

# Planning Committee

Date: **8 July 2020**

Time: **2.00pm**

Venue **Virtual via Skype\* Please note:** In response to current Central Government Guidance it is envisaged that this meeting will be “virtual”, webcast live and accessible via Skype. Public Speaking and engagement opportunities will be available.

Members: **Councillors:**Hill (Chair), Henry (Deputy Chair), Littman (Opposition Spokesperson), Miller (Group Spokesperson), Fishleigh, Janio, Mac Cafferty, Shanks, C Theobald and Yates

Conservation Advisory Group Representative

Contact: **Penny Jennings**  
Democratic Services Officer  
01273 291065  
penny.jennings@brighton-hove.gov.uk

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# AGENDA

## 12 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.*

## 13 MINUTES OF THE PREVIOUS MEETING

Minutes of the meeting held on 10 June 2020 (circulated separately)

## 14 CHAIR'S COMMUNICATIONS

## 15 PUBLIC QUESTIONS

**Written Questions:** to receive any questions submitted by the due date of 12 noon on 2 July 2020

**16 TO AGREE THOSE APPLICATIONS TO BE THE SUBJECT OF SITE VISITS**

Please note that in recognition of the current Covid 19 pandemic and in response to Central Government Guidance alternative arrangements have been put into place to ensure that Committee Members are able to familiarise themselves with application sites in those instances where a site visit is requested.

**17 TO CONSIDER AND DETERMINE PLANNING APPLICATIONS**

*The Democratic Services Officer will collover each of the applications appearing on the agenda and those on which there are speakers are automatically reserved for discussion.*

*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 BH2019/01820, 19-24 Melbourne Street, Brighton -Full Planning **1 - 66**  
**RECOMMENDATION – MINDED TO GRANT**  
*Ward Affected: Hanover & Elm Grove*
- B BH2018/01622, 295-305 Portland Road, Hove - Outline Application **67 - 130**  
**RECOMMENDATION – MINDED TO GRANT**  
*Ward Affected: Wish*

**MINOR APPLICATIONS**

- C BH2020/00895, Palmer and Harvey House, 106-112 Davigdor Road, Hove- Full Planning **131 - 154**  
**RECOMMENDATION – MINDED TO GRANT**  
*Ward Affected: Goldsmid*
- D BH2020/00440, 26 Gloucester Road, Brighton - Full Planning **155 - 168**  
**RECOMMENDATION – REFUSE**  
*Ward Affected: St Peter's & North Laine*
- E BH20200/00961, Nile House, Nile Street, Brighton- Full Planning **169 - 186**  
**RECOMMENDATION – MINDED TO GRANT**  
*Ward Affected: Regency*
- F BH2020/0962, Nile House, Nile Street, Brighton -Listed Building Consent **187 - 198**  
**RECOMMENDATION – GRANT**  
*Ward Affected: Regency*
- G BH2019/03387, 126 Church Road, Hove - Full Planning **199 - 218**

**RECOMMENDATION – GRANT**

*Ward Affected: Central Hove*

H BH2020/01101, Girton House, 195 Kingsway, Hove - Full Planning 219 - 232

**RECOMMENDATION – GRANT**

*Ward Affected: Westbourne*

I BH2019/02368, 16 Clifton Terrace, Brighton-Householder Planning Consent 233 - 242

**RECOMMENDATION – GRANT**

*Ward Affected: Regency*

J BH2019/02367, 16 Clifton Terrace, Brighton - Listed Building Consent 243 - 250

**RECOMMENDATION – GRANT**

*Ward Affected: Regency*

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

Please refer to comments set out at Item 16 above.

**INFORMATION ITEMS**

**19 LIST OF NEW APPEALS LODGED WITH THE PLANNING INSPECTORATE 251 - 252**

(copy attached).

**20 INFORMATION ON INFORMAL HEARINGS/PUBLIC INQUIRIES**

Nothing to report for this meeting.

**21 APPEAL DECISIONS 253 - 256**

(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>

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 fourth working day before the meeting.

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

Infra-red hearing aids are available for use during the meeting. If you require any further information or assistance, please contact the receptionist on arrival.

### **FURTHER INFORMATION**

For further details and general enquiries about this meeting contact Penny Jennings, (01273 291065, email [penny.jennings@brighton-hove.gov.uk](mailto:penny.jennings@brighton-hove.gov.uk)) or email [democratic.services@brighton-hove.gov.uk](mailto:democratic.services@brighton-hove.gov.uk)

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Therefore, by entering the meeting room and using the seats in the chamber you are deemed to be consenting to being filmed and to the possible use of those images and sound recordings for the purpose of web casting and/or Member training. If members of the public do not wish to have their image captured, they should sit in the public gallery area.

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Please inform staff on Reception of this affects you so that you can be directed to the Council Chamber where you can watch the meeting or if you need to take part in the proceedings e.g. because you have submitted a public question.

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- Once you are outside, please do not wait immediately next to the building, but move some distance away and await further instructions; and
- Do not re-enter the building until told that it is safe to do so.



# **ITEM A**

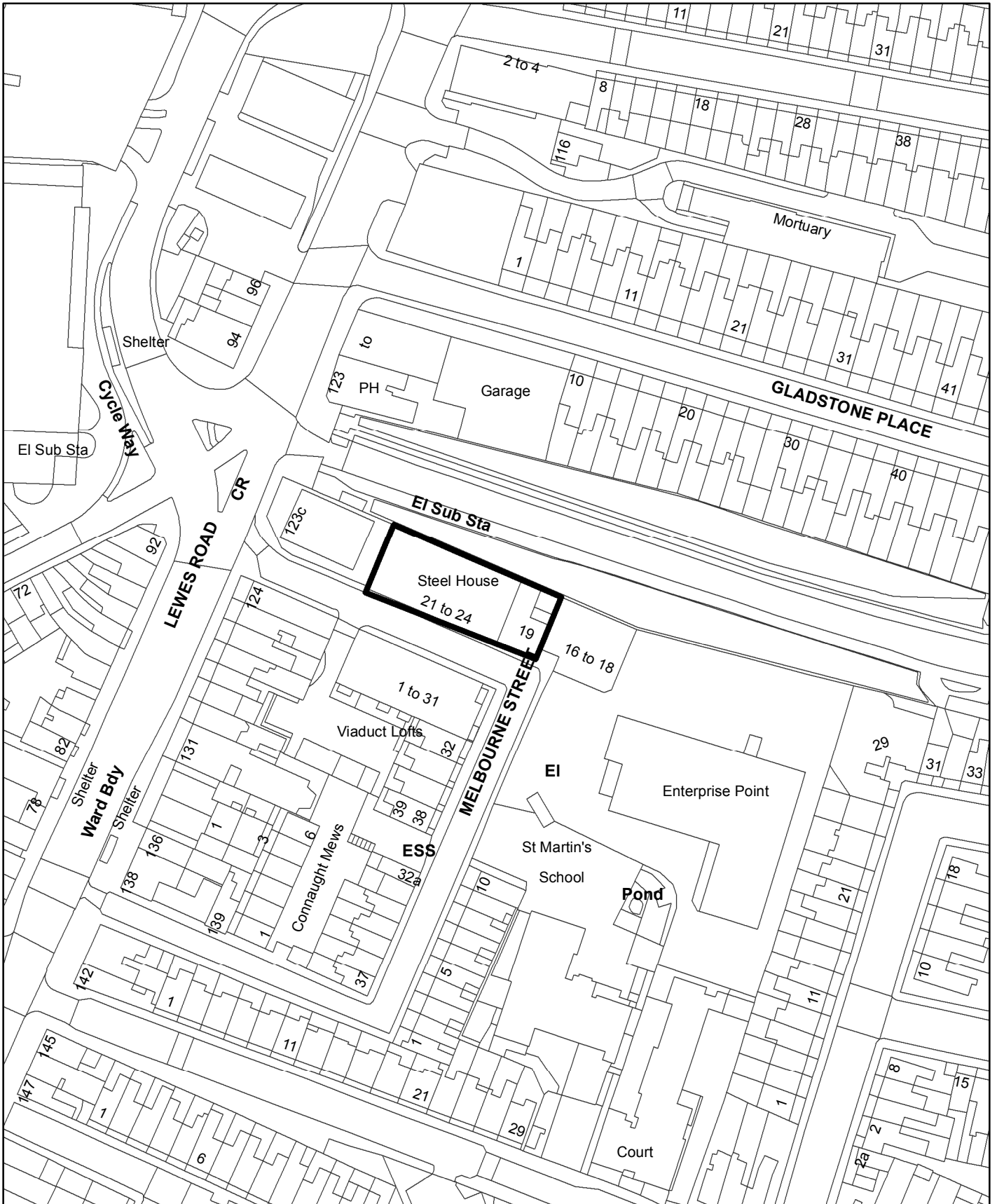
**19-24 Melbourne Street  
BH2019/01820  
Full Planning**

**DATE OF COMMITTEE: 8<sup>th</sup> July 2020**





# BH2019 01820 - 19-24 Melbourne Street



Scale: 1:1,250



<b><u>No:</u></b>	<b>BH2019/01820</b>	<b><u>Ward:</u></b>	<b>Hanover And Elm Grove Ward</b>
<b><u>App Type:</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>19-24 Melbourne Street Brighton BN2 3LH</b>		
<b><u>Proposal:</u></b>	<b>Demolition of existing auto servicing centre and joinery building and erection of a new development of 4 and 6 storeys, plus basement level, comprising 587 m2 of co-working business floor space (B1) including gym/community space (80m2) and ancillary café. Provision of 83no co-living residential units (Sui Generis) with ancillary storage, landscaped residents roof terrace and access, together with cycle storage, associated plant and electrical sub-stations and associated works. (Revisions to loading bay arrangements and cycle storage).</b>		
<b><u>Officer:</u></b>	<b>Mick Anson/Henrietta Ashun, tel: 292354</b>	<b><u>Valid Date:</u></b>	<b>21.06.2019</b>
<b><u>Con Area:</u></b>		<b><u>Expiry Date:</u></b>	<b>20.09.2019</b>
<b><u>Listed Building Grade:</u></b>		<b><u>EOT:</u></b>	<b>31.07.2020</b>
<b><u>Agent:</u></b>	<b>N/A</b>		
<b><u>Applicant:</u></b>	<b>Brundell Property 86-90 Paul Street London</b>		

## 1. RECOMMENDATION

- 1.1. That the Committee has taken into consideration and agrees with the reasons for the recommendation set out below and resolves to be **Minded to Grant** planning permission, subject to a s106 Planning Obligation and the Conditions and Informatives as set out hereunder, **SAVE THAT** should the s106 Planning Obligation not be completed on or before the **26th September 2020** the Head of Planning is hereby authorised to refuse planning permission for the reasons set out in the final section of this report:

### S106 Heads of Terms

#### **Affordable Housing:**

- 1.2. A financial contribution of £120,780 towards the provision of affordable housing off site in perpetuity.

#### **Artistic Component:**

- 1.3. An artistic influence within the public realm within or in the immediate vicinity of the site to a value of £29,000

#### **Open Space and recreation and sports:**

- 1.4. A total financial contribution of £90,000 towards the enhancement of open space and sports provision in the vicinity of the site, to include:
- Woodvale Cemetery – paths, wayfinding, tree sculpture, planting
  - Saunders Park – lighting, wayfinding, seating, accessibility improvements
  - Wild Park – ballcourt enhancements, accessibility improvements
  - Blakers Park - accessibility improvements
  - Whitehawk Nature reserve, accessibility improvements, planting, wayfinding, tree sculpture
  - The Avenue Bevendean, tree planting, accessibility improvements
  - Improvements to Moulescoombe sport and leisure provision in or close by to Moulsecoomb Community Leisure Centre

1.5. **Employment:**

- A financial contribution of £8,300 towards the Local Employment Scheme
- Submission of an Employment & Training Strategy
- Use of 20% local labour during the construction phase

**Sustainable Transport & Highways:**

- 1.6. A financial contribution of £50,300 to enhance and promote use of sustainable transport modes in the vicinity of the site including in order of priority:
- Pedestrian footway improvements on but not limited to Melbourne Street and Lewes Road;
  - Bus stop improvements on Lewes Road including RTPI; and
  - Benches on Lewes Road to improve accessibility.

- 1.7. **Car club:** The provision of free car club membership for all occupiers of the co-living units. for a period of 12 months.

**Arboriculture Contribution:**

- 1.8. A financial contribution of £64,238 towards trees in the immediate vicinity:
- Planting of 3 x semi-mature tree replacements (including 1 x Elm)
  - 20-year maintenance programme for existing trees identified in the submitted Tree Protection Plan

**Community Use Agreement:**

- 1.9. The agreement shall include details of the room identified for community use in the basement:
- The facilities available
  - Time and days of the week of availability to the community
  - Details of the terms and conditions of hire including pricing
  - Details of the groups and clubs (educational and non-educational) eligible to hire.
  - Details of any exclusions
  - Management responsibilities and mechanism for review.

Conditions:

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

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

Plan Type	Reference	Version	Date Received
Proposed Drawing	19003-P-001		18 June 2019
Proposed Drawing	19003-P-099	Rev F	2 June 2020
Proposed Drawing	19003-P-101	Rev D	27 March 2020
Proposed Drawing	19003-P-102	Rev D	27 March 2020
Proposed Drawing	19003-P-103	Rev D	27 March 2020
Proposed Drawing	19003-P-104	Rev D	27 March 2020
Proposed Drawing	19003-P-105	Rev D	27 March 2020
Proposed Drawing	19003-P-106	Rev D	27 March 2020
Proposed Drawing	19003-P-120	Rev C	27 April 2020
Proposed Drawing	19003-P-130		18 June 2019
Proposed Drawing	19003-P-140	Rev B	27 March 2020
Proposed Drawing	19003-P-200	Rev A	27 March 2020
Proposed Drawing	19003-P-201		18 June 2019
Proposed Drawing	19003-P-300	Rev B	27 March 2020
Proposed Drawing	19003-P-301	Rev B	27 March 2020
Proposed Drawing	19003-P-302	Rev B	27 March 2020
Proposed Drawing	19003-P-303	Rev B	27 March 2020
Proposed Drawing	19003-P-500	Rev B	27 March 2020
Proposed Drawing	19003-P-600	Rev B	27 March 2020
Proposed Drawing	19003-P-602		18 June 2019
Location Plan	19003-EX-001		18 June 2019
Proposed Drawing	19003-P-110		27 April 2020
Other	19003-P-141		
Proposed Drawing	19003-P-100	Rev F	2 June 2020

2. 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.
  
3. No development, including demolition and excavation, shall commence until a Site Waste Management Plan has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the details approved.  
**Reason:** To maximise the sustainable management of waste and to minimise the need for landfill capacity and to comply with policy WMP3d of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan.
  
4. No development, including demolition, 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 demolition phase and 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 disturbance to 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.

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

**Reason:** To protect amenity, manage highway safety and waste throughout development works and to comply with policies QD27, SU9, SU10 and TR7 of the Brighton & Hove Local Plan, policy CP8 of the Brighton & Hove City Plan Part One, 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.

- 5. Prior to the commencement of the development hereby approved (excluding demolition) details of the proposed means of foul and surface water sewerage disposal shall be submitted to, and approved in writing by, the Local Planning Authority in consultation with Southern Water.

**Reason:** To comply with policies SU3 and SU5 of the Brighton and Hove Local Plan and CP8 of the Brighton and Hove City Plan Part One.

- 6. Prior to the commencement of the development hereby approved including any demolition, the recommendations contained in section 9 of the Contaminated Land Risk Assessment by Environmental Assessment Services Ltd (February 2016) Ref: ABIR/MelbourneSt/PCRA shall be fully implemented. Confirmation of the measures taken shall be submitted in writing for approval to the Local Planning Authority prior to first occupation of the development comprising a Verification Report.

**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.

- 7. If during construction, contamination not previously identified is found to be present at the site, no further development (unless otherwise agreed in writing by the Local Planning Authority), shall be carried out until a method statement identifying and assessing the risk and proposing remediation measures, together with a programme for such works, has been submitted to the Local Planning Authority for approval in writing. 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.

- 8. Prior to the commencement of the development hereby approved (including demolition and all preparatory work), a scheme for the protection of the retained trees to the north of the rear site boundary, in accordance with BS 5837:2012, including a Tree Protection Plan(s) (TPP) and an Arboricultural Method Statement (AMS) shall be submitted to and approved in writing by the Local

Planning Authority. The development thereafter shall be implemented in strict accordance with the approved details.

**Reason:** As this matter is fundamental to protecting the trees which are to be retained on the site during construction works in the interest of the visual amenities of the area and to comply with policies QD16 of the Brighton & Hove Local Plan and CP12/CP13 of the Brighton & Hove City Plan Part One and SPD06:Trees and Development Sites.

9. No development shall take place (including any demolition, ground works, site clearance) until a Method Statement for protection of Woodvale, Extra-mural and Downs Cemeteries Local Wildlife Site has been submitted to and approved in writing by the Local Planning Authority. The content of the Method Statement shall include the following:

- a) purpose and objectives for the proposed works;
- b) detailed design(s) and/or working method(s) necessary to achieve stated objectives (including, where relevant, type and source of materials to be used);
- c) extent and location of proposed works shown on appropriate scale maps and plans;
- d) timetable for implementation, demonstrating that works are aligned with the proposed phasing of construction;
- e) persons responsible for implementing the works;
- f) initial aftercare and long-term maintenance (where relevant);
- g) disposal of any wastes arising from the works.

The works shall be carried out in accordance with the approved details and shall be retained and maintained in that manner thereafter.

**Reason:** To protect habitats and species identified in the ecological surveys from adverse impacts during construction in accordance with Policy CP10 of the City Plan Part One.

10. The development hereby permitted shall not be first occupied until a Lighting Design Strategy for Biodiversity has been submitted to and approved in writing by the Local Planning Authority. The Strategy shall:

- a) identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and
- b) show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

All external lighting shall be installed in accordance with the specifications and locations set out in the Strategy, and these shall be maintained thereafter in accordance with the Strategy. Under no circumstances should any other external lighting be installed without prior written consent from the Local Planning Authority.

**Reason:** To ensure light sensitive protected species are not disturbed to comply with Policy CP10 of the City Plan Part One.

11. No development (excluding demolition) shall take place until an Ecological Design Strategy (EDS) addressing enhancement of the site for biodiversity has been submitted to and approved in writing by the Local Planning Authority. The EDS shall include the following:

- a) purpose and conservation objectives for the proposed works;
- b) review of site potential and constraints;
- c) detailed design(s) and/or working method(s) to achieve stated objectives;
- d) extent and location /area of proposed works on appropriate scale maps and plans;
- e) type and source of materials to be used where appropriate, e.g. native species of local provenance;
- f) timetable for implementation demonstrating that works are aligned with the proposed phasing of development;
- g) persons responsible for implementing the works;
- h) details of initial aftercare and long-term maintenance;
- i) details for monitoring and remedial measures;
- j) details for disposal of any wastes arising from works.

The EDS measures shall be implemented in accordance with the approved details and all features shall be retained and maintained in that manner thereafter.

**Reason:** To ensure that any adverse environmental impacts of development activities can be mitigated, compensated and restored to comply with Policy CP10 of the City Plan Part One.

12. No works to, or demolition of, Building 3 as identified in the Preliminary Ecological Appraisal Report, REC Ltd, April 2019 shall take place until evidence of either of the following has been submitted to and approved in writing by the Local Planning Authority:

- a. a licence issued by Natural England pursuant to Regulation 53 of The Conservation of Habitats and Species Regulations 2010 authorising the specified activity/development to go ahead; or
- b. a statement in writing from the relevant licensing body to the effect that it does not consider that the specified activity/development will require a licence.

**Reason:** To prevent an offence being committed under The Conservation of Habitats and Species Regulations 2010 as amended and to ensure protection of habitats to comply with Policy CP10 of the Brighton & Hove City Plan Part One.

13. Prior to the commencement of development (excluding demolition) a Sustainable Drainage Plan including detailed design and associated management and maintenance plan of surface water drainage for the site using sustainable drainage methods as per the recommendations of the Outline Drainage Strategy, dated May 2019 shall be submitted to and approved in writing by the Local Planning Authority. The Sustainable Drainage Plan shall include the following:

- (i) Details of the location of the existing drainage infrastructure.
- (ii) Details and location of the final drainage infrastructure as proposed in the Outline Drainage Strategy.
- (iii) Suitable assessment and management of flood risk from groundwater and surface water runoff given the proposed basement.



- (iv) Appropriate calculations to demonstrate that the final proposed drainage system will be able to cope with both winter and summer storms for a full range of events and storm durations
- (v) The applicant should demonstrate the surface water drainage system is designed so that flooding does not occur on any part of the site for a 1 in 30 year rainfall event, and so that flooding does not occur during a 1 in 100 (+40% allowance for climate change) year event in any part of a building or in any utility plant susceptible to water.
- (vi) A management and maintenance plan for the final drainage design for the proposed development, which includes the orifice plates.

The approved Sustainable Drainage Plan shall be implemented and maintained in accordance with the approved detailed design.

**Reason:** To ensure that the principles of sustainable drainage are incorporated into this proposal in accordance with Policy SU3 of the Brighton and Hove Local Plan and CP11 of the Brighton & Hove City Plan Part One.

14. Piling using penetrative methods shall not be carried out other than with the prior written consent of the Local Planning Authority. The development shall be carried out in accordance with the approved details.

**Reason:** To ensure that the proposed development does not harm groundwater resources in line with paragraph 170 of the National Planning Policy Framework and Position Statement of the 'The Environment Agency's approach to groundwater protection' and to comply with policies SU3 of the Brighton & Hove Local Plan and Policy CP11 of the Brighton & Hove City Plan Part One.

15. No development (including demolition) shall take place until a survey report and a method statement has been submitted to and approved in writing by the Local Planning Authority, setting out how the existing flint boundary wall on the northern boundary of the site is to be protected, maintained, repaired and stabilised during and after demolition and construction works. The report shall include details of any temporary support and structural strengthening or underpinning works required. The demolition and construction works shall be carried out and completed fully in accordance with the approved method statement.

**Reason:** To ensure a satisfactory appearance to the development and to comply with policy HE11 of the Brighton & Hove Local Plan and policy CP15 of the Brighton & Hove City Plan Part One.

16. Prior to occupation, whichever is the sooner, a scheme shall be submitted to the Local Planning Authority for approval 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 and shall each be limited to a maximum of 25 visitor permits per annum. The approved scheme shall be implemented before occupation.

**Reason:** This condition is imposed in order to allow the Traffic Regulation Order to be amended in a timely manner prior to first occupation to ensure that the development does not result in overspill parking and to comply with policies TR7 & QD27 of the Brighton & Hove Local Plan and CP9 of the Brighton & Hove City Plan Part One and SPD14: Parking Standards.

17. The development hereby permitted shall not be occupied until a Delivery & Service Management Plan, which includes details of the types of vehicles, how deliveries servicing and refuse collection will take place and the frequency of those vehicle movements has been submitted to and approved in writing by the Local Planning Authority. All deliveries servicing and refuse collection shall thereafter be carried out in accordance with the approved plan.  
**Reason:** In order to ensure that the safe operation of the development and to protection of the amenities of nearby residents, in accordance with policies SU10, QD27 and TR7 of the Brighton & Hove Local Plan.
18. The development hereby permitted shall not be occupied until details have been submitted in writing to the Local Planning Authority for approval of identified designated outdoor smoking areas and associated external cigarette bins at entrances and exits of the building hereby approved.  
**Reason:** In the interests of residential amenity and the visual amenity of the area and to comply with policies QD27 and SU10 of the Brighton and Hove Local Plan and policy CP13 of the Brighton and Hove City Plan Part One.
19. Within three months of the date of first occupation a Travel Plan for the residential and commercial elements of the development shall be submitted to and approved in writing by the Local Planning Authority. The agreed Travel Plan and associated measures shall thereafter be fully implemented in accordance with the approved details.  
**Reason:** To ensure the promotion of safe, active and sustainable forms of travel and comply with policies TR4 of the Brighton & Hove Local Plan and CP9 of the Brighton & Hove City Plan Part One.
20. Prior to the commencement (excluding demolition) of the development hereby permitted, a full scheme of highway works for improvements to Melbourne Street shall be submitted to the Local Planning Authority for written approval, in consultation with the Local Highway Authority. The scheme shall include:
- (i) Improvements to the northern footway and removal of redundant crossovers in the vicinity of the development.
  - (ii) Provision of a designated on-street loading bay in the immediate vicinity of the development.
- The development shall not be occupied until the approved works have been fully implemented as certified in writing as complete by the Local Highway Authority.  
**Reason:** In the interests of highway safety and to comply with policies TR7 of the Brighton and Hove Local Plan and policies SA6, CP7, CP9, CP12 and CP13 of Brighton and Hove City Plan Part One.
21. 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 CP12 and CP15 of the Brighton & Hove City Plan Part One.

22. No development above ground floor slab level of any part of the development hereby permitted shall take place until details of the Air Source Heat Pumps (ASHP) have been submitted to and approved in writing by the Local Planning Authority. The details shall include details of the technology, distribution systems and location(s) of water storage. The development shall then be constructed in accordance with the approved details prior to first occupation and shall be retained as such thereafter.

**Reason:** To ensure that the development contributes to sustainability enhancement on the site and in accordance with policy CP8 of the Brighton & Hove City Plan Part One.

23. No development above ground floor slab level of any part of the development hereby permitted shall take place until details of the of the green roof has 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 roof 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 the interests of sustainability, in accordance with policies CP8 and CP10 of the Brighton & Hove City Plan Part One.

24. 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 the representative background noise level. Rating Level and existing representative background noise levels to be determined as per the guidance provided in BS 4142:2014. Sound insulation of plant and machinery should be included as necessary. In addition, there should be no significant low frequency tones present.

**Reason:** To safeguard the amenities of the occupiers on the site, the neighbourhood and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.

25. The development hereby permitted shall not be first occupied until evidence has been submitted to and approved in writing by the Local Planning Authority to demonstrate that the recommendations contained in the acoustic report REC reference: AC107119-1R1 dated June 2019 have been implemented within the scheme. Should reliance on closed windows and building ventilation systems (BVS) be required in order to meet the required acoustic guide values, details of the BVS shall be first submitted to the Local Planning Authority for written approval prior to installation. Details of any appropriate alternative ventilation

shall be evidenced to demonstrate that the façade insulation is not compromised and that internal noise levels are not increased. If applicable, any room should have adequate ventilation e.g. trickle ventilators, (that should be open during any assessment). Noise mitigation measures, including associated alternative ventilation arrangements shall not compromise the need to provide the required cooling of the dwellings under Approved Document L of Building Regulations and the removal of pollutants such as moisture and CO2 under Approved Document F. Regard should also be had to draft guidance by Acoustic and Noise Consultants and CISSE TM59 Design Methodology for the Assessment of Overheating Risk in Homes.

**Reason:** To safeguard the amenities of the occupiers on the site, and the neighbourhood and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.

26. The floors/walls/stairs between the commercial/communal areas and the residential uses shall be designed to achieve a sound insulation value of at least 5dB better than Approved Document E performance standard.

**Reason:** To safeguard the amenities of the occupiers on the site, the neighbourhood and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.

27. The development hereby permitted shall not be first occupied until a scheme for the fitting of odour control equipment and sound insulation to plant within the development has been submitted to and approved in writing by the Local Planning Authority. Odour control measures can increase fan noise and this should be taken into account during the design phase. The measures shall be implemented in strict accordance with the approved details prior to the first occupation of the development and shall thereafter be retained as such.

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

28. 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, policy CP8 of the Brighton & Hove City Plan Part One and Policy WMP3e of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan Waste and Minerals Plan.

29. The development hereby approved shall not be first occupied until details of the photovoltaic array shown on the approved roof plan (drawing no. 19003-P-106) has been submitted to and approved in writing by the Local Planning Authority. The photovoltaic array shall then be installed in accordance with the approved details prior to first occupation and thereafter retained.

**Reason:** In the interests of visual amenity and to ensure that the development is sustainable and makes efficient use of energy, water and materials and has an acceptable appearance and to comply with policies CP8 and CP12 of the Brighton & Hove City Plan Part One.

30. None of the co-living residential units hereby approved shall be occupied until each residential unit built has achieved an energy efficiency standard of a minimum of 19% CO2 improvement over Building Regulations requirements Part L 2013 (TER Baseline).  
**Reason:** To ensure that the development is sustainable and makes efficient use of energy to comply with policy CP8 of the Brighton & Hove City Plan Part One.
31. None of the co-living residential units hereby approved shall be occupied until each co-living unit built has achieved as a minimum, a water efficiency standard of not more than 110 litres per person per day maximum indoor water consumption.  
**Reason:** To ensure that the development is sustainable and makes efficient use of water to comply with policy CP8 of the Brighton & Hove City Plan Part One.
32. Within 6 months of first occupation of the co-working and community/gym element of the development hereby permitted a BREEAM Building Research Establishment issued a Post Construction Review Certificate confirming that the non-residential parts of the development built have achieved a minimum BREEAM New Construction rating of 'Excellent' shall be submitted to the Local Planning Authority for written approval.  
**Reason:** To ensure that the development is sustainable and makes efficient use of energy, water and materials and to comply with policy CP8 of the Brighton & Hove City Plan Part One.
33. The wheelchair accessible dwellings hereby permitted as detailed on approved drawings received on 30.03.2020 shall be completed in compliance with Building Regulations Optional Requirement M4(3)(2b) (wheelchair user dwellings) prior to first occupation and shall be retained as such thereafter. All other dwelling(s) hereby permitted shall be completed in compliance with Building Regulations Optional Requirement M4(2) (accessible and adaptable dwellings) prior to first occupation and shall be retained as such thereafter. Evidence of compliance shall be notified to the Building Control body appointed for the development in the appropriate Full Plans Application, or Building Notice, or Initial Notice to enable the Building Control body to check compliance.  
**Reason:** To ensure satisfactory provision of homes for people with disabilities and to meet the changing needs of households and to comply with policy HO13 of the Brighton & Hove Local Plan.
34. No servicing (i.e. deliveries to or from the premises) shall occur except between the hours of 07.00 and 21.00 Monday to Saturday, and 09.00 to 17.00 on Sundays, Bank or Public Holidays.  
**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.
35. Prior to occupation of the development hereby permitted, a scheme for landscaping shall be submitted to and approved in writing by the Local Planning Authority. The approved landscaping shall be implemented in accordance with the approved details in the first planting season after completion or first

occupation of the development, whichever is the sooner. The scheme shall maintained in accordance with the agreed details and shall include the following:

- a. details of all hard and soft surfacing to include type, position, design, dimensions and materials and any sustainable drainage system used;
- b. a schedule detailing sizes and numbers/densities of all proposed trees/plants including details of tree pit design, use of guards or other protective measures and confirmation of location, species and sizes, nursery stock type, supplier and defect period;
- c. details of all boundary treatments to include type, position, design, dimensions and materials;
- d. details of food growing areas for residents
- e. details of a landscape maintenance programme

**Reason:** To enhance the appearance of the development in the interest of the visual amenities of the area and to comply with policies QD15 and QD16 of the Brighton & Hove Local Plan and CP12 and CP13 of the Brighton & Hove City Plan Part One.

36. No tree shown to be retained on the approved drawings shall be cut down, uprooted, destroyed, pruned, cut or damaged in any manner during the development phase, other than in accordance with the approved plans and particulars or as may be permitted by prior approval in writing from the Local Planning Authority. 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.

**Reason:** To enhance the appearance of the development in the interest of the visual amenities of the area and to comply with policies QD15 and QD16 of the Brighton & Hove Local Plan and CP12 and CP13 of the Brighton & Hove City Plan Part One.

37. Notwithstanding the plans hereby submitted, no development above ground floor slab level shall take place until details of secure and inclusive cycle parking facilities for the occupants of, and visitors to, the development have been submitted to the Local Planning Authority for written approval. This shall include details of a Cycle Parking Management Plan. The Plan shall outline how staff, residents and visitors of the approved development are permitted to wheel bicycles through the development between the highway and basement cycle store, and to use the lifts between the ground and basement floors for these purposes. 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 and SPD14: Parking Standards.

38. A minimum of one bee brick shall be incorporated within the south or south-west facing external walls of the development close to green amenity space before first occupation and shall be retained thereafter.

**Reason:** To enhance the biodiversity of the site and to comply with Policy CP10 of the Brighton & Hove City Plan Part One and Supplementary Planning Document SPD11 Nature Conservation and Development.

39. No development above ground floor slab level shall take place until details of a minimum of 42 swift bricks/boxes to be incorporated within the external walls of the development have been submitted to the Local Planning Authority for written approval. They shall be placed at least 5 metres off the ground and away from windows where possible. The agreed bricks/boxes shall be implemented before first occupation and retained thereafter.

**Reason:** To enhance the biodiversity of the site and to comply with Policy CP10 of the Brighton & Hove City Plan Part One and Supplementary Planning Document SPD11 Nature Conservation and Development.

40. No development above ground floor slab level shall take place until details of minimum of 3 bat boxes and 3 sparrow boxes to be incorporated within the external walls of the development have been submitted to the Local Planning Authority for written approval. The agreed boxes shall be implemented before first occupation of the development and shall be retained thereafter.

**Reason:** To enhance the biodiversity of the site and to comply with Policy CP10 of the Brighton & Hove City Plan Part One and Supplementary Planning Document SPD11 Nature Conservation and Development.

41. The development hereby permitted shall not be first occupied until details of any external lighting proposed has first been submitted to and approved in writing by the Local Planning Authority. This shall include certification on completion, from a competent person, to demonstrate that the lighting installation complies with the with the recommendations of the Institution of Lighting Professionals (ILP) e.g. Guidance On Undertaking Environmental Lighting Impact Assessments.

External lighting for the development shall be designed and positioned to:

- Be the minimum required to perform the relevant lighting task.
- Minimise light spillage and pollution including impact to wildlife habitats.
- Include landscaping/screening measures to screen illuminated areas in environmentally sensitive areas.
- Avoid dazzle or distraction to drivers on nearby highways.
- Have reference to both horizontal and vertical illuminance to account for the varied sensitive receptors on and around the site.

The lighting shall be implemented as approved and retained.

**Reason:** To protect the amenity of neighbouring occupiers and users of the surrounding area and in the interest of biodiversity, in accordance with policies QD25 and QD27 of the Brighton & Hove Local Plan and CP10 of the Brighton and Hove City Plan Part One.

42. 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 unless otherwise approved in writing by the Local Planning Authority.

**Reason:** To safeguard the appearance of the building and the visual amenities of the locality and to comply with policy QD14/HE6 of the Brighton & Hove Local Plan and CP12 and CP15 of the Brighton & Hove City Plan Part One.

43. The non-residential part of the premises hereby permitted as shown on the Proposed Ground Floor Plan 19003-P-100 Revision F shall be used as an office (Use Class B1(a)) only and for no other purpose (including any other purpose in Class B of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification). Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended (or any order revoking and re-enacting that Order with or without modification), no change of use shall occur without planning permission obtained from the Local Planning Authority.

**Reason:** The Local Planning Authority would wish to retain control over any subsequent change of use of these premises in the interests of safeguarding the supply of office floorspace in the city given the identified shortage, to comply with policy CP3 and DA3 of Brighton & Hove City Plan Part One.

44. The development hereby approved shall not first occupied until a Building Management Plan has been submitted to the Local Planning Authority for written approval. The Plan shall include details of:

- i) Details of the numbers and nature of staff to be on site including 24 hour security arrangements.
- ii) Location and permitted use by residents, business users and community users of outside amenity areas including building entrances and access, hours of use and management of outside amenity areas.
- iii) Details of community liaison arrangements including contacts and complaints procedures.
- iv) Details of arrangements for arrivals and departures of residents.
- v) Details of management and access to indoor communal facilities including to community, gym and café facilities.

The agreed Building Management Plan shall be implemented.

**Reason:** To ensure the safety of occupants and the amenity of neighbouring residents and to comply with policies QD27 and SU10 of the Brighton and Hove Local Plan and CP12 of the Brighton and Hove City Plan Part One.

45. The living accommodation hereby approved shall be occupied for sui generis residential purposes only as a main residence and shall not be permitted to be occupied by any other form of residential or short stay accommodation within Class C of the 1987 Use Classes Order (as amended) nor as sui generis class student accommodation by occupiers who are in any form of full time education or study.

**Reason:** In order that the development complies with policy CP3.4 of the Brighton and Hove City Plan Part One which allocates the site for mixed employment and residential use and contributes towards the delivery of homes and employment space in the city.

46. The communal roof terrace amenity spaces hereby approved shall only be used by occupiers between the hours of 7am-10.00pm Monday-Saturday and 8am-10pm on Sundays.



**Reason:** To protect the amenity of occupiers of the development and neighbours from undue noise or disturbance, to comply with policy QD27 of the Brighton and Hove Local Plan.

47. No roof plant other than as shown on approved plans shall be erected without further written approval by the Local Planning Authority.

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

Informatives:

1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One the approach to making a decision on this planning application has been to apply the presumption in favour of sustainable development. The Local Planning Authority seeks to approve planning applications which are for sustainable development where possible.
2. The applicant is advised that the highway works under condition 20 above will require them to enter into a s278 agreement with the council as Highway Authority and to complete associated technical approval steps, which may include public consultation (amongst other things). They should contact [s278@brighton-hove.gov.uk](mailto:s278@brighton-hove.gov.uk) at their earliest convenience. It is anticipated that the loading bay will need to provide for approximately 2 LGVs and 1 car to occupy it together at once, including associated access space around each vehicle. Providing the necessary footway width may require the dedication of additional adopted footway if widening into the carriageway does not prove feasible.
3. The applicant is advised that the scheme to amend permit entitlements required by condition 16 above 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 and occupiers of the restrictions regarding issuing of parking permits.
4. The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act.
5. The applicant is advised that a formal application for connection to the public sewerage system is required in order to service this development. To initiate a sewer capacity check to identify the appropriate connection point for the development, please contact Southern Water, Southern House, Sparrowgrove, Otterbourne, Hampshire, SO21 2SW (tel 0330 303 0119), or [www.southernwater.co.uk](http://www.southernwater.co.uk)
6. The applicant is advised that an agreement with Southern Water, prior to commencement of the development, the measures to be undertaken to divert/protect the public water supply main. Please contact Southern Water,

Southern House, Sparrowgrove, Otterbourne, Hampshire, SO21 2SW (tel 0330 303 0119), or [www.southernwater.co.uk](http://www.southernwater.co.uk)

7. The applicant is advised that the details of external lighting required by the condition above should comply with the recommendations of the Institution of Lighting Engineers (ILE) 'Guidance Notes for the Reduction of Light Pollution (2011)' or similar guidance recognised by the council. A certificate of compliance signed by a competent person (such as a member of the Institution of Lighting Engineers) should be submitted with the details. Please contact the council's Pollution Team for further details. Their address is Environmental Health & Licensing, Bartholomew House, Bartholomew Square, Brighton, BN1 1JP (telephone 01273 294490 email: [ehlpollution@brighton-hove.gov.uk](mailto:ehlpollution@brighton-hove.gov.uk) website: [www.brighton-hove.gov.uk](http://www.brighton-hove.gov.uk)).
8. Where possible, bee bricks should be placed in a south facing wall in a sunny location at least 1 metre above ground level.
9. Swift bricks can be placed on any elevation, but ideally under shade-casting eaves. They should be installed in groups of at least three, at a height above 5m height, and preferably with a 5m clearance between the host building and other buildings or obstructions. Where possible avoid siting swift bricks above windows or doors. Where swift bricks are not practical due to the nature of construction, alternative designs of suitable swift nest boxes should be provided in their place.

## **2. SITE LOCATION & APPLICATION DESCRIPTION**

- 2.1. The application site is 0.69 ha. in area and comprises a series of single storey repair workshops and garages and a two storey workshop on the north side of Melbourne Street, which back onto the Woodvale Cemetery. The cemetery is Grade II listed on the Register of Parks and Gardens of Special Historic Interest in England. The units comprise 2 car repair businesses, a tyre sales and repair business with the 2 storey unit being a joinery workshop. Above the easternmost car repair business is an upper floor in the roof space where a martial arts club, the Nam Yang Community Association, operate. West of the site fronting Lewes Road and returning onto Melbourne Street is a two storey retail unit (123c Lewes Road). Opposite the site is a part 7, part 4 storey contemporary block of 31 flats known as Viaduct Lofts. East of the site is 16-18 Melbourne Street, which is a single storey workshop apparently vacant and Enterprise Point, a 6 storey industrial building which is surrounded by large car parking area. The latter two sites were subject of an application under ref: BH2018/02751 as set out in the 'Relevant History' section below.
- 2.2. The existing site has no car parking on it whilst Melbourne Street is characterised by being a narrow one way street in a horse shoe shape with an entrance and exit onto Lewes Road. The road is in a Controlled Parking Zone with a mix of double yellow lines, resident permit and short stay pay and display parking.

- 2.3. The character of area is quite mixed having historically been an area of generally small scale housing and employment uses as well as St Martin's Primary School built around a narrow street. The exception is the adjacent large scale office premises which were built in the mid-20<sup>th</sup> century.
- 2.4. Following revisions since initial submission of the application, the proposed development comprises a part 4 and 6 storey building plus a basement floor. The ground floor would comprise 587 sq.m. of B1 co-working space with an integral café and management office, plant equipment and commercial refuse storage would be on the ground floor also. Residents' and visitor cycle storage (72 spaces in the basement and 4 at ground floor) would be in the basement together with resident lockers, the gym/community space which would be occupied by the martial arts club. The other spaces in the basement would provide a dual use co-working presentation and resident cinema space, a meeting room and laundry room.
- 2.5. Above ground floor the residential element of the scheme has undergone two significant amendments during the course of the application. Initially the proposals included self-contained flats which would have operated more as small purpose built homes in multiple occupation. The scheme now comprises 83 single co-living rooms with shared large kitchen/dining areas above the ground floor employment space. The western end of the building has now been reduced to 4 storeys and a roof garden is proposed at third floor roof level. The 5<sup>th</sup> floor roof at the eastern end would have a green roof including photovoltaics. The site has a depth of 15-15.5m and would be sited off the back edge of the Melbourne Street footway.
- 2.6. The appearance of the building would be contemporary but reflective of a Victorian style. The ground and first floor elevations would feature a double height brick arched glazing with large rectangular double height openings on the floors above. This is a design nod to the railway viaduct that used to occupy this location when the railway served the Freshfield Industrial Estate. The 5<sup>th</sup> floor has a notional set back and would be faced in bronze coloured cladding to give it a lighter appearance. The central main feature now comprises an open stairwell required as a means of escape which would be fully glazed through the floors with vertical fins to the façade.

### 3. RELEVANT HISTORY

#### Steel House, 21-24 Melbourne Street:

- 3.1. **BH1999/02343/FP** - Regularisation of use. No.21 B2 (general industrial) use on ground floor and first floor. No.22 A1 (general retail) use. No.23, No.24 B2 use - Approved 23 February 2000

#### Enterprise Point, Melbourne Street (Adjacent site):

- 3.2. **BH2018/02751** - Demolition of all existing buildings and electrical substation and erection of building of between 5 to 8 storeys comprising office floor space (B1), student accommodation including 330no student bedrooms (Sui Generis), 24no residential flats (C3), ancillary residents' amenity space,

associated plant and electrical substation, landscaping, access, cycle spaces, parking and associated works (Amended plans). – Refused 25 April 2019.

- 3.3. **BH2013/01575** - Outline application for the demolition of 16-18 Melbourne Street and the construction of a new 5 storey building comprising 15 no. residential units (including 3 no. affordable). Demolition of the south wing of Enterprise Point, provision of an additional storey on the remaining block and 7 storey extension to the West (front) elevation to provide 1030 sq m of upgraded Class B1 offices on the lower ground and ground floors together with 58 no. residential units. Construction of a new 4 storey building in the South East corner of the site comprising 65 sq m. of community space on part ground floor and 15 no. affordable residential units - Granted - 15 August 2014 (Expired consent).

#### 4. PRE-APPLICATION ADVICE

##### Pre-app Officer response 1 May 2018

- 4.1. Proposal for a 9 storey/part 5 storey development comprising circa 150 co-living residential units (sui generis) each with small kitchenette and co-living workspace. Shared kitchen/dining also proposed.
- Advised that site allocated under City Plan Part 1 Policy CP3 for employment led (residential and employment) mixed use development with a compliant housing mix (CP19) including affordable housing (CP20).
  - Advised that proposed employment space considerably less than existing.
  - Query over classification of co-living units whether class C3 or sui generis. Considered that self-contained rooms would be Class C3 dwellings.
  - Intention noted that is not to provide student accommodation.
  - Advised that proposed height is too high on a narrow street and heights should be influenced by predominant character and not the 7-storey block opposite. Considered to be an overdevelopment.
  - Need to assess views from Woodvale Crematorium and neighbouring conservation areas.
  - Concern about overbearing impact on neighbours resulting in loss of daylight and privacy. Tree assessment required to adjoining crematorium.

##### Pre-app Officer response 2 November 2018

- 4.2. *Proposal for 6 storeys to provide 11 self-contained residential units and 69 co-living rooms with co-working space.*
- Improvement to scheme but still considered high for a constrained site. More appropriate response in general design terms by reducing height onto street frontage to 4 storeys by setting back top floors.
  - The site is not clearly identified in a Tall Building corridor under SPG15 (Tall Buildings) and would need to be assessed against the character of the built form.
  - Whilst some class C3 units are proposed with an element of affordable, concerns remain in respect of policy CP3 that the number of residential units is still limited. The site should be maximising its potential for C3

housing subject to site constraints. The removal of kitchen facilities means that co-living rooms classified as sui generis.

- The housing mix of units is still weighted significantly in favour of single occupancy rather than the mix expected by policy CP20.
- Overall quantum of employment space is below existing and applicant needs to demonstrate that employment offer would be an improvement in line with the tests in policy CP3.
- Scheme reduced in height and whilst a dominating presence in the streetscene, would not result in significantly overbearing impact on residential properties opposite.
- Concern over loss of daylight and privacy to neighbouring residential occupiers will need careful consideration.

#### 4.3. Members Pre-app feedback August 2018

- Some interest in the general co-living / co-working concept but concern that it would conflict with planning policy for the specific site, especially in relation to the provision of affordable housing.
- Whilst the type of flexible office space to be provided was well received it was noted that the scheme was not 'employment led' and justification would be required for the approach.
- Noted that policy CP21 precludes purpose built student accommodation (PBSA) on sites allocated for housing.
- Members generally comfortable in regards to the principle of the proposed height / massing in this location (subject to demonstration that the amenity of neighbouring occupiers was not adversely impacted).
- A good standard of accommodation in respect of space and layout, light, outlook and privacy is expected for all of the units.
- The scheme would need to be well designed to prevent mutual overlooking between the proposal and the neighbouring property opposite.
- There was concern that large roof terraces, whilst providing an external amenity facility for future occupiers could result in the potential for harmful noise and disturbance.
- Some concern was raised over the potential for overspill car-parking into other areas of the city outside of controlled parking zones.

#### Design Review Panel Response - September 2018

#### 4.4. Proposal for 6 storeys to provide 11 self-contained residential units and 73 co-living rooms with 400 sq. m. co-working space.

- Density of proposal is unprecedented as 84 'dwellings' comprising 1500 habitable rooms per ha. represents a significant shift in the way people live and how land is used and is a challenge.
- At 6 storeys with setback upper floors, this proposal seems an appropriate scale to the street. Whilst the potential benefits of widening pavements are recognised, it is not essential to set the building back from the established building line.
- Proximity to northern boundary is a concern particularly for construction access and due to impacts on trees. Detailed study of trees and impacts should be undertaken.

- Impact on potential future development at Enterprise Point should be undertaken.
- Private studio apartments are very small putting pressure on communal facilities. Alternative scenarios should be accommodated.
- Roof terrace is particularly important given lack of amenity space elsewhere in the scheme and its use and access should be explained.
- Increased emphasis on cycle parking given absence of vehicle parking. Basement storage is challenging but provision of private storage in basement should be highly beneficial.
- Design challenges for individual units should be resolved and provision of private amenity space such as balconies could be explored.
- High standard of management would be required to be a successful scheme.
- Elevations show promise. Melbourne Street may be slightly over-complicated. Rear façade should have different architectural language and larger windows would be beneficial for daylighting.
- Proposal is a response to low quantity and high cost of accommodation. Would encourage a review of how rooms could be converted in future into larger apartments.
- At planning application stage a clear energy strategy should be produced.

## 5. REPRESENTATIONS

- 5.1. **Councillor Powell: Objection**– (comments attached) Received 24 July & 9 Sept 2019 on the following grounds
- Inappropriate height
  - Loss of natural light and privacy to Viaduct Lofts
  - Increased noise and traffic
  - Transient population
  - No green space
  - Accessibility
- 5.2. **Councillor Hill: Objection** – (comments attached) Received 14 Jan 2020 on the following grounds:
- Inappropriate Height of Development
  - Overshadowing
  - Restriction of view
  - Affordable housing for long-term accommodation is needed
  - Community space would provide benefits to local community
- 5.3. 3<sup>rd</sup> consultation March 2020 (received 11<sup>th</sup> April to 4<sup>th</sup> June)  
**49 (Forty-Nine)** further letters (last checked letter 11th June 2020) of objection has been received objecting to the proposed development for the following reasons:
- Inappropriate Height of Development
  - Impact on Conservation Area
  - Overdevelopment
  - Building line brought forward

- Loss of privacy
- Loss of daylight
- Overshadowing
- Loading bay outside windows causing noise and disturbance
- Detrimental to quality of life and safety
- Noise from rooftops
- Site is too small
- Smaller development more appropriate
- Disabled ground floor occupants in Viaduct Lofts should be considered
- Quiet and narrow road
- Dangerous entrance and exit onto Lewes Road
- Current lack of parking to be worsened
- No more visitor parking available
- Additional Traffic including deliveries
- Increased footfall
- Construction issues given location of site
- Parents current use pavements to access primary school
- Posh student accommodation
- Affordable housing needed
- Wind tunnel effect
- Darkness
- Short stay accommodation erodes community
- Not appropriate type of housing for area
- No demand for co-living units in the area
- Not considered to be affordable
- Will people be vetted?
- Will rooms be let to international people?
- Impending recession
- Virologic risk

5.4. 28 (**Twenty-Eight**) further letters of support have been received regarding the proposed development for the following reasons:

- Good design
- Attractive
- In keeping with other local development
- Community benefit
- Nam Yang Kung Fu does great work for local community and supporting disadvantaged young people
- Gym is community asset
- Community focussed services
- Important upgrade for the community
- Great club
- A new gym would be amazing for the City
- Improved facilities
- The City should support grassroots community organisations
- Scheme would rejuvenate area
- Scheme would improve atmosphere

- Scheme would create a strong sense of community
- Community use is a lifeline for mental health
- It's not very often you find developers willing to work with a community organisation
- Affordable rent for Nam Yang
- A lot of good community organisations in Brighton have gone under because no one was willing to support them, so great to see a development group support a local Community grassroots club like Nam Yang.
- Current building is in a terrible state
- Melbourne Street needs redevelopment as the street is not safe
- Scheme would create safe access for the children of St Marten's School

5.5. 1 **(One)** letter of support was received from Nam Yang Community Association as follows:

*"I am writing on behalf of myself and my co-directors at Nam Yang Community Association, Brighton to express our strong support for planning application BH2019/01820. We would, however, request that the Planning Committee only grant planning permission subject to a Section 106 order to enforce the community benefit statement that accompanies the application, and which sets out the developers' commitments to ourselves and the local school, St Martin's Primary School.*

5.6. *For context, we are based in the building which will be demolished if this planning application is granted and have, via the community benefit statement submitted with the application, reached an agreement with the planners to provide us with a new, improved space in the new development. This will allow us to continue our community work as well as provide new health and wellbeing services to the staff and pupils at St Martin's Primary School, which is adjacent to the development and with whom we enjoy an excellent existing relationship and shared social values.*

5.7. *Nam Yang Community Association has worked with the local community in Lewes Road for 20 years. We are an inclusive, not for profit, community based martial arts club with an explicit social aim of fostering positive attitudes towards diversity within the local community. We do this by providing safe spaces for people of all ages and backgrounds to maximize their mental and physical health, with a particular focus on poor and marginalized groups.*

5.8. *We have around 130 members, half of which are children and young people (our oldest member is 67 and our youngest is 4). The club's membership represents able bodied people, people with physical and mental disabilities and at least 17 different ethnic backgrounds, including several refugees and asylum seekers (we currently have an application under consideration to become a Club of Sanctuary). The majority of our members are on low incomes and many have caring responsibilities; both things we specifically provide for. This includes a sliding fees scale, with people in particular financial difficulty training for free when necessary and reduced rates for people that work in the NHS and emergency services. We never turn anyone away based on finance. This makes us one of the most affordable and inclusive sports clubs in Brighton. As*



*well as classes at our full-time martial arts centre, we do significant additional community outreach work, providing free demonstrations and workshops for schools and other community groups, as well as work experience opportunities for local school children.*

5.9. *We have been impressed by the positive way in which the developers have engaged with ourselves and St Martin's School, the latter of whom we enjoy an excellent working relationship with shared community values. As long the Planning Committee insists on a Section 106 order to ensure that the community benefit statement is honoured before commercial operation of the new development commences, we are confident that the development will allow us to further expand the positive work we do in the community and expand our work with St Martin's School".*

- 5.10. 1 **(One)** letter with comments has been received on the following grounds:
- Removal of motor business which causes parking and traffic flow issues is welcome
  - Who will live in these units?
  - More traditional units are needed

2<sup>nd</sup> round of consultation December 2019

- 5.11. 3 **(Three)** further letters of objection were received on the following grounds:
- Inappropriate Height of Development
  - Noise
  - Overdevelopment
  - Overshadowing
  - Poor design
  - Residential Amenity
  - Loss of daylight
  - Restriction of view
  - Too close to the boundary
  - Additional Traffic
  - Loss of privacy
  - Retain building that has appearance of a stable building referred to by Heritage Officer and use as community building.
  - Small businesses will be lost
  - This would be the first co-living development and would set a precedent for other similar developments.
  - City needs affordable housing for young people and families.
  - Tweaks to scheme don't alter fact that the street is too narrow for a complex of this size
- 5.12. 3 **(Three)** further letters of support were received on the following grounds:
- Approve it
  - Good for Melbourne Street
  - Good design
  - Residential Amenity
  - Site will be developed at some point
  - Subject to S106 to secure community use for martial arts club

### Initial Consultation

- 5.13. 37 (**Thirty -Seven**) letters have been received objecting to the proposed development for the following reasons:
- Detrimental effect on property value
  - Inappropriate Height of Development
  - Noise
  - Overdevelopment
  - Overshadowing
  - Poor design
  - Residential Amenity
  - Restriction of view
  - Too close to the boundary
  - Additional traffic
  - Loss of privacy – issues not overcome by amendments
  - Loss of daylight to residents not changed
  - Noise
  - Impact on wildlife. Needs a badger survey. Badgers seen in Melbourne Street.
  - Adverse effect on listed building and conservation area
  - No parking proposed. New residents must be denied permits.
  - Object to homes for rent only. Need permanent not temporary housing which erodes community
  - Mimics student development
  - Short stay hotel.
  - Avoids provision of affordable housing.
  - Only targets younger people.
  - Squeezes people into expensive small spaces.
  - Existing roof made of asbestos.
  - Café unviable.
  - Overwhelmed with high rise developments in the city.
  - Too close to boundary.
  - Construction noise, pollution and disruption to school.
  - Even if car free, development will generate vehicle traffic from taxis, deliveries, visitors.
  - Buses are overcrowded already.
  - Poor daylight to new residents.
  - Overlooking playground.
  - Concern about management of occupation.
  - Lewes Road is a bottleneck
  - loss of a community gym.
- 5.14. 50 (**Fifty**) letters of support have been received for the following reasons:
- Good design
  - Support community use but must be secured by S106. Nam Yang Community Association has 128 members and provides affordable community with facilities for people with learning difficulties and disabilities.
  - Keep the gym going.

- Currently garages cause disturbance from 7am loud voices, arguments. Car repairs and spray painting in the street. Joinery operates at weekends including Sundays. Uses are non-conforming.
- Garages use Enterprise Point forecourt for repairs without permission
- Support demolition of existing uses and improve the area. Will give the area a facelift.
- Street is currently frightening and dangerous due to car manoeuvring, blocked pavements and bits of metal in the road. Proposal would make it safer to walk down the street day and night.

5.15. **Comment** – 1 (**One**) comment was made as follows:

- Construction noise needs controlling. Safeguarding for children from St Martin's School for community use of building.

5.16. **St Martin's CE Primary School – Support**

The scheme is supported subject to safeguards. Accept that site needs redevelopment. Design is pleasing. Applicant has listened to concerns. Draft community benefit statement which will include school use. Applicant offered support for solar panels on school. Property will be managed at all times. Will remove the existing garages which are noisy, create illegal parking, traffic management issues and pupil safety. Provision of café and shared work spaces will create a community atmosphere. School will be able to hire the rooms when needed. Need regular consultation over construction management plan and stringent measures to control dust, noise and delivery traffic. Local authority, applicant and community should consider pedestrian routes.

## 6. CONSULTATIONS:

### Internal:

6.1. **Arboriculture:** Object

Final comments: Object.

The proposed development would have a detrimental impact upon trees in proximity. The proposal now highlights the requirement to remove four trees due to proximity as well as the need to cut back a further five in excess of BS3998 Tree Work – Recommendations. This reinforces the original objection stating a detrimental impact to trees in proximity. Arboriculture still have concerns regarding the structural integrity of a proportion of the trees following such pruning and the regular requirement to maintain.

Revised comments: Object

6.2. The trees located to the north of the proposed development are significant in terms of the amenity they provide the built up urban environment. These trees help form the formal avenue plantings running from the entrance of the crematorium and contribute to the wider woodland landscape within the site. The trees are highly visible from Lewes Road providing much needed tree cover. The proposal will result in above ground incursion into the tree canopies. The proposed building is sited to such an extent that severe pruning is required in order to accommodate the building itself.

- 6.3. Though the proportion of pruning is not stated in numerical terms i.e. area of canopy lost to pruning, it is apparently, based on the Tree Protection Plan 'MS.TPP.442.V1', that there is to be a significant amount of crown loss in order to deliver the proposed minimum clearance (1.5 metres). The loss of amenity value to the majority of trees located upon the bank would be similar to a fell. I have concerns over the structural integrity of a proportion of the trees following such pruning. This will be exacerbated by the regular requirement to maintain. In my opinion post development pressure may lead to the removal of trees when trees are in close proximity to living space. Factors that may not have been considered would include leaf and sap drop, insects and other wildlife.

Initial comments: Object

- 6.4. The trees along the northern boundary of the site are part of a wider arboricultural feature and are similar to the belt along the northern side of Woodvale Crematorium access road. I have no objections to the removal of the three trees proposed for removal which include 2 category 'U' specimens and a tree stump. Some of the categorisation of the tree belt is questioned and it is considered that the life expectancies are much longer than the estimates suggested. Irrespective of this, consideration should be given to the tree belt as a single entity. Some of the tree pruning proposed includes the reduction of lateral growth to accommodate the development. The report also does not provide numerical representation of the Root Protection Area (RPA) incursions. Information required on underground services and potential impact on trees. Object as contrary to policy QD16 and SPD 06.

- 6.5. **Ecology: Comment**

Revised comment:

The proposed amendments are unlikely to have any additional impacts on biodiversity than those already identified. As such, the comments provided and the conditions recommended for the original application remain valid.

Initial comments:

- 6.6. The information provided is satisfactory and enables the LPA to determine that whilst the proposed development is likely to have an impact on biodiversity, those impacts can be mitigated through the application of planning conditions.
- 6.7. Provided that the recommended mitigation measures are taken the application can be supported. Without mitigation, construction and operation of the proposed development could have negative impacts on the Woodvale, Extra-mural and Downs Cemeteries Local Wildlife Site (LWS or Site of Nature Conservation Importance). Proposed mitigation includes a Construction and Environmental Management Plan (CEMP) and a sensitive lighting strategy.
- 6.8. The proposed development would require the removal of two trees from the northern boundary (i.e. within the LWS) and partial removal of a third, plus pruning/crown lifting works to a further 14 and removal of parts of the shrubbery/understorey. Subject to the views of the Arboricultural Officer and provided a continuous canopy is maintained, these tree works are acceptable from an ecological perspective. It is noted that a green (chalk grassland) roof is proposed which is welcomed. Green walls should also be considered.

Recommend the provision of three house sparrow terraces and three 578.

6.9. **Economic Development:** Comment

Final Comments:

City Regeneration has adverse comments regarding this application. Should this application be approved, it would be subject to developer contributions. The sum request will be £8,300 commensurate with reduction in residential units and an Employment & Training Strategy to be secured by S106 agreement. The revised plan shows a basement level, comprising 593m<sup>2</sup> of co-working business floorspace (B1) incl gym/community space (86m<sup>2</sup>) & ancillary café, the original comments regarding location and employment floorspace are still relevant - City Regeneration has concerns about the functionality of the B1 office space at this site as the location of co-worker space is important, as whilst Melbourne Street is on the bus route it is not city centre location, which tends to be the demand. Therefore City Regeneration would be concerned that the worker space attracts enough occupiers. City Regeneration welcome all additional employment space within the city, however the viability of the space is questionable, as it is quite small. There is a risk that this space is used by the residents rather than as rented work desks.

6.10. No employment contributions would be sought as there is no net gain in B1 floorspace. Information on the current businesses and employee numbers are required. The idea of worker space has been successful in the city for many years but it is not clear who the target audience is as part of the strategy. Location is important and whilst the site is well served by public transport, it is not in the city centre which raises concerns about its attractiveness. Further clarity is needed over the estimated employment density based upon proposed B1 floorspace. Further clarity is also required on the intended use of multi-functional rooms for employment purposes particularly in the basement with no natural light.

6.11. **Education:** Comment

It is agreed that this development is unlikely to generate any demand from school age children.

6.12. **Environmental Health:** No objection

Recommend that the following conditions be applied if minded to grant approval:

- No demolition nor development until Construction and Environmental Management Plan submitted for approval and carried out as agreed thereafter.
- No servicing except between 07.00 - 21.00 Monday to Saturday, and 09.00 to 17.00 on Sundays, Bank or Public Holidays.
- Prior to completion the development hereby permitted, the recommendations contained in the acoustic report REC reference: AC107119-1R1 dated June 2019 shall be implemented.
- No occupation until a scheme for the fitting of odour control equipment and sound insulation submitted for approval.

- Lighting installation should comply with the Institution of Lighting Professionals
- Before development commenced the recommendations of the submitted reports on land contamination shall be implemented. Any contaminated land not previously identified shall be assessed and remediation measures agreed before further development continues.

6.13. **Flood Risk Manager: Comment**

No assessment of flood risk was made for development. Given the proposed new basement is circa 3.3m below the existing ground level, it is recommended that the risk from this source be suitably assessed and managed. The applicant proposes green/blue roof at site. The Lead Local Flood Authority (LLFA) find that the existing runoff calculations are acceptable. The LLFA find that the proposed runoff calculations for lower roof level are also acceptable. However, the upper roof level calculation is not acceptable. We agree with the modelled tank areas, which use the area of 127m<sup>2</sup> but the area of 292m<sup>2</sup> used to model the green roof depicts the 165m<sup>2</sup> terraced area as a green roof. In reality this area is draining to the green roof/tank situated on the upper roof level (127m<sup>2</sup>). Maintenance plan submitted is acceptable for the green roof components of the proposed drainage. However, it does not mention the blue roof aspect, specifically maintenance of the orifice plates. Recommend approval subject to condition requiring a detailed design and associated management and maintenance plan of surface water drainage be submitted for approval.

6.14. **Heritage: Comment**

Final comment:

The amendment to reduce the western half of the proposed building to 4 storeys in height is a very significant improvement and, together with the proposed brick colour and the amended and additional planting to the flat roof, it is now considered that the harm to the settings of the assets (Roundhill conservation area and the listed buildings in Roundhill Crescent) would be at the very minor end of less than substantial.

Revised comments: Object

- 6.15. The Character Statement for the Round Hill Conservation Area states that: “views of the conservation area can therefore be found from other parts of Brighton, particularly from Bear Road to the east and Race Hill to the south east, the curves and contours of streets like Round Hill Crescent are especially attractive.” The Photomontage Study submitted on 19 December 2019 demonstrates that the harmful impact on the views from within Roundhill Crescent, at its north-east end, would be greater than envisaged in the previous Heritage comments. From the pavement on the south east side (opposite the listed terrace of 101-113) the development would substantially infill views towards the green backdrop of the other valley side beyond. It is acknowledged that it would not intrude on the outline of the trees against the sky from this viewpoint but would do so as the viewer descends the hill. Given the importance of long views and greenery to the setting of the conservation area, as identified in the Conservation Area Character Statement, it is

considered that the proposed development would cause some harm to the setting of the conservation area.

- 6.16. The submitted view from the north-west side of the pavement, outside number 95, demonstrates that the development would very clearly impact on the silhouette of the end of the terrace, number 113, which is currently outlined against the trees and greenery (as well as the sky). This view out towards the trees and greenery on the other valley side is part of the way in which the listed terrace is experienced and this visual impact would continue as the viewer moves down the hill past the listed terrace. It is considered that this visual impact would cause some harm to the setting of the listed terrace of numbers 101-113, which have group value.
- 6.17. The proposed development would therefore cause some harm to the setting of the Round Hill conservation area and would cause some harm to the setting of the listed terrace of 101-113 Round Hill Crescent, contrary to policies CP15, HE3 and HE6. This harm would be less than substantial under the terms of the NPPF but must nevertheless be given great weight in weighing the application.

Initial Comment:

- 6.18. The 20th Century commercial garage building has no architectural merit but the mid-19th century stable or workshop building is a remnant of a historic group of service buildings as a reminder of the historic development of the area. To the immediate north-east of the site is the grade II registered park and garden of Woodvale Cemetery. To the east of the site, on the other side of the valley across Lewes Road, is the Round Hill conservation area, which is a largely residential late-Victorian area notable for its long terraces of houses on rising ground, set amongst mature trees and greenery and with long views to the Downs to the east. Two of the groups of formal mid-Victorian terraces in Round Hill Crescent are grade II listed, including numbers 101-113 at the north-east end closest to the site; grand terraced house of 1865.
- 6.19. The submitted Heritage Desk-Based Assessment is welcomed but has not properly assessed the setting of the Roundhill conservation area and has not identified any impact on the setting of 113 Roundhill Crescent. The document generally does not lead to any revision of the previous comments. However, it does identify that a section of the original Woodvale Cemetery flint boundary wall exists between the Cemetery and the site. The flint boundary walls are a component of the historic park and garden also contribute positively to its setting. It is not clear from the plans that this flint wall would remain. Any approval – if the public benefits of the proposal are considered to outweigh the previously-identified harm to the settings of the heritage assets - should therefore be subject to a condition ensuring that the wall is suitably protected and maintained during and after the construction works.
- 6.20. The development hereby permitted shall not be commenced until a survey report and a method statement setting out how the existing flint boundary wall is to be protected, maintained, repaired and stabilised during and after demolition and construction works, and including details of any temporary support and structural strengthening or underpinning works.

- 6.21. **Housing Strategy: No objection**  
This application is for 83 co-living/co-working units - each 'unit' being a room with en-suite bathroom and access to shared living / cooking spaces which are provided on each floor. The rooms will be rented out by the owner / developer at an inclusive rent that includes payment for a number of additional costs including: utility bills, council tax, cleaning, insurance, wi-fi, use of a gym and use of a co-working space. This is the first co-living/co-working scheme brought forward in the city. The demand for this type of accommodation is unknown at this time but there are similar schemes in other UK cities and other countries.
- 6.22. Council policy CP20 (Affordable Housing) requires the provision of 40% on site affordable housing on all sites of 15 or more dwellings (net) where viable. It is accepted that the co-living concept, the tenure and the nature of the proposed units do not lend themselves to nominations from the council's Housing Register. Furthermore, the housing provided is *sui generis* class which does not technically have a liability to provide affordable housing. The provision of on-site affordable housing is not considered appropriate and a financial contribution towards off-site provision is an acceptable solution in this instance.
- 6.23. No objections subject to provision of a commuted sum to be used towards providing affordable housing elsewhere in the city.
- 6.24. **Planning Policy: Support**  
**Final comments: Support**  
Previous comments had raised concerns over the C4 multiple accommodation and its proposed room-by-room letting process. Strangers being placed together would seem unsatisfactory and could be unattractive to those seeking co-living accommodation due to the independence it offers over traditional HMO accommodation. It appeared to be a similar but inferior and potentially less attractive form of co-living. The removal of the C4 units and reversion to single co-living studios is therefore supported and considered to represent a more coherent residential provision.
- 6.25. Concerns around on-site housing mix remain due to the uniform nature of the residential units. It is however recognised that the development would introduce a new form of housing to the city which will increase the variety of accommodation available in the strategic citywide context. As well as those attracted to the co-living/co-working concept, the flexible nature of the co-living units could be attractive to single people who seek high quality, modern accommodation and would rather not live in a house share. The flexible nature of the accommodation may also appeal to those needing a short-term housing solution such as moving to the city temporarily for work. A condition should be attached to the permission to ensure a minimum length of stay, ideally three months, to prevent the units being used for very short-term or holiday accommodation.
- 6.26. It is accepted that the co-living concept, the tenure and the nature of the proposed units do not lend themselves to being made available for nomination



for affordable housing and the applicant has therefore proposed a financial contribution towards off-site provision. Whilst a one-off affordable housing provision is not the expected outcome for sites allocated for mixed use development, it is considered acceptable in this instance given that *sui generis* housing models do not strictly have a liability for affordable housing provision. Further to consultation with the council's Housing Officers, it is considered appropriate to base the commuted sum value on the difference between the annual proposed rent (excluding the value of the additional elements included in the rental payment such as Council Tax, utility bills and gym membership) and an equivalent annual affordable rent, considered to be the value of the Local Housing Allowance 'room rate' for Brighton & Hove. The value will be multiplied to cover 40% of the units in line with the requirements of Policy CP20. This would be a one-off payment to cover a one-year period. The comprehensive mixed-use redevelopment of this dilapidated site, allocated in City Plan Part One, is welcomed in principle.

6.27. **Public Art:** Comment

To make sure the requirements of local planning policy are met at implementation stage, it is recommended that an 'Artistic Component' schedule be included in the section 106 agreement as follows: The Developer covenants with the Council to commission and install on the property an Artistic Component to be approved in writing by the Director to the value of £29,000 including installation costs prior to first occupation of the development. The level of contribution is arrived at after the internal gross area of the development is multiplied by a baseline value per square metre of construction arrived at from past records of Artistic Component contributions for this type of development in this area.

6.28. **Sports Facilities:** Comment

The BHCC Sports Facilities Team aim to improve the provision of sports facilities in the city and the opportunity for engagement in sport and physical activity for all residents. At this outline application stage it is not entirely clear how this development would achieve that. More detailed plans and information would be required in order to provide a more comprehensive response. Based on the current housing mix and provision the required Developer's sport contribution would be:

- Outdoor Sports Facilities: £93,528
- Indoor Sports Facilities: £17,934

6.29. Recommendation lies with the application case officer, subject to funding, on-site considerations and comments from other consultees.

6.30. **Sustainability Adviser:** Comment

Meeting the energy and water targets for all the development is welcomed. Achieving BREEAM Excellent in the energy section as well as achieving an overall BREEAM excellent score for the non-residential part of the development is especially welcomed. The targets are only just met, and a better comfort zone is required at this stage to allow for any slippage in the construction phase.

6.31. The use of Air Source Heat Pumps (ASHP) technology for the heating is welcomed to meet the requirement of Brighton & Hove City Plan Part 1 policy DA3. Clarification required if ASHP will be used for a communal heating system and whether underfloor heating or radiators proposed. The use of PV on the grass roof and food growing is excellent to enhance biodiversity and reduce run off and would meet the requirements of Brighton & Hove City Plan Part 1 policy CP8. A car free site is praised along with indoor cycle parking. Details of the ventilation strategy are required. Some concerns about overheating on the south elevation may arise. Air permeability is not considered to be good and should be reduced.

6.32. **Sustainable Transport: Objection**  
**4<sup>th</sup> revised comments: Objection**

A revised plan has now been submitted proposing a loading bay on the southern side of Melbourne Street to address previous safety concerns regarding the location of the proposed loading bay on the northern side of Melbourne Street. Whilst the design of this bay still needs to be revised and further amendments are required to the widening of the footway on the northern side of Melbourne Street, the applicant has agreed that these can be addressed through a Grampian Condition. We are therefore satisfied that we are able to remove our safety objection.

6.33. However, we remain unable to recommend approval despite the revised plans submitted and additional information submitted due to:

- Parking overspill impacts on safety and amenity: The application does not include any on-site car parking. All parking demand will therefore arise as overspill onto surrounding streets. Whilst much of this can be prevented by permit-free and other conditions, not all of it can. Residual overspill will occur from visitors to the residential component and visitors/customers for the commercial component. Residential visitors will be able to access visitor permits to use either permit-holder-only or shared-use bays (including by using visitor permits), whilst commercial customers/visitors will be able to use shared-use bays as pay-and-display users. Submitted parking surveys show there is enough spare capacity locally to accommodate the demand from the residential visitors but not also the commercial visitors/customers, with a shortfall of 15 spaces. This shortfall will be increased to 17-20 spaces as a result of the loss of on-street parking spaces to accommodate the loading bay on the south-side of Melbourne Street. This is likely to increase demand to use shared-use bays – reducing their availability to resident permit holders in the process. The usual adverse safety and amenity impacts may follow from drivers circulating around local streets looking for spaces and/or parking unlawfully. The application is therefore not compliant with NPPF para 109, Brighton & Hove City Local Plan Policies QD27 and TR7 and City Plan Part One policy CP9 and SPD14.
- Lack of cycle parking and related design issues: The amount of cycle parking proposed (at time of writing) is below the minimum policy requirement of 72 spaces (shortfall of 12). The plans submitted are not in accordance with quality and design standards. Whilst the spacing for Sheffield stands is acceptable there are still several design issues which

do not make this scheme acceptable. Only one store is proposed in the basement. This is to be shared between residents, commercial users and visitors. This raises significant security concerns. Access to the stores is constrained due to narrow corridors and having to negotiate several sets of doors. Additionally, the lifts are small, meaning that only one person would be able to use them at one time. The use of the store is not appropriate for visitors meaning it is likely to lead to inappropriate parking on surrounding streets, the footways of which are narrow. The spacing of the two-tier stands within the store are too close for these to be accessible, even for strong able-bodied people. The proposals are therefore contrary to policy TR14/SPD14, CP12/13 and NPPF paragraphs 108 and 110. In particular, NPPF paragraph 110 requires development to maximise the potential uptake of sustainable forms of transport given the nature and location of proposals. Here, both are highly conducive to cycling. This shortfall must be considered within this context and in view of the lack of car parking facilities.

- 6.34. There are further aspects of the proposals that also remain unsatisfactory or less than ideal. However, these are distinguished from the above by the fact that we are able to recommend conditions or obligations to resolve them:
- The proposed loading bay on the southern side of Melbourne Street still has outstanding design concerns in terms of its length and the ability to secure this given the need to agree removal of existing parking via changes to Traffic Regulation Orders. Additionally, further amendments are required to the widening of the footway on the northern side of Melbourne Street. However, though not ideal these can be addressed through a Grampian Condition requiring a suitable scheme to be agreed with us before development commences.
- 6.35. Positive aspects of the proposals that require no further attention include the following:
- The existing and proposed trip rates have now been agreed.
- 6.36. Other key matters that have been considered include:
- A sustainable transport contribution of £50,300 is recommended owing to the forecast increase in daily person trips from the site. This should be allocated to pedestrian footpath improvements, bus stop improvements and street furniture to aid accessibility.
  - A CEMP/DEMP will be required due to the nature of the constrained site and the difficulties that will follow for demolition and construction. These should be secured through detailed S106 obligations.
  - A residential and employee travel will be required to encourage sustainable travel to and from the site. This can be secured by S106 obligation.
  - There is not expected to be a significant net increase in vehicle trip generation as the scheme is proposed to be car-free.

## **External**

- 6.37. **Conservation Advisory Group: Support**  
The Group recommends APPROVAL.
- 6.38. **East Sussex County Archaeologist: Comment**  
Although this application is situated within an Archaeological Notification Area, based on the information supplied, I do not believe that any significant archaeological remains are likely to be affected by these proposals. No further recommendations.
- 6.39. **Environment Agency: No objection**  
No objection subject to conditions being applied related to:
- Remediation Strategy to deal with risks associated with contamination of the site.
  - A verification report demonstrating that remediation strategy has been carried out with results.
  - Discovery of previously unidentified contamination
  - Sustainable Urban Drainage System infiltration only permitted subject to Local Planning Authority approval.
  - No piling except with consent of the Local Planning Authority
- 6.40. Advise Local Planning Authority that current use as auto servicing centre and joinery presents a high risk of contamination.
- 6.41. **Southern Gas Network: Comment**  
Information on mains records supplied.
- 6.42. **Southern Water: Comment**  
The exact layout of the public sewer records must be determined on site by the applicant before the layout of the proposed development is finalised. Request a condition if diversion of public sewer required prior to commencement of development in consultation with Southern Water. Request informatives regarding formal connection to the public sewer, water supply and details of drainage system to take account of possible surcharging into sewer system. Request condition requiring details of means of foul and surface water sewerage disposal in consultation with Southern Water.
- 6.43. **Sussex Police - Comment**  
Public and private areas should be kept separate from a crime prevention perspective. Advice on security to doors and windows and use of access control system with CCTV. Compartmentalisation should be used to protect residents. Internal commonways should be fitted with 24 hour movement activated switched lighting and dusk to dawn energy efficient lighting should be installed to external areas. Access control to cycle parking areas for all residents with internal lighting should be provided. Access control to bin stores recommended and resident's lockers. No reference to the capacity of the cafe, the intended hours of opening and the proposed staffing levels. The site is within the parameter of the late night economy of the city centre.
- 6.44. It is noted an 'Operational Management' Plan is proposed for the development. From a crime prevention viewpoint this will include conditions of residence in a

'Behaviour Contract' that will be given out for new arrivals. There will also be 'General Management' and Maintenance staff within the building, although it does not specify the hours they will be there, or how many will be working each week day or at weekends. The application indicates a possible 70 staff are required, but does not indicate how many staff will be on duty each day or spread over the week. I am pleased to see that a CCTV system with on-site recording will be operating throughout communal parts of the building.

- 6.45. The application indicates that the roof terrace is not to be open to residents after 23.00hrs until 07.00hrs in the morning. This needs to have a secure door with vandal resistant timed access control to deter any unauthorised or abuse of access. For those residents in Viaduct Lofts, being overlooked at 23.00hrs from the roof terrace may affect their amenity and rights to privacy. An earlier closure may be more appropriate, and a protective barrier should be 1.5m in height and set back.
- 6.46. **UK Power Networks:** Comment  
Information on electrical lines and plant in the vicinity supplied.

## **7. MATERIAL CONSIDERATIONS**

- 7.1. In accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004, this decision has been taken having regard to the policies and proposals in the National Planning Policy Framework, the Development Plan, and all other material planning considerations identified in the "Considerations and Assessment" section of the report.
- 7.2. The development plan is:
- Brighton & Hove City Plan Part One (adopted March 2016)
  - Brighton & Hove Local Plan 2005 (retained policies March 2016);
  - East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (adopted February 2013);
  - East Sussex, South Downs and Brighton & Hove Waste and Minerals Sites Plan (adopted February 2017);
  - Shoreham Harbour Joint Area Action Plan (adopted 2019).
- 7.3. Due weight has been given to the relevant retained policies in the Brighton & Hove Local Plan 2005 according to their degree of consistency with the NPPF.

## **8. POLICIES**

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part Two

Policies in the Proposed Submission City Plan Part 2 do not carry full statutory weight but are gathering weight as the Plan proceeds through its stages. They provide an indication of the direction of future policy.

Since 23 April 2020, when the Plan was agreed for submission to the Secretary of State, it has gained weight for the determination of planning applications but any greater weight to be given to individual policies will need to await the outcome of the Regulation 19 consultation. The council will consider the best time to carry out the consultation after the coronavirus (Covid-19) restrictions are lifted.

Brighton & Hove City Plan Part One

SS1	Presumption in Favour of Sustainable Development
CP1	Housing delivery
CP2	Sustainable economic development
CP3	Employment land
CP7	Infrastructure and developer contributions
CP8	Sustainable buildings
CP9	Sustainable transport
CP10	Biodiversity
CP11	Flood risk
CP12	Urban design
CP13	Public streets and spaces
CP14	Housing density
CP15	Heritage
CP16	Open space
CP17	Sports provision
CP18	Healthy city
CP19	Housing mix
CP20	Affordable housing
CP21	Student housing and Housing in Multiple Occupation
DA3	Lewes Road Area

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

TR4	Travel plans
TR7	Safe Development
TR14	Cycle access and parking
SU9	Pollution and nuisance control
SU10	Noise Nuisance
QD5	Design - street frontages
QD15	Landscape design
QD16	Trees and hedgerows
QD18	Species protection
QD27	Protection of amenity
HO5	Provision of private amenity space in residential development
HO13	Accessible housing and lifetime homes
HO20	Retention of community facilities
HE3	Development affecting the setting of a listed building
HE6	Development within or affecting the setting of conservation areas

Supplementary Planning Guidance:

SPGBH9	A guide for Residential Developers on the provision of recreational space
SPGBH15	Tall Buildings

SPD03	Construction & Demolition Waste
SPD06	Trees & Development Sites
SPD11	Nature Conservation & Development
SPD14	Parking Standards
SPD16	Sustainable Drainage

## 9. CONSIDERATIONS & ASSESSMENT

- 9.1. The main considerations in the determination of this application relate to:
- the principle of the proposed uses on this site and the site allocation in City Plan Part 1 for employment-led mixed use development with housing
  - the provision of affordable housing
  - the mix and quality of the accommodation and amenity of the occupiers
  - the impact on neighbours including daylighting and privacy
  - the quality of design and impact to the character and appearance of the locality including setting of conservation areas
  - the impact on the tree belt in Woodvale Crematorium
  - the impact on parking and servicing in the vicinity and promotion of sustainable modes of transport
  - sustainability and biodiversity
  - whether the demand for infrastructure is adequately addressed through S106/conditions
- 9.2. Another key consideration is the council housing supply position. The council's most recent housing land supply position published in the SHLAA Update 2019 shows a five-year housing supply shortfall of 1,200 (equivalent to 4.0 years of housing supply). As the council is currently unable to demonstrate a five-year housing land supply, increased weight should be given to housing delivery when considering the planning balance in the determination of planning applications, in line with the presumption in favour of sustainable development set out in the NPPF (paragraph 11).

### **Planning policy including principle of uses proposed and housing mix:**

- 9.3. The site is located within the DA3 Lewes Road Development Area. A key aim of this strategic allocation is to further develop and enhance the role of Lewes Road as the city's academic corridor by supporting proposals which:
- improve further and higher education provision in the Lewes Road area;
  - facilitate improved sustainable transport infrastructure that provides choice, including travel by bus, walking and cycling;
  - secure improvements to the townscape and public realm;
  - deliver inter-connected green infrastructure and biodiversity improvements, contributing to Biosphere objectives;
  - improve air quality in the Lewes Road area; and
  - deliver the amounts of development set out in allocations within Part B of the policy.

- 9.4. The Melbourne Street Industrial Area is located to the east of the Lewes Road District Shopping Centre and is identified as being in need of investment in the supporting text to policy DA3.
- 9.5. Policy CP3 identifies the Melbourne St Industrial Area for employment led (residential and employment) mixed use development. This policy seeks to safeguard sufficient employment sites and premises to support job creation and the needs of modern business whilst allowing some mixed use.
- 9.6. The Melbourne Street Industrial Area allocation also includes the adjacent Enterprise Point site. The application at Enterprise Point under ref: BH2018/02751 referred to above, proposed 330 purpose built student accommodation (PBSA) rooms with 24 class C3 residential flats and approximately 1000 sq. m of B1 employment floorspace and was refused on 25 April 2019. One of the grounds for refusal related to policy CP3.4 site allocation, as the small amount of housing proposed would have compromised the Council's ability to meet its housing needs and would set an unwelcome precedent for the approval of student accommodation on the other sites allocated under policy CP3.4 across the city in future. The proposal was thus considered to be contrary to policies CP1, CP3 and CP21 of CPP1.

#### Employment

- 9.7. The current area of employment space on the site is 750 sq. m. which includes the space above the joinery used by the martial arts club (87 sq. m.). No record of a change of use for the club is evident but the club has operated here for over 10 years. The proposed employment space of 587 sq. m. would include the allocated space in the basement for the martial arts club amounting to an equivalent 80 sq. m. There would therefore be a net loss of 163 sq. m. of employment space. Paragraph 4.36 in the supporting text to policy CP3.4 sets out the factors that would be considered for permitting a net loss of employment space. They include:
- Site constraints including opportunities for more effective use of the site.
  - The need for environmental and townscape improvements
  - Access arrangements
  - Safeguarding the amenity of surrounding users and occupiers
  - The quality of employment offer in terms of type of employment and density
  - Viability
- 9.8. The site is constrained by its narrow depth, the natural screening of the tree belt on its north side, the proximity of neighbours and the narrowness of the street. This has resulted in a high-density scheme - a point acknowledged by the Design Panel. The access arrangements are challenging such that there would be no opportunities for off-street parking, servicing and deliveries. This is evident from visiting the current buildings where the various car businesses rely on street parking for customer vehicles awaiting repairs or the fitting of new tyres. This frequently results in congestion and unauthorised on-street parking. The units operate with the shutters and doors open so there is no screening for residents from the noise of repairs and machinery. The noise and disturbance to adjoining residents has been highlighted in neighbour consultee



responses and evidenced from site visits albeit the vehicle traders predate the block of flats, 'Viaduct Lofts' opposite. Whilst having reservations about the scale of the proposals, neighbours have indicated that redeveloping the site and removing the car repair and tyre sales businesses would be welcomed notwithstanding the businesses historic presence in the area.

- 9.9. The existing employment uses offer skilled jobs in the motor or joinery business, the proposed shared employment space would offer greater densities of employment with 46 working spaces and the proposed uses would fall within B1 (a) office use within the building and therefore unlikely to cause as much noise and disturbance to residents. The employment space could support the small businesses in the fast growing creative, digital and technology sectors. The café is a standard element within this type of co-working accommodation coming forward elsewhere in the city and would be integral or ancillary to the employment use. It would not therefore be open to the public as a separate use.
- 9.10. Following the reduction in the number of units, the required developer contribution towards the local employment scheme would be reduced to £8,300 and there would still be the requirement for an employment training strategy and to seek to employ 20% local employees during the construction stage. This accords with policy CP7.

Community sports use:

- 9.11. The commitment of the applicant to re-provide the martial arts facilities which currently comprises cramped first floor roof space of the current building development is welcomed. Whilst this use of the building does not benefit from planning permission, it is likely to be a 'lawful' use as it has been there over 10 years. It is therefore considered that policy HO20 is relevant, which seeks retention of community facilities, and policy CP17 relating to sports facilities.
- 9.12. The overwhelming majority of letters of support for the scheme primarily refer to the retention of the club in the new building and wish to see this secured by a S106 agreement, which is proposed. It should be noted that the support for the club is from a wider area catchment of the city rather than neighbours with the exception of St Martins School, although local neighbours have not raised any objections to the club continuing its occupation. The development would enable the club to continue serving the local community and would be a sustainable benefit by retaining the club at the heart of its community. The club is a not for profit community-based club with 150 members including 70 children and provides affordable membership and classes in a variety of martial arts and is inclusive providing coaching for participants with physical disabilities and special education needs.
- 9.13. The new purpose-built facility which is almost the same size as now will be available all day and at weekends on the same terms as the current facility, but unlike the current facility would be fully accessible. The current facility is only accessible via a steep narrow staircase. At present the facility cannot be used during opening hours of the car repairs business due to noise and fumes infiltrating the room. The retention of the facility would ensure that the proposal

complies with policy CP17 of City Plan Part 1 by retaining and enhancing provision of an indoor sports facility as part of the development proposals. The community use provision is proposed to be secured by legal agreement to retain the space within the building as shown on the plans and by way of a community use agreement.

Housing:

- 9.14. The Melbourne Street Industrial Area is identified in the Strategic Housing Land Availability Assessment (SHLAA 2019) for an indicative 80 units. Within the identified policy CP3 site, Enterprise Point is the larger site at 0.43 ha. in comparison to the application site which is 0.07 ha. Therefore, this joint site area was expected to accommodate a much larger proportion of the indicative residential units such as the approved mixed residential/employment scheme in 2014.
- 9.15. The Planning Policy team did not support the initial proposals at 19-24 Melbourne Street indicating that it was expected that the provision of C3 housing should be maximised on the site given the council's 5-year housing supply shortfall. The applicant's original application was submitted to include 15 build to rent flats and 49 co-living rooms but revised plans submitted in December altered the accommodation to include the provision of 13 co-living apartments. The apartments would have been occupied for rent only on a room by room basis such that the character of occupation would have fallen under class C4 small units of multiple-occupation. The number of co-living rooms was, at the same time, reduced from 49 to 34 and the total number of bedspaces would have been 88no.
- 9.16. As a result of other concerns related to visual impacts and the amenity of neighbouring flats opposite due to loss of daylight, the scheme has been reduced to part 4 and 6 storeys in height. As a result, the scheme now under consideration would provide a single typology of accommodation of 83 co-living rooms.
- 9.17. The applicant considers that these sui generis co-living rooms could count towards meeting housing targets by providing living accommodation for 83 persons. Initial policy comments queried whether sui generis co-living accommodation should be counted towards the council's housing targets. Following further consideration of the national guidance on this issue, it is agreed that it should. This removes one strand of the policy objection to the scheme as the site would contribute towards the city's housing target as envisaged through the mixed-use allocation in Policy CP3. Based upon the Housing Delivery Test ratio of 1.8: 1, it is agreed that the co-living rooms would equate to 46 homes which, it is stated, would contribute to more than half of the indicative numbers (80) in the SHLAA that the whole site allocation (including the Enterprise Zone site) could provide.
- 9.18. As stated in the planning policy team's comments, CPP1 requires proposals to demonstrate a housing mix that responds to the city's needs. However, Policy DM6 of the emerging CPP2 does address this emerging sector of the housing market and the CPP2 carries some weight at this stage.

9.19. The applicant has referred to the site constraints which they consider render the site unsuitable for providing family accommodation with no opportunities to provide suitable outdoor amenity space and off-site car parking. The residential co-living units proposed are aimed at a market for whom buying property is not an option. The type of occupation would be flexible with short tenures available of less than a year. Management of rentals would be in house so there would be no fees charged under rental agreements or renewals. There would also be no utility bills and use of the gym, screen room, break out space, laundry etc would be free and residential occupants would also be able to use the workspaces on the ground floor at no extra cost. Kitchen utensils, bed linen and cleaning services would be included in the rent. It has been agreed that there would be a minimum rental agreement of 3 months to be secured via condition to avoid the tenure of occupation having the character of a hostel or short let holiday accommodation which would fall under a different use class. The applicants also do not wish to provide student accommodation which would be contrary to policy CP3.4 as confirmed by the refusal at Enterprise Point last year. A suitable condition would be required to ensure that no full-time students including post-graduates and full time PHD students could live in the development and that the residential accommodation could only be used for the purposes set out in the application.

Affordable housing:

- 9.20. The Housing Strategy team have referred to the pressing need for affordable housing as identified in the Affordable Housing Brief. Affordable housing in the city is usually provided by the council or by a Registered Provider partner who develops a mix of housing for affordable rent and shared ownership. Affordable rented housing remains the priority for the council with affordable rent capped at a maximum level of local housing allowance (including any service charges).
- 9.21. Offsite provision via a commuted sum payment is an accepted policy position in schemes with exceptional circumstances. The co-living concept, the tenure and the nature of the units at this development do not lend themselves to nominations from the council's Housing Register, and therefore the provision of on-site affordable housing is not appropriate and a financial contribution towards off-site provision is considered an acceptable solution.
- 9.22. In this instance the commuted sum value has been based on the difference between the proposed annual rent for the accommodation (excluding the value of the additional elements included in the rental payment such as Council Tax, utility bills and gym membership), and an equivalent annual affordable rent based on the Local Housing Allowance 'room rate' for Brighton & Hove. This value will be multiplied to cover 40% of the units in line with Policy CP20. The basis for this calculation has been recommended by the Housing Strategy team and is considered to be acceptable.
- 9.23. This would be in the form a one-off payment which will be used towards the provision of affordable housing elsewhere in line with policy CP20. The applicants have agreed a developer contribution towards affordable housing. A

sum of £120,780 has been agreed based upon what would be the discounted rent of 25% on 40% of the rooms (33 units).

- 9.24. This is the first scheme brought forward specifically as a co-living/ co-working scheme and as such creates a new template for the development of such schemes and the take up of this type of accommodation. Many of the costs associated with rented accommodation are included such as bills and included is the provision of items such as bed linen and kitchen utensils with cleaning services included. Shared space and socialising to combat loneliness are listed as potential benefits of this type of housing.
- 9.25. In this instance the housing provided will be managed by the owner, or an agent acting for the owner. The information provided with the application states that the length of leases will be flexible, so that tenants have a choice to fit in with their needs rather than having to commit to traditional year-long rental contracts. Fees associated with private renting would also not be applicable.
- 9.26. There has been some discussion with the applicant about how affordable the accommodation would be in comparison to a traditional affordable rented unit with the inclusive elements stripped out. The applicant has therefore agreed to a contribution to affordable housing notwithstanding that this new form of accommodation would not fit the template for attracting an affordable contribution on or off site.
- 9.27. It is considered therefore that on balance, this particular proposal would make a contribution towards the provision of flexible rented accommodation in the city and that the affordable contribution secured would weigh in favour of the scheme. The proposal is supported by the Planning policy team and by the Housing Strategy team conditional on securing the affordable housing contribution.

Amenity:

- 9.28. A roof terrace is proposed to provide outdoor amenity space within the site for the co-living residents. Further details of the management of this and the building as a whole is to be secured by condition. An open space and sports contribution of £90,000 to provide further facilities offsite has been agreed. For the purpose of the calculation, each co-living unit has represented a studio unit, and the open space provision is provided per unit. The overall open space/sports contribution sought via S106 takes into account the provision of a replacement gym/martial arts facility onsite. This is an accepted policy position.

**Design and Appearance:**

- 9.29. National and local planning policies seek to ensure that developments are of good quality and respect their surroundings. The council has a statutory duty to consider the impact to setting of conservation areas. Policies HE3, CP12, CP13 and CP15 are particularly relevant.
- 9.30. The scale and bulk of the scheme has been reduced in the last iteration to part 4 and 6 storeys to reflect the scale of Viaduct Lofts opposite which has a maximum height on the corner apex of 7 storeys stepping down to four and

three storeys on the returns. The proposed development would be at the same maximum height as Viaduct Lofts due to its deeper ground floor employment space. With the revised reduction in height, the proposal would now mirror Viaduct Lofts. To the east on higher ground, Enterprise Point is at 6 storeys but dominates the neighbourhood. It is considered that the general scale and heights of the scheme are appropriate in the immediate context. There are three views of the proposal where its scale would have a wider impact which are in Melbourne Street looking north, from the Vogue Gyrotory and from the Roundhill Conservation Area. The latter is the most sensitive. In the first two, the scale is seen more fully in the context of Viaduct Lofts and Enterprise Point. From the north, the development would be screened by the tree belt in the crematorium particularly in the spring/summer months.

- 9.31. There have been resident objections to the scale and height of the proposals in terms of its character and scale in relation to the area. The reduction in part to 4 storeys has not reduced the volume of objections. It should be acknowledged however that Viaduct Lofts and Enterprise Point are part of a mixed scale of large and small scale development already established around Melbourne Street. Whilst there are some neighbours who have objected to this aspect, the majority of objections received at every consultation have come from a wide area across the city in support of those immediately affected. In considering the Tall Buildings SPG15, whilst the site is not directly fronting a main road where proposed tall buildings are directed, SPG15 was adopted (2004) when the Viaduct Lofts appeal was allowed in 2010 by the Secretary of State, a building which now contributes to the established built form of the neighbourhood.
- 9.32. The design and appearance of the elevations provide a modern interpretation of the classical *piano nobile*, in which the larger principal windows serving the main rooms are located at upper ground or first floor level. This also reflects the appearance of the listed terraces seen in the viewpoints from the conservation area. In the case of this building, the large arched windows are also a nod to the railway heritage where a viaduct once traversed Melbourne Street. They serve the employment space and first floor residential accommodation. A feature has been made of the central emergency stairwell at the front with protruding vertical fins. The primary material would be brick in keeping with more recent development along the Lewes Road corridor.
- 9.33. The elevations feature strong architectural features and a depth to the elevation featuring window reveals, and elements of glazed tiles to provide decorative detail. The upper floors provide some bronze cladding elements again to provide variation and there is strong vertical emphasis to the elevations. Opportunities to provide planting on the roof are proposed to soften the edges when seen against the backdrop of the downland hinterland. It is considered that the design and appearance of the proposed development is of a high quality and would considerably lift the architectural quality of this Melbourne Street location. In this respect the proposals would comply with policy CP12 of CPP1.

- 9.34. In conjunction with the general appearance of the design, much consideration has been given over to the impact of the development on the setting of the Roundhill Conservation Area and the downland views in the background. Concerns were raised about how the development would infill a characteristic view from the conservation area of the views and potentially interrupt the ridgeline of the downland. In conjunction with other concerns about the impact on Viaduct Lofts, the reduction in height to part 4 storeys has mitigated the harm by opening up the views of the downland more and creating a visual gap in the key selected views between the development and the clearly defined silhouette of the set piece listed terrace of nos. 101-113 Roundhill Crescent.
- 9.35. The Heritage Officer has confirmed that as result of the reduction in height of the western end of the development nearest the conservation area, that he is now more reassured about the impact. The harm has been reduced due to the lesser coalescence of the development with the silhouette of the Listed terrace in key views and the opening up of the contextual backdrop of the national park. The heritage officer considers that any harm would be at the lower end of less than significant harm in terms of the NPPF tests.
- 9.36. In response to initial comments by Sussex Police, the following design changes have been made:
- The bin store doors have been altered to large single-leaf doors.
  - The height of the perimeter fence on the roof terrace has been increased to 1.5m.
  - The café is to be for the use of the co-working space and residents only which negates the points made regarding the capacity of the café, the intended hours of opening or proposed staffing levels.
- 9.37. Sussex Police have not commented on the additional information provided or the changes made to the scheme but have raised new issues. However, the extensive on-site management, security and staffing arrangements would be conscientious in respect of the employment space, the living accommodation and the community use. The café is integral to the employment space and would not be open to the public or during late times and no alcohol would be served. Fuller details of a management plan will be required by condition. The comments on access to the roof terrace are noted and it is agreed that 11pm would be too late to allow access to occupants and this can be conditioned to be limited to an earlier time in the evening.
- 9.38. A contribution will be secured towards public art, in accordance with policy.

**Landscaping and Trees:**

- 9.39. Local Plan policies QD15 and QD16 are relevant and seek to ensure good quality landscaping and the protection of trees with amenity value.
- 9.40. The impact of the development on the tree belt along the south side of the crematorium access road has been considered in depth and has been a challenging issue to seek to resolve. There is no vegetation within the boundary of the site but the dense tree screen to the north within the crematorium features large mature trees of between 12-20 m in height some of

which have grown up against the existing buildings. Between the tree belt and the access road and footway is a 2 metre wide hedgerow on an embankment which slopes down to the site. The site is quite constrained at 15.5 – 16 m in width.

- 9.41. Originally a total 52 trees were surveyed all of which are rooted on the adjacent cemetery land. Following site inspections, the tree survey and protection plan have been revisited. (Access at the time was difficult due to extensive fly tipping onto the adjacent Enterprise Point.). A revised survey has focussed on 20no. of the nearest trees which fall within the influence of the proposed development being immediately behind or in close proximity to the application site. The hedgerow has also been surveyed.
- 9.42. The main concerns of the Council's Arboriculturalist are in respect of the tree felling, the amount of tree pruning required and the potential incursions into the Root Protection Area's (RPA) which could have a detrimental impact on the health of the trees. Due to the height of the embankment, those initial concerns about the risk to the RPA have fallen away. The removal of four trees is regrettable. One of these trees was leaning at an unnatural angle onto the existing building and has already been removed as an emergency by the Council.
- 9.43. The other three trees proposed for felling have grown up close to the boundary of the site of no. 16-18. They are 2 sycamores rated as low U grade value on the north west corner of the site and an elm tree rated C1 more centrally sited. The Arboriculturalist's objections are also focussed on the significant amount of pruning back of the trees proposed by the applicant. The pruning back would be to tree branches which currently overhang into the site, but it is proposed to go cut back to create a 1.5m buffer between the tree canopy and the proposed building. The applicant submitted a Tree Protection Plan which includes trees behind the adjoining sites of 16-18, Melbourne Street and part of Enterprise Point.
- 9.44. All of these trees would be in the construction exclusion zone. Most of the tree pruning is proposed at the rear (north) the application site where the tree canopies are shown on plan to spread 3-4 metres over the site along its length. There are more trees and hence a denser canopy at the eastern end of the site compared to the western end. The applicant proposes to cut the canopy back to the site boundary and to an additional 1.5m beyond onto the cemetery land. The Arboriculturalist has objected to the proposals as the pruning to 5 trees would be severe in his opinion and would not meet industry standard. Concerns have been raised about the stability of the trees and would require future maintenance. 4 of the 5 trees are sycamores category C2 and one is an Elm category B2 with evidence of disease on one limb that needs pruning.
- 9.45. The applicant has offered replacement trees in this location but advice is that it would not be feasible to replant on the same embankment due to its profile and future interaction with the development if built. Replacement trees would therefore be elsewhere as there would be no space within the curtilage of the application site. A Grampian style planning condition could be imposed

requiring replacement trees in a suitable location on land within the Council's ownership.

- 9.46. Given the existing heights of the trees and their visibility from medium distances including from within the Round Hill Conservation Area, the amenity value of this tree belt and its canopy is considered to be high. Their amenity value is enhanced by their proximity to the built-up environment of the Lewes Road which has limited street trees. The trees form an important woodland landscaped avenue inside the historic setting of the crematorium entranceway as noted by the arboriculturalist.
- 9.47. The reduction in height of the western side of the proposed development would mitigate some of the impacts where the highest parts of the trees are above the roof line. The applicant has also rotated the building footprint as much as possible to make full use of the site frontage and angle the rear elevation away from the rear site boundary. This would provide minor mitigation by correspondingly reducing the pruning back. It should be noted that local residents have not objected to the tree works proposed although one or two mentioned their outlook towards the trees would be affected. This would be improved by the part reduction in height.
- 9.48. Policy QD16 requires development to accurately identify existing trees and seek to retain them where possible and to provide new planting where feasible in the proposals. The revised survey has been accepted but retaining all of the trees and/or replacing them on site would make it very difficult to achieve these requirements and a viable proposal. Notwithstanding the applicant has sought to mitigate the proposals by rotating the footprint and bring the building away from the boundary as much as possible. The Arboriculturalist has indicated that only a 2 storey development as currently exists could be built on this site without impacting on the tree canopies but this would be unviable for a policy compliant development.

Redeveloping the site to replace a 2storey development with another 2 storey development is unlikely to be viable. The applicant considers that it would be unviable.

- 9.49. The impact on the individual trees would be harmful and replacement planting and maintenance would be required to mitigate the harm. The applicant has proposed a replacement tree planting scheme off-site in the Council's ownership as well as a long-term landscape management scheme which could be secured by condition. A financial contribution has also been secured. Whilst the impact on the individually identified trees is regrettable it should be seen in the context of the whole tree belt including circa 20 trees which are adjacent to the site which would be covered by the management scheme and an associated financial contribution. The harm caused to the tree belt would need to be weighed up against the mitigation planting scheme and financial contributions and this issue must be weighed against the overall benefits of the scheme in reaching a recommendation.

**Impact on Amenity:**

- 9.50. Policy QD27 of the Brighton & Hove Local Plan states that planning permission for any development or change of use will not be granted where it would cause



material nuisance and loss of amenity to the proposed, existing and/or adjacent users, residents, occupiers or where it is liable to be detrimental to human health.

### Privacy

- 9.51. The site frontage is separated from the building line Viaduct Lofts by a distance of 10m and facing windows would be 10 m at their closest such is the narrow character of Melbourne Street. The top (5<sup>th</sup>) floor of the proposed development is marginally set back 0.7m and there is a very narrow stepping out space. The Viaduct Lofts has existing north facing windows which would look directly onto this site. Occupants of Viaduct Lofts directly facing the site have raised objections to the proposals on the grounds of loss of privacy.
- 9.52. The site is located on a narrow street and it is recognised that in a historic street within a higher density urban grain, privacy expectations are lowered and achieving greater separating distances is not practical. The relationship of facing dwellings will not be dissimilar to those on the same street around the corner to the south where the terraced houses in Melbourne Street face each other. It is considered that the separation distances are not dissimilar to the surrounding area given the sites urban context.
- 9.53. Notwithstanding the limited established separation distances within the street, amendments to the scheme have provided some mitigation on this allocated site. It is considered that the proposals have been carefully redesigned to mitigate previously identified privacy issues to ensure they are not sufficiently harmful to justify a refusal on this ground.
- 9.54. In summary the scheme has been amended to prevent any undue loss of privacy through the following means:
- A reduction in bulk and mass to mirror Viaduct Lofts development opposite
  - Direct alignment of windows has been avoided
  - Differing floor to ceiling heights
  - The internal communal spaces above ground floor have been repositioned to the rear of the site
  - Removal of the narrow balconies which faced south from the upper floors
- 9.55. The reduction in height and bulk has been achieved through the removal of the western end of the revised scheme. Individual co-living rooms with cooking and dining areas have been relocated to the back of the site. The proposed staircase at the central front is for emergency only and has vertical louvres to limit the angle of outlook from the glazing.
- 9.56. At ground floor level the relationship between buildings would be unaltered. The proposed co-working space would face onto two ground floor flats (which have a duel aspect) at the two facing corners of Viaduct Lofts, as well as the bin store, main entrance and emergency stairwell for the whole block. The facing windows serve 2 bedrooms, 2 bathrooms and a secondary high-level lounge/kitchen window. These windows face directly onto the footway and have limited privacy as evidenced by the blinds and curtains in place.

- 9.57. On the upper floors of Viaduct Lofts, three flats face the site. The high-level secondary windows to the flats on the north east corner of Viaduct Lofts repeat through all 7 floors. The remainder of the windows, bar one, facing the proposed development are 5 windows serving 4 bedrooms with one lounge window serving a middle flat. The middle flats are in the 4 storey block at 1<sup>st</sup> to 3<sup>rd</sup> floors with each flat having a recessed balcony facing the proposed development.
- 9.58. There would be a roof terrace on the 4<sup>th</sup> floor at the western end where direct views would be above windows opposite on the lower end of Viaduct Lofts. The fifth floor terrace proposed at the eastern end has an outlook directly down the road or towards high level windows to the corner flats in Viaduct Lofts. These existing corner flats have balconies facing east towards Enterprise Point but a view towards the proposed development is possible so arguably the new residents might be more prejudiced by existing residents.

#### Noise and disturbance

- 9.59. Concerns about potential noise issues have been raised by the roof top terrace and the management of amenity areas and hours of use will be controlled by Condition. The co-living rented units would be managed on site so that amenity issues could be addressed immediately under a management plan with sanctions for anti-social behaviour. Thus, more noise control would be possible in the proposed development than from any other buildings nearby. Some local residents both in support and opposed to the proposals have referred in very clear terms to the current noise and disturbance currently caused by the existing garage and industrial businesses which operate without any planning controls. The noises described include shouting, the manoeuvring of vehicles and heavy machine tools; and the removal of these activities should be weighed up as benefit to residents and to the environment. The provision of formal loading facilities would also improve the congestion and unauthorised parking in the street which can sometimes be a catalyst for noise and disturbance. The precise location of the loading bay will be agreed with the Highway Authority and every effort will be made to locate it away from directly adjacent neighbouring windows. During construction, a CEMP can ensure there is no undue noise or disturbance, or traffic disruption.

#### Daylighting

- 9.60. The applicant submitted a daylight/sunlight assessment with the original proposals which was reviewed by the Building Research Establishment (BRE) on behalf of the local planning authority. The assessment considered the impact on Viaduct Lofts opposite the south side and the terrace of houses on Gladstone Place (nos.10-14 even) to the north on the other side of the entrance to Woodvale Crematorium. The assessment also reviewed the daylight/sunlight to the proposed residential units in the development. Subsequently a revised daylight/sunlight assessment has been submitted with the latest revised proposals for the part 4 and 6 storey development. Prior to the revisions, informal advice of the BRE was sought by the case officer on how a reduced development which mirrored the Viaduct Lofts development would be assessed. The BRE's review of the original proposals found that

North facing windows in Viaduct Lofts would be substantially affected as the development is directly opposite them.

- 9.61. The revised plans are now a 'mirror development' of neighbouring Viaduct Lofts opposite. As such it has been demonstrated that that each respective development (i.e. the existing Viaduct Lofts and the proposed scheme at 19-24 Melbourne Street) is seeking a fair and equitable share of daylight and sunlight, which is acceptable.
- At ground to third floor levels the losses would be outside the BRE guidelines and there would be impacts on the daylight distribution in the flats as well. A number of objections have been raised on this issue by those affected most as well forming part of the general objections submitted. Flats located in the middle of the north facing elevation of Viaduct Lofts which would lose the most daylight are single aspect units and comprise one bedroom and a living room. The existing flats at the eastern end have a main lounge window facing east and a secondary window facing north towards the proposed development. These flats have 2 bedrooms facing the scheme which would be significantly affected.
  - At 4th floor level, where only 4 windows face the development, only a secondary window would now be outside the minimum guidance for VSC whilst at 5<sup>th</sup> and 6<sup>th</sup> floors all windows still comfortably exceed the guidance.
  - Most of the (9 no.) 3rd floor windows facing north currently enjoy almost unobstructed daylight levels and their daylight levels currently the recommended BRE guidance. Following the revisions, three of the windows would still meet or exceed the minimum guidance value of 27% VSC and, except for secondary windows serving the same room, the remainder would still retain a value of at almost 21%.
  - At ground floor level, 4 out of 6 windows serving habitable rooms would not meet the guidance and at first and second floors none of the windows would meet the guidance for the loss of daylight and would retain between 40-50% of their former values. Their actual retained values of between 12 – 16%, would be significantly lower than the guidance. However, four of the rooms on this side are bedrooms where occupants would spend less waking hours.
- 9.62. The impacts on sunlight to the windows of the Viaduct Lofts flats opposite would be almost inconsequential as being south of the proposed development means that almost all of the windows assessed face north and therefore not within 90 degrees of south. They are not required to be tested under the BRE guidance.
- 9.63. Gladstone Place dwellings located on the opposite side of Woodvale Crematorium would have had no significant impact on them under the initial scheme due to the separating distance with most windows retaining around 90% of their former values. As a result of the revised proposals, the impact on daylight values has improved to around 95% retention (an actual reduction by 1% VSC). The assessment of sunlight to windows in Gladstone demonstrates that losses of sunlight to windows would comfortably meet the BRE guidance.

- 9.64. The day and sunlight report concludes that on balance, the impact of the proposal upon neighbouring amenities of daylight and sunlight is considered reasonable and equitable for this specific site, especially given this application is effectively a mirror-development proposal to that of Viaduct Lofts opposite.

#### Theoretical scheme

- 9.65. From outset, the applicant carried out an assessment for a theoretical scheme of 4 storeys to mirror the lower part of the Viaduct Lofts development and to demonstrate that such a proposal would still have adverse impacts on previously unobstructed windows.
- 9.66. The theoretical scheme demonstrated that the ground, first and second floors would still lose significant daylight outside of the BRE guidance with the 2<sup>nd</sup> floor performing the best retaining an average of 65 - 70% of former values and actual values of 24-25% VSC. Given that the site is allocated for a mixed residential and employment scheme, this does suggest that a modest policy compliant development would still impact adversely on the flats opposite.
- 9.67. The reduction in height now actually proposed has reflected the theoretical scheme above with regard to the daylight assessment. The improvements in the daylight levels to neighbours would improve but not substantially. The negotiated amendments to the proposals resulting in the reduction by two storeys at the western end to mirror Viaduct Lofts seeks to demonstrate that this development, allowed on appeal, has prejudiced the redevelopment of the constrained application site due to its height and proximity to the public highway.
- 9.68. There is merit in the applicant's stance, that the design of Viaduct Lofts with some single aspect flats having an expectation of daylight has created an inequitable situation which did not consider the future likely impact of redevelopment of the application site. Thus, the applicant considers that a viable redevelopment of this allocated site is not feasible without some impact on the lower floors of Viaduct Lofts.
- 9.69. However, the amendments have resulted in an acceptable impact on the daylight levels to the third floor. More significantly, the main benefit of the height reduction for neighbours would be the reduced impact on their outlook particularly those on the lower floors by reflecting the scale of Viaduct Lofts. The applicant's case that previous development has produced an inequitable prejudice can be more substantiated now that this development would mirror Viaduct Lofts in scale.

#### Daylighting within proposed development

- 9.70. The assessment of the proposed residential units was carried out for the winter and summer seasons since the north facing windows would be seasonally affected by the deciduous tree belt to the crematorium. The first set of revised proposals sought to improve the daylight levels to the proposed units principally by enlarging the north facing windows. Initially, the BRE stated that 3 of the 49 co-living rooms would not meet the BRE guidance measured as Average Daylight Factor (ADF) in winter and 13 would not in summer *if they*

were treated as bedrooms. However as with the application of the BRE guidance for student rooms, a higher standard of daylight is sought by this planning authority for rooms of this nature where they are used as more than just a bedroom.

- 9.71. Adopting the higher standard Average Daylight Factor of 1.5, 14 rooms would not have met the guidance in winter and 27 rooms in summer. This was not considered to be an acceptable pass rate set against the BRE guidance. By focussing attention on the scheme layout and providing larger window openings most high-density schemes particularly of this nature have been required and been capable of achieving the BRE guidance in *at least* 95% of rooms when brought to this committee.
- 9.72. The nature of the scheme now proposes all co-living rooms and within the final submitted revisions, some of the communal rooms have been relocated to the rear (north facing) side of the scheme. One of the benefits of this relocation is to reduce perceived loss of privacy to residents of Viaduct Lofts but a disadvantage to new residents would be that no sunlight is achievable to these north facing rooms.
- 9.73. As a result of the amendments however, all except 5 of the rooms including all of the communal rooms (which all would pass) would meet the minimum Average Daylight Factor guidance of at least 1.5 in winter whilst in summer when the trees are in leaf, there would be 11 rooms just below the minimum figure. The communal rooms would achieve daylight levels comfortably in excess of the minimum guidance due to the very large glazing areas proposed. This represents a percentage figure of 94% in winter and 87% in summer. This represents an improvement from the original scheme by approximately 10% in winter and 20% in summer.
- 9.74. In terms of sunlight assessment to the proposed rooms, the south facing rooms (no.48) have been assessed for summer and winter hours and there would be 4 rooms on the ground floor which would not meet the guidance whilst all rooms on the floors above would meet the guidance representing a 91.6% pass rate which is good. In addition, the roof top terrace would enjoy good levels of sunlight.
- 9.75. The Average Daylight Factor results for this revised scheme demonstrate a very good level of daylighting provision to the proposed habitable rooms within this scheme. In addition, suitable provision is achieved for both sun important rooms (within this multi-unit development with due consideration to site context) and also to the amenity areas.

**Sustainable Transport:**

- 9.76. National and local planning policies seek to promote use of sustainable modes above use of the private car. Policy CP9 directs significant development into sustainable corridors such the DA3 Lewes Road strategic location.
- 9.77. Sustainable measures can be incorporated into the development and the location is well served by public transport with a bus stop at the end of

Melbourne Street on the Lewes Road with direct services to the city centre, the main line station, and points east and west. Whilst there is no parking proposed, this is acceptable as it is not practical on a small-scale, very constrained allocated site, in a high-density location and this approach is similar to other approved developments of this nature on the Lewes Road corridor.

- 9.78. Secure and convenient cycle parking is however proposed within the building for occupiers and visitors. The narrow footways of Melbourne Street would prevent the provision of visitor cycle racks on street. Visitor cycle parking would most likely serve visitors to the employment space within the building would be more secure and more convenient than say, on the Lewes Road.
- 9.79. It is also the case that the site is located within a Controlled Parking Zone and new residents would not be permitted to obtain a resident permit for on street parking. The Highway Authority has requested that new residents would be only be entitled to half of their allocation of visitor permits per annum i.e. 25 and has commented that given the restrictions, to further reduce additional traffic movements. A condition is recommended to be imposed as such.
- 9.80. The very nature of the co-living and co-working concept reduces the need to travel and is sustainable. Amenities proposed within the scheme such as gym, café and laundry areas would further reduce the need to travel outside of the development which would assist in creating and maintaining a sustainable neighbourhood in accordance with Policy SA6 'Sustainable Neighbourhoods' of the City Plan Part One. More so, the site is also located within a very short walking distance from a range of established local facilities and services on the Lewes Road.

#### Loading bay

- 9.81. The proposals originally included opportunities to improve the public realm in front of the building incorporating a shared surface footway/delivery bay. However, this was opposed by the Highway Authority on safety grounds and a delivery/loading bay is now proposed to be on the south side of Melbourne Street. It is considered that the public realm would still be enhanced by this. The street frontage currently comprises a very narrow and worn footway with existing crossovers and opportunities would be taken to provide good quality paving and a wider more accessible footway.
- 9.82. The applicant has proposed a loading bay which would by necessity result in the loss of 2 or 3 on street parking bays. The Highway Authority has commented that the location would be acceptable in principle subject to the approval of a detailed plan and a Traffic Regulation Order (TRO) which would need to be approved prior to commencement of any development on site. As agreed by all parties, this is proposed to be secured by a Grampian condition (a permissible condition covering works off-site).
- 9.83. The development however presents an opportunity to provide a more formal servicing arrangement for the street than exists now. Currently, as referred to in the amenity section of this report, the current motor businesses attracted a

considerable amount of dangerous parking and manoeuvring by customer and delivery vehicles. Vehicles frequently park on the narrow, shallow footways and the unauthorised taking up of shared resident and pay and display parking bays. It is considered that the proposed development is likely to reduce much of this hazardous situation. The nature of the employment element as a small-scale office sharing facility is unlikely to result in many large-scale deliveries. It is considered therefore that the proposals would enhance the public realm and improve safety in accordance with policy TR7 of the Brighton and Hove Local Plan.

#### Overspill parking

- 9.84. The applicant carried out a parking survey of the surrounding streets over 48 hours in February and found that there was available capacity in the vicinity for car parking spaces, which could accommodate overspill parking. The daytime survey demonstrated a parking stress of 83% and therefore 17% capacity; this equates to 19 available spaces in the area. The evening survey showed a 73% parking stress (27% spare capacity) with 123 available spaces. However, The Highways Authority has objected to the scheme on the grounds that scheme would result in residual overspill parking of circa 17-20 spaces (including the loss of the on-street parking spaces to be replaced by necessary loading bay on the south side of Melbourne Street), potentially generated from the visitors of the co-living units and visitors and users of the co-working element. Albeit it is acknowledged by the Highways Authority that there is not expected to be a significant net increase in vehicle trip generation as the scheme is proposed to be car-free.
- 9.85. It should be noted that the co-working element does not necessarily conform to the traditional 9-5 hours of working and provides a more flexible approach and therefore the maximum daytime demand assumed may not be entirely applicable. In addition, the co-living residents' rental package includes the right to use the co-working space and the applicant has argued that a significant number of residents will work within the development. As such, the users of the co-working element deriving from the co-living units would not travel to the site by car, as they would already be in situ. This would further reduce any overspill parking anticipated. In addition, the measures below would further reduce reliance on the private car.

#### Travel Plan

- 9.86. Measures to support the car free development and reduce overspill parking would also be supported through the provision of a Travel Plan for future residents of the co-living units and users of the co-working element further enhancing, promoting and encouraging sustainable modes of transport, through the provision of information and incentives. This can be appropriately secured via condition.

#### Car club

- 9.87. The Highways Authority has advised that "It should be noted that car clubs could be explored as a potential to mitigate any potential overspill parking". As such, the applicant is in the process of joining a local car club and has agreed for this to be secured by S106 agreement to ensure the provision of Car Club

Membership would be provided for each of the future occupiers of the co-living units. This again would account for some of the anticipated overspill car parking.

#### Cycle Storage Provision

- 9.88. In terms of the application of SPD14 (Parking) standards, SPD 14 does not specify this new type of co-living/co-working residential accommodation, therefore the Purpose Built Student Accommodation (PBSA) standard probably is the most applicable. The Highways Authority had objected to the scheme on the grounds that the amount of cycle parking proposed was below the minimum policy requirement of 72 spaces, at the time representing a shortfall of 12 cycle spaces.
- 9.89. Firstly, it should be observed that 64 spaces were initially proposed however, in order to accommodate some spaces for disabled cyclists requested by the Highway Authority, the proposal was initially amended to provide 60 cycle spaces.
- 9.90. Following further comments received from the Highways Authority most recently, the applicant has now also submitted amendments to accommodate policy 72 cycle spaces at basement level through sacrificing storage space. Four additional spaces are also proposed on the ground floor to provide additional visitor cycle parking. These amendments would now provide policy compliant cycle storage with 4 additional spaces on the ground floor, representing a significant contribution towards sustainable travel and reducing the reliance of the car.
- 9.91. The proposed Sheffield stands layout meet the published guidance and provide the majority of provision. The applicant has provided lockers and a drying area and overall the quality of provision complies with adopted guidance. Whilst some minor residual concerns about access remain, it is considered that the cycle parking proposed would safe, secure, convenient and well-lit and would be accordance with policy TR14 of the Brighton and Hove Local Plan. Details of the layout are recommended to be secured by condition.

#### E-Scooters

- 9.92. The applicant has also put forward the potential for e-scooters to be provided on the site. Admittedly their use is currently being reviewed by Government, as such they do not form a part of the proposal. The applicant states that the location of the development close to amenities and within a reasonable scoot distance of the centre and sea-front, along with the attractiveness of this mode to people in their 20s and 30s, means e-scooters are likely to be popular choice for the development's residents. E-scooters fold up and can be stored in bedrooms or the separate store facilities, and are considered by the applicant to be appropriate on this constrained site.

#### Sustainable Transport Contribution

- 9.93. The Highway Authority has requested a contribution of £50,300 towards sustainable transport measures. The applicant has agreed to the contribution which would provide the following:



- Pedestrian footway improvements on but not limited to Melbourne Street and Lewes Road;
- Bus stop improvements on Lewes Road including RTPI; and
- Benches on Lewes Road to improve accessibility.

9.94. This contribution would further assist in enhancing and improving existing facilities to further encourage the use of public transport, reduce overspill parking and would further mitigate the impact of the proposed development.

**Sustainability & Biodiversity:**

9.95. The proposed development would comply with policy CP8 Sustainable Buildings by incorporating and meeting the energy and water targets set out in the policy. The development would achieve BREEAM Excellent in the energy section as well as achieving an overall BREEAM excellent score for the non-residential part of the development. The use of Air Source Heat Pumps (ASHP) technology for the heating has been welcomed by the Council's Sustainability Adviser. The use of photovoltaics and an extensive green roof is also welcomed to enhance biodiversity and reduce run off. From a sustainability perspective, a car free development has been welcomed subject to the highway authority's comments on the potential for additional pressure for on-street parking.

9.96. One benefit of the proposed development from a sustainable perspective is the co-location of living and working accommodation and the commitment that the accommodation costs would cover use of a workspace on the ground floor.

9.97. The sustainability officer has welcomed a car free development along with indoor cycle parking. There were some details sought of the scheme's ventilation strategy, a reduction in air permeability and a site wide water strategy. However, it is considered that these details could be covered by conditions and provided that the development would meet the policy requirements for water and energy saving and BREEAM requirements the proposal would be acceptable. The sustainability officer is supportive of the development proposal.

9.98. The Ecologist raises no objections provided appropriate conditions are imposed to include measures to enhance biodiversity. Conditions are recommended to secure landscaping including a green roof, a sensitive lighting scheme, and provision of bat, bird and bee bricks/boxes and therefore it is considered that policy CP10 has been complied with.

**Conclusion and Planning Balance**

9.99. Paragraph 11 of the NPPF makes it clear that planning application decisions should apply a presumption in favour of sustainable development. Furthermore, it sets out that where relevant development policies are out of date planning permission should be granted unless any adverse impacts on doing so would significantly and demonstrably outweigh the harm.

9.100. As noted above, the Council is currently unable to demonstrate a 5 year housing supply and as such the relevant planning policies relating to housing

delivery are considered to be out-of-date and the tilted balance of paragraph 11 must be applied.

- 9.101. The site is allocated for a mix of residential and employment uses under Policy CP3.4 of City Plan Part 1 and the proposal would provide a relatively new format of co-living accommodation for both residential and business users in which occupiers could both live and work in the same building. Government guidance accepts new forms of residential accommodation to suit current demands and the Planning policy team have accepted that this scheme would contribute towards the delivery of housing. Whilst this residential scheme would not automatically generate an affordable housing requirement under the council's current housing strategy, a financial contribution towards off site affordable housing provision has been secured.
- 9.102. The accommodation provides flexible shared managed accommodation on flexible leases with a higher standard of amenities to provide an alternative to working people who might otherwise live in shared houses in multiple-occupation. Occupants would have inclusive access to the workspaces on the ground floor. The retention of the martial arts club/community space is welcomed.
- 9.103. The scale of the development has been reduced in height during considerations to mitigate some of the impacts on neighbouring residents and is considered to fit within the general scale of development around Melbourne Street. The height of Viaduct Lofts at 7 storeys and built to the back edge of the pavement has rendered it difficult to regenerate a very constrained allocated site in a viable way without some impacts most notably on daylight to some neighbours and on the adjacent tree belt in Woodvale Cemetery within the confines of a narrow street. The significant modifications to the scale of the development would also minimise the harm to the setting of the nearest conservation area in key views to an acceptable degree. The applicant has made numerous accommodation and design changes to seek to address those impacts.
- 9.104. The current street is characterised by car repair businesses and other unneighbourly industrial businesses in dilapidated buildings with no planning controls. These have evidently cause long term nuisance and noise to neighbours and highway congestion and danger to pedestrians. The proposed development would have a high quality of architectural design which would enhance the streetscene and provide a more neighbourly and well managed development.
- 9.105. The impact on some trees is regrettable but in the context of the wider tree belt would be less than substantial and would be mitigated by replacement tree planting.
- 9.106. Whilst there are concerns raised by the Highway Authority, most significantly about parking, the development would result in a safer more ordered use of the public highway including a proposed dedicated servicing and loading provision; higher quality footways; and public realm for local residents. A good quantity of

cycle parking provision is proposed which meets the most relevant standard in SPD14. There remains some uncertainty over predicted parking demands for this new concept of co-living/co-working accommodation. The difference in estimates between the applicant's assessment and the Highway Authority's own estimates might impact most on daytime parking demands due to the B1 accommodation and visitors. The B1 accommodation is modest in size with capacity for 40-50. Additionally the flexible nature of the businesses users, who would not necessarily follow 9-5 weekday work patterns, potentially mean that parking demand estimates could be overstated. Notwithstanding this is an allocated site and any viable development would generate a parking demand.

- 9.107. It is considered therefore that, on balance, the benefits of the regeneration of this allocated site would outweigh those elements which are considered to be harmful to greater or lesser degrees and thus the proposal is recommended for approval.

## **10. EQUALITIES**

- 10.1. The proposals would be compliant with those policies related to the provision of accessible homes as well as ensuring that the building would be fully accessible for its users and visitors. A particular benefit of the proposals in terms of enhancing equality of access would be for the martial arts club which is currently not accessible on the first floor of the current building.

### Reasons for refusal if S106 Agreement not signed:

- 10.2. In the event that the Section 106 agreement has not been signed by all parties, the application shall be refused for the following reasons:
1. The proposed development fails to provide a financial contribution towards off site affordable housing provision contrary to policies CP20 and CP7 of the Brighton & Hove City Plan Part One and the City Council's Developer Contributions Technical Guidance.
  2. The proposed development fails to provide a financial contribution towards the provision of an Artistic Element required contrary to Policies CP5, CP7 and CP13 of the Brighton and Hove City Plan Part One and the City Council's Developer Contributions Technical Guidance.
  3. The proposed development fails to provide a contribution towards Open Space and Recreation contrary to policy CP16 and CP7 of the Brighton and Hove City Plan Part One and the City Council's Developer Contributions Technical Guidance.
  4. The proposed development fails to deliver a contribution towards Skills and Employment contribution contrary to Policy CP2 and CP7 of the Brighton and Hove City Plan Part One and the City Council's Developer Contributions Technical Guidance.

5. The proposed development fails to deliver a Skills and Employment Strategy contrary to Policy CP2 and CP7 of the Brighton and Hove City Plan Part One and the City Council's Developer Contributions Technical Guidance.
6. The proposed development fails to provide a Sustainable Transport contribution and promote sustainable modes of transport contrary to Policies CP7, CP9 and CP13 of the Brighton and Hove City Plan Part One and the City Council's Developer Contributions Technical Guidance.
7. The proposed development fails to deliver a contribution towards Arboriculture to mitigate the impact to adjacent trees, contrary with Policies CP7, CP10, CP12, CP15 of the Brighton and Hove City Plan Part One, Policy QD16 of the Brighton and Hove Local Plan and the City Council's Developer Contributions Technical Guidance.
8. The proposed development fails to provide free Car Club membership to future residents to reduce the reliance on the private car contrary to the requirements of Policies CP7 and CP9 of the Brighton and Hove City Plan Part One.
9. The proposed development fails to provide a Community Use Agreement to secure part of the development for indoor sporting and community use for the local community contrary to Policy CP17 of the Brighton and Hove City Plan Part One and Policy HO20 of the Brighton and Hove Local Plan.

**Cllr. Elaine Hills**  
**BH2019 01820 - 19-24 Melbourne Street**

**14<sup>th</sup> January 2020:**

Stance: Customer objects to the Planning Application

Comment Reasons:

- Inappropriate Height of Development
- Overshadowing
- Restriction of view

Comment: I'd like to add my voice to those concerned about the redevelopment of 19-24 Melbourne Street. While I acknowledge that something should be done with the site, this development is too large for a narrow, one-way street like this. The height of the proposed plans will mean the buildings opposite will be overshadowed, residents living there thus losing daylight and privacy.

Furthermore, the project does not address what the city really needs: affordable housing for longterm residents in our city, instead offering expensive accommodation for a transient population.

The provision of a new space for Nam Yang Community Association as part of the proposed development would provide benefits to the local community. But overall, a less intense project that incorporates this, at affordable rents that are suitable for families, would be of more social value to our city.





PLANNING COMMITTEE LIST  
COUNCILLOR REPRESENTATION

**Cllr. Steph Powell**  
**BH2019 01820 - 19-24 Melbourne Street**

**9<sup>th</sup> September 2019:**

Further to the notification of amends to this application from the developer in terms of the "Community Benefit", I want to reinforce my original objection to this application. This is for the reasons which I set out in my email, which was sent to you on 24th July 2019.

Please add this note, if it is not too late.





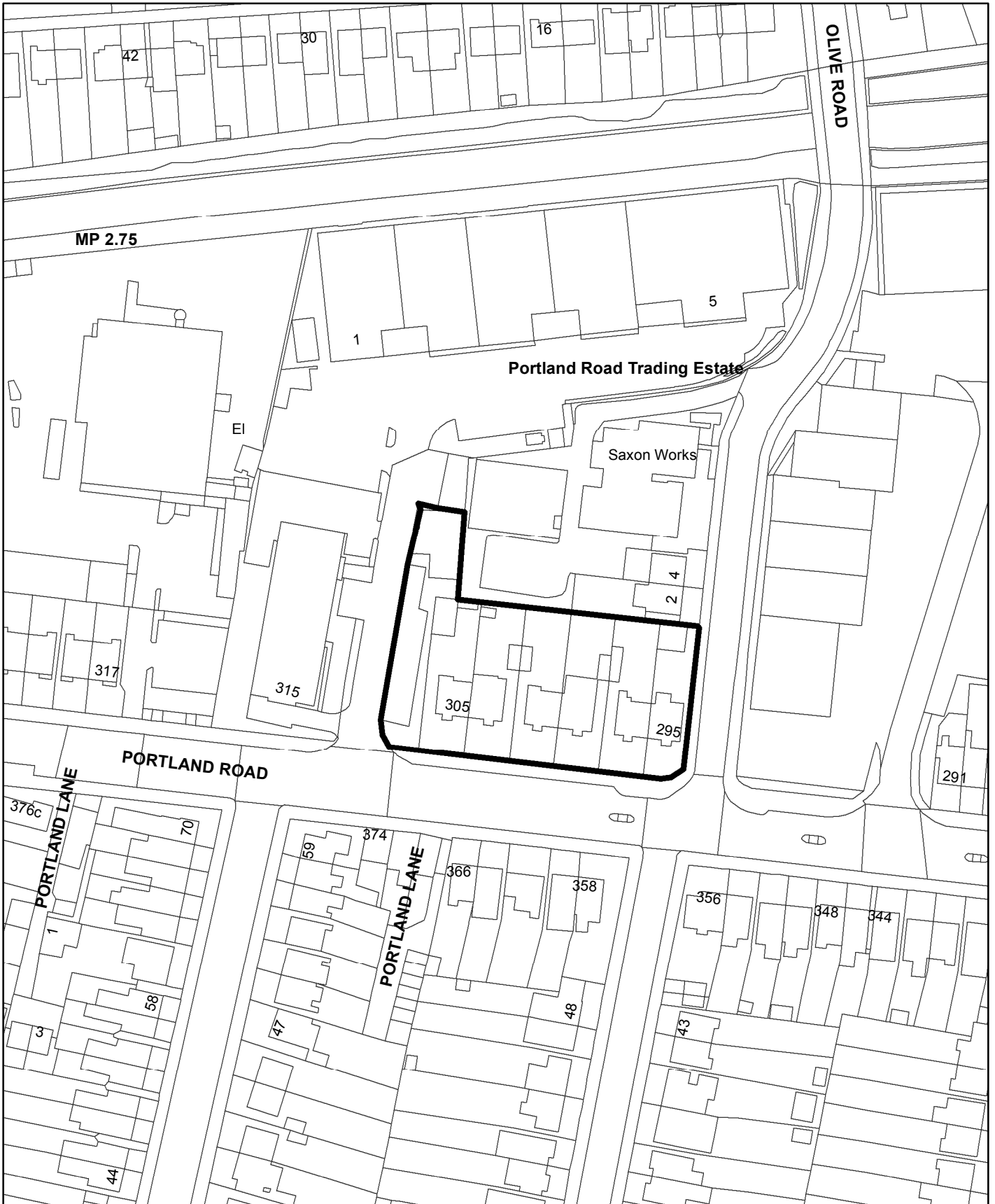
# **ITEM B**

**295-305 Portland Road  
BH2018/01622  
Outline Application**

**DATE OF COMMITTEE: 26<sup>th</sup> June 2020**



# BH2018 01622 - 295-305 Portland Road



N



Scale: 1:1,250



<b><u>No:</u></b>	<b>BH2018/01622</b>	<b><u>Ward:</u></b>	<b>Wish Ward</b>
<b><u>App Type:</u></b>	<b>Outline Application</b>		
<b><u>Address:</u></b>	<b>295 - 305 Portland Road Hove BN3 5SE</b>		
<b><u>Proposal:</u></b>	<b>Outline application for demolition of existing 6no dwellings (C3) to facilitate a mixed-use redevelopment comprising of the erection of 1no four storey building and 1no three storey building incorporating up to 1650sqm of commercial space (B1) and up to 47no dwellings (C3) with associated basement level vehicular and cycle parking with landscaping to include layout, scale and access (appearance and landscaping to be reserved matters).</b>		
<b><u>Officer:</u></b>	<b>Chris Swain, tel: 292178</b>	<b><u>Valid Date:</u></b>	<b>26.06.2018</b>
<b><u>Con Area:</u></b>		<b><u>Expiry Date:</u></b>	<b>25.09.2018</b>
<b><u>Listed Building Grade:</u></b>		<b><u>EOT:</u></b>	
<b><u>Agent:</u></b>	<b>Landivar Architects Limited The Workshop Unit 3 29-42 Windsor Street Brighton BN1 1RJ</b>		
<b><u>Applicant:</u></b>	<b>Martin Homes C/o Landivar Architects Limited The Workshop Unit 3 29-42 Windsor Street Brighton BN1 1RJ</b>		

## 1. RECOMMENDATION

- 1.1. That the Committee has taken into consideration and agrees with the reasons for the recommendation set out below and resolves to be **MINDED TO GRANT** planning permission subject to a s106 agreement on the Heads of Terms set out below and the following Conditions and Informatives as set out hereunder, **SAVE THAT** should the s106 Planning Obligation not be completed on or before the **30 September 2020** the Head of Planning is hereby authorised to refuse planning permission for the reasons set out in section 10.1 of this report:

### **Section 106 Head of Terms:**

#### 1.2. **Affordable housing:**

- Provision of policy compliant affordable housing (40%) with a split of 55% of the affordable offer for affordable rent and 45% as shared ownership.

### **Sustainable Transport and Highways:**

#### **Sustainable Transport Contribution**

- 1.3. A sustainable transport contribution of **£199,530**. This should be allocated to the following, stated here in order of priority.

- Pedestrian crossing improvements on but not limited to Portland Road; and/or
- Improved pedestrian crossing on Portland Road; and/or
- Bus stop improvements on Portland Road; and/or
- Public realm and accessibility improvements to footways within the adopted highway in the vicinity of the site.

1.4. Highway works

- Reinstatement of vehicle crossovers on Portland Road
- Repaving of footway on Portland Road
- The works shall be secured via a section 278 agreement and completed to the satisfaction of the LHA prior to the first occupation of the development.

A 5 year Residential Travel Plan including monitoring.

1.5. (For the C3 Residential Travel Plan)

- Providing a Travel Pack to each new resident or employee, which shall include information on local options for sustainable transport, the other measures and offers below, and road safety.
- Providing residents with 1 or more years of subsidised tickets/memberships for each of the following local public and shared transport services -
  - Local buses and/or train services;
  - BTN Bike Share; and
  - Enterprise Car Club
- Providing formal cyclist training to residents on request, to be marketed throughout the development.
- Providing maintenance stands together with pumps and basic maintenance and repair tools within the cycle stores for resident use.
- Establishing a Bicycle User Group for residents.
- Providing information on sustainable transport options and the other measures and offers above in all marketing material (including any on-line).
- Providing and maintaining a notice board in a prominent communal location in the development containing information on the following
  - road safety
  - local sustainable travel options,
  - Travel Plan objectives, targets, measures and progress
  - Bicycle User Group
  - initiatives being promoted by residents, the Travel Plan Coordinator and the Bicycle User Group relating to any of the above
  - initiatives being promoted by Brighton & Hove City Council relating to any of the above, as may be sent by the City Council from time to time.

1.6. (For the B1 Office Travel Plan)

- Providing a Travel Pack to each new employee, which shall include information on local options for sustainable transport for travel to work and work-related travel, the other measures and offers below, and road safety.
- Providing interest-free loans to employees for the purchase of bus and rail season tickets and bicycle purchase. This may be in the format of a salary advance.
- Providing and retaining maintenance stands together with pumps and basic maintenance and repair tools within the cycle store/s for employee use.
- Establishing a Bicycle User Group for employees (to meet every 2 months).
- The Bicycle User Group should also be consulted at each Travel Plan monitoring point and in relation to ongoing operational management of cycle parking facilities. The latter role should continue beyond the life span of the Plan.
- Providing and maintaining a notice board in a prominent communal location in the development containing information on the following -
  - road safety
  - local sustainable travel options,
  - Travel Plan objectives, targets, measures and progress
  - initiatives being promoted by the staff or the Travel Plan Coordinator relating to any of the above initiatives being promoted by Brighton & Hove City Council relating to any of the above, as may be sent by the City Council from time to time.

#### 1.7. **Education**

- A financial contribution of **£18,736.80** for secondary school and sixth form education (Blatchington Mill and Hove Park Schools)

#### 1.8. **Public Art**

- Commissioning and installation of an Artistic Component to the value of **£28,300** within the development in public view or in the immediate vicinity of the site. This could comprise an 'uplift' in the value of public realm provision to incorporate an artistic component.

#### 1.9. **Open space and recreation/sports:**

- Provision of a financial contribution of £117,234.81 towards enhancement of outdoor/indoor sports, parks and gardens, children's playspace, allotments, amenity greenspace and semi-natural space at the following locations:
- Outdoor sport (£28,317.03) - Kingsways / Hove Seafront, Knoll Park, Wish Park, Neville Recreation Ground, Hove Lagoon Skatepark, Hove Seafront,
- Indoor sport (£18,620.00) – Portslade Sports Centre,
- Children's Play (£2, 898.87) – Hove Lagoon Skatepark, Hove Seafront, Wish Park, Victoria Recreation Ground, Vale Park
- Parks and Gardens (£41,445.08) - Wish Park, Victoria Recreation ground, Davis Park, Vale Park, Hove Seafront,
- Allotments (£4,064.10) – Allotments with n2km of the development,

- Amenity Green Space - (£3,322.93) - Wish Park, Hove Seafront, Isabel crescent, Small amenity green spaces within 1.5 kilometers of the development
- Natural and semi-natural - (£18,566.80) Street trees and small amenity green spaces within two kilometers of the development, Hove seafront

1.10. Employment:

- Submission of an Employment & Training Strategy to secure the use of at least 20% local construction labour,
- A financial contribution of **£28,200** towards the Local Employment Scheme

Conditions:

1. List of approved plans.

2. The development hereby permitted must be begun not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved;

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

3.

a) Details of the reserved matters set out below (“the reserved matters”) shall be submitted to the Local Planning Authority for approval within two years from the date of this permission:

- (i) appearance;
- (ii) landscaping.

b) The reserved matters shall be carried out as approved.

c) Approval of all reserved matters shall be obtained from the Local Planning Authority in writing before any development is commenced.

**Reason:** To enable the Local Planning Authority to control the development in detail and to comply with Section 92 (as amended) of the Town and Country Planning Act 1990.

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

- a) samples of all brick and tiling,
- b) samples of all cladding to be used,
- c) details of all hard surfacing materials,
- d) details of the proposed window, door and balcony treatments,
- e) details 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 CP12 and CP13 of the Brighton & Hove City Plan Part One.



5. The development hereby permitted shall not be occupied 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 and provided in full in accordance with the approved details prior to first occupation of that parcel and the refuse and recycling storage facilities shall thereafter be retained for use at all times.  
**Reason:** To ensure the provision of satisfactory facilities for the storage of refuse and to comply with policy QD27 of the Brighton & Hove Local Plan, policy CP8 of the Brighton & Hove City Plan Part One and Policy WMP3e of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan Waste and Minerals Plan.
6. No cables, wires, aerials, pipework (except rainwater downpipes as shown on any 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 policy CP12 of the Brighton & Hove City Plan Part One.
7. The office floorspace (B1) hereby permitted shall be used solely as an office (Use Class B1(a)) and for no other purpose (including any other purpose in Class B of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification). Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended (or any order revoking and re-enacting that Order with or without modification), no change of use shall occur without planning permission obtained from the Local Planning Authority.  
**Reason:** The Local Planning Authority would wish to retain control over any subsequent change of use of these premises in the interests of safeguarding the supply of office floorspace in the city given the identified shortage, to comply with policies CP3 of Brighton & Hove City Plan Part One.
8. Notwithstanding the submitted drawings prior to occupation of the development hereby permitted, a scheme for landscaping shall be submitted to and approved in writing by the Local Planning Authority. The approved landscaping shall be implemented in accordance with the approved details in the first planting season after completion or first occupation of the development, whichever is the sooner. The scheme shall include the following:
- a. details of all hard and soft surfacing to include type, position, design, dimensions and materials and any sustainable drainage system used;
  - b. a schedule detailing sizes and numbers/densities of all proposed trees/plants including details of tree pit design, use of guards or other protective measures and confirmation of location, species and sizes, nursery stock type, supplier and defect period;
  - c. details of all boundary treatments to include type, position, design, dimensions and materials;

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.

**Reason:** To enhance the appearance of the development in the interest of the visual amenities of the area and to comply with policies QD15 of the Brighton & Hove Local Plan and CP12 and CP13 of the Brighton & Hove City Plan Part One.

9. Prior to first occupation of the development hereby permitted, details of secure, accessible and inclusive 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 and paragraph 110b of the National Planning Policy Framework.

10. Notwithstanding the plans hereby permitted no development above ground floor slab level shall commence on site until a Scheme of Management and Layout of the vehicle parking areas has been submitted to and approved in writing by the Local Planning Authority. The scheme must include the following measures:

- Details of the layout of the bays and access within the basement car park, and any other motor vehicle parking areas, including provision of 5% of the total spaces for motor cycle use.
- Details of how each car parking space will be allocated and managed.
- Details of measures to ensure that each car parking space is for the sole use of its allocated owner and/or those they permit to use said space.
- Details of measure of control for vehicles entering and exiting the site.
- Details of electric charging bays, including arrangements to bring passive EVCB into active service.
- Details of disabled parking bays.

The approved layout and management arrangements shall be implemented prior to the occupation of the building and thereafter be retained and maintained.

**Reason:** To ensure the development maintains a sustainable transport strategy and to comply with policies TR7, TR12, TR14 and TR18 of the Brighton & Hove Local Plan and CP9 of the City Plan Part One.

11. A minimum of 5% of the dwellings hereby permitted shall be wheelchair assessable and completed in compliance with Building Regulations Optional Requirement M4(3)(2b) (wheelchair user dwellings) prior to first occupation and shall be retained as such thereafter. All other dwelling(s) hereby permitted shall be completed in compliance with Building Regulations Optional

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

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

12. 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 CP8 of the Brighton & Hove City Plan Part One.
13. None of the residential units hereby approved shall be occupied until each residential unit built has achieved as a minimum, a water efficiency standard of not more than 110 litres per person per day maximum indoor water consumption.  
**Reason:** To ensure that the development is sustainable and makes efficient use of water to comply with policy CP8 of the Brighton & Hove City Plan Part One.
14. Within 6 months of first occupation of the non-residential development hereby permitted a BREEAM Building Research Establishment has issued a Post Construction Review Certificate confirming that the non-residential development built has achieved a minimum BREEAM New Construction rating of 'Excellent' and such certificate has been submitted to, and approved in writing by, the Local Planning Authority.  
**Reason:** To ensure that the development is sustainable and makes efficient use of energy, water and materials and to comply with policy CP8 of the Brighton & Hove City Plan Part One.
15. Prior to first occupation of the development hereby approved, details of the rooftop photovoltaic array shall be submitted to and approved in writing by the Local Planning Authority. The photovoltaic array shall then be installed in accordance with the approved details.  
**Reason:** To ensure that the development is sustainable and makes efficient use of energy, water and materials and has an acceptable appearance and to comply with policies CP8 and CP12 of the Brighton & Hove City Plan Part One.
16. All separating walls and floors between the residential units and commercial floorspace, plant rooms, recycling and refuse stores and vehicle and cycle parking areas shall be designed to achieve a sound insulation value of 5dB better than that required by Approved Document E of the building regulations performance standards for airborne and impact noise. Written details of the

scheme, including calculations/specification of how this standard will be achieved, shall be submitted to and agreed by the Local Planning Authority prior to occupation.

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

17. No development above ground floor slab level shall take place until a scheme for the suitable treatment of all plant and machinery against the transmission of sound and/or vibration has been submitted to and approved in writing by the Local Planning Authority. The measures shall be implemented in strict accordance with the approved details prior to the first 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.

18. No development hereby permitted shall be first occupied until
- i) details of external lighting, which shall include details of; levels of luminance, hours of use, siting, predictions of both horizontal illuminance across the site and vertical illuminance affecting immediately adjacent receptors, hours of operation and details of maintenance have been submitted to and approved in writing by the Local Planning Authority.
  - ii) the predicted illuminance levels have been tested by a competent person to ensure that the illuminance levels agreed in part 1 are achieved. Where these levels have not been met, a report shall demonstrate what measures have been taken to reduce the levels to those agreed in part i).
  - iii) The submitted details should clearly demonstrate that areas to be lit will not disturb or prevent sensitive species using their territory or having access to their breeding sites and resting places.

The lighting installation shall comply with the recommendations of the Institution of Lighting Professionals (ILP) e.g. Guidance On Undertaking Environmental Lighting Impact Assessments. A report and certification on completion, from a competent person shall be submitted to show the lighting installation complies with the guidance. The external lighting shall be installed, operated and maintained in accordance with the approved details and thereafter retained.

**Reason:** To safeguard the amenities of the occupiers of adjoining properties and to protect light sensitive bio-diversity and to comply with policies QD25 and QD27 of the Brighton & Hove Local Plan and policy CP10 of the Brighton and Hove City Plan.

19. No development, including demolition and excavation, shall commence until a Site Waste Management Plan has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the details approved.

**Reason:** To maximise the sustainable management of waste and to minimise the need for landfill capacity and to comply with policy WMP3d of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan.

20. If during development, 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 and assessing the risk and proposing remediation measures, together with a programme for such works, 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 from unidentified contamination and to ensure that the development does not contribute to, is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution or risk to public health from previously unidentified contamination sources at the development site and to comply with policies and SU3 and SU11 of the Brighton & Hove Local Plan and the terms of paragraph 170 of the National Planning Policy Framework.

21. Prior to the commencement of development above ground floor slab level, an Acoustic Report which shall include an Acoustic Design Statement shall be submitted to and approved in writing by the Local Planning Authority. The mitigation measures and design features required to protect the amenity of future occupiers are to be outlined in detail, in accordance with BS8233. WHO standards and ProPG guidance should be used to design acceptable internal noise levels in all habitable rooms for both day and night. The approved scheme shall be implemented prior to occupation of any of the development and shall be permanently retained thereafter. Prior to occupation the development details shall be submitted to the Local Planning Authority certifying that the agreed noise mitigation measures have been achieved and installed.

**Reason:** To protect the amenity of future residential and commercial occupiers of the development and in accordance with policies SU10 and QD27 of the Brighton & Hove Local Plan.

22. Prior to completion and occupation of the development hereby permitted, details of all plant and machinery and the noise associated with it shall be submitted to and approved in writing by the Local Planning Authority. Noise associated with plant and machinery shall be controlled such that the Rating Level, measured or calculated at 1-metre from the façade of the nearest existing noise sensitive premises, shall not exceed the representative background noise level. Rating Level and existing representative background noise levels to be determined as per the guidance provided in BS 4142:2014. In addition, there should be no significant adverse impacts from low frequency noise.

**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.

23. The development hereby permitted shall not be commenced (other than demolition works and works to trees) until a detailed design and associated management and maintenance plan of surface water drainage for the site using sustainable drainage methods as per the recommendations of the Flood Risk Assessment and Surface Water Drainage Strategy by Ambiantal Environmental Assessment received on 11 June 2019 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.  
**Reason:** To ensure that the principles of sustainable drainage are incorporated into this proposal and to comply with policy SU3 of the Brighton & Hove Local Plan.
24. No development above ground floor slab level of any part of the development hereby permitted shall take place until a drainage strategy detailing the proposed means of foul water disposal and an implementation timetable, has been submitted to and approved in writing by, the Local Planning Authority in consultation with the sewerage undertaker. The development shall be carried out in accordance with the approved scheme and timetable.  
**Reason:** To ensure adequate foul sewage drainage/treatment is available prior to development commencing and to comply with policy SU5 of the Brighton & Hove Local Plan.
25. No development above ground floor slab level of any part of the development hereby permitted shall take place until a drainage strategy detailing the proposed means of foul water disposal and an implementation timetable, has been submitted to and approved in writing by, the Local Planning Authority in consultation with the sewerage undertaker. The development shall be carried out in accordance with the approved scheme and timetable.  
**Reason:** To ensure adequate foul sewage drainage/treatment is available prior to development commencing and to comply with policy SU5 of the Brighton & Hove Local Plan.
26. No development above ground floor slab shall take place until an ecological design strategy (EDS) addressing measures for the protection and enhancement of biodiversity has been submitted to and approved in writing by the local planning authority. The EDS shall include the following:
- a. purpose and conservation objectives for the proposed works;
  - b. review of site potential and constraints;
  - c. detailed design(s) and/or working method(s) to achieve stated objectives;
  - d. extent and location /area of proposed works on appropriate scale maps and plans;
  - e. type and source of materials to be used where appropriate, e.g. native species of local provenance;
  - f. timetable for implementation demonstrating that works are aligned with the proposed phasing of development;
  - g. persons responsible for implementing the works;

- h. details of initial aftercare and long-term maintenance;
- i. details for monitoring and remedial measures;
- j. details for disposal of any wastes arising from works.

The EDS shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.

**Reason:** To ensure that any adverse environmental impacts of development activities can be mitigated, compensated and restored and that the proposed design, specification and implementation can demonstrate this.

27. The development hereby permitted shall not be occupied until details showing the type, number, location and timescale for implementation of the compensatory bird, bat and insect bricks / boxes has been submitted to and approved in writing by the Local Planning Authority. The scheme shall then be carried out in strict accordance with the approved details prior to occupation and thereafter retained.

**Reason:** To safeguard these protected species from the impact of the development and ensure appropriate integration of new nature conservation and enhancement features in accordance with policies QD18 of the Brighton & Hove Local Plan and CP10 of the Brighton & Hove City Plan Part One and SPD11: Nature Conservation and Development.

28. No development above ground floor slab shall take place until an example bay study showing full details of window(s) and their reveals and cills and the commercial ground floor frontages including 1:20 scale elevational drawings and sections for the development hereby permitted in that development parcel have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out and completed fully in accordance with the approved details and shall be retained as such thereafter.

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

29. All boiler flues shall have vertical termination above roof.

**Reason:** To safeguard the amenities of the local residents and minimise air pollution and to comply with policies SU9 and QD27 of the Brighton & Hove Local Plan and policy CP8 of the Brighton & Hove City Plan Part One.

30. Prior to occupation of the development hereby permitted a Scheme for Crime Prevention Measures for the development shall be submitted to and approved in writing by the Local Planning Authority. The agreed crime prevention measures shall be implemented and retained within the development thereafter.

**Reason:** In the interests of crime prevention, to comply with policy CP12 of the Brighton and Hove City Plan Part One.

31. The glazed frontages to the ground floor office use shall be fitted with clear glass which other than areas containing plant, servicing or storage shall be retained and kept unobstructed at all times.

**Reason:** To ensure an active frontage is maintained and to comply with policy CP12 of the Brighton and Hove City Plan Part One.

32. No development shall take place until a Demolition & Environmental Management Plan (DEMP) has been submitted to and approved in writing by the Local Planning Authority. The DEMP shall include:
- (i) The phases of the Proposed Demolition 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 Demolition 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 disturbance to 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 any demolition compound
  - (vii) A plan showing demolition traffic routes

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, SU9, SU10 and TR7 of the Brighton & Hove Local Plan, policy CP8 of the Brighton & Hove City Plan Part One, 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.

33. No development, other than demolition 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 disturbance to 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

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, SU9, SU10 and TR7 of the Brighton & Hove Local Plan, policy CP8 of the Brighton & Hove City Plan Part One, 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.

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

**Reason:** In order to ensure that the safe operation of the development and to protection of the amenities of nearby residents, in accordance with policies SU10, QD27 and TR7 of the Brighton & Hove Local Plan.

35. Notwithstanding the plans submitted, no development above ground floor slab level shall commence until a scheme detailing the design of internal streets and spaces has been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. The submitted scheme shall include full details of the following:

- I. Geometry and layout, including dimensions and visibility splays
- II. Pavement constructions and surfacing, kerbs and edge restraints
- III. Levels and gradients
- IV. Lighting
- V. Drainage
- VI. Street furniture
- VII. Trees, other planting, growing media and planting aids
- VIII. Traffic signs and road markings;

The approved scheme shall be implemented prior to first occupation of the residential development and thereafter shall be retained.

**Reason:** In the interest of highway safety, inclusivity, sustainability, quality design, the historic environment and public amenity and to comply with policies TR7, TR12, TR14, TR15, TR18, SU3, SU5, QD25, of QD27 of the Brighton & Hove Local Plan and SA6, CP7, CP9, CP12 and CP13 of the Brighton & Hove City Plan Part One, and National Planning Policy Framework paragraphs 108-110.

36. No development above ground floor slab level shall take place until the Local Planning Authority, in consultation with the Local Highway Authority, have approved a full scheme of highway works for improvements to Portland Road that -

- Introduce a designated on-street loading bay on Portland Road

- This should measure a minimum of 10m in length
- Complete a Road Safety Audit in accordance with the Highway Authority's standards at that time, with the Highway Authority acting as Overseeing Organisation. The Road Safety Audit Brief and Report, and all other road safety audit documents, shall be submitted with the scheme

The occupation of the development shall not commence until those works have been completed in accordance with the Local Planning Authorities approval and have been certified in writing as complete by the Local Highway Authority.

**Reason:** In the interests of highway safety and to comply with policies TR7 of the Brighton and Hove Local Plan and SA6, CP7, CP9, CP12 and CP13 of the City Plan Part One.

Informatives:

1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One the approach to making a decision on this planning application has been to apply the presumption in favour of sustainable development. The Local Planning Authority seeks to approve planning applications which are for sustainable development where possible.
2. Crime prevention measures could be evidenced by a Secure By Design Developers Award Certificate or equivalent.
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 the condition above 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](#).
5. The applicant is advised that the details of external lighting required by the condition above should comply with the recommendations of the Institution of Lighting Engineers (ILE) 'Guidance Notes for the Reduction of Light Pollution (2011)' or similar guidance recognised by the council. A certificate of compliance signed by a competent person (such as a member of the Institution of Lighting Engineers) should be submitted with the details. Please contact the

council's Pollution Team for further details. Their address is Environmental Health & Licensing, Bartholomew House, Bartholomew Square, Brighton, BN1 1JP (telephone 01273 294490 email: [ehlpollution@brighton-hove.gov.uk](mailto:ehlpollution@brighton-hove.gov.uk) website: [www.brighton-hove.gov.uk](http://www.brighton-hove.gov.uk)).

6. The applicant is advised that under Part 1 of the Wildlife and Countryside Act 1981 disturbance to nesting wild birds, their nests and eggs is a criminal offence. The nesting season is normally taken as being from 1<sup>st</sup> March – 30<sup>th</sup> 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.
7. The applicant is advised that a formal application for connection to the public sewerage system is required in order to service this development. To initiate a sewer capacity check to identify the appropriate connection point for the development, please contact Southern Water, Southern House, Sparrowgrove, Otterbourne, Hampshire, SO21 2SW (tel 0330 303 0119), or [www.southernwater.co.uk](http://www.southernwater.co.uk)
8. Planning permission is no defence against a statutory noise nuisance investigation. The council is required to investigate under the provisions of the Environmental Protection Act 1990 to determine whether or not a statutory nuisance is occurring and if any action is appropriate.

## **2. SITE LOCATION & APPLICATION DESCRIPTION**

- 2.1. The application relates to land which includes 6 semi-detached properties fronting Portland Road and a further parcel of land also fronting Portland Road and abutting the access to the Portland Road Trading Estate. To the west of the site is the 5 storey Martello Lofts building which has been converted to residential and has associated parking to the rear. To the north of the site is a pair of semi-detached properties which front onto Olive Road and a number of industrial / commercial uses within the Portland Road Trading Estate.
- 2.2. The application as originally submitted was for the demolition of the existing 6 dwellings and the erection of two buildings of up to 6 storeys to include 91no dwellings and 2450sqm of commercial space made up of (1,488sqm of A1, 207sqm of A3 and 755sqm of B1.
- 2.3. The revised application to be considered by the Planning Committee consists of 2 buildings (one of three storeys, one at four storeys) providing the following:
  - Up to 47 residential dwellings (C3),
  - Up to 1650sqm of B1 office space,
  - Basement level vehicle and cycle parking with access off the Portland Trading Estate access road,

- 2.4. The above is an 'outline application' with approval for access, scale and layout and with appearance and landscaping to be reserved for future consideration in a 'reserved matters' application.
- 2.5. For clarity, the definition of the matters for approval (to be reserved) are set out below.
- 2.6. Matters to be considered
- 'Access' – the accessibility to and within the site, for vehicles, cycles and pedestrians in terms of the positioning and treatment of access and circulation routes and how these fit into the surrounding access network.
  - 'Layout' – the way in which buildings, routes and open spaces within the development are provided, situated and orientated in relation to each other and to buildings and spaces outside the development.
  - 'Scale' – the height, width and length of each building proposed within the development in relation to its surroundings.
- 2.7. Matters not for consideration (reserved)
- 'Appearance' – the aspects of a building or place within the development which determine the visual impression the building or place makes, including the external built form of the development, its architecture, materials, decoration, lighting, colour and texture.
  - 'Landscaping' – the treatment of land (other than buildings) for the purpose of enhancing or protecting the amenities of the site and the area in which it is situated and includes: (a) screening by fences, walls or other means; (b) the planting of trees, hedges, shrubs or grass; (c) the formation of banks, terraces or other earthworks; (d) the laying out or provision of gardens, courts, squares, water features, sculpture or public art; and (e) the provision of other amenity features.
- 2.8. For the avoidance of doubt whilst the elevational drawings submitted are for approval any elevational detail shown (fenestration, balcony siting etc) is for illustrative purposes only. In respect of the submitted floorplans, the internal layouts are again only for illustrative purposes and are not to be secured under this planning permission.

### **3. RELEVANT HISTORY**

- 3.1. **BH2016/02053** - Erection of 2no three storey buildings, first building comprising of 3no one bedroom flats and 1no two bedroom flat. Second building comprises of six office spaces with cycle stores and associated works. Approved 20.07.2017.

Adjoining site at Martello Lofts

- 3.2. **BH2016/06335** - Creation of additional floor to provide 2no one bedroom flats and 2no two bedroom flats (C3). Approved 20.07.2017.
- 3.3. **BH2016/02053** - Erection of 2no three storey buildings, first building comprising of 3no one bedroom flats and 1no two bedroom flat. Second building comprises of six office spaces with cycle stores and associated works. Approved 20.07.2017.
- 3.4. **BH2015/00694** - External alterations to all elevations including to layout of doors and windows, installation of French doors, balconies and new entrance door and other associated works in association with prior approval application BH2015/00278 for change of use from offices (B1) to residential (C3) to form 28no units. Approved 19.06.2015.
- 3.5. **BH2015/00278** - Prior approval for change of use from offices (B1) to residential (C3) to form 28no units. Approved 25.03.2015.

#### **4. REPRESENTATIONS**

4.1. Two hundred and thirty-seven (237) representations have been received, objecting to the proposed development for the following reasons:

##### **4.2. Design and appearance**

- Out of character with the existing traditional family housing in the vicinity,
- Design out of keeping with the Portland Road streetscape,
- Overdevelopment of the site,
- No break in the massing or height for the full extent of the frontage,
- Excessive in scale and height,
- Whilst the application is an outline, no indication that it would achieve a high standard of design,
- Not in an area designated for tall buildings,
- Excessive density,
- The frontage is not set back sufficiently from the highway increasing the dominance of the proposal,
- Insufficient set back from the road to allow meaningful landscaping or tree planting,
- Overly dominant visual impact,
- Unimaginative boxy design,
- Wrong location for high rise development,
- Institutional looking design,
- Outline planning permission is not appropriate and does not accurately show what is proposed,
- Number of units is excessive,
- Harm to skyline,
- Revised plans still result in an unacceptable overdevelopment with little landscaping,

- Unacceptable that 6 perfectly good family houses, characteristic of the area are to be demolished,
- Uninspiring design
- Not appropriate for a low-rise residential area,
- Charm and character of the area being destroyed,
- Balconies and windows add to visual clutter to the elevations,
- Brutalist appearance out of character with the 1930's housing stock
- Incongruous appearance,
- Excessive footprint,

#### 4.3. Amenity

- Lack of sunlight and daylight study,
- Overshadowing and loss of light to neighbouring properties,
- Loss of privacy to neighbouring properties,
- Poor standard of accommodation for future residents with limited and shaded garden space,
- 2 and 4 Olive Rd will be surrounded by more intensive development,
- Overbearing impact,
- Contrary to national and local planning policies and guidance,
- Loss of view,
- Increased noise and disturbance,
- Cramped accommodation,
- Overcrowding of the wider residential area,
- Detrimental to the quality of life for existing residents in the area,
- Built form is too close to the boundary of the site,
- Will increase anti-social behaviour in the area,
- Noise and disturbance from construction will last several years,
- Detrimental impact on air quality resulting in a health risk,
- Light pollution,
- Dust and vibrations,
- An Acoustic Report and not been submitted,
- Some flats do not meet minimum space standards,
- Inadequate servicing and delivery provision

#### 4.4. Transport

- Concern that the proposal will further impact on the junction between Olive Road and Portland Road which is currently very busy and dangerous especially in rush hour,
- Insufficient parking spaces in the proposed scheme,
- Unacceptable impact on parking provision in the surrounding area,
- Additional parking pressure for areas outside of the Controlled Parking Zones (CPZ),
- Increased highway safety concerns for cyclists, motorists and pedestrians,
- Junction is near a school which increases safety concerns,
- Train network is already over capacity in surrounding area,
- Increased congestion in the area,

- Commercial occupiers and visitors picking and dropping off on the site would result in an unacceptable highway safety risk adjoining the busy Olive Road junction,
- The proposal would build over land that was allocated for disabled parking at the Martello Lofts development that has never been provided,
- Threatens site lines at a busy junction,
- No space for safe deliveries,
- Accumulatively with other planned developments in Hove the proposal will overload the transport network,
- Junction should be changed to a roundabout with a pedestrian crossing,
- A GP surgery would create greater parking pressure,
- The benefits of the recently approved CPZ would be undone,
- No traffic plan submitted,
- Unsafe access to site,
- Unclear whether parking is allocated to the commercial or residential,
- No Transport Statement or Parking Survey have been submitted,
- Insufficient details on servicing or delivery have been provided,
- The only access to the proposed development for vehicles, cyclists and pedestrians is via the estate road serving the Industrial Estate which is used by HGV's and commercial vehicles and as such is a significant safety risk,
- Inadequate disabled parking,
- No Travel Plan provided

#### 4.5. Housing

- Family housing is needed not small flatted developments,
- There are already sufficient flats in the area,
- Will not provide truly affordable units,
- Should be 100% social housing,

#### 4.6. Other considerations

- Detrimental impact on value of neighbouring properties,
- Loss of family homes,
- Area is not allocated for higher density residential development or for employment in the City Plan,
- Additional pressure on schools, doctors, dentists, street cleaning and recycling / refuse services, road and pavement maintenance and parks which are already oversubscribed,
- Increased impact on sewer system,
- Council cannot be bullied by developers,
- The developer is only interested in profit at the detriment to the existing local residents,
- Will increase pollution in the area,
- Insufficient neighbour consultation,
- This is not a brownfield site and thus inappropriate for this scale of development,
- Local infrastructure is insufficient to cope with the additional housing,

- There are already a number of empty shops in the area that should be filled first,
- A smaller block has already been refused on the adjoining site,
- Commercial units are not needed in this area,
- Environmental catastrophe,
- The proposal will create a precedent for further inappropriate development,
- Concerns from tenants of the existing adjoining commercial premises on the Industrial Estate that setting out that the introduction of this level of residential development in the vicinity would be incompatible with the noise and use of the existing operators,
- The impartiality of the planning committee is questioned if schemes such as this are being considered by the council,
- Inaccurate ownership statements,
- Council has not made any attempt to engage with local residents,
- Concerned that there are no safeguards on the quality of the build,
- A money-making scheme for the council,
- Provides no community space,
- Workmanship / build quality of the Martello lofts development which is the same developer is very poor,
- Neighbours comments are ignored by the council,
- Building should be on brownfield sites,
- Council should have more input on schemes to ensure that the right development is built in the right places,
- The proposal would prejudice the redevelopment of the Portland Road Trading Estate which is allocated for employment-led mixed-use development.
- The applicant should consider a more comprehensive development in conjunction with the commercial properties to the north,
- A residential development of this scale will prejudice the ongoing management of the Trading Estate and prejudice the ability to attract future occupiers,
- Concerns over the organisation funding the scheme,

4.7. The Regency Society objected to the scheme as originally submitted for the following reasons;

- Overdevelopment,
- Overshadowing,
- The built form is too close to the southern boundary,
- There are ambiguities between the plans and the visuals,

4.8. One (1) representation has been received supporting the proposed development for the following reasons:

- The amount of objection is low considering the number of residents who received leaflets from the applicant about the scheme,
- The affordable housing will help people get on the property ladder,
- Additional employment space is good for the community.



## 5. CONSULTATIONS

### Internal

#### 5.1. **Air Quality:** Comment

There is no objection to the development on grounds of air quality. Prevailing air quality across this part of Hove is very good. The nearest road links exceeding the Air Quality Assessment Level for nitrogen dioxide are:

- Wellington Road and Trafalgar Road in South Portslade

5.2. It very unlikely that the development will add >100 vehicle movements per day to this area. In accordance with the national guidance (for AQ assessments on planning applications) the need for a detailed air quality assessment can be screened out.

#### 5.3. **Arboriculture:** Comment

The present site consists of six dwellings with good sized front and rear gardens and a section of car parking space to the west of the site adjoining an industrial park. The most important trees from an arboricultural aspect are the two lime trees that grow on the boundary to the north-west region of the site. These are healthy trees, but their past management means that they are not worthy of further protection by a tree preservation order at this time.

5.4. The large footprint of the proposed development leaves little room for landscaping potential and is this is to be regretted. The arboricultural team cannot object to the proposal for the reason of tree loss or damage to adjacent trees, however, the team does object to the proposal being too development heavy and would recommend a much greater area for soft landscaping.

### Comments on revised scheme

5.5. A spacing of 7m (from front elevation to pavement) should provide enough space and growing medium for a suitable planting scheme to be incorporated, and to become established. However, species suitability is key as a 7m wide space does not give much space for a wide canopy, so fastigate forms or species with naturally narrow canopies would be preferable.

#### 5.6. **Artistic Contribution:** Comment

##### Main Comment:

Adopted City Plan Policy CP5 supports investment in public realm spaces suitable for outdoor events and cultural activities and the enhancement and retention of existing public art works; CP7 seeks development to contribute to necessary social, environmental and physical infrastructure including public art and public realm; and CP13 seeks to improve the quality and legibility of the city's public realm by incorporating an appropriate and integral public art element.

Type of contribution

- 5.7. To safeguard the implementation of these policies, it is important that instances in which approval/sign off from the council is needed is clearly identified and secured.

Level of contribution

- 5.8. This is arrived at after the internal gross area of the development (in this instance approximately 5,348 sq.m) is multiplied by a baseline value per square metre of construction arrived at from past records of Artistic Component contributions for this type of development in this area. This includes average construction values taking into account relative infrastructure costs.
- 5.9. It is suggested that the Artistic Component element for this application is to the value of £28,300.
- 5.10. As ever, the final contribution will be a matter for the case officer to test against requirements for s106 contributions for the whole development in relation to other identified contributions which may be necessary.
- 5.11. To make sure that the requirements of Policies CP5, CP7 and CP13 are met at implementation stage, it is recommended that an Artistic Component schedule be included in the section 106 agreement. Wording is suggested next.

- 5.12. **City Clean:** No objection

- 5.13. **Economic Development:** Comment

Main Comments

City Regeneration fully supports this application for demolition of existing houses (C3) and erection of 1no three storey and 1no four storey buildings incorporating 1,650sqm of B1 commercial employment space and 47no dwellings with associated parking.

- 5.14. We regret the further reduction in square meterage for employment floorspace compared with the original scheme and revised submission early 2019 (see below).

*'City Regeneration originally supported an outline application for this site in July 2018 for the demolition of existing houses (C3) and erection of a mixed-use building over 6 floors incorporating 2450sqm of commercial space (A1/A3/B1) and 91no dwellings with associated parking and approval of reserved matters for access, layout and scale. The previous application proposed an additional 1,488sqm of A1 space; 207sqm of A3 and 755 sq m of office space which can create 20 full time employment posts.*

*City Regeneration welcomes the expected 20 FTE jobs which could be created by this scheme'.*

- 5.15. The subsequent revised application in 2019 and current further revision has resulted in a reduction in both the residential element and commercial employment space.
- 5.16. From an Economic Development perspective, the reduction of commercial space from an initial 2450sqm to 1650sqm is significant and regrettable however it is recognised that this current proposal has an impact on the overall development and not solely to the detriment of the commercial space. The current revision now has an emphasis on the provision of B1 office space, which is welcomed in this area of the city, following the removal of D and A category floorspace from this revised proposal.
- 5.17. Using the current OffPAT Employment Density Guidance, 1650 sqm of B1 class employment space should have the potential to provide 137 FTEs, which is most welcome.
- 5.18. Should this application be approved, there will be a requirement, detailed through a S106 agreement, for the developer or designated contractors to submit an Employment & Training Strategy to the Council in writing for approval, at least one month before the intended date of Commencement of Development.
- 5.19. The strategy should demonstrate how the developer or main contractor and / or their subcontractors will source local labour and provide training opportunities during the life of the project. How they will work with the Council's Local Employment Scheme Co-ordinator and organisations operating in the city to encourage employment of local construction workers during the demolition (if applicable) and construction phases of the Proposed Development, with a target that at least 20% of the temporary and permanent job opportunities created by the construction of the Proposed Development are provided for local people (residents living within the city postcodes).
- 5.20. Early contact with the council's Local Employment Scheme Co-ordinator is recommended in order to access advice and guidance with regards to the production of the strategy if required, to be informed of the monitoring process regarding the workforce and for early negotiation regarding training opportunities.
- 5.21. It is recommended that reference is made to the CITB (Construction Industry Training Board) Skills Academy guideline regarding KPIs which are based on value of the development.

- 5.22. In addition to the strategy and with reference to the council's Technical Guidance for Developer Contributions, there will be a requirement for a contribution towards the delivery of the council's Local Employment Scheme for construction. The contribution will be for a sum of **£28,200** to be submitted prior to commencement and should be included in the S106 agreement.
- 5.23. **Education: Comment**  
In this instance we will not be seeking a contribution in respect of primary education as we have sufficient primary places in this area of the city for the foreseeable future. We will however be seeking a contribution in respect of secondary and sixth form education of £18,736.80 if this development was to proceed. The development is in the catchment area for Blatchington Mill and Hove Park Schools. Both of these schools are currently full and therefore it is entirely appropriate to seek a contribution in this respect. I have not sought a contribution for the studio units as it is highly unlikely that there would be any school age pupils generated by these, I have also reduced the overall level of contributions by the amount that would be generated by 6 three bedroom houses as the site already contains this level of housing.
- 5.24. **Environmental Health: No objection**  
The acoustic report is useful in that it indicates that noise from the trading estate is not likely to be an insurmountable problem in the design of the fenestration of the proposed building. Should the council be minded to approve the outline application it is recommended that the developer be required to prepare an acoustic report to inform the designers and planning authority of the appropriate design of the fenestration and such recommendations to be implemented.
- 5.25. **Heritage: No objection**  
This site does not impact on any designated or non-designated heritage assets and therefore the Heritage Team does not wish to comment on this application.
- 5.26. **Housing Strategy: Comment**  
The city-wide Housing Strategy adopted by Council in March 2015 has as Priority 1: Improving Housing Supply, with a commitment to prioritise support for new housing development that delivers a housing mix the city needs with a particular emphasis on family homes for Affordable Rent. The council has an Affordable Housing Brief based on evidenced housing needs in the city.
- 5.27. This response is provided by Housing Strategy & Enabling to outline where the scheme does and does not meet the council's Affordable Housing Brief and current policy CP20 regarding provision of affordable housing. CP20 requires 40% of properties to be developed as affordable housing on site in schemes of

more than 15 units where viable. Developers are required to prove where it is not viable for them to meet this policy provision.

- 5.28. This application is for 47 flats (reduced from the originally proposed 91) being developed as part of a scheme that also includes office and commercial space. The application states that it will provide the policy position of 40% affordable housing equating to 19 homes. Policy CP20 requires this to be mixed tenure including Affordable Rent and Intermediate/ Shared Ownership Homes.
- 5.29. Brighton and Hove is a growing City with 290,395 people and the population due to increase to 311,500 by 2030. Our affordable housing brief reflects the very pressing need for affordable homes in the City. With half of all households in the city earning less than £29,100 per annum, the city's private sector housing is unaffordable for many local residents.
- 5.30. In terms of need for affordable rented accommodation: We have 9287 people listed on the joint housing register – 74% of whom are in demonstrable need - Bands A to C. [May 2020]. We also have significant numbers of people housed in temporary accommodation. These numbered 1,772 households, 929 of which include children and/or pregnant women, as of Dec 2019.
- 5.31. Affordable Housing is generally provided through the council or a Registered Provider from the council's Affordable Housing Delivery Partnership or other agreed provider. Affordable housing rents are capped at Local Housing Allowance levels improving affordability and the council is able to nominate people from the Housing Register to all the affordable rent homes ensure local housing need is being met.
- 5.32. Shared ownership housing is an accepted way to allow those who could not afford to purchase a home outright to get a foot on the ownership ladder. The council would expect shared ownership properties to be sold to people with a local connection to the city. Payment of a commuted sum can be considered where providing the affordable housing on site is not viable or possible for agreed practical reasons. Commuted sums are calculated in accordance with published guidelines and allow the council to provide affordable housing elsewhere in the city.
- Tenure mix
- 5.33. Policy CP20 requires mixed tenure to be provided and the Affordable Housing Brief sets out a broad tenure split of 55% Social Rent or Affordable Rent and 45% Intermediate (Shared Ownership sale) as a citywide objective. This would equate to 10 homes for Affordable Rent and 9 for Shared Ownership.

Design/ Wheelchair provision

- 5.34. Affordable housing units should be indistinguishable from market housing in the scheme's overall appearance. The scheme will be expected to meet Secure by Design principles. All the housing in the scheme is situated on floors 1 to 3 of one block with two shared access points. The ground floor of the block is for commercial use and there is a second block of office space provided separately. There is basement level parking and cycle storage.
- 5.35. The Council's wheelchair accessible standard requires that it meets national technical standards Part 4 M (3) at build completion (i.e. fully wheelchair accessible at time of first letting/ sale). Council policy requires 5% wheelchair accessible homes provided across the whole development (and 10% within the affordable housing development). This equates to 2 units within the affordable element of this scheme. The preferred tenure for these units would be Affordable Rent. No wheelchair homes are currently identified but some of the unit sizes could accommodate this as needed.

#### Unit mix

- 5.36. This scheme overall has a high proportion of studio and one bedroom flats and a smaller number of two and three bedroom homes. The overall unit mix is made up of 57% studios and 1 beds / 30% 2 beds and 13% 3 beds. This is in contrast to the demographic analysis included in Policy CP19 (Unit Mix) which outlines that 65% of the overall demand/need is for 2 and 3 bedroom homes.
- 5.37. Assessment of affordable housing needs shows that although greatest need (numerically) is for smaller one and two bed properties there is significant pressure on larger family sized homes, with those seeking to rent a 3 bed property having to wait for longer.
- 5.38. Policy CP20 and the council's Affordable Housing Brief (AHB) sets out a preferred mix of 30% 1 beds / 45% 2 beds and 25% 3 beds with the final mix to be determined through negotiation on individual sites.
- 5.39. At this scheme the preferred mix would equate to: 6 x 1 beds / 9 x 2 beds and 4 x 3 beds.
- 5.40. To ensure that all new homes developed are of a good standard that is flexible, adaptable and fit for purpose, our Affordable Housing Brief offers support for schemes that meet the new nationally described space standards.
- 5.41. Housing Strategy & Enabling support this application as the provision of 19 affordable homes is welcomed and will contribute towards meeting the city's need for affordable homes. This is supported on the basis that it meets policy position of 40% of the housing overall.
- 5.42. **Planning Policy:** Comment

### Housing provision

The site is currently occupied by 6 semi-detached 2-storey dwellings with gardens. The outline application is for 91 apartments in 6 storey block (5 storeys + penthouse) comprising 55 market and 36 affordable units (40%). This would provide a potential net gain of 85 residential dwellings on a 'windfall site' which is not identified in the adopted CPP1 or emerging CPP2. Policy CP1 sets a target to deliver at least 13,200 new homes over the period 2010-2030, however this is a minimum figure which represents only c44% of the city's objectively assessed housing need. In addition, the inspector for the recent planning appeal on Land south of Ovingdean Road (APP/Q1445/W/17/3177606) concluded that there is a potential five year housing land supply shortfall of at least 200 dwellings.

- 5.43. Although not within a defined DA or designated centre, the site is well located for intensification of development, being c400m from Portslade rail station and on a regular bus route, and within walking distance of a range of local shops and services on Portland Road and Boundary Road/Station Road. Within this context, the provision of significant additional housing through redevelopment of this site would be welcome and should be supported, subject to complying with other planning policies.

### Housing mix

- 5.44. The proposed development would significantly increase the number of dwellings on the site. The units proposed are predominantly 1 or 2-bed flats, together with 8 studio flats but only 11 3-bed flats (of which only 4 would be affordable units). Whilst accepting that the form of development favours provision of smaller dwelling units, there is a potential conflict with Policy CP20 in terms of the affordable housing mix. The views of the Council's Housing officers will be needed on whether the proposed mix is acceptable, given the limited provision of family housing.
- 5.45. The apartments are small, but appear to meet the nationally described minimum space standards, with the exception of the 3 bed 5 person units. None of the apartments would be larger than 75 sq.m, which is small for family housing. All of the apartments have private balconies or gardens, and there is a proposed communal garden which could be used as a children's play area.
- 5.46. The applicant states that the units meet Lifetime Homes standards. The development should comply with the accessibility/adaptability standards in Building Regs M4(2) and provide 10% affordable units and 5% of all apartments being suitable for occupation by a wheelchair user in accordance with Building Reg M4(3).

### Employment provision

- 5.47. The north-west corner of the application site includes a small area of car parking (19 parking spaces) located within the Portland Road Trading Estate. This part of the site is designated as protected employment land under Policy CP3(4) which allows for employment-led (residential and employment) mixed use development, subject to there being no net loss in employment floorspace unless justified against criteria in CPP1 paragraph 4.36. The outline proposal includes a 5-storey office block to the rear of the main residential development, which would provide 755 sq.m new B1 office space within the protected employment land. Since the land is currently used for car parking, this would provide a net gain in B1 employment floorspace which would comply with Policy CP3. Subject to the loss of car parking being considered acceptable, and deliver an additional benefit from the scheme.

#### Retail provision

- 5.48. The application includes a proposal for two A1 retail units totalling 1,488 sq.m on the ground floor fronting Portland Road, together with a A3 unit of c210 sq.m. The Planning Statement states that the option of a D2 gymnasium may be explored in place of some A1 floorspace, depending on demand. Whilst these uses would add vitality to the location, the application site is not in a defined retail centre, being c400m distant from the Boundary Road/Station Road District Centre and c450m from the Portland Road Local Centre. In planning policy terms it is classed as 'out-of-centre'. As indicated in Policy CP4, proposals for retail development outside defined centres require a sequential test in accordance with national policy (NPPF para 24). In addition, the proposed retail floorspace exceeds 1,000 sq.m, so the applicant will also need to provide a retail impact assessment in accordance with Policy CP4. Guidance on the requirements and content of an impact assessment is provided in the NPPF (para 26) and the accompanying NPPG (ref ID: 2b-010-20140306). A D2 leisure use (if proposed as part of the mix) would also be classed as a main town centre use and be subject to equivalent policy requirements.

#### Design and amenity issues

- 5.49. The proposed development would be a maximum of 6 storeys measuring c17.7m in height from the lowest ground level fronting Portland St. This would fall below the 18m definition of a 'tall building' in Policy CP12. The applicant's Planning and Design and Access Statements indicate that the residential block and office building to the rear would be comparable in height to the neighbouring residential block to the west (Martello Lofts) although this is only 4 storeys in height. The design will need to be assessed in detail against relevant development plan policies, including CP12 and CP14. There will be significant amenity impacts on the 2-storey semi-detached dwellings on Olive Road directly to the north of application site, which would be surrounded by



taller buildings. These impacts would need to be assessed against 'saved' Policy QD27.

#### Open space

- 5.50. All 91 flats would have balconies, and the first floor flats would have small private gardens to the rear of the residential block (at ground floor level). This would comply with the requirements for outdoor private amenity space in saved LP Policy HO5. The Design and Access Statements states that there is a proposed communal garden which could be used as a children's play area. In addition, the development would need to provide off-site financial contributions towards open space and sports provision to meet the requirements of Policies CP16 and CP17.

#### Final comments on revised scheme

- 5.51. These additional comments relate solely to the further amendments to the proposed scheme submitted in March 2020. They should be read in conjunction with the previously submitted Planning Policy comments dated 24 July 2018 and 9 December 2019.
- 5.52. The further amendments now proposed reduce the number of residential units to 47 apartments (a net reduction of 3 units) and slightly alter the indicative housing mix. The non-residential floorspace has also been slightly reduced with the A1 retail and D1 medical uses now removed.

#### Housing provision

- 5.53. The proposed redevelopment for 47 residential apartments would provide a net gain of 41 dwellings compared to the existing six dwellings on the site. The Council's latest housing supply figures in the SHLAA Update 2019 (published in February 2020) show a five year housing shortfall of 1,200 dwellings (equivalent to only 4.0 years supply). Therefore, when considering the planning balance for this proposal, increased weight should be given to housing delivery in line with the presumption in favour of sustainable development set out in the NPPF (paragraph 11). Given the city's housing requirement and the current supply position, the additional housing proposed would be welcome and should be supported, subject to complying with other planning policies.

#### Housing mix

- 5.54. The amended scheme now proposes a mix of 3 studio flats, 24 1-bed, 14 2-bed and 6 3-bed flats. Compared to the previous proposal for 50 residential units, the number of 3-bed flats has been increased by 3 units, whilst the number of studio and 1-bed flats have both reduced by 3 units. However, it should be noted that this is an outline application with the layout to be agreed as reserved matters, therefore there is scope for the number of units and size mix to be altered at the detailed planning stage. The housing mix is still heavily skewed towards smaller units with a majority being 1- bed apartments.

However, the amended mix does slightly increase the proportion of larger 3-bed units, bringing it closer to the city's identified housing demand identified in the supporting text to Policy CP19 (para 4.231). As stated in my previous policy comments, a higher proportion of 2 and 3-bed units would be preferable, however it is accepted that this is a flatted development and the housing mix is only illustrative at this stage.

- 5.55. The residential units all appear to meet the nationally described minimum space standards and all would have balconies providing outdoor amenity space in line with saved Policy HO5.

Affordable housing

- 5.56. It is understood that the applicant is still committed to providing 40% onsite affordable housing in compliance with the requirements in Policy CP20. The applicant has not undertaken any viability assessment at this stage and further assessment will have to be undertaken at the reserved matters stage to determine the appropriate size mix of affordable units in line with Policy CP20.
- 5.57. The Council's Affordable Housing Brief recommends a tenure split of 55% affordable rent and 45% shared ownership. The applicant's Affordable Housing Statement (submitted in May 2019) indicates that the exact number of each tenure type and size of units can be negotiated with the Council, based on its current housing need assessments. It would be helpful to include provision for the 40% affordable housing and 55/45 tenure split in the s106 agreement.
- 5.58. The views of the Council's Housing officers will also be needed on the size and tenure mix of the affordable units.

Employment provision

- 5.59. The amended scheme now proposes a total of up to 1,650 sq.m B1 commercial floorspace, comprising the whole of the ground floor of main building in addition to the smaller separate office building in the north-west corner of the application site. The proposed B1 space would contribute towards the supply of modern, flexible employment floorspace in the city and therefore support Policies CP2 and CP3.
- 5.60. Following the removal of the A1 retail and D1 medical/health floorspace from the application, I do not consider that a sequential test is required. Although the NPPF Glossary includes offices under 'Main town centre uses', the application site is directly adjacent to and extends into an existing area designated for mixed employment and residential uses in Policy CP3. In addition, the sloping topography of the site would constrain the design of residential units at ground level and the frontage directly onto Portland Road would be more suited to commercial use at ground floor level. City Plan Part One (para 4.29) identifies

a substantial need for B1 office floorspace and the B1 office provision within the scheme is therefore welcomed.

Design and amenity issues

5.61. It is understood that the external design and amenity aspects of the application have not changed from the previous proposal, so my previous policy comments still apply.

5.62. **Sustainable Urban Drainage: Comment**

The site itself has had no reported flood incidents, however there have been reported incidents in the area and there is a surface water risk in the area as illustrated by the EA's surface water flood risk map. In principle we would have no objections to development once we have received a sustainable drainage assessment with the following information;

- A detailed design of the development using sustainable drainage systems. Examples can be found on <https://www.susdrain.org/>
- Drainage calculations illustrating pre and post development peak flow rates during a 1 in 100 year event plus 30% for climate change. As result evidence 50% reduction in discharge offsite in keeping with our Strategic Flood Risk Assessment
- A detailed maintenance plan showing how the Sustainable drainage Systems on site will be maintained, showing how often and who by. No development can be commenced until we have received this information.

Revised comment

5.63. The submitted Flood Risk and Drainage Plan is acceptable.

5.64. **Sustainable Transport: Object**

The LHA Transport Team have provided extensive feedback on this application over a number of consultation responses. An overview of the initial concerns is outlined below as well as the full summary of their final comments.

5.65. Overview of initial concerns

- Due to the size of the development, it meets the criteria as a major development and as such will need to provide a Transport Assessment (TA) and Travel Plan (TP) to demonstrate the likely effects of demand for travel of the proposed development and to demonstrate the impacts have been mitigated in accordance with NPPF 111 City Plan Part One policy CP9 and draft City Plan part two policy DM35. The absence of this information makes it impossible to rule out the possibility of a severe transport impacts as detailed in NPPF 109 such that, if a TA and TP is not provided before determination, the application should be refused,
- The submitted Transport Statement (TS) is not sufficient for the impacts of the development to be assessed, noting that this is a requirement of NPPF paragraph 111. As noted in our previous response, a more detailed Transport Assessment (TA) must be provided and we invite the applicant to enter scoping discussions with us to agree content and assumptions.

- The TRICS derived trip generation estimate is unacceptable. We are unable to accept that the proposed TRICS rates for any of the proposed land uses are representative owing to inappropriate selection criteria.
- Inadequate information on the impact of the development on the Olive Road junction,
- Insufficient details on parking demand for scheme,
- Details are required in respect of collisions analysis,
- Further information on delivery and servicing arrangements. An estimate of forecast numbers of delivery movements during the peak hours should also be provided with accompanying capacity analysis to demonstrate that the proposed single loading bay within the Trading Estate can accommodate this,
- Further details are also required on the following matters to ensure compliance with paragraph 108-110 of the NPPF and other local policy. These should address the following:
  - Cycle parking facilities. This should ensure that type, quantum, layout and design is policy compliant;
  - Disabled parking including quantum and design;
  - Motor-cycle parking facilities;
  - The internal layout of the basement car park. Swept path analysis should be provided to show that spaces are accessible and how the ramp operates;

#### Final comments on revised scheme

##### Summary

- 5.66. Whilst the previous concern regarding the impact of the development on Olive Road has now been resolved, there are still outstanding matters which make the application currently unsuitable for determination. Unfortunately, the application remains unsuitable for determination due to an ongoing lack of information from which to assess the likely significant impacts of the proposals - as required by National Planning Policy Framework (NPPF) paragraph 111. These include:
- Pedestrian Access: further clarification is needed on the pedestrian access adjacent to Portland Trading Estate access road. It is unclear if this pedestrian access point is to be ramped. It is required for a levels design to be submitted prior to determination to understand whether there is any pinch point with the start and orientation of the ramp.
- 5.67. Notwithstanding the above, taking the proposals as they stand - we would nonetheless object to the proposals for the following reason:
- Delivery and servicing access arrangements and associated safety, access and inclusivity concerns:
    - The proposed loading bay on Portland Trading Estate is too small to accommodate the forecast delivery and servicing demand. The bay is required to be a minimum of 23m to accommodate 1 LGV and 1 OGV during the peak hour with the proposed bay measuring 5.6m. If delivery and servicing arrangements cannot be adequately

- accommodated this may result in overspill parking impacting on surrounding local roads. This is of particular concern if overspill parking impacts on specific sensitive junctions such as those at either end of Olive Road.
- The proposed loading bay involves a 'shared surface' arrangement, which is contrary to national inclusive design guidance. This poses obvious issues for wheelchair users, the visually impaired and others. However, no equality assessment has been provided to acknowledge and justify the impacts and departures. Evidence also has not been provided of the engagement with disability groups/organisations that is recommended by national guidance to shape proposals in such circumstances.
- 5.68. In summary the proposals are contrary to NPPF paragraphs 108 and 110 and City Plan Part One policies CP9, CP12 and CP13, and Local Plan policy TR7, for reasons of safety, access and inclusivity.
- 5.69. It is suggested that a 10m loading bay could be implemented on Portland Road frontage once the vehicle crossovers have been stopped up. However, this would require a Road Safety Audit prior to commencement due to concerns of the loading bay impacting on visibility splays from the site access and Olive Road junction. This loading bay would not be within an adequate distance to the bin store so a 12m loading bay would still be required on the Portland Trading Estate Access. It is therefore suggested that two bays are implemented.
- 5.70. It is our strong preference that these issues should be addressed through the submission of highway improvement scheme before determination (and an associated road safety audit in accordance with GG1119). This will allow us to assess the proposals for feasibility, as this is by no means certain. However, we cannot say that there is no prospect that an alternative proposal will be feasible. Therefore, we would be willing to lift our safety objection to the loading proposals were the applicant could provide amended plans to an extended loading bay on the access road and agree to a Grampian condition requiring alternative bay on Portland Road to be agreed before commencement of development.
- 5.71. There are further aspects of the proposals that also remain unsatisfactory or less than ideal. However, it is noted that this is an outline application and the internal layout has been submitted for illustrative purposes and are therefore distinguished from the above by the fact that they can be resolved at reserved matters application. Instances include the following:
- Cycle parking facilities. This should ensure that type, quantum, layout and design is policy compliant;

- Disabled parking including quantum and design;
  - Motor cycle parking facilities; and
  - Further information on the internal layout of the basement car park to include swept path analysis.
- 5.72. Positive aspects of the proposals that require no further attention include the following:
- The impact of the development at the junctions at Olive Road and the junctions at either end of this Portland Road and A270 Old Shoreham Road would not be exacerbated by the proposal and no further operational impact assessment is required.
- 5.73. Key matters that have been considered include:
- Sustainable transport contribution of £199,530 to be allocated towards: pedestrian crossing improvements on but not limited to Portland Road, improved pedestrian crossing on Portland Road and bus stop improvements on Portland Road.
  - A travel plan due to uplift in person trips. This can be secured by condition.

External

5.74. **Ecology:** Comment

The current application offers relatively little in the way of biodiversity enhancement, although it is noted from the Design and Access Statement that existing palms and yuccas will be replaced with native shrubs and trees to create a green boundary.

5.75. Provided the recommended mitigation measures are implemented, the proposed development is unlikely to have a detrimental impact on biodiversity and can be supported from an ecological perspective. In line with the NERC Act and the NPPF, the site should be enhanced for biodiversity through use of species of known wildlife value within the landscape scheme, the provision of bird, bat and/or insect boxes. Consideration should be given to the installation of a green roof.

5.76. **Scottish Gas Networks:** No objection

5.77. **Southern Water:** No objection

5.78. **Sussex Police:** Comment

Secure By Design (SBD) is owned by the Police service and supported by the Home Office that recommends a minimum standard of security using proven, tested and accredited products.

5.79. The National Planning Policy Framework demonstrates the government's aim to achieve healthy, inclusive and safe places which are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of

life or community cohesion. With the level of crime and anti-social behaviour in Brighton & Hove district being above average when compared with the rest of Sussex, there are no major concerns with the proposals, however, additional measures to mitigate against any identified local crime trends should be considered.

- 5.80. The applicant should refer to the SBD Homes and the SBD Commercial Development documents. These provide the applicant with in-depth crime prevention advice pertinent to the design and layout.

## **6. MATERIAL CONSIDERATIONS**

- 6.1. In accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004, this decision has been taken having regard to the policies and proposals in the National Planning Policy Framework, the Development Plan, and all other material planning considerations identified in the "Considerations and Assessment" section of the report
- 6.2. The development plan is:
- Brighton & Hove City Plan Part One (adopted March 2016)
  - Brighton & Hove Local Plan 2005 (retained policies March 2016);
  - East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (adopted February 2013);
  - East Sussex and Brighton & Hove Waste Local Plan (February 2006); Saved Policies WLP 7 and WLP8 only - site allocations at Sackville Coalyard and Hangleton Bottom and Hollingdean Depot.
- 6.3. Due weight has been given to the relevant retained policies in the Brighton & Hove Local Plan 2005 according to their degree of consistency with the NPPF.

## **7. POLICIES**

### The National Planning Policy Framework (NPPF)

#### Brighton & Hove City Plan Part Two

Policies in the Proposed Submission City Plan Part 2 do not carry full statutory weight but are gathering weight as the Plan proceeds through its stages. They provide an indication of the direction of future policy. Since 23 April 2020, when the Plan was agreed for submission to the Secretary of State, it has gained weight for the determination of planning applications but any greater weight to be given to individual policies will need to await the outcome of the Regulation 19 consultation. The council will consider the best time to carry out the consultation after the coronavirus (Covid-19) restrictions are lifted.

Brighton & Hove City Plan Part One

SS1	Presumption in Favour of Sustainable Development
SA6	Sustainable Neighbourhoods
CP1	Housing delivery
CP2	Sustainable economic development
CP3	Employment land
CP7	Infrastructure and developer contributions
CP8	Sustainable buildings
CP9	Sustainable transport
CP10	Biodiversity
CP11	Flood risk
CP12	Urban design
CP13	Public streets and spaces
CP14	Housing density
CP15	Heritage
CP16	Open space
CP17	Sports provision
CP18	Healthy city
CP19	Housing mix
CP20	Affordable housing

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

TR4	Travel plans
TR7	Safe Development
TR14	Cycle access and parking
SU5	Surface water and foul sewage disposal infrastructure
SU9	Pollution and nuisance control
SU10	Noise Nuisance
QD5	Design - street frontages
QD15	Landscape design
QD16	Trees and hedgerows
QD18	Species protection
QD27	Protection of amenity
HO5	Provision of private amenity space in residential development
HO13	Accessible housing and lifetime homes

Supplementary Planning Guidance:

SPD14	Parking Standards
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Supplementary Planning Documents:

SPD03	Construction & Demolition Waste
SPD06	Trees & Development Sites
SPD11	Nature Conservation & Development
SPD14	Parking Standards
SPD16	Sustainable Drainage
PAN 05:	Design Guidance for the Storage and Collection of Recyclable Materials and Waste
PAN 06:	Food Growing and Development

Developer Contributions Technical Guidance (March 2017).



## 8. CONSIDERATIONS & ASSESSMENT

- 8.1. The main considerations in the determination of this application relate to:
- The principle of re-development of the site, and type and scale of uses proposed in this location,
  - Scale, massing, density and layout and impact on the character and appearance of the locality,
  - Housing: layout, mix, affordable housing provision,
  - Impact on the amenity of neighbouring occupiers,
  - Standard of accommodation including provision of private and communal amenity space,
  - Sustainable transport: parking, access and highway safety,
  - Air Quality,
  - Sustainability, biodiversity, ecology and flood risk,
  - Accessibility,
  - Infrastructure and developer contributions.

### **Planning Policy Context and Principle of Development**

- 8.2. The site predominantly consists of 6 semi-detached properties and their respective gardens. The remainder of the site takes in land to the west of the access to Portland Road Trading Estate. This land is designated as protected employment land CP3.4 which is allocated for mixed use employment / residential development.

### Employment provision

- 8.3. The proposed scheme as revised would provide for up 1650sqm of flexible office space (B1). This would be sited within the ground floor of the main four storey building fronting Portland Road and also within all three floors of the second proposed building fronting the access road to the north west of the site.
- 8.4. Part of the site is located within a specific area 'Portland Road Trading Estate (including EDF and Martello House)' allocated for employment led (residential and employment) mixed-used development in policy CP3.4.
- 8.5. The wider Portland Trading Estate site is identified by the council as suitable for employment led mixed use (residential and employment) development where the twin benefits of high-quality modern business floorspace and additional housing units can be achieved through a more effective and efficient use of the sites.
- 8.6. Whilst part of the site is outside Portland Road Trading Estate on residential land, there would be no net loss of residential properties and the close

proximity to the Trading Estate is such that a sequential test for commercial space outside of main town centre locations could not reasonably be required.

- 8.7. Whilst the overall level of commercial space has reduced as the scheme was revised the level of B1 office space has increased significantly from 755sqm to up to 1650sqm and is strongly welcomed.
- 8.8. Using the current OffPAT Employment Density Guidance, 1650 sqm of B1 class employment space should have the potential to provide 137 FTEs and the employment provision weighs in favour of the scheme.
- 8.9. The proposed spaces shown on the indicative layouts all have the potential to cater for different types and sizes of business and this flexibility is welcomed. Whilst the depth of the ground floor has been reduced to improve lighting within the commercial area these are still deep and predominantly single aspect units without access to external space. The plans were revised during the life of the application to increase the floor to ceiling height of the ground floor whilst the indicative plans do show skylights to the rear and these are both positive alterations which improve the overall quality of the employment offer.
- 8.10. City Plan Part One (para 4.29) identifies a substantial need for B1 office floorspace. The revised scheme has a much greater emphasis on the provision of B1 office space within the scheme than originally submitted and this change is welcomed.
- 8.11. City Regeneration support the scheme and overall the proposal is considered to be in accordance with development plan polices in respect of employment provision.

**Housing provision:**

- 8.12. The City Plan Part 1 Inspector's Report was received in February 2016. The Inspector's conclusions on housing were to agree the target of 13,200 new homes for the city until 2030 as a minimum requirement. It is against this minimum housing requirement that the City's five-year housing land supply position is assessed annually.
- 8.13. The City Plan Part 1 Inspector's Report was received in February 2016. The Inspector's conclusions on housing were to agree the target of 13,200 new homes for the city until 2030 as a minimum requirement. It is against this minimum housing requirement that the City's five-year housing land supply position is assessed annually.
- 8.14. The council's most recent housing land supply position published in the SHLAA Update 2019 shows a five-year housing supply shortfall of 1,200 (equivalent to

4.0 years of housing supply). As the council is currently unable to demonstrate a five-year housing land supply, increased weight should be given to housing delivery when considering the planning balance in the determination of planning applications, in line with the presumption in favour of sustainable development set out in the NPPF (paragraph 11).

- 8.15. In the context of Brighton & Hove, this is considered a relatively large scale C3 residential development proposal. The provision of 47 C3 residential units, a net increase of 41 units represents a meaningful proportion of the annual housing supply based on the city's housing delivery target of 13,200 as set out in City Plan Policy CP1. In this respect the proposal would make a valuable contribution to the city's housing supply and this is welcomed in principle.

**Affordable Housing and Viability:**

- 8.16. City Plan Policy CP20 requires housing development of over 15 units to provide 40% affordable housing. The 40% target may be applied more flexibly where the council considers this to be justified, in accordance with the specific criteria set out in the policy.
- 8.17. Policy CP20 currently requires mixed tenure to be provided, which is the most effective way of ensuring a balanced community is achieved. The Affordable Housing Brief sets out a broad tenure split of 55% as Affordable Rent and 45% as affordable home ownership i.e. Shared Ownership sale, as a citywide objective.
- 8.18. In respect of the councils identified housing need, affordable housing for rent remains the council's key priority. Affordable Housing in the city is generally provided through the Local Authority or a Registered Provider from the council's Affordable Housing List.
- 8.19. The applicant has set out that they propose to provide a policy compliant level of affordable housing of 40% with a split of 55/45 (affordable rent / shared ownership).
- 8.20. The Housing Strategy Team have indicated that the preferred number and mix would be for 19 units, broken down into 6 x 1 beds / 9 x 2 beds and 4 x 3 beds. The applicant has indicated that they are happy with the overall approach and a policy compliant level of affordable housing will be secured in the legal agreement.
- 8.21. It must be noted that whilst the applicant has not provided a Financial Viability Assessment (FVA) to demonstrate that the scheme can viably provide for 40% affordable housing, this is not a requirement set out in CP20.

8.22. Overall, the offer of policy compliant affordable housing in accordance with policy CP20 is welcomed and weighs strongly in favour of the scheme.

**Design, Scale, Massing and Impact on wider townscape:**

8.23. National and local policies seek to secure good quality design which respects general townscape and the setting of heritage assets.

8.24. Policy CP12 on Urban Design sets that development should meet certain criteria. The keys points are set out below:

- Raise the standard of architecture and design in the city;
- Establish a strong sense of place by respecting the diverse character and urban grain of the city's identified neighbourhoods;
- Achieve excellence in sustainable building design and construction;
- Conserve or enhance the city's built and archaeological heritage and its settings;
- Protect or enhance strategic views into, out of and within the city;
- Be inclusive, adaptable and accessible;
- Ensure that the design of the external spaces is an integral element of the overall design approach, in a manner which provides a legible distinction between public and private realm;

8.25. It must be noted that whilst this is an outline application with layout and scale to be considered, the appearance is to be reserved. Although outline applications present difficulties for assessment within built up areas, with for example the appearance inextricably linked to the overall design, there is considered sufficient information to determine this application.

8.26. The character of the immediate area consists of a mix of commercial units and residential blocks, generally up to 3 three storeys in height to the north of Portland Road with the four/five storey Martello Lofts immediately adjacent to the west. To the south of the site is much more residential in character, although with some retail, commercial at ground floor level along Portland Road.

8.27. The site itself includes 6 semi-detached properties in spacious garden plots. The ground levels rise from south to north with the entrances of the properties set back from the road and at a higher level and have front gardens which include off street parking. The existing properties are considered representative of much of the suburban housing in the wider surrounding area and make a positive contribution to the streetscene.

8.28. Increasing residential densities within the city is accepted, in principle, subject to proposals aligning with key development plan policies. Proposed developments are required to have an acceptable visual impact on the surrounding area whilst protecting neighbouring amenity. CP12 sets out that built form is required to raise the standard of architecture and design in the city

and establish a strong sense of place by respecting the diverse character and urban grain of the city's identified neighbourhoods.

- 8.29. The proposed development consists of a primary building fronting Portland Road at four storeys in height with commercial space at ground floor level and a basement level with vehicular and cycle parking. In addition, there would be a three-storey commercial building sited to the north-west of the site abutting the Portland Trading Estate access Road. Access to the basement would be via a ramp from the Trading Estate.
- 8.30. The scheme as originally submitted was 6 storeys in height fronting Portland Road with a five-storey separate office building. It was considered that a building of six storeys in this location with an unbroken frontage would be excessive in respect of scale and massing and would likely result in an overly dominant and negative impact on the streetscene. After discussions with the applicant the scheme was revised with two storeys removed across the scheme and a set back applied to the top storey to the rear. The revised scheme now consists of a total of four storeys in height, sitting below the height of Martello Lofts and Nos. 2 and 4 Olive Road and is more appropriately scaled and broadly respects the existing building typologies in the immediate vicinity.
- 8.31. Revisions to the scheme were also sought in relation to the building line, which was set back a further 3m from the road in comparison to the originally submitted scheme, reducing the bulk immediately fronting Portland Road. Whilst the proposed front building line would still be set further forward than the existing semi-detached properties which have more spacious landscaped frontages, it is considered that the proposal would leave sufficient spaces for landscaping to the south and the proposal is acceptable in this regard.
- 8.32. In order to provide a level threshold at ground floor level the frontage the development is cut into the bank, unlike the sloped arrangement of the existing front gardens. Whilst this will result in a starker appearance, less representative of the surrounding area, where development rises gently above road level it acknowledged that this approach is necessary to provide level accesses without significant ramping along the street frontage.
- 8.33. As the gradient of the land rises steeply from the south to the north the standalone office building fronting the Portland Trading Estate access road whilst retaining the same height as the main building would be three rather than four storeys. This building although larger, is similar in massing to the extant permission for an office building in this location and is considered acceptable in respect of layout and scale.

- 8.34. Alterations to the ground floor office level included an increase to the floor to ceiling height to ensure more generous proportions to enable this level to be clearly distinguished from the residential accommodation above.
- 8.35. Whilst the alterations set out above have reduced the overall height and bulk of the proposal it is nevertheless a building of significant scale and site coverage with a built form that is closer to the site boundaries on all sides than existing with a relatively modest communal amenity space to rear. It is though recognised that some compromises are necessary to achieve increased densities across the city with a certain level of massing required to enable viable redevelopments.
- 8.36. An indicative appearance drawing has been submitted which shows how the fenestration and balcony placement could look on the Portland Road frontage. Whilst still approach is not considered entirely successful it is considered that an acceptable design which breaks down the horizontal massing, differentiates the commercial space from the residential and provides sufficient variation in detail and materiality could be achieved to ensure the proposal successfully integrates itself into the surrounding area.
- 8.37. A successfully landscaping plan will also be key to soften the Portland Road frontage of the scheme.
- 8.38. In summary, in order to maximise density on sites to provide additional housing and employment space it is acknowledged that the site coverage, scale and height of the built form must be significantly increased over the existing situation. The site is partly within the Portland Road Estate Trading Estate which is allocated for mixed use employment and residential development which will require higher densities than existing to viably come forward. The massing of the scheme has improved significantly throughout the application process and whilst some design concerns remain it is considered that within the parameters set within this outline application that a building of sufficient architectural quality and appearance can be designed which would sit acceptably within the surrounding area.
- 8.39. Conditions requiring details / samples of materials are proposed to ensure a high-quality build is maintained through to completion.
- 8.40. Whilst the height and form of future development on the adjoining site to the north may be restricted to a degree by the proposed scheme, it is considered that subject to sufficient spacing satisfactory level of built form on the site to the north could be achieved without significant detriment to the amenity of future occupiers and the application is acceptable in this regard.

#### **Landscaping / public realm**

- 8.41. National and local plan policies place great emphasis on securing good design and placemaking. City Plan Policy CP13 requires the quality, legibility and accessibility of the city's public urban realm to be improved in a comprehensive manner through new development schemes, transport schemes and regeneration schemes. Such proposals are required to produce attractive and adaptable streets and public spaces that enrich people's quality of life and provide for the needs of all users by:
1. Positively contributing to the network of public streets and spaces in the city;
  2. Enhancing the local distinctiveness of the city's neighbourhoods;
  3. Conserving or enhancing the setting of the city's built heritage;
  4. Reducing the adverse impact of vehicular traffic and car parking;
  5. Utilising high quality, robust and sustainable materials for all elements of the street scene;
  6. Incorporating street trees and biodiversity wherever possible;
  7. Encouraging active living and healthier lifestyles;
  8. Helping to create safe and inclusive public spaces;
  9. Incorporating an appropriate and integral public art element; and
  10. Reducing the clutter of street furniture and signage
- 8.42. Details relating to landscaping are reserved matters and as such are not for expressly for consideration in this application.
- 8.43. Whilst ideally the layout of the site would have included a greater of amenity space there is considered to be sufficient space on the site to provide an acceptable landscaping scheme and the proposal is acceptable in this regard.

#### **Artistic Component**

- 8.44. Contributions are sought from significant major schemes towards direct on-site provision by the developer as part of a scheme or in the immediate vicinity of the development. City Plan Policy CP5 Culture and Tourism supports investment in public realm spaces suitable for outdoor events and cultural activities and the enhancement and retention of existing public art works. Policy CP7 Infrastructure and Developer Contributions seeks development to contribute towards necessary social, environmental and physical infrastructure including artistic components secured as public art and public realm improvements; and policy CP13 Public Streets and Spaces seeks to improve the quality and legibility of the city's public realm by incorporating an appropriate and integral public art element.
- 8.45. The artistic component is calculated via a standard formula linked to the overall floorspace of the scheme and in this instance the value of the contribution totals £28,300. This contribution is not a monetary payment to be sought by the council but rather an uplift to the quality of the scheme to the value of this amount and will be secured within the legal agreement.

- 8.46. It is recommended that an overall Artistic Component Strategy is sought allowing delivery of the artistic component elements where required which should consider a consistent approach across the site.
- 8.47. Taking into consideration an approved Artistic Component Strategy for suitable projects this may include street furniture, hard or soft landscaping, internal or external murals or sculptures or uplift in materials and may also include improvements to adjacent public realm. The objective is to bring an individual identity to the scheme with an uplift to the public realm and the development over and above the proposed plans.

**Open Space and amenity / sports provision**

- 8.48. Policy CP16 on Open space sets out a number of key criteria in respect of open space. Developments will be required to optimise the provision of safe onsite public open space with good passive surveillance and accord with Biosphere Reserve principles and objectives. Where it is not practicable for all or part of the open space requirements to be provided on site, an appropriate alternative agreed provision and / or contributions towards off-site provision will be required.
- 8.49. The scale of the proposed development generates a significant demand for all of the open space typologies. These cannot be feasibly accommodated on site in most instances and as such contributions will be sought.
- 8.50. The 2011 Open Spaces study requires amenity green spaces to be able to accommodate recreational function beyond acting as a visual amenity or a landscape buffer and a certain degree of informal activity is envisaged in them and it should be of the size and scale to accommodate that activity.
- 8.51. It is acknowledged that to ensure an efficient use of the site that this has resulted in limited space on site for amenity greenspace. Whilst this in an outline application without full details there is no indication (or likely the necessary space) for a designated children's play area, or any indoor or outdoor sport provision and as such a full contribution has been sought.
- 8.52. It is welcomed that the applicant has agreed to fully meet the financial contribution of £117,234.81 towards enhancement of outdoor/indoor sports, parks and gardens, children's playspace, allotments, amenity greenspace and semi-natural space in accordance with the requirements of policies CP7, CP16 and CP17 and the Developer Contributions Technical Guidance.

**Impact on Neighbouring Amenity**

- 8.53. Policy QD27 of the Brighton & Hove Local Plan states that planning permission for any development or change of use will not be granted where it would cause material nuisance and loss of amenity to the proposed, existing and/or



adjacent users, residents, occupiers or where it is liable to be detrimental to human health.

- 8.54. As discussed previously, the scheme has been revised since the original submission. The overall height has been reduced by the removal of the top two storeys, and in addition a set back to the top floor to the rear and this has had clear benefits in reducing the impact on neighbouring amenity.
- 8.55. The main impacts on amenity are to the two properties to the north fronting Olive Road (2 and 4 Olive Road) and also to the flats in the recently converted former office block, Martello House, immediately to the west of the site.
- 8.56. A Sunlight, Daylight & Overshadowing Report Revision 2 by Delta Green Environment Design (dated 17 June 2019) has been submitted, which takes in the revisions to the scheme and supersedes the original assessment.
- 8.57. The report concludes that the impact on surrounding residential properties is limited in respect of sunlighting and daylight. As existing, the Martello Lofts development has good levels of daylight to the eastern facing elevation and this will generally be the case with the proposal in situ. Using the BRE's methodology of assessing the Vertical Sky Component (VSC) there are 6 east facing windows (two at lower ground, three at ground, one at second floor level) where the daylight would fall below BRE guidelines and thus classed as a noticeable reduction. In all six cases the loss of daylight is only just outside the guidelines and would not represent a significant harmful impact.
- 8.58. In respect of sunlight, the results show that with the proposed development in situ the sunlight hours to the east facing windows of Martello House would reduce slightly. The sunlight to Martello Lofts will still remain well in excess of the BRE guidelines with the proposed development, with the exception of one ground floor window where sunlight provision falls marginally below BRE guidance.
- 8.59. It is noted that the submitted assessment does not include the recently constructed pent house floor. As all windows meet BRE guidance on the second floor, the Penthouse level which would be a floor higher and would also highly likely meet BRE guidelines and as such the assessment is considered robust.
- 8.60. The rear windows of Nos. 2 and 4 Olive Road were assessed in respect of the impact on sunlight and daylight and the rear garden areas were assessed for overshadowing. The south facing side windows in 2 Olive Road were not assessed as the ground floor windows are as existing obstructed by a car port and the first floor window is a secondary window.

- 8.61. With the proposal in situ the impact in respect of the loss of sunlight and daylight to the rear windows and the impact of overshadowing to the rear garden is considered minimal and all well within BRE guidance.
- 8.62. Overall, in respect of sunlight and daylight to neighbouring properties there is only a relatively minimal impact and the proposal is acceptable in this regard.
- 8.63. The proposal would be separated from the Martello Lofts development by the existing trading estate access road and it is not considered that there would be a significantly overbearing or enclosing impact to the residential properties within Martello Lofts.
- 8.64. In respect of the impact on 2 and 4 Olive Road the proposed scheme would undoubtedly result in a more bulky and dominant form of development than they experience as existing. Due to the gradient of the land the overall height of the proposed scheme would still sit below that of 2 and 4 Olive Road and it must also be considered that there is also an extant planning permission for three storeys buildings on the west of the trading estate access road and any detrimental impact is not such that it would result in a significantly overbearing or enclosing impact that would warrant the refusal of the application.
- 8.65. Given the close proximity of the proposed development to 2 and 4 Olive Road and to the Martello Loft development and the increased number of residential units in comparison to existing there will be an increase in the potential for both perceived and actual overlooking especially from any proposed terraces / balconies.
- 8.66. It must be noted though that the external appearance and internal layout is not being secured in this application with these details to be agreed within a future reserved matters application. It is considered that flat layouts, window and balcony siting would need to be carefully considered to ensure the impact of overlooking towards adjoining properties is minimised as far as practicably possible and as such the proposal is considered to be acceptable in this regard.
- 8.67. The separation distances between the proposed development and neighbouring residential properties to the southern side of Portland Road are such that there is not considered to be any significant loss of amenity as a result of the proposed development.
- 8.68. Noise and disturbance from the proposed development, be it from future occupiers or transport related impacts can be controlled via either a Delivery and Servicing Management Plan to be secured by condition and it is not considered that neighbouring properties will be significantly impacted in this regard.

- 8.69. Noise and dust during the construction of the scheme will be controlled by a Demolition and Environmental Management Plan (DEMP) and Construction and Environmental Management Plan (CEMP).
- 8.70. Impacts in respect of the loss of daylight and sunlight to the neighbouring commercial occupiers have not been assessed by the applicant. Due to the height, massing and siting of the proposed built form and its proximity to neighbouring commercial properties there is likely to be some level of detrimental impact. It is considered though that for commercial premises, which have a lower level of protection than for residential properties that any harm to amenity would not be so significant as to warrant refusal.
- 8.71. In addition, when assessing concern from commercial operators that increasing residential development on the site may prejudice the operation of noisy commercial uses consideration must be given to the council's future aspirations for the Trading Estate, which is for higher density mixed use development. As such, it is acknowledged that any redevelopment scheme aiming to maximise the capacity of the site is likely to include residential development in relatively close proximity to adjoining commercial occupiers and the proposed arrangement is considered acceptable in this regard.

**Standard of accommodation**

- 8.72. Whilst neither the internal residential layouts or the external appearance of the scheme is to be secured in this application the applicant has supplied indicative floor plans to aid the assessment of the application.
- 8.73. Whilst the Local Planning Authority does not have adopted space standards, for comparative purposes the Government's Technical Housing Standards – National Described Space Standards March 2015 document sets out recommended space standards for new dwellings. The units in the indicative layouts have all been designed to meet or exceed the Nationally Described Space Standards and this is welcomed.
- 8.74. Some concerns are raised in respect of the indicative layouts which feature a large number of single aspect units accessed off a double loaded corridor and a significant proportion of relatively deep north facing units. Whilst the footprint of the building will limit significant alterations it is considered that there are clear improvements to the internal layout that could be achieved to improve living conditions for future occupiers and as such whilst the indicative layouts have shortcomings it is considered that an a scheme which provided for an acceptable standard of accommodation could be provided for.
- 8.75. Notwithstanding the large proportion of north facing residential units in the indicative layout, the development is set a sufficient distance from

neighbouring properties and this in conjunction with appropriate fenestration treatment and layout design it is considered that acceptable daylighting within the proposed units would be achievable.

- 8.76. The indicative plan shows a narrow entrance and corridor at ground for level for the residential. There is scope for a more generous opening and corridor widths in a future reserved matters application to improve the liveability of the scheme.
- 8.77. The proposal is considered to be in compliance with Local Plan Policy HO5 which requires private useable amenity space in new residential development with all of the units provided with balconies in the indicative plans. A relatively modest communal amenity space is also provided at first floor to the rear. Whilst this space would not provide 'private amenity' amenity for residents in accordance with HO5 and would likely be largely overshadowed for much of the day it would provide a further community offer for residents.
- 8.78. Overall, the quantum of private amenity space provision is considered acceptable.
- 8.79. There will still be a significant level of mutual overlooking between the windows and balconies of the respective blocks and the external communal area to the rear and in addition there would be further impacts on privacy with some views afforded from the existing neighbouring residential occupiers to the west and north. Whilst this will impact the privacy of future residents to a degree there will inevitably be a certain degree of overlooking in a scheme of this density and overall the scheme is considered acceptable in this regard.

#### **Noise Impacts for future occupiers**

- 8.80. There are a number of potential noise sources in close proximity to the site. This includes traffic noise from Portland Road and also operational noise from nearby commercial / industrial units. The closest of these commercial noise sources would be sited on the northern boundary of the site.
- 8.81. There will also be a number of potential noise sources from the proposed development, eg. from plant, cycle and refuse stores, external terraces and deliveries.
- 8.82. The applicant submitted the acoustic report used for the neighbouring development at Martello Lofts which provided a general overview of the noise impacts in the locality.
- 8.83. A condition is recommended requiring further noise assessment of the revised scheme and then a later assessment considering the potential noise sources

within the development along with necessary mitigation to ensure acceptable noise conditions for future occupiers.

- 8.84. Further conditions are required in respect of servicing and soundproofing.
- 8.85. Subject to compliance with the suggested conditions it is not considered that there will be any significant impact to future occupiers in respect of noise and disturbance.

**Housing Mix:**

- 8.86. Policy CP19 relates to housing mix and states it should be demonstrated that proposals have had regard to housing mix considerations and have been informed by local assessments of housing demand and need.
- 8.87. The proposed scheme has been subject to a number of revisions during the life of the application. The current indicative layout includes 47 residential properties in the following mix:
- 3 x studios (6%)
  - 24 x one-bedroom units (51%)
  - 14 x two-bedroom units (30%)
  - 6 x three-bedroom units (13%)
- 8.88. Policy CP19 does not set specific requirements for housing mix but does expect developments to provide an appropriate mix of housing type, size and tenure informed by local assessments of housing demand and need, whilst having regard to the characteristics of existing neighbourhoods and communities. Compared to the overall pattern of need/demand across the city set out in CPP1 (para 4.213) the proposed mix is strongly focused towards smaller 1 and 2 bed units.
- 8.89. The revised Planning Policy response sets out that in terms of the market housing mix the accommodation is biased towards smaller dwellings with one bedroom and two bed units comprising 57% of the total scheme and only 13% of units being of three bedrooms. There are no larger units (4 or more bedrooms) proposed. It is also acknowledged that 6 larger dwellings with gardens are to be lost.
- 8.90. The supporting text to Policy CP19 at 4.213 and within the latest objective assessment of housing need for Brighton & Hove (Objectively Assessed Need for Housing: Brighton & Hove, GL Hearn June 2015) indicates that for market housing, most demand is likely to be for 2 and 3 bedroom properties (35% each) - although the analysis also suggests a notable need for both 1-bedroom and 4 or more bedroom homes.

- 8.91. In this case, a higher proportion of smaller units would be expected given the development format and location, though there is a concern that the scheme is proposing only 13% 3-bed units (compared against the city-wide requirement of 42% 3 and 4+ bed units in CPP1 para 4.213).
- 8.92. Whilst the layout is only illustrative it is acknowledged that without reducing the overall number or size of the units it would not be possible to significantly alter the mix to achieve a more policy compliant blend.
- 8.93. Notwithstanding the above, it is acknowledged that the nature of flatted developments does not necessarily lend itself as well to larger family sized units. Furthermore, the smallest units are all predominantly one-bedroom units (rather than studios) and as such are able to provide accommodation for couples and thus do provide some flexibility for future occupiers. Whilst the loss of family housing with gardens is regrettable the overall quantum and mix of the residential offer would be significantly increased.
- 8.94. Overall, whilst the proposed residential housing mix, which is skewed towards smaller dwellings weighs against the scheme, when the proposal is assessed in its totality, with the benefits of a significant provision of housing units and employment space, the policy conflict is not so significant as to warrant refusal of the scheme and as such the indicative housing mix is considered acceptable in this instance.

**Sustainable Transport:**

- 8.95. City Plan policy CP9 seeks to promote sustainable modes of transport and cycling and walking to reduce reliance on the private car. Local plan policy TR4 promotes the use of Travel Plans. Policy TR7 seeks to ensure highway safety. Development is expected to meet vehicular and cycle parking standards set out in SPD14.
- 8.96. It is noted that a significant proportion of the objections received from local residents are in the respect of increased parking pressures in the vicinity, localised traffic congestion and highway safety concerns, including the capacity of the Olive Road junction.
- 8.97. The site is in a sustainable location close to services and is well located to take advantage of existing public transport links, including Portslade Station.
- 8.98. The scheme has been designed with a basement car park accessed from the Portland Road Trading Estate.
- 8.99. A Transport Assessment (TA) was submitted during the life of the application with further transport information submitted by the applicant as the application progressed.

- 8.100. There has been significant input from the LHA Transport Team on this application. The Team has provided comments on the initial proposals and further comments during the life of the application as the scheme was revised and more information was provided by the applicant.
- 8.101. Early responses from the LHA Transport Team raised a significant number of issues and asked for further information in some key areas. The main concerns raised in respect of the submitted application include the following:
- Lack of Transport Assessment or Travel Plan with the initial application,
  - Insufficient information / details on the following;
    - cycle parking provision and arrangements,
    - disabled access and parking,
    - servicing and deliveries and demand forecasts,
    - basement parking space allocation and the operation and the management of the space,
    - Impact on Olive Road junction,
    - trip generation information,
    - parking demand/overspill assessment,
    - road safety analysis
- 8.102. Sufficient information has now been received on trip rates and these have been agreed by the LHA Transport Team.
- 8.103. Details have also been submitted by the applicant apportioning vehicular trips to specific routes for both the commercial and the residential uses. Taking this into account the LHA Transport Team confirm that there is less than 5% impact on all junctions as a result of this proposal and therefore, it can be concluded that the previous congestion concerns relating to Olive Road and the junctions at either end with Portland Road and A270 Old Shoreham Road would not be exacerbated by the proposal and no further operational impact assessment is required.
- 8.104. The final LHA Highways Team response still objects to the proposed development. The primary concern relates to delivery and servicing, specifically a lack of information on delivery forecasts and associated capacity, safety, access and inclusivity concerns. The scheme proposes a single loading bay off the access road, 5.6m in length which the applicant's submitted TA considers is sufficient to service the development. The LHA Highways Team set out that the loading bay is too small to accommodate the forecast delivery and servicing demand. The consultee response outlines that the loading bay would be required to be a minimum of 23m to accommodate 1 LGV and 1 OGV during the peak hour. The concern is that if delivery and servicing arrangements cannot be adequately accommodated this may result in overspill

parking impacting on surrounding local roads, including sensitive junctions such as Olive Road.

- 8.105. Whilst noting the objection from the LHA Transport Team, their response does outline a possible solution in respect of proposing a Grampian condition to implement an additional loading bay on Portland Road of circa 10m, subject to a Road Safety Audit and alterations to the loading bay that has been proposed to increase its length and improve its design for access / equalities reasons.
- 8.106. The applicant is willing to enter into such a Grampian condition, whilst alterations can be secured to extend and improve the proposed loading bay by condition and or through the reserved matters process which would increase loading bay capacity and whilst it may not be possible to provide for the full 23m set out by the LHA Transport Team it is considered that sufficient capacity could be secured to ensure that the proposal would not generate overspill parking and thus potential detrimental impacts on the highway network.
- 8.107. A Delivery and Servicing Management Plan is also to be secured by condition.
- 8.108. In addition the LHA Transport Team have expressed a concern in respect of whether a ramp is proposed in order to provide a disabled access into the main pedestrian access to the site off the Trading estate access road and whether any pinch points to such ramp would impede access.
- 8.109. Notwithstanding this concern, whilst due to the gradient of the site some ramping is inevitable, it is considered that there is sufficient space on site to achieve level access for pedestrians and this can be further assessed in the reserved matters application and secured by condition.
- 8.110. The applicant has set out in the TA that the site is well connected to local transport hubs and that future occupiers of the site will be encouraged to use sustainable modes. To help achieve these ends specific Travel Plans are proposed. These will be secured in the legal agreement.
- 8.111. Cycle parking provision has been provided for residents in stores either at basement or ground floor level. A number of concerns with the proposed cycle parking provision have been raised by the LHA Transport Team in respect of the siting, access, capacity and type of provision. Notwithstanding these concerns, the internal layout is not being secured in this application and it is considered that there is sufficient space on the site to achieve acceptable policy compliant cycle parking provision.
- 8.112. A sustainable transport contribution of £199,530 has been calculated based on the increase in total trips (including sustainable modes) to and from the



development. The LHA Highways Team are proposing this should be allocated to the following, stated here in order of priority.

- Pedestrian crossing improvements on but not limited to Portland Road; and/or
- Improved pedestrian crossing on Portland Road; and/or
- Bus stop improvements on Portland Road; and/or
- Public realm and accessibility improvements to footways within the adopted highway in the vicinity of the site.

- 8.113. The site is located within a 'light touch' Controlled Parking Zone (CPZ) and close to Portslade Train station. In respect of parking stress, using the 2011 Census data the LHA Highways Team has indicated that for the residential element of the scheme (residents and visitors) would generate the need for 27 parking spaces. For the commercial element, allowing for 1 space for every 100sqm of commercial as set out for Key Public Transport corridors in SPD14 would result in 17 car parking spaces resulting in a total of 44 spaces. The basement layout indicates 63 parking spaces. Whilst this is likely to be reduced slightly to achieve satisfactory cycle parking, disabled parking provision and appropriate vehicle access the basement space is large enough to accommodate revisions whilst still accommodating sufficient parking provision to ensure that there would not be any significant overspill parking.
- 8.114. Further details of the operation, layout and allocation of the vehicular parking, including the provision of electric charging spaces will be secured by condition.
- 8.115. In respect of road safety, details outlining road accidents in the immediate area were submitted by the applicant in their TA. There is nothing to suggest that there is a trend in the cause of collisions that would be exacerbated by additional traffic from the proposed development and the proposal is acceptable in this regard.
- 8.116. A Demolition and Environment Management Plan (DEMP) and a Construction and Environmental Management Plan (CEMP) will be required as a condition to ensure the demolition and construction of the scheme does not result in any adverse environmental health or transport impacts.
- 8.117. Overall, the proposal is considered acceptable in respect of Highways impacts and no objections have been raised in relation to impact on the Olive Road junction or the potential for overspill parking. Whilst concerns have been raised in respect of servicing and deliveries it is considered that these can be overcome by revisions to the scheme at reserved matters stage along with relevant conditions, including a Grampian condition to provide a loading bay on Portland Road. Acceptable details for cycle parking, vehicular parking, including for disabled users and pedestrian access can be secured by condition.

**Sustainability:**

- 8.118. City Plan policy CP8 requires that all developments incorporate sustainable design features to avoid expansion of the City's ecological footprint, achieve significant reductions in greenhouse gas emissions and mitigate against and adapt to climate change.
- 8.119. Policy CP8 specifies the residential energy and water efficiency standards required to be met, namely energy efficiency standards of 19% reduction in carbon emissions over Part L Building Regulations requirements 2013 and water efficiency standards of 110 litres per day and conditions are proposed to secure these standards. A further condition is proposed to secure a BREEAM rating of excellent for the commercial elements of the scheme.
- 8.120. Photovoltaic panels are proposed to the flat roofs. The exact quantum and siting will be secured via a proposed condition.
- 8.121. Ten percent of the parking spaces on-site will have active electric charging, with a further ten percent having passive provision to allow for later introduction.
- 8.122. There is potential for the applicant to consider further greening of the scheme and the potential for food growing in the future at the reserved matters stage.
- 8.123. Overall, subject to compliance with the suggested conditions the proposal is considered to have an acceptable impact in respect of sustainability.

**Ecology**

- 8.124. There are no sites designated for their nature conservation interest that are likely to be impacted by the proposed development.
- 8.125. The site currently contains 6 dwellings and their respective gardens along with the hardstanding area to the west of the site and has little biodiversity value.
- 8.126. It is suggested that bird boxes, swift bricks, bat boxes and also bee bricks / bug boxes are provided throughout the scheme and these are to be secured by condition.
- 8.127. Further nature enhancements to the scheme will be secured via an Ecological Design Strategy condition and subject to compliance with conditions the overall proposal is in accordance with development plan policies in respect of ecology.

**Arboriculture:**

- 8.128. Whilst not objecting to the loss of any specific existing trees on the site the Arboriculture Team initially raised concerns in respect of the overall level of development which led to limited space for soft landscaping.
- 8.129. The revised scheme repositioned the built form back further from Portland Road and as such created more space for landscaping. The Arboriculture Team are satisfied that the revised scheme has sufficient space for landscaping adjacent to the road frontage and the overall the scheme is acceptable in this regard.

#### **Sustainable Urban Drainage / Flood Risk**

- 8.130. Policy CP11 in the City Plan Part One sets out that the council will seek to manage and reduce flood risk and any potential adverse effects on people or property in Brighton & Hove, in accordance with the findings of the Strategic Flood Risk Assessment (SFRA). Saved policies SU3, SU5 and SU11 in the B&H Local Plan relates to water resources and their quality, surface water and foul sewage disposal infrastructure and Polluted land and buildings.
- 8.131. A Flood Risk Assessment and Surface Water Drainage Strategy by Ambiental Environmental Assessment was submitted during the life of the application in response to queries raised by the Sustainable Drainage Team.
- 8.132. The Local Lead Flood Authority is satisfied that the proposal would not result in an unacceptable flood risk and subject to the imposition of a condition to secure the recommendations in the submitted Surface Water Drainage Strategy.
- 8.133. Southern Water has confirmed that the additional foul sewerage flows from the proposed development will not increase the risk of flooding in the existing public sewerage network. Southern Water can hence facilitate foul sewerage disposal to service the proposed development.
- 8.134. Southern Water do not object subject to satisfactory measures for the proposed means of surface water run off disposal to ensure that there is not an increased risk of flooding and as such a specific condition is proposed.

#### **Air Quality**

- 8.135. Policy SU9 of the Local Plan relates to pollution and nuisance control. The policy states that development that may be liable to cause pollution and/or nuisance to land, air or water would only be permitted where human health and safety, amenity and the ecological well-being of the natural and built environment is not put at risk; when such development does not reduce the Local Planning Authority's ability to meet the Government's air quality; and other sustainability targets and development does not negatively impact upon the existing pollution and nuisance situation.

- 8.136. The Air Quality officer sets out that the prevailing air quality across this part of Hove is very good. The nearest road links exceeding the Air Quality Assessment Level for nitrogen dioxide are Wellington Road and Trafalgar Road in South Portslade and the proposal.
- 8.137. The Air Quality officer does not object to the proposal stating that it is very unlikely that the development will add more than 100 vehicle movements per day to Wellington Road / Trafalgar Road and thus trigger the need for the submission of an Air Quality Assessment in accordance with national guidance.
- 8.138. It is suggested that balcony and window treatment is carefully considered at first floor level adjacent to Olive Road at the reserved matters stage to limit the potential impact of poor air quality on future occupiers.
- 8.139. Subject to suggested conditions in respect of boiler emissions and electric charging points for car parking the proposal is considered acceptable in respect of air quality.

**Other Considerations:**

- 8.140. There have been objections from local residents setting out concerns that the existing local infrastructure and services (eg. Schools, doctors, dentists) are insufficient to cope with the additional residents / occupiers of the development.
- 8.141. It is noted that the development will be providing for significant contributions to employment training, sustainable transport, education and open space (including parks, amenity areas and indoor and sports) all of which will provide mitigation for the impact of the development. It is therefore considered that the impact of the development on local services is satisfactorily mitigated.

**Conclusion and planning balance**

- 8.142. Paragraph 11 of the NPPF makes it clear that planning application decisions should apply a presumption in favour of sustainable development. Furthermore, it sets out that where relevant development policies are out-of-date planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.
- 8.143. As noted previously the Council is currently unable to demonstrate a 5-year housing supply and as such the relevant planning policies relating to housing delivery are considered out-of-date and the tilted balance of paragraph 11 much be applied.

- 8.144. Outlining the positives of the scheme, the public benefits include the contribution of a net increase of 41 residential units towards the City's housing target of 13,200 new homes over the plan period on a site that is partially inside and also abutting the Portland Road Trading Estate which is allocated for mixed use (employment and housing) regeneration. It is further acknowledged that the Council is currently unable to demonstrate a 5-year housing land supply and as such the proposed housing (which also includes 40% affordable provision) would make a meaningful contribution towards this shortfall and this weighs strongly in favour of the scheme.
- 8.145. The provision of modern and flexile employment floorspace with the potential to provide for 137FTE jobs also weighs strongly in favour of the scheme.
- 8.146. The design of the scheme has evolved positively during the life of the application. Whilst it is acknowledged that the scheme still represents a built form of considerable mass and site coverage which will result in some compromises both visually and also to the liveability of future accommodation, it is considered that a development of an acceptable appearance and design could be achieved within the parameters set out within this outline permission.
- 8.147. Furthermore, when the application is assessed holistically, considering the need to maximise the potential of the site and the significant public benefits of the proposed housing and employment floorspace, the overall design approach is found to be acceptable.
- 8.148. Whilst some level of harm to neighbouring amenity has been identified this is considered relatively limited and can be further mitigated by careful design and siting of windows and balconies at the reserved matters stage and does not weigh strongly against the scheme.
- 8.149. Whilst it is acknowledged that the indicative housing mix is somewhat skewed towards smaller units it is recognised that flatted developments are less suited to larger family sized units which also impact negatively on viability and whilst regrettable this would not warrant the refusal of the application.
- 8.150. Highways concerns raised in respect of insufficient servicing and delivery space and pedestrian access can be mitigated to a degree by revisions to be secured at the reserved matters stage and by condition and overall the proposal is considered satisfactory in respect of highways impacts.
- 8.151. Other factors including impacts relating to ecology, sustainability, arboriculture, flood risk, air quality have been assessed and have been considered acceptable.

- 8.152. Overall it is considered that the public benefits of the scheme taken as a whole, which include the provision of a significant amount of housing and employment floorspace, are such that they outweigh the negatives of the scheme.
- 8.153. The proposed development will make a significant contribution towards sustainable development in the City and thus complies with the NPPF and contributes towards meeting the objectives of City Plan Part One Policy CP1 and approval of planning permission is therefore recommended subject to the completion of a s106 planning legal agreement and to the conditions recommended above.

## **9. EQUALITIES**

- 9.1. Access to the site for disabled users and less mobile users has been accommodated. The indicative layouts include wheelchair accessible housing (minimum of 5%) and disabled car parking and these will be secured by condition.

## **10. S106 AGREEMENT**

- 10.1. In the event that the S106 agreement has not been signed by all parties by the date set out above, the application shall be refused for the following reasons:
1. The proposed development fails to provide appropriate mitigation of the transport impacts of the development or promote sustainable transport modes contrary to policies TR7 of the Brighton & Hove Local Plan and CP7 and CP9 of the Brighton and Hove City Plan Part One.
  2. The proposed development does not include an appropriate artistic element commensurate to the scale of the scheme and therefore fails to address the requirements of CP5, CP7 and CP13 of the Brighton and Hove City Plan Part One.
  3. The proposed development fails to provide an Employment and Training Strategy specifying how the developer or their main contractors will provide opportunities for local people to gain employment or training on the construction phase of the proposed development contrary to policies DA4 and CP7 of the Brighton and Hove City Plan Part 1 and the City Council's Developer Contributions Technical Guidance.
  4. The proposed development fails provide a financial contribution towards the City Council's Local Employment Scheme secured via Section 106 Agreement to support local people to employment within the construction industry contrary to policy CP7 of the Brighton and Hove City Plan Part 1 and the City Council's Developer Contributions Technical Guidance.
  5. The proposed development fails to provide a financial contribution towards the improvement and expansion of capacity of local schools required to meet the demand for education created by the development,

contrary to policy CP7 of the Brighton and Hove City Plan Part 1 and the City Council's Developer Contributions Technical Guidance.

6. The proposed development fails to provide a financial contribution towards the enhancement of open space to meet the demand created by the development contrary to policies CP7 and CP16 of the Brighton and Hove City Plan Part One and the City Council's Developer Contributions Technical Guidance.





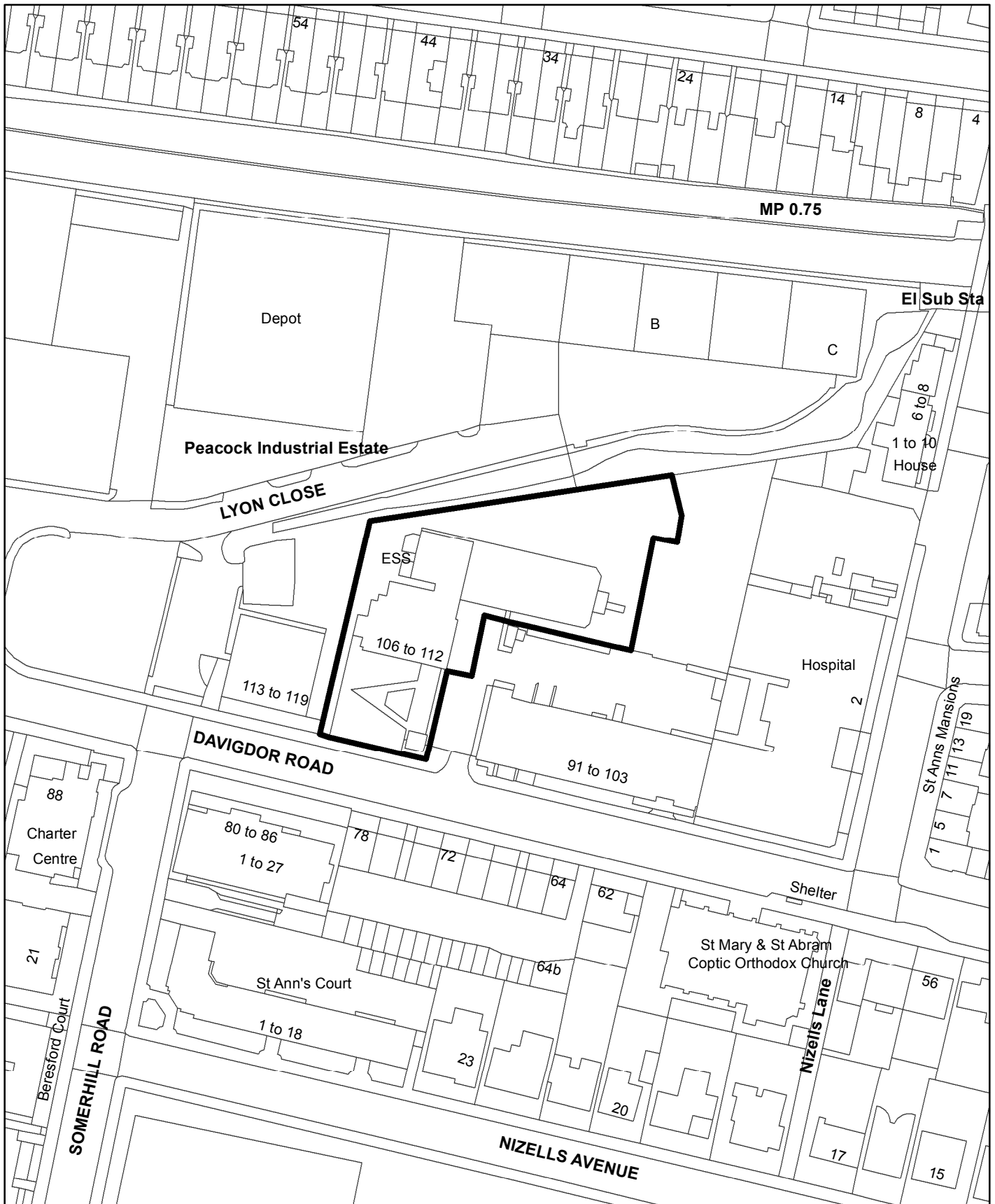
# **ITEM C**

**Palmer And Harvey House,  
106-112 Davigdor Road  
BH2020/00895  
Full Planning**

**DATE OF COMMITTEE: 8<sup>th</sup> July 2020**



# BH2020 00895 - Palmer And Harvey House, 106-112 Davigdor Road



N



Scale: 1:1,250



<b><u>No:</u></b>	<b>BH2020/00895</b>	<b><u>Ward:</u></b>	<b>Goldsmid Ward</b>
<b><u>App Type:</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>Palmer And Harvey House 106-112 Davigdor Road Hove BN3 1RE</b>		
<b><u>Proposal:</u></b>	<b>Erection of an additional storey and extension to fourth floor to provide 7no two bedroom flats &amp; 1no one bedroom flat (C3), erection of 3 storey front extension to create a further 298sqm of office space (B1) together with associated external alterations, access, car parking and landscaping.</b>		
<b><u>Officer:</u></b>	<b>Mark Thomas, tel: 292336</b>	<b><u>Valid Date:</u></b>	<b>31.03.2020</b>
<b><u>Con Area:</u></b>	<b>N/A</b>	<b><u>Expiry Date:</u></b>	<b>26.05.2020</b>
<b><u>Listed Building Grade:</u></b>	<b><u>EOT:</u></b>		
<b><u>Agent:</u></b>	<b>Nova Planning Limited Ground Floor Building 1000 Lakeside North Harbour Portsmouth PO63EZ</b>		
<b><u>Applicant:</u></b>	<b>Stonegate Homes (Hove) Limited C/o Nova Planning Limited Building 1000 Lakeside North Harbour Portsmouth PO63EZ</b>		

## 1. RECOMMENDATION

- 1.1. That the Committee has taken into consideration and agrees with the reasons for the recommendation set out below and resolves to be **MINDED TO GRANT** planning permission subject to satisfactory amended plans, a s106 agreement on the Heads of Terms set out below and the following Conditions and Informatives as set out hereunder, **SAVE THAT** should the s106 Planning Obligation not be completed on or before the **30<sup>th</sup> September 2020** the Head of Planning is hereby authorised to refuse planning permission for the reasons set out in section **9.1** of this report:

### **Head of Terms:**

- 1.2. In view of the considerations outlined above, a legal agreement with the following heads of terms will be sought.

#### Affordable Housing Contribution:

£364,500 commuted sum towards affordable housing.

#### Conditions:

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

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

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
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Location and block plan	EX01		23 March 2020
Proposed Drawing	PR01		23 March 2020
Proposed Drawing	PR10		23 March 2020
Proposed Drawing	PR11		23 March 2020
Proposed Drawing	PR12		23 March 2020
Proposed Drawing	PR13		23 March 2020
Proposed Drawing	PR14		23 March 2020
Proposed Drawing	PR15		23 March 2020
Proposed Drawing	PR16		23 March 2020
Proposed Drawing	PR17		23 March 2020
Proposed Drawing	PR18		23 March 2020
Proposed Drawing	PR20	B	30 March 2020
Proposed Drawing	PR21		23 March 2020
Proposed Drawing	PR22		23 March 2020
Proposed Drawing	PR23		23 March 2020
Report/Statement		Noise Impact Assessment	23 March 2020
Proposed Drawing	1678-GA-100		23 March 2020
Proposed Drawing	1678-GA-101		23 March 2020

- 2 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.
- 3 No development above ground floor slab level of any part of the development hereby permitted shall take place until details, which may include 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 QD14 of the Brighton & Hove Local Plan and CP12 of the Brighton & Hove City Plan Part One.
- 4 Prior to occupation of the development hereby approved, a Scheme of Management and Layout of the vehicle parking areas has been submitted to and approved in writing by the Local Planning Authority. The scheme must include the following measures:
- Details of the layout of the bays and access within the car park, and any other motor vehicle parking areas. Including resident, office, visitor and motorcycle bays.

- Details of how each car parking space will be allocated and managed.
- Details of measures to ensure that each car parking space is for the sole use of its allocated owner and/or those they permit to use said space.
- Details of electric charging bays, inc arrangements to bring passive EVCB into active service.
- Details of disabled parking bays.
- Details of servicing bays.
- Details of keep clear areas.

The approved layout and management arrangements shall be implemented prior to the occupation of the building and thereafter be retained and maintained.

**Reason:** To ensure the development maintains a sustainable transport strategy and to comply with policies TR7, TR12, TR14 and TR18 of the Brighton & Hove Local Plan and CP9 of the City Plan Part One.

- 5 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.

- 6 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 have no entitlement to a resident's parking permit.

**Reason:** To ensure that the development does not result in overspill parking and to comply with policies TR7 & QD27 of the Brighton & Hove Local Plan and CP9 of the City Plan Part One.

- 7 The development hereby permitted shall be carried out in accordance with the recommendations within the Acoustic Design Statement by RPS received 23rd March 2020, including the provision that noise associated with plant/machinery within the proposed B1 office space shall be controlled such that it does not exceed a sound level 5dB above measured background sound levels during daytime and nighttime periods. The approved recommendations once implemented shall be permanently retained.

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

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

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

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

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

- 10 The landscaping scheme detailed on drawing no. 1678-GA-100 and 101 received on 23 March 2020 shall be carried out in the first planting and seeding season following the first occupation of the building/use hereby permitted or the completion of the development, whichever is the sooner. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become, in the opinion of the Local Planning Authority, seriously damaged or diseased, shall be replaced with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

**Reason:** To enhance the appearance of the development in the interest of the visual amenities of the area and to comply with policies QD15 of the Brighton & Hove Local Plan and CP12 and CP13 of the Brighton & Hove City Plan Part One.

Informatives:

1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One the approach to making a decision on this planning application has been to apply the presumption in favour of sustainable development. The Local Planning Authority seeks to approve planning applications which are for sustainable development where possible.
2. The applicant is advised that the scheme required to be submitted by Condition 7 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 and that visitor permits will be limited to 25 per year per resident.
3. The applicant is reminded that an additional B1 use disabled bay is required from the general use and advised that the disabled car parking spaces should be designed in accordance with the Department for Transport produced Traffic Advisory Leaflet 5/95 Parking for Disabled People. This requires a 1.2m clear zone to both sides of the bay.
4. In order to be in line with Policy TR14 Cycle Access and Parking of the Brighton & Hove Local Plan 2005 cycle parking must be secure, convenient (including not being blocked in a garage for cars and not being at the far end of a rear garden), accessible, well lit, well signed, near the main entrance, by footpath/hardstanding/driveway and wherever practical, sheltered. It should also be noted that the Highway Authority would not approve vertical hanging racks as they are difficult for many people to use and therefore not considered to be policy and Equality Act 2010 compliant. Also, the Highway Authority approves of the use of covered, illuminated, secure 'Sheffield' type stands spaced in line with the guidance contained within the Manual for Streets



section 8.2.22. Or will also consider other proprietary forms of covered, illuminated, secure cycle storage including the 'slide cycle in' type cycle store seen in railway stations, the 'lift up door' type cycle store, the Police approved 'Secure By Design' cycle store, the cycle 'bunker' type store and the 'two-tier' type system again seen at railway stations where appropriate.

- 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 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.

## **2. SITE LOCATION & APPLICATION DESCRIPTION**

- 2.1. The application site comprises a modern, purpose-built office development of between three and seven storeys with two adjoining blocks arranged at right angles to each other, the rear block set behind neighbouring Preece House, which is also a purpose-built office block. There is a small gatehouse type structure at the front. The main office building is set well back from the road. There are 110 car parking spaces at ground level and underneath the larger block behind Preece House.
- 2.2. The site is located on the northern side of Davigdor Road and backs onto the Peacock Industrial Estate. There are residential uses on the opposite side of Davigdor Road.
- 2.3. The site was granted prior approval in August 2019 for a conversion to 92 one bedroom flats. In March 2020 prior approval was granted for conversion of only the rear wing of the building to 78 one-bedroom flats, with office space retained to the front block of the building.
- 2.4. The current application proposes an additional storey to the rear block of the building, a three-storey front extension, and an additional storey at third floor, over the existing 3 storey front block. The extended front wing would accommodate office space at ground, first and second floors. The total provision would be 1035sqm of which 298sqm would be in the new front extension. The extension above this part of the building would accommodate 1no one bedroom flat and 2no two-bedroom flats. The additional storey to the rear block would accommodate 5no two-bedroom flats.

- 2.5. The submitted floor plans include the 78 one-bedroom flats with extant approval. Although these units do not form part of the current application, external alterations are proposed to those parts of the building and involves the removal of the current glass curtain system, which lends the building the appearance of being entirely glazed. The proposal is to remove this and replace with an alternative cladding system.

### **3. RELEVANT HISTORY**

- 3.1. **BH2020/00781:** Erection of a new six storey building comprising 43no flats (C3), with undercroft parking, associated access and landscaping. Under Consideration
- 3.2. **BH2019/03783:** Prior Approval for change of use from office (B1) to residential (C3), to form 78no. one bedroom flats. Approved 10/03/2020
- 3.3. **BH2019/01739:** Prior Approval for change of use from offices (B1) to residential (C3) to form 92no one bedroom flats. Approved 07/08/2019
- 3.4. **BH2019/01619:** Prior Approval for change of use from offices (B1) to residential (C3) to form 86no flats, comprising 49no one bedroom units and 37no two bedroom units. Withdrawn 04/07/2019
- 3.5. **BH2014/03006:** Prior Approval for change of use from offices (B1) to residential (C3) to form 57no flats. Approved 20/10/2014
- 3.6. **BH2008/00919:** Smoking shelter at third floor level on roof podium. Approved 23/05/2008

### **4. REPRESENTATIONS**

- 4.1. **Thirteen (13)** letters have been received objecting to the proposed development for the following reasons:
- Additional traffic
  - Pressure on local amenities (schools, GOs etc)
  - Overdevelopment
  - Overcrowding of the area
  - Intrusive/dominating to surrounding area
  - Design and scale are out of proportion with surroundings
  - Overshadowing of neighbouring properties
  - Light and noise pollution
  - Overlooking
  - Family houses are needed instead of flats

### **5. CONSULTATIONS**

- 5.1. **Planning Policy: Comment**  
The application site comprises c4,100 sqm vacant B1 office and ancillary floorspace, however all of this is subject to Prior Approval for conversion to residential. The current application proposes additional storeys and a front extension to the existing building for residential and B1 office use. The applicant states that these proposals are intended to accompany the most recent Prior Approval (BH2019/03783) agreed by the Council on 10 March 2020 which allows for the conversion of the existing 7-storey rear block to 78 residential flats but retains the 3-storey front block as B1 office space.
- 5.2. The application site forms part of a larger area at Lyon Close which is proposed for allocation in CPP2 Policy SSA3 for residential-led mixed uses to provide a minimum of 300 residential units and 5,700 sq.m B1a office space (of which 1,000 sq.m is proposed for the application site). The proposed additional residential and B1 office space would accord with the Council's overall aspirations in Policy SSA3.
- 5.3. There is already sufficient residential provision in the form of completions and extant commitments at Lyon Close to meet the overall Policy SSA3 target of 300 residential units. However this application would potentially contribute a small amount of additional housing which would help to meet the overall City Plan housing target and the current 5-year housing supply shortfall.
- 5.4. The recent Prior Approval for office to residential conversion would create 78 small one bedroom flats, so the addition of 7 two bedroom units would expand the housing mix to a limited degree. As such, the application is considered to meet the housing mix requirements in Policy CP19 and draft Policy SSA3.
- 5.5. The unit sizes shown on the proposed floorspace plans would exceed the minimum Nationally Described Space Standards (NDSS) and provide private balconies/ terraces meeting the private outdoor amenity requirements in saved Policy HO5.
- 5.6. The applicant is proposing a financial contribution of £364,500 towards off-site affordable housing. This meets the requirement in Policy CP20 and follows the Council's technical guidance on calculation of affordable housing commuted sums.
- 5.7. The proposed 3-storey front extension providing 298 sq.m additional B1 office space would help towards the B1 office requirements sought in draft Policy SSA3. However, it would be helpful for the applicant to confirm the total amount of existing B1 office space that would be retained following implementation of BH2019/03783 in order to demonstrate that the minimum 1,000 sq.m B1 office space sought for this site in Policy SSA3 would be achieved.
- 5.8. The applicant has not provided a Tall Building Statement, nor provided any assessment of the potential wider visual impact of adding an extra eighth storey on the rear block of the building. This is a key policy requirement that

will need to be addressed in order to demonstrate compliance with Policy CP12 and SPG15 Tall Buildings. In terms of assessing the overall design, consideration should also be given to the Design Principles for Lyon Close which have been published as evidence to support Policy SSA3 in CPP2.

- 5.9. *Subsequent to these comments, the applicant has submitted a Tall Building Statement. The applicant has also confirmed 1035sqm total office space of which 298sqm would be in the new front extension.*
- 5.10. **Sustainable Transport:** Comment  
The site has been subject to the following previous submission which was approved: BH2019/03783 - Prior Approval for change of use from office (B1) to residential (C3), to form 78no. one bedroom flats.
- 5.11. This application is proposing eight additional flats and 298sqm of office (B1) floorspace. In combination, these developments would provide 86no. residential units (mixture of 1-bedroom and 2-bedroom units) and 298sqm of Class B1(a) floorspace.
- 5.12. The primary access is directly off Davigdor Road which offers a stepped access up to the main door and an alternative ramp for step free access which will make the site accessible to disabled users. The ramp appears to be no steeper than 1:12 for less than 5 metres, leading to a landing platform before continuing up to the main entrance. This meets BS8300 standards as an accessible ramp for disabled users and is deemed acceptable.
- 5.13. The secondary access is via the car park to the east of the main entrance. This compromises only of steps but is also acceptable due to the ramp provided as an alternative. Any disabled parking provided on site will need to be kept to the south of the car park, to minimise the distance users are required to travel. These details can be secured through a car parking management plan as a condition, which is covered in greater detail later in these comments.
- 5.14. The existing vehicular access is off Davigdor Road which is to remain as existing as part of these proposals. Therefore, we have no objection. Delivery and Servicing Access The main vehicle access off Davigdor Road will remain unchanged; this will allow service vehicles and refuse vehicles to enter the site and conduct all servicing on site and away from the public highway. This is the same situation as existed when the office use of the site was in operation. Drawing ITB15172-GA-004 shows a swept path analysis of an emergency vehicle, refuse vehicle and large box van satisfactorily entering and exiting the site.
- 5.15. In accordance with SPD14 the following cycle parking provision would be required for this development:  
o 8 x 1-2 bedroom flat = 8 long stay and 2 short stay  
o 298 sqm B1 office space o Staff = 1 space plus 1 space per 100m<sup>2</sup> = 4 long stay  
o Visitors = 1 space plus 1 spacer 500m<sup>2</sup> = 2 short stay
- 5.16. This is in addition to the 78 short stay and 26 short stay spaces required for application no. BH2019/03783. The proposed office cycle storage has been

outlined on the proposed site plan but it is unclear where the residential parking would be located. It is our preference for 50% of residential cycle parking and 25% of office cycle parking to be in the form of Sheffield stands. Whilst we are satisfied that the 6 cycle spaces could be accommodated in the allocated office storage, it is unclear whether there is sufficient space to accommodate residential cycle parking. We therefore require further clarification on this. There is significant space across the site that is currently allocated for car parking that can be utilised to provide the required parking and shelters. As such we are confident that good quality cycle parking can be provided and can be secured through condition if planning permission is granted.

- 5.17. In accordance with SPD14, the following car parking provision is permitted. o Residential units: 0.5 spaces per dwelling for 1-2 bedroom units o Residential units: 1 space per two dwellings for visitors o Office: 1 space per 100m<sup>2</sup>. Therefore, the 8 additional dwellings would be permitted 8 car parking spaces and a maximum of 3 car parking spaces would be allowed for the office use.
- 5.18. The previous application proposed 39 spaces to serve the 78 residential dwellings which was deemed acceptable. This application proposes 45 car parking spaces including 3 for the proposed office use to serve 86 dwellings and 298sqm of office use. This remains in accordance with SPD14 in principle; however, the impact of any overspill parking is discussed in the 'operational impact' section below.
- 5.19. Under application reference BH2019/03783, it was requested that at least 5% of the maximum total car parking standard to be allocated for motorcycle parking. Therefore, it would be required for 2 spaces to be provided. This can be secured under the car parking management plan condition.
- 5.20. In accordance with SPD14, it is required that 10% of car parking provision has electric vehicle charging provision and 10% of car parking has passive provision to allow conversion at a later date. This would require 5 spaces to have electric charging provision and 5 spaces to have passive provision. Notwithstanding the policy compliance, this level of provision is required to future proof the development and we encourage a commitment to provide ultra-rapid charging points with 100% of bays to be active from the start.
- 5.21. 2 disabled spaces are proposed for the B1 office use which is in accordance with SPD14. The layout of the spaces provided is not acceptable. Brighton & Hove Local Plan policy TR18 requires disabled bays to be laid out in accordance with DfT Traffic Advisory Leaflet 5/95 which requires a 1.2m buffer zone on both sides of the parking space. However, it is considered that this could be addressed through a disabled car parking condition.
- 5.22. The Transport Assessment submitted as part of this application has provided a trip generation estimate for the existing B1 use and the proposed C3 and B1. While we have a number of reservations on the filters and parameters set through the TRICS system, and the full 24 hour impact has not been provided, we accept the basic premise that the proposed site will generate fewer trips

than the existing and therefore will not have a significant impact on the highway network. In cases such as this, a Sustainable Transport Contribution is not required, due to there being no net uplift in trips.

- 5.23. Visitor parking demand must also be taken into consideration. Our estimates for residential units are based on the value of 0.2 spaces per unit as recommended in the DCLG 2007 'Residential Car Parking Research' document. Based on 86 units, the demand for this site is likely to be 17.2 ( $86 \times 0.2$ ), therefore, 17 visitor parking spaces would be adequate for this site to provide for visitors and this will need to be reflected in the Car Parking Management Plan.
- 5.24. The census super mid-level output area for this site shows that the average car ownership for flats is 59.1%, with 12.6% of the total owning 2 or more cars. If we make a conservative estimate that the 12.6% of units only own 2 cars with the other 46.5% owning 1, this gives an estimated 71.6 cars owned per 100 units in the area. Applying that to the proposed 86 units, gives an estimate of ownership for the site of approximately 62 cars ( $71.6/100 \times 86$ ).
- 5.25. The development is proposing 42 residential parking bays, which would mean that the cumulative impact of the two applications would be an overspill of parking on to the local Controlled Parking Zone (CPZ) of approximately 20 (62-42). Looking at the demand for CPZ O, our most recent data of up-take of permits is 97% with a peak in 2019 of 101% of permitted permits allocated. A permit uptake of over 85% is considered under pressure, with this area far exceeding this, the impact from this development will need to be carefully managed.
- 5.26. Visitor parking demand must also be taken into consideration, with our estimates for residential units being based on the value of 0.2 spaces per unit as recommended in the DCLG 2007 'Residential Car Parking Research' document. Based on 86 units, the demand for this site is likely to be approximately 17 ( $86 \times 0.2$ ), therefore, 17 visitor parking spaces would be adequate for this site to facilitate general visitors and services and this will need to be reflected in the Car Parking Management Plan.
- 5.27. If sites in CPZs will generate overspill parking, then we will consider making them permit-free, basing that judgement, amongst other things, on a submitted parking survey to demonstrate whether sufficient capacity is available to accommodate it. Here, no attempt to estimate overspill has been made, though our own estimates suggest this could be significant. Similarly, no parking survey has been submitted, as required in SPD14. However, before defaulting to recommending a permit free condition we have referred to our own records of permit uptake in the relevant zone, using this as a proxy indication of likely parking stress. The most recent records for February 2020 show this to currently be 97%. We consider uptake of  $\geq 85\%$  to indicate unreasonable existing stress, remembering that zones are very large, that this is an average figure, and that on individual streets parking stress may be higher. We therefore conclude that surrounding streets already experience unacceptable parking stress. As the development would exacerbate this by adding further

demand of approximately 17 vehicles, it is reasonable to make the development permit-free.

- 5.28. As part of the Car Parking Management Plan, the new arrangements of the on-site parking area can be changed through a non-material amendment by redistributing the space through markings to facilitate the following users: o Servicing o Visitors o Residents o Disabled o Motorcycles
- 5.29. Excess areas will need to be kept free for manoeuvring, fire assembly point and keep clear markings.
- 5.30. The Equality Act 2010 places a range of duties on the Council. Amongst others, these require decision makers to be aware of the potential impacts of their decisions, at the point when they take them, on people with characteristics that are protected by the Act. There must be a reasonable evidence base for this. If there are likely to be any negative impacts then, amongst other things, the decision maker must be satisfied that there is a reasonable 'objective justification' for these.
- 5.31. For the benefit of decision makers, we set out below those aspects of the proposals that are likely to have negative impacts in respect to transport. We also consider if there is a reasonable objective justification for these in transport terms. Where there is not then decision makers will need to be satisfied that a suitable objective justification exists for non-transport reasons. Note that we do not consider planning policy in this section. o Layout of disabled spaces is unacceptable. DfT Traffic Advisory Leaflet 5/95 which requires a 1.2m buffer zone on both sides of the parking space. As this is not met, blue-badge holders may not be able to access the parking spaces so impacting on their independent mobility. We are unable to see any objective justification for the proposed layout of the disabled bays. We have therefore requested additional information to be secured by condition.
- 5.32. Due to the nature of the development, there is expected to be a significant level of personal trips generated by the residents. Therefore, to comply with NPPF para 111 and Local Plan policy TR4, a Travel Plan should be secured via a section 106 agreement. See the 'Recommendations' section for details of the minimum measures that should be secured with this.
- 5.33. **Private Sector Housing:** No objection
- 5.34. **Environmental Health:** No objection  
The applicant recognises that a further acoustic assessment may be necessary if mechanical plant in excess of that currently anticipated is proposed. ( para 4.24.of the RPS acoustic design statement.)

## 6. MATERIAL CONSIDERATIONS

- 6.1. In accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004, this decision has been taken having regard to the policies and

proposals in the National Planning Policy Framework, the Development Plan, and all other material planning considerations identified in the "Considerations and Assessment" section of the report

- 6.2. The development plan is:
- Brighton & Hove City Plan Part One (adopted March 2016)
  - Brighton & Hove Local Plan 2005 (retained policies March 2016);
  - East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (adopted February 2013);
  - East Sussex, South Downs and Brighton & Hove Waste and Minerals Sites Plan (adopted February 2017);
  - Shoreham Harbour JAAP (adopted October 2019).
- 6.3. Due weight has been given to the relevant retained policies in the Brighton & Hove Local Plan 2005 according to their degree of consistency with the NPPF.

## 7. POLICIES

### The National Planning Policy Framework (NPPF)

#### Brighton & Hove City Plan Part Two

Policies in the Proposed Submission City Plan Part 2 do not carry full statutory weight but are gathering weight as the Plan proceeds through its stages. They provide an indication of the direction of future policy. Since 23 April 2020, when the Plan was agreed for submission to the Secretary of State, it has gained weight for the determination of planning applications but any greater weight to be given to individual policies will need to await the outcome of the Regulation 19 consultation. The council will consider the best time to carry out the consultation after the coronavirus (Covid-19) restrictions are lifted.

#### Brighton & Hove City Plan Part One

SS1	Presumption in Favour of Sustainable Development
CP1	Housing delivery
CP2	Sustainable economic development
CP3	Employment land
CP4	Retail provision
CP7	Infrastructure and developer contributions
CP8	Sustainable buildings
CP9	Sustainable transport
CP12	Urban design
CP14	Housing density
CP19	Housing mix
CP20	Affordable housing

#### Brighton and Hove Local Plan (retained policies March 2016):

TR4	Travel plans
TR7	Safe Development
TR14	Cycle access and parking
SU9	Pollution and nuisance control



SU10	Noise Nuisance
QD5	Design - street frontages
QD14	Extensions and alterations
QD27	Protection of amenity
HO5	Provision of private amenity space in residential development
HO13	Accessible housing and lifetime homes

Supplementary Planning Documents and Guidance:

SPD03	Construction & Demolition Waste
SPD12	Design Guide for Extensions and Alterations
SPD14	Parking Standards
SPG14	Tall Buildings

## 8. CONSIDERATIONS & ASSESSMENT

- 8.1. The main considerations in the determination of this application relate; to the impact on the character and appearance of the recipient building and the wider streetscene; the impact on the amenity of occupiers of nearby buildings; the standard of accommodation of the proposed flats for future occupiers; transport implications, including vehicle and cycle parking and compliance with relevant Development Plan policies and site allocations.

**Principle of Development:**

- 8.2. The City Plan Part 1 Inspector's Report was received in February 2016. The Inspector's conclusions on housing were to agree the target of 13,200 new homes for the city until 2030 as a minimum requirement. It is against this minimum housing requirement that the City's five-year housing land supply position is assessed annually.
- 8.3. The council's most recent housing land supply position published in the SHLAA Update 2019 shows a five-year housing supply shortfall of 1,200 (equivalent to 4.0 years of housing supply). As the council is currently unable to demonstrate a five-year housing land supply, increased weight should be given to housing delivery when considering the planning balance in the determination of planning applications, in line with the presumption in favour of sustainable development set out in the NPPF (paragraph 11).
- 8.4. Policy SSA3 of the draft City Plan Part 2 relates to Lyon Close, Hove. The policy proposes an allocation for residential-led mixed uses to provide a minimum of 300 residential units and 5,700sqm B1a office space, of which 1,000sqm is proposed for the application site. The proposed additional residential floorspace, and overall 1035sqm of office floorspace would accord with the Council's overall aspirations in Policy SSA3. The proposal to add 8 residential units would also contribute a small amount to the overall City Plan housing target and the current five-year housing supply shortfall.
- 8.5. The NPPF (8a) highlights the social objective, that development should support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the present and future

generations. Policy CP19 seeks to improve housing choice and ensure that an appropriate mix of housing is achieved across the city. Whilst specific requirements for housing mix are not set out in the policy, it is expected that developments provide an appropriate mix of housing type, size and tenure informed by local assessments of housing demand and need, whilst having regard to characteristics of existing neighbourhoods and communities. Based on demographic analysis, the policy sets out that the greatest need/demand in the city for market housing is for 2 and 3-bed properties (35% and 36% respectively). The proposed housing mix is 1no one-bedroom flat and 7no two-bedroom flats. Whilst there is a predominance of the overall scheme towards one-bedroom units, those units formed part of the prior approval scheme and it is only the two-bedroom units that can be assessed under this application. The creation of 7 two-bedroom units is considered acceptable and accords with policy CP19.

- 8.6. Policy CP20 requires the provision of affordable housing of all sites of 5 or more dwellings. For site providing between 5 and 9 dwellings 20% affordable housing is required as an equivalent financial contribution. For the proposed scheme of 8 units, this would require a commuted payment equivalent to 2no affordable two-bed flats in zone 2, which would amount to £364,500. The applicant has agreed to this contribution, which shall be secured by s106 agreement.
- 8.7. For the reasons outlined, the proposed development is considered acceptable in principle, subject to the further material considerations set out below.

**Design and Appearance:**

- 8.8. The proposed front extension would be 3 storeys and would replicate the height and width of the existing front projection. The extension would be largely glazed, with the positioning and proportions of glazed area replicating the existing front wing. Areas of solid structure between windows and at roof parapet would similarly replicate similar details on the existing front extension in terms of positioning, thickness and depth. Overall, the extension would appear very similar to the existing front wing, only extending 4m further forward. The applicant has stated that the glazing would feature slim frames, which is appropriate, although no large-scale details are included in the submission. A sample/further details of the proposed glazing system can be secured by condition.
- 8.9. The southern portion of the building at present is set approximately 22m back from the pedestrian footway on Davigdor Road, and the proposed front extension would still retain a setback of approximately 18m. This means that the proposed front extension would not be readily visible when walking west on Davidgor Road due to Preece House adjacent being set close to the pavement. To the west of the site is a vacant plot, formerly occupied as 113-119 Davigdor Road. BH2018/02926 was approved in March 2020 and permits the development of this vacant plot with a part 5, part 8 storey building which would also sit closer to the pavement. This would screen the proposed front extension when approaching the site from the west on Davigdor Road. Due to the significant retained setback and the screening from buildings on the road,

the proposed front extension would have a limited visual impact within the streetscene.

- 8.10. The proposed third floor extension would not be prominent in the streetscene. It would be positioned on the roof of the existing front projection, so wouldn't be visible other than from directly in front of the site when walking in either direction on Davigdor Road by reason of the position of existing buildings and those permitted at 113-119 Davigdor Road. The extension would also be partially screened by the proposed parapet wall on the front extension. The extension would be a subservient addition, being set back significantly from the front of the proposed 3 storey extension, and also set in from the side elevations. The new extension would be a simple box-like design, which would fit with the character and form of the existing building.
- 8.11. The proposed additional storey at seventh-floor level would be similarly designed to that at third floor. It would be a box-like structure, partially concealed behind a parapet wall. The extension would be set in from all elevations of the existing building and would appear suitably subservient. This part of the building is largely obscured from views on Davigdor Road by Preece House to the south. Those views available from directly in front of the site are at approximately 40m (as the crow flies), and as such the addition would not be unduly prominent. Views from the east on Montefiore Road are similarly obscured by the Montefiore Hospital, and those views available are restricted to the break between the hospital and Russell House to the north which is approximately 75m away (as the crow flies).
- 8.12. The additional storeys at third and seventh floor levels are considered to be subservient and sympathetic additions to the building.
- 8.13. The proposal also, includes the removal of the glazed curtain façade and replacement with an alternative cladding system, although full details of cladding have not been submitted. No objection is raised to the principle, since the current appearance of the building better reflects the previous use as an office block than the predominantly residential use going forward. Full details of materials, in particular external wall treatments and cladding shall be secured by condition, to ensure that the building would maintain a coherent appearance.
- 8.14. A landscaping plan has been submitted, which shows an appropriate mix of hard and softlandscaping, including the provision of a ramped access, a green frontage to Davigdor Road and communal garden spaces with seating at the rear. Compliance with the landscaping plan shall be secured by condition, together with a requirement to replant any plants which die within 5 years of the completion of the development.

**Standard of Accommodation:**

- 8.15. The applicant has provided a noise assessment which sets out the noise environment of the site. The main noise issues for occupiers of the proposed flats would be that from traffic on Davigdor Road and the trading estate to the rear and its access road. The new third floor flats would be situated above

offices, where there is potential for some air conditioning plant/machinery. The report sets out that traffic noise can be suitably mitigated by the building façade as well as the inclusion of mechanical ventilation so that there is less reliance on opening windows. The report states that noise associated with the office can be mitigated by limiting the sound associated with plant to less than 5dB above background noise levels. The Environmental Health Officer has reviewed the noise assessment and raised no objection. Compliance with the recommendations of the report and the limitation of plant noise levels can be secured by condition.

- 8.16. The proposal is for 8 flats. They would provide the following usable floorspace:
- 8.17. Third floor:
- One-bed flat (2 occupants): 58.8m<sup>2</sup> overall; bedroom 1- 15.3m<sup>2</sup>
  - Two-bed flat (3 occupants): 59.8m<sup>2</sup> overall; bedroom 1- 11.8m<sup>2</sup>; bedroom 2 - 9.8m<sup>2</sup>
  - Two-bed flat (3 occupants): 64.8m<sup>2</sup> overall; bedroom 1- 14.8m<sup>2</sup>; bedroom 2 - 10.1m<sup>2</sup>
- 8.18. Seventh floor:
- Two-bed flat (3 occupants): 62.3m<sup>2</sup> overall; bedroom 1- 15.8m<sup>2</sup>; bedroom 2- 10.7m<sup>2</sup>
  - Two-bed flat (3 occupants): 62.0m<sup>2</sup> overall; bedroom 1- 12.4m<sup>2</sup>; bedroom 2- 9.8m<sup>2</sup>
  - Two-bed flat (3 occupants): 62.6m<sup>2</sup> overall; bedroom 1- 12.1m<sup>2</sup>; bedroom 2- 9.7m<sup>2</sup>.
  - Two-bed flat (4 occupants): 72.9m<sup>2</sup> overall; bedroom 1- 15.6m<sup>2</sup>; bedroom 2- 11.8m<sup>2</sup>.
  - Two-bed flat (4 occupants): 72.8m<sup>2</sup> overall; bedroom 1- 15.3m<sup>2</sup>; bedroom 2- 12.0m<sup>2</sup>.
- 8.19. All flats would benefit from a small balcony/roof terrace, which is considered an acceptable provision of outdoor amenity space for a flatted development in this location. It is noted that the site is within short walking distance from St Anne's Wells Gardens which can be accessed through an alleyway opposite the site.
- 8.20. The layout of the flats is considered acceptable, with regularly shaped rooms, all served by windows which would offer acceptable natural light and outlook. The flats would have acceptably sized spaces for the likely levels of occupation, with adequate space for furniture and circulation.
- 8.21. Whilst not adopted policy, the DCLG: Technical housing standards - nationally described space standard (2015) provides a useful guide with respect appropriate provision of floor space. It is welcomed that 7 of the 8 flats would exceed the recommendations. One third-floor flat (that at 59.8m<sup>2</sup>) falls marginally short of the recommended floorspace (1.2m<sup>2</sup>). Notwithstanding this, it is considered that this flat offers an acceptable layout, with regularly shaped rooms, and sufficient room for furniture and circulation. It is also noted that the flat would benefit from further amenity space on the provided balcony/terrace.

- 8.22. Overall, the proposed development is considered to provide future occupants of the flats with an acceptable standard of living accommodation.

**Impact on Amenity:**

- 8.23. Policy QD27 of the Brighton & Hove Local Plan states that planning permission for any development or change of use will not be granted where it would cause material nuisance and loss of amenity to the proposed, existing and/or adjacent users, residents, occupiers or where it is liable to be detrimental to human health.
- 8.24. The subject building is set approximately 40m from the nearest residential buildings on the south side of Davigdor Road. The nearest residential building to the east on Montefiore Road is Russell House which is in excess of 55m away. The nearest residential buildings to the west are at 121-125 Davigdor Road (47m) although there is permission for the development of the vacant site between at 113-119 Davigdor Road. To the north is Lyon Close, containing Peacock Industrial Estate. Currently occupied by commercial buildings, there is planning permission for demolition of existing buildings (B8) to facilitate a mixed use development comprising of the erection of 4no buildings between 6 and 8 storeys to provide 152 dwellings (C3), 2 live/work units (sui generis) and 697sqm of office accommodation (B1) with associated car and cycle parking, landscaping and other related facilities (BH2018/01738).
- 8.25. BH2018/02926 (approved 31/03/2020) relates to the adjacent (vacant) site to the west formerly 113 - 119 Davigdor Road and permits the erection of a new part 5 storey, part 8 storey building providing 894sqm of office space (B1) at ground floor level, and 52no residential flats (C3) at upper levels. Creation of basement level car and cycle park, landscaping and other associated works. The front part of this development would be within 10m of the side elevation of the proposed three storey extension. The ground floor of the neighbouring development does not contain residential accommodation, and the first-floor flats as permitted would not have any windows facing the site on the side elevation. Higher level windows are unlikely to be affected, in terms of overshadowing, by the proposed extension. The impact on the neighbouring development, is considered acceptable, and would not give rise to harmful overshadowing, loss of outlook or an unwelcome sense of enclosure.
- 8.26. The development of Lyon Close permitted by BH2018/01738 introduces residential development to the north of 106-112 Davigdor Road. It is noted that Lyon Close is set on slightly lower ground. There is a band of mature trees on the northern boundary of the site, however, which provides a significant amount of screening. The separation between the application building and the permitted buildings on Lyon Close is approximately 35m to the nearest block (as the crow flies). Given the retained boundary screening, the degree of separation, and the bulk of the existing building, the proposed development would not give rise to overshadowing or restrict outlook to the buildings permitted by BH2018/01738. Overlooking would be similarly restricted by the screen and separation and would, nonetheless, not be significantly different from that afforded from the current 6 floors which the building comprises.

- 8.27. No harm to residential amenity has been identified which would warrant refusal of the proposed development. The assessment has taken in existing buildings in the vicinity, and those which could reasonably be expected to come forward on surrounding development sites.

**Sustainable Transport:**

- 8.28. SPD14 requires the provision of 10 cycle spaces for the proposed residential development and a further 6 for the office space (in addition to the 104 spaces required by BH2019/03783). The submitted site plan includes the office provision, although there is a lack of detail about the provision for the residential element. Given that there is significant available space throughout the site, it is considered that further details of cycle parking can be secured by condition.
- 8.29. The proposal includes 45 car parking spaces across the whole site to serve the 78 units previously permitted and the current proposals. This is 6 additional spaces to those outlined in BH2019/03783. The provision includes 2 disabled spaces, although these may not be wide enough for all blue-badge holders. Further details of disabled parking can be secured by condition. Overall, the proposal is in accordance with the maximum recommended standards set out in SPD14.
- 8.30. BH2019/03783 requested 5% of parking to be for motor cycles and SPD14 requires 10% of parking bays to have electric charging capabilities. These details could be secured by a condition requiring a car parking management plan.
- 8.31. In terms of travel forecasts, a Transport Assessment has been submitted which compares the proposed use with the previous office (B1) use. The report concludes that the previous use would have generated more trips, and this conclusion is accepted.
- 8.32. The site is surrounded by Controlled Parking Zone O, where permit uptake is most recently at 97% and has previously been higher. The current proposals and the previously permitted permissions would likely result in overspill parking from the site into the CPZ, notably by visitors to the site. To control this, a car parking management plan is required by condition to set out how visitor parking will be handled. In addition, it is considered reasonable to restrict occupiers of the new development's access to permits, by making the development car-free. This can also be secured by condition.
- 8.33. Due to the nature of the development, there is expected to be a significant level of personal trips generated by the residents. Therefore, to comply with NPPF para 111 and Local Plan policy TR4, a Travel Plan shall be secured by condition which outlines measures which would be carried out to encourage sustainable travel methods.

**Sustainability:**

- 8.34. Policy CP8 requires new development to achieve 19% above Part L for energy efficiency, and to meet the optional standard for water consumption. This can be secured by condition.

**9. SECTION 106 HEADS OF TERMS:**

- 9.1. In the event that the S106 agreement has not been signed by all parties, the application shall be refused for the following reason:
- The proposed development fails to provide a financial contribution towards affordable housing contrary to policies CP20 of the Brighton & Hove City Plan Part One and the City Council's Developer Contributions Technical Guidance.

**10. EQUALITIES**

No issues identified.





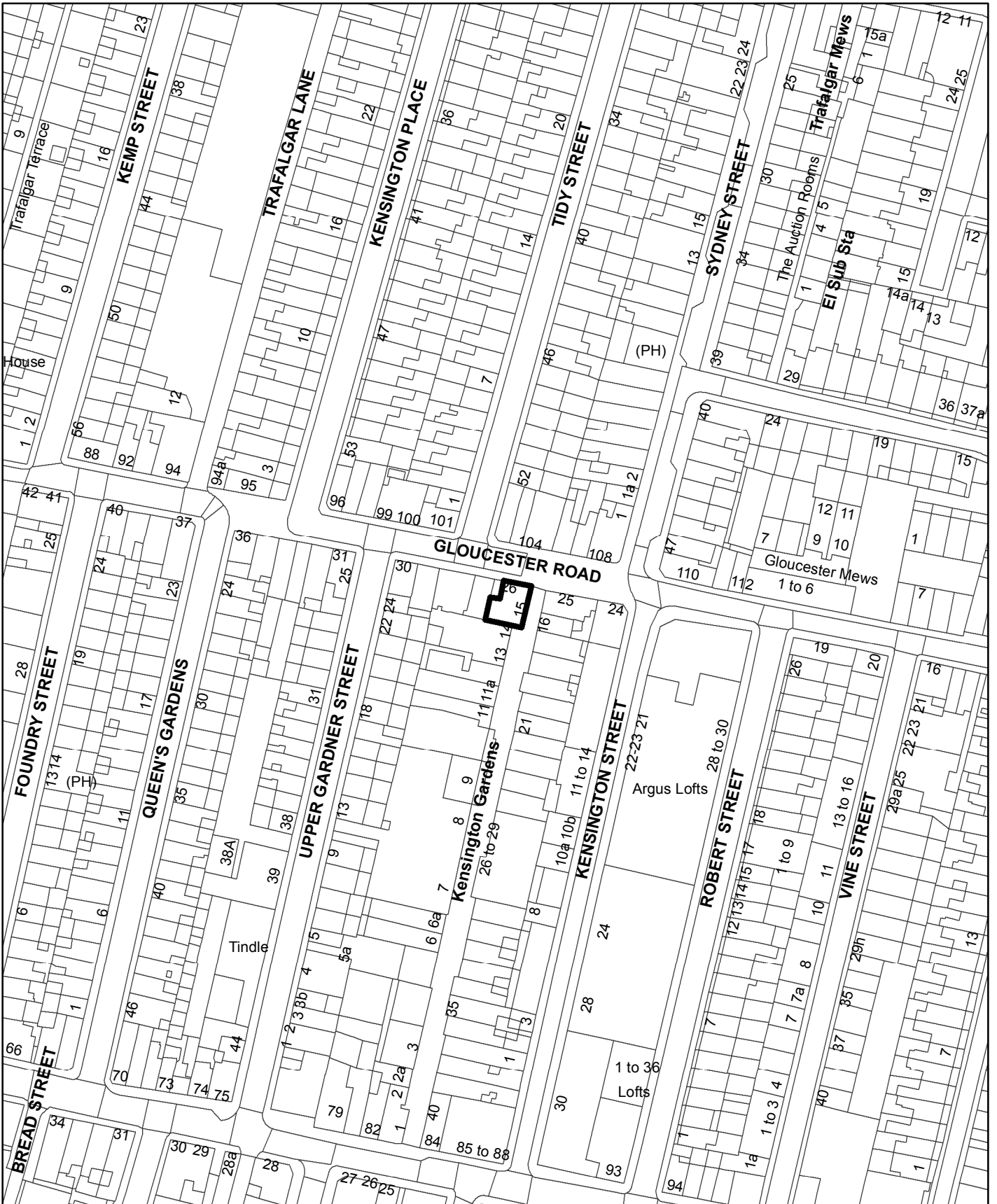
# **ITEM D**

**26 Gloucester Road  
BH2020/00440  
Full Planning**

**DATE OF COMMITTEE: 8<sup>th</sup> July 2020**



# BH2020 00440 - 26 Gloucester Road



N



Scale: 1:1,250



<b><u>No:</u></b>	<b>BH2020/00440</b>	<b><u>Ward:</u></b>	<b>St. Peter's And North Laine Ward</b>
<b><u>App Type:</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>26 Gloucester Road Brighton BN1 4AQ</b>		
<b><u>Proposal:</u></b>	<b>Increase to the existing ridge height and rear roof extension to create an additional floor incorporating 4no dormers, solar panels &amp; associated works.</b>		
<b><u>Officer:</u></b>	Emily Stanbridge, tel: 293311	<b><u>Valid Date:</u></b>	17.02.2020
<b><u>Con Area:</u></b>	North Laine	<b><u>Expiry Date:</u></b>	13.04.2020
<b><u>Listed Building Grade:</u></b>		<b><u>EOT:</u></b>	
<b><u>Agent:</u></b>	MA Architecture 79 Stanford Avenue Brighton BN1 6FA		
<b><u>Applicant:</u></b>	Mr Charles Bloomstein C/o MA Architecture 79 Stanford Avenue Brighton BN1 6FA		

## 1. RECOMMENDATION

1.1. That the Committee has taken into consideration and agrees with the reasons for the recommendation set out below and resolves to **REFUSE** planning permission for the following reasons:

1. The proposed scheme represents an overdevelopment of the site which will result in an incongruous roof form that is poorly detailed and proportioned to the main building. The proposal would result in an inappropriate addition to the property that would also fail to enhance the character and appearance of the North Laine Conservation Area. The proposal fails to comply with policy HE6 of the Brighton and Hove Local Plan and policies CP12 and CP15 of the Brighton and Hove City Plan Part One.

### Informatives:

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

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Location and block plan	1023-P-101		11 February 2020
Proposed Drawing	1023-P-104	D	27 April 2020
Proposed Drawing	1023-P-105	C	27 April 2020
Proposed Drawing	1023-P-106	C	27 April 2020

## 2. SITE LOCATION & APPLICATION DESCRIPTION

- 2.1. The application site is located on the south-west corner of Gloucester Road and Kensington Gardens within the North Laine Conservation Area. The building is located at the termination of the vehicular road and the commencement of the pedestrianised area. The site is highly visible from several locations within the conservation area.
- 2.2. This application seeks permission to alter the current roof form of the property. The works proposed include increasing the ridge height of the existing roof, a rear roof extension and the addition of 4no. dormers. These works are to facilitate the creation of an additional floor of accommodation to extend an existing residential property.

## 3. RELEVANT HISTORY

- 3.1. PRE2017/00020: Written Response issued 07.04.2017.  
This proposal was for an additional storey at second floor level to facilitate the creation of an additional 2 bedroom unit. It was considered that an additional storey would result in a dominant appearance to the application property and wider street scene. Therefore an objection was raised in principle to the scheme. Any smaller scale development was considered likely to raise similar design concerns

## 4. REPRESENTATIONS

- 4.1. **Two (2)** letters of representation have been received objecting to the proposed development on the following grounds:
  - The additional floor will block out natural light
  - Loss of privacy
  - Noise disturbance given that the existing property is used as air bnb further accommodation will worsen this
  - The proposal doesn't serve the community in anyway
  - Additional accommodation means more people staying at this short term let
  - The additional floor is not in keeping
  - The development will be an obstruction seen from various areas
- 4.2. A letter of representation has been received by **North Laine Community Association** objecting to the development on the following grounds:
  - The proposal will change the character of Gloucester Road
  - Will harm the historic integrity of the immediate neighbouring properties with traditional appearances
  - The development would be highly visible

- Bears no resemblance to the character of the area or the conservation area
  - The dormers and roof form are not characteristic
  - The development will lead to the gradual erosion of the area
- 4.3. **Seven (7)** letters of representation have been received supporting the proposed development on the following grounds:
- The proposal will provide high quality housing
  - The design is in keeping with the local area
  - The sensitive design enhances the area
  - The proposal will provide much needed accommodation
  - Improvement to the existing building
  - The North Laine requires bold development
  - The application incorporates contemporary innovations
  - The property already attracts a number of families and now more families can
  - Would be a brilliant addition to the area
- 4.4. **One (1)** letter of comment has been received raising the following:
- As long as the window overlooking my property is removed from the plans, then I am sure the work will be carried out in a professional way and improve the area.
  - No problem is had with it, as long as any work involved affecting my property, would be replaced at the owner's of 26 Gloucester Road's expense, and by mutual consent with me.
- 4.5. **Councillor Lizzie Deane** has objected to the proposed development. A copy is attached to the report.

## 5. CONSULTATIONS

### 5.1. **Conservation Advisory Group Objection**

An objection is raised on the following grounds:

- The loss of the simple roof form, typical of the North Laine, should be resisted.
- The proposed dormers and mansard roof are therefore inappropriate.
- The site is prominent and the proposals would harm views from several directions.

### 5.2. **Heritage Objection**

Original comments 03.04.2020

The proposed form and height of the proposal is considered too large for the location within the conservation area. The proposed mansard/gambrel with large flat roofed section will appear top-heavy and poorly proportioned especially when viewed from Gloucester Road when the single storey Kensington Gardens front extension can be seen.

- 5.3. The proposed additional storey does not respect the scale, roof forms and general appearance of the streetscape within this section of North Laine and will be a visibly dominant and poorly proportioned structure viewed from several key locations within the conservation area.
- 5.4. The proposal includes four dormers within the mansard/gambrel roof. The size of the dormers are larger than the first floor windows, contrary to the traditional building hierarchy. Historically, the size of windows decrease as the height of the building increases. This is especially important when determining the size of dormers. Traditionally, dormers were kept as small as possible and were clearly a subordinate addition to the roof. In addition the proposal does not comply with the requirements of SPD12.
- 5.5. Overall, the proposal fails to preserve or enhance the character and appearance of the conservation area by introducing a poorly proportioned and incongruous roof form contrary to SPD12 and policy HE6.

Additional comments following receipt of amended plans 16.04.2020

- 5.6. The amended plans now show a steeply pitched roof with a gable end to the north and a hip to the south. The large section of flat roofing has not been altered. The cover email states that the dormer sizes have been reduced however it appears that the cheek sizes not the dormers have been reduced in size.
- 5.7. The proposed pitched roof (replacing the proposed mansard) is sprung off the proposed new front and side parapet. This is a very atypical architectural detail and has undoubtedly been included to provide additional head height in the attic space. As a result, this poor detail will result in the dormers sitting almost directly on top of the parapet without any setback as traditionally seen. This poor visual result can be seen in the 'architects' impression'.
- 5.8. The proposed pitched roof is a steep angle and further identifies why an additional storey on this property is unsuitable. As discussed in the initial heritage comments, the additional storey will appear top-heavy and poorly proportioned especially when viewed from Gloucester Road when the single storey Kensington Gardens front extension can be seen.
- 5.9. The amended scheme represents an overdevelopment of the site which will result in a poorly detailed and oddly proportioned building. The proposal fails to enhance the character and appearance of the North Laine conservation area and does not meet the guidance on roof alterations in SPD09. Therefore, the proposal is not supported.

Additional comments following receipt of amended plans 30.05.2020

- 5.10. Two amendments have been made to the scheme including a slight reduction in the overall size of the dormers and the roof pitch now matched the existing roof pitch.
- 5.11. As previously advised the scheme (as amended) represents an overdevelopment of the site which will result in a poorly detailed and oddly



proportioned building. The proposal fails to enhance the character and appearance of the North Laine conservation area and does not meet the guidance on roof alterations in SPD09.

- 5.12. Typically, parapets within Brighton are used to hide a shallow pitched or flat roof. The proposal to use a parapet as a springing point for the large pitched roof is out of character not only with the surrounding conservation area but also the architectural details of wider Brighton. The introduction of a parapet also gives the impression of a grander building, when it is a simple two-storey building with a pitched roof and no eaves, similar to the property opposite at 25 Gloucester Road.
- 5.13. Issues raised in the previous heritage comments have not been sufficiently addressed and the principle of an additional storey to this building is not supported. The proposal fails to demonstrate that it would preserve or enhance the character or appearance of the North Laine conservation area as required by HE6 and fails to meet the guidance on roof alterations in SPD09 and is not supported.

## **6. MATERIAL CONSIDERATIONS**

- 6.1. In accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004, this decision has been taken having regard to the policies and proposals in the National Planning Policy Framework, the Development Plan, and all other material planning considerations identified in the "Considerations and Assessment" section of the report
- 6.2. The development plan is:
- Brighton & Hove City Plan Part One (adopted March 2016)
  - Brighton & Hove Local Plan 2005 (retained policies March 2016);
  - East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (adopted February 2013);
  - East Sussex, South Downs and Brighton & Hove Waste and Minerals Sites Plan (adopted February 2017);
  - Shoreham Harbour Joint Area Action Plan (adopted October 2019).
- 6.3. Due weight has been given to the relevant retained policies in the Brighton & Hove Local Plan 2005 according to their degree of consistency with the NPPF.

## **7. POLICIES**

### The National Planning Policy Framework (NPPF)

### Brighton & Hove City Plan Part 2

Policies in the Proposed Submission City Plan Part 2 do not carry full statutory weight but are gathering weight as the Plan proceeds through its stages. They provide an indication of the direction of future policy. Since 23 April 2020, when the Plan was agreed for submission to the Secretary of State, it has gained

weight for the determination of planning applications but any greater weight to be given to individual policies will need to await the outcome of the Regulation 19 consultation. The council will consider the best time to carry out the consultation after the coronavirus (Covid-19) restrictions are lifted.

Brighton & Hove City Plan Part One

SS1 Presumption in Favour of Sustainable Development  
CP12 Urban design  
CP15 Heritage

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

QD5 Design - street frontages  
QD27 Protection of amenity  
HE6 Development within or affecting the setting of conservation areas

Supplementary Planning Documents:

SPD03 Construction & Demolition Waste  
SPD12 Design guidance for extensions and alterations

## **8. CONSIDERATIONS & ASSESSMENT**

- 8.1. The main considerations in the determination of this application relate to the principle of the development, the impact of the character and appearance of the scheme upon the wider streetscene and conservation area, the standard of accommodation provided and impact on neighbouring amenity.

Design and Appearance:

- 8.2. The application site is located on the south-west corner of Gloucester Road and Kensington Gardens and is within the North Laine Conservation Area. The site and its surrounding context have a tight urban grain, which has evolved over time, as such any changes within the area need to be sensitive to the wider streetscene. Whilst the surrounding buildings are a varied in height the application property is a low key building within the streetscene.
- 8.3. When considering whether to grant planning permission for development in a conservation area the council has a statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the area.
- 8.4. Case law has held that the desirability of preserving a listed building or its setting or the character or appearance of a conservation area must be given "considerable importance and weight".
- 8.5. The proposal for a roof extension to create additional floor space will result in a three-storey corner development with ground floor commercial and first and second floor residential. Amendments have been received during the lifetime of the application to alter the height and pitch of the main roof.

- 8.6. The proposed pitched roof is situated on top of the proposed new front and side parapet. Typically, parapets within Brighton are used to hide a shallow pitched or flat roof. This is an uncharacteristic architectural detail which is likely to have been incorporated to provide additional headspace. Given the corner plot of the property, the resultant impact of this design is prominent to both Kensington Gardens and Gloucester Road. The proposal to use a parapet as a springing point for the large pitched roof is out of character not only with the surrounding conservation area but also the architectural details of wider Brighton.
- 8.7. The application also proposes 4no. dormers, three to the Kensington Gardens (front) elevation and one to the side elevation facing Gloucester Road. As a result of the pitched roof and parapet design, the dormers would have little set back as traditionally is seen. This would result in a poor visual appearance.
- 8.8. The rhythm of rooflines in this area is a key visible element within the street scene, therefore any poorly designed or excessively bulky additions can have a significantly harmful impact on both the appearance of the building and the continuity of the streetscape. The proposed additional storey does not respect the scale, roof forms and general appearance of the streetscape within this section of North Laine and will be a visibly dominant and poorly proportioned structure viewed from several key locations within the conservation area.
- 8.9. With regard to roof extensions and alterations in conservation areas, SPD12 specifically states that 'The original form, shape and fabric of the main roof must not be altered and its ridge height must not be raised. Exceptions to this may only be considered where the roof is not a visible feature of the building and its alteration would not harm group value.'
- 8.10. Where a street has developed with buildings of varying height and scale, and where a varied roof-line is an important aspect of its character, this should be respected, and any tendency to level up buildings to a uniform height, will be resisted.
- 8.11. To the rear of the site a large flat roofed section is proposed which will appear top-heavy and poorly proportioned especially when viewed from Gloucester Road. This rear roof projection is bulky and does not respect the scale, roof form or general appearance of neighbouring properties within the North Laine area.
- 8.12. The proposed extension would result in a large blank façade to the north, facing Gloucester Road. It is considered that the lack of fenestration at second floor level would relate poorly to the streetscene. This is a busy commercial and highly visible corner and as such the facade proposed would not contribute to the visual amenities of Gloucester Road.
- 8.13. The amended scheme represents an overdevelopment of the site which will result in an incongruous roof form that is poorly detailed and proportioned to the main building. The proposal fails to enhance the character and appearance

of the North Laine conservation area and contrary to SPD12 and policy HE6 of the Local plan and policy CP12 of the Brighton and Hove City Plan Part One.

Impact on Amenity:

- 8.14. Policy QD27 of the Brighton & Hove Local Plan states that planning permission for any development or change of use will not be granted where it would cause material nuisance and loss of amenity to the proposed, existing and/or adjacent users, residents, occupiers or where it is liable to be detrimental to human health.
- 8.15. The proposals are unlikely to significantly impact upon the amenities of the neighbouring properties on Kensington Gardens to the south and east, nor to 25 Gloucester Road which is positioned on the opposite side of Kensington Gardens to the east.
- 8.16. Both the corner property opposite and 13-14 Kensington Gardens are taller than the proposals at No.26 and as such the increased ridge height would not cause overshadowing to either of these properties. The impact of the development upon No.16 Kensington Gardens and No.25 Gloucester Road is further reduced given the separation distance between the buildings as a result of the pedestrian street.
- 8.17. No.13-14 Kensington Gardens is notably taller than the application site and as a result features a flank shared party wall above the ridge height of the application site. This extends from the front of the application site and beyond the rear wall. As a result the additional height and proposed flat roof extension would not be visible from this neighbouring property as the extensions would not project beyond the rear wall of this neighbouring property. As such no harmful impact would be had to this neighbouring occupier.
- 8.18. To the west of the application site is 26A Gloucester Road. The increased ridge height is unlikely to impact upon the light received to front elevation of this property which faces onto Gloucester Road. The flat roof extension is built on an existing flat roof form to the rear of the site, set behind the flat roof of No.26A. A look at google maps indicates that there are no rooflight openings to this property and therefore the rear roof extension is unlikely to cause harmful impact to this neighbour. Were any roof lights present, any harm would not be significant given the light received from the front of the property.
- 8.19. Further to the west of the site is No.27-28 Gloucester Road. An application for a first floor extension was recently approved at this property and photographs from the agent confirm that these building works have since been carried out.
- 8.20. The new development consists of an extension at first floor level in place of the existing neighbouring terrace. The extension would extend along the majority of the depth of the side elevation of No.27-28 and would have a flank wall facing the application site. The extension to this neighbouring property would extend up to the bedroom window of the proposed scheme at No.26 and would feature a single opening in its rear elevation to serve a kitchen/dining area.

- 8.21. Given the position of the neighbouring window opening and that of the proposed window to the master bedroom, it is considered unlikely that harmful views would be had to this neighbouring occupier. Were any views to be had, these would be oblique.
- 8.22. It is also noted that two existing roof lights would be located below the bedroom window, however views to these roof lights would be limited and no objection was raised on amenity grounds by officers in the determination of the adjacent extension which features a window opening.
- 8.23. As such the proposed development would be in accordance with policy QD27 of the Brighton and Hove Local Plan.

Standard of accommodation:

- 8.24. The Local Planning Authority considers both quantitative and qualitative issues raised with regards to the standard of accommodation for future occupiers.
- 8.25. This application would provide additional accommodation to an existing residential unit. The additional floorspace as a result of the proposed extensions would provide two bedrooms, a bathroom and a dressing room at second floor.
- 8.26. Whilst it is acknowledged that the pitched roof would cause restricted head height in certain areas on this floor, given the additional floorspace would increase the standard of accommodation across the unit as a whole, this is considered acceptable. In addition each of the habitable rooms proposed would benefit from acceptable levels of light and outlook. The unit overall would provide 80sqm of living accommodation over two floors which would be suitable for family occupation.

Additional considerations:

- 8.27. Comments have raised the possibility of additional noise and disturbance due to the potential of the property in use as short term holiday lets. The authorised use of the property is a single family dwelling house and the application has been assessed on that basis.

**9. EQUALITIES**  
None identified



# **ITEM E**

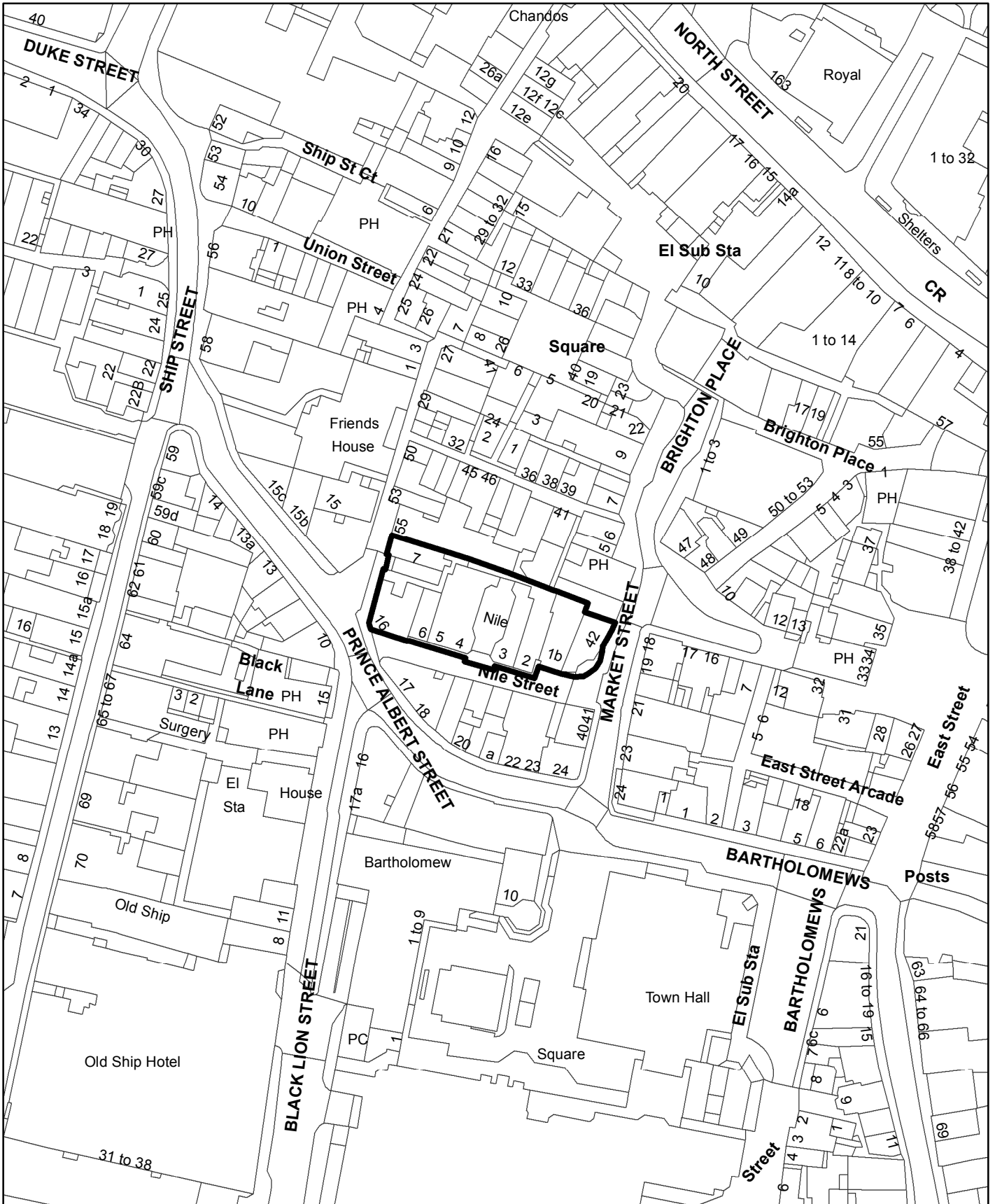
**Nile House, Nile Street  
BH2020/00961  
Full Planning**

**DATE OF COMMITTEE: 26<sup>th</sup> June 2020**





# BH2020 00961 - Nile House, Nile Street



N



Scale: 1:1,250



<b><u>No:</u></b>	<b>BH2020/00961</b>	<b><u>Ward:</u></b>	<b>Regency Ward</b>
<b><u>App Type:</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>Nile House Nile Street Brighton BN1 1HW</b>		
<b><u>Proposal:</u></b>	<b>Formation of additional level to create office space (B1) incorporating replacement roof plant, reinstatement of chimney, balustrade terrace to West elevation, installation of solar panels and associated works.</b>		
<b><u>Officer:</u></b>	Joanne Doyle, tel: 292198	<b><u>Valid Date:</u></b>	31.03.2020
<b><u>Con Area:</u></b>	Old Town	<b><u>Expiry Date:</u></b>	26.05.2020
<b><u>Listed Building Grade:</u></b>	Grade II	<b><u>EOT:</u></b>	
<b><u>Agent:</u></b>	Morgan Carn Partnership Brighton BN1 6FA United Kingdom	Blakers House	79 Stanford Avenue
<b><u>Applicant:</u></b>	Ethos Property 8A Ship Street Brighton BN1 1AD		

## 1. RECOMMENDATION

- 1.1. That the Committee has taken into consideration and agrees with the reasons for the recommendation set out below and resolves to be **MINDED TO GRANT** planning permission subject to satisfactory amended plans, a s106 agreement on the Heads of Terms set out below and the following Conditions and Informatives as set out hereunder, **SAVE THAT** should the s106 Planning Obligation not be completed on or before the **30<sup>th</sup> September 2020** the Head of Planning is hereby authorised to refuse planning permission for the reasons set out in section **9.1** of this report:

### **Head of Terms:**

- 1.2. In view of the considerations outlined above, a legal agreement with the following heads of terms will be sought.

### Sustainable Transport

- 1.3. Contribution of £5,400 towards sustainable transport in the immediate vicinity of the site. This will be allocated towards pedestrian route improvements on routes serving the development site including, but not limited to, Prince Albert Street and Ship Street.

### Conditions:

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

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Proposed Drawing	1855-P-021	B	31 March 2020
Proposed Drawing	1855-P-022	B	31 March 2020
Proposed Drawing	1855-P-023B	B	31 March 2020

Proposed Drawing	1855-P-024B	B	31 March 2020
Proposed Drawing	1855-P-025	B	31 March 2020
Proposed Drawing	1855-P-026	B	31 March 2020
Proposed Drawing	1855-P-027	B	31 March 2020
Proposed Drawing	1855-P-028	B	31 March 2020
Location Plan	1855-P-001	A	31 March 2020
Proposed Drawing	1855-P-019	A	31 March 2020
Proposed Drawing	1855-P-018	A	31 March 2020
Proposed Drawing	1855-P-020	B	31 March 2020
Block Plan	1855-P-003	B	31 March 2020
Report/Statement	Daylight and Sunlight Assessment	-	19 March 2020
Proposed Drawing	1855-P-017	A	31 March 2020
Report/Statement	BREEAM Report 2018	-	31 March 2020
Report/Statement	Noise Impact Assessment	-	19 September 2019

- 2 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.

- 3 The development hereby permitted shall not be commenced until samples of the following materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority:

- a) samples of roofing 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 the chimney
- d) samples of all hard surfacing materials
- e) details of windows and doors

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

**Reason:** To ensure the satisfactory preservation of this listed building and to comply with policies HE1, HE3 and HE6 of the Brighton & Hove Local Plan and CP12 and CP15 of the Brighton & Hove City Plan Part One.

- 4 The works hereby permitted shall not take place until full details of the proposed chimney stack including 1:20 scale elevations have been submitted to and approved in writing by the Local Planning Authority. The works shall be implemented in strict accordance with the agreed details and maintained as such thereafter.

**Reason:** To ensure the satisfactory preservation of this listed building and to comply with policy HE1 of the Brighton & Hove Local Plan and CP15 of the Brighton & Hove City Plan Part One.

- 5 Within 3 months of first occupation of the non-residential development hereby permitted a BREEAM Building Research Establishment has issued a Post Construction Review Certificate confirming that the non-residential development built has achieved a minimum BREEAM New Construction rating of 'Very Good' and such certificate has been submitted to, and approved in writing by, the Local Planning Authority.  
**Reason:** To ensure that the development is sustainable and makes efficient use of energy, water and materials and to comply with policy CP8 of the Brighton & Hove City Plan Part One.
- 6 Prior to first occupation of the development hereby permitted, details of secure cycle parking and shower 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.
- 7 In accordance with the noise limits detailed in the acoustic report, noise associated with plant and machinery incorporated within the development shall be designed to ensure that the Rating Level measured or calculated at 1-metre from the façade of the nearest future noise sensitive premises, shall not exceed a level of 5dB(A) below the existing representative L90 background noise level. Reference should be made to the 'Specific Noise Level Calculations' and Tables 6.1 and 6.2 found on page 13 of the Acoustic Report (Plant Noise Assessment) produced by 7th Wave Acoustics, dated 19th September 2019 and referenced 1141.001R.1.0.RF.  
**Reason:** To protect the amenities of future residents and of neighbouring properties and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.
- 8 The planting screening to the roof terrace hereby approved shall remain in perpetuity and shall only be replaced with other plant screening of similar size, unless the Local Planning Authority gives written consent to any variation.  
**Reason:** To ensure the satisfactory preservation of this listed building and to protect the amenities of future residents and of neighbouring properties and to comply with policies HE1, HE3, HE6, SU10 and QD27 of the Brighton & Hove Local Plan and CP12 and CP15 of the Brighton & Hove City Plan Part One.
- 9 The premises hereby permitted shall only be used as a use within Use Class B1 in accordance with the Schedule to the Town and Country Planning (Use Classes) Order 1987 (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification). Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended (or any order revoking and re-enacting that Order with or without modification), no change of use shall occur without planning permission obtained from the Local Planning Authority.

**Reason:** The Local Planning Authority would wish to retain control over any subsequent change of use of these premises in the interests of safeguarding the amenities of the area and to comply with policy QD27 of the Brighton & Hove Local Plan.

- 10 The roof terrace shall only be in use between the hours of 9am - 6pm Monday - Friday and not at any time on weekends, Public & Bank Holidays.  
Reason: To protect neighbouring amenity and to comply with policy QD27 of the Brighton and Hove Local Plan.

Informatives:

1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One the approach to making a decision on this planning application has been to apply the presumption in favour of sustainable development. The Local Planning Authority seeks to approve planning applications which are for sustainable development where possible.
- 2 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](http://www.breeam.org)).
- 3 The applicant is advised that in order to provide policy compliant cycle parking, the Highway Authority's preference is for the use of Sheffield Stands spaced in line with the guidance contained within the Department for Transport's Manual for Streets section 8.2.22.

## **2. SITE LOCATION AND APPLICATION DESCRIPTION**

- 2.1. The application site lies within the Old Town Conservation Area and incorporates number 16 Prince Albert Street which is a grade II listed building. Nile House is a large four storey over basement mixed use building in the heart of the Lanes in central Brighton. The building occupies the length of Nile Street, presenting elevations to Prince Albert Street and Market Street. The majority of the building is a post-modern design built in 1989. The late 1980's Nile House development integrated no. 16 Prince Albert Street into its floorplate. 16 Prince Albert Street is the elegant curved, red-brick corner building, which is Grade II listed.
- 2.2. Nile House is an important commercial building in central Brighton, providing approximately 2,300 sq metres of commercial floor space. At ground floor there is a collection of shops and cafes along Nile Street and onto Market Street and Prince Albert Street. The upper three floors provide (B1) office space. There is an underground car park and store rooms at basement level.
- 2.3. The site is located within the regional shopping centre (SR4), outside the prime retail frontage (SR4, SR5 and CP4), the hotel core zone (CP6) and Central Brighton (SA2).

- 2.4. Planning permission is sought for the formation of an additional level to create office space (B1) incorporating replacement roof plant, reinstatement of chimney, balustrade terrace to West elevation, installation of solar panels and associated works.
- 2.5. This application follows the previously refused applications BH2019/02864 and BH2019/02865 and has sought to address the reason for refusal by amending the design of the roof extension which has resulted in a reduced floor space and terrace area.

### 3. RELEVANT HISTORY

- 3.1. **BH2020/00962** Formation of additional level to create office space (B1) incorporating replacement roof plant, reinstatement of chimney, balustrade terrace to West elevation, installation of solar panels and associated works. Under consideration.
- 3.2. **BH2019/02864** Planning permission for formation of additional level to create office space (B1) incorporating replacement roof plant, reinstatement of chimney, balustrade terrace to West elevation, installation of solar panels and associated works. Refused on 09/03/2020. The reason for the refusal was as follows:
  - 3.3. The proposed additional storey, by reason of its awkward relationship with the existing traditional roofline of no. 16 Prince Albert Street and the resulting intrusion of the contemporary development above the traditional and historic roof forms of the surrounding properties when viewed from Black Lion Street and Prince Albert Street, would neither preserve nor enhance the character and appearance of the Conservation Area and would harm the appearance and setting of the listed building of no. 16 Prince Albert Street and the setting of Listed Buildings at nos. 15, 15B and 17-18 Prince Albert Street. The proposal therefore fails to comply with policy CP12 and CP15 of the Brighton & Hove City Plan and policies HE1 and HE6 of the Brighton & Hove Local Plan and would result in negative visual impacts sufficient to outweigh any identified public benefits of the scheme.
- 3.4. **BH2019/02865** Formation of additional level to create office space (B1) incorporating replacement roof plant, reinstatement of chimney, balustrade terrace to West elevation, installation of solar panels and associated works. Refused on 09/03/2020. The reason for the refusal was as follows:
  1. The proposed additional storey, by reason of its awkward relationship with the existing traditional roofline of no. 16 Prince Albert Street and the resulting intrusion of the contemporary development above the traditional and historic roof forms of the surrounding properties when viewed from Black Lion Street and Prince Albert Street, would neither preserve nor enhance the character and appearance of the Conservation Area and would harm the appearance and setting of the listed building of no. 16 Prince Albert Street and the setting of Listed Buildings at nos. 15, 15B and 17-18 Prince Albert Street. The

proposal therefore fails to comply with policy CP15 of the Brighton & Hove City Plan and policies HE1 and HE6 of the Brighton & Hove Local Plan and would result in negative visual impacts sufficient to outweigh any identified public benefits of the scheme.

- 3.5. **PRE2018/00326** Pre-application for a proposal seeking the erection of roof extension replacing existing roof plant to provide additional commercial space (200sq.m approx) with associated alterations and extensions to circulation cores to connect to new roof level accommodation.
- 3.6. The following response summary was given:
- The proposed additional office floorspace (B1) is supported.
  - Concerns have been raised with regards to the roof extension and roof terrace in design terms and amendments to the scheme are required (see details below in the report).
  - The proposed terrace area should be reduced in size and set back with potential screening to avoid harmful overlooking.
- 3.7. **BH1997/01495/FP** Installation of 1 metre diameter satellite antenna on a flat roof mount. Approved on 27.11.1997.

#### 4. REPRESENTATIONS

- 4.1. **Five (5)** letters of representation have been received objecting to the proposal for the following reasons:
- The works planned along with the current economic crisis could have a devastating effect on the remaining shops in the street.
  - Access to perform these works could involve significant scaffolding and street closures.
  - The application is not in the spirit of creating certainty for the businesses on Nile Street.
  - Lack of pedestrians, road closures, traffic diversions, not to mention dust and debris. There are already countless vacant properties in the area and construction such as this will only sadly push many more over the edge.
  - Businesses severely disrupted by new buildings and construction in the area.
  - Building works results in disruption to the businesses.
  - Major construction work over a long period of time. This will have a huge adverse effect on trade in Nile Street which has already declined due to the economic situation and, more so, currently with Covid-19.

#### 5. CONSULTATIONS

- 5.1. **Heritage Approve**  
It is considered that overall this proposal would preserve the appearance and character of the Old Town conservation area, would preserve the listed



building at 16 Prince Albert Street and would preserve the settings of the listed buildings at 15, 15B and 17-18 Prince Albert Street.

- 5.2. **CAG 05/05/2020:** Approve  
The current proposal features a pronounced hip at the west end of the roof structure; this should be met with the equal design at the east end.
- 5.3. **Sustainable Transport:** No objection  
Approve subject to 106 contribution and recommended condition.
- 5.4. **Economic Development:** No objection  
City Regeneration supports this application and welcomes the additional 309m<sup>2</sup> of additional B1 office space it brings to the city.
- 5.5. In this instance, there is no requirement for developer contributions to be made towards the construction-related Local Employment Scheme as the additional office space falls below the threshold of 500 sqm.
- 5.6. **Environmental Health:** Approve subject to condition- comment under previous application BH2019/02864 (24.10.2019)  
The assessment has made detailed reference to applicable standards and guidelines (Acoustic Report (Plant Noise Assessment) produced by 7th Wave Acoustics, dated 19th September 2019 and referenced 1141.001R.1.0.RF).
- 5.7. Background noise levels at representative locations have been measured to establish maximum sound pressure levels for external plant to be installed. The methodology used and calculations made in the assessment are recognised techniques in predicting noise levels and the impact of them.
- 5.8. The findings and recommendations found within the assessment can be secured by attaching recommended roof plant noise requirement condition.

## 6. MATERIAL CONSIDERATIONS

- 6.1. In accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004, this decision has been taken having regard to the policies and proposals in the National Planning Policy Framework, the Development Plan, and all other material planning considerations identified in the "Considerations and Assessment" section of the report
- 6.2. The development plan is:
- Brighton & Hove City Plan Part One (adopted March 2016);
  - Brighton & Hove Local Plan 2005 (retained policies March 2016);
  - East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (adopted February 2013);
  - East Sussex, South Downs and Brighton & Hove Waste and Minerals Sites Plan (adopted February 2017);
  - Shoreham Harbour Joint Area Action Plan (JAAP) 2019.

- 6.3. Due weight has been given to the relevant retained policies in the Brighton & Hove Local Plan 2005 according to their degree of consistency with the NPPF.

## **7. POLICIES**

### The National Planning Policy Framework (NPPF)

#### Brighton & Hove City Plan Part Two

Policies in the Proposed Submission City Plan Part 2 do not carry full statutory weight but are gathering weight as the Plan proceeds through its stages. They provide an indication of the direction of future policy. Since 23 April 2020, when the Plan was agreed for submission to the Secretary of State, it has gained weight for the determination of planning applications but any greater weight to be given to individual policies will need to await the outcome of the Regulation 19 consultation. The council will consider the best time to carry out the consultation after the coronavirus (Covid-19) restrictions are lifted.

#### Brighton & Hove City Plan Part One

SS1	Presumption in Favour of Sustainable Development
CP2	Sustainable Economic Development
CP7	Infrastructure and Developer Contributions
CP8	Sustainable Buildings
CP9	Sustainable Transport
CP12	Urban design
CP15	Heritage

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

TR14	Cycle and Access Parking
QD5	Design
QD27	Protection of amenity
SR4	Regional shopping centres
SR5	Town and district shopping centres
HE1	Listed buildings
HE3	Development affecting the setting of a listed building
HE4	Reinstatement of original features on listed buildings
HE6	Development within or affecting the setting of a conservation area.

#### Supplementary Planning Document:

SPD09	Architectural Features
SPD12	Design Guide for Extensions and Alterations

## **8. CONSIDERATIONS & ASSESSMENT**

- 8.1. The main considerations in the determination of this application relate to the principle of development, design and appearance, heritage impact on the grade II listed building and the Old Town conservation area, impact on amenity, highways and sustainability issues.

Principle of Development:

- 8.2. The site is located within Central Brighton (SA2), which is the city's prime office location for B1a offices. Policy CP3 of the Brighton and Hove City Plan Part One states how the Council will support proposals for the upgrade and refurbishment of existing office accommodation so that they meet modern standards required by business; are more resource efficient and improve the environment and townscape of the site or premises.
- 8.3. The proposal is also in accordance with Policy CP2 of the Brighton & Hove City Plan which states that the Council will positively and proactively encourage sustainable economic growth, by supporting business growth and the diversification of the city's economy.
- 8.4. The amount of development has been derived as a response to the surrounding roofscape and character of the area. The proposal measures a net internal area of 304sqm which is made up of 288sqm in the new roof extension and 16sqm through alterations to the second floor mansard area. The amount is considered to be acceptable in this location.
- 8.5. The increase in commercial floorspace will naturally lead to an uplift in job opportunities generated by the Nile House site. OFFPAT Employment Density Guide suggests between 10m<sup>2</sup> and 13m<sup>2</sup> of floorspace is required per employee within a (B1) unit. It is therefore reasonable to suppose the development of 304m<sup>2</sup> of internal (B1) space would provide for 25 new jobs within central Brighton.
- 8.6. In light of the above, the Council do not object to the principle of development subject to the compliance with other local and national policies.

Design, Appearance and Heritage Impact:

- 8.7. In considering whether to grant planning permission which affects a Conservation Area and/or a listed building or their setting the Council has a statutory duty to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Case law has held that the desirability of preserving a listed building or its setting or the character or appearance of a conservation area must be given "considerable importance and weight".
- 8.8. Policy CP15 of the Brighton & Hove City Plan Part One states how the Council will ensure that the city's built heritage guides local distinctiveness for new development in historic areas and heritage settings. Policy HE1 of the Local Plan explains how proposals involving the alteration or extensions of a listed building will only be permitted where the proposal would not have any adverse effect on the architectural and historic character or appearance of the interior or exterior of the building or its setting. Policy HE6 of the Local Plan requires proposals within or affecting the setting of a conservation area to preserve or enhance the character or appearance of the area.
- 8.9. Policy CP12 of the Brighton and Hove City Plan Part One expects all new development to raise the standard of architecture and design in the city,

establish a strong sense of place by respecting the character of existing neighbourhoods and achieve excellence in sustainable building design and construction.

- 8.10. This application follows on from the refusal of applications BH2019/02864 and BH2020/02865 and subsequent informal advice.
- 8.11. The contextual analysis of the site and the heritage assessment are considered to be helpful and the design approach has responded carefully to this analysis and has clearly sought to minimise the visual impact of the proposed roof extension on the surrounding townscape of the Old Town conservation area. The key viewpoints appear to have been correctly identified. The views from Black Lion Street and Prince Albert Street are considered to be very sensitive. The varied but generally traditional roofscape is very important in these views and comprises the roofs of several listed buildings around the junction of Black Lion Street, Prince Albert Street and Nile Street. Parapets are a strong feature. Whilst the roofscape is varied, these are all traditional roof forms and materials, with parapets, ridges and details silhouetted against the sky. This includes the roof to the listed building at 16 Prince Albert Street, which has been incorporated into Nile House and forms part of the application site. This roof itself is not original but generally mimics the appearance of the original roof.
- 8.12. There is no objection in principle to a roof extension on this Post-Modern style building to provide further office space and the overall design approach is considered to be complementary to the distinctive style of the host building echoing its existing broken gable on the main frontage and leaving its eastern dome unaffected. This application has set the footprint of the extension back further at the sensitive western end of the roof and has removed the previous deeply overhanging canopy leaving an appropriately simpler roof form at this end. The roof terrace area has been significantly reduced in size and kept away from the western edge. In addition, the roof to the listed building on the corner would no longer be extended upwards at an angle to create a tall parapet. The cumulative effect of these changes from the refused scheme mean that the roof extension would no longer be visible at all in longer views looking north up Black Lion Street, whilst in shorter views its visibility would be much reduced and, crucially, it would not visually extend over the traditional roof of the listed building on the corner. In views from Prince Albert Street the roof extension would barely be visible and would not be an intrusive or incongruous feature in the traditional roofscape. Importantly again it would not visually extend over the roof of the listed building at number 16, being confined to the left hand side of the reinstated chimney stack, which would form an appropriate vertical break. This reinstated architectural feature would enhance the traditional roofscape and be a heritage benefit. The proposal would not have any significant impact in views from Brighton Place and the view south from Brighton Square is not considered to be a sensitive one.
- 8.13. It will be important that, where visible, the new roof has a lightweight, recessive appearance and so the roof cladding material will need to be carefully considered. The drawings propose "medium grey roof tiles" and in principle this

is acceptable however a sample condition has been attached requiring details of all materials including the cladding and roof tiles.

- 8.14. Subject to the recommended conditions, it is considered that overall this proposal would preserve the appearance and character of the Old Town conservation area, would preserve the listed building at 16 Prince Albert Street and would preserve the settings of the listed buildings at 15, 15B and 17-18 Prince Albert Street in accordance with policies HE3 and HE6 of the Brighton & Hove Local Plan and CP15 of the Brighton & Hove City Plan Part One.

Impact on Amenity:

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

**Roof Terrace:**

- 8.16. The roof terrace to the western end has been sited and designed to minimise any potential overlooking. The roof terrace has been set back by 8.8 metres from the western building line and 9.6 metres from the southern building line. In response to pre-application advice a planting screen has sited along the western side of the terrace to enclose this area to move users away from the edge of the roof. As such it would predominantly be wider views of the roofscape available from here. A condition is recommended restricting the hours of use of the roof terrace.

**Impacts on Daylight and Sunlight on Neighbouring Properties:**

- 8.17. The area around Nile House is predominantly non-residential in character but a few nearby residential properties were identified via Valuation Office Agency records. Of these, the neighbouring properties most likely to be affected by the proposed changes are:
1. 49 Meeting House Lane
  2. 2 Nile Street
  3. 17 Prince Albert Street
  4. 6 Brighton Place

- 8.18. These have been analysed for loss of daylight, and loss of sunlight where relevant and the applicant has submitted a Daylight and Sunlight Assessment.

- 8.19. Although 50 Meeting House Lane is also listed as containing residential accommodation, it would be less affected than 49 due to the presence of other buildings between its windows and Nile House. Residential properties at 18-19, 20 and 23 Market Street would also have little to no view of it due to the presence of other buildings and/or the domed section of Nile House between them and the proposed additional floor.

- 8.20. The windows analysed at these four locations would lose a very small amount of vertical sky component and would be well within the BRE guidelines for loss

of daylight in all cases. Windows at 49 Meeting House Lane were also analysed for loss of sunlight as they face within 90° of due south. The losses would be small and also well within the BRE guidelines in all cases.

- 8.21. Overall, loss of light as a result of the proposed additional floor would be small and within the guidelines in the BRE Report. The formation of an additional level will have an acceptable level of reduction in light levels to neighbouring properties and the proposal is compliant with Policy QD27 of the Local Plan.

Sustainable Transport:

- 8.22. The existing car parking is located in the basement and it is noted that the planning application does not state that there will be any additional parking proposed. In accordance with SPD14, a site containing B1 floorspace that is located in the central area is not permitted to provide any car parking except disabled parking spaces and therefore there are no objections in this instance.

- 8.23. In terms of cycle parking, in the application form, it is planned to provide 5 cycle parking spaces with the Design and Access Statement stating that new changing and shower facilities will also be provided. SPD14 guidance requires 1 space plus 1 space per 100m<sup>2</sup> for a B1 Office. The additional office space proposed is 304m<sup>2</sup>. This therefore means that 4 cycle parking spaces should be provided. The detailed designs of these cycle parking spaces and the changing and shower facilities are also not shown on the plans.

- 8.24. A condition has therefore been attached requiring further plans that show the location and detailed plans of the cycle parking and changing and shower facilities. Cycle parking and related facilities should be provided in accordance with the quantity and quality standards in retained Local Plan policy TR14 and SPD14. It is required that a minimum of 25% of cycle parking provision be provided through Sheffield stands.

- 8.25. When considering the need for sustainable transport contribution, the Highway Authority considers the number of person trips together with the need for any off-site developments to serve the proposed development. The Highway Authority recommends that a contribution of £5,400 be sought if overall the proposal is acceptable. In this case the contribution would be allocated towards pedestrian footway and crossing improvements on routes serving the development site including, but not limited to Prince Albert Street and Ship Street This is to provide for the increase in person trips expected to the site and improve access between the development and neighbouring facilities. This is in accordance with Brighton & Hove City Plan Part One policies CP7 and CP9. This sum will be secured by a Section 106 agreement.

Sustainability:

- 8.26. Policy CP8 of the Brighton & Hove City Plan Part One requires new development to demonstrate a high level of efficiency in the use of water and energy. As set out by Policy CP8 all non-residential schemes that are non-major in size will have to provide a BREEAM rating of Very Good. The applicant has prepared and submitted a SRE BREEAM NC 2018 Pre Assessment which shows how the scheme will achieve a BREEAM rating of

Very Good. A condition has been attached to provide a Post Construction Review Certificate.

- 8.27. The proposed development will deliver passive and active energy demand reduction measures along with low and zero carbon technologies in order to reduce energy demand and associated CO2 emissions. The proposal will also implement an all-electric heating strategy which will provide space heating through ASHP technology and hot water through instantaneous hot water heaters to all areas of the extension and existing floors below.

**9. SECTION 106 HEADS OF TERMS:**

- 9.1. In the event that the S106 agreement has not been signed by all parties, the application shall be refused for the following reason:
1. The proposed development fails to provide a financial contribution towards sustainable transport measures contrary to policies CP7 and CP9 of the Brighton & Hove City Plan Part One and the City Council's Developer Contributions Technical Guidance.

- 10. EQUALITIES:**  
None identified.





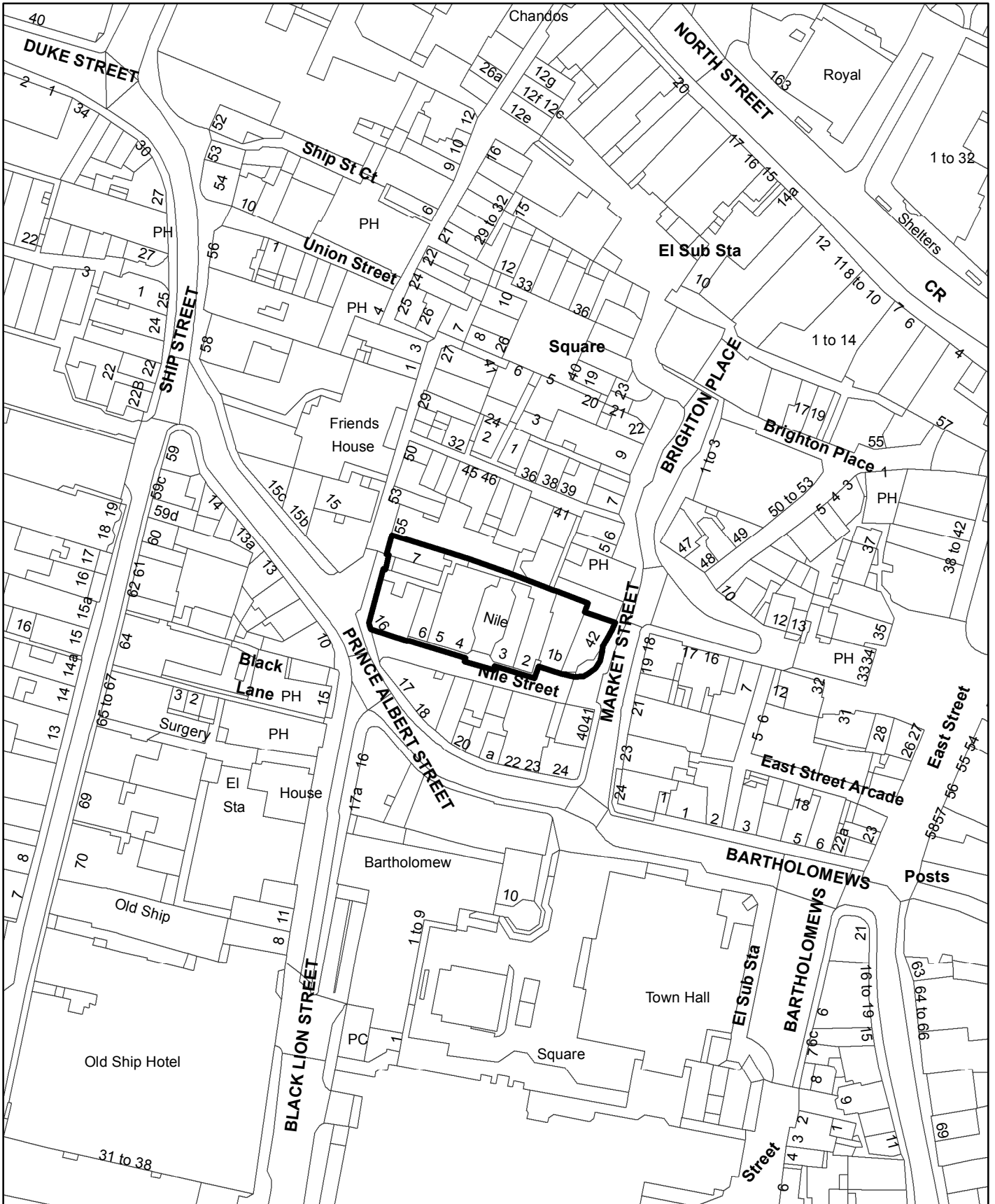
# **ITEM F**

**Nile House, Nile Street  
BH2020/00962  
Listed Building Consent**

**DATE OF COMMITTEE: 26<sup>th</sup> June 2020**



# BH2020 00962 - Nile House, Nile Street



N



Scale: 1:1,250



<b><u>No:</u></b>	<b>BH2020/00962</b>	<b><u>Ward:</u></b>	<b>Regency Ward</b>
<b><u>App Type:</u></b>	<b>Listed Building Consent</b>		
<b><u>Address:</u></b>	<b>Nile House Nile Street Brighton BN1 1HW</b>		
<b><u>Proposal:</u></b>	<b>Formation of additional level to create office space (B1) incorporating replacement roof plant, reinstatement of chimney, balustrade terrace to West elevation, installation of solar panels and associated works.</b>		
<b><u>Officer:</u></b>	Joanne Doyle, tel: 292198	<b><u>Valid Date:</u></b>	31.03.2020
<b><u>Con Area:</u></b>	Old Town	<b><u>Expiry Date:</u></b>	26.05.2020
<b><u>Listed Building Grade:</u></b>	Grade II		
<b><u>Agent:</u></b>	Morgan Carn Partnership	Blakers House	79 Stanford Avenue Brighton BN1 6FA
<b><u>Applicant:</u></b>	Ethos Property 8A SHip Street Brighton BN1 1AD		

## 1. RECOMMENDATION

**GRANT** Listed Building Consent, subject to the following Conditions and

**Informatives:**

- 1 The works hereby permitted shall be commenced before the expiration of three years from the date of this consent.  
**Reason:** To comply with Sections 18 (as amended) and 74 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
  
- 2 The development hereby permitted shall not be commenced until samples of the following materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority:
  - a) samples of roofing 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 the chimney
  - d) samples of all hard surfacing materials
  - e) details of windows and doors
 Development shall be carried out in strict accordance with the approved details.  
**Reason:** To ensure the satisfactory preservation of this listed building and to comply with policy HE1 and HE3 of the Brighton & Hove Local Plan and CP15 of the Brighton & Hove City Plan Part One.
  
- 3 The works hereby permitted shall not take place until full details of the proposed chimney stack including 1:20 scale elevations have been submitted to and approved in writing by the Local Planning Authority. The works shall be implemented in strict accordance with the agreed details and maintained as such thereafter.

**Reason:** To ensure the satisfactory preservation of this listed building and to comply with policy HE1 of the Brighton & Hove Local Plan and CP15 of the Brighton & Hove City Plan Part One.

Informatives:

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

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Block Plan	1855-P-003B		
Proposed Drawing	1855-P-018	A	
Proposed Drawing	1855-P-019	A	
Proposed Drawing	1855-P-020	B	
Proposed Drawing	1855-P-021	B	
Proposed Drawing	1855-P-022	B	
Proposed Drawing	1855-P-023	B	
Proposed Drawing	1855-P-024	B	
Proposed Drawing	1855-P-025	B	
Proposed Drawing	1855-P-026	B	
Proposed Drawing	1855-P-027	B	
Proposed Drawing	1855-P-028	B	
Location Plan	1855-P-001	A	

**2. SITE LOCATION & APPLICATION DESCRIPTION**

- 2.1. The application site lies within the Old Town Conservation Area and incorporates number 16 Prince Albert Street which is a grade II listed building. Nile House is a large four storey over basement mixed use building in the heart of the Lanes in central Brighton. The building occupies the length of Nile Street, presenting elevations to Prince Albert Street and Market Street. The majority of the building is a post-modern design built in 1989. The late 1980's Nile House development integrated no. 16 Prince Albert Street into its floorplate. 16 Prince Albert Street is the elegant curved, red-brick corner building, which is Grade II listed.
- 2.2. Nile House is an important commercial building in central Brighton, providing approximately 2,300 sq metres of commercial floor space. At ground floor there is a collection of shops and cafes along Nile Street and onto Market Street and Prince Albert Street. The upper three floors provide (B1) office space. There is an underground car park and store rooms at basement level.
- 2.3. The site is located within the regional shopping centre (SR4), outside the prime retail frontage (SR4, SR5 and CP4), the hotel core zone (CP6) and Central Brighton (SA2).
- 2.4. Listed building consent is sought for the formation of additional level to create office space (B1) incorporating replacement roof plant, reinstatement of chimney, balustrade terrace to West elevation, installation of solar panels and associated works.

- 2.5. This application follows the previously refused applications BH2019/02864 and BH2019/02865 and has sought to address the reason for refusal by amending the design of the roof extension which has resulted in a reduced floor space and terrace area.

### 3. RELEVANT HISTORY

- 3.1. **BH2020/00961** Formation of additional level to create office space (B1) incorporating replacement roof plant, reinstatement of chimney, balustrade terrace to West elevation, installation of solar panels and associated works. Under consideration.
- 3.2. **BH2019/02864** Planning permission for formation of additional level to create office space (B1) incorporating replacement roof plant, reinstatement of chimney, balustrade terrace to West elevation, installation of solar panels and associated works. Refused on 09.03.2020. The reason for the refusal was as follows:
- The proposed additional storey, by reason of its awkward relationship with the existing traditional roofline of no. 16 Prince Albert Street and the resulting intrusion of the contemporary development above the traditional and historic roof forms of the surrounding properties when viewed from Black Lion Street and Prince Albert Street, would neither preserve nor enhance the character and appearance of the Conservation Area and would harm the appearance and setting of the listed building of no. 16 Prince Albert Street and the setting of Listed Buildings at nos. 15, 15B and 17-18 Prince Albert Street. The proposal therefore fails to comply with policy CP12 and CP15 of the Brighton & Hove City Plan and policies HE1 and HE6 of the Brighton & Hove Local Plan and would result in negative visual impacts sufficient to outweigh any identified public benefits of the scheme.
- 3.3. **BH2019/02865** Formation of additional level to create office space (B1) incorporating replacement roof plant, reinstatement of chimney, balustrade terrace to West elevation, installation of solar panels and associated works. Refused on 09.03.2020. The reason for the refusal was as follows:
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- 3.4. **PRE2018/00326** Pre-application for a proposal seeking the erection of roof extension replacing existing roof plant to provide additional commercial space (200sq.m approx) with associated alterations and extensions to circulation cores to connect to new roof level accommodation.
- 3.5. The following response summary was given:
- The proposed additional office floorspace (B1) is supported.
  - Concerns have been raised with regards to the roof extension and roof terrace in design terms and amendments to the scheme are required (see details below in the report).
  - The proposed terrace area should be reduced in size and set back with potential screening to avoid harmful overlooking.
- 3.6. **BH1997/01495/FP** Installation of 1 metre diameter satellite antenna on a flat roof mount. Approved on 27.11.1997.

#### **4. REPRESENTATIONS**

None received.

#### **5. CONSULTATIONS**

5.1. **Heritage:** Approve

It is considered that overall this proposal would preserve the appearance and character of the Old Town conservation area, would preserve the listed building at 16 Prince Albert Street and would preserve the settings of the listed buildings at 15, 15B and 17-18 Prince Albert Street.

5.2. **CAG 05/05/2020:** Approve

The current proposal features a pronounced hip at the west end of the roof structure; this should be met with the equal design at the east end.

#### **6. MATERIAL CONSIDERATIONS**

6.1. In accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004, this decision has been taken having regard to the policies and proposals in the National Planning Policy Framework, the Development Plan, and all other material planning considerations identified in the "Considerations and Assessment" section of the report

6.2. The development plan is:

- Brighton & Hove City Plan Part One (adopted March 2016);
- Brighton & Hove Local Plan 2005 (retained policies March 2016);
- East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (adopted February 2013);
- East Sussex, South Downs and Brighton & Hove Waste and Minerals Sites Plan (adopted February 2017);
- Shoreham Harbour Joint Area Action Plan (JAAP) 2019.



- 6.3. Due weight has been given to the relevant retained policies in the Brighton & Hove Local Plan 2005 according to their degree of consistency with the NPPF.

## 7. POLICIES

### The National Planning Policy Framework (NPPF)

#### Brighton & Hove City Plan Part Two

Policies in the Proposed Submission City Plan Part 2 do not carry full statutory weight but are gathering weight as the Plan proceeds through its stages. They provide an indication of the direction of future policy. Since 23 April 2020, when the Plan was agreed for submission to the Secretary of State, it has gained weight for the determination of planning applications but any greater weight to be given to individual policies will need to await the outcome of the Regulation 19 consultation. The council will consider the best time to carry out the consultation after the coronavirus (Covid-19) restrictions are lifted.

#### Brighton & Hove City Plan Part One

SS1           Presumption in Favour of Sustainable Development  
CP15         Heritage

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

HE1           Listed Building Consent  
HE4           Reinstatement of original features on Listed Buildings  
HE6           Development within or affecting the setting of conservation areas

#### Supplementary Planning Guidance:

SPGBH11   Listed Building Interiors

#### Supplementary Planning Documents:

SPD09       Architectural Features

Old Town Conservation Area Character Statement.

## 8. CONSIDERATIONS & ASSESSMENT

- 8.1. The main considerations in the determination of this application relate to the heritage impact on the grade II listed building and the setting of the Old Town conservation area.

#### Heritage:

- 8.2. Policy CP15 of the Brighton & Hove City Plan Part One states how the Council will ensure that the city's built heritage guides local distinctiveness for new development in historic areas and heritage settings. Policy HE1 of the Local Plan explains how proposals involving the alteration or extensions of a listed building will only be permitted where the proposal would not have any adverse effect on the architectural and historic character or appearance of the interior

or exterior of the building or its setting. Policy HE6 of the Local Plan requires proposals within or affecting the setting of a conservation area to preserve or enhance the character or appearance of the area

- 8.3. In considering whether to grant planning permission which affects a listed building or its setting the Council has a statutory duty to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. In addition, when considering whether to grant planning permission for development which affects a conservation area or its setting the council has a statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area or any features of special architectural or historic interest which it possesses.
- 8.4. Case law has held that the desirability of preserving a listed building or its setting or preserving the character or appearance of a conservation area must be given "considerable importance and weight".
- 8.5. This application follows on from the refusal of applications BH2019/02864 and BH2020/02865 and subsequent informal advice.
- 8.6. The contextual analysis of the site and the heritage assessment are considered to be helpful and the design approach has responded carefully to this analysis and has clearly sought to minimise the visual impact of the proposed roof extension on the surrounding townscape of the Old Town conservation area. The key viewpoints appear to have been correctly identified. The views from Black Lion Street and Prince Albert Street are considered to be very sensitive. The varied but generally traditional roofscape is very important in these views and comprises the roofs of several listed buildings around the junction of Black Lion Street, Prince Albert Street and Nile Street. Parapets are a strong feature. Whilst the roofscape is varied, these are all traditional roof forms and materials, with parapets, ridges and details silhouetted against the sky. This includes the roof to the listed building at 16 Prince Albert Street, which has been incorporated into Nile House and forms part of the application site. This roof itself is not original but generally mimics the appearance of the original roof.
- 8.7. There is no objection in principle to a roof extension on this Post-Modern style building to provide further office space and the overall design approach is considered to be complementary to the distinctive style of the host building echoing its existing broken gable on the main frontage and leaving its eastern dome unaffected. This application has set the footprint of the extension back further at the sensitive western end of the roof and has removed the previous deeply overhanging canopy leaving an appropriately simpler roof form at this end. The roof terrace area has been significantly reduced in size and kept away from the western edge. In addition, the roof to the listed building on the corner would no longer be extended upwards at an angle to create a tall parapet. The cumulative effect of these changes from the refused scheme mean that the roof extension would no longer be visible at all in longer views looking north up Black Lion Street, whilst in shorter views its visibility would be

much reduced and, crucially, it would not visually extend over the traditional roof of the listed building on the corner. In views from Prince Albert Street the roof extension would barely be visible and would not be an intrusive or incongruous feature in the traditional roofscape. Importantly again it would not visually extend over the roof of the listed building at number 16, being confined to the left hand side of the reinstated chimney stack, which would form an appropriate vertical break. This reinstated architectural feature would enhance the traditional roofscape and be a heritage benefit. The proposal would not have any significant impact in views from Brighton Place and the view south from Brighton Square is not considered to be a sensitive one.

- 8.8. It will be important that, where visible, the new roof has a lightweight, recessive appearance and so the roof cladding material will need to be carefully considered. The drawings propose "medium grey roof tiles" and in principle this is acceptable however a sample condition has been attached requiring details of all materials including the cladding and roof tiles.
- 8.9. Subject to the recommended conditions, it is considered that overall this proposal would preserve the appearance and character of the Old Town conservation area, would preserve the listed building at 16 Prince Albert Street and would preserve the settings of the listed buildings at 15, 15B and 17-18 Prince Albert Street, in accordance with policies HE1, HE4 & HE6 of the Brighton & Hove Local Plan and CP15 of the Brighton & Hove City Plan Part One.

9. **EQUALITIES:**  
None identified.



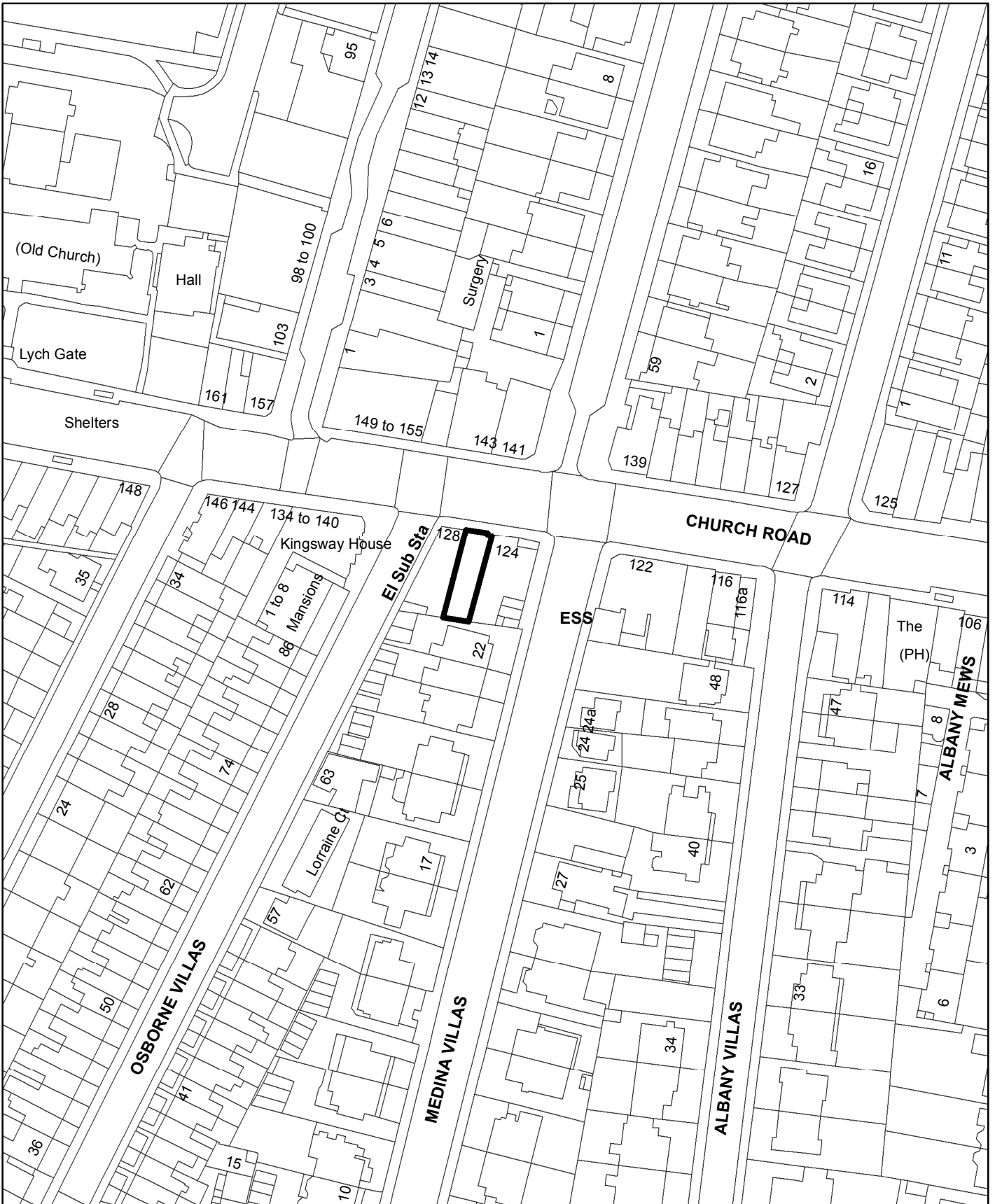
# **ITEM G**

**126 Church Road  
BH2019/03387  
Full Planning**

**DATE OF COMMITTEE: 8<sup>th</sup> July 2020**



# BH2019 03387 - 126 Church Road



N



Scale: 1:1,250





<b><u>No:</u></b>	<b>BH2019/03387</b>	<b><u>Ward:</u></b>	<b>Central Hove Ward</b>
<b><u>App Type:</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>126 Church Road Hove BN3 2EA</b>		
<b><u>Proposal:</u></b>	<b>Change of use from retail (A1) to cafe/restaurant (A3) incorporating new shopfront, installation of canopy, ventilation ducting and associated works. (Part-retrospective)</b>		
<b><u>Officer:</u></b>	Michael Tucker, 292359	tel: <b><u>Valid Date:</u></b>	13.12.2019
<b><u>Con Area:</u></b>	Cliftonville	<b><u>Expiry Date:</u></b>	07.02.2020
<b><u>Listed Building Grade:</u></b>		<b><u>EOT:</u></b>	
<b><u>Agent:</u></b>	Lewis And Co Planning SE Ltd 2 Port Hall Road Brighton BN1 5PD		
<b><u>Applicant:</u></b>	Persia Hove 126 Church Road Hove BN3 2EA		

## 1. RECOMMENDATION

- 1.1. That the Committee has taken into consideration and agrees with the reasons for the recommendation set out below and resolves to **GRANT** planning permission subject to the following Conditions and Informatives:

Conditions:

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

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

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Report/Statement	Marketing	-	12 November 2019
Report/Statement	Retail Survey	-	12 November 2019
Other	Extraction Details	-	17 December 2019
Proposed Drawing	1952 01	B	13 March 2020

- 2 Within 2 months of the date of this decision and notwithstanding the drawings hereby permitted, further details of the proposed shopfront joinery including doors, corbels, projecting cornices and fascia shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details within 2 months of the subsequent date of approval and retained as such thereafter.

**Reason:** To ensure a satisfactory appearance to the development and to respect the character of the area, in accordance with policies CP12 and CP15 of the Brighton and Hove City Plan Part One and policies QD14 and HE6 of the Brighton and Hove Local Plan.

- 3 Within 3 months of the date of this a decision a scheme for the soundproofing of the building between the ground and first floors shall be submitted to and approved in writing by the Local Planning Authority.  
The approved scheme shall be implemented in strict accordance with the approved details within 3 months of the date of approval and shall be retained as such thereafter.  
**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.
- 4 Within 3 months of the date of this permission, a scheme for the suitable treatment of all plant and machinery against the transmission of sound and/or vibration shall be submitted to and approved in writing by the Local Planning Authority. The measures shall be implemented in strict accordance with the approved details within 3 months of the date of approval and shall thereafter be retained as such.  
**Reason:** To safeguard the amenities of the occupiers of neighbouring properties and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.
- 5 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. In addition, there should be no significant low frequency tones present.  
**Reason:** To safeguard the amenities of the occupiers of neighbouring properties and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.
- 6 The use hereby permitted shall not be open to customers except between the hours of 11:00 and 23:00 from Monday to Saturday and 12:00 to 22:00 on Sundays and Public and Bank Holidays.  
**Reason:** To safeguard the amenities of the locality and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.
- 7 No vehicular movements nor any loading or unloading of vehicles shall take place on the site except between the hours of 08:00 and 13:00 Monday to Sunday.  
**Reason:** To safeguard the amenities of the locality and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.
- 8 Take-away use at the restaurant hereby permitted shall be as pedestrian take-aways use only and shall not be used to operate or be used by a take-away food cycle/motorcycle/vehicle or similar delivery service.  
**Reason:** In order to ensure the safe operation of the development and to comply with policy CP9 of the Brighton and Hove City Plan Part One and policy TR7 of the Brighton & Hove Local Plan.

- 9 Access to all flat roofs to the building shall be for maintenance or emergency purposes only and these flat roofs shall not be used as a roof garden, terrace, patio or similar amenity area.  
**Reason:** In order to protect adjoining properties from overlooking and noise disturbance and to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.
- 10 Notwithstanding any such approval from the Local Highways Authority, the area of pavement to the front of the building shall not be used for commercial activity of any kind, except for loading and unloading.  
**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 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. The scheme for soundproofing should be designed to achieve soundproofing of 5dB better than that required by Approved Document E performance standards.

## **2. SITE LOCATION & APPLICATION DESCRIPTION**

- 2.1. The application relates to a retail shop on the ground floor of a two-storey mid-terrace property on the southern side of Church Road. The site is located within the Cliftonville Conservation Area and is within the prime frontage of the Hove Town Centre shopping area as designated by policy SR5 of the Brighton and Hove Local Plan.
- 2.2. Planning permission is sought for the change of use of the site from retail (A1) to a cafe/restaurant (A3), incorporating a new shopfront and canopy, ventilation ducting and associated works. The application is part-retrospective as the change of use has already occurred and the new shopfront has been partly implemented.

## **3. RELEVANT HISTORY**

- 3.1. **BH2018/00552** - Change of use at 126 Church Road from shop (A1) to restaurant and bar (A3/A4) with alterations to rear incorporating new extension at basement level and stairs and handrail at first floor level. Alterations to shopfront at 126-128 Church Road. Refused, appeal dismissed.
- 3.2. The reasons for refusal were as follows:
  1. The proposed development would result in an unwelcome concentration of non-A1 uses evidenced by a significant break in the retail frontage and

a localised concentration of restaurants (A3) and bars (A4). The loss of this retail use fails to address community needs for a range of comparison and convenience goods shops, having a detrimental impact on the viability of the shopping centre. The proposal is contrary to policy SR5 of the Brighton and Hove Local Plan.

2. The relocation of the entrance to the maisonette at 126 Church Road to the roof terrace at the rear of the building means that a significant amount of activity would occur at an elevated position, in close proximity to windows serving residential uses at no. 22 Medina Villas to the south. It is considered unreasonable for occupiers of this property to experience the noise and disturbance associated with the intensification of use of the rear of the building with noise arising at times and to a degree beyond what would reasonably be expected of the rear of the subject buildings. For these reasons, the proposed development would be contrary to policies QD14, QD27, SU9 and SU10 of the Brighton and Hove Local Plan.
3. The proposed shopfront removes existing recessed entranceways which provide a welcome visual relief by breaking up the frontage. The impact would be compounded by the amalgamation of the units to form a wider continuous frontage. The loss of the fascia and corbal brackets at no. 126 Church Road represents the loss of important historic architectural feature of the building which had contributed significantly to the buildings character and the historic character of the conservation area. To the rear, the introduction of a UPVC door and metal balustrading to the flat roof, when viewed in the context of numerous incremental changes, including wall mounted lighting, plant/machinery, high timber screening and altered fenestration and roof cladding, result in a discordant and cluttered rear elevation. Overall, the proposed development would have a significantly harmful impact on the character and appearance of the building and the wider conservation area contrary to policies CP12 and CP15 of the Brighton and Hove City Plan Part One and policies QD14 and HE6 of the Brighton and Hove Local Plan Part One.

#### 4. REPRESENTATIONS

4.1. **Three (3)** letters have been received, objecting to the proposal for the following reasons:

- Loss of retail unit detrimental to character of area
- Noise disturbance from additional licensed premises
- Flue already installed
- Flue has the potential for noise/odour disturbance
- Rooflights detrimental to neighbouring properties
- Applicant has a history of non-compliance
- Detrimental effect on property value
- Noise
- Overdevelopment
- Pre-existing retail unit not redundant
- Neighbouring property at no. 124 is not a mixed-use unit

- 4.2. **Councillor Moonan** has objected to the proposal and asked for it to be considered at planning committee if the officer recommendation is to approve. A copy of this correspondence is attached to this report.

## 5. CONSULTATIONS

5.1. **Environmental Health:** No objection

There are concerns regarding noise and odour from the extraction flue, and possible breakout noise from the restaurant into the residential above. Conditions should be attached to secure soundproofing measures between the restaurant and the residential unit above, and an up-to-date acoustic report to demonstrate that the extraction equipment complies with the Council's noise standard.

5.2. **Sussex Policy Community Safety:** No objection

Hours of opening should be made a condition of consent. Alcohol should be ancillary to food prepared on the premises and served at table by waiting staff. Substantial food should be available at all times in order to safeguard against a more general A4 use. Police Licensing at Sussex Police should be directly consulted by the applicant.

- 5.3. There is evidence that the outdoor seating to the frontage of the site is obstructing the doorway to the residential use above. This should either be removed, or a physical barrier erected.

- 5.4. All new doors and easily accessible windows should conform to a minimum standard of at least PAS 24-2016 or equivalent.

5.5. **Heritage:**

First response: Seek amendments

- 5.6. It is acknowledged that the aluminium shopfront that was present prior to recent changes did not preserve or enhance the character of the conservation area.

- 5.7. The current scheme incorporates separate recessed entrances to the first floor and ground floor and this is welcome, as is the use of painted timber joinery for the doors and folding windows, and the glazed tile stallriser.

- 5.8. However, the proposed drawings show the height of the opening containing the new folding shop windows to be lower than the neighbouring window to the east, with the top of the windows to no. 128 (Barcode) being much higher than the proposal, giving variety between the units and leaving sufficient room for a narrow fascia in the traditional position above the window. The scheme as implemented however, has the window opening in-line with Barcode, thereby creating an over-large shop frontage with elongated casement sashes.

- 5.9. The addition of a fascia sign, as may reasonably be required by future occupiers (and indeed as currently present although not subject to any application) would further increase the scale of this shopfront in proportion to the building frontage, in the same way as at no 128.
- 5.10. The corbels that formerly book-ended the fascia prior to the unauthorised works have been removed and the loss of these traditional shopfront features, along with a projecting cornice and fascia is considered to create a bland, 2 dimensional contemporary shopfront which does not preserve or enhance the character of the Conservation Area. These are elements of the previous scheme that were criticised by the Inspector when dismissing the recent appeal against refusal of that scheme.
- 5.11. It is therefore considered that the proposed drawings should be amended to include a traditional fascia with corbels, in accordance with the guidance in SPD 02, and it follows that the shopfront as currently built should be altered to conform with the plans.

Second response following receipt of amended drawings: No objection

- 5.12. The general arrangement shown is acceptable however the scale of the drawings provided and lack of detail for the traditional shopfront elements on the submitted drawings means that the proposed detailing is unclear. As a result, the plans do not provide any reassurance that the features required will be acceptable within this historic setting.
- 5.13. As a result, unless further information is submitted any approval of this scheme will need to be subject to conditions requiring further details of the shopfront joinery (including doors), corbels, projecting cornice and fascia.

5.14. **Sustainable Transport:**

Verbal comments: Further information required

- 5.15. The proposal is unlikely to result in a significant increase in trip generation.
- 5.16. Further information on deliveries should be sought.
- 5.17. Any front awning/blind should not come down lower than 2.3m above the adopted (public) highway footway and not within 0.45m of the carriageway/footway kerb face.
- 5.18. A condition restricting take-away/delivery service should be applied for pedestrian safety reasons.

Verbal comments following receipt of additional information: No objection

- 5.19. The submitted information regarding deliveries to the site is considered by the Highways Authority to be acceptable.

## 6. MATERIAL CONSIDERATIONS

- 6.1. In accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004, this decision has been taken having regard to the policies and proposals in the National Planning Policy Framework, the Development Plan, and all other material planning considerations identified in the "Considerations and Assessment" section of the report
- 6.2. The development plan is:
- Brighton & Hove City Plan Part One (adopted March 2016)
  - Brighton & Hove Local Plan 2005 (retained policies March 2016);
  - East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (adopted February 2013);
  - East Sussex, South Downs and Brighton & Hove Waste and Minerals Sites Plan (adopted February 2017);
  - Shoreham Harbour Joint Area Action Plan (adopted October 2019);
- 6.3. Due weight has been given to the relevant retained policies in the Brighton & Hove Local Plan 2005 according to their degree of consistency with the NPPF.

## 7. POLICIES

### The National Planning Policy Framework (NPPF)

#### Brighton & Hove City Plan Part 2:

Policies in the Proposed Submission City Plan Part 2 do not carry full statutory weight but are gathering weight as the Plan proceeds through its stages. They provide an indication of the direction of future policy. Since 23 April 2020, when the Plan was agreed for submission to the Secretary of State, it has gained weight for the determination of planning applications but any greater weight to be given to individual policies will need to await the outcome of the Regulation 19 consultation. The council will consider the best time to carry out the consultation after the coronavirus (Covid-19) restrictions are lifted.

#### Brighton & Hove City Plan Part One

SS1	Presumption in Favour of Sustainable Development
CP3	Employment land
CP4	Retail provision
CP9	Sustainable transport
CP12	Urban design
CP15	Heritage

#### Brighton and Hove Local Plan (retained policies March 2016):

TR7	Safe Development
TR14	Cycle access and parking
SU9	Pollution and nuisance control
SU10	Noise Nuisance
QD5	Design - street frontages
QD14	Extensions and alterations
QD27	Protection of amenity
SR5	Town and district shopping centres

HE6            Development within or affecting the setting of conservation areas

Supplementary Planning Documents:

SPD02        Shop Front Design  
SPD09        Architectural Features  
SPD12        Design Guide for Extensions and Alterations  
SPD14        Parking Standards

## **8.        CONSIDERATIONS & ASSESSMENT**

8.1.        The main considerations in the determination of this application relate to the principle of the development, the design and appearance of the proposed external alterations and the impact of the proposal on neighbouring amenity. Sustainable transport is also a material consideration.

Background:

8.2.        The current application follows the refusal of BH2018/00552, which sought permission for a change of use of the site from A1 to A3/A4 and the incorporation of no. 126 into the existing A3/A4 use at no. 128 Church Road. BH2018/00552 also proposed the relocation of the access to the upper floor residential use from the front to the rear of the building.

8.3.        BH2018/00552 was refused for three reasons, relating to:

1.        The change of use conflicting with Policy SR5 of the Brighton and Hove Local Plan;
2.        The relocated access route harming the amenity of nearby residential uses through increased noise disturbance at an elevated position; and
3.        The design and appearance of the proposed shopfront resulting in the loss of historic features and not respecting the character of the area.

8.4.        An appeal was submitted, which was dismissed due to the Inspector finding that the proposal would harm the amenity of nearby residents and the character and appearance of the area (reasons for refusal 2 and 3). The Inspector did not uphold the first reason for refusal, finding that the loss of the A1 unit would not conflict with Policy SR5.

8.5.        Since the dismissal of BH2018/00552 at appeal, the site has made use of the available temporary permitted development rights in Part 4, Class D of the GPDO and is currently in A3 use.

Current Application:

8.6.        The current application seeks permission for a change of use from A1 to A3, a new shopfront, ventilation ducting and associated works.

8.7.        The current application differs from BH2018/00552 insofar as:

- the proposed use is A3 (rather than A3/A4);
- the amalgamation of nos. 126 and 128 is no longer proposed;
- the residential access is no longer proposed to be relocated;
- a revised shopfront design is proposed.



**Principle of Development:**

- 8.8. Policy CP4 of the City Plan Part One identifies a significant need for new retail floorspace over the period of the plan and states that It is important that Brighton & Hove's shopping centres and local neighbourhood shopping facilities remain vibrant, attractive and accessible.
- 8.9. Policy SR5 of the Brighton and Hove Local Plan sets out that, within the prime frontage, changes of use from A1 to A3 will be allowed so long as each of four criteria are met.
- 8.10. *a. A clear predominance of Class A1 uses would be maintained:*  
The application includes a retail survey which concludes that, within the entirety of the prime frontage and considering the application site as its pre-existing A1 use, 52.94% of units are in A1 use. With the application site in A3 use this figure is 52.63%. It is likely that there has been some change of use within the prime frontage since the date of the retail survey (January 2018) and the findings of the retail survey are therefore likely out of date.
- 8.11. Nevertheless, it is noted that commercial uses are not evenly spread throughout the centre. The Inspector for BH2018/00552 considered that *"Church Road is a significant eating and drinking destination, and that appears in-line with its character and appearance as a wide, busy through road and public transport artery. George Street is largely pedestrianised during shopping hours and has a more intimate and welcoming character and appearance, conducive to strolling, comparison shopping and frequent crossing from one frontage to the other, something that the traffic use and width of Church Road does not lend itself to."*
- 8.12. In light of these comments, and notwithstanding that the proportion of units in the overall prime frontage may be more or less than the figure given in the retail survey, in this case it is considered that the use of the site as an A3 unit would not negatively affect the predominance or distribution of retail and other commercial uses within the centre.
- 8.13. *b. as a result of the proposal there would not be a significant break in the shopping frontage of more than 15 metres:*  
The adjacent unit at 124 Church Road is a mixed A1/A3 use. To the other side, no 128 is a mixed A3/A4 use, and on the other side of Osborne Villas is an A1 use. The gap in the shopping frontage (not including the width of Osborne Villas itself) would therefore be equal to the width of nos. 126 and 128 Church Road, or approximately 12m. It is recognised that the Officer for BH2018/00552 held concerns over the mix of A1 and A3 at no.124, however the Inspector found that no.124 should be considered as a mixed A1/A3 use as this remains the lawful use of no. 124 in planning terms.
- 8.14. *c. it would have a positive effect on the shopping environment of the area by encouraging combined trips and attracting pedestrian activity to the centre:*  
A restaurant use at the site would attract footfall and activity to the area, as well as linked shopping trips.

8.15. *d. the development would not be materially detrimental to the amenities of occupiers of nearby properties or the general character of the area:*

As will be set out below, subject to conditions the proposed use is considered not to be materially detrimental to the amenities of occupiers of nearby properties or the general character of the area.

8.16. It is therefore considered that, in light of the Inspector's comments for BH2018/00552 which concluded that "the criteria of Policy SR5 would be met and the proposal would not cause harm to the viability of the shopping centre or the prime frontage.", the proposed change of use from A1 to A3 would not conflict with policy SR5 of the Brighton and Hove Local Plan and is acceptable in principle.

8.17. The application also includes details of marketing by Tom Graves Ltd of the pre-existing A1 unit from February 2018, although it is not stated for how long the marketing took place, nor are any comparator sites included so it is not possible to determine whether the proposed terms were reasonable.

8.18. The marketing letter concludes that demand for an A1 use of the site is low, whereas demand for an A3 use could be much higher. Whilst the marketing evidence is given reduced weight due to its above limitations, it does nevertheless support the application by indicating that the proposed change of use would be less likely to result in the unit lying vacant for extended periods.

**Design and Appearance:**

8.19. When considering whether to grant planning permission for development in a conservation area the council has a statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the area.

8.20. Case law has held that the desirability of preserving a listed building or its setting or the character or appearance of a conservation area must be given "considerable importance and weight".

8.21. The proposed external alterations include a new shopfront, the insertion of rear rooflights and the installation of ventilation ducting at roof level. The application also includes an awning however it is considered that the awning benefits from 'deemed consent' under Schedule 3, Part 1, Class 5 of the Advertisement Regulations.

8.22. Both the Officer and Inspector for BH2018/00552 raised concerns regarding the then-proposed shopfront, specifically the loss of historic features such as the corbels and recessed doors, as well as the amalgamation of nos. 126 and 128 resulting in the erosion of the historic presentation of the narrow-frontage plots.

8.23. The current application has sought to overcome these concerns, with the following notable changes being made:

- no. 126 is to be retained as a separate frontage;
  - separate recessed entrances to the ground and first floor are to be reinstated;
  - painted timber joinery is to be used for the doors and folding windows;
  - a glazed tile stallriser is to be inserted;
  - window height has been reduced to match no. 124 rather than no. 128.
- 8.24. Following comments from the Heritage team the proposed drawings were revised to include a traditional fascia with corbels. The Heritage team considers the amended proposed shopfront to be acceptable in principle, however further detail of the joinery is required. This will be secured by a suitably worded condition.
- 8.25. As amended and subject to the recommended conditions, the proposed shopfront is considered to be of an appropriate design that would not cause harm to the character and appearance of the building or the wider conservation area.
- 8.26. No objection is raised to the proposed rooflights to the rear which would not have a significant impact upon the appearance of the building. The proposed flue at second-floor roof level would be somewhat visible from within the conservation area in views northwards from Medina Villas and Osborne Villas and views at a distance westwards from Church Road. It is however considered that the visual impact of the flue would not be so significantly detrimental as to warrant the refusal of the application.
- 8.27. No expansion of the building is proposed. The existing rear extension (to which the rooflights are proposed) does not appear to have any planning history of an approval, notwithstanding this it has, however, been in situ for over ten years (according to Google satellite imaging) and is therefore immune to enforcement action and is therefore considered as a lawful and existing part of the premises.
- Impact on Amenity:**
- 8.28. Policy QD27 of the Brighton & Hove Local Plan states that planning permission for any development or change of use will not be granted where it would cause material nuisance and loss of amenity to the proposed, existing and/or adjacent users, residents, occupiers or where it is liable to be detrimental to human health.
- 8.29. BH2018/00552 was refused and dismissed at appeal in part due to the impact on neighbouring amenity of a relocated access route to the residential units on the upper floors. As part of the current application this element of the scheme is no longer proposed.
- 8.30. The proposed A3 use has the potential to result in an increase in noise disturbance for occupiers of the residential uses on the upper floors, and so a noise assessment and scheme for soundproofing shall be secured by condition. Any noise impacts upon the wider area are unlikely to be significant given the central location of the site on a busy commercial thoroughfare.

- 8.31. Hours of opening of 11:00-23:00 from Monday to Saturday and 12:00-22:00 on Sundays have been confirmed by the applicant and will be secured by condition. This is within the hours deemed acceptable by Sussex Police.
- 8.32. The flue has the potential to result in noise disturbance for neighbours, and an acoustic report and details of noise control equipment to mitigate this shall be secured by condition. The flue will terminate above the roof levels of the surrounding buildings and so is unlikely to result in odour disturbance.
- 8.33. The comments raised by objectors to the scheme regarding the proposed rear rooflights are noted, however for clarify "rooflights" in this context refers to windows flush with the roof rather than any external light source. The proposed rooflights are considered not to be detrimental to neighbouring amenity.
- 8.34. Sussex Police have raised concerns regarding outdoor seating obstructing access to the residential flats above. In order to protect the amenity of residents a condition will be attached to prevent outdoor areas being used as seating, serving or smoking areas.

**Sustainable Transport:**

- 8.35. The proposal is unlikely to result in a significant uplift in trip generation.
- 8.36. The site is well served by public transport and the site is located within Controlled Parking Zone (CPZ) N.
- 8.37. No new cycle parking is proposed as would be required by SPD14, although given the constraints of the site, the current lack of provision and the availability on street stands, this is considered not to warrant the refusal of the application.
- 8.38. The application has stated that deliveries are made by transit van size vehicles early in the day between 08:00 and 13:00, taking no longer than 20 minutes. This is considered acceptable and not to require a delivery and servicing management plan.
- 8.39. There is a high level of pedestrian movement on Church Road outside of the site and it is considered appropriate to attach a condition requiring take-aways to be pedestrian only.

**Conclusion:**

- 8.40. In light of the Inspector's comments for BH2018/00552, the proposed change of use from A1 to A3 is considered not to conflict with Policy SR5 of the Brighton and Hove Local Plan. Subject to securing further detail by condition the proposed shopfront as amended is considered to be of an acceptable design that would not harm the character or appearance of the site or the wider Cliftonville Conservation Area. The rear rooflights and flue are considered not to have a significant detrimental impact upon the appearance of the building or wider area. Impacts of the proposed use on neighbouring amenity through increased noise disturbance can be satisfactorily mitigated by conditions. No

concerns are held regarding sustainable transport impacts. The proposal has responded positively to the reasons given by the Inspector for the dismissal of BH2018/00552. Approval is therefore recommended, subject to conditions.

**9. EQUALITIES**  
None identified



**Cllr. Clare Moonan**  
**BH2019/03387 – 126 Church Road**

**7<sup>th</sup> January 2020:**

I am writing to object to the above planning application and ask for it to be determined by the Planning Committee.

My objection are outlined below

**1. The change of use and loss of retail space.**

Church Road has seen a significant shift over a number of years, from retail to restaurant/bar use class. This has resulted in a change of character and loss of amenity to the area. Most premises on Church Road are now cafés, bars or restaurants. This proliferation has led to a much larger night time economy and associated noise and ASB, and also pressure on local parking and traffic. Whilst a certain amount of bars and restaurants have been good for the area, I believe that we are well past the point where these businesses will enhancing the local amenity.

A mixed economy of retail and café/restaurants is the most desirable for the area and if this application were granted it would be a further and significant shift in the wrong direction. I therefore believe we need to preserve the existing retail where ever possible.

**2. Extractor fan at the rear of the property**

There is a long history with this owner and extractor fan that have not been fit for purpose. This has caused very considerable distress to local residents over a protracted period. If this application is passed I request that the Planning Committee include very robust conditions that prescribes an extractor fan that does not either, create a noise nuisance, or be unsightly or block the light to neighbours. I would also recommend that Planning Enforcement closely monitor that such a condition is met.

**3. Lighting**

I believe that the lighting proposed is over the top and unnecessary. It will create light pollution that will affect local residents and be out of character in the area.

Finally, I have spoken to a number of residents who also object to this application for similar reasons.





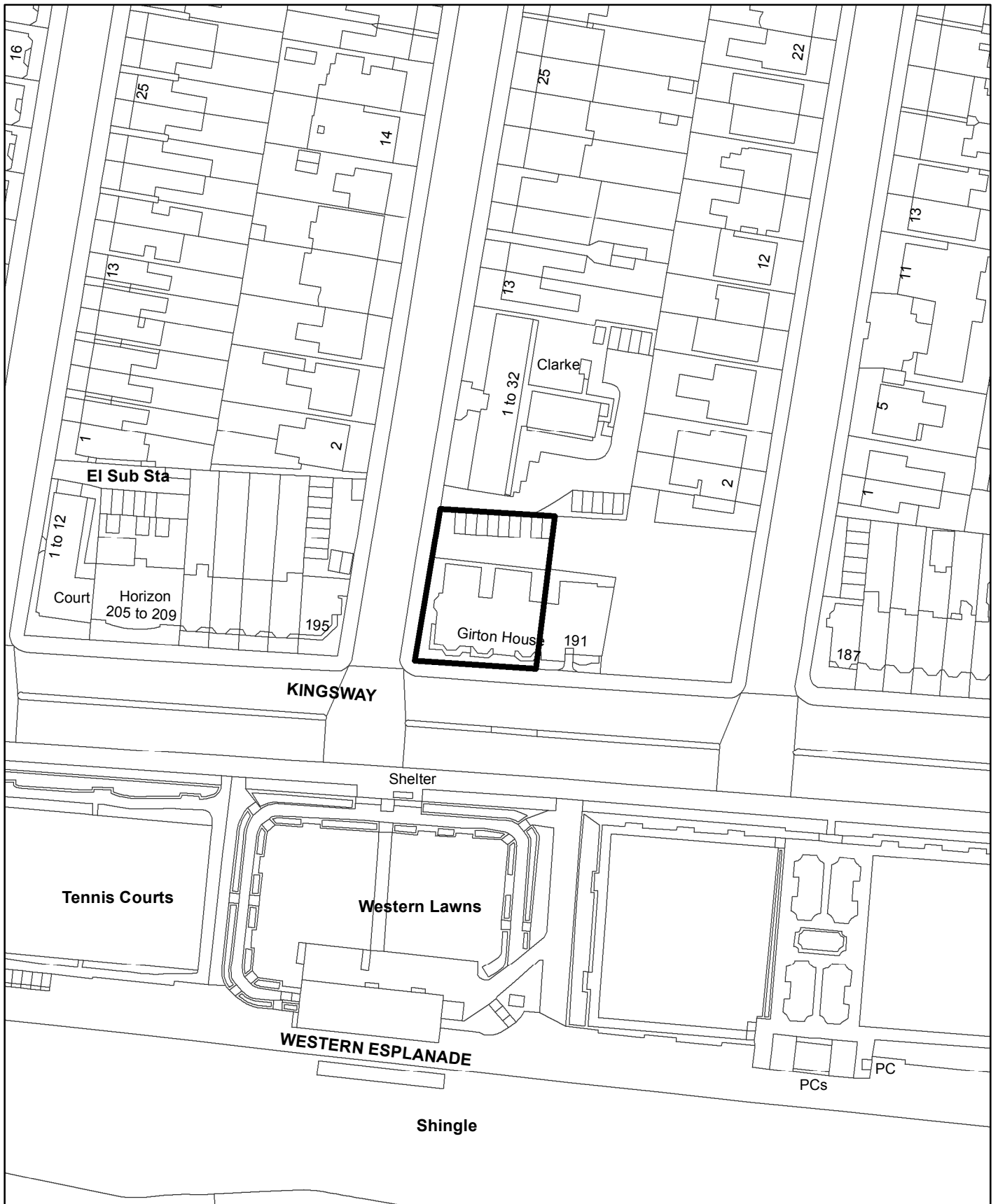
# **ITEM H**

**Girton House, 193 Kingsway  
BH2020/01101  
Full Planning**

**DATE OF COMMITTEE: 8<sup>th</sup> July 2020**



# BH2020 01101 - Girton House, 193 Kingsway



N



Scale: 1:1,250



<b><u>No:</u></b>	<b>BH2020/01101</b>	<b><u>Ward:</u></b>	<b>Westbourne Ward</b>
<b><u>App Type:</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>Girton House 193 Kingsway Hove BN3 4FB</b>		
<b><u>Proposal:</u></b>	<b>Erection of roof extension to create additional fifth floor to north elevation forming 1no one bedroom flat incorporating 2no dormers to the west side and associated alterations.</b>		
<b><u>Officer:</u></b>	Mark Thomas, tel: 292336	<b><u>Valid Date:</u></b>	21.04.2020
<b><u>Con Area:</u></b>	Sackville Gardens	<b><u>Expiry Date:</u></b>	16.06.2020
<b><u>Listed Building Grade:</u></b>		<b><u>EOT:</u></b>	
<b><u>Agent:</u></b>	Mr Alex Bateman 139 Kipling Avenue Brighton BN2 6UF		
<b><u>Applicant:</u></b>	Maxiwood Limited Nautical House 5 Ship Street Shoreham-by-Sea BN43 5DH		

## 1. RECOMMENDATION

- 1.1. That the Committee has taken into consideration and agrees with the reasons for the recommendation set out below and resolves to **GRANT** planning permission subject to the following Conditions and Informatives:

### Conditions:

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

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

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Proposed Drawing	PR01		21 April 2020
Proposed Drawing	PR02		21 April 2020
Proposed Drawing	PR03		21 April 2020
Proposed Drawing	PR04		21 April 2020
Proposed Drawing	PR05		21 April 2020
Proposed Drawing	PR06		21 April 2020
Proposed Drawing	PR07		21 April 2020
Proposed Drawing	PR08		21 April 2020
Location and block plan	PR09		21 April 2020

2. 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.
3. The new windows hereby permitted shall not be installed until full details of the new windows and their reveals and cills including 1:20 scale elevational drawings and sections and 1:1 scale joinery sections have been submitted to and approved in writing by the Local Planning Authority. The works shall be

carried out and completed fully in accordance with the approved details prior to the first occupation of the development hereby permitted and shall be retained as such thereafter.

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

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

**Reason:** To ensure a satisfactory appearance to the development in the interests of the visual amenities of the area and to comply with policies HE6 of the Brighton & Hove Local Plan and CP15 of the Brighton & Hove City Plan Part One.

5. Within 6 months of commencement of the development hereby permitted or prior to occupation, whichever is the sooner, a scheme shall be submitted to the Local Planning Authority for approval to provide that the residents of the new flat hereby permitted, other than those residents with disabilities who are Blue Badge Holders, have no entitlement to a resident's parking permit. The approved scheme shall be implemented before occupation.

**Reason:** This condition is imposed in order to allow the Traffic Regulation Order to be amended in a timely manner prior to first occupation to ensure that the development does not result in overspill parking and to comply with policies TR7 & QD27 of the Brighton & Hove Local Plan and CP9 of the Brighton & Hove City Plan Part One and SPD14: Parking Standards.

6. All new render finishes shall be smooth, lime based, wet render without external beads, stops, bell drips or expansion joints. The render shall be painted to match the paintwork of the surrounding elevations of the building.

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

7. The rooflight(s) hereby approved shall have steel or cast metal frames, colour-finished black or dark grey, fitted flush with the adjoining roof surface and shall not project above the plane of the roof.

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

Informatives:

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

2. The applicant is advised that the scheme required to be submitted by Condition 5 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 of the restrictions upon the issuing of resident parking permits.

## **2. SITE LOCATION & APPLICATION DESCRIPTION**

- 2.1. The application relates to a three storey over basement building with additional accommodation within the roof space. The building comprises white painted render walls, a slate roof and a mix of timber and UPVC framed windows.
- 2.2. To the rear are two four storey projections (basement to second floor). They do not match, the one to the western end appearing approximately half a storey taller. The building is subdivided into flats. At the rear is a bank of nine garages and a bin store.
- 2.3. The building is situated within Sackville Gardens conservation area.
- 2.4. Planning permission is sought for the addition of an additional storey to the westernmost rear projection to provide a split-level one-bedroom flat, with bedroom at mezzanine level. The application is a resubmission of refused application BH2020/00035 which proposed additional storeys to 2no rear projections to provide two split level flats.

## **3. RELEVANT HISTORY**

- 3.1. **BH2020/00035:** Erection of roof extensions to create additional fifth floor to north elevation forming 2no one bedroom flats incorporating 4no dormers to the east and west sides and associated alterations. Refused 05/03/2020 for the following reasons:
  1. The proposed development, by reason of the bulk, height, form, positioning and proximity of the additional storeys to rear facing, second floor, windows serving habitable rooms at Girton House, would result in an overbearing impact for occupiers, with a significant loss of outlook and increased sense of enclosure. The proposals would be contrary to policies QD14 and QD27 of the Brighton and Hove Local Plan.
  2. The proposed flats, by reason of the limited provision of vertical windows, and the position of those windows provided, would have an unacceptably poor outlook, which would result in the accommodation having an oppressive living environment. Further, the eastern flat, by reason of the restricted headroom within the bedroom, would have cramped living conditions, which would further contribute to the oppressive nature of the accommodation. For these reasons, the proposals would be contrary to policy QD27 of the Brighton and Hove Local Plan.
- 3.2. The applicant has appealed this decision.
- 3.3. **BH2005/05119:** Replacement PVC Windows to flat 7. Approved 30/09/2005

#### 4. REPRESENTATIONS

4.1. **Eleven (11)** letters have been received objecting to the proposed development for the following reasons:

- Recent structural issues with the building (subsidence)
- Loss of view
- Loss of property value
- Overshadowing
- Loss of light
- The proposal is an overdevelopment of the building
- Poor design, not in keeping with existing building
- Harmful impact on Conservation Area
- Disruption, noise and dirt during construction
- Damage to common ways
- Extra flats would stretch local services

#### 5. CONSULTATIONS

5.1. **Environmental Health:** Comment

There is an issue with the layout of the 1-bed flat. The spiral staircase leading to the bedrooms are within the living room/kitchen meaning that the bedrooms are 'Inner' rooms with escape in the event of a fire being through a high risk room. I would advise changing the layout so that the bedrooms can escape directly to a protected hallway/escape route or provision of a mist system or similar.

5.2. **Heritage:** Comment

- This application follows refusal of a previous scheme (BH2020/00035) for two new units, the current scheme proposes an additional floor to one of the wings at the rear of the building which is currently 3 storeys above ground level with a hipped roof. This part of the building fronts Walsingham Road and provides a transition in height between the large scale seafront buildings and the smaller houses in the roads running north.
- Whilst increasing the scale of this rear wing, this proposal would result in a lower overall height compared to the main frontage building, thereby retaining some element of graduating heights and interesting roofline (the proposed hipped roof profile contributes to this effect). It would also be lower than the rear part of no 191 which adjoins the property on the east side.
- The height increase as proposed would still result in unrelieved areas of masonry above the existing second floor windows on the west elevation, however amendments to the proposals for the northern elevation have improved this aspect.
- It is considered that due to the context with the grander scale of buildings fronting Kingsway and the (albeit reduced) transition to the scale of buildings to the north of the site the harm to the conservation area would



be less than substantial, and subject to this being balanced against public benefits the Heritage Team does not wish to object to the proposal.

5.3. **Sustainable Transport:** Verbal Comment

- No SPD14 compliant cycle parking, but acceptable due to site constraints.
- No new car parking proposed. Site within CPZ so consider conditioning car free if uptake is high to avoid overspill.
- No changes to pedestrian access proposed, which is acceptable in this case.
- Trip generation not considered to be significantly different than existing arrangement, therefore deemed acceptable.

**6. MATERIAL CONSIDERATIONS**

6.1. In accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004, this decision has been taken having regard to the policies and proposals in the National Planning Policy Framework, the Development Plan, and all other material planning considerations identified in the "Considerations and Assessment" section of the report

6.2. The development plan is:

- Brighton & Hove City Plan Part One (adopted March 2016)
- Brighton & Hove Local Plan 2005 (retained policies March 2016);
- East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (adopted February 2013);
- East Sussex, South Downs and Brighton & Hove Waste and Minerals Sites Plan (adopted February 2017);
- Shoreham Harbour JAAP (adopted October 2019).

6.3. Due weight has been given to the relevant retained policies in the Brighton & Hove Local Plan 2005 according to their degree of consistency with the NPPF.

**7. POLICIES**

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part Two

Policies in the Proposed Submission City Plan Part 2 do not carry full statutory weight but are gathering weight as the Plan proceeds through its stages. They provide an indication of the direction of future policy. Since 23 April 2020, when the Plan was agreed for submission to the Secretary of State, it has gained weight for the determination of planning applications but any greater weight to be given to individual policies will need to await the outcome of the Regulation 19 consultation. The council will consider the best time to carry out the consultation after the coronavirus (Covid-19) restrictions are lifted.

Brighton & Hove City Plan Part One

SS1 Presumption in Favour of Sustainable Development

CP1	Housing delivery
CP8	Sustainable buildings
CP9	Sustainable transport
CP12	Urban design
CP14	Housing density
CP15	Heritage

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

TR7	Safe Development
TR14	Cycle access and parking
SU9	Pollution and nuisance control
SU10	Noise Nuisance
QD14	Extensions and alterations
QD27	Protection of amenity
HO5	Provision of private amenity space in residential development
HE6	Development within or affecting the setting of conservation areas

Supplementary Planning Documents:

SPD09	Architectural Features
SPD12	Design Guide for Extensions and Alterations
SPD14	Parking Standards

## 8. CONSIDERATIONS & ASSESSMENT

- 8.1. The main considerations in the determination of this application relate to; the principle of the proposed development; the impact of the physical alterations on the character and appearance of the building and the wider Conservation Area; the standard of living accommodation which would be provided for future occupiers; the impact on the amenity of occupiers of neighbouring properties; whether the proposals would meet the transport needs of new occupiers and; the impact on parking provision within the vicinity of the building.

**Principle of development:**

- 8.2. The City Plan Part 1 Inspector's Report was received in February 2016. The Inspector's conclusions on housing were to agree the target of 13,200 new homes for the city until 2030 as a minimum requirement. It is against this minimum housing requirement that the City's five-year housing land supply position is assessed annually.
- 8.3. The council's most recent housing land supply position published in the SHLAA Update 2019 shows a five-year housing supply shortfall of 1,200 (equivalent to 4.0 years of housing supply). As the council is currently unable to demonstrate a five-year housing land supply, increased weight should be given to housing delivery when considering the planning balance in the determination of planning applications, in line with the presumption in favour of sustainable development set out in the NPPF (paragraph 11).

- 8.4. In respect of the City's need for housing and the current shortfall, the proposal to provide two new units of residential accommodation is considered acceptable in principle, subject to compliance with development plan policies.

**Design and Appearance:**

- 8.5. When considering whether to grant planning permission for development in a conservation area the council has a statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the area.
- 8.6. Case law has held that the desirability of preserving the character or appearance of a conservation area must be given "considerable importance and weight".
- 8.7. Policy HE6 of the Brighton and Hove Local Plan and policy CP15 of the Brighton & Hove City Plan Part One refers to development within conservation areas and states that, proposal within or affecting the setting of the conservation area should preserve or enhance the character or appearance of the area and should show a consistently high standard of design and detailing reflecting the scale and character or appearance of the area, including the layout of the streets, development patterns, building lines and building forms; use building materials and finishes which are sympathetic to the area and; cause no harmful impact on the townscape and roovescape of the conservation area.
- 8.8. The proposed additional storey would result in a rear projection with eaves that would match the eaves of the main roof. The ridge of the new pitched roof over the rear projection would sit below the ridge of the main roof. By reason of these details, the rear projections would maintain a subservient relationship with the main house in respect of their scale and form. The extensions would match the materials of the main building, and the new windows would replicate the scale, proportions and vertical positioning of existing units.
- 8.9. New windows are proposed on the rear elevation wall of the additional storey. This is an improvement over BH2020/00335 which had notable areas of unrelieved renderwork. The windows would be smaller than those found on the elevation below, although of similar width. Overall, the proposed treatment of this rear projection is an improvement over the previous application where the design was considered acceptable.
- 8.10. Two dormer windows are proposed to the western elevation. Each contains a window which replicates the scale, design, proportions and positioning of windows contained on the elevation below. The dormers would be appropriately detailed, with narrow cheeks, an arched top and a pitched roof. Overall, the proposed dormers are well designed additions, which pay appropriate regard to the character and appearance of the host property.
- 8.11. Large scale windows details, matching materials and appropriate detailing of the rooflights shall be secured by condition.

**Impact on Amenity:**

- 8.12. Policy QD27 of the Brighton & Hove Local Plan states that planning permission for any development or change of use will not be granted where it would cause material nuisance and loss of amenity to the proposed, existing and/or adjacent users, residents, occupiers or where it is liable to be detrimental to human health.
- 8.13. The additional storey would add bulk in proximity to a rear facing window serving a habitable room to the second floor of Girton House. The position of that window to the east and within a north facing elevation, means any loss of sunlight would be limited. This window currently has an open outlook, over the pitched roof of the eastern rear projection, but is more enclosed by the western rear projection which has eaves around the mid-point of this window and the pitched roof rising above. The current scheme omits the alterations to the eastern rear-projection, which significantly reduces the impact on this window in terms of loss of outlook and increased sense of enclosure. In this respect, the proposals are considered to address reason for refusal 1 of BH2020/00335. The impact on other rear elevation windows further east on the rear elevation has been addressed through the omission of the second extension and flat from the previous application.
- 8.14. Concerns concerning loss of property value or loss of view are not material planning considerations. Concerns over the impact of the construction process are also acknowledged, although are considered acceptable given the temporary nature of those impacts.

**Standard of Accommodation:**

- 8.15. The proposed flat would comprise a living/kitchen/dining room (41.1 sq metres at lower level as well as a bathroom (7.6 sq metres). These spaces are considered adequate for a one-bedroom unit. The provision of 4 windows would mean the living space would receive acceptable natural light and outlook. The application includes additional windows to BH2020/00335 and is considered to address the reason for refusal which related to poor outlook.
- 8.16. The upper floor would be a mezzanine level containing a bedroom. The bedroom would be 25.1m<sup>2</sup> overall, although a variable ceiling height means that there would be approximately 13m<sup>2</sup> of floor space over 1.8m excluding the spiral staircase and unusable space to its side. Whilst the inaccessibility of large parts of the room is regrettable, the overall provision of usable floorspace is considered sufficient provision to enable the required furniture and circulation space.
- 8.17. The bedroom would have an outlook through a single window close to the corner of the flat. Given the use of the room, it is considered that such a provision, complemented by additional light from rooflights, is acceptable.
- 8.18. Whilst not adopted policy, the DCLG: Technical housing standards - nationally described space standard provides a useful guide for assessing the provision of floorspace in residential development. The standard recommends that a split-level one-bedroom unit for 2 occupiers provides 58m<sup>2</sup> of total floorspace

(excluding space under 1.5m headspace). A double bedroom should be 11.5m<sup>2</sup> and at least 2.5m wide. It is welcome that the proposals exceed these recommendations.

**Sustainable Transport:**

- 8.19. The application makes no provision for cycle parking. Cycle parking does not seem to be possible on the site due to the occupation of the whole rear with garages and refuse storage. Given the easy accessibility of public transport, refusal is not recommended on the grounds of insufficient cycle parking.
- 8.20. No new off-street car parking is proposed, so there is potential for increased parking demand from the development on surrounding streets. The site is situated within a Controlled Parking Zone, where uptake of parking permits by residents over the 12 months to January 2020 is 91%. No parking survey has been submitted with the application to demonstrate whether there is any available capacity in this particular area of the parking zone. Given the high take-up of permits and lack of evidence suggesting localized additional capacity, it would be appropriate to make the proposed flats 'car free' by condition.

**Conclusion:**

- 8.21. It is considered that the harm caused to the character and appearance of the conservation area is less than substantial. The public benefit of the scheme would be the addition of one unit of residential occupation to the City housing supply. The flat would provide acceptable living conditions for occupiers. No significant harm to the amenity of occupiers of nearby properties or of Girton House have been identified. In view of the above the application is recommended for approval.

**9. EQUALITIES**

No issues identified.



# **ITEM I**

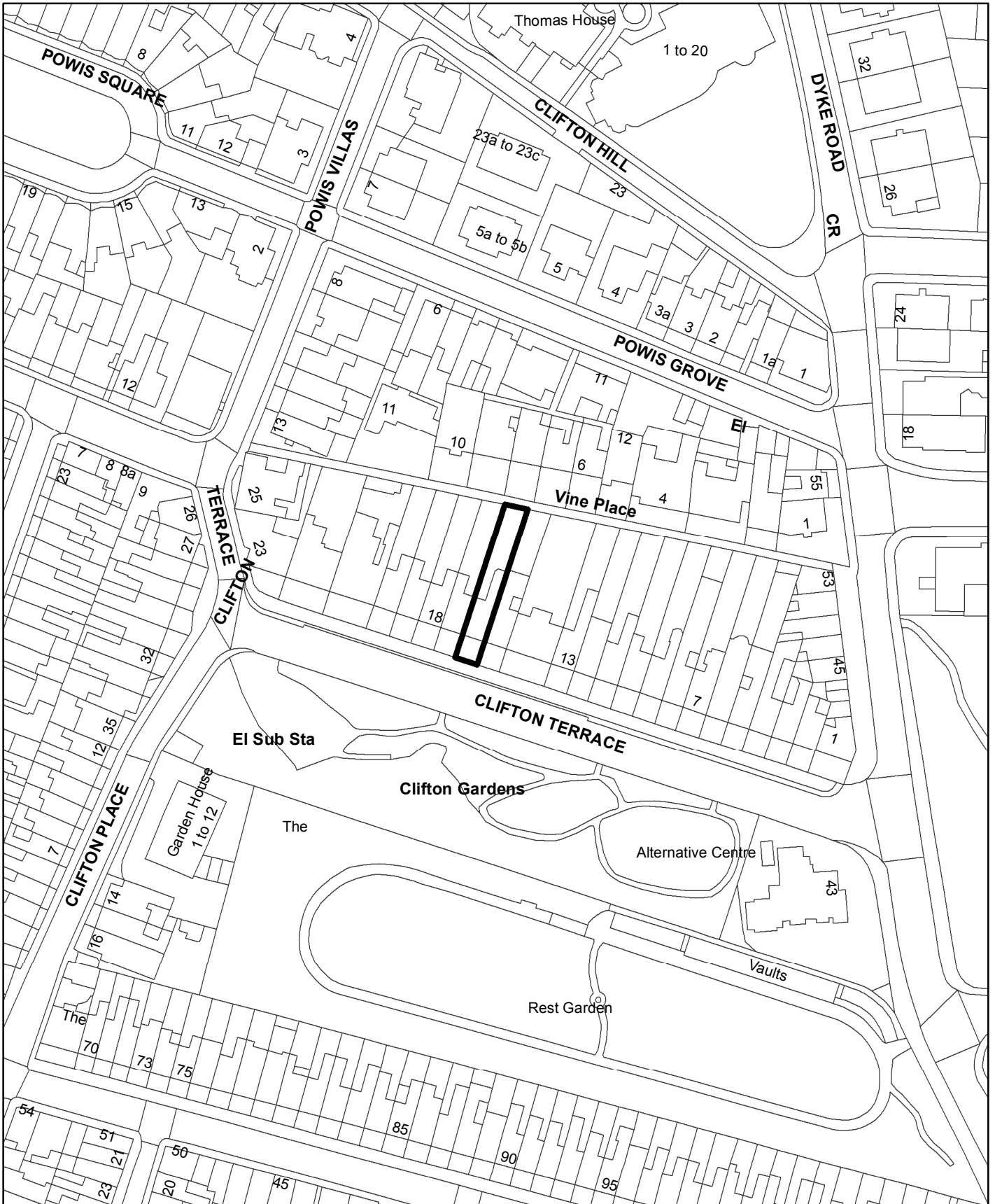
**16 Clifton Terrace  
BH2019/02368  
Householder Planning Consent**

**DATE OF COMMITTEE: 8<sup>th</sup> July 2020**





# BH2019 02368 - 16 Clifton Terrace



N



Scale: 1:1,250



<b><u>No:</u></b>	<b>BH2019/02368</b>	<b><u>Ward:</u></b>	<b>Regency Ward</b>
<b><u>App Type:</u></b>	<b>Householder Planning Consent</b>		
<b><u>Address:</u></b>	<b>16 Clifton Terrace Brighton BN1 3HA</b>		
<b><u>Proposal:</u></b>	<b>Rebuilding of random rubble, brick and flint garden wall in lime mortar to the rear of the site.</b>		
<b><u>Officer:</u></b>	Jack Summers, tel: 296744	<b><u>Valid Date:</u></b>	20.08.2019
<b><u>Con Area:</u></b>	Montpelier & Clifton Hill	<b><u>Expiry Date:</u></b>	15.10.2019
<b><u>Listed Building Grade:</u></b>	Listed	<b><u>EOT:</u></b>	13.07.2020
<b><u>Agent:</u></b>	Haworth McCall Edward Street Brighton BN2 0JL		
<b><u>Applicant:</u></b>	Mr Geoff Raw 16 Clifton Terrace Brighton BN1 3HA		

This proposal is being determined by Planning Committee as it is an officer linked application.

## 1. RECOMMENDATION

- 1.1. That the Committee has taken into consideration and agrees with the reasons for the recommendation set out below and resolves to **GRANT** planning permission subject to the following Conditions and Informatives:

### Conditions:

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

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

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Proposed Drawing	469/300	D	1 June 2020
Location and block plan	469/100	B	1 June 2020

2. The development hereby permitted shall be commenced before the expiration of one year from the date of this permission.

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

### Informatives:

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

## 2. SITE LOCATION & APPLICATION DESCRIPTION

- 2.1. No.16 Clifton Terrace is a grade II listed building that forms part of a listed group including numbers 1-23 (consecutive). It is located within the Montpelier and Clifton Hill conservation area.
- 2.2. The properties date to c1850 and are treated as broad double-fronted villas with ground floor verandahs, but in two storey terraced form rising to three storeys at the central block. The terrace is south-facing and sits on a raised pavement that overlooks private gardens on the south side of the road. No.16 is just to the left (west) of the central block and like the other two storey houses now has an attic storey, with a tripartite front dormer dating from the 1920s. To the rear is the original outrigger which adds to the building's significance. The property is bound to the rear by Vine Place a pedestrian footpath that links Powis Villas with Dyke Road.
- 2.3. Planning permission is sought for the reinstatement of the historic flint boundary wall to the rear of the property. Due to its structural instability creating a potential safety hazard the wall had to be taken down in 2019. However, the original flint-work has been retained with the intention to reinstate the wall. There is an accompanying application for listed building consent.
- 2.4. *It should be noted that this application originally also covered some works concerning the main dwellinghouse, but these have been removed from this submission and are expected to be covered by a separate application in the future.*

### **3. RELEVANT HISTORY**

- 3.1. **BH2016/06433 & BH2016/06434** Demolition of existing rear conservatory and erection of two storey rear extension, insertion of windows to front elevation, internal alterations to layout, landscaping and other associated works.  
Approved

### **4. CONSULTATIONS**

- 4.1. Heritage  
The proposed works now pertain only to the rebuilding of the random rubble, flint garden wall. The reconstruction of the random rubble flint and brick wall is welcomed. It is important to accurately reconstruct this boundary wall as the adjoining listed properties have matching walls (with small variations in materials) which contribute to the cohesiveness of the overall group. The proposal will not have any harmful impact on the character and appearance of the subject listed building or the setting of the neighbouring listed buildings or wider Montpelier and Clifton Hill conservation area. The proposal complies with policies HE1, HE3 and HE6 and is supported subject to conditions.

### **5. REPRESENTATIONS**

- 5.1. **One (1)** letter has been received objecting to the proposal on the following grounds:
- Loss of privacy from side window\*

*\*The window is associated with the previously approved rear extension (see Relevant History) and is not connected with the boundary wall which is the subject of this application.*

## **6. MATERIAL CONSIDERATIONS**

- 6.1. In accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004, this decision has been taken having regard to the policies and proposals in the National Planning Policy Framework, the Development Plan, and all other material planning considerations identified in the "Considerations and Assessment" section of the report
- 6.2. The development plan is:
- Brighton & Hove City Plan Part One (adopted March 2016);
  - Brighton & Hove Local Plan 2005 (retained policies March 2016);
  - East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (adopted February 2013);
  - East Sussex, South Downs and Brighton & Hove Waste and Minerals Sites Plan (adopted February 2017);
  - Shoreham Harbour JAAP (adopted October 2019);
- 6.3. Due weight has been given to the relevant retained policies in the Brighton & Hove Local Plan 2005 according to their degree of consistency with the NPPF.

## **7. RELEVANT POLICIES**

### The National Planning Policy Framework (NPPF)

#### Brighton & Hove City Plan Part One (CPP1)

SS1	Presumption in Favour of Sustainable Development
CP12	Urban design
CP13	Public streets and spaces
CP15	Heritage

#### Brighton & Hove Local Plan (BHLP) (retained policies March 2016)

TR7	Safe development
QD14	Extensions and alterations
QD27	Protection of amenity
HE1	Listed buildings
HE3	Development affecting the setting of a listed building
HE4	Reinstatement of original features on listed buildings
HE6	Development within or affecting the setting of conservation areas

## Brighton & Hove City Plan Part 2

Policies in the Proposed Submission City Plan Part 2 do not carry full statutory weight but are gathering weight as the Plan proceeds through its stages. They provide an indication of the direction of future policy. Since 23 April 2020, when the Plan was agreed for submission to the Secretary of State, it has gained weight for the determination of planning applications but any greater weight to be given to individual policies will need to await the outcome of the Regulation 19 consultation. The council will consider the best time to carry out the consultation after the coronavirus (Covid-19) restrictions are lifted.

### **8. CONSIDERATIONS & ASSESSMENT**

- 8.1. The main considerations in the determination of this application relate to the impact of the development on the appearance of the listed building both individually and as part of a wider group of listed buildings together with its wider impact on the Montpelier & Clifton Hill conservation area. Also of consideration are the potential impacts on the amenities of local residents, and the impact on the smooth running of the footpath the development would abut.

#### Design and Appearance

- 8.2. The proposal seeks to reinstate the flint boundary wall, matching the appearance as close as possible to that of the original and this is considered acceptable in principle. Conditions securing sample panels of the rebuilding and joinery details of the new rear gate prior to the commencement of works will be attached to the accompanying application for listed building consent, in order to secure an acceptable appearance.

#### Impact on Heritage Assets

- 8.3. In considering whether to grant planning permission which affects a listed building or its setting the Council has a statutory duty to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
- 8.4. When considering whether to grant planning permission for development in a conservation area the council has a statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the area.
- 8.5. Case law has held that the desirability of preserving a listed building or its setting or the character or appearance of a conservation area must be given "considerable importance and weight".
- 8.6. The loss of the original wall has caused some harm to the host grade II listed building and the wider terrace as viewed from the footpath to the rear of the properties. However, the reinstatement of a flint wall, which is designed to match as close as possible the appearance of the original wall, will mitigate the harm that has occurred on site.

- 8.7. On this basis it is considered that the overall impact of the works would be neutral on the listed buildings, their setting and the character of the conservation area. Accordingly, the proposal is considered acceptable in relation to these heritage assets.

Impact on Amenity

- 8.8. The proposal seeks to reinstate a boundary wall of a scale and appearance to match what has historically been in place and it is not considered that it would have any detrimental impact on the amenities of local residents.
- 8.9. The reinstatement of a permanent wall (which will replace the temporary hoarding which is in situ) will help to safeguard the amenity of residents on a long-term basis.

Impact on the Adopted Highway

- 8.10. The proposed works will not have an impact upon the Vine Place footpath, the proposed gate is inward opening and therefore are considered to be acceptable in highways terms.

Conclusion

- 8.11. The removal of the wall has impacted the special historic interest of the listed building and harms the conservation area. However, the proposal to rebuild the wall is considered to successfully address these issues. Given the need to rectify the harm in a timely manner, a condition limiting the time period for implementation of the planning permission to one year is recommended.
- 8.12. Accordingly, the proposal is considered to be in accordance with policies TR7, QD14, QD27, HE1, HE3, HE4 and HE6 of the Brighton and Hove Local Plan and CP12, CP13 and CP15 of the City Plan Part One.

- 9. EQUALITIES**  
None identified.





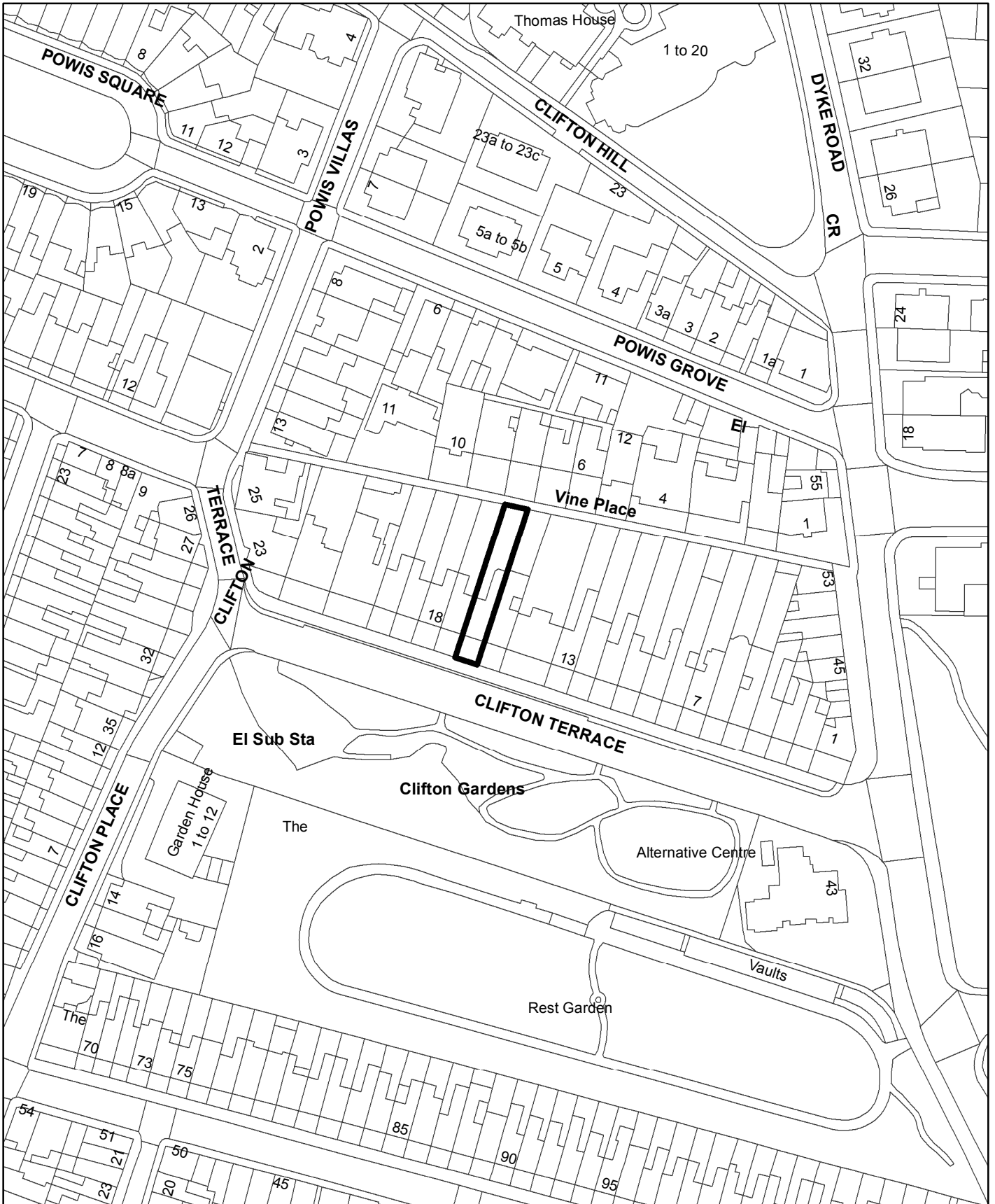
# **ITEM J**

**16 Clifton Terrace  
BH2019/02367  
Listed Building Consent**

**DATE OF COMMITTEE: 8<sup>th</sup> July 2020**



# BH2019 02367 - 16 Clifton Terrace



N



Scale: 1:1,250



<b><u>No:</u></b>	<b>BH2019/02367</b>	<b><u>Ward:</u></b>	<b>Regency Ward</b>
<b><u>App Type:</u></b>	<b>Listed Building Consent</b>		
<b><u>Address:</u></b>	<b>16 Clifton Terrace Brighton BN1 3HA</b>		
<b><u>Proposal:</u></b>	<b>Rebuilding of random rubble, brick and flint garden wall in lime mortar to the rear of the site.</b>		
<b><u>Officer:</u></b>	Jack Summers, tel: 296744	<b><u>Valid Date:</u></b>	08.08.2019
<b><u>Con Area:</u></b>	Montpelier & Clifton Hill	<b><u>Expiry Date:</u></b>	03.10.2019
<b><u>Listed Building Grade:</u></b>	Listed Building Grade II		
<b><u>Agent:</u></b>	Haworth McCall 128 Edward Street Brighton BN2 0JL		
<b><u>Applicant:</u></b>	Mr Geoff Raw 16 Clifton Terrace Brighton BN1 3HA		

This proposal is being determined by Planning Committee as it is an officer linked application.

## 1. RECOMMENDATION

- 1.1. That the Committee has taken into consideration and agrees with the reasons for the recommendation set out below and resolves to **GRANT** Listed Building Consent subject to the following Conditions and Informatives.

### Conditions:

1. The works hereby permitted shall be commenced before the expiration of one year from the date of this consent.  
**Reason:** To comply with Sections 18 (as amended) and 74 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
2. The development hereby permitted shall not be commenced until sample panels of the random rubble flintwork and the field flintwork have been made available for the Local Planning Authority to view on site. The development shall be carried out in full accordance with the approved sample panels.  
**Reason:** To ensure the satisfactory preservation of this listed building and to comply with policy HE1 of the Brighton & Hove Local Plan and CP15 of the Brighton & Hove City Plan Part One.
3. The works hereby permitted shall not take place until full details of the proposed ledge and brace door including 1:20 scale sample elevations and 1:1 scale joinery profiles have been submitted to and approved in writing by the Local Planning Authority. The works shall be implemented in strict accordance with the agreed details and shall be retain thereafter.  
**Reason:** As insufficient information has been submitted, to ensure the satisfactory preservation of this listed building and to comply with policy HE1 of the Brighton & Hove Local Plan and CP15 of the Brighton & Hove City Plan Part One.

### Informatives:

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

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Location and block plan	469/100	B	1 June 2020
Proposed Drawing	469/300	D	1 June 2020

## 2. **SITE LOCATION & APPLICATION DESCRIPTION**

- 2.1. No.16 Clifton Terrace is a grade II listed building that forms part of a listed group including numbers 1-23 (consecutive). It is located within the Montpelier and Clifton Hill conservation area.
- 2.2. The properties date to c1850 and are treated as broad double-fronted villas with ground floor verandahs, but in two storey terraced form rising to three storeys at the central block. The terrace is south-facing and sits on a raised pavement that overlooks private gardens on the south side of the road. No.16 is just to the left (west) of the central block and like the other two storey houses now has an attic storey, with a tripartite front dormer dating from the 1920s. To the rear is the original outrigger which adds to the building's significance. The property is bound to the rear by Vine Place a pedestrian footpath that links Powis Villas with Dyke Road.
- 2.3. Listed Building Consent is sought for the reinstatement of the historic flint boundary wall to the rear of the property. Due to its structural instability creating a potential safety hazard the wall had to be taken down in 2019. However, the original flint-work has been retained with the intention to reinstate the wall. There is an accompanying application for planning permission.
- 2.4. *It should be noted that this application originally also covered some works concerning the main dwellinghouse, but these have been removed from the description and are expected to be covered by a separate application in the future.*

## 3. **RELEVANT HISTORY**

- 3.1. **BH2016/06433 & BH2016/06434** Demolition of existing rear conservatory and erection of two storey rear extension, insertion of windows to front elevation, internal alterations to layout, landscaping and other associated works. Approved

## 4. **REPRESENTATIONS**

None

## 5. **CONSULTATIONS**

- 5.1. Heritage

The proposed works now pertain only to the rebuilding of the random rubble, flint garden wall. As assessed above, the reconstruction of the random rubble flint and brick wall is welcomed. It is important to accurately reconstruct this boundary wall as the adjoining listed properties have matching walls (with small variations in materials) which contribute to the cohesiveness of the overall group. The proposal will not have any harmful impact on the character and appearance of the subject listed building or the setting of the neighbouring listed buildings or wider Montpelier and Clifton Hill conservation area. The proposal complies with policies HE1, HE3 and HE6 and is supported subject to conditions.

## 6. MATERIAL CONSIDERATIONS

- 6.1. In accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004, this decision has been taken having regard to the policies and proposals in the National Planning Policy Framework, the Development Plan, and all other material planning considerations identified in the "Considerations and Assessment" section of the report
- 6.2. The development plan is:
- Brighton & Hove City Plan Part One (adopted March 2016);
  - Brighton & Hove Local Plan 2005 (retained policies March 2016);
  - East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (adopted February 2013);
  - East Sussex, South Downs and Brighton & Hove Waste and Minerals Sites Plan (adopted February 2017);
  - Shoreham Harbour JAAP (adopted October 2019)
- 6.3. Due weight has been given to the relevant retained policies in the Brighton & Hove Local Plan 2005 according to their degree of consistency with the NPPF.

## 7. RELEVANT POLICIES

### The National Planning Policy Framework (NPPF)

#### Brighton & Hove City Plan Part One (CPP1)

SS1	Presumption in Favour of Sustainable Development
CP15	Heritage

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

HE1	Listed buildings
HE3	Development affecting the setting of a listed building
HE4	Reinstatement of original features on listed buildings
HE6	Development within or affecting the setting of conservation areas
HE8	Demolition in conservation areas

#### Brighton & Hove City Plan Part 2

Policies in the Proposed Submission City Plan Part 2 do not carry full statutory weight but are gathering weight as the Plan proceeds through its stages. They provide an indication of the direction of future policy. Since 23 April 2020, when the Plan was agreed for submission to the Secretary of State, it has gained weight for the determination of planning applications but any greater weight to be given to individual policies will need to await the outcome of the Regulation 19 consultation. The council will consider the best time to carry out the consultation after the coronavirus (Covid-19) restrictions are lifted.

## **8. CONSIDERATIONS & ASSESSMENT**

- 8.1. The main considerations in the determination of this application relate to the potential impacts on the significance of heritage assets.

### Impact on Heritage Assets

- 8.2. When considering whether to grant planning permission for development in a conservation area the council has a statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the area.
- 8.3. In considering whether to grant planning permission which affects a listed building or its setting the Council has a statutory duty to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
- 8.4. Case law has held that the desirability of preserving a listed building or its setting or the character or appearance of a conservation area must be given "considerable importance and weight".
- 8.5. The loss of the historic flint boundary wall has caused harm to the historic significance of the host building, the wider terrace and the Montpelier & Clifton Hill conservation area. The reinstatement of the wall to match its previous appearance is therefore supported as this will mitigate the harm which has currently taken place.
- 8.6. Conditions are proposed requiring further details to be submitted regarding the flint-work itself and on the joinery associated with the gate, in order to ensure that the works correspond to the historic detailing and fabric of the listed building. As with the application for planning permission it is considered appropriate to limit the time period for implementation to one year to ensure the impact of the harm is appropriately time limited.
- 8.7. For these reasons and subject to the recommended conditions the proposal is considered to be in accordance with policies HE1, HE3, HE4 and HE6 of the Brighton and Hove Local Plan and CP15 of the City Plan Part One.

## **9. EQUALITIES**

None identified.



# PLANNING COMMITTEE

## Agenda Item

Brighton & Hove City Council

### NEW APPEALS RECEIVED 11/06/2020 – 26/06/2020

<b><u>WARD</u></b>	<b>HOVE PARK</b>
<b><u>APPEALAPPNUMBER</u></b>	BH2020/00501
<b><u>ADDRESS</u></b>	5 Windsor Close Hove BN3 6WQ
<b><u>DEVELOPMENT DESCRIPTION</u></b>	Part retrospective application for the existing roof alterations, replacement of all windows, erection of rear raised decking and associated works. Proposed revisions to existing rear dormer and associated works.
<b><u>APPEAL STATUS</u></b>	APPEAL IN PROGRESS
<b><u>APPEAL RECEIVED DATE</u></b>	17/06/2020
<b><u>APPLICATION DECISION LEVEL</u></b>	Delegated

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<b><u>WARD</u></b>	<b>HOVE PARK</b>
<b><u>APPEALAPPNUMBER</u></b>	BH2020/00755
<b><u>ADDRESS</u></b>	6 Nevill Road Hove BN3 7BQ
<b><u>DEVELOPMENT DESCRIPTION</u></b>	Erection of single storey rear timber pergola with perspex roof and privacy screening.
<b><u>APPEAL STATUS</u></b>	APPEAL IN PROGRESS
<b><u>APPEAL RECEIVED DATE</u></b>	18/06/2020
<b><u>APPLICATION DECISION LEVEL</u></b>	Delegated

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<b><u>WARD</u></b>	<b>MOULSECOOMB AND BEVENDEAN</b>
<b><u>APPEALAPPNUMBER</u></b>	BH2019/02450
<b><u>ADDRESS</u></b>	Land Adjacent To 69 Hillside Brighton BN2 4TF
<b><u>DEVELOPMENT DESCRIPTION</u></b>	Demolition of existing garage and erection of 1no 3 bedroom attached dwelling to form a three house terrace, creation of drop down kerb and parking area for existing dwelling with associated landscaping.
<b><u>APPEAL STATUS</u></b>	APPEAL IN PROGRESS
<b><u>APPEAL RECEIVED DATE</u></b>	11/06/2020
<b><u>APPLICATION DECISION LEVEL</u></b>	Delegated

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<b><u>WARD</u></b>	<b>MOULSECOOMB AND BEVENDEAN</b>
<b><u>APPEALAPPNUMBER</u></b>	BH2019/03433
<b><u>ADDRESS</u></b>	95 Heath Hill Avenue Brighton BN2 4FH



#### **APPEAL DECISIONS FOR THE PERIOD BETWEEN 12/06/2020 AND 23/06/2020**

**WARD****EAST BRIGHTON****APPEAL APPLICATION NUMBER**

APL2020/00071

**ADDRESS**

Flat 7 47 Eaton Place Brighton BN2 1EG

**DEVELOPMENT DESCRIPTION**

Replacement of single glazed, timber framed sash windows with double glazed, uPVC sash windows.

**APPEAL TYPE**

Against Refusal

**APPEAL DECISION**

APPEAL DISMISSED

**PLANNING APPLICATION NUMBER**

BH2019/03129

**APPLICATION DECISION LEVEL**

Delegated

**WARD****HANOVER AND ELM GROVE****APPEAL APPLICATION NUMBER**

APL2020/00049

**ADDRESS**

185 Elm Grove Brighton BN2 3EL

**DEVELOPMENT DESCRIPTION**

Display of 1no internally illuminated digital LED poster to replace existing poster and paste billboard.

**APPEAL TYPE**

Approval of Conds-against refusal P1 Fast Tk

**APPEAL DECISION**

APPEAL DISMISSED

**PLANNING APPLICATION NUMBER**

BH2019/02541

**APPLICATION DECISION LEVEL**

Delegated

**WARD****MOULSECOOMB AND BEVENDEAN****APPEAL APPLICATION NUMBER**

APL2020/00033

**ADDRESS**

15 Norwich Drive Brighton BN2 4LA

**DEVELOPMENT DESCRIPTION**

Change of use from six bedroom small house in multiple occupation (C4) to eight bedroom house in multiple occupation (Sui Generis).

**APPEAL TYPE**

Against Refusal

**APPEAL DECISION**

APPEAL ALLOWED

**PLANNING APPLICATION NUMBER**

BH2019/02995

**APPLICATION DECISION LEVEL**

Delegated

**WARD****NORTH PORTSLADE****APPEAL APPLICATION NUMBER**

APL2020/00065

**ADDRESS**

12 Southon Close Portslade BN41 2RX

**DEVELOPMENT DESCRIPTION**

Erection of first floor extension and dormer.

**APPEAL TYPE**

Against Refusal

**APPEAL DECISION**

APPEAL DISMISSED

**PLANNING APPLICATION NUMBER**

BH2019/03200

<u>APPLICATION DECISION LEVEL</u>	Delegated
<b><u>WARD</u></b>	<b>QUEEN'S PARK</b>
<u>APPEAL APPLICATION NUMBER</u>	APL2020/00073
<u>ADDRESS</u>	4 College Place Brighton BN2 1HN
<u>DEVELOPMENT DESCRIPTION</u>	Installation of front dormer and replacement windows to front elevation (part-retrospective).
<u>APPEAL TYPE</u>	Against Refusal
<u>APPEAL DECISION</u>	APPEAL ALLOWED
<u>PLANNING APPLICATION NUMBER</u>	BH2019/03619
<u>APPLICATION DECISION LEVEL</u>	Delegated
<b><u>WARD</u></b>	<b>ST. PETER'S AND NORTH LAINE</b>
<u>APPEAL APPLICATION NUMBER</u>	APL2020/00021
<u>ADDRESS</u>	7 Queens Road Brighton BN1 3WA
<u>DEVELOPMENT DESCRIPTION</u>	Appeal against S172 Enforcement Notice
<u>APPEAL TYPE</u>	Against Enforcement Notice
<u>APPEAL DECISION</u>	APPEAL DISMISSED
<u>PLANNING APPLICATION NUMBER</u>	
<u>APPLICATION DECISION LEVEL</u>	Not Assigned
<b><u>WARD</u></b>	<b>WESTBOURNE</b>
<u>APPEAL APPLICATION NUMBER</u>	APL2020/00042
<u>ADDRESS</u>	13 And 14 Sheridan Terrace Hove BN3 5AE
<u>DEVELOPMENT DESCRIPTION</u>	Change of use of no13 from Sui Generis to form 9no residential flats (C3) incorporating creation of additional second floor with front terrace. Change of use of no14 from Sui Generis to B1(a) office space incorporating part demolition of rear and creation of additional first floor. Alterations to fenestration to both properties and associated works.
<u>APPEAL TYPE</u>	Against Non-determination
<u>APPEAL DECISION</u>	APPEAL ALLOWED
<u>PLANNING APPLICATION NUMBER</u>	BH2019/03648
<u>APPLICATION DECISION LEVEL</u>	Not Assigned
<b><u>WARD</u></b>	<b>WESTBOURNE</b>
<u>APPEAL APPLICATION NUMBER</u>	APL2020/00072
<u>ADDRESS</u>	32 Hove Street Hove BN3 2DH
<u>DEVELOPMENT DESCRIPTION</u>	Erection of side and rear dormers, installation of 1no front rooflight, replacement roof and re-painting of elevations (retrospective). Erection of front boundary wall & pier and paving to front & rear gardens.
<u>APPEAL TYPE</u>	Against Refusal
<u>APPEAL DECISION</u>	SPLIT DECISION

PLANNING APPLICATION NUMBER BH2019/03140  
APPLICATION DECISION LEVEL Delegated

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**WARD**

**WITHDEAN**

APPEAL APPLICATION NUMBER

APL2020/00048

ADDRESS

56 Surrenden Road Brighton BN1 6PS

DEVELOPMENT DESCRIPTION

Alterations to front boundary incorporating creation of hardstanding and crossover, revised fenestration to the gable balcony and any associated works.

APPEAL TYPE

Against Refusal

APPEAL DECISION

APPEAL DISMISSED

PLANNING APPLICATION NUMBER

BH2019/02236

APPLICATION DECISION LEVEL

Delegated

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