council does not have a 5 year land supply. On the limited information before me I find no reason to disagree. Consequently relevant policies for the supply of housing are not considered to be up-to-date. In these circumstances, I refer to paragraph 14 of the Framework and the presumption in favour of sustainable development.
19. I appreciate that the proposal would contribute 6 dwellings towards meeting the need for housing in the area, which weighs heavily in support of this appeal. I also recognise that the site is situated in a sustainable location close to existing services and facilities and there would be economic benefits, particularly in terms of the construction phase.
20. However, having found that the development would have an adverse effect on the character and appearance of the locality, the proposal would not represent good design. The Framework confirms that this is a key aspect of sustainable development and in order for this to be acceptable proposals should improve the character and quality of the area. In addition I have found material harm to the living conditions of the occupiers of neighbouring properties. Therefore the proposal would not constitute a sustainable form of development and the presumption in favour of sustainable development does not apply.
21. I understand that no car parking spaces would be provided on-site as part of the development but this would be in line with the Council's maximum standards. I recognise that the development could add to on-street parking demand but, as the Highway Authority does not object to the proposal and there is no firm evidence to the contrary, I have no reason to disagree.

22. Concerns have been raised that if allowed, this proposal would set a precedent for other similar development. I can appreciate the concern that approval of this scheme could be used in support of the development of other spacious gaps between buildings within the locality, but I consider this appeal on its own individual merits.
23. The occupant of Flat 1, No 185 Kingsway has raised a concern about the safety of constructing the development so close to his garden, but as this is not a planning matter and is dealt with under other regulations, I do not consider it as part of this appeal.
24. I have considered other concerns raised, including the need to develop vacant and rundown properties to provide housing rather than using this site. A concern raised about the potential loss of property value is not a planning matter for my consideration. These matters do not affect my findings on the main issues.

Conclusion

25. I find that significant weight should be attached to the adverse harm the proposal would cause to the character and appearance of the Conservation Area and to the living conditions of occupiers of neighbouring properties. I also conclude that a presumption in favour of sustainable development does not apply to this site. Therefore this adverse harm would significantly and demonstrably outweigh the benefits put forward by the appellant, including the provision of 6 dwellings, when assessed against the policies in the Framework when taken as a whole. For the reasons given above, I conclude that the appeal should be dismissed.

Y. Wright

INSPECTOR



Appeal Decision

Site visit made on 11 August 2015

by **Philip Willmer BSc Dip Arch RIBA**

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

Decision date: 21 September 2015

Appeal Ref: APP/Q1445/W/15/3017300
36 Walsingham Road, Hove, East Sussex, BN3 4FF.

- 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 Investsave against the decision of Brighton and Hove City Council.
 - The application Ref BH2014/02571, dated 19 August 2014, was refused by notice dated 14 January 2015.
 - The development proposed is for the conversion of two detached garages to provide one 1 bedroom dwelling with garden.
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Decision

1. The appeal is allowed and planning permission is granted for the conversion of two detached garages to provide one 1 bedroom dwelling with garden at 36 Walsingham Road, Hove, East Sussex, BN3 4FF in accordance with the terms of the application, Ref BH2014/02571, dated 19 August 2014, and the plans submitted with it, subject to the conditions set out at the end of this decision.

Main Issues

2. I consider that the main issues in this case are:
 - a) whether the proposed development would serve to preserve or enhance the character or appearance of the Sackville Gardens Conservation Area; and
 - b) whether the proposal would provide adequate living conditions for the future occupiers of the proposed dwelling in terms of the provision of outdoor amenity space, having regard to the potential for it to be overlooked from the first floor windows of 36 Walsingham Road, and adequate natural light to and outlook from the bedroom.

Reasons

Character and appearance

3. The property the subject of this appeal, 36 Walsingham Road, is a two-storey detached property divided into five flats, located in the Sackville Gardens Conservation Area. The road, which is residential at this point, is characterised by detached, semi-detached and terraced villas.
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4. Uncharacteristically, in the context of the neighbouring properties to the north and south of number 38, it has a wide vehicular access to the side of the house leading to a detached double garage that is visible from the street. The garage is set in an enclosed area, separated from the rear garden of number 36, with an area of disused garden behind. Following substantial demolition works, the appellant proposes to extend and alter the building to form a one bedroom single storey dwelling with a small garden.
5. The proposed dwelling would be narrower than the existing garage, but would be extended to the rear to about twice its present depth. Following the re-alignment of the southern boundary, a side garden as well as a rear courtyard area would be formed. The new dwelling has been designed as a simple, well-mannered contemporary structure with a sedum covered flat roof set down behind a parapet. The design proposes false garage door openings facing the street to retain the appearance of a detached garage structure, ancillary to the main residence.
6. The Council found that because the new dwelling would be set back to the rear of the property it would have limited impact on the conservation area when viewed from the street. I concur with this view. However, it contends that because the proposed dwelling would be close to the rear and side boundaries, it would appear as a cramped form of development. In addition, it suggests an additional residential curtilage here would relate poorly to the appeal site and adjacent properties, affect the historic character and layout of the area and result in an overdevelopment of the site appearing incongruous and harmful.
7. Although longer than the existing garage, due to its form, height and design the new dwelling would appear as a subsidiary ancillary building to the main residence not unlike the existing garage. Further, because of its siting well back from the pavement, I do not consider that it would impact to any significantly greater extent on the historic character and layout of the area than the existing garage. The proposed dwelling would be located as close to the boundary wall to number 38 as is the existing garage and, by reason of its extension, closer to the western boundary of the garden. Due to the re-alignment of the garden boundary it would also encroach into the garden area of number 36. However, having regard to the overall size of the garden of 36 and the location of the existing garage, I do not consider that the new dwelling would relate poorly to the application site or appear as a cramped or incongruous form of development that would cause harm to the setting of the existing building or the wider conservation area.
8. I therefore conclude in respect of the first main issue that the proposed development, due to its scale, siting and design, would preserve the character and appearance of the conservation area. It would therefore accord with the objectives of Policies QD1, QD2, QD3 and HE6 of the Brighton and Hove Local Plan 2005 (LP) as they relate to the quality of design, the need for development to make efficient and effective use of a site and the preservation or enhancement of the character or appearance of conservation areas.

Living conditions

9. The proposed bedroom would look out towards and have access not only to a small private courtyard to the rear of the property but also a larger side garden area beyond. In my judgement, given the distance to both the west and south boundaries and the proposed full height glazing in both the south and west elevations, the bedroom would receive an adequate level of natural light. Further, given this urban location, I consider the future occupiers would also enjoy an acceptable outlook.

10. The proposed garden, including the rear courtyard, would be 'L' shaped such that while part would to some extent be overlooked from the first floor accommodation at number 36, the area immediately to the rear of the unit would not. Contrary to the Council's opinion, I therefore consider that any overlooking would be little more than the pre-existing mutual overlooking of the garden that currently exists in terms of the flats at number 36 and, in any case, would not be untypical of an urban location such as this.
11. Although modest, and notwithstanding guidance provided by other local planning authorities that I agree with the Council is not directly relevant here, the garden area would in my opinion provide usable amenity space appropriate to the scale and character of the development. Further, as I observed the seafront is also close by to the site and this would be likely to provide for some of the recreational needs of the potential occupiers of the proposed dwelling in any case.
12. I conclude in respect of the second main issue that the proposed development would provide adequate living conditions for the future occupiers of the proposed dwelling in terms of the provision of outdoor amenity space, and adequate natural light to and outlook from the bedroom. It would therefore accord with the aims of LP policies QD27 and HO5 as they relate to the protection of residential living conditions.

Other Matters

13. In relation to the possibility of setting a precedent, I have concluded that on the basis on which I have considered the case the scheme would comply with the objectives of planning policy. Although all sites are different, and all cases fall in the first instance to be considered by the local planning authority, proposals which fall within the terms of planning policy would not lead to the creation of an unacceptable precedent.
14. The parties have drawn my attention to the Council's agreed lack of a five year housing land supply. This consideration has not been germane to my consideration of this appeal. However, as I have found that no material harm would ensue from the proposed development, the new dwelling here would nevertheless serve to reduce the housing land supply deficit, albeit by only one unit of residential accommodation.

Conditions

15. The conditions follow from those suggested by the Council. Where necessary in the interests of precision and enforceability I have reworded the suggested conditions.
16. To ensure a high quality development I have included conditions about levels, materials, hard and soft landscaping and the storage of refuse and recycling materials. As all of these matters are relevant to the design and/or construction of the building it is necessary for these to be pre-commencement conditions.
17. Furthermore, to protect neighbours' living conditions, I shall restrict, by condition, the use of the flat roof to maintenance or emergency purposes only.
18. This appeal falls to be considered in the transition period up to October 2015 following the technical housing standards review by the Government on the 25 March 2015. Where the local authority has appropriate local plan policies in place¹

¹ LP Policy SU2 and HO13 and the Council's Supplementary Planning Document – *Sustainable Building Design – spd 08* (Adopted June 2008)

which demonstrate need and the viability of the new development is not affected, as in this case, it remains appropriate for a condition to be applied, as suggested by the Council, to require the development to be constructed to Lifetime Homes standards and to achieve level 3 of the Code for Sustainable Homes. I shall include a suitably worded condition.

19. As suggested, having regard to this urban location, I have removed permitted development rights so the Council can retain control over future alterations and enlargements as well as the erection of any building or enclosure, swimming or other pool.
20. To safeguard the health of future residents and occupiers of the site, I have included a condition about contamination. In order to promote sustainable forms of transport I shall also require the cycle store to be brought into use before first occupation of the dwelling.
21. The Council has suggested a condition requiring no hedgerow, tree or shrub to be removed between 1st March and 31st August inclusive without the prior submission of a report to the local planning authority which sets out the results of a survey to assess the nesting bird activity on the site and describes a method of working to protect any nesting bird interest. As justification for this condition it has referred me to LP Policy QD18. However, this policy specifically addresses possible effects on a species of animal or plant, or its habitat protected under National or European legislation or categorised as 'a declining breeder', 'endangered', 'extinct', 'rare' or 'vulnerable' in the British 'red Data' books. The Council has provided no evidence to indicate that the appeal site is likely to contain species falling within any of the categories set out in the policy. I shall therefore not include this suggested condition.
22. I have noted the concerns of the Council regarding foul drainage and the provision of mechanical ventilation to all habitable rooms with rooms fronting on to Kings Road. However, matters of foul drainage and ventilation are matters dealt with by other legislation and fall outside the scope of planning conditions.
23. For the avoidance of doubt and in the interests of proper planning, I shall also impose a condition requiring the development to be carried out in accordance with the approved plans.

Conclusions

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

Philip Willmer

INSPECTOR

Conditions to be attached to Planning Permission BH/2014/02571

- 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: drawings numbered 0865-PA-001 Rev A, 002, 003,

- 004, 100 Rev A, 101 Rev A, 102 Rev A, 110 Rev A, 111 rev A, 112 Rev A and 113 Rev A.
- 3) The hard surfaces hereby approved shall be formed 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 of surface within the curtilage of the property.
 - 4) Access to the flat roof over the dwelling hereby approved shall be for maintenance purposes only and the flat roof shall not be used as a roof garden, terrace, patio or similar amenity area.
 - 5) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no development falling within Classes A – E of Part 1, Schedule 2, of the Order shall be erected or undertaken without the prior written approval of the local planning authority.
 - 6) No development shall commence until samples of the materials to be used in the construction of the external surfaces of the dwelling hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
 - 7) No development shall commence until there shall have been submitted to and approved in writing by the local planning authority a scheme of both hard and soft landscape works. The scheme shall include hard surfacing materials; boundary treatment and a planting plan. The hard landscaping scheme together with the enclosure of the boundaries shall be implemented prior to the first occupation of the development and all planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building 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 approval to any variation.
 - 8) Before occupation the dwelling shall meet the relevant requirements of Lifetime Homes and a level of energy performance equivalent to level 3 of the Code for Sustainable Homes. Evidence of compliance should be made available for checking by the local planning authority.
 - 9) No development shall commence until a scheme for the storage of refuse and recycling has been submitted to and approved in writing by the local planning authority. The scheme shall be carried out in full as approved prior to the first occupation of the dwelling and the refuse and recycling storage facilities shall thereafter be retained for use at all times.
 - 10) The dwelling hereby permitted shall not be occupied until the cycle storage facilities shown on the approved plans have been built 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.
 - 11) Any contamination that is found during the course of construction of the approved development that was not previously identified shall be reported immediately to the local planning authority. Development on the part of the site affected shall be suspended and a risk assessment carried out and submitted to and approved in writing by the local planning authority. Where unacceptable risks are found remediation and verification schemes shall be

submitted to and approved in writing by the local planning authority. These approved schemes shall be carried out before the development is resumed or continued.



Appeal Decision

Site visit made on 25 August 2015

by **Alex Hutson MATP CMLI MArborA**

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

Decision date: 11 September 2015

Appeal Ref: APP/Q1445/W/15/3067593
199/201 Old Shoreham Road, Hove BN3 7EA

- 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 Alfred Haagman against the decision of Brighton & Hove City Council.
 - The application Ref BH2015/00082, dated 9 January 2015, was refused by notice dated 11 March 2015.
 - The development proposed is: Erection of detached three bedroom dwelling.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect on the character and appearance of the area; the effect on the living conditions of the existing occupiers of 197, 199 and 201 Old Shoreham Road, with particular regard to outlook and privacy; and the adequacy of living conditions that would be provided for future occupiers in respect of the provision of outdoor amenity space.

Reasons

Character and Appearance

3. The appeal site comprises an area of land containing two garages and parts of the rear gardens of 199 and 201 Old Shoreham Road. The locality is predominantly characterised by semi-detached residential properties set back from the road frontage with generous rear gardens.
4. I acknowledge the height, form, massing and design of the proposal would respect and would be in keeping with the appearance of neighbouring residential properties. However, as a result of the limited size of the appeal site that is uncharacteristic of surrounding plot sizes, in combination with the footprint of the proposed building, the proposal would appear as a cramped form of development with resulting harm to the character and appearance of the area. This is notwithstanding that some amendments have been made to the previous scheme dismissed at appeal under Ref APP/Q1445/A/13/2209041. Furthermore, the encroachment into the gardens of nos. 199 and 201 would result in harm to the spacious character of the area.
5. The proposal would therefore cause substantial harm to the character and appearance of the surrounding area contrary to saved policies QD1: Design-

Quality of Development and Design Statements, QD2: Design- Key Principles for Neighbourhoods and QD3: Design- Efficient and Effective Use of Sites, of the Brighton and Hove Local Plan 2005 (Local Plan) that seek, amongst other things, that development demonstrates a high quality of design, positively contributes to the visual quality of the environment, takes account of local characteristics and is of a density that is appropriate to the locality. These policies are consistent with the National Planning Policy Framework (the Framework), that seeks to, amongst other things, ensure new development is of a high quality design and respects local character.

Living Conditions for Existing Occupiers

6. The Appellant states that the proposal is set 1.7m further back from the end of the rear garden boundaries of nos. 199 and 201 than that of the previously dismissed scheme. However, the proximity and increase in massing of the proposal over and above the existing garages would appear oppressive and overbearing from these gardens with resulting harm to the outlook from the gardens currently enjoyed by the existing occupiers of nos. 199 and 201. This would be compounded by the lack of boundary vegetation to assist in the screening or softening of these harmful effects. In this regard, the proposal fails to overcome the previous Inspector's concerns.
7. Notwithstanding the Council's concerns, I am satisfied that the distance between the proposal and the garden of no. 197, in combination with vegetation within the garden of no. 197, would be sufficient so as not to result in significant harm to the outlook from the garden enjoyed by the occupiers of this property. Furthermore, whilst I acknowledge that the occupiers of 1 Weald Avenue have raised concerns in relation to living conditions matters, the Council has not objected to the proposal on neighbour living conditions grounds beyond the effects the proposal would have on the occupiers of no. 197, 199 and 201. Based on the evidence before me, I see no reason to conclude otherwise.
8. The proposal would therefore substantially harm the living conditions of the occupiers of nos. 199 and 201 with regard to outlook. This would be contrary to Local Plan policy QD27: Protection of Amenity that seeks to protect the amenity of occupiers of neighbouring properties including with regard to outlook. This policy is consistent with the broad aims and principles of the Framework that seeks, amongst other things, to secure a good standard of amenity for all existing and future occupants of land and buildings.
9. The Council has also referred to Local Plan policy QD1 in their reasons for refusal relating to the living conditions of existing occupiers. However, I do not consider this policy to be of relevance in this regard as it relates to design.

Living Conditions of Future Occupiers

10. Turning to the living conditions of future occupiers, I consider that the size and length of the proposed rear garden would be inadequate for a three bedroom home that would likely be occupied by a family. Notwithstanding there would be some provision of amenity space to the front of the proposed dwelling, this would not be private space and would therefore unlikely be used or valued by the future occupiers in the same way as the rear garden would be.

11. Although the Appellant states the future occupiers would enjoy an open outlook from the rear garden, I consider that as a result of the small size and short length of the garden, the large tree in the adjacent garden of no. 197 and the presence of surrounding residential properties, including 1 Weald Avenue, views out of the rear garden would be severely limited. This would result in a sense of containment and enclosure for future occupiers. Furthermore, whilst I acknowledge the Appellant's case that the proposed amenity space would be similar in size to that provided at 2-6 Cramer Avenue, a matter disputed by the Council, I have no plans before me to make any informed comparisons between the proposal and the property details, including bedroom numbers, of 2-6 Cramer Avenue and their respective gardens.
12. The proposal would therefore harm the living conditions of the future occupiers of the proposal with regard to inadequate outdoor amenity space provision, contrary to Local Plan policy HO5: Provision of Private Amenity Space in Residential Development that seeks to provide an appropriate amount of private useable amenity space within new residential development. This policy is consistent with the broad aims and principles of the Framework that seeks, amongst other things, to secure a good standard of amenity for all existing and future occupants of land and buildings.

Other Matters

13. Whilst I acknowledge neighbour concerns regarding parking stress and resulting harm to highway safety as a result of the proposal, I consider that this has been satisfactorily addressed. Furthermore, the Council's Highways Officer has not raised any concerns regarding this issue.
14. In addition, no evidence of pollution levels in the vicinity of the appeal site has been presented for my further consideration on this matter. In any event, I do not consider the additional car usage associated with the proposal or loss of existing garden space would affect current or future pollution levels to a significant degree.
15. Lastly, no detailed ecological surveys have been submitted as evidence to demonstrate there would be harm to wildlife arising from the proposal. I therefore have no reason to conclude otherwise.

Conclusion

16. For the reasons set out above, and considering all other matters raised, the appeal is dismissed.

Alex Hutson

INSPECTOR



Appeal Decision

Site visit made on 21 July 2015

by Y Wright BSc (Hons) DipTP MSc DMS MRTPI

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

Decision date: 05 October 2015

Appeal Ref: APP/Q1445/W/15/3013671
50 Hill Drive, Hove, East Sussex BN3 6QL

- 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 Tony Book against the decision of Brighton & Hove City Council.
 - The application Ref BH2014/04059, dated 27 November 2014, was refused by notice dated 4 February 2015.
 - The development proposed is demolition and removal of existing two storey detached house and swimming pool and replacement with 3 new detached dwellings.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues raised by the appeal proposal are:
 - The effect on the character and appearance of the surrounding area; and
 - The effect on the living conditions of the occupiers of neighbouring properties in respect of privacy.

Reasons

Character and appearance

3. The current property on the site is a substantial 6 bedroom detached house with dormer extensions in the roof space and is set within a large mature garden. It fronts onto Hill Drive and is set well back behind mature trees and shrubs with an in and out driveway. The existing landscaping screens the majority of the property from views when travelling down Hill Brow and Hill Drive. Due to the topography of the area, the site sits significantly higher than adjacent properties, particularly neighbouring properties along Hill Drive. The land levels within the site slope down from the north to south and across from north east to south east. There are far reaching views from the rear of the existing property across the roofs of houses to the sea in the distance.
4. The character and pattern of development along Hill Brow and Hill Drive is dominated by large detached and semi-detached two storey dwellings of mixed types and styles. Surrounding properties generally sit on large plots, set back from the road with large rear gardens. A couple of properties to the south of

- the site are smaller in both size of property and plot, particularly No 48 Hill Drive which is immediately adjacent to the site.
5. In support of the appeal the appellant has drawn my attention to 4 Hill Brow, a site directly opposite the appeal proposal, which has planning permission for 3 contemporary detached dwellings, which are currently under construction. Although full details have not been provided and I determine this appeal on its own individual merits, I nevertheless refer to this development where relevant within my decision.
 6. Houses 1 and 2 would have frontages onto Hill Drive and although they would be set forward on their plots when compared to the existing dwelling, the set back distance would generally be in keeping with adjacent properties along Hill Drive. The design of the 3 dwellings would be contemporary in style. Nevertheless I consider that they would not be out of character within the locality, due to the varied mix of properties that already exist and including the contemporary dwellings under construction at 4 Hill Brow.
 7. In relation to the scale and height of the development, the appellant refers to changes made to the design of the development since the previous planning application for the site (Ref. BH2014/01168) was refused by the Council. I note that the number of floors within the proposed dwellings would range between 3 and 4, when the proposed accommodation in the roof spaces and lower ground floors is included. However as this level of accommodation would be achieved through utilising the topography of the site, the overall height and scale of the houses would not be overly prominent within the streetscene when viewed from Hill Brow.
 8. Although concerns have been raised about the visual impact of the side elevation of House 1 within the streetscene of Hill Drive, I also do not consider that this would be overly prominent, as it would be mainly the roof that would be visible. Although this would change the character of the site when viewed from Hill Drive, I do not consider that this would be visually harmful.
 9. Based on the plot ratio survey provided, the size of the proposed houses within their plots would appear to reflect those of surrounding properties, including those under construction at 4 Hill Brow. Nevertheless the actual plot sizes for the appeal proposal would be significantly smaller than the majority of existing plots within the vicinity. Whilst I acknowledge that No 46 and No 48 Hill Drive have small plots, the prevailing plot size within the surrounding area is much larger, which overall creates a distinct and spacious character within the locality. The proposed layout of the dwellings on smaller plots would change the character of the site from being open and spacious to one that would appear overly dense to the point of being cramped.
 10. The National Planning Policy Framework (the Framework) places great importance on development being of good design. It states that good design goes beyond visual appearance and includes development responding to local character to ensure the integration of new development into the existing environment.
 11. Although I find no harm on matters including the design, scale and height of the proposed dwellings, these do not outweigh my concerns that an adequate sense of spaciousness within the site would be retained. I therefore find that the development would appear out of keeping with the prevailing spacious

pattern of development within the area. The development would therefore not accord with the Framework in this respect and would result in adverse harm to the character and appearance of the surrounding area. This would be contrary to the Brighton & Hove Local Plan 2005 (LP) Policies QD1, QD2 and QD3, which together, amongst other things, seek development that is of a high standard of design which takes account of and reflects local characteristics.

Living conditions

12. House 1 would extend the built form directly adjacent to No 48 Hill Drive. Although the distance between the property and the shared boundary would not be unusual in this area, the new house would be significantly higher than No 48. Although there is a very high hedge along the shared boundary, the development would result in direct overlooking from the new dwelling's southern elevation windows into the garden and side elevation windows of No 48. Although the first floor window serving the proposed master bedroom would be obscure glazed, other windows would use clear glazing. The height of House 1 compared to No 48 would also appear overbearing due to its close proximity.
13. House 3 would extend the built form adjacent to No 12 Hill Brow. The rear of this dwelling would be elevated above and directly face the rear of neighbouring properties along Hill Drive, namely No 44, No 46 and No 48. On my site visit I saw that there is currently a substantial tall hedge between the southern boundary of the appeal site and the boundaries of No 46 and No 48. This would obscure views at ground level, but the upper floors of the property would be visible above the hedge. This would result in direct overlooking and loss of privacy to the rear gardens and rear windows of these existing properties.
14. The appellant refers to the Council's comments on the application for the development at 4 Hill Brow, in regards to the hedge which is located adjacent to No 63 Hill Drive. However I do not consider that this is directly comparable as those new dwellings would face the side elevation of No 63.
15. Although I acknowledge that there would be significant separation distances between House 3 and the houses to the rear, I also recognise that the occupiers of these properties have enjoyed a distinct level of privacy for many years.
16. I note that the proposal would seek to maintain the existing high boundary hedge within the site and the appellant has suggested the inclusion of a condition that would secure its retention. However in the medium to long term I consider it would be difficult to ensure that the hedge would be retained, even with the imposition of a condition. The hedge has a finite lifespan and could be easily damaged, even inadvertently, by the occupiers of the new dwellings. I note that the appellant has offered to replace the hedge with new high fencing and adjacent hedging, which again could be imposed as a condition.
17. However the reliance on substantially high screening, only reinforces my view that the layout of the proposed dwellings would result in a cramped form of development, that would not be in keeping with the character of the area. In addition I am not satisfied that outlook and privacy of neighbours would not be harmed.

18. I have also considered the concerns raised by adjacent neighbours about the potential increased perception of overlooking and loss of privacy. I saw on my site visit that the adjacent hedge to the rear of No 12 Hill Brow has recently been removed, resulting in direct overlooking between the occupants of this property and the occupiers of No 44, No 46 and No 48 Hill Drive. This reinforces my concerns about overlooking and the impact that the loss of the hedge would create.
19. I am satisfied that the lower ground floor annexe to House 1 would not be used as a separate dwelling and that a condition could be imposed to ensure that the living conditions of occupiers of neighbouring properties would not be adversely affected. However this does not outweigh the harm I have identified on living conditions.
20. The Framework seeks, amongst other things, to secure a good standard of amenity for all existing occupants of buildings. I therefore conclude that taking all the above factors into account the proposed development would result in material harm to the living conditions of the occupiers of neighbouring properties. This would be contrary to the Framework in this regard and would conflict with LP Policy QD27 which includes seeking development that does not cause loss of amenity to existing occupiers.

Other matters

21. The Framework aims to boost the supply of housing and there is no dispute that the Council does not have a 5 year land supply. On the limited information before me I find no reason to disagree. Consequently relevant policies for the supply of housing are not considered to be up-to-date. In these circumstances, I refer to paragraph 14 of the Framework and the presumption in favour of sustainable development.
22. I appreciate that the proposal would contribute 2 additional dwellings towards meeting the need for housing in the area, which weighs heavily in support of this appeal. I also recognise that the site is situated in a sustainable location close to existing services and facilities and there would be economic benefits, particularly in terms of the construction phase.
23. However, having found that the development would have an adverse effect on the character and appearance of the locality, the proposal would not represent good design. The Framework confirms that this is a key aspect of sustainable development and in order for this to be acceptable proposals should improve the character and quality of the area. In addition I have found material harm to the living conditions of the occupiers of neighbouring properties. Therefore the proposal would not constitute a sustainable form of development and the presumption in favour of sustainable development does not apply.
24. Local residents have raised concerns about increased traffic and highway safety. The Highways Authority has not objected on these grounds and I have no reason to disagree. However this does not outweigh the harm I have already identified on the main issues.
25. I have considered other concerns raised including the length of the construction period and associated disruption from traffic, dust and noise; increased waste from more residents; and the impact on wildlife. I also note concerns that the

homes would not be affordable. However these matters do not affect my findings on the main issues.

26. The appellant is concerned with the Authority's handling of the planning application, but this matter would need to be pursued with the Council in the first instance. I confirm in this respect that I have had regard only to the planning merits of this proposal.

Conclusion

27. I find that significant weight should be attached to the adverse harm the proposal would cause to the character and appearance of the surrounding area and to the living conditions of occupiers of neighbouring properties. I also conclude that a presumption in favour of sustainable development does not apply to this site. Therefore this adverse harm would significantly and demonstrably outweigh the benefits put forward by the appellant, including the provision of 2 additional dwellings, when assessed against the policies in the Framework when taken as a whole. For the reasons given above I therefore conclude that the appeal should be dismissed.

Y. Wright

INSPECTOR

