

Planning Committee

Date: **2 September 2020**

Time: **2.00pm**

Venue **Virtual Skype Meeting**

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 engagement opportunities will be available.

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

Conservation Advisory Group Representative

Contact: **Shaun Hughes**
Democratic Services Officer
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AGENDA

32 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.

33 MINUTES OF THE PREVIOUS MEETING

Minutes of the meeting held on 5 August 2020 will be circulated separately.

34 CHAIR'S COMMUNICATIONS

35 PUBLIC QUESTIONS

Written Questions: to receive any questions submitted by the due date of 12 noon on 27 August 2020.

36 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.

37 TO CONSIDER AND DETERMINE PLANNING APPLICATIONS

The Democratic Services Officer will call over each of the applications appearing on the agenda. Those items with 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 | BH2020/00917 - 1-3 Ellen Street, Hove - Full Planning | 1 - 102 |
| B | BH2020/01403 - 64-68 Palmeira Avenue & 72-73 Cromwell Road, Hove - Full Planning | 103 - 166 |

MINOR APPLICATIONS

- | | | |
|---|---|------------------|
| C | BH2020/01275 - Dubarry House, Hove Park Villas, Hove – Full Planning | 167 - 194 |
| D | BH2020/01319 - 23 Shirley Drive, Hove - Full Planning | 195 - 222 |
| E | BH2020/00505 - 99-100 North Road & 42 Vine Street, Brighton – Full Planning | 223 - 252 |
| F | BH2020/01791 - 28-29 George Street, Hove - Full Planning | 253 - 264 |
| G | BH2020/00995 - 90 Southall Avenue, Brighton - Full Planning | 265 - 280 |
| H | BH2020/01691 - 13 Landseer Road, Hove - Full Planning | 281 - 292 |

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

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.

INFORMATION ITEMS

39 LIST OF NEW APPEALS LODGED WITH THE PLANNING INSPECTORATE 293 - 296

(copy attached).

40 INFORMATION ON INFORMAL HEARINGS/PUBLIC INQUIRIES 297 - 298

(copy attached).

41 APPEAL DECISIONS 299 - 304

(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) or email 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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If the fire alarm sounds continuously, or if you are instructed to do so, you must leave the building by the nearest available exit. You will be directed to the nearest exit by council staff. It is vital that you follow their instructions:

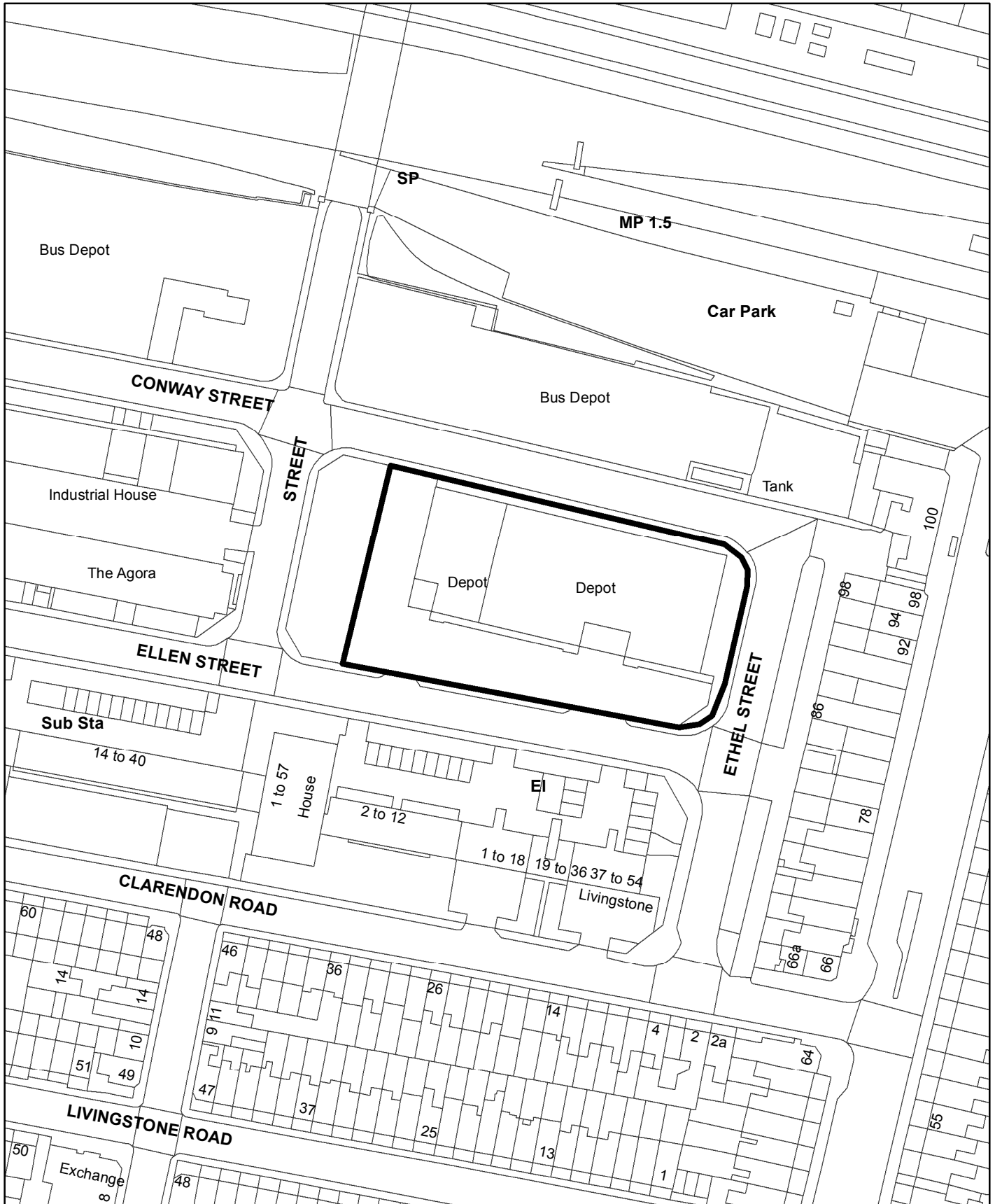
- You should proceed calmly; do not run and do not use the lifts;
- Do not stop to collect personal belongings;
- Once you are outside, please do not wait immediately next to the building, but move some distance away and await further instructions; and
- Do not re-enter the building until told that it is safe to do so.

ITEM A

**Unit 1-3 Ellen Street
BH2020/00917
Full Planning**

DATE OF COMMITTEE: 2nd September 2020

BH2020 00917 - Unit 1-3 Ellen Street



N



Scale: 1:1,250

| | | | |
|--------------------------------------|---|----------------------------|----------------------|
| <u>No:</u> | BH2020/00917 | <u>Ward:</u> | Goldsmid Ward |
| <u>App Type:</u> | Full Planning | | |
| <u>Address:</u> | Unit 1-3 Ellen Street Hove BN3 3LN | | |
| <u>Proposal:</u> | Demolition of existing buildings & redevelopment to provide a mixed-use scheme comprising commercial floorspace (flexible commercial & community floorspace & residential units (C3 use), together with associated car & cycle parking, plant, supporting facilities, amenity space, landscaping & infrastructure works. | | |
| <u>Officer:</u> | Robin Hodgetts, Henrietta Ashun, tel: 292366 Or 295783 | <u>Valid Date:</u> | 02.04.2020 |
| <u>Con Area:</u> | | <u>Expiry Date:</u> | 02.07.2020 |
| <u>Listed Building Grade:</u> | | <u>EOT:</u> | |
| <u>Agent:</u> | Savills 33 Margaret Street London W1G 0JD | | |
| <u>Applicant:</u> | Watkin Jones Group C/O Savills 33 Margaret Street London W1G 0JD | | |

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 **2nd October 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:

Build to Rent Housing:

- A restriction that all homes are held as 'Build to Rent' under a covenant for at least 15 years
- Inclusion of a 'clawback' arrangement to fund the consequent affordable housing requirement in the event of any private rented housing being sold or taken out of the Build to Rent sector based on values of units at that particular time (as assessed for viability) within the 15 year covenant period.
- All units to be self-contained and let separately under unified ownership and management
- Submission of a Management and Servicing Agreement

- Submission of a Tenancy Agreement, for example of at least 3 years available to all tenants (unless tenants agree a lesser period) with a break clause of 1 month after initial 6m months. No upfront fees of any kind except deposits and rent in advance
- A minimum of 5% of all residential units to be built to wheelchair accessible standard and evidenced before first occupation. Marketing Agreement to include provision that all reasonable endeavours will be used to ensure wheelchair units are matched with disabled tenants.

Affordable housing:

- Provision of **10%** affordable housing habitable rooms on site based on rent levels 75% of market level
- Provision of an affordable housing mix. The location of these affordable units may vary over time within the scheme however the reduced rent levels and overall mix of sizes shall remain the same.
- Affordable housing units to be secured in perpetuity and inclusion of a mechanism to 'clawback' the value of the affordable housing provision based on values of the specific units at that particular time if circumstances arise where the all or part of a build to rent scheme is sold or converted to another tenure.
- Provision of Affordable Housing Management Plan and Marketing and Lettings Plan, with eligibility criteria for occupants to be agreed with council with priority for local people/essential local workers/wheelchair or disabled users
- Restriction of a set service charge for affordable tenants (for example to secure as a percentage maximum ceiling on gross income of affordable housing tenants)
- Provision of Annual Statement, confirming approach to letting of affordable units and identifying how overall 10% level, range of sizes, rent levels are maintained and other relevant information
- Viability Review mechanism

Education

- A financial contribution of **£125,991** for secondary school and sixth form education (Blatchington Mill and Hove Park Schools)

Public art

- Commissioning and installation of an Artistic Component to the value of **£97,340** 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.

Open space and recreation/sports:

- Provision of a financial contribution of **£497,364.15** towards enhancement of outdoor/indoor sports, parks and gardens, children's play space, allotments, amenity greenspace and semi-natural space at the following locations:

- Outdoor sport (£120,272.86) – Withdean Sports Complex, Nevill Recreation Ground or Hove Park
- Indoor sport (£79,086) – Withdean and King Alfred (existing or replacement)
- Children's Play (£11,737.29) - Hove Park, Stoneham Park, St Ann's Wells Garden, Sea front Squares & Wish Park
- Parks and Gardens (£176,032.52) -Hove Park and/or Stoneham Park and/or Davis Park and/or St Ann's Wells Garden and/or Sea front Squares and/or Wish Park and/or Hove lawns.
- Allotments (£17,261.73)
- Amenity Green Space - (£14,113.70) - Hove Park and/or Stoneham Park and/or Davis Park and/or St Ann's Wells Garden and/or Sea front Squares and/or Wish Park and/or Hove lawns and/or Small grassed areas and verges, within 1mile radius.
- Natural and semi-natural - (£)Hove Park and/or Stoneham Park and/or Davis Park and/or St Ann's Wells Garden and/or Sea front Squares and/or Wish Park and/or Hove lawns and/or existing tree lined streets, within 1mile radius and/or small grassed areas and verges, within 1mile radius.

Employment:

- Submission of an Employment & Training Strategy to secure the use of at least 20% local construction labour
- A financial contribution of **£60,800** towards the Local Employment Scheme

Sustainable Transport and Highways:

Sustainable Transport Contribution of £12,000 towards the following

- Dropped kerb improvements on but not limited to the following junctions:
 - Clarendon Road at the junction with Ethel Road running north to south;
 - Junction of Goldstone Street with Livingstone Street (east side running north to south);
 - Junction of Goldstone Street with Shirley Street (east side running north to south);
 - Junction of Goldstone Street with Goldstone Road (east side running north to south)

Highway Works (varipus)

- Conway Street – a reconfigured arrangement
- Provision of dropped kerb crossings on Clarendon Road at the junction with Ethel Road running north to south, Goldstone Street with Livingstone Street (east side running north to south), Goldstone Street with Shirley Street (east side running north to south) and Goldstone Street with Goldstone Road (east side running north to south) as per permitted scheme BH2016/02663
- Introduction of raised pedestrian crossings on the Conway Street approaches to the Goldstone Street and Ethel Street junctions, as well as on the Ellen Street approach to Ethel Street

- General public realm improvements to Conway Street, the northern side of Ellen Street, the western side of Ethel Street, eastern side of Fonthill Road
- Closure of 2 x existing site accesses on Ellen Street and reinstatement of the footway at these locations, to include comprehensive repaving of the footway with high visual quality surfacing
- Amendments to on-street parking and the proposed introduction of two car club parking bays
- Pedestrian and cyclist accessibility improvements to the existing steps between Conway Street and Goldstone Villas at the western end of the former,
- Provision of new/replacement street lighting, including but not limited to feeder pillar, gear, lanterns, brackets and columns, to the following areas
- Any other reasonable works associated with any of the above
- Dedication of additional land with the application site as adopted highway to compensate for obstructions to pedestrian access along existing footways by any aspects of the proposals

Residential and Employee Travel Plans

(details to be included within the late list)

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 |
|--------------------------------------|------------------|----------------|----------------------|
| To be completed within the late list | | | |

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.
 - A. No works shall take place until a Demolition and Environmental Management Plan has been submitted to and approved in writing by the local planning authority which shall include:
 - (i) The phases of the Proposed Demolition Phases 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, businesses and elected members to ensure that they are all kept aware of site progress during the demolition phase and how any complaints will be dealt with reviewed and recorded (including details of any considerate constructor or similar scheme);

- (iv) A scheme of how the contractors will minimise complaints from neighbours regarding issues such as noise, dust management, vibration, site traffic, parking by staff and contractors and the removal of waste from the site;
 - (v) Details of hours of operation including all associated vehicular movements;
 - (vi) Details of the measures to manage local traffic movements around this (including those by pedestrians and cyclists) and any associated on-street restrictions and other measures necessary to minimise congestion on the highway and permit safe access by site vehicles;
 - (vii) A plan showing traffic routes for vehicles during the demolition and clearance of demolition waste phases;
 - (viii) A scheme to minimise congestion, delays and disturbances to traffic and public transport services in the vicinity of the site owing to staff and contractor car parking and site traffic. This will include the identification of areas for staff and contractor parking. The scheme shall be informed by 16 hour parking stress surveys of the streets and public car parks in the vicinity of the site. These shall be carried out in accordance with the Lambeth methodology and shall be conducted on one neutral weekday and one Saturday, with the survey extent, dates and times to be agreed in advance with the Council;
 - (ix) An audit of all waste generated during demolition works.
- B. Upon completion of Phase A, no construction or site preparatory works shall take place until a Construction and Environmental Management Plan has been submitted to and approved in writing by the local planning authority which shall include:
- (i) The Construction phases of the Proposed Development including the forecasted completion date(s);
 - (ii) A scheme of how the contractors will liaise with local residents, businesses and elected members to ensure that they are all 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);
 - (iii) A scheme of how the contractors will minimise complaints from neighbours regarding issues such as noise, dust management, vibration, site traffic, parking by staff and contractors and deliveries to and from the site;
 - (iv) Details of hours of construction including all associated vehicular movements;
 - (v) Details of the construction compound, including the proposed location, design and construction of vehicular accesses to this from the highway, associated measures to manage local traffic movements around this (including those by pedestrians and cyclists) and any associated on-street restrictions and other measures necessary to minimise congestion on the highway and permit safe access by site vehicles;
 - (vi) A plan showing construction traffic routes;

(vii) A scheme to minimise congestion, delays and disturbances to traffic and public transport services in the vicinity of the site owing to staff and contractor car parking and site traffic. This will include the identification of areas for staff and contractor parking. The scheme shall be informed by 16 hour parking stress surveys of the streets and public car parks in the vicinity of the site. These shall be carried out in accordance with the Lambeth methodology and shall be conducted on one neutral weekday and one Saturday, with the survey extent, dates and times to be agreed in advance with the Council;

(viii) An audit of all waste generated during construction works.

The demolition and construction phases shall be carried out in accordance with the approved CEMPs

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.

4. Prior to the development being brought into use, a verification report demonstrating the completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to, and approved in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.

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.

5. No development hereby permitted shall commence until a remediation strategy to deal with the risks associated with contamination of the site in respect of the development parcel hereby permitted, has been submitted to, and approved in writing by, the local planning authority. This strategy will include the following components:

1. A preliminary risk assessment which has identified:
 - all previous uses,
 - potential contaminants associated with those uses,
 - a conceptual model of the site indicating sources, pathways and receptors,
 - potentially unacceptable risks arising from contamination at the site
2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site.
3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and

remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.
5. A verification report demonstrating the completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to, and approved in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.

Any changes to these components require the written consent of the local planning authority. The scheme shall be implemented as approved.

Reason: As this matter is fundamental to the acceptable delivery of the permission and to prevent pollution of controlled waters by ensuring the provision of a satisfactory means of surface water disposal and to comply with policy SU3 of the Brighton & Hove Local Plan and paragraph 170 of the National Planning Policy Framework

6. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to, and approved in writing by, the local planning authority. The remediation strategy shall be implemented as approved.

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

7. No drainage systems for the infiltration of surface water to the ground are permitted other than with the written consent of the local planning authority. Any proposals for such systems must be supported by an assessment of the risks to controlled waters. The development shall be carried out in accordance with the approved details.

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. No development apart from demolition shall take place until a detailed design and associated management and maintenance plan of surface water drainage for the site using sustainable drainage methods as per the recommendations of the Flood Risk Assessment & Drainage Strategy (Ref: 1727-ISS-XX-XX-RP-C-0003) has been submitted to and approved in writing by the Local Planning Authority. The approved drainage system shall be implemented in accordance with the approved detailed design prior to the building commencing.

Reason: To ensure that the principles of sustainable drainage are incorporated into this proposal in accordance with Policy CP11 of the City Plan Part One.

9. Piling and investigation boreholes using penetrative methods shall not be carried out other than with the written consent of the local planning authority. The development shall be carried out in accordance with the approved details.
Reason: Piling or any other foundation designs using penetrative methods can result in risks to potable supplies from, for example, pollution / turbidity, risk of mobilising contamination, drilling through different aquifers and creating referential pathways. Thus it should be demonstrated that any proposed piling will not result in contamination of groundwater in accordance with policy SU3 of the Brighton & Hove Local Plan
10. No development shall take place other than demolition until the applicant has secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority.
Reason: To ensure that the archaeological and historical interest of the site is safeguarded and recorded to comply with policy HE12 of the Brighton & Hove Local Plan and CP15 of the Brighton & Hove City Plan Part One
11. No part of the development hereby permitted shall be brought into use until the archaeological site investigation and post – investigation assessment (including provision for analysis, publication and dissemination of results and archive deposition) for that phase has been completed and approved in writing by the Local Planning Authority. The archaeological site investigation and post - investigation assessment will be undertaken in accordance with the programme set out in the written scheme of investigation approved under condition 10.
Reason: To ensure that the archaeological and historical interest of the site is safeguarded and recorded to comply with policy HE12 of the Brighton & Hove Local Plan and CP15 of the Brighton & Hove City Plan Part One.
12. Prior to the commencement of development hereby approved (other than demolition works and enabling works, and works to trees), evidence should be submitted to demonstrate that the energy plant/room(s) have capacity to connect to a future district heat network in the area. Evidence should demonstrate the following:
 - A route onto and through site: space on site for the pipework connecting the point at which primary piping enters the site with the on-site heat exchanger/ plant room/ energy centre. Proposals must demonstrate a plausible route for heat piping and demonstrate how suitable access could be gained to the piping and that the route is protected throughout all planned phases of development.
 - Metering: installed to record flow volumes and energy delivered on the primary circuit.

Reason: To ensure that the development is sustainable and makes efficient use of energy to comply with policies CP8 and DA4 of the Brighton & Hove City Plan Part One.

13. No development above ground floor slab level of any part of the development hereby permitted shall take place until details of the construction maintenance and irrigation programme of the green roofs have been submitted to and approved in writing by the Local Planning Authority. The details shall include a cross section, construction method statement, the seed mix, and a maintenance and irrigation programme. The roofs shall then be constructed in accordance with the approved details and shall be retained as such thereafter.
Reason: To ensure that the development contributes to ecological enhancement on the site and in accordance with policy CP10 of the Brighton & Hove City Plan Part One
14. No development above ground floor slab level prior to commencement of that stage of works shall take place until full details of door(s) and window(s) 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. Details shall be implemented as approved.
Reason: To ensure a satisfactory appearance to the development and to comply with policy HE6 of the Brighton & Hove Local Plan and CP12 and CP15 of the Brighton & Hove City Plan Part One.
15. Within 6 months of first occupation of the non-residential units hereby permitted a BREEAM Building Research Establishment Post Construction Review Certificate must be issued confirming that the non-residential development built has achieved a minimum BREEAM New Construction rating of 'Excellent' and such certificate shall have 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.
16. No development above ground floor slab level 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,
 - c) samples 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.

17. 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.

18. No development shall take place above ground floor slab level until an ecological design strategy (EDS) addressing enhancement of the site for biodiversity, incorporating the recommendations made in the Preliminary Ecological Appraisal Report (Greengage, March 2020) and the Bat Emergence Survey Report (Greengage, May 2020) 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, and to provide a net gain for biodiversity as required by Section 40 of the Natural Environment and Rural Communities Act 2006, paragraphs 170 and 175 of the National Planning Policy Framework, and Policy CP10 of the Brighton & Hove City Council City Plan Part One.

19. 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.

20. Prior to occupation of any development 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.

21. Notwithstanding the submitted plans hereby including details confirming adequate operational capacity for the relevant bin stores 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 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

22. Notwithstanding the submitted drawings prior to occupation 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 (including areas of specific landscaping to minimise wind speeds in communal amenity areas);
- b. a schedule detailing sizes and numbers/densities of all proposed trees/plants which shall include details of appropriate shade tolerant species and 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. Shade-tolerant species of a mixture of native and exotic origin that are capable of thriving on the specific soil type found on the site should be included where planting locations receive low levels of annual sunlight,

- d. Measures to promote healthy root growth such as mulching and shared root trenches between planted specimens shall be included in the landscaping proposals to maximise the survival rate of replacement trees;
- e. details of all proposed boundary treatments to include type, position, design, dimensions and materials;
- f. details, furniture and equipment for specific amenity areas including, children's play area and games areas;
- g. details of all screening within amenity areas for the protection of privacy
- h. details of food growing areas for residents
- i. 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 of the Brighton & Hove Local Plan and CP12 and CP13 of the Brighton & Hove City Plan Part One and Policy QD16 of the Local Plan.

23. Prior to first occupation details of the photovoltaic array referred to in the Energy Statement 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 and retained as such thereafter.

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.

24. The development hereby permitted shall not be occupied until details showing the type, number, location and timescale for implementation of swift, bat and bee 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.

25. No more than 75 percent of the build to rent residential units hereby permitted shall be occupied prior to the completion of the Shell and Core of all the B1 floorspace, unless otherwise agreed in writing with the local planning authority.

Reason: To safeguard the supply of office floorspace in the city given the identified shortage and to comply with policies CP3 and DA6 of Brighton & Hove City Plan Part One.

26. 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.

27. No customers of the hereby permitted commercial units shall remain on the premises outside the hours of 07.00 to 23.00 for the F.2 uses and outside the hours of 06.00 to 23.00 for the E use. No activity associated with the operation of the uses within the site shall take place between the hours of 23.30 and 05.30 daily.
Reason: To safeguard the amenities of the locality and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan
28. The Tenant Management Plan shall be implemented as hereby approved and complied with for the duration of the development unless otherwise agreed with the Local Planning Authority,
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.
29. The report recommendations as set out in the Noise and Vibration Assessment Reference 7937/FD/BL) shall be implemented as hereby approved and complied with for the duration of the development. The mitigation measures and design features required for the users of the site and those living and working nearby shall be provided in accordance with BS8233. WHO standards and ProPG guidance
Reason: To protect the amenity of future residential and commercial occupiers of the development and to protect the amenity nearby residents, in accordance with policies SU10 and QD27 of the Brighton & Hove Local Plan.
30. The communal roof terrace amenity spaces hereby approved shall only be used by occupiers between the hours of 7am-11.00pm 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.
31. The wheelchair accessible dwelling(s) hereby permitted as detailed on the approved drawings 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.

32. No residential unit hereby approved shall be occupied until it has achieved an energy efficiency standard of a minimum of 19% CO2 improvement over Building Regulations requirements Part L 2013 (TER Baseline).
Reason: To ensure that the development is sustainable and makes efficient use of energy to comply with policy CP8 of the Brighton & Hove City Plan Part One.
33. No residential unit approved shall be occupied until it 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.
34. 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.
35. No cables, wires, aerials, pipework (except rainwater downpipes as shown on the approved plans), meter boxes or flues shall be fixed to any elevation facing a highway.
Reason: To safeguard the appearance of the building and the visual amenities of the locality and to comply with policy CP12 of the Brighton & Hove City Plan Part One.
36. The office floorspace hereby permitted shall be used solely as an office (Use Class E and for no other purpose (including any other purpose in Class E 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 and DA6 of Brighton & Hove City Plan Part One.

37. The flexible E/F.2 space shall be used for flexible E/F.2 space only and for no other purpose (including any other purpose in Class E 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 and also to safeguard the amenities of the area and to comply with policies CP3 and QD27 of Brighton & Hove City Plan Part One.
38. Notwithstanding the approved plans, prior to first occupation of the residential development hereby approved full details of privacy screens to the balconies shall be submitted to and approved in writing by the Local Planning Authority. The approved screening shall prevent overlooking and shall be carried out in full as approved prior to first occupation of the development and thereafter permanently retained as such.
Reason: To protect the privacy of neighbouring occupiers in accordance with policy QD27 of the Brighton and Hove Local Plan.
39. Notwithstanding the approved plans, no development above ground floor slab level hereby permitted shall take place until details of the commercial ground floor frontages have been submitted to and approved in writing by the Local Planning Authority.
Reason: To ensure a satisfactory appearance to the development and to comply with policies DA6, CP12 and CP13 of the Brighton & Hove City Plan Part One.
40. Notwithstanding the approved plans, the windows in the western most elevation of the seven storey building facing the adjoining site to the west shall be obscure glazed and non-opening, unless the parts of the window(s) which can be opened are more than 1.7 metres above the floor of the room in which the window is installed, and thereafter permanently retained as such.
Reason: To ensure the proposed development does not prejudice any future development on the neighbouring site in keeping with the objectives of Policy DA6 of the Brighton and Hove City Plan Part One.
41. Notwithstanding the approved plans, no development above ground floor slab level hereby permitted shall take place until details of the western façade treatment of the seven storey building on the western extent of the site have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure a satisfactory appearance to the development and to comply with policies DA6, CP12 and CP13 of the Brighton & Hove City Plan Part One.

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

Reason: To reduce the risk of flooding and pollution and increase the level of sustainability of the development and to comply with policies CP8 & CP11 of the Brighton & Hove City Plan Part One.

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

- a. Details of arrangements for arrivals and departures
- b. Details of management
- c. Details of facilities provided, in connection with the commercial and residential uses, if any

The agreed Community Use Building Management Plan shall be implemented as approved.

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.

44. No development above ground floor slab level in any development parcel hereby permitted shall take place until a scheme for the suitable treatment of all plant and machinery against the transmission of sound and/or vibration for the development parcel 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.

45. The glazed frontages to the ground floor non-residential uses on Conway Street, Ethel Street and Ellen Street shall be fitted with clear glass which 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.

46. 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 proposed development have no entitlement to a resident's parking permit; and the entitlement of resident's to visitor permits shall be 25 permits per unit per year.

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

47. Notwithstanding plans hereby permitted, prior to commencement of development, details of secure, accessible and inclusive cycle parking facilities for the occupants of, and visitors to, the development, and for the management thereof, shall have been submitted to and approved in writing by the Local Planning Authority. This should include a cycle parking scheme management plan. 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 the 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 National Planning Policy Framework Paragraph 110.

48. Prior to first occupation of the development hereby permitted, full details of electric vehicle charging points within the proposed car park hereby approved have been submitted to and approved in writing by the Local Planning Authority. These facilities shall be fully implemented and made available for use prior to the occupation of the development hereby permitted and shall thereafter be retained for use at all times.

Reason: To encourage travel by more sustainable means and seek measures which reduce fuel use and greenhouse gas emissions and to comply with policies SA6, CP7, CP9, CP12, CP13 and CP15 of the City Plan Part One and SPD14 Parking Standards.

49. Notwithstanding plans hereby permitted, details of disabled parking facilities 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 the development provides for the needs of disabled residents and visitors to the site and to comply with policy TR18 of the Brighton & Hove Local Plan and SPD14 guidance.

50. The development hereby permitted shall not be occupied until a Delivery & Service Management Plan has been submitted and approved in writing by the Local Planning Authority. The submitted plan shall include details of
- i. how, where and by what routes, delivery and servicing vehicles will access the site for different purposes;
 - ii. the type and size of vehicles anticipated for each purpose;
 - iii. the times and frequencies when vehicles of different types and size will access the site for different purposes and how long they will dwell, supported by demand and dwell forecasts;
 - iv. the location and layout of loading/unloading/parking and drop-off spaces/areas for those vehicles;

- v. the location of storage/collection/drop-off facilities - including any temporary locations for collection days - and how containers/packages/receptacles will be transferred between these and vehicles;
- vi. transfer routes associated with the above;
- vii. any management office, site office or concierge facility that will form part of collection/delivery arrangements and any related systems or arrangement to allow drivers/riders and to communicate with staff within this;
- viii. gates, barriers, intercom systems and any other vehicle access restrictions; and related management measures and restrictions;

All deliveries and servicing shall thereafter be carried out in accordance with the approved plan.

Reason: In order to ensure the safe operation of the development and to protect the amenities of nearby residents and to comply with policies TR7, SU10, QD27 and SR4 of the Brighton & Hove Local Plan and SA2, CP4, CP5, CP9, CP12, CP13 and CP15 of the City Plan Part One.

51. Notwithstanding the plans hereby permitted, no development shall commence until a scheme detailing the design of external areas 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, including to both sides of any interfaces with the adopted highway
- 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 development.

Reason: In the interest of highway safety, inclusivity, sustainability, quality design, the historic environment and public amenity and to comply with policies TR7, TR11, TR12, TR14, TR15, TR18, SU3, SU5, QD1, QD2, QD3, QD14, QD20, QD25, QD26, QD27 and HE6 of the Brighton & Hove Local Plan and SA6, CP7, CP9, CP12, CP13 and CP15 of the Brighton & Hove City Plan Part One, and National Planning Policy Framework paragraphs 108-110.

52. The development shall provide for 216 residential units (C3 use), 1662 sqm of office floorspace (E use), 341 sqm of flexible commercial and community floorspace (E/F.2 use) within buildings of up to 18 storeys in height only.

Reason: To ensure the Local Planning Authority retains control over the density, mix and type of uses within the development and its height, in the interests of retaining sufficient commercial floorspace within the Policy DA6 Development Area, ensuring an appropriate housing mix and density and to

ensure the character and appearance of the area including wider strategic views and impact to heritage assets are protected, and to ensure the protection of the amenities of the occupiers of existing and proposed properties, to comply with Policies HE3, HE6, HO5, HO13, QD5 and QD27 of the Brighton & Hove Local Plan and DA6, CP1, CP2, CP3, CP12, CP14, CP15 and CP19 of the Brighton & Hove City Plan Part One and SPGBH15 Tall Buildings.

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](http://www.gov.uk)); two bodies currently operate in England: National Energy Services Ltd; and Northgate Public Services. The production of this information is a requirement under Part L1A 2013, paragraph 2.13.
4. The water efficiency standard required under condition 35 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 website: 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 1st March – 30th September. The developer should take appropriate steps to ensure nesting

birds, their nests and eggs are not disturbed and are protected until such time as they have left the nest.

7. Where possible, bee bricks should be placed in a south facing wall in a sunny location at least 1 metre above ground level.
8. 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.
9. 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
10. 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 a statutory nuisance is occurring and if any action is appropriate.
11. The applicant is advised that the disabled car parking spaces should be designed in accordance with 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
12. The applicant is advised that the scheme to amend permit entitlements 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 development of those amended entitlements.
13. The applicant is advised that the scheme of external works secured by the street design condition will need to be carefully coordinated with the adjoining scheme of highway works that is to be developed and approved as a planning obligation of the decision. It is anticipated that both will be submitted and approved at the same time to ensure that they are complimentary.

2. SITE LOCATION & APPLICATION DESCRIPTION

- 2.1. The application site sits to the west of Hove Station to the south side of Conway Street and is currently occupied by single storey brick and metal clad industrial sheds with associated car parking.
- 2.2. The Brighton & Hove Bus Company is located in the buildings/land to the north of the site and also own the car park to the west end of the site which does not form part of the application site. Three and four storey office buildings exist to the west with mixed commercial buildings beyond. To the south of the site there are ten storey residential blocks which form part of the Clarendon Estate with low rise residential development at the base of the blocks along with garages and car parking. To the east of the site are the rear of properties which front Goldstone Villas the majority of which have single storey additions and garages fronting onto Ethel Street. A number of these have been converted to commercial uses some set out over two storeys.
- 2.3. The east side of Ethel Street is occupied by open off street private car parking bays.
- 2.4. The site measures 0.4019 hectares and is located within the Conway Street Industrial Area Strategic Allocation, which is located within the wider policy DA6 Hove Station Area of the Brighton & Hove City Plan Part One.
- 2.5. This site lies immediately to the west of the Hove Station Conservation Area, which adjoins the Denmark Villas Conservation Area to the east. To the north east of the site is the Grade II listed Hove Station, the station forms an architectural and historic important grouping with the adjacent public house at 100 Goldstone Villas, which is included on the council's local list. Each building is contained within the Hove Station Conservation Area.
- 2.6. The gradient of the land slopes slightly down from the north to the south leading to a difference in levels between the northern side of the site from the southern.

Proposal

- 2.7. Planning permission is sought for the erection of a building between 2 and 18 storeys creating a total of 216 build to rent residential dwellings (mix of studio, 1, 2 and 3 beds) with basement parking as follows:
 - 31 x studios, 101 x 1 beds – total 1 bed units 132 (61%), 73 x 2 beds (34%), 11 x 3 beds (5%)
 - associated car & cycle parking, plant, supporting facilities, amenity space, landscaping & infrastructure works
 - 1662m² commercial floorspace (B1) & 341m² of flexible commercial & community floor space (B1/D1/D2)).
- 2.8. The proposed density equates to circa 537 dwellings per hectare; this

calculation includes the site area occupied by the commercial offices which would slightly increase the density.

- 2.9. Proposed materials are a combination of:
- Brick: cream/buff stock, white/buff stock
 - Ceramic tiles: green
 - Metal panels: aluminium
 - Window frame: dark grey aluminium.
- 2.10. There have been a number of revisions to the scheme during the life of the application. The key alterations include:
- Changes to the materiality and elevational treatment
 - Enhanced public realm improvements
 - The addition of balconies to provide private amenity space (increasing the overall provision from 52% to 75%)
 - Addition of green roofs
 - Inclusion of a flexible commercial/community space (341 sq.m) on the ground floor
 - An offer for provision of 10% affordable housing

3. RELEVANT HISTORY

Extant Scheme

- 3.1. **BH2016/02663** - Demolition of existing commercial units (B8) and erection of buildings ranging from four storeys to seventeen storeys in height comprising a mixed use development of no.186 residential apartments (C3), 1,988 sqm of offices (B1) and 226sqm of retail (A1) with car parking at basement level. – Allowed on appeal 24.01.2019
- 3.2. Main Differences between extant scheme and current proposal include:
- Current scheme provides 30 additional residential units
 - Current scheme provides 221 sq.m less commercial space (although this commercial space does provide a greater degree of flexibility)
 - Current scheme provides no retail space (226 sq.m in extant scheme)
 - Current scheme is one additional storey taller (18 storeys rather than the 17 of the extant scheme).
 - The tallest tower for current scheme has been moved further to the east
 - South facing communal amenity spaces rather than one surrounded on all sides (courtyard).
 - The current proposal offers a more cohesive design approach than the extant scheme.
 - Both offer 10% affordable housing provision.
 - Current scheme is for Build-to-rent (BTR) properties.

Pre-Application History and Design South East Review Panel:

PRE-APPLICATION ADVICE – November 2019

- 3.3. Two Options were initially submitted with the proposal undergoing significant changes since.
- 3.4. Option 1 was more closely aligned to the extant planning permission with the erection of buildings up to 17 storeys in height, comprising a mixed use development of 192 'Build to Rent' (BTR) residential units and 2573sqm of commercial space.
- 3.5. Option 2 proposed the erection of buildings up to fifteen storeys in height, comprising a mixed use development of around 220 'Build to Rent' (BTR) residential units and around 1,700sqm of commercial space.

BHCC advised the following:

- It was considered that the extant planning permission (BH2016/02663) resulted in a very dense form of development. Whilst it was acknowledged that Options 1 and 2 did not propose a substantial increase in overall floorspace in comparison to the extant scheme it may not be easily achievable to provide for greater densities / increased residential numbers on the site whilst providing an appropriate design and acceptable amenity outcomes for neighbouring and future residents,
 - It was welcomed that a more coherent design approach was being considered in respect of form and materiality for any future proposal,
 - Option 2 offered benefits in respect of a more usable external amenity area and potential improvements in daylighting to the lower floors and active frontages at ground floor level, though the additional massing, especially to the western flank appeared very dominant in streetscene views and was considered to need revisiting.
 - The site was located within the DA6 development area which seeks employment focussed regeneration. Any future scheme should aim to provide as a minimum the quantum of B1 employment space included in the extant planning permission,
 - It was suggested that the scheme would benefit from input from the external Design Review Panel at an early stage.
- 3.6. A summary of the Design Review is set out below.

The proposal was taken to Design Review Panel on 26 November 2019 and the comments provided:

- The proposal represents a significant improvement on the existing application that has been approved for the site and the panel considers the simplified architectural treatment and building form to sit better in this location in Hove. However, the site is in a critical location for the Council. It provides a gateway to the west from the station, is a busy pedestrian thoroughfare, and is on the edge of a conservation area and an existing residential estate. Fundamentally, the proposal fails to create a clear sense of place that can help address the existing severance between uses around the site. Practical analysis of pedestrian and other movement and activity in the vicinity of the site is

needed to ensure the development both benefits and connects existing and prospective communities.

- Further justification (beyond financial viability) is needed for the density within the development. The high density required on the site has resulted in an internal layout that compromises the quality of life for the prospective residents, through the dominance of single aspect units and long internal corridors. The provision of office space is welcome; however, this could be extended over two floors. More creative uses could be encouraged on the lower level to create active frontages and an enhanced dynamic surrounding the site, making it actively contribute toward the surrounding context. While we support the provision of the podium-level private amenity space, there could be merit in losing the commercial space beneath it and having the communal gardens at ground floor level to provide a visual amenity for the public from street level. In addition, the provision of high-quality public realm will be necessary given the sensitivity and high population density of the development. Consultation with Hove Station Neighbourhood Forum may be beneficial to see how such public benefit contributions can extend beyond the site boundary.
- While the simplified architectural style is an improvement, we would like to see an even more pared back architectural language. A more elegant skyline could be achieved by creating a greater height differential between the taller elements and dropping the shoulder of the towers to sit below the roofline visible from the conservation area.

3.7. Key Recommendations:

- Justification for the site layout should be underpinned by thorough analysis of the current and proposed street hierarchy and movement of pedestrians and traffic around the site. This will inform the treatment of the public realm and landscape strategy on the edges of the development.
- Further consideration of the existing and future residential community is needed to strengthen the sense of place and reduce the severance caused by the new building to the surrounding residential estate.
- The proposal is very dense, resulting in too many single aspect apartments with little visual or physical amenity. Either the density should be lowered, or the site layout reconfigured to alleviate the compromised internal arrangement of the buildings.
- A more definite variety of building heights would benefit the overall appearance of the development. Reducing the shoulder of the tall building to sit below the roofline visible through the conservation area will lessen the impact of the proposal.
- Extending the office space over two floors will create a noise buffer for the homes and make up some of the demand for office space in Hove. Smaller, more creative uses on the ground floor will create more dynamic and active frontages.
- The proposal should contribute more toward public realm improvements beyond the site boundary, particularly on the southern side of the site.
- The architectural treatment should be further simplified to ensure the buildings sit elegantly within the Hove skyline.

4. REPRESENTATIONS

- 4.1. **Councillors Allcock, Ebel and O'Quinn** support the application. A copy of the representation is attached to the report.
- 4.2. **Three (3)** letters have been received throughout the application process objecting to the proposed development for the following reasons:
- 4.3. Height, scale and design
- Lack of affordable housing
 - Lack of parking and increased traffic
 - Impact on heritage assets to the east
 - Impact on the amenity of surrounding residents
- 4.4. **One (1)** letter of support has been received.

5. CONSULTATIONS

Internal

- 5.1. **Air Quality:** No objection
Rail and bus transport links are very good. Air Quality surrounding future residential locations is clean. Traffic production due to the development is low. This plan is not predicted to contribute significant levels of pollution to the Air Quality Management Area.
- 5.2. On grounds of air quality the application is recommended for approval.
- 5.3. **Arboriculture:** No objection
The proposal requires the removal of two trees currently on site, the Tree Survey and Arboricultural Impact Assessment compiled by Greengage lists both as category C according to BS5837 Recommendations. I concur that neither T1 Acer pseudoplatanus or T2 Fraxinus excelsior should pose a constraint to development and removal is acceptable in this instance. Arboriculture note the Landscape Master Plan outlines eleven proposed plantings within the streetscene as well as various internal locations and will mitigate the loss of canopy coverage.
- 5.4. Although arboriculture welcome the inclusion of the eleven public realm street trees as part of the landscaping proposal, further discussion is necessary regarding species selection, maintenance, materials and pit construction. The

location of underground services will also have a bearing upon the landscape proposal.

5.5. **Children and Young People's Trust:** No objection

Contribution of £125,991.20:

5.6. The team will not be seeking a contribution in respect of primary education places as there are sufficient primary places in this part of the city and the city overall. The calculation of the developer contribution shows that we will be seeking a contribution of **£125,991.20** towards the cost of secondary and school sixth form provision if this development was to proceed.

5.7. With regard to the secondary provision, the development is in the current catchment area for Blatchington Mill and Hove Park schools. At the present time there is no surplus capacity in this catchment area. Secondary pupil numbers in the city are currently rising and it is anticipated that all secondary schools will be full in a few years' time, any funding secured for secondary education in the city will be spent at Hove Park and / or Blatchington Mill schools.

5.8. **City Clean:** No objection

Waste storage, capacity and access all meet the correct standards.

5.9. **City Neighbourhood Co-ordinator:** No comment received

5.10. **City Parks:** No comment received

5.11. **County Archaeologist:** No objection subject to conditions

The information provided is satisfactory and identifies that there is a risk that archaeological remains will be damaged. Nonetheless it is acceptable that the risk of damage to archaeology is mitigated by the application of planning conditions which are outlined in this response.

5.12. **Ecology:** No Objection subject to conditions

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 which are outlined in this response.

5.13. **Economic Development:** No objection

City Regeneration fully supports this application for the demolition of existing buildings & redevelopment to provide a mixed-use scheme comprising commercial floorspace (B1 use) & residential units (C3 use). The 2016sqm of commercial floorspace is will provide much needed facilities for new and

existing businesses seeking A Class office space in the city, which has been in short supply for some years.

- 5.14. Due to the size of the development, it meets the criteria as a major development and as such will be subject to developer contributions for the sum of £60,800 in line with the council's Technical Guidance for Developer Contributions. There will also be a requirement for the submission of an Employment and Training Strategy relating to the site. Fuller details are provided in the Main Comments.
- 5.15. **Environment Agency: No objection subject to conditions**
We consider that planning permission could be granted to the proposed development, as submitted, if the following planning conditions are included as set out below. Without these conditions, the proposed development on this site poses an unacceptable risk to the environment and we would object to the application.
- 5.16. **Environmental Health: No objection subject to conditions**
The application has been examined in relation to Environmental Protection measures and make the following comments. I concur with the Environment Agency Comments which include a suggested condition on Contaminated Land considerations.
- 5.17. The Tenant Management Plan is acceptable. The noise and Vibration Assessment is agreed and the report recommendations shall be secured by condition.
- 5.18. **Fire Brigade: No comments received**
- 5.19. **Heritage: Object**
It is considered that the proposed development would cause considerable harm to the settings of the designated heritage assets of Hove Railway Station and the Hove Station Conservation Area (the latter including the locally listed Station Public House), and would also cause clear harm to the setting of the Denmark Villas conservation area. In the case of the designated heritage assets, this harm is considered to be less than substantial under the terms of the NPPF but must nevertheless be given great weight in decision making and there are no heritage benefits and only modest public realm benefits to the proposals that may be weighed against that harm. The harm to the setting of the locally listed public house in Goldstone Villas itself would be considerable and must be taken into account in weighing the application, as required by paragraph 197 of the NPPF.

Statement of Significance

- 5.20. This site lies immediately to the west of the Hove Station conservation area, which adjoins the Denmark Villas conservation area to the east. The special character of the Hove Station conservation area derives from the relationship between the station itself and the surrounding late Victorian buildings which connect the station with the main part of the town along Goldstone Villas.
- 5.21. This is a busy, tree-lined road with terraced properties to the north and more domestic, lower scale property to the south. This road contains a wide variety of late Victorian buildings with very few modern buildings apart from a small house (No. 37) and Cliftonville Court, a 1960's office block which unfortunately sits opposite and intrudes on the setting of the listed station and the adjacent Ralli Memorial Hall. The most significant features of Goldstone Villas are two long terraces close to the railway station and the public house at the north end.
- 5.22. The Character Statement for the area notes that *"when looking up from Holy Trinity Church, there is a long row of buildings culminating at the top of the wide street with the low pitched slated roof of the railway station"* Around the corner in Station Approach the space is defined to the north and west by the station and to the south by the Ralli Memorial Hall, which acts as an important focal point despite the unsympathetic modern development adjacent and the petrol station opposite.
- 5.23. The most important building is Hove Station, listed grade II, dating from several building periods. The first building was constructed in 1865-6 in the Tuscan villa style; this is the white painted block which sits most prominently on the site facing down Goldstone Villas. It is two storeys high, rendered, with a shallow pitched slate roof with end bays which break forward at first floor level. The windows have segmental-heads, moulded surrounds, and sash windows without glazing bars. On either side are single storey rusticated wings with similar fenestration. The main building slightly to the west which now forms the passenger station was built in 1879, possibly to the designs of F. D. Bannister. It is constructed in red brick with a grey brick plinth, stone dressing and quoins, a hipped bitumen-covered slate roof and a canopy over the forecourt area supported by cast iron columns.
- 5.24. The station forms an architectural and historic important grouping with the adjacent public house at 100 Goldstone Villas, which is included on the council's local list. This dates from c1885 and was built as the Cliftonville Hotel. It is two storeys high, seven windows wide, in white-painted render with quoins, dentil cornice and shell-motif arches over the first floor windows. The roof is slate covered and hipped to either end. The ground floor has been extended to the south, possible for a billiard room, and a pub frontage added in a late 19th century style with heavy pilasters and brackets supporting the deep fascia and cornice. Its location beside Hove Station emphasises its close historic connection with the railway.
- 5.25. The Ralli Memorial Hall is also listed grade II. It was constructed in 1913 to the designs of a London practice, Read and McDonald, for Mrs Stephen Ralli. The

design is in the 'Wrenaissance' style, with red brick walls laid in English bond, a hipped clay tile roof with upswept eaves and a strongly moulded wooden dentil cornice. The main entrance with mullioned and transom windows faces Denmark Villas, with the long length of the assembly hall fronting Station Approach. The brick walls and wrought iron railings are also listed grade II.

- 5.26. Denmark Villas conservation area to the east of Hove Station conservation area was developed between 1850 – 1880. The dominant character and appearance of the area is its Italianate classicism, a feature reflected in the design of nearby Hove station. Most of the villas are two storey with hipped slate roofs and small dormers, smooth yellow brick fronts, with cream rendered flank walls, ground floor bays with balustraded parapets, rendered quoins, bold moulded window architraves, overhanging eaves, and strongly modelled porches featuring Corinthian capitals.
- 5.27. They are set back from the road behind low yellow brick or rendered walls with piers (many with lush shrubbery behind) and feature decorative tiled entrance paths and stone or tiled steps. The Denmark Villas Conservation Area Character Statement notes that these characteristics give “*a very pleasing rhythm and consistent homogenous feel to the street, quite distinctive from surrounding areas*”.
- 5.28. To the north west of the site is the locally listed Fonthill Road Railway Bridge. The Brighton to Shoreham-by-Sea line was completed in May 1840 (before the main line), and therefore the bridge likely dates to this time. It is built in buff brick, with a low, segmental-arched opening and projecting piers to either side, red brick dressings and recessed panels of flint above. Its setting is mixed and robust and it is not visible from great distance. Further north-east, Hove Park is a locally listed park/garden, being an Edwardian municipal park that largely retains its original layout (the sports facilities at the southern end having been added in the 1920s).

The Proposal and Potential Impacts

- 5.29. The applicant submitted a further heritage impact statement on 10 June which seeks to address the previous Heritage team comments. With regard to weighing the identified harm arising from the proposals against wider public benefits, it must be stressed that this is not within the role of the Heritage team and therefore no further comment will be made on this balancing duty. With regard to comparisons between the consented scheme and the current application, it is agreed that both would cause less than substantial harm to the settings of the heritage assets.
- 5.30. However, the term less than substantial inevitably covers varying degrees of harm and, for the reasons given in the previous comments, it is considered that the degree of harm arising from the current application is nevertheless

greater. With regard to Policy CP12, this submission appears to have misunderstood the council's policy on tall buildings, which must be read in conjunction with SPGBH15. It is agreed that visibility is not the same as harm but the previous Heritage team comments have explained why the combination of the footprint, height and massing of the proposals would cause harm where it is viewed in conjunction with the heritage assets. Amended drawings have more recently been submitted, together with revised CGIs and two revised viewpoints, but as far as the excessive height and bulky massing of the scheme is concerned there are no substantive changes that would lead to any different assessment of the impact of the scheme on the settings of the heritage assets as identified in the previous comments. The addition of balconies to the very tall tower neither increases nor lessens the previously-identified harm to the settings of the heritage assets, as illustrated in the two revised viewpoints that have been submitted (views 2 and 3). It is still considered that this tower in particular is overly tall and inelegant.

5.31. The previous conclusions and recommendation consequently remain unchanged.

5.32. **Housing Strategy: No objection**

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 as guidance for developers. Housing will work positively with developers to answer housing need.

5.33. 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 relating to affordable housing. This scheme is a Build to Rent development. Build to Rent is a new housing type introduced in the National Planning Policy Framework (NPPF) 2019 and defined as 'housing which is typically 100% rented out.' The associated Planning Policy Guidance (PPG) suggests 20% of homes on such schemes could be provided as affordable, where viable and introduced a specific new tenure of affordable private rent (often also referred to as Discount Market Rent or DMR) for Build to rent schemes only. Build to Rent schemes do not require the owner/manager to accept direct nominations from the council to the homes provided. Tenants for these homes will be found via set criteria agreed between the owner and the council.

5.34. In light of the introduction of the Build to Rent tenure within the NPPF, the council commissioned a study which has informed the council's Build to Rent

Policy DM6 as included in the draft City Plan Part 2 (CPP2). The final CPP2 draft was approved by council in April 2020 and forwarded to the government for independent examination. Policy DM6 outlines what the council aims to achieve in affordable housing terms within the NPPF and associated guidance. Key factors relate to quality of the accommodation; length of tenancy (at least three years as an option); a covenant that the homes remain as build to rent tenure for 15 years and a review of viability as included for all schemes.

- 5.35. Build to rent schemes can offer good quality accommodation as well as flexible/longer tenancies of three years or more. Good quality private rented accommodation and longer tenancies are welcomed by Housing.
- 5.36. Viability of a scheme is an agreed reason for reviewing the affordable housing provision when confirmed by an independent assessment commissioned by the council. The viability at this scheme has assessed it as unable to provide any affordable housing and this has been verified independently for the council. However, the developer has decided to provide an element of affordable housing at the scheme which is welcomed.
- 5.37. This development proposes 10% of the habitable rooms available - to be provided as affordable private rent let at an average discounted rate of 25% below the local market rent with no formal nominations agreement. Affordable housing is required to remain affordable in perpetuity, so a 'clawback' provision will be in place to ensure that, any change of tenure or sale of such units will not result in a loss of community benefit of the affordable units.
- 5.38. This provision could be seen as disappointing in the context of the council's 40% policy requirement/ LHA rent level for affordable rented homes in traditional housing schemes, but also needs to be considered in the light of the 20% provision outlined in NPPG and the agreed viability. Provision of a commuted sum in lieu of affordable housing on site is an agreed alternative. On site provision has been agreed at two previous build to rent schemes on a similar basis to the current proposal.
- 5.39. Supported by Housing in the context of national planning guidance, the outcome of the viability assessment and the council's build to rent policy. Unit mix and the criteria to be used to allocate the affordable private rent homes to be agreed.
- 5.40. **Percent for Art: No objection subject to contribution**
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. Wording is suggested in the 'Recommendations' part of this form.

5.41. **Policy:** Support in principal with some concerns

Initial comments on original submission

- 5.42. The general principle of mixed used redevelopment comprising predominantly employment (B1 office) and residential is supported by Policy DA6 and is also promoted in the emerging Neighbourhood Plan and Hove Station Area Masterplan/SPD (both still at draft stage). The extant planning permission granted in January 2019 has also established that a residential-led mixed use scheme would be acceptable on this site. However, Policy DA6 and the other emerging documents all emphasise the objective of comprehensive and planned redevelopment of the whole Conway St area, and this principle also underpins the draft Neighbourhood Plan and Masterplan/SPD. Therefore it is important to ensure that this application does not prejudice this wider objective.
- 5.43. The proposed level of housing exceeds the Strategic Allocation minimum target of 200 dwellings. However, the Policy DA6 targets are stated as minima in the policy and a larger quantum of residential development would contribute towards the City Plan housing target and 5-year housing land shortfall.
- 5.44. The application commits to meet most of the requirements for Build to Rent (BTR) developments set out in Policy DM6 in the emerging CPP2 Proposed Submission draft (which was approved by Council for public consultation on 23 April 2020). This includes a covenant requiring the units to be held as BTR for a minimum of 15 years (subject to a viability review if any/all of the BTR units are sold within this period with potential to 'clawback' any uplift in value resulting from the sale of units); the offer of tenancies 3+ years to all tenants with defined in-tenancy rent reviews; and the ongoing provision of unified, professional on-site management.
- 5.45. However, the applicant has not committed to providing affordable housing in line with the emerging Policy DM6 requirement (which now sets a requirement for provision of up to 20% affordable housing at genuinely affordable rents to be agreed with the Council). The applicant has submitted a Financial Viability Assessment (FVA) which concludes that the proposed development cannot provide any affordable housing. In accordance with the Council's Viability Assessment Checklist, the FVA should be reviewed independently by the DVS (or another valuation specialist). It would be appropriate to test the viability of a range of different scenarios in terms of the numbers, size and rental discount applied to the affordable units. In the event that it is agreed that the scheme cannot viably meet the policy DM6 affordable housing policy requirements in full, then provision should be made for a future viability review.

- 5.46. In terms of proposed housing mix, it is considered that the development should provide a higher proportion of 3 bedroom units and also increase the proportion of 2 bedroom units relative to studios and 1 bedroom units in order to better reflect the range of housing needs identified in Policy CP19 (para 4.231).
- 5.47. The proposed density of residential development would considerably exceed the minimum density level of 100 dwellings/ha sought in Policy CP14 and will need to be considered in detail against the CP14 criteria, taking account of comments from other consultees (e.g heritage, housing and transport).
- 5.48. All of the proposed dwellings would meet the Nationally Described Space Standards (NDSS) and national accessibility/adaptability standards, including 5% wheelchair adapted housing. A high proportion of the residential flats would also include private useable amenity space in accordance with saved Policy HO5, whilst the development would also include substantial shared communal amenity space both interior and exterior. Further amendment of the housing mix to provide a higher proportion of 2 and 3 bedroom units could potentially allow for a further increase in the proportion of flats having private amenity space.
- 5.49. The inclusion of flexible B1 office floorspace in the proposed scheme is strongly supported and accords with Policy DA6 and Policy CP2. The proposals would result in a slight increase in employment floorspace compared with the existing use, however the provision of B1 office space in place of B8 storage/ warehousing would be expected to support a much higher number of FTE jobs due to increased employment densities. However, it is disappointing that the overall amount of commercial floorspace proposed is below that in the current permission (although the B1 office element would be slightly higher). It is also unclear whether the needs of the existing commercial occupiers would be addressed, which is a requirement set out in Para 3.72 of the supporting text to Policy DA6.
- 5.50. The proposed development falls within the definition of 'tall buildings' in Policy CP12 and SPG15 Tall Buildings. SPG15 designates the area adjoining Hove Station as a node suitable for taller development and the extant planning permission (which extends up to 17 storeys) provides a precedent for tall building development on this site. The applicant has submitted a Heritage, Townscape & Visual Impact Assessment (HTVIA) which concludes that the harm caused by the development would be less than substantial and would be outweighed by the public benefits of the scheme. The HTVIA and other aspects of design and visual impact will need to be assessed carefully against SPG15 and the relevant City Plan policies, including CP12, CP14 and CP15.

- 5.51. The proposed development seeks to provide active street frontages and to add vitality to the immediate area through proposals to enhance the public realm both within and surrounding the application site, including through pavement widening, new surfacing, new pedestrian crossings, new street trees and new seating. These proposals will need to be assessed in detail against the strategy and local priorities for the Hove Station area and Conway St Strategic Allocation in Policy DA6.
- 5.52. Similarly, consideration should be given to how far the application would address the Policy DA6 local priorities in terms of water distribution/sewerage and surface water drainage, protecting groundwater sources from pollution, green infrastructure, and low/zero carbon decentralised energy/heat networks.
- 5.53. Unless the application is determined after the implementation of CIL, the proposed residential space would be required to provide financial contributions towards off-site open space and sports provision in line with Policies CP16 and CP17, using the Council's online Open Space calculator.

Updated Policy comments following changes to the proposal

- 5.54. Taking account of the conclusions of the DVS review, the applicant's offer to provide a proportion of discounted market rent units is broadly welcomed, as is the commitment to offer minimum tenancies of at least 3 years and to the inclusion of a clawback mechanism in the event of any units being sold within 15 years. Provision will also need to be made within the s106 agreement to ensure the retention of the affordable units (or their equivalent value) in perpetuity (i.e beyond 15 years).
- 5.55. However, the applicant's affordable housing offer still falls short of the level of provision sought under Policy DM6 both in terms of number of units and the level of discount. Therefore, there is no policy justification for waiving the requirement for a viability review. The approach of requiring a viability review where the level of affordable provision initially falls short of policy requirements for viability reasons is established council practice set out in the Affordable Housing Brief.
- 5.56. The amended proposals would reduce the quantum of commercial (office) floorspace from 2,016 sqm to 1,662 sqm, allowing for 341 sqm to be provided as flexible commercial/community space. The level of dedicated business/office space would be less than the current storage/warehousing floorspace on the site (1,835 sqm) and the B1 office provision within the extant planning consent (BH2016/02263), however the provision of office space in place of storage/ warehousing would be likely to support a much higher number of FTE jobs. It would also support the Policy DA6 requirement to contribute to a range of office and flexible workspaces including larger floor

plate offices and affordable business floorspace suitable for small business and digital media/creative industries (DA6.c.1.b). However, it is noted that under the Use Classes Order (UCO) to be introduced on 1 Sept 2020, office floorspace will fall within the new Class E (Commercial, Business and Service) which will also include retail, professional services or restaurant/cafe uses.

- 5.57. The principle of allowing flexibility for local community uses within a small area of the ground floor is accepted. It is considered that the small area of floorspace proposed would prevent the space being used for any use attracting large numbers of users/visitors or undermining existing facilities (or the 'Community hubs' proposed in the emerging Hove Station Neighbourhood Plan). However, given the significant changes proposed in the new UCO, it is suggested that the applicant be requested to provide further detail and clarification on the types of community uses that are envisaged and might potentially be allowed for.
- 5.58. The amendments to the development design and public realm are broadly welcomed, but will need to be assessed in detail against the priorities in Policy DA6 and other relevant plan policies as referenced in my earlier policy comments.

Private Sector Housing:

- 5.59. Nearly all the residential units have inner bedroom(s) accessed through open plan living room/kitchen areas. This goes against good design from a means of escape from fire point of view, even if automatic fire detection and sprinklers are provided. Ideally escape from sleeping rooms should not be through another habitable room and not a kitchen without an acceptable alternative means of escape provided. In studio units the sleeping area should be sited nearest the dwelling exit door and the kitchen area furthest away.
- 5.60. **Sports Facilities and Development:** No comment received
- 5.61. **Sustainability:** No objection subject to conditions
At this stage this development is expected to amply meet the requirements of City Plan policy CP8, to reduce carbon emissions from the residential development and to achieve an "Excellent" BREEAM rating for the non-residential areas.
- 5.62. The requirement to achieve a water efficiency of 110 litres /person / day are also met.

Backup boilers

- 5.63. The letter clarifies that the inclusion of a back-up gas boiler is for resilience at times when the weather is very cold. The Air Source Heat Pump system (if

installed, see below) would be the primary source of heating and hot water. Therefore a backup boiler is acceptable as it will add resilience but does not compromise the low-carbon heating proposals.

Electric heating

- 5.64. This section acknowledges that there are two alternative heating systems and it seems that a decision has yet to be taken as to which system to install. One is Air Source Heat Pump communal heating, the other is individual resistive electric heating in each flat.
- 5.65. It is understood that there are pros and cons to each system. However from the point of view of reducing carbon emissions, cost of fuel bills to residents, and potential for future connection to a district heat network, a heat pump communal heating system is preferred. If it is decided to install an individual electric heating system, then the impact on carbon emissions will need to be reviewed to ensure that the development still meets City Plan Policy CP8.

Solar PV.

The letter clarifies that solar PV is to be included within the development. A drawing is attached, which was also uploaded on the planning portal on 15 July. The drawing shows the location and layout of the proposed 50kW solar PV installation on the two upper roof levels of the Ellen St development. Given the relative height of these towers the PV elements will be hidden from view from surrounding properties.

- 5.66. This satisfies our previous request for further information about the solar PV.
- 5.67. **Sustainable Drainage:** No objection subject to conditions
- 5.68. **Transport Planning:** No objection subject to conditions

Summary

- 5.69. This is our 3rd response to this application. In our last response we requested additional information on the distribution and assignment of trips. This was because the proposed level of trips exceeded the threshold required for further assessment. The applicant has now submitted additional information. This satisfies us that the threshold will not be exceeded on any of the primary connecting links (including Fonthill Road, Goldstone Villas and Sackville Road). Therefore, no further junction assessment is required, and we consider the matter resolved.
- 5.70. Furthermore, we also raised objections to the proposed off-site highway works for reasons of safety, access and inclusivity. Key reasons amongst others included:

- The proposed one-way configuration on Conway Street has omitted a contraflow cycle lane in favour of a shared 3.5m foot/cycleway on the northern side of Conway Street. As proposed, that would be a 'mixed' arrangement where pedestrians and cyclists share the entire width without any separation from one another. Mixing pedestrians and cyclist users cannot be accepted. This also 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. The proposal also does not comply with National Inclusive Design Guidance and guidance in the DfT's LTN 01/20.
- Raised tables and lack of delineation at the junction between Conway Street and Ethel Street. Improvements are required to ensure safety for users including pedestrians, cyclists and those with mobility and/or visual impairments. Guidance on the Use of Tactile Paving sets out requirements for accommodating cyclists in close proximity to pedestrians for benefit of visually impaired people. There is currently a lack of delineation between user groups and therefore those that are visually impaired would not know that they are entering the area.

5.71. Whilst these concerns have still not been addressed as part of the additional information submitted, we are satisfied that - subject to the outcome of statutory TRO consultations on proposed changes to access and parking/loading - it should be possible to agree alternative proposals post-decision that would do so. The area of proposed enhancements spans both areas of existing adopted highway outside the application boundary and proposed private land within it. It will also require some of the latter to be dedicated as adopted highway to overcome obstruction to access within the former. We therefore recommend that the alternative scheme is secured both by an obligation (for the areas outside the application boundary) and a condition (for those within it). We recommend that the scheme of works within the obligation is based on a written scope of works (similar to that agreed for the previous appeal scheme). The works within the application site can be secured through a Plans Notwithstanding condition, to allow necessary alterations to the secured plans. As enhancements under both parts are essential to the acceptability of the proposed development but are contingent on changes to TROs, both the obligation and condition must require the detailed scheme of works to be approved prior to commencement of any development (not prior to occupation, or prior to development above ground slab level etc...). This is because changes to TROs are subject to statutory processes which require consultation and allow for objection. The acceptability of necessary changes therefore cannot be guaranteed.

5.72. Previously we sought both the LPA and the applicant's positive agreement to the proposed scope of a DEMP/CEMP obligation. This was to overcome significant safety and journey time impacts that arise from various aspects of the proposals. These include the site's location directly at the entrance and

exit to one of the City's main bus depots and an important pedestrian connection to Hove Station. The nature of the proposals means that vehicle loading/unloading is likely to need to occur from within the highway for significant portions of the works. Works will also need to take place at the same time and in the same space as a significant highway improvement scheme associated with the application. We have not received any response to this request. Therefore, our non-objection to this application remains conditional on our recommended scope being secured by the LPA.

- 5.73. We also objected on cycle parking and design related issues as part of an in-combination case. Subject to the proposed Grampian and other conditions/obligations, this would now be our only remaining concern. Whilst not meeting the standards for cycle parking requirements, NPPF para 109 states that 'Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe'. On this basis we do not feel that there is a reasonable basis to object. However, if there are other non-transport concerns, this could contribute to an in-combination reason for refusal.
- 5.74. 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 would be able to recommend conditions or obligations to resolve them and we acknowledge that the applicant has confirmed that they would be willing to accept conditions or obligations in respect of these items. Instances include the following:
- The access ramp will be steep and will require an edge treatment to help manage the interface between vehicles using the ramp and pedestrians on Conway Street. Additionally, signing will be required within the site to advise cyclists that they should use the lift when accessing the basement cycle parking.
 - Disabled parking provision. 22 disabled spaces have been proposed. SPD14 requires 24 spaces and therefore 2 visitor spaces need to be converted to disabled spaces. A snapshot of a plan showing disabled spaces has been submitted in the TAA. This has not been addressed in TAA2. We require a full scaled plan to be submitted so this can be secured. This should detail the full 24 disabled parking spaces.
 - Electric charging provision. A snapshot of a plan showing disabled spaces has been submitted in the TAA. This has not been addressed in TAA2. We require a full scaled plan to be submitted so this can be secured.
- 5.75. An updated Travel Plan can be secured by obligation. Positive aspects of the proposals that require no further attention include the following:
- A walking & cycling audit has been carried out, including a site visit. Whilst there are some issues with the methodology used we have carried out our

own assessment on this occasion and are satisfied that the recommendations are nonetheless appropriate. These are accepted and can be secured by obligation.

- Confirmation that the pedestrian crossing improvements previously identified under permitted scheme BH2016/02663 will be delivered by the applicant under s106.
- The loading bay has been re-positioned to the east to allow the available visibility to the right for vehicles exiting the proposed basement car park to be increased to 25m which is acceptable.
- The proposed quantum of cycle parking is accepted. However, there are still issues that need to be resolved relating to quality and design (as mentioned above).
- An in-principle agreement from an operator has been obtained to provide two car club vehicles in the vicinity of the site. This confirms that the provision of these two bays would be feasible from the operator's commercial perspective. This provides the necessary confidence to secure them by obligation.
- The proposed development would generate 42 vehicle trips (two-way) in the AM peak and 46 vehicle trips (two-way) in the PM peak. However, it has been demonstrated that the proposed development is not expected to exceed 30 vehicles at any of the primary connecting links (including Fonthill Road, Goldstone Villas and Sackville Road). Therefore, no further junction assessment is required.
- The capacity of the proposed loading bay, based on the updated assessment and our own review, is accepted.
- An accepted parking survey has been submitted and the impacts of overspill parking have now been assessed and are accepted.

5.76. Other key matters of regular interest that have been considered include:

- The parking survey demonstrated that the majority of roads within 200m were over capacity and that substantial overspill would therefore occur therefore conditions are recommended to remove the entitlement of future residents to both resident permits and reduce their entitlement to visitor permits.
- The current proposals will result in the loss of 10 on-street parking spaces. This will be mitigated by two car club bays. It should be noted that the loss of these spaces would result in some loss of income to the council as they are Pay & Display or shared use bays. This is a preliminary estimate of the number of parking spaces to be lost and will depend upon final scheme of highway works to be secured by condition.
- Proposed trip generation falls below the various thresholds where further highway, pedestrian, cycle and public transport assessments are required. We therefore have no concerns about impact on nearby junctions.
- A sustainable transport contribution of £283,050 to be allocated towards pedestrian crossing improvements, repaving sections of footways, improving cycle parking on Blatchingham Road, repainting road markings and introducing additional bike share stations.

5.77. A comprehensive highway works scheme is required to facilitate the delivery of and to mitigate the development. This can broadly be summarised as site interface aspects (i.e. re-instating footway at the current access points and forming the new access arrangement etc), facilitating aspects (i.e. footway improvements, works to Conway Street including proposed one-way arrangements and cycle provision etc), public realm improvements (i.e. street trees and enhancement of materials etc) and local improvements (i.e. those to be carried over from the previous permitted scheme, plus those identified through the walking / cycling audit etc). Further discussion of each of these points is included later in this response. Some adoption of land around the site as compensatory highway will be required to overcome obstructions to existing pedestrian accesses that are posed by aspects of the proposals. Whilst in several areas substantial private thresholds are proposed, it is proposed to introduce streets with narrow footways to the front of these. The trees will serve to obstruct pedestrian access by not leaving enough room for people to pass them. Therefore, an obligation is also recommended to secure access for pedestrians by requiring compensatory land within the private thresholds to be offered for adoption.

5.78. **Urban Design:** Support but seek further modifications

Initial comments on original submission: Object

5.79. The proposed development site is within strategic allocation 1 (Conway Street) of DA6 (Hove Station Area). This area is identified as a potential tall buildings zone. The site occupies the south-eastern most corner of the strategic allocation, benefitting from close proximity to Hove Station, and directly adjacent to the Hove Station conservation area.

5.80. The proposal is for a residential-led mixed-use development of 216 residential units with 2016m² of commercial space at ground level. This presents a very high proposed residential density of approximately 540dph. The proposals have developed through several stages of pre-application advice and design review and, in many ways, have responded positively.

5.81. Design attributes which are considered to be successful include:

- A general site layout which optimises southerly aspect and generates improvement to the public realm to the south and east;
- A consideration of the future development of the wider contextual area which enshrines the ambition to integrate proposals and to regenerate the Conway Street area;
- Communal amenity areas which are of a high quality and present excellent opportunity for social interaction and urban greening;
- Improvements to public realm of Ellen Street and Ethel Street which include street tree planting and street furniture, and which are considered to be of high quality and a positive contribution to the regeneration of the area;
- An internal layout which adheres to national space standards, and;

- A well-proportioned elevational composition.
- 5.82. However, as noted above, the recommendation is to object on design grounds.
- 5.83. Reasons for objection, of which most were raised at pre-application stage, include:
- A lack of residential character or identity in public realm and architectural form and appearance. This can be addressed by introducing residential access to the south of the proposals, introducing inset balconies to enliven the appearance, and improving the quality of the Conway Street public realm and residential entrances. Please refer to more detailed comment on *Masterplanning, Public realm and Site Layout*, and *Architectural Form, Composition and Materiality* below;
 - A poor quality of public realm to Conway Street. This could be improved by clarifying the proposed character of this street, introducing street planting and addressing matters of architectural form. Please refer to more detailed comment on *Masterplanning, Public realm and Site Layout*, and *Architectural Form, Composition and Materiality* below;
 - A missed opportunity to optimise biodiversity gains and amenity space by providing roof terraces at 7th floor level between the tower elements;
 - A bulky and inelegant profile to the tower element. This can be addressed by introducing methods to break down the perceived mass. Please refer to more detailed comment on *Scale and Massing*, and *Architectural Form, Composition and Materiality* below;
 - The detrimental impact of the height of proposals on Conway Street. This could be improved by addressing matters of architectural form. Please refer to more detailed comment on *Architectural Form, Composition and Materiality* below;
 - A low provision of private external amenity. Please refer to more detailed comment on *Orientation, Aspect and Internal Layout* below;
 - A lack of clarity in the function of south facing access decks aside from access to dwellings;
 - The proximity of first floor residential accommodation to heavily trafficked and noisy areas to the north and east;
 - A lack of clarity in the expression of architectural form. Please refer to more detailed comment on *Architectural Form, Composition and Materiality* below for suggested improvements;
 - Flatness to the appearance of proposals. This could be addressed by employing methods to introduce depth and shadow. Please refer to more detailed comment on *Architectural Form, Composition and Materiality* below for suggested improvements;
 - An over dominance of dark brown tones in the proposed materiality which is not considered to respond to context.
- 5.84. It is considered that these concerns can be addressed without fundamentally altering proposals and that doing so would significantly improve their success.

Updated comments on current application: support but seek modifications

- 5.85. The proposed development site is within strategic allocation 1 (Conway Street) of DA6 (Hove Station Area). This area is identified as a potential tall buildings zone. The site occupies the south-eastern most corner of the strategic allocation, benefitting from close proximity to Hove Station, and directly adjacent to the Hove Station conservation area.
- 5.86. The proposal is for a residential-led mixed-use development of 216 residential units with 2016m² of commercial space at ground level. This presents a very high proposed residential density of approximately 540dph.
- 5.87. The proposals have developed through several stages of pre-application advice and design review and, in many ways, have responded positively. Design attributes which are considered to be successful include:
- A general site layout which optimises southerly aspect and generates improvement to the public realm to the south and east;
 - A consideration of the future development of the wider contextual area which enshrines the ambition to integrate proposals and to regenerate the Conway Street area;
 - Communal amenity areas which are of a high quality and present excellent opportunity for social interaction and urban greening;
 - Improvements to public realm of Ellen Street and Ethel Street which include street tree planting and street furniture, and which are considered to be of high quality and a positive contribution to the regeneration of the area;
 - An internal layout which adheres to national space standards, and;
 - A well-proportioned elevational composition.
- 5.88. The applicant has also engaged in a process of design development to address concerns and recommendations raised during the course of this application (urban design comments 12/06/20), which has been mostly successful. Previous concerns which have now been mitigated related to:
- Quality of the Conway Street public realm;
 - Biodiversity gains to ground level and to 7th floor roofs;
 - Provision of private external amenity;
 - Functionality of south facing access decks and balconies, and;
 - Materiality and contextual appropriateness.
- 5.89. However, some concerns remain with regard to:
- The commercial appearance / character of parts of the proposals generating a non-residential character. This is not specific to Ellen Street, but is a general comment related to the previous reasons for objection: “A lack of residential character or identity” and “Flatness to the appearance of proposals”;
 - A bulky and inelegant profile to the tower element;
 - The detrimental impact of the scale and massing of proposals on the character and quality of Conway Street, and;
 - The character of Ellen Street at Ground level during times when commercial frontage is inactive.

- 5.90. Despite these remaining concerns and when considered holistically, the applicant has done well to develop proposals in line with council policy objectives and the National Design Guide. Thus, the recommendation is to Support / Seek Modifications, and the applicant is encouraged to further consider these remaining concerns.

External

- 5.91. **Conservation Advisory Group (CAG): Object**

The Group recommends refusal (unanimous decision)

- 5.92. The tall buildings proposed would seriously harm the setting of several heritage assets including Hove Station Grade II, Ralli Hall Grade II, St Barnabas Church Grade II*, the locally listed Station Public House (originally the Cliftonville Hotel), Hove Park Conservation Area, Hove Station Conservation Area and Denmark Villas Conservation Area.

- 5.93. The buildings are of poor design and appear slab like and monolithic.

- 5.94. The proposed development is not characteristic of the scale, landform and pattern of the townscape and damages its existing quality and characteristic features.

- 5.95. **Sunlight/Daylight (BRE) – Comment**

Initial Conclusions

- 5.96. This report has analysed the daylight and sunlight report by Consil 'Daylight, Sunlight and Overshadowing Report, Hove Gardens, 1-3 Ellen Street, Hove BN3 3LP'. The assessment has been carried out against the guidelines in the BRE Report 'Site layout planning for daylight and sunlight: a guide to good practice'.

- 5.97. 32 north facing windows in Livingstone House would have losses of daylight outside the guidelines. The largest relative losses of light would be to windows in the centre bays of the building, which may light kitchens. Large overhangs above the windows on the second and sixth floors restrict the amount of light currently reaching these windows. Without the overhangs, the loss of light would still be outside the BRE guidelines for 20 kitchens on floors 1-5, but closer to the recommendations. The impact would be classified as moderate adverse. Windows towards either end of Livingstone House would be less affected, and any impact would be minor adverse.

- 5.98. Loss of daylight to eight windows in 2-12 Ellen Street, and two in each of 88 and 96 Goldstone Villas, would be outside the BRE guidelines, but not by much. These would count as minor adverse impacts.

- 5.99. Loss of daylight to other dwellings analysed would be within the BRE guidelines and classed as negligible. The only other residential properties that could be affected and have not been analysed are at Goldstone House. There may be a loss of daylight outside the guidelines to worst case windows on the ground floor, but this is likely to be no more than a minor adverse impact.
- 5.100. Loss of sunlight would not be an issue for any of the surrounding dwellings, as the affected windows do not face within 90 degrees of due south.
- 5.101. Daylight provision in living rooms in the new development would be unusually poor. Out of the 145 living/kitchen/diners analysed, 92 (63%) would not meet the recommended minimum for such a combined space. 60 of these (41%) would be below the lower minimum standard for a living room. In addition, six of the 22 studios would not meet this minimum standard. Some living areas on the lower floors would have extremely low levels of daylight.
- 5.102. Sunlight provision in the new development is also very poor. Out of 145 living/kitchen/diners analysed, only 28 (19%) would fully meet the British Standard sunlight recommendations. Another two would meet the annual recommendation only; 19 would meet the winter recommendation but not the annual one. 96 living/kitchen/diners, or two thirds of those analysed, would not meet either recommendation. A large majority of these would receive very little sun. Sunlight provision in the studios is a little better, with 16 of the 22 studios meeting the recommendations in full and another two meeting the winter recommendation.
- 5.103. The layout of the flats and their window provision should be revised to improve the daylight and sunlight in these living areas.
- 5.104. The proposed rooftop amenity areas would be well sunlit, meeting the BRE recommendations.

Updated comments

- 5.105. Our earlier report criticised daylight provision within the living rooms in the proposed development. Out of the 145 living/kitchen/diners analysed, 92 (63%) did not meet the recommended minimum for such a combined space. 60 of these (41%) were below the lower minimum standard for a living room. In addition, six of the 22 studios did not meet this minimum standard.
- 5.106. In their latest report Consil have sought to justify these poor levels by comparing with three other consented schemes that also would have poor daylight provision. However the daylight in living/kitchen/diners in the previous design for Hove Gardens would be substantially worse than the others, both in terms of the proportion of living rooms not meeting the minimum standard, and

when considering the worst lit rooms (average daylight factors or ADFs down to 0.43%, 0.55% and 0.58%). The proposed plans have now been revised to improve daylight provision, and the scheme re-analysed. Of the seven measures Consil list, increasing window areas and adding extra windows will obviously help. Reducing the depth of balconies can also help, since a balcony above the window will block light from the sky. Changing the frame factor will help slightly, provided windows with that frame size will actually be installed in the final building.

- 5.107. Other measures do not increase daylight provision. Consil have now analysed all floors, including the better lit 9th - 17th floors (previously they only analysed the 1st - 8th floors). This increases the number and proportion of compliant rooms, but does not change the daylight in any of them.
- 5.108. Consil have also assumed that two flats on each floor will have their kitchens 'internalised' presumably by inserting a division between them and the living room. Although this increases the average daylight factor in the living room, because it is now smaller, it does not improve living conditions for the flat occupants who now have a completely non-daylit kitchen.
- 5.109. Not all the changes appear to be present on the revised plans. The private balconies appear to be the same depth as on the previous plans, and on the first floor room R28 does not have the extra window that has been modelled by Consil. The layouts of the kitchens appear to be the same as before, with the kitchen an integral part of the living space and no division between them.
- 5.110. The changes have improved daylight provision in some of the rooms, but there are still a sizeable number of living/kitchen/dining rooms with average daylight factors below the recommended minima. 188 living/kitchen/dining rooms have now been analysed and 71 of them (38% of the total) would not meet the recommended minimum (2% ADF) for such a combined space. 65 of these are on the lowest eight residential floors, compared to 92 for the previous design. 23 living/kitchen/diners (12%) would be below the lower minimum standard (1.5% ADF) for a living room. This compares to 60 for the previous design.
- 5.111. In addition, seven of the 27 studios would not meet the minimum 2% ADF for a space with a kitchen, and four would be below the recommended 1.5% for a living room.
- 5.112. There are fewer rooms with extremely low levels of light. The living areas with the worst daylight have predicted ADFs of 0.90 and 0.98%, although in these rooms the 'improvement' is largely due to internalising the kitchen which, as explained above, is not ideal.

- 5.113. Consil have analysed the proportions of windows achieving sunlight recommendations and concluded that this has gone down, because extra windows have been inserted in the most obstructed parts of the development. A better measure is to look at the proportion of living rooms with at least one window meeting the BS sunlight recommendations (25% of annual probable sunlight hours year round, with 5% in the winter between 21 September and 21 March). 67 of the 188 living/kitchen/diners (36% of the total) would be in this category with another 30 meeting the winter recommendation only. The studios are a little better, with 16 of the 27 meeting the recommendations in full, another meeting the annual recommendation but not the winter one, and one meeting the winter recommendation only.
- 5.114. For the previous scheme only the lowest eight residential floors were analysed for sunlight. 44 of the total 167 units (including studios) on these floors met the recommendations in full. This has now risen to 46, so sunlight provision is very slightly better than before, but still well below what would be expected as good practice.
- 5.115. Overall it can be concluded that daylight provision is still poor, but significantly better than for the previous design. Sunlight provision is also still poor, and slightly better than for the previous design. Further improvements to these levels of light would probably require more drastic design changes like removing balconies, realigning access decks to be opposite kitchens rather than main living areas, and reducing the massing.
- 5.116. **Hove Station Neighbourhood Forum: Support**
The Forum supports this application which has been significantly improved since it was submitted and since the public exhibition in Ralli Hall on February 5th. The major positive features which now align the proposal more fully with the policies of the Draft Neighbourhood Plan are:
- the fact that it will be the first virtually car free development in the Neighbourhood Plan's proposed Hove Station Quarter, with improved provision for pedestrians and cyclists in the immediate neighbourhood
 - a significant improvement in the appearance of this very high density development by modifications to the design of the buildings
 - the delivery of substantial public realm/streetscape improvements both in adjacent streets and elsewhere in the immediate neighbourhood
 - the provision of a community room for use by both the incoming tenants and current residents, not least those living in the immediately adjacent Clarendon Ellen Estate - thus mitigating its design as a 'gated development'
- 5.117. The major limitation of the final scheme is that only 10% of the housing is affordable, The Forum's view is that in the ongoing bargaining between the Council and the developers a level closer to the City's new policy of 22%

should be agreed, but not at the expense of further significant delay to the development or the risk of losing the 10% offered on appeal.

A community space in a socially inclusive Hove Station quarter.

- 5.118. At the early meetings the Forum pointed out that the proposed scheme was essentially a 'gated development'. The residents of the adjacent tower blocks would be able to look down and across Ellen Street at the first storey level green spaces between the new tower blocks, but would have no access to them.
- 5.119. We requested an amendment to the design to relocate one of the two green spaces to ground level, with an arrangement (possibly in co-operation with the Clarendon and Ellen Residents Association) for limited and managed access for estate residents for perhaps two hours in the afternoon on two days per week. Thus existing residents would receive some direct benefit from the development and such an amendment would create an opportunity for new residents and existing residents to meet as members of the evolving Hove Station Quarter community.
- 5.120. Unfortunately, the developers were not able to respond to this suggestion. However, in the context of our concerns, they did respond to a subsequent suggestion by ward councilors for the conversion of a ground floor office space at the corner of Ellen Street and Ethel Street to provide a 'community space' at the corner of Ellen Street and Ethel Street. This amendment is warmly welcomed by the Forum.
- 5.121. In our early community engagement work with the Clarendon and Ellen Street Residents' Association we became aware of their ambition for the provision of a RA managed community facility towards the eastern end of the estate to complement the facilities of the Honeycroft and Vallance centres at the western end. The Forum has been informed that if the space is leased by an external party (perhaps by the Council on behalf of the Residents' Association) there would be an informal co-operative arrangement with the on-site management of the building which will operate from the main entrance on the corner of Ethel Street and Conway Street. If this is not possible the WJ onsite staff would manage the space on behalf of both their tenants and local community organisations,
- 5.122. The Neighbourhood Plan's 'big idea' is that the phased comprehensive redevelopment of the City Plan Development Area 6 should deliver an integrated Hove Station Quarter, which is interconnected both physically (straddling the railway line) and socially by creating opportunities for mutually beneficial interaction between newcomers and existing residents. This innovative community space provision will help to facilitate such social

interaction and means that the project cannot now be simply characterized as a 'gated development'.

Public realm improvements and the Hove Station Community Hub

- 5.123. The creation of high quality spaces for the public between buildings is a key Neighbourhood Plan objective, which focuses attention on the quality and attractiveness of the streetscape and local public green spaces which neighbourhood regeneration delivers. The Forum emphasized that a major benefit of the now superseded Matsim scheme was the proposed transformation of Conway Street with retail and office uses along the south side ('an active frontage') linked to a refurbishment of the stairs up to Goldstone Villas and major improvements to the area at the foot of the stairs.
- 5.124. However, in contrast, the basic design of this scheme creates an active commercial frontage along Ellen Street, whereas much of the Conway Street frontage will be the services entrance to the development. In this context the Forum pressed for significant improvement to the initial proposals for both streets. The resultant final landscape proposals for Ellen Street include a wider footpath, with generous provision of trees, together with seats and low level planters. This will now deliver both a pleasant pedestrian route and an improved view from the Clarendon and Ellen Street estate.
- 5.125. The final proposals for Conway Street and Ethel Street have both upgraded the landscaping by the provision of increased tree planting and low level planters and by improving the relationship between provision for one-way vehicular traffic and the routes for both pedestrians and cyclists, notably the addition of a cycle path on Conway Street.
- 5.126. Moreover, the project will now make three significant contributions to the delivery of the Neighbourhood Plan policy for the creation of a **Hove Station Community Hub**, through the enhancement of the immediate environs of the Station:
- the removal of the Matsim scheme's proposal for new shops and cafes on Conway Street will ensure that the development will boost footfall and customer demand for the Goldstone Villas parade of shops
 - the refurbishment of the stairs will be a major improvement for pedestrians.
 - the proposed S106 funded highway improvements will include the repaving of sections of footways on Goldstone Villas, Station Approach and Denmark Villas
- 5.127. Overall the shift of the active frontage of the scheme from Conway Street to Ellen Street is, on balance, welcome, not least because the south-facing orientation of this design will provide a better outlook for the residents of the estate. Moreover it presents opportunities for the development of Ellen Street

as a pedestrian-friendly east-west link through the core of the eventual comprehensive redevelopment of the Conway Street area.

Development Density and Building Design

- 5.128. Overall, a very high density and high rise scheme is appropriate for the site, given its location immediately adjacent to the Station and the tower blocks of the Clarendon-Estate. It is consistent with both City Plan Policies and the policies of the emerging Neighbourhood Plan. However, the initial design of the project, as presented at the public exhibition in February, was heavily criticized by the Forum, the Hove Civic Society, the Regency Society and the Council's Urban Design Team - it was widely perceived to be a poor alternative to the well-received Matsim scheme.
- 5.129. Thus the development team 'took a step back' and made significant changes which have substantially improved quality of the development which included
- increasing the size of the windows
 - increasing the number of balconies and repositioning them
 - changes to the brickwork to a much lighter tone
 - increasing the number of PV panels on the roof
 - converting the flat roofs to green roofs,
 - changing the façade treatment at the top of the central tower
- 5.130. Thus the Forum is now convinced that the scheme will be a worthy 'beacon project' which will contribute positively to the identity of the Hove Station Quarter.

Housing Provision and Affordable Rents

- 5.131. Whilst the KAP project on Newtown Road has been approved for the provision of apartments for sale, this project (like the much larger scale MODA Sackville Road redevelopment) is a Build to Rent (BTR) scheme. A total of 216 residential units will be provided for private tenants, together with ground floor office space along the Ellen Street frontage. This extremely high density project will eventually make a significant contribution to the city's overall annual house building target of some 500 dwellings per year, which has been imposed by government planning policies. However, its location immediately adjacent Hove Station with access to excellent train, bus and taxi services mean that residents will not need to depend on car ownership. It is also the logical site for the first phase of the redevelopment of the Conway Street area.
- 5.132. W J will own and manage their scheme for a minimum of 30 years. Onsite management offers the attractive prospect of a well maintained, sustainable development which will make a major contribution to the diverse quality of the Hove Station Quarter. All the flats will be let on three year tenancies providing more security better for tenants compared with the bulk of the city's private rented housing stock. Affordable units will be exactly the same in appearance

and specification as the market rent homes and their tenants will have access to all the shared facilities on site.

- 5.133. The Forum has been informed that the market rent pcm will be
- £1,045 for a studio,
 - £1,305 for one bed,
 - £1,475 for two beds and
 - £1.665 for three beds
- 5.134. **But only 22 units (10%) - will be available at affordable rents at either a 20% or 30% discount pcm, with an average discount of 25%.**
- 5.135. The Council's viability assessment agreed with that provided by WJ that the project could not provide any affordable units as well as meeting agreed S106 obligations for supporting transport improvements, contributing to schools provision, public realm improvements etc. However, given that the Matsim scheme had been approved at 10%, WJ agreed to do the same. As with MODA this scheme demonstrates that the provision of any level of affordable housing is within the gift of the developer rather than being established by the operation of the planning system. If the Council were to try and impose a higher level WJ, like Matsim before them, would appeal and win.
- 5.136. Thus 90% of the units will not be affordable for low income households. But they may be affordable and provide better value for many existing private tenants of flats in mainly lower quality conversions of 19th century housing nearby, paying rents pcm which are typically up to £850 for 1 bed, £1300, for two beds £1600 for three beds
- 5.137. However, the Forum is concerned that WJ rented properties may well be attractive to Londoners, given the location so close to Hove Station, and simply draw more people into the Hove rental market.
- 5.138. **Thus WJ should be required to develop a lettings policy which gives priority to local applicants in the allocation of all tenancies, not just in the allocation of the affordable units as required by the City's affordable homes policy.**

Traffic and movement

- 5.139. The outstanding and very welcome feature of this proposal is that it is essentially car free, making parking provision only for residents who are 'blue badge holders'. It is also intended that 'overspill parking' will not be possible as tenants will not be eligible for parking permits in nearby streets. Car club provision will cater for tenants who wish to drive but do not need to own a car. These restrictive measures will be complemented by the provision of financial incentives for both tenants and office workers to increase cycle usage and the

local bus services. Thus the vast majority of incoming tenants and workers will not bring cars with them.

- 5.140. Thus the scheme establishes a clear precedent for the eventual, essentially car free development of the rest of the Conway Street area which will be vital to deliver the Neighbourhood Plan vision of a sustainable green Hove Station Quarter.

Conclusion:

- 5.141. The delivery of this project will put in place the first piece of the Conway Street redevelopment jigsaw puzzle. As such it highlights some of the challenges which will have to be addressed in the ongoing, council funded, preparation of the Hove Station Master Plan, which is scheduled for public consultation in November-December. The Forum is working in partnership with the Council on this detailed plan, which will specify the volume, mass, height and phasing of the comprehensive residential and commercial redevelopment of the rest of the area over the next 5-7 years, such that it meets the policy requirements of both the City Plan and the Hove Station Neighbourhood Plan.
- 5.142. Two issues will be critical for the delivery of the Neighbourhood Plan vision of sustainable, green Hove Station Quarter – the continuation and refinement of the car free development process and the use of council owned land to deliver the increase in genuinely affordable housing which our area desperately needs.
- 5.143. The Forum welcomes the assurances given to us by WJ that they are committed to developing collaborative working relations with the Forum, the Council and other private landowners in the area to contribute to the Master Plan, in parallel with the delivery of their project. This may bode well for the future development of the Hove Station Neighbourhood Quarter.
- 5.144. **Scotland Gas Networks:** no comment on merits of application
This mains record only shows the pipes owned by SGN in our role as a Licensed Gas Transporter (GT). Please note that privately owned gas pipes or pipes owned by other GTs may be present in this area and information regarding those pipes needs to be requested from the owners. If we know of any other pipes in the area we will note them on the plans as a shaded area and/or a series of x's.
- 5.145. The information shown on this plan is given without obligation or warranty and the accuracy cannot be guaranteed. Service pipes, valves, siphons, stub connections etc. are not shown but their presence should be anticipated. Your attention is drawn to the information and disclaimer on these plans. The information included on the plan is only valid for 28 days.

- 5.146. On the mains record you may see the low/medium/intermediate pressure gas main near your site. There should be no mechanical excavations taking place above or within 0.5m of a low/medium pressure system or above or within 3.0m of an intermediate pressure system. You should, where required confirm the position using hand dug trial holes. A colour copy of these plans and the gas safety advice booklet enclosed should be passed to the senior person on site in order to prevent damage to our plant and potential direct or consequential costs to your organisation.
- 5.147. Safe digging practices in accordance with HSE publication HSG47 “Avoiding Danger from Underground Services” must be used to verify and establish the actual position of the mains, pipes, services and other apparatus on site before any mechanical plant is used. It is your responsibility to ensure that this information is provided to all relevant people (direct labour or contractors) working for you on or near gas pipes. It must be stressed that both direct and consequential damage to gas plant can be dangerous for your employees and the general public and repairs to any such damage will incur a charge to you or the organisation carrying out work on your behalf. Your works should be carried out in such a manner that we are able to gain access to our apparatus throughout the duration of your operations.
- 5.148. **Wind/Microclimate: Comment**
An external consultant (RWDI) was instructed to independently review the submitted Wind / Microclimate Report.
- 5.149. Their initial conclusion requested further information from the applicant:
- 5.150. The results of the assessment are broadly in line with our own expectations of the wind microclimate in Hove, which gives us confidence that it is robust (pending clarification on the above points). We note that there is an area on the eastern podium where the conditions are suitable only for strolling during the summer, bordering on walking. This is substantially windier than the target conditions, and the report does not provide any further recommendation for improving it. Can ArcAero please provide their recommendation for this area, or else justify why they consider it not to be necessary? Please also comment on whether there are any entrances into the amenity space that may be affected the windy conditions.
- 5.151. The figures showing wind conditions on the podium and roof terrace levels appears to have contiguous regions that spread across different levels (see example below where the strolling [green] and walking [yellow] contours appear to continue from the roof terrace to the podium, which are at different heights). This may simply be coincidence and a product of the top-down view, but we would request that ArcAero please check and confirm that the results are shown correctly for their respective heights at each level.

Conclusions from RWDI review

- 5.152. Overall, the microclimate results appear to be reasonable and consistent with our expectations for such a development in Hove. This gives us some confidence that the methodology for the assessment is robust. However, we have made a number of requests in this document for further information to help us confirm whether that is the case.
- 5.153. Following further submission of information as requested by RWDI, the final comment was:
- 5.154. We have no further queries or requests, and we are happy to confirm that in light of the consultant's responses the assessment appears to be robust.
- 5.155. Our one point for the council's further consideration, as described in our comments above, is the relatively "windy" conditions that would occur on parts of the elevated amenity spaces (conditions suitable only for strolling during the summer, when sitting or standing would be desired).
- 5.156. As we have explained above, this exceedance of the relevant comfort threshold does not automatically mean that it is "unacceptable", but it is important to understand that occupants may be less likely to use these areas for amenity use. This should be weighed against other considerations including: the intended activity in these areas, the availability of seating in other (less windy) parts of the development, and the potential disadvantages of implementing additional mitigation measures (such as screens or extra planting, which may block the view).
- 5.157. **Southern Water: No objection subject to conditions**
Our initial investigations indicate that Southern Water can provide foul sewage disposal to service the proposed development. Southern Water requires a formal application for a connection to the public foul sewer to be made by the applicant or developer. We request that should this application receive planning approval, the following informative is attached to the consent:
- 5.158. A formal application for connection to the public sewerage system is required in order to service this development. Please read our New Connections Services Charging Arrangements documents which has now been published and is available to read on our website via the following link: southernwater.co.uk/developing-building/connection-charging-arrangements
- 5.159. The developer can discharge surface water flow no greater than existing levels if proven to be connected and it is ensured that there is no overall increase in flows into the sewerage system. Any existing discharge of surface water run off to the public sewer will have to be proven by means of Topographical and/or

CCTV survey report showing the existing connection points, pipe sizes, gradients and calculations confirming the proposed surface water flow will be no greater than the existing contributing flows.

- 5.160. Following initial investigations, Southern Water can provide a water supply to the site. Southern Water requires a formal application for connection and on-site mains to be made by the applicant or developer. We request that should this application receive planning approval, the following informative is attached to the consent: A formal application for connection to the water supply is required in order to service this development.
- 5.161. The proposed development would lie within a Source Protection Zone around one of Southern Water's public water supply sources as defined under the Environment Agency's Groundwater Protection Policy. Southern Water will rely on your consultations with the Environment Agency to ensure the protection of the public water supply source.
- 5.162. **Sussex Police Community Safety: No objection in principle**
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, I have no major concerns with the proposals, however, additional measures to mitigate against any identified local crime trends and site specific requirements should be considered.
- 5.163. It is important to note that for communal developments, security is not only relevant externally but it also has to be present to prevent internal criminal acts as well, deterring both external and internal threats to the residents.
- 5.164. The design and layout of the development has basement parking, ground floor retail / commercial usage with residential on subsequent floors. I was pleased to note the separation of the residential entrances from the retail / commercial element. A roller shutter will be required for the basement vehicle entrance, cycle storage in the basement will need to be reduced and be lockable. Access into the core residential areas from the basement will need to be controlled along with the retail commercial routes.
- 5.165. From a crime prevention perspective, it will be imperative that access control is implemented into the design and layout to ensure control of entry is for authorised persons only. It will also be important in ensuring that the structure of the development is maintained so that different uses do not cause conflict

with each other. Segregation of the day to day activates of the residential element from the commercial / retail element of the development.

5.166. Developments over 25 flats / apartments can suffer adversely from anti-social behaviour due to unrestricted access to all areas and floors of the building. In order to create a safe and secure communal environment for residents occupying blocks of multiple flats, and to reduce the opportunity for antisocial behaviour by restricting access to all areas and floors of the building to all residents. SBD seeks to curtail unlawful free movement throughout the building through the use of an access control system (compartmentalisation). The application of such is a matter for the specifier, but may be achieved by either, or a combination, of the following:

- Controlled lift access – each resident is assigned access to the floor on which their dwelling is located via the use of a proximity reader, swipe card or key. Fire egress stairwells should also be controlled on each floor, from the stairwell into communal corridors, to reduce the risk of them being used for anti-social behaviour or criminal activities.
- Dedicated door-sets on each landing preventing unauthorised access to the corridor from the stairwell and lift; each resident being assigned access to the floor on which their dwelling is located. Fire egress stairwells should then be controlled on the ground floor preventing

5.167. I recommend that the secure cycles stores within the basement are constructed as such that they are lockable have good surveillance through them and hold no more than 30 cycles each. This will reduce the payoff for a would-be offender as well as affording additional security to the resident.

5.168. I strongly urge the applicant not to consider letter apertures within the flats' front doors. The absence of the letter aperture removes the opportunity for lock manipulation, fishing and arson attack and has the potential to reduce unnecessary access to the block. There are increasing crime problems associated with the delivery of post to buildings containing multiple dwellings or bedrooms. Therefore mail delivery that compromises the security of residential areas of a multi-occupied building in order to deliver individually to each residence should not be permitted. Facilities should be provided that enable mail to be delivered to safe and secure areas. Communal mail delivery facilities within building entrances serving multiple flats or rooms should be designed to incorporate the following:

- Located at the primary entrance/exit point of the building within view, within an internal area covered by CCTV or located within a secure access controlled entrance hall, or externally at the front of the building
- within view of those using the building;
- Be of robust construction;
- The individual letter boxes shall have a maximum aperture size of 260mm x 40mm;
- Have anti-fishing properties;
- Have fire resistance where considered necessary;

- Installed in accordance with the manufacturers specification
- 5.169. Additionally I would like to bring to the attention of the applicant or their agent SBD Commercial Development 2015 document. This is a comprehensive document that encapsulates both commercial developments where the public have no formal access, e.g. factory or office buildings, and those where public access is integral to the commercial use such as retail premises, leisure centres and public buildings.
- 5.170. This document will be able to provide the applicant with in-depth crime prevention advice pertinent to the design and layout. Accredited products that are fit for purpose and appropriate along with natural surveillance, access control will assist the development in creating a safe and secure environment in which to partake in leisure and retail activities. All external fire doors are to be devoid of any external furniture and linked back to security or be alarmed that will indicate when the door is opened or left ajar. Signage adjacent to the door is to be available to inform users of the consequences of misuse.
- 5.171. Both the above documents will be able to provide crime prevention advice for security measures such as; Underground parking and gating, secure access from basement to core areas, external and internal security measures, doors and window specifications, secure cycle storage, access control systems, lighting , CCTV, postal arrangements all which will be relevant to the development.
- 5.172. Where there are fire and security requirements for accessible doors, I would like to inform the applicant that there are dual fire and security certificated products available from door manufacturers.
- 5.173. I am the Secured by Design Officer for this location and would welcome a SBD application. Lighting throughout the development will be an important consideration and where it is implemented it should conform to the recommendations within BS 5489-1:2013.
- 5.174. I would also ask you to note that Sussex Police is now exploring the impact of growth on the provision of policing infrastructure over the coming years and further comment on this application may be made by our Joint Commercial Planning Manager.
- 5.175. Finally given the presence of underground car parking and the amenity spaces within the development, I recommend that the applicant seek advice from Sussex Police Counter Terrorist Security advisers with regards to the scheme as soon as it is practicable. The Crime & Disorder Act 1998 heightens the importance of taking crime prevention into account when planning decisions are made. Section 17 of the Act places a clear duty on both police and local

authorities to exercise their various functions with due regard to the likely effect on the prevention of crime and disorder.

- 5.176. You are asked to accord due weight to the advice offered in this letter which would demonstrate your authority's commitment to work in partnership and comply with the spirit of The Crime & Disorder Act.
- 5.177. **Sussex Police Counter Terrorism:** no comment received
- 5.178. **UK Power Networks:** No comment made

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);
 - 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.;
 - 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 One

| | |
|-----|--|
| SS1 | Presumption in Favour of Sustainable Development |
| SA6 | Sustainable Neighbourhoods |
| DA6 | Hove Station Area |
| CP1 | Housing delivery |
| CP2 | Sustainable economic development |
| CP3 | Employment land |

| | |
|------|--|
| CP4 | Retail provision |
| 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 |
| 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 |
| QD25 | External lighting |
| QD27 | Protection of amenity |
| HO5 | Provision of private amenity space in residential development |
| HO13 | Accessible housing and lifetime homes |
| HO21 | Provision of community facilities in residential and mixed use schemes |
| HE3 | Development affecting the setting of a listed building |
| HE6 | Development within or affecting the setting of conservation areas |
| HE10 | Buildings of local interest |

Brighton and 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.

There are a number of relevant policies in this emerging plan including the following;

DM6 Build To Rent Housing

Supplementary Planning Guidance:

SPGBH15 Tall Buildings

Supplementary Planning Documents:

SPD03 Construction & Demolition Waste

SPD06 Trees & Development Sites

SPD11 Nature Conservation & Development

SPD14 Parking Standards

SPD16 Sustainable Drainage

Planning Advice Notes (PAN)

PAN 05 Design Guidance for the Storage and Collection of Recyclable
Materials and Waste

PAN 06 Food Growing and Development

Further Guidance:

Affordable Housing Brief (December 2016)

Developer Contributions Technical Guidance (March 2017).

8. CONSIDERATIONS & ASSESSMENT

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

Background:

8.2. A similar mixed use scheme proposed on the site under application BH2016/02663 was refused at committee for the following reason:

The applicant has failed to provide sufficient affordable housing. The applicant has offered 18.8% affordable housing provision which is significantly below the 25% affordable housing provision that has been independently assessed as being viable by the District Valuer Service. The proposal is therefore contrary to policy CP20 of the Brighton & Hove City Plan Part One.

8.3. This was subsequently granted on appeal with the following conclusions by the Planning Inspector:

- The main parties agreed at the Hearing that the Council cannot demonstrate a five-year housing land supply. In such circumstances, the Framework's presumption in favour of sustainable development is engaged. This states that where policies which are most important for determining applications are out-of-date, which is the case here by reason of the absence of a five-year housing land supply, planning permission should be granted for development unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.
- The main parties are agreed on the benefits of the scheme. The site is designated as a strategic allocation area within the City Plan where policy DA6 C applies. This policy seeks a comprehensive mixed use redevelopment of over the appeal site and wider commercial units along Conway Street. While there are some areas where the appeal scheme differs from the requirements of the policy, the Council confirmed at the Hearing that the proposed development generally accords with it. I have no reason to disagree, and being the first scheme to come forward I acknowledge that the proposed development could in effect kick-start this process of the wider regeneration of this area.
- It would provide much-needed new market and affordable housing and commercial space, and has the potential to open opportunities for employment during construction and operation stages. I also find that the proposed development would result in an improvement to character and appearance of the area against the existing situation. I attach considerable weight and importance to these benefits.
- I acknowledge that the level of affordable housing provision where pressing need exists is undoubtedly on the low side. But as I have found on the evidence before me the scheme cannot reasonably provide more. However, the provision of a review mechanism in the Legal Agreement, as discussed above, allows provision for payments to be made should the proposal demonstrate a surplus, and this reduces the any harm in this regard. It would also preserve the significance of the heritage assets.
- In my judgement, and applying the so-called tiled balance, I find that the adverse impacts of the proposed development do not significantly and demonstrably outweigh the benefits. The proposed development would amount to sustainable development for the purposes of the Framework, and would comply with the development plan as a whole.
- This planning permission remains extant on the site and the owners have indicated they will consider its implementation if the current scheme is not approved..

Planning Policy:

DA6 Hove Station Area:

- 8.4. The site falls within the Conway Street Industrial Area Strategic Allocation which is set within the wider Hove Station Development Area.
- 8.5. Within the Conway St strategic allocation, it specifically seeks the retention/replacement of 12,000 sq.m employment floorspace with a shift into high quality flexible office/business floorspace (i.e higher employment densities) and a minimum 200 residential units.

8.6. The strategy for the wider DA6 development area is to secure the long term regeneration opportunities around the Hove Station area and enable its development as an attractive and sustainable mixed-use area focussed on employment. The aim is to secure the creation of a high quality employment environment that will attract investment and new employment opportunities for the city and promote the efficient use of land through, predominantly employment and residential, mixed use developments. The policy sets out 10 local priorities to achieve this strategy. Those most relevant to the application site include:

- ensure that development takes account of and contributes to the appropriate provision of public open space and essential community services and provides environmental, biodiversity, pedestrian and public safety improvements
- Enhancing the sustainable transport interchange at Hove Station by improving the walking and cycling network in the wider area, improving permeability within the area, encouraging accessibility improvements over the railway at the station, strengthening north-south connections across the railway and beyond the area and east-west connections along Old Shoreham Road;
- Continuing to encourage more efficient use of under-used sites whilst retaining/replacing employment floorspace,
- Maintaining and strengthening the creative industries business cluster in the area,
- Creative use of development to integrate new green infrastructure including green space, accessible green roofs, green walls and other features which support Biosphere objectives;
- consideration of low and zero carbon decentralised energy and in particular heat networks,
- Over the plan period a minimum of 525 additional residential units are sought.

Hove Station Neighbourhood Forum:

8.7. The site also sits within the designated Hove Station Neighbourhood Area, which is the subject of an emerging Neighbourhood Plan being prepared by the Hove Station Neighbourhood Forum (HSNF). A draft Neighbourhood Plan is being prepared by HSNF which includes an intention to promote the site for a mixed use redevelopment and a policy supporting comprehensive and integrated approach to development in the DA6 area. The Regulation 14 Pre-Submission Draft Hove Station Neighbourhood Plan was published for public consultation from 23 March to 15 May 2019.

Employment provision:

8.8. The amended proposals have reduced the quantum of B1 floorspace from 2,016 sqm to 1,662 sqm, but now include 341 sqm flexible commercial and community space (B1/D1/D2 under the current Use Classes Order definition

which apply at the time of writing the report). This is also less than the extant scheme which provides for 1988sqm of B1 floorspace and 226sqm of retail but has no community provision. As in the previous proposals, the commercial and commercial/ community floorspace would comprise the ground floor of the development.

- 8.9. It should be noted that the changes to the Use Classes Order (UCO) to be introduced on 1 Sept 2020 will subsume Class B1 within the new Class E (Commercial, Business and Service) which will also include the current A1, A2 and A3 Use Classes. This effectively means that it will not be possible to restrict the future use to commercial offices and use of the space for retail, professional services or restaurant/cafe could potentially be possible.
- 8.10. Policy DA6 seeks employment focused regeneration. Within the Conway St strategic allocation, it specifically seeks the retention/replacement of 12,000 sq.m employment floorspace with a shift into high quality flexible office/business floorspace (i.e higher employment densities). However, some loss of employment floorspace within the Conway St area is accepted (CPP1 para 3.72).
- 8.11. The level of dedicated business/office space would be less (1662sqm) than the current storage/warehousing floorspace on the site (1,835 sqm) and the level proposed in the extant planning consent (BH2016/02263) which provides for 1,988 sqm B1 space. However, the flexible commercial/community space would allow potential for increase to slightly over 2,000 sqm.
- 8.12. This is supported by the Policy Team:
“The provision of office space in place of storage/ warehousing would be likely to support a much higher number of FTE jobs and would support the Policy DA6 requirement to contribute to a range of office and flexible workspaces including larger floor plate offices and affordable business floorspace suitable for small business and digital media/creative industries (DA6.c.1.b).”
- 8.13. Given the above it is considered that whilst the scheme does not match the existing amount of commercial floorspace currently on site or meet the level specified by policy, the provision of office space proposed is considered acceptable in this instance as the floorspace will support a higher density of jobs and creates much needed modern floorspace in the city. Whilst the level of employment floorspace weighs against the scheme, this should be considered in the context of the other benefits of the scheme in terms of additional housing in the city, additional community space and the potential to drive regeneration of this area.

Community Provision:

- 8.14. The proposed 341m² of flexible community space did not form part of the original proposal but was added during the course of the application, following feedback from the ward Councillors.
- 8.15. The provision of a small area of the ground floor space potentially available for flexible commercial/community uses would allow for the provision of small scale local community facilities. Under the new UCO to be introduced from 1 Sept 2020, uses currently classified as D1 and D2 will fall variously within the new Class E, Class F1 (Learning and non-residential institutions), F2 (Local community) and Sui Generis. There is no information submitted as to how the space will be managed and a condition is recommended to secure this information.
- 8.16. Whilst Policy DA6 doesn't specifically make any provision for new community facilities, City Plan policies are generally supportive of community facilities in appropriate locations close to residential areas and accessible by public transport (e.g Policy SA6) and such provision would support the regeneration of the area and increased residential densities promoted in DA6 and the emerging Hove Station Masterplan.
- 8.17. The emerging Hove Station Neighbourhood Plan (Reg 14 version) identifies a Strategic Priority to plan for new and improved social and community facilities as needed for the increased population. NP Policy 13 specifically supports proposals which broaden and enhance the mix of community facilities as an essential component to the use mix in the Hove Station Quarter (although the preferred NP approach is to focus community facilities into the 'Community hubs' identified in Policy 14).
- 8.18. Saved Local Plan Policy HO19 supports new community facilities, subject to criteria relating to accessibility (including to socially excluded groups), and subject to having no unacceptable impacts on surrounding residential and local amenities, and accessibility by walking, cycling and public transport.
- 8.19. Policy HO21 positively encourages the provision of community facilities as part of residential and mixed use schemes to meet the realistic, assessed needs of residents, consistent with the scale and nature of the development proposed.
- 8.20. Draft Policy DM9 in the emerging CPP2 also supports the provision of new community facilities where the proposed use is compatible with adjoining and nearby uses; the site is close to the community it serves and is readily accessible by walking, cycling and public transport; and community facilities have been co-located, where feasible and appropriate. Although this policy carries little weight at this stage it does provide an indication of the direction of travel.

8.21. Therefore, the principle of allowing flexibility for local community uses within a small area of the ground floor is accepted.

Housing provision:

8.22. 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.

8.23. 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).

8.24. In the context of Brighton & Hove, this is considered a large scale C3 residential development proposal. The provision of 216 C3 residential units represents a significant 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. The proposed amount of C3 development also makes a significant contribution towards the requirement for 525 residential units for the Policy DA6 Hove Station Development Area as a whole.

Build to Rent Housing:

8.25. NPPF defines Built To Rent Housing as 'Purpose built housing that is typically 100% rented out... Schemes will usually offer longer tenancy agreements of three years or more, and will typically be professionally managed stock in single ownership and management control'. The Government is promoting build to rent as a means of improving the supply, choice and quality of private rented accommodation.

8.26. Emerging Policy DM6 of the draft City Plan Part Two specifically addresses Build to Rent Housing. The draft Policy DM6 sets out criteria that will be used to determine the acceptability of individual BTR schemes. These criteria include factors:

- housing choice
- appropriate mix
- standard of accommodation
- operation and management

- long term tenancies

8.27. Although carrying little weight at this stage, City Plan Part 2 policies do indicate the direction of travel.

8.28. As stated by the Planning Policy Officer, 'The council accepts that BTR can help improve the choice of housing and boost the supply of good quality rented accommodation in the city, including through provision of longer term secure tenancies'.

8.29. Build to Rent Housing provides is an important contribution to housing supply in the City and the nationally. The proposed development would provide 216 Build to Rent residential units which would contribute to the housing supply shortfall identified above. The proposed development accords with emerging policy DM6 of the draft City Plan Part Two and details will be secured via a legal agreement.

Density:

8.30. City Plan Part One Policy CP14 (Housing Density) expects a minimum density level of 100 dwellings/ha within the identified Development Areas. The proposed development will have a residential density of 540 dwellings per hectare (1,240 habitable rooms per hectare). This is based on the provision of 216 dwellings on a site area of 0.4 hectares. As observed by the Planning Policy Officer 'the level of housing proposed in this application exceeds the Strategic Allocation minimum target of 200 dwellings, although the development site itself accounts for only c12% of total area within the Conway St allocation. However, the Policy DA6 targets are stated as minima and a larger quantum of residential development would contribute towards the City Plan housing target of 13,200 new homes over the period 2010-2030'. Although the density proposed is higher than recommended it can be considered acceptable in this instance due to other considerations in the planning balance which will be considered later in this report.

8.31. Furthermore, '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) and the 5-year housing land shortfall, subject to the scheme being judged acceptable in terms of other development plan policies and priorities'. As such is considered that the amount of housing and density of the scheme is appropriate for the site and would contribute greatly towards the shortfall of housing supply in the City.

Housing Mix:

8.32. Policy CP19 of the City Plan Part One requires all new residential development to have regard to the characteristics of existing neighbourhoods and

communities to ensure that development makes a positive contribution to the achievement of mixed and sustainable communities.

- 8.33. Although not yet adopted and thus carrying little weight, emerging Policy DM6 (Build to Rent Housing) of City Plan Part Two directly references and supports adopted Policy CP19 (Housing Mix) to inform the provision of a mixed and sustainable communities.
- 8.34. Build to Rent Housing should also comply with the requirements of Policy DM1 (Housing Quality, Choice and Mix) of the emerging City Plan Part Two which requires residential development to incorporate a range of dwelling types, tenures and sizes which respond to the City's identified housing need; and to make provision for a range and mix of housing formats subject to the character, location and context.
- 8.35. These policies require the provision of an appropriate mix of housing (in terms of type, size and tenure), including affordable housing, that will contribute towards meeting the city's identified housing needs and will deliver balanced communities.
- 8.36. The proposed unit mix comprises the following:
- Studio flat x 31 & 1 bedroom (2 person) x 101 (61%)
 - 2 bedroom (3 person) x 48 (22%)
 - 2 bedroom (4 person)x 25 (12%)
 - 3 bedroom (6 person) x 11 (5%)
- 8.37. As stated by the Planning Policy Officer, the demographic analysis of demand /need in the city within the explanatory text of Policy CP19 (Housing Mix) of the City Plan Part Two 'indicates that 65% of overall need/demand (for both market and affordable homes) will be for 2 and 3 bedroom properties (34% and 31% respectively), compared to 24% for 1 bedroom properties and 11% for four-plus bedroom properties. Compared to this overall demand/need, the mix proposed in this application is heavily skewed towards smaller dwellings with studios and 1 bedroom apartments comprising over 60% of the total, and only 5% units being 3 bedrooms'. In this regard, the Planning Policy Officer considers that the proposal would better comply if a higher proportion of 3 bedroom units and 2 bedroom units were increased. Notwithstanding the above, it is also acknowledged by Planning Policy Officer that the size mix does reflect the type of tenure, urban character and accessible location of the scheme.
- 8.38. The approved unit mix in the extant scheme is as follows:
- 98 x one beds (52%);
 - 73 x two beds (39%)
 - 17 x three beds (9%)

- 8.39. The current scheme is less compliant than the extant scheme. It is noted that there is a higher percentage of three bedroom units in the extant scheme (9% compared with 5%) and circa 9% more smaller units, although it is observed that no studio apartments were provided in the extant scheme.
- 8.40. The unit mix has not altered during the course of the application, and the applicant has stated that the proposed unit mix aligns with market rental data which highlights a strong demand for 1 and 2-bedroom units for rent, with less demand for 3-Bedroom units.
- 8.41. Although a greater number of larger units would be preferred, the mix of dwellings would nevertheless cater for a range of occupiers and would be suitable to the particular locality and tenure. It is also acknowledged that the Conway Street site allocation does not set a required housing mix.
- 8.42. Although the unit mix provides more smaller units, given the proximity of the site to the station, town centre (which may likely appeal to a particular demographic) the unit mix would be acceptable and would contribute to the provision of housing in the City where there is an evident need and the balance is tilted in favour of the provision of housing
- 8.43. The housing mix weighs against the scheme, however, given the need for accommodation, the lack of 5 year housing land supply and the reasons specified above, the scheme is considered acceptable.

Affordable Housing and Viability:

- 8.44. City Plan Policy CP20 (Affordable Housing) requires housing development of over 15 units to provide 40% affordable housing. The 40% target may be applied more flexibly subject to a number of considerations including the financial viability, the extent to which the provision would prejudice the realisation of other planning objectives and the need to achieve a successful housing development.
- 8.45. The national Planning Policy Guidance for Build to Rent sets out a typical expectation of 20% affordable housing provision to be provided, as part of Build to Rent schemes where viable, normally in the form of Affordable Private Rent (APR), where viable and introduced a specific new tenure of affordable private rent (often also referred to as Discount Market Rent or DMR) for Build to rent schemes only. As confirmed by the Housing Strategy Team, Build to Rent schemes do not require the owner/manager to accept direct nominations from the council for the homes provided. Tenants for these homes will be found via set criteria agreed between the owner and the council.

- 8.46. As stated by the Planning Policy Team ‘...BTR schemes in the city are capable of supporting up to 20% affordable units provided at discounted rents at least 20% below equivalent local market rents. However, greater levels of discount would be required to deliver units that are genuinely affordable to most of those eligible to join the Council’s housing register’.
- 8.47. The applicant has submitted a Financial Viability Assessment which concludes that the proposed development cannot provide any affordable housing. The Financial Viability Assessment has been independently assessed by the District Valuer who confirmed that “*the appraisal for the proposed scheme with no affordable Housing, does not exceed the benchmark Land Value and is therefore not considered viable*”.
- 8.48. The Community Infrastructure Levy (CIL) - a charge levied by local authorities on new development to assist in delivering the infrastructure required to support development; is due to be implemented on the 5th October 2020. Section 106 obligations are currently being utilised to mitigate the impact of developments and apply, however they will be scaled back when CIL is introduced. As such, the DVS considered the viability of the scheme *with* and *without* CIL, both of which were unviable.
- 8.49. Although unviable, the applicant subsequently offered 10% Affordable Housing on site, subject to there not being a review mechanism. This would comprise of 10% of habitable rooms available - to be provided as affordable private rent, let at an average discounted rate of 25% below the local market rent as discount (or 75% of market rent).
- 8.50. The offer of 10% affordable housing is supported by the Housing Strategy Team in the context of national planning guidance, the outcome of the viability assessment and the council’s Build to Rent policy. The unit mix and the criteria to be used to allocate the affordable private rent homes are to be agreed.
- 8.51. In accordance with draft Policy DM6 of CPP2 and its supporting text, the following matters will be secured by a legal agreement as agreed by the applicant:
- size mix for the affordable units
 - eligibility criteria (to be agreed with the Council)
 - a marketing and lettings plan
 - annual statements setting out the tenancy details and rental levels charged
 - Set service charge
 - Affordable housing units to be secured in perpetuity and inclusion of a mechanism to ‘clawback’ the value of the affordable housing provision based on values of the specific units at that particular time if circumstances arise where the all or part of a build to rent scheme is sold or converted to another tenure.

- In any circumstances where it is not possible to retain the affordable housing on-site, provision will be made for equivalent provision on a different site or for a financial contribution equivalent to the value of the affordable housing lost.
- 8.52. During the course of the application, the applicant has made a 10% affordable housing offer on the basis that it would not be subject to any early or late review mechanisms. However, the Planning Policy Officer and Housing Strategy Team have requested a future viability review, given that the affordable housing provision falls short of policy requirements (for viability reasons) as per the established council practice set out in the Affordable Housing Brief.
- 8.53. The applicant has not agreed to this requirement on the basis that the imposition of a review mechanism will severely affect the funding of the scheme- which would render the scheme undeliverable. In addition, the applicant has argued that the review mechanism is not a planning policy requirement or emerging policy requirement and the scheme is a single-phase development.
- 8.54. Policy CP20 sets out the expected affordable housing unit size mix, the preferred mix to be achieved across the city of 30% one bed units; 45% two bedroom units and 25% three bedrooms plus units. However, on individual sites this will be determined through negotiation, relevant housing needs assessments and neighbourhood characteristics. The number and size of the units are to be agreed with Housing Strategy Team and will form part of the legal agreement.
- 8.55. Council policy requires 5% of all homes across the whole development and 10% within the affordable housing element to be provided as fully wheelchair accessible homes in accordance with Building Regulation requirement Part M4(3). The applicant has agreed to this. This will form part of the legal agreement and conditions.
- 8.56. The offer of affordable housing is strongly welcomed, although it is regrettable that the review mechanism has not been agreed by the applicant. Discussions are still taking place, and this will be updated in the Additional Representations List. Overall, whilst it is recognised that the proposed scheme is delivering below a policy compliant level of 40% affordable housing as set in CP20 (and below the suggested levels of 20% for BTR in the national guidance) given that the Viability Assessment has demonstrated that affordable housing cannot be viably provided, the offer of 10% affordable housing is welcomed and weighs strongly in favour of the scheme.

Management

8.57. The applicant has submitted a Tenant Management plan and the residential accommodation will be held in unified ownership and will be managed by Fresh Property Management (a sister company of the applicant). This will ensure that the quality of accommodation, building standards and servicing will be maintained. This would comply with the requirements of emerging Policy DM6 of the Draft City Plan Part Two.

Design, Scale and Appearance and impact on wider townscape:

8.58. National and local policies seek to secure good quality design which respects general townscape and the setting of heritage assets. Taller and higher density development than that is typically found in an area can be considered appropriate in the right location. Policies DA6, CP12 of CPP1 and Supplementary Planning Guidance on Tall Buildings (SPGBH15) identify the application site as within an area with the potential for development of higher density and tall buildings (18m in height or approximately 6 storeys above existing ground level).

8.59. Policy CP12 on Urban Design sets that development should meet certain criteria. The key 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;

8.60. SPGBH15 requires all new tall buildings to be of a high quality of design, such that they can make a positive contribution to the city's urban form and skyline, support the city's continued regeneration, and are generally well received. The council will expect very tall developments in particular to be, at least in part, accessible to the public. All tall buildings must be integrated into the public realm, be responsive to environmental conditions and embrace principles of sustainability. A full visual assessment is required to enable a full appreciation of the likely resultant townscape. A Tall Building Statement accompanied the application submission.

8.61. The overall design approach of the current scheme has been progressed through a Design Review Panel process, a significant number of pre-application meetings and further revisions during the lifetime of the scheme.

- 8.62. The final proposal is for a building that is between 2 and 18 storeys in height creating a total of 216 build to rent residential dwellings (mix of studio, 1, 2 and 3 beds), mixed use commercial/community uses at ground floor level with basement parking. It has been predominantly massed to the north of the site as the character to the north is more industrial in character, which reduces the impact on neighbouring residential properties. The buildings to the east of the site are 4 storeys in height with 9 storey Council owned tower blocks to the south.
- 8.63. The design sits predominantly to the north edge of the site and comprises a central 18 storey tower element and a 9 storey tower on the eastern edge of the site, which are connected by 7 storey connecting elements. With the exception of the central tower the design overall reflects the character of the surrounding area and in particular the existing tower blocks to the south.
- 8.64. The general proposed layout is significantly different and improved over that of the extant scheme (BH2016/02663). Whereas this previous approval adopted a courtyard approach with development around the edges of the site, this design offers significantly better design and layout in terms of impact on the surrounding streetscene and the amenity of residents. By massing the development solely to the north of the site, allowing for open amenity areas to the south, the provided outdoor amenity space is significantly improved over the extant scheme with much greater sunlight.
- 8.65. There have been significant changes to the scale, massing, design and materiality during the lifetime of the scheme in response to comments from formal pre-application advice, Design Review Panel comments and the Council's Urban Design officer. These include:
- Improvements to the quality of the Conway Street public realm;
 - Provision of Green roofs providing biodiversity gains;
 - Provision of additional private external amenity by the addition of more balconies to the north elevation. Although these are projecting balconies, which is not ideal as inset balconies are preferred, they have been designed well and work as a projection of the main floor plate;
 - Functionality of south facing access decks and balconies, and;
 - Improved materiality and contextual appropriateness by breaking up the contours of the elevations, providing a clearer separation of the tower elements;
 - A reduction in the width of the tower element;
- 8.66. Following these changes Urban Design comments provide general support for the scheme subject to the securing of high quality materials via condition:
- A general site layout which optimises southerly aspect and generates improvement to the public realm to the south and east;

- A consideration of the future development of the wider contextual area which enshrines the ambition to integrate proposals and to regenerate the Conway Street area;
 - Communal amenity areas which are of a high quality and present excellent opportunity for social interaction and urban greening;
 - Improvements to public realm of Ellen Street and Ethel Street which include street tree planting and street furniture, and which are considered to be of high quality and a positive contribution to the regeneration of the area;
 - An internal layout which adheres to national space standards, and;
 - A well-proportioned elevational composition.
- 8.67. Despite the improvements discussed above, there remain some concerns about the design:
- The commercial appearance / character of parts of the proposals generating a non-residential character. This is not specific to Ellen Street, but is a general comment related to the previous reasons for objection: “A lack of residential character or identity” and “Flatness to the appearance of proposals”;
 - A bulky and inelegant profile to the tower element;
 - The detrimental impact of the scale and massing of proposals on the character and quality of Conway Street, and;
 - The character of Ellen Street at Ground level during times when commercial frontage is inactive.
- 8.68. It is considered that the above concern regarding commercial street frontages can be mitigated against through a condition requiring details of shopfronts be submitted to the LPA prior to occupation of the units.
- 8.69. When considering the overall planning balance, significant weight must be given to the 5 year housing supply requirement. Although the design and scale of the proposal still has some concerns with regard to the height and form of the central tower and the character of the commercial frontages, it does represent a significant improvement on the extant scheme due to its improved cohesiveness as a design and considerably better communal amenity provision for occupiers. Whilst there are outstanding concerns regarding aspects of the design, the overall design is supported.
- 8.70. Policy DA6 seeks to ensure that proposals relating to individual buildings and/or sites within this area will not prejudice the objectives of the Conway Street allocation. The applicant has considered this as demonstrated with the submitted Design and Access Statement with diagrams to consider how the adjacent site to the west (the bus depot) may come forward in the future. The proposed scheme has been designed to ensure that the quantum of development within the adjacent site would not be significantly limited or restricted due to the siting of the proposed development. Furthermore, amenity

impacts between the proposal and any future development could be managed acceptably.

Heritage

- 8.71. This site lies immediately to the west of the Hove Station conservation area, which adjoins the Denmark Villas conservation area to the east..
- 8.72. 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.
- 8.73. Furthermore, when 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.
- 8.74. Case law has held that the desirability of preserving the character or appearance of a conservation area and/or the desirability of preserving a listed building or its setting must be given "considerable importance and weight.
- 8.75. It must also be noted that Paragraph 196 of the NPPF sets out that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.
- 8.76. Furthermore, it is pertinent to set out that paragraph 197 of the Framework sets out that there is a lower level of protection for non-designated heritage assets stating, *The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.*
- 8.77. The special character of the Hove Station conservation area derives from the relationship between the station itself and the surrounding late Victorian buildings which connect the station with the main part of the town along Goldstone Villas.
- 8.78. This is a busy, tree-lined road with terraced properties to the north and more domestic, lower scale property to the south. This road contains a wide variety of late Victorian buildings with very few modern buildings apart from a small house (No. 37) and Cliftonville Court, a 1960's office block which unfortunately

sits opposite and intrudes on the setting of the listed station and the adjacent Ralli Memorial Hall. The most significant features of Goldstone Villas are two long terraces close to the railway station and the public house at the north end.

- 8.79. The Character Statement for the area notes that *“when looking up from Holy Trinity Church, there is a long row of buildings culminating at the top of the wide street with the low pitched slated roof of the railway station”* Around the corner in Station Approach the space is defined to the north and west by the station and to the south by the Ralli Memorial Hall, which acts as an important focal point despite the unsympathetic modern development adjacent and the petrol station opposite.
- 8.80. The most important building is Hove Station, listed grade II, dating from several building periods. The first building was constructed in 1865-6 in the Tuscan villa style; this is the white painted block which sits most prominently on the site facing down Goldstone Villas. It is two storeys high, rendered, with a shallow pitched slate roof with end bays which break forward at first floor level. The windows have segmental-heads, moulded surrounds, and sash windows without glazing bars. On either side are single storey rusticated wings with similar fenestration. The main building slightly to the west which now forms the passenger station was built in 1879, possibly to the designs of F. D. Bannister. It is constructed in red brick with a grey brick plinth, stone dressing and quoins, a hipped bitumen-covered slate roof and a canopy over the forecourt area supported by cast iron columns.
- 8.81. The key impacts of the development on heritage assets are identified by the Heritage Team as being on the setting of Hove Station Conservation Area and on the setting of the grade II listed Hove Station together with the locally listed public house adjacent. These assets along with the adjacent Goldstone Villas have a very clear historic relationship and the Station has historically been the dominant architectural element in the area, as benefits its use and status. It remains a key focal point, both visually and functionally in the approaches, especially along Station Approach.
- 8.82. Verified views of the development were provided to show the impact of the scheme from just to the east of Hove Station concourse. These demonstrate the considerable degree to which the development will be visible from the conservation area above the locally listed public house. Due to the increased height of the tower elements and massing to the east of the site, this will have a greater impact than the extant scheme, being far more visible above the properties lying on Goldstone Villas. Although more detrimental than the extant scheme, The Heritage Team consider the impact of both the extant scheme and the current scheme to be considerable but less than substantial in the terms set out in the NPPF.

- 8.83. The Conservation Advisory Group (CAG) have also unanimously objected to the scheme for similar reasons of scale and massing. The Hove Station Neighbourhood Forum on the other hand have supported the scheme.
- 8.84. In this case, whilst the Heritage comments are noted and the heritage impact weighs against the scheme, the public benefits of the redevelopment of a Strategic Allocation within a Development Area identified in the City Plan, the need to provide housing in light of Brighton and Hove's difficulty to meet its 5 year housing supply and the improvements to the public realm are considered to outweigh the harm to heritage assets.
- 8.85. It should also be noted that the impact on Heritage assets was not a reason for refusal of the previous, extant scheme although it is acknowledged that the Heritage Team has outlined that the current proposal does have a more detrimental impact in heritage terms.

Archaeology

- 8.86. Policy HE12 (Scheduled ancient monuments and other important archaeological sites) seeks to ensure development proposals preserve and enhance sites of known and potential archaeological interest and their settings. An Archaeological Desk Based Assessment has been submitted by the applicant which assesses the potential for the proposed development to impact on below ground heritage assets. The County Archaeologist has reviewed this document and considers that although there is moderate potential for archaeological remains, this is acceptable that the risk of damage to archaeology is mitigated by the imposition of planning conditions for further investigation.

Impact on Neighbouring Amenity:

- 8.87. 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.

Loss of Sunlight/Daylight

- 8.88. The proposed development would result in some loss of sunlight and daylight to neighbouring residential buildings.
- 8.89. The BRE report has identified the following:
- 32 north facing windows in Livingstone House would have losses of daylight outside the guidelines. The largest relative losses of light would be to windows in the centre bays of the building, which may light kitchens. Large overhangs above the windows on the second and sixth floors restrict

the amount of light currently reaching these windows. Without the overhangs, the loss of light would still be outside the BRE guidelines for 20 kitchens on floors 1-5, but closer to the recommendations. The impact would be classified as moderate adverse. Windows towards either end of Livingstone House would be less affected, and any impact would be minor adverse.

- Loss of daylight to eight windows in 2-12 Ellen Street, and two in each of 88 and 96 Goldstone Villas, would be outside the BRE guidelines, but not by much. These would count as minor adverse impacts.
- Loss of daylight to other dwellings analysed would be within the BRE guidelines and classed as negligible. The only other residential properties that could be affected and have not been analysed are at Goldstone House. There may be a loss of daylight outside the guidelines to worst case windows on the ground floor, but this is likely to be no more than a minor adverse impact.
- Loss of sunlight would not be an issue for any of the surrounding dwellings, as the affected windows do not face within 90 degrees of due south.

8.90. While it is regrettable that there is some loss of light to nearby residences that are outside the recommended guidelines, this has to be considered in the planning balance against the benefits of the scheme. The most significant impact is on rooms that are likely kitchens within Livingstone House to the south. This is identified as moderate harm and is not considered of a sufficient impact to outweigh the benefits of the scheme discussed elsewhere in this report.

Overlooking

8.91. There would be a degree of overlooking from the proposed residential units on the east elevation to the rear of properties on Goldstone Villas to the east and Livingstone House to the south. There would though be sufficient separation from the development and these properties and it is not considered that the proposal would result in any significant loss of privacy to the neighbouring occupiers. Similarly, whilst there would be views afforded from the higher storeys to sites to the north, the separation distances involved, which also includes the railway line is such that again, any loss of privacy to neighbouring occupiers would not be considered significant and the application is acceptable in this regard.

8.92. The separation distances between the development and neighbouring residential properties in conjunction with the spacing between the taller blocks is such that the proposal is not considered to result in a detrimental enclosing or overbearing impact or result in a loss of outlook to neighbouring occupiers.

Noise and Disturbance

8.93. Whilst the proposal would result in the intensification of the use of the site, it is not considered that any increased noise and disturbance would be of a

magnitude that would justify the refusal of the planning application. Carefully worded conditions could be used to control the hours of operation and deliveries to the commercial elements.

- 8.94. Overall, it is not considered that the proposal would result in any significant harm to the amenity of the neighbouring properties in accordance with policy QD27 of the Brighton and Hove Local Plan.

Standard of accommodation:

- 8.95. Whilst the Local Planning Authority does not have adopted space standards, for comparative purposes the Government's Technical Housing Standards has been used. All of the proposed dwellings are self-contained have been designed to meet or exceed the Nationally Described Space Standards (NDSS), in terms of the unit sizes, individual room sizes and specifications in accordance with emerging policy DM1. The layout of the floorplans for each typology are generally wide and shallow, with open plan living /kitchen/dining areas. Storage is provided within each unit.
- 8.96. The separation distances afforded between facing habitable room windows and balcony areas are considered adequate. Further details of buffer planting and screening to balcony areas are to be conditioned.
- 8.97. Of the proposed dwellings, 123 units will be dual aspect (57%). The remaining 93 units will be single aspect (43%). Although dual aspect units are preferred, there are no specific Policy requirements in this regard. The number of single aspect north facing units are limited accounting for circa 7% of the overall provision, and many of the larger units benefit from being dual aspect. It is also noted that a relatively high proportion of the units now benefit from private amenity space; and all of the units benefit from extensive amenities within the proposed indoor and outdoor communal amenity areas.

Daylight and Sunlight within proposed units

- 8.98. 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.
- 8.99. The Building Research Establishment (BRE) guidelines "Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice" provides guidance on avoiding unacceptable impacts and sets out non-mandatory targets for levels of daylight and sunlight within existing and proposed development. The scheme has accordingly been assessed by the BRE standards.
- 8.100. Daylight and sunlight have been assessed using the recommended minimum values for the Average Daylight Factor (ADF)- the a measure of the amount of

daylight within a room; and Annual/Winter Probable Sunlight Hours (APSH/WPSH), to measure the sunlight into a room.

- 8.101. The standard recommends the minimum values for ADF: bedrooms 1.0%, living rooms 1.5% and Kitchens 2.0%, although it is acknowledged that local authorities often accept the recommended minimum for living rooms of 1.5% where a kitchen and living room are located in the same room, as a small kitchen would not be considered a habitable room.

Initial scheme

- 8.102. The initial scheme provided low levels of daylight to habitable rooms and a review undertaken by BRE concluded that 'daylight provision in living rooms in the new development would be unusually poor'. Sunlight provision was also observed to be very poor.

Amended scheme

- 8.103. Following BRE recommendations, the scheme was amended (as per the current scheme) resulting in an overall pass rate increases from 74% to 84%. This represents an improvement from the original scheme by approximately 10%.

- 8.104. The Living/Kitchen/Dinning area pass rate minimum standard (1.5%) increased from 59% to 88%. The Living/Kitchen/Dining pass rate with combined living area standard (2%) increased from 37% to 62%. The studio rooms improved from 73% to 85%. The lowest individual living room examples are 0.90% and 0.98%, located on the first floor.

- 8.105. The increases have been provided through the following:

- Testing all rooms
- Window sizes increased, alignment and frames
- Additional windows and glazing introduced
- Private balconies reduced in depth
- Inclusion of all habitable rooms within analysis

- 8.106. It is acknowledged that 2 kitchens per floor have been internalised. The applicant has confirmed that these kitchen areas will not be enclosed and would be served by the main living windows, however the they will be set further back into the multifunctional room and have not been included for the purposes of the BRE calculations.

- 8.107. In relation to sunlight provision to south facing windows, the amended scheme has an APSH overall pass rate of 56% which is a decrease from 65% and the WPSH overall pass rate decreases from 82% to 66%. Although not ideal, the BRE guidance recognises that sunlight is less important than daylight in the amenity of a room and is heavily influenced by orientation.

- 8.108. The amended scheme has resulted in compromised sunlight levels, caused by the decrease in the percentage of windows meeting BRE criteria for sunlight, due to additional windows where daylight is more limited, however sunlight exposure overall will increase from the original proposed development.
- 8.109. BRE reviewed the amended plans and concluded that that Daylight provision was 'poor but significantly better than the previous design'. Of note, BRE considered that further improvements would probably require 'more drastic design changes such as the removal of balconies, realigning access decks and a reduction in massing'.
- 8.110. Whilst the standard of accommodation in respect of BRE guidance weighs against the scheme, this is one element of the consideration when reviewing the standard of accommodation. Moreover, it is acknowledged that the BRE guidance, is guidance rather than prescriptive policy.
- 8.111. Although the daylight levels in some of the units is compromised, the applicant has made changes during the course of the application to further improve daylight levels. In this instance, it is considered that a flexible approach should be taken in applying guidance with regards to daylight and sunlight, on the basis that overall the development would provide an acceptable living standard and would contribute to making an efficient use of the site and the provision of much needed housing in the City.

Amenity Space:

Private

- 8.112. Local Plan Policy HO5 (Amenity Space) seeks the provision of private useable amenity space in new residential development where appropriate to the scale and character of the development.
- 8.113. Policy DM1 (Housing Quality, Choice and Mix) of the emerging City Plan Part two requires all new residential development to provide useable private outdoor amenity space appropriate to the scale and character of the development. Whilst this policy currently does not hold full statutory weight, it indicates the direction of travel with regard to the planning policy framework and should be given due consideration.
- 8.114. As originally submitted, private balconies were only provided for 52% of the proposed units. The amended scheme has provided additional balconies, resulting in 75% of units having access to private amenity space. It is noted that the applicant has stated that balconies cannot be added to the Ethel Street elevation due to it being the primary route for traffic and buses. Whilst the lack of balconies on all of the units does weigh against the proposal it is

acknowledged that there is a significant amount of communal amenity space within the scheme as a whole.

- 8.115. The building design provides for external access deck features from which some of the private amenity space would be accessed, which serves as both a design feature and would promote interaction and neighbourliness.

Communal

- 8.116. In addition, the development would provide a total of 1,582 sq.m of external communal amenity space comprising podium and roof terraces, plus 244 sq.m of internal communal amenity space. This provision is substantially more communal amenity space than the extant scheme which provided 1000m² of communal amenity space; and is of a superior quality. The proposed roof top amenity areas would be well lit, meeting BRE standards as specified in the BRE review of the scheme.

- 8.117. A breakdown of the proposed communal amenity space is provided below:

- Podium terraces x 2 on the 1st floor (1055 m²)
- Roof terrace x 2 on the 7th and 12th floor (527 m²)
- Flexible internal communal space on the 1st floor (244 m²)

- 8.118. The amenity areas provide a variety of different functions and activities. The outdoor amenity spaces provide seating, decking, children play area and games areas (large chess board and table tennis). The first floor internal communal spaces provide flexible work space/study areas, a pool room, lounge area and a large community cooking area.

- 8.119. In addition, the main entrance to the residential accommodation on the corner of Conway Street and Ethel Street would provide a double height space with a seating area, a concierge desk, post collection area and a meeting room.

- 8.120. It is considered that the private and communal on-site amenity provision for the future occupiers would be of a high standard and compliant with Policy HO5 of the Local Plan.

- 8.121. 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 £97,340 which the applicant has agreed to.

Wind Microclimate:

- 8.122. The applicant has submitted a wind microclimate report undertaken by Architectural Aerodynamics Ltd.

- 8.123. The findings of the report demonstrate that all areas within the site and immediate surrounds generally meet the safety criteria with respect to wind, for all users of the site and the following points were made:
- In terms of comfort and safety, the impact on the surrounding area provides suitable conditions.
 - Upon introduction of the proposed development the wind microclimate is predominantly suitable for designated pedestrian and occupant activities.
 - The proposed development is likely to have no material or adverse effect at the Hove Business centre to the north of the site or the Sackville Road industrial development.
 - The introduction of the considered future schemes within the development area do not impact the character of the wind microclimate local to the proposed Hove Gardens development
 - It is noted that the balcony areas on the southern façade was omitted prior to submission due to the adverse wind conditions.
- 8.124. A Wind Microclimate Peer Review was undertaken by RWDI who have confirmed that *“the results of the assessment are broadly in line with their own expectations of such a development in Hove. which gives us confidence that the assessment is indeed robust”*. RWDI observed that there is an area on the eastern podium where ‘conditions are suitable only for strolling during the summer, bordering on walking’. The applicant team acknowledge this; however, the applicant has demonstrated that this will only occur on 10% of the eastern podium area, and excess wind speed would only occur 6-12% of the time within this area during summer. In any case, soft landscaping within the terrace which would be more substantial during the summer to alleviate the impact. The landscaping with the podium has been accordingly conditioned to ensure this area is sufficiently mitigated.

Sustainable Transport:

- 8.125. City Plan policy CP9 seeks to promote sustainable modes of transport and cycling and walking in particular 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.
- 8.126. The site is in a sustainable location close to services and is well located to take advantage of existing public transport links, including Hove Station.
- 8.127. A Transport Assessment (TA) was submitted with the original application with further transport information submitted by the applicant as the application progressed.
- 8.128. There has been significant input from the LHA Transport Team on this application who 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. This included two meetings with the developer and their Highways consultant

8.129. Early responses from the LHA Transport Team raised a number of issues and asked for further information in some key areas. The main concerns raised in respect of the originally submitted application are set out below:

- Audits of key walking and cycling routes between the site and local destinations including public transport interchanges, have not been provided;
- Confirmation is requested that dropped kerb crossings on Clarendon Road, Livingstone Road, Shirley Street and Goldstone Road as included with the permitted scheme (BH2016/02663) will be delivered;
- Confirmation of the car park ramp design and gradient is required (and associated suitability for pedestrian, cycle and disabled access, as appropriate);
- Details of the servicing facilities, including the omission of the previously proposed servicing bay on Ethel Street is required;
- Further details of the available visibility splay to the right of the site access is required and was requested at our pre-app meeting. Additionally, details of options to avoid the issue of visibility being constrained by servicing vehicles using the bay should be provided. Of note, the proposed contraflow cycle lane has now been removed from the proposals on Conway Street - this may allow the access / loading bay arrangement to be slightly re-configured and should be clarified;
- Additionally, it is considered that the current application contains particularly limited details of the proposed off-site works, any optioneering work that has fed into their development, and the associated remit of the submitted RSA. We have raised a number of concerns regarding the off-site works within this response and consider that alternative options are available to significantly enhance the proposals and address these concerns and therefore request that further work is undertaken and submitted;
- Confirmation of an in-principle agreement between the applicant and Enterprise car club is required to provide two further car club vehicles in the immediate vicinity of the site, noting that several additional vehicles are also to be provided nearby, in relation to the recently approved development at Sackville Trading Estate. This is required to determine whether the loss of parking can be mitigated;
- Further clarification on proposed trip generation is needed. B1 office trip rates need to include a sensitivity test to look at trip rates using an employee parameter;
- A revised parking assessment will need to be undertaken as a result of revised B1 trip generation;
- Further information on delivery and servicing forecasts, and an associated capacity analysis, is required to demonstrate that proposed loading facilities will be able to safely accommodate demand; and
- Revision of the mode share analysis applied to the residential trip generation and subsequent re-calculation of the net trip generation, by

mode, for AM and PM peak hours, plus 24-hour daily trip generation is requested.

- Cycle parking design related issues. Access to the stores is constrained due to narrow corridors and having to negotiate several sets of doors. Shower and changing facilities for the commercial element of the proposals should also be confirmed. As it stands the proposed cycle parking is not policy compliant as required by SPD14, Brighton & Hove Local Plan policy TR14 and NPPF para 110(b).

8.130. Further information during the life of the application was provided which have satisfactorily addressed a significant number of the concerns including elements which can be secured via condition. These include:

- The access ramp will be steep and will require an edge treatment to help manage the interface between vehicles using the ramp and pedestrians on Conway Street. Additionally, signing will be required within the site to advise cyclists that they should use the lift when accessing the basement cycle parking.
- Disabled parking provision. 22 disabled spaces have been proposed. SPD14 requires 24 spaces and therefore 2 visitor spaces need to be converted to disabled spaces. A snapshot of a plan showing disabled spaces has been submitted in the TAA. This has not been addressed in TAA2. We require a full scaled plan to be submitted so this can be secured. This should detail the full 24 disabled parking spaces.
- Electric charging provision. A snapshot of a plan showing disabled spaces has been submitted in the TAA. This has not been addressed in TAA2. We require a full scaled plan to be submitted so this can be secured.

8.131. The key issues outstanding relate to the proposed one-way system for Conway Street, the design and access to cycle parking and details relating to construction site use and delivery as required by a CEMP/DEMP.

8.132. It is agreed that the design of Conway Street (subject to the outcome of statutory TRO consultations on proposed changes to access and parking/loading), with particular reference to pedestrian and cyclist safety given the lack of a contraflow lane and the shared nature of the proposed space, can be detailed post-determination of the application and is not a reason for refusal.

8.133. As demonstrated in the parking survey provided, the majority of roads within 200m are over capacity and could therefore result in substantial overspill created by this development. To mitigate any potential impacts on surrounding road capacity, conditions will be applied to restrict future occupiers access to both resident permits and to reduce their allocation of visitor permits.

8.134. Concerns remain about the design, layout and access to basement cycle parking/storage although the total amount provided does comply with policy requirements as set out in SPD14. These are:

- Width of access corridors are 1.7m rather than the 2m recommended.
- Size of lifts and lift lobbies cannot accommodate 2 people plus their bicycles.
- Access from Ethel Street
- Number of wheelchair accessible bike spaces
- Mix of Sheffield type and two-tier stands.

8.135. It is noted that these can be secured via condition requiring details of cycle parking and access to be agreed with the LPA prior to occupation of the building.

8.136. It is also noted by the Transport team that:

Paragraph 109 of the NPPF states that 'Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe' and as such there are no grounds to formally object to the scheme with the concerns raised above to be considered as part of the overall planning balance.

8.137. 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. Although Transport have asked that the CEMP and DEMP should be secured by inclusion in the legal agreement, the LPA consider that this can be secured via condition instead which is simpler to enforce if subsequently required.

8.138. Overall, notwithstanding the remaining concerns relating to cycle parking and the design of Conway Street and subject to the proposed conditions and the s106 agreement obligations the scheme is broadly in accordance with the development plan in respect of transport impacts. It is considered that the design of the Conway Street public realm and acceptable cycle parking and disabled parking can be achieved by revisions to the scheme post determination that can be secured by carefully worded conditions.

Sustainability:

8.139. City Plan policy CP8 (Sustainable Buildings) 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. 'Major' non-residential developments are expected to achieve BREEAM 'Excellent'. Policy DA6 (Hove Station Area) of the City Plan Part One encourages consideration of low and zero carbon decentralised energy.

8.140. The following measures are proposed to meet the targets:

- LED lighting
- Photovoltaics panels
- Air Source Heat Pump
- Green roofs
- Building fabric with passive measures

8.141. The targeted BREEAM level is 'excellent' for the commercial components of the development and would provide a score of 80% which is extremely high as considered by the Sustainability Officer.

8.142. The residential elements meet the energy efficiency standards of 19% reduction in CO2 emissions over Part L Building Regulations, by exceeding this requirement and providing a 50% reduction in CO2 emissions over part L of the Building regulations, and water efficiency standards of 110 litres/person/day.

8.143. The proposed development is future proofed and the provision of connections to a new district heating network loop will be available, for any future requirements. This has been suitably conditioned.

8.144. The Sustainability Officer has states that the development is expected to amply meet the requirements set out in CP8 of the City Plan Part Two; and meets the aims and aspirations of Policy DA6.

Ecology:

8.145. The site is not designated for its nature conservation importance, and there are no designated wildlife sites that would be impacted by the proposed development.

8.146. At present, the site mainly comprises buildings and hard standing, with two scattered trees and some vegetation and thus is considered by the County Ecologist to be of relatively low biodiversity value. Nevertheless, given that two of the units are vacant, a bat survey was requested and undertaken. The survey demonstrated that there was no evidence of roosting bats. Nor were bats using the site or area in any capacity.

8.147. The County Ecologist has confirmed that the site is unlikely to support any protected species. The applicant has submitted a Preliminary Ecological Appraisal which has recommended a number of measures to create a net increase in biodiversity on the site through the provision of the following:

- Six integrated bat boxes
- Sensitive lighting
- Wildlife friendly landscaping
- Bee bricks
- Bird boxes

8.148. This will be secured by way of condition for requiring an Ecological Design Strategy to be submitted and approved.

8.149. The County Ecologist is satisfied that with the proposed mitigation measures discussed above, the site offers opportunities for enhancement that will help the Council address its duties and responsibilities to provide a net gain for biodiversity. Accordingly, the proposed development complies with CP10 of the City Plan Part One.

Arboriculture:

8.150. Local Plan Policy QD16 (Trees and Hedgerows) requires applications for new development to accurately identify existing trees, shrubs and hedgerows and seek to retain existing trees and hedgerows. wherever feasible include new tree and hedge planting should be incorporated in to proposals.

8.151. The applicant seeks to remove two trees on the site (1 x c-grade Ash and 1 x c-grade Sycamore). These trees are not protected and the Tree Officer raises no objections to their removal. It should be observed that a number of trees are proposed as part of public realm improvements around the site which would enhance the site, wider area and contribute to a net increase in biodiversity. It is considered that the removal of the two trees and provision of a number of trees in the wider vicinity are considered acceptable and accord with the relevant policies.

Landscaping:

8.152. The area is severely lacking in green infrastructure. Policy DA6 (Hove Station Area) supports the creative use of development to integrate new green infrastructure including green space, accessible green roofs, green walls and other features that support Biosphere objectives.

8.153. The applicant appointed a landscaping consultant to design and deliver the landscaping for the scheme to build on the extant scheme, policy requirements, build to rent operational requirements and Design Review Panel comments. The landscape masterplan provides landscaping within the site and the public realm strategy expands this outside of the site.

8.154. The landscape strategy is focused on the following key areas:

1. Public Realm - ground floor
2. Podium terraces – 1st floor
3. Roof terraces – 7th and 12th floor

8.155. The soft landscaping would compromise native planting with seasonal variation. Ornamental planting is also proposed to soften building frontages and demarcate boundaries and provide defensible space where necessary.

Opportunities for food growing has also been proposed in the form of allotments and residents herb gardens, which will be conditioned. These on-site provisions are welcomed.

- 8.156. On the 7th floor the applicant has proposed green roofs, which contribute to the green infrastructure, ecology and drainage of the site. Details of which will be conditioned.

Public realm:

- 8.157. In accordance with Policy DA6 (Hove Station Area), the strategy for the development area is to secure the long-term regeneration opportunities around the Hove Station area and enable its development as an attractive and sustainable mixed-use area focussed on employment. Specifically, Policy DA6 (Hove Station Area) seeks to ensure that development takes account of and improves the public realm and townscape particularly in the Conway Street area. The public realm proposals and improvements are similar to that within the extant scheme.

- 8.158. The proposed scheme includes significant enhancements to the public realm along Ellen Street, Ethel Street and Conway Street within the applicant's site and highways land. The detailed design is proposed to be worked up post permission to be secured via legal agreements albeit concept plans and strategies have been provided including the following:

- active frontages
- pavement widening
- new surfacing
- new pedestrian crossings
- new street trees
- new seating
- raised planters

- 8.159. The proposed landscaping strategy and public realm enhancements will provide a net increase in biodiversity and a high quality environment, which in turn would act as a catalyst to kick-start regeneration within the Conway Street Industrial Area allocation, and the wider Hove Station development area, in accordance with objectives of Policy DA6 of the City Plan Part Two.

Sustainable Urban Drainage / Flood Risk:

- 8.160. Policy CP11 (Flood Risk) 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). Policies SU3, SU5 and SU11 in the Local Plan relate to water resources and their quality, surface water and foul sewage disposal infrastructure and polluted land and buildings. Policy DA6 (Hove Station Area) seeks to ensure development connects to the water

distribution and sewerage system off-site at the nearest point of adequate capacity. Development must address surface water flooding risks and incorporate appropriate surface water drainage measures .

- 8.161. The site lies within Environment Agency Flood Zone 1 where there is low probability of fluvial or tidal flooding and a Flood Risk Assessment has been carried out to demonstrate as such.
- 8.162. The proposed surface water strategy includes:
- Rainwater pipes
 - Permeable perimeter paving
 - Attenuation units under the building
- 8.163. The Local Lead Flood Authority raise no objection to the scheme on the basis that detailed design, management and sustainable drainage methods are conditioned. As such, the proposed drainage features accord with the relevant planning policies.

Contaminated Land:

- 8.164. A local priority for the DA6 (Hove Station Area) is to protect groundwater sources from pollution to the satisfaction of the Environment Agency.
- 8.165. The site is located within source protection zone 2 for Southern Water's public water supply abstraction located 1km to the north at Goldstone. Therefore, controlled waters need to be protected from contamination. The Environment Agency do not object to this development, however they have requested suitable conditions to prevent from contamination. The Environmental Pollution Team agree with the wording and imposition of these conditions which have been applied.

Waste:

- 8.166. Policy WMP3d of the Waste and Minerals Plan requires development proposals to minimise and manage waste produced during construction demolition and excavation. As recommended by the Policy Officer , a fully completed Site Waste Management Plan (SWMP) will be required by condition.

Air Quality:

- 8.167. Policy SU9 of the Local Plan relates to pollution and nuisance control. Since 2013 an Air Quality Management Area (AQMA) has been designated in Brighton Hove.
- 8.168. The Air Quality Officer has reviewed the submitted Air Quality Assessment and Transport Assessment and considered that the air quality surrounding the future residential development is clean. Traffic production is low, and the

scheme is not predicted to contribute to significant levels of pollution to the Air Quality management Area, therefore they raise no objection. It should also be noted that a considerable amount of landscaping is proposed which would also have a positive impact on air quality. As such the scheme complies with Policy SU9 of the City Plan Part One.

Security:

- 8.169. Policy CP12 (Urban Design) of the City Plan Part One seeks all development to incorporate design features which deter crime or disorder and the fear of crime fence. The conditioned Tenant Management Plan will ensure that there is sufficient management of the site.
- 8.170. Sussex Police have commented on the proposed application and have no objection to the scheme but have recommended a number of measures to the applicant.

Additional Considerations:

Local Skills & Employment

- 8.171. 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.
- 8.172. 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 Coordinator 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).
- 8.173. 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 **£ 60,800** to be submitted prior to commencement and will be included in the S106 agreement.

Open Space / indoor sports provision

- 8.174. Policy CP16 (Open Space) sets out a number of key criteria in respect of open space. Accordingly, an open space and sports contribution to provide further facilities off-site has been agreed.

- 8.175. The ready reckoner calculation as per the Developers Technical Guidance has been used to ascertain the contributions the proposed development would generate for open space and sports provision. This is an accepted policy position. The amounts are as follows:
- Open Space and sports £418,278.
 - Indoor Sport £79,086.

Artistic Component

- 8.176. City Plan Part One 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.

Education

- 8.177. In accordance with the Developers Technical Guidance, a financial contribution of £125,991 for secondary school and sixth form education (Blatchington Mill and Hove Park Schools) has been sought and agreed. A contribution in respect of primary education places will not be sought on the basis that there are sufficient primary places in this part of the city and the city overall.

Conclusion and planning balance

- 8.178. 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.
- 8.179. 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 to be out-of-date and the tilted balance of paragraph 11 much be applied. When assessing the scheme before us, in applying the planning balance, there are a number of factors which weigh both for and against the scheme.
- 8.180. The site is allocated for a high density mix of residential and employment uses under Policy DA6 of City Plan Part One and the proposal would provide a contribution of 216 residential (including 10% affordable housing) towards the

City's housing target of 13,200 new homes over the plan period within a development area. Build To Rent Housing which would contribute to the overall housing supply, which is acknowledged as an accepted tenure of housing within Government Guidance and the emerging City Plan Part Two. The proposed development would make a significant contribution towards the housing shortfall and this weighs strongly in favour of the scheme.

- 8.181. Whilst it is acknowledged that the proposed housing mix has a high proportion of studio and one-bedroom units, a flatted scheme in this location would likely attract a demographic requiring smaller units. Whilst this is regrettable and weighs against the scheme, this would not warrant the refusal of the application. The proposed accommodation generally provides good quality managed accommodation with high-quality amenities and landscaping. Although only 75% of units have their own private amenity space, this is mitigated by the provision of high quality shared amenity spaces on the first floor decks which is significantly better than the extant scheme. The daylight levels in the proposed units have been improved during the course of the application and a higher proportion of the units now have a good standard of daylight, although the amendments have not addressed fully the concerns raised by the BRE and does still weigh against the scheme. The proposed sunlight levels remain lower than the expected standard, however there is a higher level of sunlight exposure in to the proposed scheme, compared with the initial original proposal. The daylight and sunlight levels weigh against the scheme; however, the positive aspects of the scheme outweigh the harm.
- 8.182. It is acknowledged that the scheme will result in some harm to the amenity of neighbouring residents, although this harm would not be undue and is considered acceptable within an urban environment. Moreover, on this allocated site, the impact on the neighbouring occupiers would not be dissimilar to the extant scheme. It should also be noted that a certain quantum of development is required to enable the deliverability of the scheme.
- 8.183. While the identified impacts to Heritage assets is regrettable, the harm is considered less than substantial in the terms of the NPPF and must be weighed against the public benefits of the scheme which include regeneration of an allocated development area and significant amounts of housing. It is also acknowledged that whilst the extant permission had an objection from the Heritage Team that members did not refuse the application on heritage grounds. Furthermore, the Planning Inspector set out that the heritage impact did not warrant the refusal of the scheme when considering the application at appeal. Although this scheme has some taller elements and is more visible in views taken in heritage assets from the adjoining Hove Station Conservation Area, this is offset by its overall design improvements in terms of improved

cohesiveness, simplified built form and a greater quality of materials and detailing.

- 8.184. While the design, scale, massing and materiality of the development are challenging in some aspects and result in a detrimental impact on the adjoining heritage assets they have undergone significant improvements and revisions on the advice of Design Review Panel and Urban Design comments and must be balanced against the potential for encouraging regeneration of a site within a Development Area Strategic Allocation, the provision of improved public realm and a significant number of much needed new homes for the city (including 10% affordable).
- 8.185. The site is located within a highly sustainable location which is well served by public transport and thus the proposed car-free development is ideally situated. The proposed highway works and travel plans will further enhance sustainable modes of transport.
- 8.186. Affordable Housing on the site is not considered to be viable as verified by the DVS, however the applicant has offered 10% Affordable Housing which would match that proposed in the extant scheme. This weighs strongly in favour of the development.
- 8.187. The provision of employment floor space, with a net increase in employment density is welcomed within this allocated site. In addition, the employment floor space provides for modern and flexible office floorspace.
- 8.188. The provision of a flexible space with community provision would aid in providing a cohesive community for the benefit of the residents in the wider area.
- 8.189. The proposed development meets high standards of sustainability and would be future proofed to provide a lesser amount of Co2 emissions in the future. A high specification of landscaping is proposed in turn providing a net increase in bio-diversity within the site and wider area.
- 8.190. The extensive public realm improvements including highway works, landscaping and active frontages along Ellen Street, Ethel Street and Conway Street is clearly a positive benefit of the scheme with details to be agreed subsequent to the applications determination.
- 8.191. A number of financial contributions have been secured to mitigate the impact of development with regards to education, open space, indoor sport, public art and sustainable transport. A contribution will be sought towards local skills and employment, and the creation of full time equivalent and indirect jobs during the construction phase of the proposed development.

- 8.192. As noted by the Inspector within the extant scheme, the proposed development would also be a catalyst to regeneration and development within the wider development area. 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.
- 8.193. The scheme 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. Wheelchair accessible housing (5%) and disabled car parking is to be incorporated throughout.

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 viability of the scheme and subsequent level of affordable housing has been based on the scheme being Build To Rent and in the absence of any Section 106 Agreement mechanisms which covenant the housing as Build to Rent only, and which secure an element of affordable housing, the development fails to satisfactorily meet the identified housing needs in the city or provide satisfactorily mixed balanced housing scheme, contrary to policies CP7, CP19 and CP20 of the Brighton and Hove City Plan Part One.
 2. 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
 3. 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 DA4, CP7 and CP9 of the Brighton and Hove City Plan Part One.
 4. 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.

5. 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.
6. The proposed development fails to deliver a skills and employment strategy and in accordance with Policy CP2 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 skills and employment contribution in accordance with Policy CP2 of the Brighton and Hove City Plan Part One and the City Council's Developer Contributions Technical Guidance.
8. 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.
9. The proposed development fails to provide highway works and public realm improvements contrary to the requirements of Policies DA6, CP7 and CP9 of the Brighton and Hove City Plan Part One.
10. The proposed development fails to provide adequate travel plan measures to encourage use of sustainable transport modes and therefore fails to address the requirements of Policies CP7 and CP9 of the Brighton and Hove City Plan Part One.

Cllr. Marianna Ebel
BH2020/00917 – Unit 1-3, Ellen Street

24th July 2020:

Cllr Allcock, Cllr O'Quinn and I met with Watkin Jones to receive an update on the Hove Gardens Planning application (1 – 3 Ellen Street). During this meeting David Scane stressed that they need to get this application to the Planning Committee meeting on 2nd September. David highlighted that the current offer for affordable housing can only be upheld if the planning application is determined on 2nd September, as the offer for affordable housing is based on the developer paying S106 rather than CIL contributions. As you know, CIL will be implemented on 5th Oct 2020. If the planning application was approved on 2nd Sep it would allow Watkin Jones' legal team to finalise documents just in time before the implementation of the CIL. Please find attached email correspondence between Watkin Jones and the Council's Housing Team for further information.

David informed us that they are still waiting for a response from the Housing Team regarding the affordable housing offer.

I would really appreciate if you could expedite this process, Watkin Jones urgently needs the feedback from the Housing Team so that can address the Housing Team's comments before 2nd Sep.

I believe that this development would improve the area, over the last few months Watkin Jones has worked closely with Ward Councillors, the Housing Team and residents, and incorporated feedback from all parties. It would be an absolute shame if all this hard work would have been for nothing.

I hope this issue can be resolved as quickly as possible. Please keep Cllr Allcock, Cllr O'Quinn and myself updated.

Cllr. John Allcock
BH2020/00917 – Unit 1-3, Ellen Street

25th July 2020:

I am emailing in support of Cllr Ebel's email. It's important that the Council does what we can to accelerate the feedback to the developer and do everything possible for this application to be considered by planning committee on 2nd September.

Although we would want to see 40% affordable housing in this development, the DVS has said that the scheme is unable to support the provision of affordable housing from a viability perspective (as is common in relation to similar developments in the City). However the developer has offered

- 10% on-site affordable housing
- Tenure to be Discounted Market Rent.
- Average discount to be 75%, compared to open market rents within the scheme.
- Minimum 3 year tenancies to be offered.
- Subject to 15 year covenant that units will remain as BTR, with clawback mechanism in the event of break-up within the 15 years.
- Subject to the scheme being determined and S106 signed prior to implementation of CIL.
- Subject to no late stage or early stage viability review.

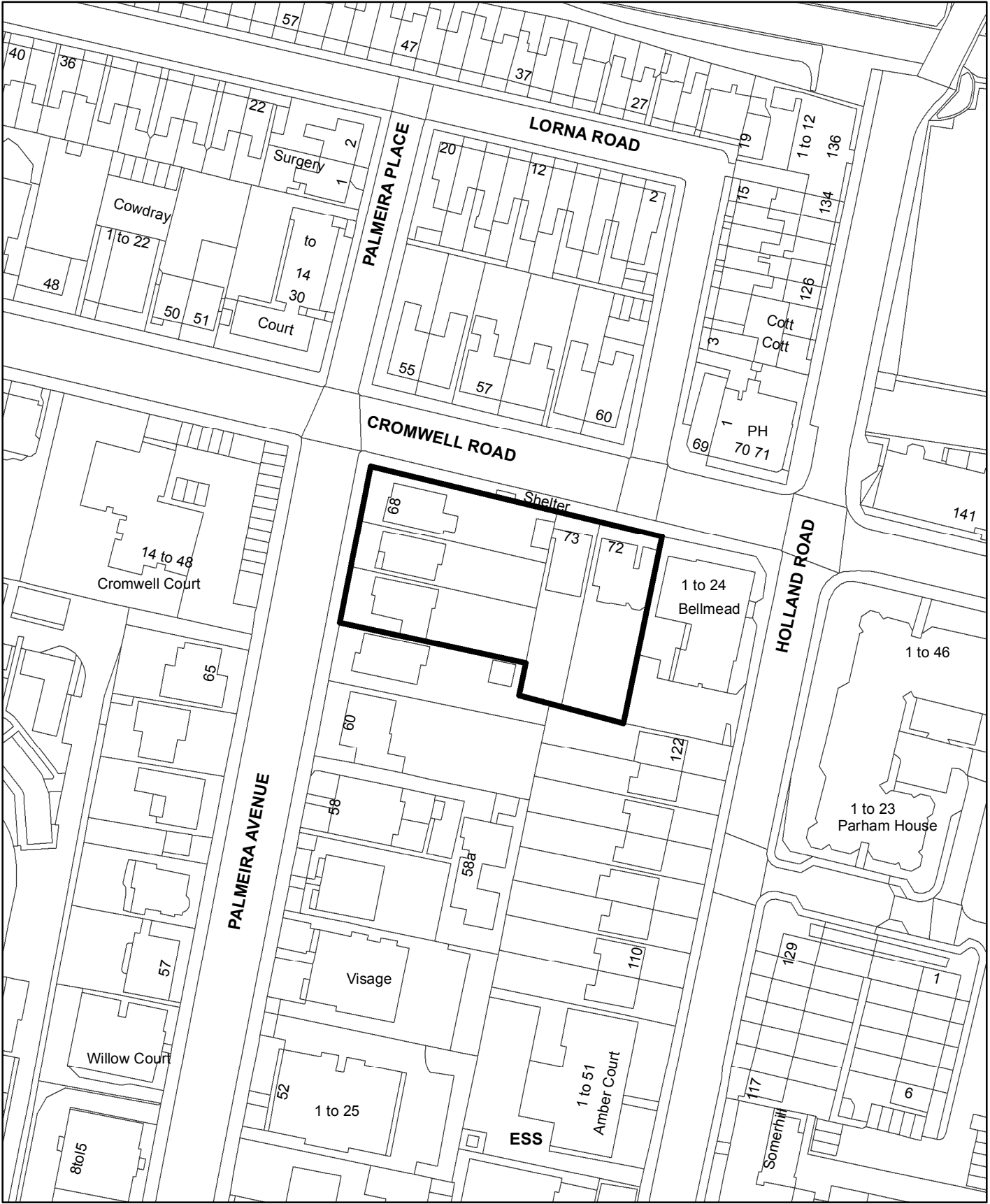
This would be lost to the City if the feedback is delayed and the planning application is unable to be heard at 2 September committee.

ITEM B

**64 - 68 Palmeira Avenue
& 72 - 73 Cromwell Road
BH2020/01403
Full Planning**

DATE OF COMMITTEE: 2nd September 2020

BH2020 01403 - 64 - 68 Palmeira Avenue & 72 - 73 Cromwell Road



Scale: 1:1,250

| | | | |
|--------------------------------------|--|----------------------------|----------------------|
| <u>No:</u> | BH2020/01403 | <u>Ward:</u> | Goldsmid Ward |
| <u>App Type:</u> | Full Planning | | |
| <u>Address:</u> | 64 - 68 Palmeira Avenue & 72 - 73 Cromwell Road Hove | | |
| <u>Proposal:</u> | Redevelopment of land on the corner of Palmeira Avenue & Cromwell Road for the erection of 94 flats (C3) with basement parking, landscaping & associated works. (Revised design including additional balconies, revised elevational materials & design, revised layout to ground & lower ground floor residential units & supporting information) | | |
| <u>Officer:</u> | Luke Austin, tel: 294495 | <u>Valid Date:</u> | 29.05.2020 |
| <u>Con Area:</u> | | <u>Expiry Date:</u> | 28.08.2020 |
| <u>Listed Building Grade:</u> | | <u>EOT:</u> | |
| <u>Agent:</u> | SF Planning Limited 12 Royal Crescent Cheltenham GL50 3DA | | |
| <u>Applicant:</u> | RKO Developments Ltd C/O SF Planning Ltd 12 Royal Crescent Cheltenham GL50 3DA | | |

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 the expiry of the re-consultation period expiring on the 21st of August 2020 and no new planning considerations arising, and 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 **2nd October 2020** the Head of Planning is hereby authorised to refuse planning permission for the reasons set out in section 9 of this report:

S106 Heads of Terms

- Affordable Housing: Contribution of £354,503 towards off-site provision
- A contribution of £57,589.40 towards education
- A contribution of £250,065.24 towards open space and recreation provision
- A contribution of £26,100 to the Council's Local Employment and Training Strategy including a commitment to using 20% local employment during the demolition and construction phases of the development.
- An artistic component / element as part of the proposed scheme to the value of £32,300.
- A scheme to secure 3 replacement street trees for every tree lost within five years of commencement of development.
- A contribution of £82,500 towards sustainable transport improvements in the vicinity, including:
 - Pedestrian footway improvements on the island crossing on Cromwell Road to the right of the Palmeira Ave junction to include tactile paving;

- Pedestrian footway improvements on but not limited to Palmeira Ave; and
 - Bus stop improvements on Cromwell Road including RTPI, accessible kerbs and/or cage strengthening.
- A s278 in order to secure:
 - Closure of 3 x existing site accesses on Cromwell Rd and 1x existing access on Palmeira Ave;
 - Amendments to on-street parking and the proposed re-location of the solo motorcycle bay; and
 - Creation of a new pedestrian-priority vehicular cross-over on Palmeira Ave, which will serve as the basement car park access for the site.
 - Removal/relocation of bus stop and shelter and creation of new loading bay.
- A 5 year Travel Plan to secure variety of incentive measures including:
 - A travel pack for residents to include information on local options for sustainable transport and road safety.
 - Offering the first occupants of each residential unit 1 year subsidised tickets/memberships for one of the following local public and shared transport services per resident -
 - Local buses and/or train services;
 - BTN Bike Share; and
 - Enterprise Car Club
- Formal cyclist training for a minimum of 6 residents on request, to be marketed throughout the development and offered on a first come first serve basis.
 - maintenance stands together with pumps and basic maintenance and repair tools within the cycle stores for resident use.
 - Providing first occupiers of each unit a voucher of ≥£150 per unit to go towards the cost of purchasing a bicycle
 - Establishing a Bicycle User Group for residents and any employees. This should be subsidised for the
 - duration of the Plan to provide:
 - 'Bike buddy' services to other residents/workers thinking of taking up cycling
 - To hold several social rides per year, including an allowance for refreshments.
 - 2 or more 'Doctor Bike' sessions per year with both a direct repair and a teaching element.
 - Providing information on sustainable transport options and the other measures and offers above in all
 - marketing material (including any on-line).
 - Provide and maintaining on site notice boards to provide 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

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 |
|------------------|----------------------|--------------------------|---------------|
| Detail | 31-601 | | 27 May 2020 |
| Detail | 31-602 | | 27 May 2020 |
| Detail | 31-603 | | 27 May 2020 |
| Proposed Drawing | 00-224 | PL13 | 27 July 2020 |
| Proposed Drawing | 00-202 | PL15 | 27 July 2020 |
| Proposed Drawing | 00-100 | PL14 | 27 July 2020 |
| Proposed Drawing | 00-200 | PL14 | 27 July 2020 |
| Proposed Drawing | 00-201 | PL14 | 27 July 2020 |
| Proposed Drawing | 00-203 | PL13 | 27 July 2020 |
| Proposed Drawing | 00-204 | PL13 | 27 July 2020 |
| Proposed Drawing | 00-205 | PL13 | 27 July 2020 |
| Proposed Drawing | 00-206 | PL13 | 27 July 2020 |
| Proposed Drawing | 00-207 | PL13 | 27 July 2020 |
| Proposed Drawing | 00-208 | PL13 | 27 July 2020 |
| Proposed Drawing | 00-209 | PL13 | 27 July 2020 |
| Proposed Drawing | 00-210 | PL14 | 27 July 2020 |
| Proposed Drawing | 00-211 | PL14 | 27 July 2020 |
| Proposed Drawing | 00-212 | PL14 | 27 July 2020 |
| Proposed Drawing | 00-213 | PL14 | 27 July 2020 |
| Proposed Drawing | 00-220 | PL13 | 27 July 2020 |
| Proposed Drawing | 00-221 | PL13 | 27 July 2020 |
| Report/Statement | GHA/DS/12 5860:18 | ARBORICULTURAL REPORT | 26 May 2020 |
| Report/Statement | 18144 - 1.0 | BAT SURVEY | 26 May 2020 |
| Report/Statement | 18144 - 1.0 | ECOLOGY REPORT | 26 May 2020 |
| Report/Statement | 18426.NIA.0 1 | NOISE REPORT | 26 May 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. Other than the balcony areas and terraces identified on the approved plans, access to the flat roofs of the development hereby approved shall be for maintenance or emergency purposes only, and the flat roofs shall not be used as a roof garden, terrace or patio or similar amenity area.

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

4. The development hereby permitted shall not be first occupied until
- i) details of external lighting, which shall include details of; levels of luminance, hours of use, 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).

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 comply with policies QD25 and QD27 of the Brighton & Hove Local Plan.

5. No development shall take place until a Demolition and Construction Environmental Management Plan (DEMP/CEMP) has been submitted to and approved in writing by the Local Planning Authority. The DEMP/CEMP shall include, inter alia,:
- (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, businesses and elected members to ensure that they are all kept aware of site progress and how any complaints will be dealt with reviewed and recorded (including details of any considerate constructor or similar scheme);
 - (iv) A scheme of how the contractors will minimise complaints from neighbours regarding issues such as noise, dust management, vibration, site traffic, parking by staff and contractors and deliveries to and from the site;
 - (v) Details of hours of construction including all associated vehicular movements;
 - (vi) Details of the construction compound, including the proposed location, design and construction of vehicular accesses to this from the highway, associated measures to manage local traffic movements around this (including those by pedestrians and cyclists) and any associated on- street restrictions and other measures necessary to minimise congestion on the highway and permit safe access by site vehicles;
 - (vii) A plan showing traffic routes for vehicles connected to demolition and construction;
 - (viii) A scheme to minimise congestion, delays and disturbances to traffic and public transport services in the vicinity of the site owing to staff and contractor car parking and site traffic. This will include the identification of areas for staff and contractor parking. The scheme shall be informed by 16 hour parking stress surveys of the streets and public car parks in the vicinity of the site. These shall be carried out in accordance with the Lambeth methodology and shall be conducted on one neutral weekday

and one Saturday, with the survey extent, dates and times to be agreed in advance with the Council;

(ix) An audit of all waste generated during construction works.

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

Reason: As this matter is fundamental to the protection of amenity, highway safety and managing waste throughout development works and to comply with policies QD27, SU9, SU10 and TR7 of the Brighton & Hove Local Plan, policy CP8 of the 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.

6. The development hereby permitted shall not commence until full details of existing and proposed ground levels (referenced as Ordnance Datum) within the site and on land and buildings adjoining the site by means of spot heights and cross-sections, proposed siting and finished floor levels of all buildings and structures, have been submitted to and approved by the Local Planning Authority. The development shall then be implemented in accordance with the approved level details.

Reason: As this matter is fundamental to the acceptable delivery of the permission to safeguard the amenities of nearby properties and to safeguard the character and appearance of the area, in addition to comply with policy QD27 of the Brighton and Hove Local Plan and CP12 of the Brighton and Hove City Plan Part One.

7. Notwithstanding the plans hereby approved, the proposed development shall not be occupied until a scheme has been submitted to the local planning authority detailing balustrades to restrict the area of usability to the second third and fourth floor terraces to the western edge of Block B and the terraces at third and fifth floor levels to the south-east of Block A. The scheme shall be designed with a sufficient set-back to restrict views towards neighbouring dwellings. The respective terraces shall not be brought into use until the approved balustrading has been installed. The shall be retained as such thereafter.

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

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

Reason: To reduce the risk of flooding and pollution and increase the level of sustainability of the development and to comply with policies CP8 and CP11 of the Brighton and Hove City Plan Part One.

10. 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 including any glazing
- 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 and HE6 of the Brighton & Hove Local Plan and CP12 and CP15 of the Brighton & Hove City Plan Part One.

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

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

12. The development hereby permitted shall not be occupied until a plan detailing the positions, height, design, materials and type of all existing and proposed boundary treatments shall has been submitted to and approved in writing by the Local Planning Authority. The boundary treatments shall be provided in accordance with the approved details prior to occupation of the development and shall thereafter be retained at all times.

Reason: To enhance the appearance of the development in the interest of the visual and residential amenities of the area and to comply with policies QD15,

HE6 and QD27 of the Brighton & Hove Local Plan and CP12/CP15/CP13 of the Brighton & Hove City Plan Part One.

13. None of the new build residential units hereby approved shall be occupied until each residential unit built has achieved a water efficiency standard using not more than 110 litres per person per day maximum indoor water consumption.
Reason: To ensure that the development is sustainable and makes efficient use of water to comply with policy CP8 of the City Plan Part One.
14. 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 and Hove City Plan Part One.
15. Other than demolition, the development hereby permitted shall not be commenced until full details of the proposed solar photovoltaic panel arrays have been submitted to and approved in writing by the Local Planning Authority. The approved solar photovoltaic panel arrays shall be installed in their entirety and shall be operational prior to the first occupation of the new build blocks hereby approved. The approved solar photovoltaic panel arrays shall remain operational thereafter.
Reason: To ensure that the development is sustainable and makes efficient use of energy to comply with policy CP8 of the Brighton and Hove City Plan Part One.
16. Other than demolition, the development hereby permitted shall not be commenced until full details of the proposed electrical heat and water system have been submitted to and approved in writing by the Local Planning Authority. The approved system shall be installed in its entirety and shall be operational prior to the first occupation of the development hereby approved. The approved system shall remain operational thereafter.
Reason: To ensure that the development is sustainable and makes efficient use of energy, and to minimise any harmful emissions which may result, to comply with policy SU9 of the Brighton and Hove Local Plan and policy CP8 of the Brighton and Hove City Plan Part One.
17. Notwithstanding the approved plans, other than demolition no development shall take place until a scheme has been submitted to and approved in writing by the Local Planning Authority providing full details of five units which are in compliance with Building Regulations Optional Requirement M4(3)(2b) (wheelchair user dwellings). These five units 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 and Hove Local Plan.

18. All ecological measures and/or works shall be carried out in accordance with the details contained in the Bat Survey Report (Dusk Emergence Survey for Bats, All Ecology, May 2019) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

Reason: To ensure that the measures considered necessary as part of the ecological impact assessment are carried out as specified, and to provide a net gain for biodiversity as required by paragraphs 170 and 175 of the National Planning Policy Framework, Section 40 of the Natural Environment and Rural Communities Act 2006, and Policy CP10 of B&H CPP1.

19. No development 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 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, and to provide a net gain for biodiversity as required by Section 40 of the Natural Environment and Rural Communities Act 2006, paragraphs 170 and 175 of the National Planning Policy Framework, and Policy CP10 of the Brighton & Hove City Council City Plan Part One.

20. The development hereby permitted shall not be occupied until details showing the type, number, location and timescale for implementation of the compensatory bird boxes, bat boxes and bee bricks 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 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.

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

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

22. The development hereby permitted shall not be commenced and no other operations shall commence on site in connection with the development hereby approved (including any tree felling, tree pruning, demolition works, soil moving, temporary access construction and or widening, or any operations involving the use of motorised vehicles or construction machinery) until the following Method Statements have been submitted to and approved in writing by the Local Planning Authority:

- i) An Arboricultural Method Statement, to include a detailed Tree Protection Plan and Tree works Specification and means for their implementation, supervision and monitoring during works. This will include details to protect all adjacent roadside trees in the vicinity of the development site.
- ii) A Construction Method Statement to include details on how, amongst others, excavations, materials storage, drainage, servicing and hard surfaces will be managed and implemented to provide for the long-term retention of the trees; No development or other operations shall take place except in complete accordance with the approved Arboricultural and Construction Method Statements.

Reason: As this matter is fundamental to protecting the trees which are to be retained on the site 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 of the Brighton & Hove City Plan Part One and SPD06:Trees and Development Sites.

23. 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 polices SU10, QD27 and TR7 of the Brighton & Hove Local Plan.

24. 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.

25. No burning of demolition/construction waste materials shall take place on site.
Reason: to protect the amenity of local residents from smoke, ash, odour and fume.
26. No works under this permission shall commence until there has been submitted to and approved in writing by the local planning authority:
- (1)
- (a) A desk top study documenting all the previous and existing land uses of the site and adjacent land in accordance with national guidance as set out in Contaminated Land Research Report Nos. 2 and 3 and BS 10175:2011+A1:2013 - Investigation of Potentially Contaminated Sites - Code of Practice;
And if notified in writing by the local planning authority that the desk top study identifies potentially contaminant linkages that require further investigation then,
 - (b) a site investigation report documenting the ground conditions of the site and incorporating chemical and gas analysis identified as appropriate by the desk top study in accordance with BS 10175:2011+A1:2013;
And if notified in writing by the local planning authority that the results of the site investigation are such that site remediation is required then,
 - (c) a detailed scheme for remedial works and measures to be undertaken to avoid risk from contaminants and/or gases when the site is developed and proposals for future maintenance and monitoring. Such a scheme shall include nomination of a competent person to oversee the implementation of the works.
- (2) The development hereby permitted shall not be occupied or brought into use until there has been submitted to, and approved in writing by, the local planning authority a written verification report by a competent person approved under the provisions of condition (1)c that any remediation scheme required and approved under the provisions of condition (1)c has been implemented fully in accordance with the approved details (unless varied with the written agreement of the local planning authority in advance of implementation). Unless otherwise agreed in writing by the local planning authority the verification report shall comprise:
- a) built drawings of the implemented scheme;
 - b) photographs of the remediation works in progress;
 - c) certificates demonstrating that imported and/or material left in situ is free from contamination.

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.

27. Other than demolition works and works to trees the development hereby permitted shall not be commenced until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.
Reason: As this matter is fundamental to the acceptable delivery of the permission to prevent the increased risk of flooding and to prevent pollution of controlled waters by ensuring the provision of a satisfactory means of surface water disposal and to comply with policy SU3 of the Brighton & Hove Local Plan.
28. 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.
29. Prior to first occupation of the development hereby permitted, notwithstanding plans hereby submitted, revised details of secure 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. This should include a cycle parking scheme management plan. 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: As the cycle parking shown on the submitted drawings is not of an acceptable standard a revised proposal is required 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 National Planning Policy Framework Paragraph 110.
30. Prior to first occupation of the development hereby permitted shall not be occupied until the disabled parking shown on the approved plans have been fully implemented and made available for use. The disabled parking facilities shall thereafter be retained for use by the occupants of, and visitors to, the development at all times.
Reason: To ensure the development provides for the needs of disabled residents and visitors to the site and to comply with policy TR18 of the Brighton & Hove Local Plan and SPD14 guidance.
31. Prior to first occupation of the development hereby permitted, full details of electric vehicle charging points within the proposed car park hereby approved have been submitted to and approved in writing by the Local Planning Authority. These facilities shall be fully implemented and made available for use prior to the occupation of the development hereby permitted and shall thereafter be retained for use at all times.

Reason: To encourage travel by more sustainable means and seek measures which reduce fuel use and greenhouse gas emissions and to comply with policies SA6, CP7, CP9, CP12, CP13 and CP15 of the City Plan Part One and SPD14 Parking Standards.

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

Reason: To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than private motor cars and to comply with policy TR1, TR19 and QD3 of the Brighton & Hove Local Plan and SA6, CP7, CP9, CP12, CP13 and CP15 of the City Plan Part One.

33. 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 will be scheduled, take place and otherwise be managed and gain access, the timing and frequency of associated vehicle /servicing movements, and the means of storing and transferring items to vehicles, shall be submitted to and approved in writing by the Local Planning Authority. All deliveries 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.

34. 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 entitlement of resident's to visitor permits shall be 25 permits per unit per year.

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

35. Within 6 months of commencement of the development hereby permitted, evidence shall be submitted to and approved in writing by the LPA in the form of an Overheating and Climate Change Analysis to demonstrate that residential and non-residential units have been designed to ensure they incorporate measures to adapt to future climate change and do not overheat at any time of year.

This analysis shall use dynamic thermal modelling in line with the guidance and data set out in CIBSE TM52 and TM59. Evidence shall be submitted to demonstrate that the buildings have been designed with regard to climate change and are adaptable to meet predicted future weather while minimising additional energy consumption and avoiding compromising healthy building principles. This shall include evidence that they have been designed for comfort to keep cool in hotter summers, and designed for structural stability, weatherproofing and water management.

The approved design measures to prevent overheating and adaptations to climate change shall be implemented within the development and retained.

Reason: To ensure that the development is sustainable and makes efficient use of energy, water and materials and is future proofed, and achieves a One Planet approach and promotes the city's UNESCO Biosphere objectives, and to comply with policies CP8 and 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. A formal application for connection to the public sewerage system is required in order to service this development, please read our New Connections Services Charging Arrangements documents which is available to read on our website via the following link:
southernwater.co.uk/developing-building/connection-charging-arrangements
3. The applicant is advised that advice regarding permeable and porous hardsurfaces can be found in the Department of Communities and Local Government document 'Guidance on the permeable surfacing of front gardens'.
4. The applicant is advised to contact the Council's Streetworks Team (permit.admin@brighton-hove.gov.uk 01273 290729) for necessary highway approval from the Highway Authority prior to any works commencing on the adopted highway to satisfy the requirements of the condition.
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 14 is the 'optional requirement' detailed in Building Regulations Part G Approved Document (AD) Building Regulations (2015), at Appendix A paragraph A1. The applicant is advised this standard can be achieved through either: (a) using the 'fittings approach' where water fittings are installed as per the table at 2.2, page 7, with a maximum specification of 4/2.6 litre dual flush WC; 8L/min shower, 17L bath, 5L/min basin taps, 6L/min sink taps, 1.25L/place setting dishwasher, 8.17 L/kg washing machine; or (b) using the water efficiency calculation methodology detailed in the AD Part G Appendix A.
7. Where possible, bee bricks should be placed in a south facing wall in a sunny location at least 1 metre above ground level.

2. SITE LOCATION & APPLICATION DESCRIPTION

- 2.1. The application site relates to a 0.3ha plot located to the west of the junction of Palmeira Avenue and Cromwell Road. The site does not fall directly within a conservation area however it is adjacent to the Willett Estate conservation area, which runs parallel to the site to the north of Cromwell Road. The site contains 5 two storey detached buildings; 64, 66 and 68 Palmeira Avenue and 72 and 73 Cromwell Road.
- 2.2. 64 Palmeira Avenue has previously been used as a nursery at ground floor level with flat above, however, the building suffered significant fire damage in 2017 and is currently vacant whilst being refurbished/reconstructed. 66 Palmeira Avenue comprises two flats and 68 Palmeira Avenue is a single house. 72 Cromwell Road is split into two flats and 73 Cromwell Road is a single dwelling.
- 2.3. The surrounding area is densely developed and consists of predominantly residential uses including a mixture of two storey dwellings, three storey town houses and blocks of flats ranging from 4 to 9 stories in height. Many of the blocks of flats to the south were originally single houses which have subsequently been redeveloped into larger blocks of flats.
- 2.4. The application seeks permission for the demolition of all buildings on site and the erection of a residential block of 94 flats in addition to a landscaped rear communal garden area and a basement carpark containing 47 car parking spaces. The block would be a maximum of 7 stories including a lower ground floor level. The development would be split into two blocks (A and B). Block A would be set on the Corner of Palmeira Avenue and block B would front onto Cromwell Road. Both blocks would comprise a five storey projecting brick element and a predominantly glazed set back element at 6th and 7th storey level.
- 2.5. Amended drawings were submitted in July 2020 and a public re-consultation has taken place which expires on 21/08/2020.
- 2.6. Following discussions with the applicant, and feedback from officers relating to design and standard of accommodation, balconies have been added to all storeys to the front and rear elevations of both blocks. Several flats at lower ground level within block B have also been amended in order to create additional dual aspect units in order to improve outlook for future occupiers whilst also to increasing the internal floor area for several units. Lightwells in block A have been extended to improve outlook. Additional fenestration is also proposed at ground and lower ground levels to improve outlook. Elevational changes have also been made to the façade including amending the material finish to a section of the eastern element of block B. A projecting frame is also proposed at 6th and 7th storey level in order to break up these floors which were previously fully glazed and stark in appearance.
- 2.7. Further information and revised plans have also been submitted to address concerns raised by transport in relation to disabled car/cycle parking, delivery and servicing and parking demand forecasting

- 2.8. Revisions and additional information have also been submitted to address concerns relating to potential impact on trees in addition to sustainability aspects of the design.
- 2.9. Following discussions with the applicant, and independent viability assessment, it has been determined that the development can provide an affordable housing contribution of £354,503 towards off-site provision, without impacting the viability of the scheme.

3. RELEVANT HISTORY

64 - 68 Palmeira Avenue & 72 - 73 Cromwell Road Hove:

- 3.1. **BH2019/00127** - Redevelopment of site incorporating demolition of existing buildings and erection of buildings between three and seven storeys and basement level to provide 80no flats (C3) and hotel (C1) with associated basement parking, plant, landscaping and associated works. Withdrawn 15.06.2020.

64 Palmeira Avenue:

- 3.2. **BH2004/00298/FP** - Rear extension to basement with flat roof terrace over. Resubmission. Approved 04.03.2004.
- 3.3. **BH2003/03524/FP** - Rear extension to basement with flat roof terrace over. Refused 22.01.2004.
- 3.4. **BH2002/02094/FP** - Use part of basement as a nursery school and associated alterations. Approved 28.02.2003.
- 3.5. **BH2001/01484/FP** - Change of use of part of ground floor (Use Class C3) to Nursery (Use Class D1). Approved 28.09.2001.

- 3.6. There have also been a number of permissions issued to vary conditions of BH2001/01484/FP in order to increase the operational hours of the nursery in addition to increasing the number of children permitted.

66 Palmeira Avenue:

- 3.7. **BH2016/00588** - Creation of vehicle crossover and hardstanding with associated alterations to front boundary. Approved 13.04.2016.
- 3.8. **BH2015/02756** - Creation of vehicle crossover and hardstanding with associated alterations to front boundary. Refused 20.10.2015.

73 Cromwell Road:

- 3.9. **BH2006/04012** - Demolition of existing residential units and development of a block of 20, one and two bedroom flats, including external works and landscaping. Withdrawn 02.05.2007.

4. REPRESENTATIONS

Initial consultation:

- 4.1. **One Hundred and Forty-Eight (148)** letters have been received objecting to the proposed development for the following reasons:
- Additional traffic
 - Noise
 - Overdevelopment
 - Inappropriate height
 - Overshadowing
 - Poor design
 - Impact on amenity
 - Loss of view
 - Lack of capacity within local facilities
 - Adverse impact on conservation area
 - Impact on property value
 - Other large developments nearby
 - Congestion
 - Pollution
 - Destruction of green space
 - Impact on listed buildings
 - Impact on local parking
 - Out of keeping with local area
 - Lack of consultation with neighbours
 - Lack of affordable housing
 - Too close to street
 - Adverse effect on highway safety
 - Too close to boundary
 - Recently restored building demolished
 - Lack of private outside space
 - Impact on local services
 - Not for local residents
 - Too large for area
 - Impact on retirement flats nearby
 - Overpopulation of area
 - Floorplans lack detail
 - Existing buildings are more appropriate
 - Loss of trees and wildlife
 - Noise and disturbance from construction
- 4.2. **One (1)** letter has been received supporting the proposed development for the following reasons:
- Good design
 - It will clean up the area
 - The existing houses are not cared for
- 4.3. **Councillors Ebel and Allcock** object to the proposed development. Copies of their objections are attached.

Additional Consultation:

The amendments of the application were issued on the 31 July 2020.

4.4. A further **Twenty-Six (26)** objections have received for the reasons set out below. This consultation expires 21/08/2020 and any additional representations will be updated in the additional representations list.

- Additional traffic
- Inappropriate height
- Noise
- Overdevelopment
- Cumulative impact as a result of other developments nearby
- Too close to boundary
- Impact on conservation area
- Overshadowing
- Little change from previous proposal
- Balconies will worsen situation
- Impact on local services
- Lack of community consultation
- The nursery has been rebuilt
- Out of character
- No bicycle routes near to development
- Pollution
- Diminishes adjacent buildings
- Pedestrians not considered
- Lack of personal outside space
- Loss of nature habitats
- Previous concerns remain
- Insufficient parking
- Poor design
- Road safety issues from car park entrance
- Lack of affordable housing
- Not suitable for families
- Outside space should only be at ground floor level
- Detrimental impact on local amenities such as surgeries, schools and parking
- Gas boilers inappropriate
- The flats are too small
- Lack of consideration for local community

5. CONSULTATIONS

Internal:

5.1. **Children and Young People's Trust: Comment**

A contribution of **£57,589.40** towards the cost of secondary and sixth form provision is sought if this development was to proceed. The contribution would be put towards Blatchington Mill and Hove Park Schools. A contribution towards primary education is not sought as numbers in the primary phase are currently falling and as a result capacity is likely to be reduced in this phase of education

across the city. It would therefore be difficult to justify S106 funding to increase provision.

- 5.2. **Economic Development: No objection**
City Regeneration has no adverse comments regarding this application.
- 5.3. Should this application be approved, due to the size of the development, it would be classed as a major development, and as such, would be subject to developer contributions as specified in the Planning Authority's Technical Guidance for Developer Contributions.
- 5.4. The sum request will be **£26,100**.
- 5.5. In addition to the developer contributions, should this application be approved, there will be a requirement for an Employment & Training Strategy to be submitted prior to demolition and a further strategy at least one month prior to formal site commencement phase for approval. Both requirements will be subject of a S106 Agreement. Fuller details included in the Main Comments section.
- 5.6. **Heritage:**
Initial Comment - Approve with conditions
It is considered that the existing houses on the site are characterful, positive contributors to the qualities of the location and enhance the setting of the designated Willett Estate Conservation Area adjacent and the loss of them is regrettable.
- 5.7. The re-development of this site was initially proposed in 2018 with the form of the proposal progressing incrementally over the intervening period. Whilst the Heritage Team regret the proposed loss of the existing houses, it is considered that the current application represents substantial moves to reduce the impact on the identified heritage assets.
- 5.8. Cromwell Court is set well back from the established frontage lines of both Cromwell Road and Palmeira Avenue, therefore any development on the subject site at the proposed scale will be clearly viewed from within the Willett Estate Conservation Area. It has therefore been important to obtain information demonstrating the impact this would have, as shown in View 01 of the submitted Tall Building Statement. This confirms that the development would be clearly visible, however it also demonstrates the extent to which the existing large scale buildings close to the site, and also Hovedene further West, have created greater scale within the context of the development. As a result the extent to which the proposed height and bulk of the scheme (as amended) will further harm the Heritage assets is considered to be limited.
- 5.9. Changes in the design of the proposal from the original concepts now better reflect the established urban form by breaking the footprint and elevational treatment into defined blocks, and by pushing the elements of greatest scale back from the street frontages. This has improved the relationship with properties opposite which are within the Willet Estate Conservation Area.

5.10. This application also includes more developed proposals for the boundary treatment which were missing from previous submissions and the Heritage Team has no objection to these.

5.11. In conclusion, the Heritage Team remains of the view that the existing buildings on the site make a positive contribution to the setting of the Willett Estate Conservation area and their loss would be regrettable. However the setting of the conservation area has already been compromised by other large scale developments, and therefore the harm that would be caused by redevelopment with the current proposal is less than substantial. As a result, under the terms of the NPPF this harm should be weighed against the public benefits of the proposal.

Second Comment

5.12. No objections to the amended design and original comments still stand.

5.13. **Urban Design:**

Initial Comment - Seek amendments

Landscape Design:

The communal garden includes clearly defined activity zones for a communal seating area, play area, lawn area, planting beds and the water feature. Such definition between activity zones is considered to be successful.

5.14. The use of planting to subdivide the communal seating area is successful in providing flexibility and scope for privacy. The applicant is encouraged to diversify and naturalise this planting and to include small trees for shade

5.15. However, whilst the concept of referencing Brighton & Hove landmarks with lines in the landscape is interesting and useful in defining activity zones, the plan arrangement appears as somewhat overcomplicated and thus inefficient Further details should be secured by condition to address these concerns.

5.16. The landscape proposals should include a food growth area for residents, as well as more dedicated wildlife habitats.

5.17. The depth of proposed lightwells is inconsistent along Cromwell Road and has implications on the quality of these spaces as usable amenity space as some appear as very shallow, as well as street planting design.

Orientation, Aspect and Internal Layout:

5.18. The quality of accommodation is generally poor due to the proportion of single aspect units and north facing unit. A number of units are poorly planned and deep resulting in dark living spaces and kitchens; this is most concerning at lower-ground level.

5.19. Only 29% of units have private external amenity which is too low.

5.20. Some of the lower level lightwells appear overlooked by communal entrances.

- 5.21. It is recommended that lower ground and ground floors should be re-orientated to accommodate dual aspect through units, all flat roofs should be utilised for amenity space and balconies should be provided to as many units as possible. These are suggested within the recessed elements within the street frontage in addition to projecting balconies to the rear. This may also mitigate concerns over the overbearing nature of the rear elevations

Built Form, Scale and Massing:

- 5.22. The set-back upper levels may be too great in height. Although the adjacent tower block is taller than these proposals, the impact on existing residential properties to the north of Cromwell Road is great and these additional storeys may push the limit.
- 5.23. The primary blocks which front Cromwell Road and Palmeira Avenue do not present any concern with regard to height and the breaks between blocks help to break down the mass of proposals to reference a villa typology.
- 5.24. The rear elevation is overbearing and could benefit from breaking down the mass, introducing balconies and readdressing materiality.
- 5.25. The eastern-most block, whilst successful in elevation, is not successful in reality as this volume is overbourne by taller brick elements to its rear and is not expressed as a singular, clearly identifiable component.
- 5.26. The set back from street appears greater than the prevailing contextual set back exhibited by the residential properties on Cromwell Road.

Architectural Form, Composition and Materiality:

- 5.27. Generally, the proposals have adopted an appearance which is very commercial in character, quite unforgiving, and which is not appropriate to the scheme or its residential neighbourhood.
- 5.28. It is recommended that box hedging is omitted from parapets. Materiality and elevational composition should be addressed in order to generate a character which is more residential and less commercial. The brick masonry could reference the richer red tones and white accents of prevailing context. The glazed curtain walling, though set back from street frontage, actually increases the perceived height and mass of proposals because it is flat, reflective, unforgiving and generates verticality in the proposals. It is considered that the material of these set-back elements should be something to cast shadow, for example a rainscreen / louvre cladding system.
- 5.29. Green walls to the south elevation of Block B and east elevation of Block A (rear elevations) are recommended to soften the appearance here, mitigating concern that these elevations are overbearing, and to increase biodiversity gains.

Updated Comment Following Amendments - Comment

- 5.30. No changes have been proposed to landscape design. It is recommended that further details are secured by condition.

- 5.31. The quality of accommodation has been significantly improved.
- 5.32. Single aspect units have now been reduced to approximately 25%. However, a number of units which have potential for dual aspect (in terms of light and ventilation) do not benefit from openable windows on both external walls.
- 5.33. Of the remaining single aspect units, very few are north facing. This represents a significant improvement.
- 5.34. Several units remain with very deep plans resulting in dark kitchens and living accommodation.
- 5.35. Provision of private external amenity has been significantly increased from 29% to 88%. This, combined with communal gardens, presents an excellent contribution to amenity for residents and offers both scope for privacy and sociability.
- 5.36. Revisions to the glazed curtain walling upper storeys to now include a projecting frame element help to break down the mass of this element by casting shadow and creating a lighter-weight appearance over the primary brick volumes.
- 5.37. In addition, the introduction of balconies to all elevations improves the appearance and perceived mass of proposals by casting shadows and creating depth; and is especially successful on rear elevations in softening their otherwise overbearing mass.
- 5.38. It is also considered that the strategy to locate inset and semi-inset balconies on street elevations and projecting balconies to rear elevations is correct.
- 5.39. It is unclear how balconies at upper levels will interact with the newly proposed projecting frame element.
- 5.40. Concerns remain with regard to the commercial character of the proposals. Sill heights could be amended to address this.
- 5.41. Advice to omit the box hedging to parapets stands.
- 5.42. **City Clean: Verbal Comment**
A verbal comment has been received from City Clean advising that it would be preferable for the bin store to be no more than 15m walking distance from the kerbside, however other sites with a similar arrangement are currently manageable. The proposed bin store is approximately 20m walking distance.
- 5.43. A condition securing a refuse and recycling management plan is recommended by officers.
- 5.44. **Sustainable Drainage: Comment**

No objection subject to inclusion of a condition securing a detailed design and associated management and maintenance plan of surface water drainage for the site using sustainable drainage methods.

5.45. **Sustainability:**

Initial Comment - Seek further information

The requirement to achieve water efficiency of 110 litres / person / day is met.

5.46. The proposal to use individual gas boilers for heating and hot water is not considered suitable as it will not reduce carbon emissions sufficiently. It is recommended that the heating proposals are reviewed and alternative systems considered, to minimise carbon emissions, to be affordable for residents, and to look forward to changing building regulations on carbon emissions.

5.47. Several flats are single aspect and face south / south west and thus risk overheating. An overheating assessment should be provided together with an outline of any mitigating measures.

Second Comment

5.48. Following the submission of additional information including additional methods to increase CO2 reduction and overheating, sustainability officers are supportive in principle, subject to updated SAP calculations and securing an overheating assessment via condition.

5.49. **Air Quality: No objection**

The site is outside of the AQMA by several hundred metres. This part of Hove has good air quality.

5.50. 47 car parking spaces with EV charging will not generate sufficient traffic emissions into the AQMA to justify a detailed air quality assessment. The proposals include landscaping and buildings do not enclose the road.

5.51. No objections raised.

5.52. **Environmental Health: No objection**

No objection subject to conditions securing a CEMP, a land contamination report, a site waste management plan in addition to a condition ensuring that no demolition/construction materials will be burnt on site.

5.53. The proposed glazing is sufficient to alleviate road noise.

5.54. **Housing:**

Initial Comment - No objection

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.

5.55. The developer has provided a viability report which has assessed that it is unviable to provide any affordable housing on site or to provide a commuted sum as an alternative. The independent verification prepared for the council has found that a commuted sum in lieu of providing affordable housing on site could

be viable and the value of this is currently under negotiation. Commuted sum payments are used to provide affordable housing elsewhere in the city for example through the council's own housing supply initiatives.

- 5.56. This provision could be seen as disappointing in the context of the council's 40% policy requirement but also needs to be considered in the light of the council's policy position wherein provision of a commuted sum in lieu of affordable housing on site is an agreed alternative. The development will be subject to a review mechanism which reassesses viability at an agreed point.
- 5.57. Council policy requires 5% of all homes across the whole development which equates to 4 homes at this development.
- 5.58. This scheme provides a range of accommodation, although it is noted that the affordable housing provision will be met through a commuted sum instead. Planning policy have commented on the overall housing mix.
- 5.59. Supported by Housing in the context of national planning guidance and the outcome of the viability assessment in line with council policy. The final value of the commuted payment sum to be agreed.

Updated Comment - No objection

- 5.60. Following confirmation from the DVS that the scheme could provide four units on site plus a financial contribution, the commuted sum is the preferred option.
- 5.61. **Planning Policy: Comment**
The proposed development would provide 94 residential units with a loss of five existing detached houses; it would therefore make a welcome contribution of a net gain of 89 residential units towards the city's housing target as set out in City Plan Policy CP1. 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).
- 5.62. The proposed density represents an efficient and effective use of the site (see Part A(b) of Policy CP1 and Policy DM19 of the Proposed Submission CPP2) and is acceptable in principle subject to detailed design, scale and massing considerations.
- 5.63. The lack of any affordable housing is very disappointing and the applicant's viability evidence in this regard should be independently scrutinised.
- 5.64. The low level of three-bedroom family sized dwellings is disappointing particularly given the loss of 5 large family dwellings that are currently on the site, although this is partly mitigated by a higher amount of two-bedroom units which can be suitable for small families.

- 5.65. The proposed development would generate a significant demand for all public open space typologies and indoor sport. The open space ready reckoner should be used to identify an appropriate level of contribution (Policies CP16 and CP17).
- 5.66. With regard to Local Plan Policy HO5 the majority of the residential units do not benefit from private amenity space in the form of balconies. This raises a concern and should be clarified with the applicant. No justification for a lack of private amenity space is set out in the Planning Statement.
- 5.67. **Sustainable Transport:**
Initial Comment - Objection
 The application is currently unsuitable for determination due to insufficient information from which to assess the likely significant impacts of the proposals, as required by National Planning Policy Framework (NPPF) paragraph 111. Reasons for this include the following:
- Confirmation of the car park ramp design and gradient is required (and associated suitability for pedestrian, cycle and disabled access, as appropriate);
 - A review of the RSA raises issues about visibility and inter-visibility at the access junction. We cannot accept the proposed solution of a hatched area as an appropriate deterrent. Issues relating to parked cars on Palmeira Avenue and mature trees within the visibility splay also need to be addressed.
 - The proposals include four proposed Blue-Badge spaces. However, this level of provision does not meet the minimum quantity requirement of 8 spaces per SPD14. The layout of the bays is also not in accordance with DfT Traffic Advisory Leaflet 5/95 and BS8300 as they both require a 1.2m buffer at the entry face of the bay. The number of bays needs to be increased and the layouts revised;
 - Further information on delivery and servicing forecasts, and an associated capacity analysis, is required to demonstrate that the facilities will be able to safely accommodate demand. We therefore ask that the information set out in the delivery and servicing demand forecast section below is provided in advance of determination; and
 - 24-hour daily person trip generation is requested to ensure that we have a full understanding of the daily forecast trip volumes and also to feed into our sustainable transport contribution calculator.
 - Notwithstanding the above, even were other determination possible then - taking the proposals as they stand - objections would be raised nonetheless as set out below.
 - Cycle parking quantity and design related issues. Full plans showing details of the type and dimensions of cycle parking need to be provided, as set out in guidance provided to the applicant at the Pre-application stage. Information is also needed about how convenient and inclusive access for cyclists will be provided to basement parking spaces as the proposed lifts and internal routes via corridors don't appear sufficient for this. As it stands the proposed cycle parking is not policy compliant as required by SPD14, Brighton & Hove Local Plan policy TR14 and NPPF para 110(b).

- 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 would be able to recommend conditions or obligations to resolve them. Instances include the following:
 - An updated travel plan can be secured by obligation.
- 5.68. Positive aspects of the proposals that require no further attention include the following:
- Existing trip generation has been agreed;
 - Proposed peak hour trip generation (excluding servicing and delivery activity);
 - An accepted level of residential car parking is proposed;
 - An accepted level of electric charging is proposed, although we would still encourage the full provision to be provided from the outset to allow for future proofing and provision for electric vehicle charging for at least one blue-badge space;
 - An accepted parking survey has been submitted and an assessment has been provided that shows the impact of overspill parking relating to visitor demand can be accommodated; and
 - Proposed trip generation falls below the various thresholds where further highway, pedestrian, cycle and public transport assessments are required.

Second Comment

- 5.69. This is the second response to this application. In our previous response we were unable determine the application as insufficient information had been provided in relation to cycle parking design and quantum, ramp gradients and delivery and servicing forecasts.
- 5.70. A loading bay has now been proposed on Cromwell Road. These plans were reviewed by B&H Bus Co and they suggested removing the Holland Road bus stop entirely to allow for a loading bay. In this scenario there would be no loss of parking bays. There would however be a cost associated with the removal, restoring and reinstalling that bus shelter (2404-0024) and associated TRO changes, which the applicant would be responsible for. We are therefore happy that this arrangement would accommodate the servicing and delivery activity associated with the proposed development. As provision of loading facilities is vital to the safe operation of this development, and the outcome of TRO consultations cannot be prejudged, these and other changes to the highway should be made subject to a pre-commencement condition or obligation. Under this, a detailed scheme of highway works and associated TRO changes should be agreed before any development commences.
- 5.71. We have a number of concerns about the cycle parking proposals, which are considered poor including:
- The ramp into the basement fails to comply with the guidance on accessible ramp design included in BS8300, Wheels for Wellbeing and recently published LTN 1/20. As a result, wheelchair users and other people with mobility difficulties would be unable to access the basement. This would require all users to use the lift which was considered unacceptable due to its

size as noted in our previous response. This is concerning due to the development containing several wheelchair accessible units.

- The latest proposals include 114 cycle parking spaces, which falls below the required minimum of 124 spaces as set out in our previous response. As it stands the proposed cycle parking is not policy compliant as required by SPD14, Brighton & Hove Local Plan policy TR14 and NPPF para 110(b).

5.72. Whilst not meeting the standards for cycle parking requirements or ramp gradients, NPPF para 109 states that 'Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe'. Therefore, notwithstanding significant concerns we conclude that this matter alone does not provide a reasonable basis for recommending refusal. However, the committee should note that – were there other non-transport concerns – then it might contribute towards an in-combination case for refusal. The Committee should also note that whilst we have recommended a cycle parking scheme condition in a plans notwithstanding format to allow some improvements to the current proposals to be made under future Approval of Details applications, it is unlikely to be possible to do so in a manner that would make the cycle parking element satisfactory.

5.73. 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 would be able to recommend conditions or obligations to resolve them. Instances include the following:

- An updated travel plan can be secured by obligation.
- A DEMP and CEMP can also be secured by obligation. However, since this site is on a classified road, and the nature of the proposals means that vehicle loading/unloading is likely to be required within the highway for the majority of works (i.e. due to limited external space) a substantial obligation covering many detailed points will be required. Our non-objection to this application is conditional upon this.

5.74. Positive aspects of the proposals that require no further attention include the following:

Existing trip generation has been agreed;

- Acceptable level of disabled parking;
- Proposed peak hour trip generation (excluding servicing and delivery activity);
- An accepted level of residential car parking is proposed;
- An accepted level of electric charging is proposed, although we would still encourage the full provision to be provided from the outset to allow for future proofing and provision for electric vehicle charging for at least one blue-badge space;

5.75. Other key matters of regular interest that have been considered include:

- An accepted parking survey has been submitted. A condition reducing the number of annual visitor permits that each unit may purchase down to a minimum of 25 per dwelling (as opposed to the standard figure of 50 permits

per adult occupant) has been attached to mitigate any overspill visitor parking.

- Proposed trip generation falls below the various thresholds where further highway, pedestrian, cycle and public transport assessments are required. We therefore have no concerns about impact on nearby junctions.
- A sustainable transport contribution of £82,500 is recommended to be allocated towards pedestrian footway improvements on Palmeira Ave, tactile paving on the island crossing on Cromwell Road and bus stop improvements including RTPI , accessible kerbs and/or cage strengthening on Cromwell Road.

Final Comment

- 5.76. This is the third response to this application. In our previous response, we had no objection despite some unresolved concerns. In our previous response we raised concerns regarding the overall quantum of cycle parking and the issue with ramp gradient into the basement for disabled cyclists. The applicant has now submitted revised plans to address this.
- 5.77. The latest proposals include the relocation of the oversize/disabled cycle parking in the basement to ground floor level which has enabled additional two-tiered parking spaces to be provided in the basement. Additionally, the basement area has been extended in order to provide an additional two-tiered parking area at the back of the car park, adjacent to the four motorcycle bays. The latest proposals shown in the plans indicate a total of 161 cycle parking spaces, which now meets the required minimum of 124 spaces to be in accordance with SPD14. The cycle parking is therefore policy compliant as required by SPD14, Brighton & Hove Local Plan policy TR14 and NPPF para 110(b). Therefore, we are now in a position to recommend approval.
- 5.78. There are further aspects of the proposals that remain unsatisfactory or less than ideal. However, these are distinguished from the above by the fact that we would be able to recommend conditions or obligations to resolve them. Instances include the following:
- An updated travel plan can be secured by obligation.
- 5.79. A DEMP and CEMP can also be secured by obligation. However, since this site is on a classified road, and the nature of the proposals means that vehicle loading/unloading is likely to be required within the highway for the majority of works (i.e. due to limited external space) a substantial obligation covering many detailed points will be required. Our non-objection to this application is conditional upon this.
- 5.80. **Arboriculture:**
Initial Comment
This site is located on the corner of Palmeira Avenue and Cromwell Road, there are no Tree Preservation Orders (TPO's) on site nor does the site lie within a conservation area. It does neighbour The Willett Estate Conservation Area and both roads are tree lined with roadside (highway) trees typical of many of the older parts of central Hove.

- 5.81. The Arboriculture team's assessment of this application broadly concurs with the information provided by the applicants arboricultural consultant. The trees indicated to be removed are of relatively low public amenity value and some of these could be replaced within a landscaping scheme.
- 5.82. The impact of placing a building with such a large footprint plus the amended enlarged lightwells and underground car park will impact on the existing street trees.
- 5.83. Concerns are raised in relation to potential harm to offsite trees. Harm to T26 may occur due to the depth of the lightwell on Palmeira Avenue. Originally smaller wells were proposed but these have been amended to show a wider opening that will cause more extensive excavation and greater root loss. There is also potential harm to T11 and other street trees as a result of the development. On this basis it is requested that the lightwell on Palmeira Avenue is reduced and a detailed arboriculture method statement be secured by condition in order to ensure that the construction methods would not result in harm to the off-site trees.
- 5.84. Recommend approval subject to conditions securing a scheme of landscaping in addition to a Construction/Method Statement.
- 5.85. Any street trees lost as a result of the development should be replaced ratio of 3-1.

Updated Comment

- 5.86. The reduction of the lightwell is acceptable. Comments relating to the Construction/Method Statement and replacement trees still stand.

External:

- 5.87. **Daylight Sunlight:**
The results of the daylight/sunlight report suggest a minor adverse impact to daylight at 57 Cromwell Road (main windows do meet the guidelines, but are close to the target values) and 58 Cromwell Road (one main marginally below the guidelines, others marginally above) and a negligible-minor adverse impact at 599 and 60 Cromwell Road (windows do meet the guidelines but some are close to target values). The results are the same as the previous review.
- 5.88. Results suggest a minor adverse impact to daylight at 62 Palmeira Avenue and a tentative negligible-minor impact at Bell Mead Court.
Other areas meet the BRE Guidelines.
- 5.89. The latest BVP assessment of daylight provision to proposed rooms now appears to include the correct maintenance factor and room areas.
- 5.90. Results for two internal layouts have been presented by BVP. Results suggest that a layout with separate kitchens would have one living area and 13 non-daylight kitchens below recommendations on the lower ground floor. It is assumed that other floors would also have non-daylight kitchens.

- 5.91. With an open plan option there would be one bedroom below the recommendations with a further bedroom not included within the analysis which has the potential to be poorly daylight. Three living areas would be below the 1.5% living room target. There would be two non-daylight kitchens.
- 5.92. BVP suggest that out of the two options the open plan layout is preferable. This is a reasonable assertion as it avoids a comparatively large number of non-daylight kitchens.
- 5.93. Plans suggest that only 43 of the 94 living rooms (around 45%) would have a window facing southerly. The results presented suggest that these rooms should be able to meet the annual probable sunlight hours (data for the east facing windows on higher floors is not given, but it is assumed they would meet the guidelines). This is a poor overall percentage. If improved sunlight provision were required, a greater number of living rooms would need to be located on the southern side of the building.
- 5.94. The BVP report states that "...a further 19 living rooms that do not face 90 degrees of south, face within 15 degrees of west. When considering the latter, 62 out of 94 living rooms should be deemed reasonable for this scheme in this location". The rooms could receive some sun. However, no data has been presented to confirm if they are adequately sunlit.
- 5.95. **Conservation Advisory Group: Recommend Refusal**
The scale, design and massing of these high-rise blocks would cause significant harm to the setting of the adjoining conservation area.
- 5.96. The loss of the five two storey Edwardian houses would be regrettable in any case.
- 5.97. **County Archaeology: No objection**
Based on the information supplied, it is unlikely that any significant archaeological remains are likely to be affected by these proposals. No recommendations to make in this instance.
- 5.98. **Ecology: Comment**
Following the submission of a bat survey, County Ecology are satisfied that proposed development is unlikely to have a negative impact bats, birds, potential reptiles and other biodiversity subject to inclusion of conditions requiring appropriate precautions are taken whilst demolishing existing buildings.
- 5.99. The site offers opportunities for enhancement that will help the Council address its duties and responsibilities under the NERC Act and NPPF. Bee bricks and Bird boxes should be secured by condition. Bird boxes should target species of local conservation concern such as starlings, swifts and house sparrows.
- 5.100. **Sussex Police: Comment**
Standard security measures are recommended and this advice has been provided to the applicant.

5.101. **Southern Water: Comment**

It is advised that Southern Water requires a formal application for a connection to the public sewer to be made by the applicant or developer.

5.102. If the applicant proposes to offer a new on-site drainage and pumping station for adoption as part of the foul/surface water public sewerage system, this would have to be designed and constructed to the specification of Southern Water

5.103. It is requested that should this application receive planning approval, the following condition is attached to the consent: "Construction of the development shall not commence until details of the proposed means of foul and surface water sewerage disposal have been submitted to, and approved in writing by, the Local Planning Authority in consultation with Southern Water."

5.104. The applicant is advised that It is possible that a sewer now deemed to be public could be crossing the development site. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its ownership before any further works commence on site.

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 |
| CP5 | Culture and tourism |
| CP6 | Visitor accommodation |
| 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 |

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 |
| QD15 | Landscape design |
| QD16 | Trees and hedgerows |
| QD18 | Species protection |
| QD27 | Protection of amenity |
| HO5 | Provision of private amenity space in residential development |
| HO9 | Residential conversions and the retention of smaller dwellings |
| HO13 | Accessible housing and lifetime homes |
| HO20 | Retention of community facilities |
| EM4 | New business and industrial uses on unidentified sites |
| SR4 | Regional shopping centre |
| SR5 | Town and district shopping centres |
| SR6 | Local centres |

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| SR7 | Local parades |
| SR8 | Individual shops |
| HE1 | Listed buildings |
| HE3 | Development affecting the setting of a listed building |
| HE6 | Development within or affecting the setting of conservation areas |
| HE10 | Buildings of local interest |
| HE12 | Scheduled ancient monuments and other important archaeological sites |

Supplementary Planning Documents:

| | |
|-------|---|
| SPD03 | Construction & Demolition Waste |
| SPD06 | Trees & Development Sites |
| SPD09 | Architectural Features |
| SPD11 | Nature Conservation & Development |
| 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 development including the loss of the existing residential buildings on site, the proposed residential units and affordable housing contribution, the impact of the design on the character and appearance of the adjacent conservation area and on the street scene and wider views, neighbouring amenity, sustainable transport impacts including parking demand, landscaping, ecology/biodiversity and contribution to other objectives of the development plan.

Background

- 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).

Principle of Development:

- 8.4. The principle of development in this case primarily relates to the loss of the existing buildings on site and the proposed residential units. The existing site comprises predominantly residential uses as set out below:
- 66 Palmeira Avenue - two flats
 - 68 Palmeira Avenue - single dwelling

- 72 Cromwell Road - two flats
- 73 Cromwell Road - single dwelling

- 8.5. All buildings would be demolished as part of the proposal.
- 8.6. Local Plan policy HO20 seeks for the retention of community facilities and identifies that community uses should be retained unless the use can be incorporated within the development, or is relocated, or other nearby facilities are to be improved, or it can be demonstrated that the current site is not needed. 64 Palmeira Avenue has previously been used as a nursery at ground floor level with flat above.
- 8.7. The proposed development does not include a community use, nor does it make provisions for such a use elsewhere. It is noted, however, that the building suffered significant fire damage in 2017 and has not been used as such since that time. The building has been surrounded by scaffolding and hoarding for several years and has now been refurbished/rebuilt. The building is however not currently in use and is still surrounded in construction hoarding. Furthermore, the nursery which use to operate from the premises is no longer active. The loss of the building is regrettable and weighs against the scheme, notably as the building has recently been refurbished. It would be preferential for a replacement community use element to be included within the scheme, however, given that the development has been vacant for a number of years and in the best interest of making the most efficient use of the land available, an absence of such a use does warrant refusal of the proposed development when weighed against the benefits of the scheme, particularly the provision of residential development proposed.
- 8.8. Local Plan policy HO8 seeks for the retention of housing and states that permission will not be granted for developments resulting in the loss of residential units unless a number of criteria are met. In this case, the loss of four buildings totalling 6 residential units is regrettable, particularly as the existing buildings are habitable in their current state and the existing dwellings are considered to compliment the surrounding streetscene and adjacent conservation area. The proposed development would however provide 94 units resulting in a net gain of 89 units and would make far more efficient use of the site and presents a welcomed windfall site. As set out further detail below, the Council's latest housing supply figure show a significant shortfall in housing supply and therefore any windfall sites such as this are welcomed, and 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). On this basis there is no conflict with retained policy HO8.

The Proposed Residential Use

- 8.9. The proposed development comprises 94 residential units including 1 x studio, 33 x 1 bed, 58 x 2 bed and 2 x 3 bed. The proposal would not include any on site affordable units, however a contribution of £354,503 would be provided in lieu towards off-site provision.

- 8.10. There is a critical need for housing in the city. At present the city has a housing delivery target, approved by Government at the time of the adoption of City Plan Part One, which is significantly below its objectively assessed need. Site allocations at the time of the Plan adoption indicated that the city had a viable supply of sites to deliver housing which would meet this target across the plan period through a defined delivery trajectory. The SHLAA Update 2019 however, indicates a shortfall of housing supply and therefore the Council cannot currently demonstrate a viable housing land supply position.
- 8.11. In this context, the need for housing developments to come forward is arguably even more acute than at the time of the plan's adoption. The presumption in favour of sustainable development currently applies as set out in paragraph 11 of the revised NPPF. This applies a 'tilted balance' in favour of granted permission for sustainable development unless:
- i. the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.
- 8.12. It is therefore clear having regard to the overall circumstances the city faces at this time, that new developments for housing will in general be supported, unless significant adverse impacts can be identified which outweigh the benefits of the specific housing provision which is proposed. In this case it is considered that the benefits associated with the provision of a net gain of 89 residential units would outweigh the loss of the existing buildings on site, and a residential redevelopment is therefore supported in principle, subject to the assessments set out below.

Affordable Housing and Viability

- 8.13. It is noted that a number of representations have objected on the basis of the lack of affordable housing proposed. For schemes of 15 units or more policy CP20 sets out that up to 40% of the proposed units should be affordable. The 40% target may be applied more flexibly where the council considers this to be justified. CP20 makes clear that the costs relating to the development; in particular the financial viability of developing the site, hold significant weight in the decision-making process. In the case of the application scheme of 94 units, this would equate to an affordable housing provision of 37 units.
- 8.14. Other than the lack of a housing supply position, the City Plan policies are in general considered to be up to date, being adopted in March 2016, and have been viability tested.
- 8.15. The applicant provided a Viability Assessment with the originally submitted application which set out that the proposal would not be able to provide any affordable housing. The applicant's viability assessment concluded that even if 0% affordable were proposed, the proposal would still be non-viable as it would produce a deficit of £1,095,965.

- 8.16. The council commissioned the District Valuer Service (DVS) to review the applicant's Viability assessment. The DVS did not agree with the applicant's assumptions and concluded that the build costs were high and the sales costs low. The DVS therefore concluded that the proposal could viably provide a contribution of £354,503 without threatening the viability of the development. At the request of the council, the DVS also confirmed that this contribution could equate to the provision of 4 Affordable Housing units on site (2 affordable rent and 2 shared ownership) plus a contribution of £135,645.
- 8.17. Whilst, the applicant has disputed the methodology employed by the DVS to calculate sales values and build costs, and therefore the resultant surplus, the applicant has accepted the figure and agreed to provide the contribution of £354,503 towards off-site provision.
- 8.18. On-site provision of affordable units is preferential over commuted sums. It is noted however that it would likely be difficult to secure a Registered Provider due to the relatively low number of units (four units, 2 affordable rent and 2 shared ownership) that could be provided and as they would be interspersed within the building. Whilst it is preferable for affordable units to be interspersed, Registered Providers prefer separation for management. This would not be possible in this scheme. The concerns of Registered Providers are given weight as it is of importance that a Provider engages with the scheme and willingly delivers the units proposed. Recent experience has shown that it can be challenging securing willing Providers to engage with the delivery of development schemes in the city. On this basis, whilst the proposed affordable contribution does not result in provision on site, which is preferred in policy CP21, it is acceptable in this case. Housing Strategy and Planning Policy officers agree with this view and concur that off-site provision would be most appropriate in this case.
- 8.19. Whilst it is acknowledged the lack of on-site provision of units is disappointing, having taken full account of the viability assessment submitted, and the detailed scrutiny of this information by independent assessors, the provision is policy compliant, Officers consider that this position does represent the maximum affordable contribution that can be delivered without threatening the viability and delivery of the proposed development. Local and National policy and guidance makes clear the weight that should be afforded towards the viability of a proposal and it is accepted that 40% is not achievable through all development due to site specific circumstances.
- 8.20. Overall, it is the view of Officers that the affordable housing contribution proposed can be supported due to the weight which can be given to the viability assessment submitted in the current policy framework set out by Government. The circumstances which are set out in the assessment are site specific and therefore accepting lower than 40% does not set a precedent which would threaten the Council's ability to seek to secure affordable housing requirements at other sites in the city, as set out in Policy CP20 at other sites across the city. Furthermore, a review mechanism is recommended as part of the s106 agreement in order to ensure that any additional surplus generated at

development stage would be put towards maximising the level of affordable housing contributions that could be secured via the development.

Proposed Housing Density and Unit Size Mix

- 8.21. City Plan Part One policy CP14 sets out policy for considering the density of housing development in the context, particularly, of making the most efficient use of the limited land available. It seeks that new residential development be at a minimum of 50 dwellings per hectare (dph) providing it contributes to the creation of sustainable neighbourhoods and meets the following summarised criteria: high standard of design/townscape; respects local character; tenure/mix/dwelling type meet local need; is accessible; served by local facilities and has appropriate outdoor recreation space.
- 8.22. The development is 313 dph, which is a greater density than Cromwell Court to the west of Palmeira Avenue at 196 dph and is also greater than Hovedene to the west on Cromwell Road at 255 dph. The proposed block is however comparable in density to several other block of flats within the vicinity, including Amber Court (300 dph), Cowdray Court (314 dph) and Goodwood Court (300 dph). Furthermore, the site falls below the density of the Artisan development along Davigdor Road, which is 390 dph.
- 8.23. It is noted that the development is also significantly higher density than the residential buildings to the north of Cromwell Road and to the south of the site. There are however a several high rise residential block and a considerable number of and mid and low rise blocks of flats within the area. Overall, whilst the number of units proposed on site is high, it is considered that the proposed building would be in keeping with the character of the area with regard to density, scale and form, as set out within the design considerations below. The density of development proposed will make good use of the site and deliver a significant number of housing units in an appropriate sustainable location. As noted above, the provision of residential units holds significant weight, particularly due to shortfall in 5 year housing supply.
- 8.24. Policy CP19 requires that proposals have had regard to housing mix considerations and have been informed by local assessments of housing demand and need. Policy
- 8.25. CP19 sets out an indication of projected demand:
- A demographic analysis of the demand/ need for homes in the city over the plan period indicates that an estimated 65% of the overall need/demand (for both market and affordable homes) will be for two and three bedroom properties (34% and 31% respectively); 24% for 1 bedroom properties and 11% for four-plus bedroom properties. In terms of the demand for market housing, the greatest demand is likely to be for 2 and 3 bedroom properties (35% and 36% respectively); while for affordable housing the majority of the require"ement is likely to be for one and two bedroom homes (46% and 33% respectively) although there is also likely to be a considerable requirement for three or more bedroom sized properties.
- 8.26. The development overall proposes:

- 1 x Studio flat (1.1%)
- 33 x 1-bedroom flats (35.1%)
- 58 x 2-bedroom flats (61.7%)
- 2 x 3-bedroom flats (2.1%)

8.27. The mix of units is therefore weighted towards one/two-bedroom units in comparison to the overall needs of the city. Whilst the low proportion of three-bedroom units is not favoured, the high number of two bedroom units and low number of studios is beneficial. Furthermore, as a flatted development the scheme would be expected to deliver a greater proportion of smaller units. The applicant has also submitted evidence from local agents which suggests a low demand for larger three-bedroom flats within the area.

8.28. It is acknowledged that the lack of larger units is disappointing, particularly due to the loss of several large residential units on site at the moment, however when assessed as a whole, the lack of larger units does not warrant refusal of the application, due to the significant benefits associated with units proposed and taking account of Council's the lack 5 year housing supply. On this basis, the proposed density and unit's size mix are considered acceptable.

Design and Appearance:

8.29. The application site relates to five two storey detached dwellings set on the corner of Palmeira Avenue and Cromwell Road. The existing buildings are of traditional design and complement the local street scene, although some appear to have been somewhat neglected in recent years. The site itself does not fall within a conservation area however it sits adjacent to a section of the Willet Estate Conservation Area which extends along the full extent of Cromwell Road to the north, until the junction with Holland Road. There are no listed buildings within close proximity to the site.

8.30. The surrounding area is varied in character, comprising a number of traditional two storey dwellings and a number of blocks of residential flats of low, medium and high rise. The majority of the section of Palmeira Avenue to the south of the site has been redeveloped to mid-rise blocks of flats ranging from three to five storeys. There are also a number of taller blocks of flats on Cromwell Road including Cromwell Court (9 storeys) to the east, Goodwood Court (7 storeys) and Cowdray Court (6 storeys) to the north-west and Hovedene (9 storeys) further to the west along Cromwell Road.

8.31. Directly to the north of the site, on the opposite side of Cromwell Road, is a group of three pairs of two storey semi-detached dwellings (55-60 Cromwell Road). These dwellings are of traditional design and are considered to contribute positively to the Willet Estate Conservation Area. To the north east of the site is 69-71 Cromwell Road which comprises a three storey terrace of properties with commercial uses at ground floor level including a public house.

8.32. To the east of the site is Bellmead Court, a four storey block of retirement flats on the corner of Cromwell Road and Holland Road.

- 8.33. It should be noted that the proposal was amended significantly in terms of design during the assessment of the previous withdrawn application (BH2019/00127) and from the initial pre-application submission in order to address concerns raised by officers. The scheme was amended in scale, mass, material finish and the footprint has also been reduced. This was achieved via separating the development into two blocks to allow site lines through the site, increasing the set-back from Palmeira Avenue, scaling down the height to the east in addition revisions to more lightweight materials and setting back the upper two storeys, thereby reducing the overall weight and bulk significantly. Further animation has also been introduced to break up the facade via the addition of recessed elements above entrances. Furthermore, during the assessment of the current application a number of additional amendments have been sought in order to address concerns relating to design and appearance, including the installation of balconies to the front and rear elevations, alterations to the material finish and design of the upper storeys, in addition to other internal alterations.
- 8.34. The application seeks permission for the demolition of the existing dwellings on site and the erection of two blocks of flats. Block A would be set to the north-west corner, located on the junction of Palmeira Avenue and Cromwell Road and would align with front and rear building lines of Palmeira Avenue. Block B is set to the east, fronting onto Cromwell Road and would match the building line of the adjacent Bellmead Court. The rear area of the site would be retained as open space and would include a landscaped rear garden for the use of residents. The south eastern corner of the site would include a new vehicular access ramp to the basement carpark.
- 8.35. Both blocks would be a maximum height of 7 storeys with setback and balconies on areas of flats roofs. To the street elevations, Block A would include four projecting bays with a glazed recessed section in between extending up to fourth floor level. The two upper storeys would be set back with roof terraces at fifth floor level. Block B also includes four main bays with a recessed element and the the westernmost two would be a mirror image on those adjacent within Block A. The eastern section of Block B steps down to five and then to two storeys in order to address the adjacent Belmead Court, which steps down in a similar fashion. Similarly, the southern wing of Block A steps down to five and then to three storeys in order to reflect the domestic two storey height of the adjacent dwellings.
- 8.36. The projecting bays to both blocks would be finished in red brick with inset powder coated aluminium framed windows and glazed doors. The upper storeys would be finished predominantly glazed. To the rear elevation, both blocks would be finished with a similar brick design to the front elevation with inset windows and projecting balconies up to the sixth storey, and the upper levels would be glazed with white powder coated aluminium frames.
- 8.37. The proposal would also include landscaped features with wall, planting and cycle parking to the front elevation surrounding the proposed lightwells. Furthermore, a landscaped garden would be provided to the rear with clearly defined activity zones for a communal seating area, play area, lawn area, planting beds and a water feature. Such a proposal is welcomed and the

delimitated areas are considered highly positive in concept. The council's urban designer has however raised concerns relating to efficiency of the spaces proposed in addition to how they would relate to adjacent private amenity areas. On this basis, revised details shall be secured via condition.

- 8.38. Initial feedback from officers on the current scheme advised that the block appeared commercial in nature and required further features and alterations to materiality in order to create a more domestic appearance, particularly within the uppermost stories and the rear elevation. In order to address these comments, in addition to standard of accommodation concerns, balconies have been introduced within the recessed section of both blocks and a number of inset balconies have also been introduced to the street elevations. Furthermore, projecting balconies are also now proposed at the rear in order to break up the elevation and lessen the harshness of the building. The material finish of the fifth and sixth storeys has also been revised by way of including powder coated aluminium frames to the glazing in addition to a forward projecting lightweight framed structure. The current proposal still appears somewhat commercial in nature, however the amendments provided have successfully added animation to the façade and are considered appropriate in this context.
- 8.39. One key characteristic of the adjacent conservation area is the rhythm of the bays of the detached dwellings and the use of brick. The local rhythm has been somewhat disrupted by the introduction of a number of taller harsher blocks with little relief or reveals to windows. The current scheme seeks to address this rhythm through the use of the projecting brick bays at a domestic scale in addition to the presence of inset balconies set at regular intervals across the façade which, in combination with the frame to the upper levels, successfully reduces the perception of a homogenous block and adds vibrancy to the streetscene. Furthermore, the use of a red brick to the lower levels and lighter palette to the upper storeys effectively responds to the gault, render and red brick examples elsewhere in the street scene.
- 8.40. The proposed blocks do not incorporate the fine level of detail of the historic buildings in the adjacent conservation area however, as set out above, it is considered that they would provide a far more characteristic and sympathetic addition to the street scene than a number of the existing blocks of flats within the surrounding streetscene.
- 8.41. The adjacent block of flats, Cromwell Court, is set well back from the established frontage lines of both Cromwell Road and Palmeira Avenue, therefore any development on the subject site at the proposed scale and siting will be clearly viewed from within the Willett Estate Conservation Area. Further visuals were secured during the assessment of the application which confirms that the development would be clearly visible, however the visuals also demonstrates the extent to which the existing large scale buildings close to the site, and also Hovedene further West, have created greater scale within the context of the development. Therefore, as noted by the heritage officer, the harm associated with the proposed height and bulk and siting of the scheme will harm the conservation area is considered acceptable.

- 8.42. Regard is given to the Supplementary Planning Guidance note 15 on Tall Buildings. SPG 15: Tall Buildings sets out guidance for development which is 18m or taller and/or significantly greater in height than surrounding development. As indicated above the site includes two blocks of a maximum of 7 storeys with a maximum height of 20m.
- 8.43. The design and heritage policies of the City Plan and the retained Local Plan provide the relevant local policy guidance. City Plan policy CP12 seeks to raise development densities where appropriate, directs higher densities towards the areas identified for tall buildings.
- 8.44. The Design and Access Statement and the Tall Buildings Statement submitted in support of the application set out in detail the context of the site and the design process and describe how the proposal would sit in the wider landscape. The submissions include a number of strategic views that indicate how the building would appear from key vantage points in the area.
- 8.45. Although the site does not lie within an area specifically identified as suitable for significantly taller buildings, there are a number of tall buildings within the vicinity of the site. The applicant's submission includes a detailed assessment of the scale of buildings within the area. There are a number of blocks of flats within the vicinity of the site, including two to the west; both which are nine stories and taller than the application building. Within the local area and neighbouring streets the submitted Tall Buildings Statement cites a total of 22 residential blocks of flats ranging from four to nine storeys, several of which have been constructed within recent years.
- 8.46. Whilst it is acknowledged that the scale and height of the building is significant, it is considered that the proposed scheme with two separate blocks at multiple levels is an appropriate form of development for the site, as the proposal would allow views through the site in the gaps between the blocks and would also pay respect to historic features and materials within the vicinity. The upper levels of the blocks have been designed with a set back with a softer palette and feature projecting frame to add visual relief to the elevations, whilst the stepped lower levels would act as a compromise the scale of the proposal in relation to the adjacent properties.
- 8.47. It is noted that a number of objections have been raised in relation to the scale and density of the proposed development in addition to the loss of the existing dwellings. As set out above, it is recognised that the loss of the existing buildings on site is regrettable, given their traditional form and contribution to the adjacent conservation area, however it is considered overall that the development would sit well in the street scene and as a contemporary design would make a positive contribution to the character of the wider area whilst paying respect to adjacent heritage assets and making an efficient use of the site. Full details of the proposed materials shall be secured by condition.

Heritage Impact:

- 8.48. As identified above, the site does not fall within a conservation area, nor are there any listed buildings within the vicinity of the site. The site does however lie

immediately adjacent to the Willet Estate conservation area and thereby will have some impact on the setting of the conservation area. The Council has a statutory duty under section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas.

- 8.49. When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
- 8.50. Although the design of the proposed development is considered to be acceptable in this context, the modern appearance and scale in comparison to the existing buildings will cause some harm to the setting of the adjacent conservation area. Given that the site is not located within the conservation area and as there are a number of other blocks of flats located both within and adjacent to the conservation area, the harm is considered to be less than substantial. An assessment of the public benefit against the heritage harm is therefore required, in accordance with NPPF paragraph 196.
- 8.51. It is considered that the following public benefits are associated with the proposed development:
- Increasing the supply of housing within the city at time in need, in addition to an affordable housing contribution
 - Sustainable and efficient redevelopment of the site
 - Amalgamating the multiple sites to create improvements to public realm
- 8.52. It is acknowledged that harm is identified on site in terms of the scale of the building in relation to the adjacent addition to the visual presence within the conservation area. The identified harm is less than substantial however still holds significant weight. As identified above, in this case there are several public significant benefits associated with the proposed development and overall it is considered that the identified harm would not warrant refusal in this case.

Impact on Amenity:

- 8.53. The site is set within a predominantly residential area with a high number of residential dwellings within close proximity. The closest neighbouring residential buildings to the site are:

To the North

- 55 Cromwell Road (two storey single house)
- 56 Cromwell Road (two storey, subdivided into four flats)
- 57 Cromwell Road (two storey, subdivided into five flats)
- 58 Cromwell Road (two storey, single dwelling)
- 59 Cromwell Road (two storey, subdivided into two flats)

- Goodwood Court (six storey block of 30 flats)
- 1A Lorna Road (two/three storey block of 6 flats above newsagents)
- 1 Lorna Road (three storey block of eight flats above public house)

To the South and South-east

- 62 Palmeria Avenue (two storey with basement, three flats and holiday let)
- 60 Palmeira Avenue (two storey single house)
- 58 Palmeira Avenue (five storey block of 58 flats)
- 58A Palmeira Avenue (single storey single house)
- 108-122 (even) Holland Road (group of 8 two storey single houses)

To the East

- Bellmead Court (four storey block of 24 retirement flats)

To the West

- Cromwell Court (9 storey block of 49 flats)

8.54. The existing buildings on site are residential and are domestic in scale. The proposed new build blocks are significantly larger in terms of height, scale and mass in comparison and therefore have the potential to result in harm to neighbouring amenity in terms of loss of outlook and light. Furthermore, the introduction of a large number of residential windows, glazed doors and balcony areas results in the potential for increased overlooking of neighbouring properties.

Scale, bulk and overshadowing:

8.55. As discussed above, the scale of the proposed buildings is significant in terms of the existing buildings on site. The scale and bulk of this building will result in some impact upon the side facing windows of Bellmead Court to the east and the windows and gardens of 60 and 62 immediately to the south, and on the buildings and gardens of properties on Holland Road to the south east. There is however a clear precedent for taller buildings to located adjacent to or alongside buildings of a much smaller scale within the local area and therefore the presence of an additional larger building would accord with the prevailing character.

8.56. It is acknowledged that as the site is currently relatively low key in terms of scale and a substantial portion of the is currently residential gardens, neighbouring occupiers benefit from additional light and view through this space, which would change as a result of the proposed development. The resultant situation is however considered to be appropriate given the character of the surrounding area. Furthermore, due to the retention of the landscaped garden area in combination with the fact that the block would be located to the north of local sensitive sites, it is considered that adequate spacing would be retained to ensure that the new buildings would not have an overbearing impact.

8.57. In regard to sunlight and daylight, the application submission includes a detailed sunlight and daylight report which assesses windows within adjacent

neighbouring dwellings which has been scrutinised by the BRE. The applicant's report carried out testing on the following properties:

- 55-60 Cromwell Road
- Flats above The Palmeira Public House
- Bellmead Court
- Cromwell Court
- 62 Palmeira Avenue
- 122 Holland Road

- 8.58. Having reviewed the applicant's daylight and sunlight report, the BRE concluded that several of the windows and rooms tested would not meet BRE guidelines, however the resultant impact is considered minor-adverse at worst. The BRE also conclude that the proposed block would not result in any major adverse impacts to neighbouring dwellings. These guidelines do not however set a level below which harm would be caused which would necessarily warrant the refusal of planning permission; windows falling below a guideline warrant further consideration. These windows and the impacts upon them are considered below.
- 8.59. At 58 Cromwell Road, one window would fall marginally below the BRE vertical sky component (VSC) guidelines, however the specific window is side facing on a bay and is secondary to the main forward-facing window, which would meet the guidelines.
- 8.60. At Bellmead Court, all windows would meet VSC guidelines, however one room at second floor level would be very marginally (0.01%) below the guidelines. The results also suggest that daylighting would be improved within four rooms.
- 8.61. 62 Palmeira Avenue is a two storey plus basement building located directly to the south of the application site. No. 62 has been subdivided and includes a flat at lower ground floor, a planning permission for two flats at ground floor and a residential holiday let at first floor.
- 8.62. 2 out of 27 tested windows at 62 Palmeira Avenue would fall below the BRE vertical sky guidelines, however the BRE report does conclude that the light levels and vertical sky component as existing are very poor. Furthermore, the windows which fail the test are side facing and serve a unit which is currently in use for short term holiday lets, and therefore does not warrant the same level of protection as a residential property. The main outlook to the front and rear of each respective unit will be maintained.
- 8.63. 3 out 11 tested rooms at no. 62 would not meet the BRE daylight distribution analysis. One of these rooms falls within the holiday let at first floor level and the other two rooms fall within the lower ground level flat. The BRE conclude the loss of daylight as minor.
- 8.64. Overall in regard to overshadowing and daylight, it is acknowledged that an increased impact will occur to some local residential buildings, however taking into account all factors, including the benefits which the proposed development would deliver, including a substantial number of residential units in a sustainable

location, it is considered that the resultant situation would be acceptable and the harm which would be caused is not of a magnitude which warrants the refusal of planning permission.

Overlooking/Loss of Privacy:

- 8.65. In regard to overlooking, the proposed windows and balconies fronting on to Cromwell Road and Palmeira Avenue will face out onto the street. Whilst new views will be achieved from a number of new vantage points, given the front-to-front relationship and presence of other larger blocks, it is not considered that the resultant overlooking would be significantly harmful to the north.
- 8.66. The windows and balconies to the south elevations and eastern edges of the new blocks, will cause some overlooking of neighbouring properties to the south and east, including Bellmead, 62 Palmeira Avenue, 60 Palmeira Avenue and the rear gardens of dwellings to the south-east. The resultant relationships will impact upon the sense of privacy which some neighbouring residents will benefit from. However, as detailed above the proposed development is in keeping with the pattern of development in the area, where there are a number of taller blocks of flats located alongside or to the rear of two storey single dwellings with balconies. Furthermore, the site is within a central built-up location where large buildings are characteristic, and a level of overlooking is to be expected.
- 8.67. It is noted however, that the proposed development does include several substantial roof terraces which could accommodate a large amount of people and would allow for views to neighbouring dwellings. Specifically, this relates to the second third and fourth floor terraces to the western edge of Block B and the terraces at third and fifth floor levels to the south-east of Block A. In order to mitigate the potential for overlooking, it is recommended that the accessible areas of each terrace be restricted by condition.
- 8.68. Overall, subject to the condition set out above, it is considered that the resultant relationships would be appropriate.

Noise Impact:

- 8.69. The proposal would include several lifts located throughout the building, which has the potential to generate noise impact to the neighbouring residential properties. In order to address these concerns, maximum noise levels emitted from the lift and all other machinery / plant shall be secured by condition.

Summary:

- 8.70. A number of objections have been raised in relation to impact on neighbouring amenity. It is acknowledged that the proposed development would have an impact on amenity. Additional overshadowing and overlooking would be caused. The light and views currently available through the section of the site which is at present residential gardens would be impacted. It is however considered that the result scenario and relationships would be in keeping with the pattern of development in the immediate area, and the resultant relationships between buildings would be acceptable given the location of the site is central, and a degree of enclosure and overlooking caused by larger buildings is expected.

- 8.71. Overall it is considered that significant harm to neighbouring amenity would not be caused and that the scheme would comply with policy QD27.

Standard of Accommodation for Future Occupiers:

- 8.72. As detailed above, the proposed mix of unit sizes is considered to be acceptable having regard to the type of development which is proposed. In regard to outdoor amenity space, 83 of the flats either benefit from roof terrace or a balcony space. A communal garden area to the rear of the site is also proposed. Cycle storage is at street level and at basement level. Vehicular parking and refuse and recycling storage are proposed at basement level.
- 8.73. Concerns were raised by officers regarding the application as originally submitted, relating to standard of accommodation due to the lack of external private amenity space and restricted outlook of several of the lower ground level units. Concerns were also raised relating to the number of single aspect north facing units, particularly at lower ground floor levels. The scheme was subsequently revised to allow for 83 of the units to include private amenity space, which is a significant improvement in comparison to 23 as originally submitted.
- 8.74. A number of the units at lower ground floor level have also been amended in order to include additional dual aspect units with south facing windows and north facing units have been extended at lower ground level in order to maximise floorspace and outlook. There are still several single aspect north-facing units which is regrettable, however given the restrictive orientation of the site and in the interest of maximising efficiency of the space available, a number of units such as this is difficult to avoid.
- 8.75. Within block A, all but one bedroom would meet BRE daylight targets. The one bedroom which would fall below the target, does so by 0.05%. A further three living kitchen dining rooms within block A would also fall below BRE guidelines meaning a total of 136 out of 138 habitable rooms within block A would meet BRE guidelines. Within block B 109 of 113 habitable rooms would achieve BRE guidelines. A high proportion of the other proposed rooms within the development would exceed the guidelines significantly, thereby providing ample levels of daylight for the scheme as a whole.
- 8.76. Further to the results discussed above, it should be noted that during pre-application discussions, that the applicant proposed another layout which would result in all rooms meeting BRE guidelines. In order to achieve this target however, a high number of the units would require enclosed kitchens with no natural light and/or the removal of balconies. Feedback from officers, in conjunction with subsequent advice with the BRE, recommended that a scheme with open plan kitchen/living/dining rooms and the provision of balconies would provide for higher standard of accommodation, despite several rooms falling below recommended guidelines.
- 8.77. A number of units within the proposal would not include a southerly aspect. This has been improved upon during the assessment of the application as two additional units at lower ground level now include a south facing element and lightwells have also been extended/improved where possible. As noted above,

this is not ideal however it is accepted given the orientation and design constraints of the site.

- 8.78. It is acknowledged that the outlook from the lower ground level units would be confined to light wells set below street height, however this scenario is common across the city and the depth of the extended light wells is considered sufficient to allow acceptable levels of outlook. The light wells would also provide external private amenity space for the future occupiers.
- 8.79. In regard to access standards, lifts are proposed within each block, allowing access to all residential units proposed. At least 5% are required in order to accord with Local Plan Policy HO13 equating to 5 units. A scheme as such shall be secured by condition. All other units in the new build blocks would be required to comply with Optional Building Regulations standards for access.
- 8.80. In regard to floorspace, all of the proposed units comply with Government's minimum space standards (Technical housing standards - nationally described space standard - March 2015) and a number would exceed the guidance significantly.
- 8.81. In this case the application proposes 94 residential units, all of which comply with, or in many cases exceed, national minimum size standards. A high proportion include private amenity space and would benefit from ample levels of outlook and natural light. These matters weigh in favour of the proposal and considered overall, having regard to the benefits of the proposed scheme, several units falling below BRE guidelines does not in this case warrant the refusal of planning permission.
- 8.82. Overall therefore it is considered that the proposed development would provide an acceptable standard of accommodation / amenity, in accordance with policy QD27 of the Brighton and Hove Local Plan.

Sustainable Transport:

- 8.83. The site is located on Cromwell Road which is a key transport route into the city and benefits from sufficient bus services into the city centre. The site falls within an area where parking restrictions are in place. The existing site comprises 4no. houses and a former nursery, with two vehicle accesses fronting onto Cromwell Road along the northern frontage and one vehicle access on Palmeira Avenue along the western frontage. The applicant proposes to remove these accesses and replace them with a single point of vehicular access on Palmeira Avenue. Following the submission of an RSA and amendments to the proposed access and visibility, the new vehicle access is now deemed acceptable.
- 8.84. The potential impact of the proposed 94 residential units has been considered with regard to the impact of the existing use. It has been concluded that the proposed development would result in a net gain of 550 person trips. In order to provide for suitable and safe access to the site and to cater for the increase in trips, a sustainable transport contribution of £82,500 will therefore be secured via legal agreement.

- 8.85. The residential use proposed would be likely to see parking demand peak at evenings and weekends, when many residents who use their vehicles to commute to work would be at home. An increase in visitor demand for on-street pay and display spaces would result. The proposed residential use therefore has greater potential to create demand for on-street parking at times when demand is greatest from other residents within the vicinity of the site.
- 8.86. The proposed development includes a basement car park with parking for 47 vehicles. Given the level of vehicular parking proposed, and the number of residential units proposed, the proposed development has the potential to create significant additional demand for on-street parking in the vicinity of the site. Having regard to the parking surveys submitted by the applicant, and the overall levels of parking permit uptake across Controlled Parking Zone O, it has been concluded that eligibility for visitors parking permits should be reduced to 25 per dwelling per year (as opposed to the standard 50 per dwelling per year) in order to alleviate parking pressures associated with the development. This shall be secured by condition.
- 8.87. There have been a number of discussions with the applicant regarding cycle and vehicle parking. Following amendments, the proposed car park and disabled parking layout is now considered acceptable.
- 8.88. Concerns were raised to the initial submission due to the quantum of cycle parking proposed, the type of parking proposed and the layout and accessibility. Cycle parking is proposed at street level in several locations and within the basement car park. The cycle parking has subsequently been amended and the concerns relating to layout have been addressed. The total number of cycle parking spaces is now 161, which exceed SDP14 requirements by 35. The cycle parking spaces would include 118 two tier, 43 Sheffield stands and six oversized spaces. Whilst it is disappointing that a higher proportion of Sheffield stands is not proposed, this level of cycle parking is considered acceptable.
- 8.89. Concerns were also raised in relation to access to the basement level cycle parking as the gradient of the proposed ramp would exceed that recommended for disabled cyclists and as a result, the only access would be via lift, which would not be appropriate for disabled user cycles. The applicant has subsequently amended the cycle layout and all larger cycle parking spaces are now at ground level and easily accessible. Transport officers are in support of this arrangement.
- 8.90. Discussions have also taken place regarding the likely levels of delivery and servicing the development would demand. After review of several sets of data it has been concluded by transport officers that the development would generate in a total of 40 daily serving trips to and from the site and therefore a loading bay of 12m would be required. After assessing several locations, the most appropriate location for this bay is considered to be to the north of the development on Cromwell Road. This option was reviewed by B&H Bus Co who suggested removing the Holland Road bus stop entirely to allow for a loading bay. This scenario is preferable as it would not result in the loss of parking bays. The applicant would be responsible for the cost of relocating and reinstalling the

bus shelter and associated Traffic Regulation Order alterations. This arrangement is considered an acceptable alternative and will be secured via s106/s278.

- 8.91. In addition to measures set out above, it is recommended that the following be secured by condition-
- Implementation of disabled car parking
 - Details of electrical car charging points
 - Implementation of motorcycle parking
 - A delivery and servicing management plan
 - Construction environment management plan (CEMP)
- 8.92. Transport officers have requested that the CEMP be requested via the s106 agreement, however, guidance does advise that where the information can be secured by a condition, this should be used. A condition is considered a suitable mechanism to secure the information and on this basis the CEMP is to be secured by condition.
- 8.93. A full scheme of travel plan measures, as set out within the heads of terms, is also recommended to be secured through s106 legal agreement, for approval by the Council prior to first occupation.
- 8.94. It is acknowledged that a number of objections have been made in relation to impact on the local transport network including parking and local services. Overall, subject to the conditions and s106 recommendations set out above, which include a number of sustainable transport initiatives, the proposed development is considered to be acceptable in regard to transport impact.

Sustainability:

- 8.95. The proposed development incorporates measures to make efficient use of energy in the form of solar photovoltaic arrays at roof level to the two new build blocks, in addition to efficient use of materials. Full details of these measures, their installation and retention and ongoing function are recommended to be secured by condition.
- 8.96. As originally submitted, the proposed residential units were to be heated by individual gas fired boilers. Whilst this would just meet the requirements of CP8, sustainability officers have raised concerns to this approach and have recommended heating via alternative means. The use of individual boilers is also considered problematic in design terms as it would require externally projecting flues for all units.
- 8.97. The developer has subsequently proposed the use of individual electric panels heaters to all units in addition to several other sustainable practices including immersion cylinders, mechanical ventilation with heat recovery and improved air tightness. As result, the development is now capable of achieving a CO2 reduction of 21.4%. The residential units proposed would also need to meet optional building regulations standards for energy and water, which shall be secured via condition.

- 8.98. Sustainability officers have also raised concerns relating to potential overheating of the single aspect south facing units due the extensive glazing and the resultant to solar gain. The applicant is confident that appropriate glazing and other mitigations have been designed into the scheme to avoid overheating. In order to secure this, an overheating assessment shall be secured via condition.

Ecology/Biodiversity/Trees:

- 8.99. Given the location, nature and scale of the proposed development, there are unlikely to be any impacts on any sites designated for their nature conservation interest. The site currently comprises buildings, hard standing, amenity/improved grassland, introduced shrubs, species-poor hedge, standing water (ponds), scattered trees, fence and walls, and is of relatively low ecological value, although some habitats have the potential to support protected species.
- 8.100. A survey was submitted with the application in order to assess the potential for bats on site. Two of the buildings proposed for demolition were assessed as offering low bat roost potential, although no evidence of roosting bats was found, and bat activity was generally low. The County Ecologist has reviewed the submitted information and confirmed that no further surveys are required, but a precautionary approach should be taken to demolition as summarised in the bat survey report. Bat tubes should be incorporated into the buildings or boxes attached post construction. External lighting should take account of best practice guidance to minimise impacts on bats using the area. Furthermore, two trees on site were identified as offering low bat roost potential. No further surveys are recommended, however the trees should be soft felled under the supervision of a suitably qualified ecologist.
- 8.101. To avoid disturbance to nesting birds, the County Ecologist has recommended that any demolition of buildings or removal of scrub/trees that could provide nesting habitat should be carried out outside the breeding season (generally March to August).
- 8.102. The County Ecologist has also advised that there are local records of reptiles from sites within the area with similar characteristics to the application site. Whilst the risk of reptiles being present is low, the County Ecologist recommended that precautions are taken during site clearance, e.g. potential refuges should be dismantled by hand.
- 8.103. The site offers opportunities for enhancement that will help the Council address its duties and responsibilities under the NERC Act and NPPF. Opportunities include green biodiverse roofs, the incorporation of species of known wildlife value in the landscaping scheme and the provision of bird boxes. Advice on appropriate species is available in Annex 7 of SPD11. Bird boxes should target species of local conservation concern such as starlings, swifts and house sparrows. A condition is recommended to this effect.
- 8.104. With regards to trees, the application has been submitted with an arboricultural report which identifies the existing vegetation on site and the trees to be removed. Whilst there is vegetation on site there are no Tree Preservation Orders and the existing trees to be removed are of relatively low public amenity

value. The removal of the trees as set out within the report is therefore considered acceptable and is agreed by the council's arboriculture officer.

- 8.105. There are however several substantial and smaller street trees adjacent to the site which are of public amenity value, including two elm trees, marked as T26 and T11 within the applicant's arboriculture report. Initially, the arboriculture officer raised concerns to potential harm to the identified trees due to site works and the extent of the proposed lightwell to Palmeira Avenue which extends into the root protection zone of T26. The arboriculture officer has confirmed that these concerns could be addressed by reducing the depth of lightwell in question, in addition to the use of appropriate construction methods and mitigation, which shall be secured via condition through a method statement.
- 8.106. The lightwell has now been reduced in depth in order to encroachment into the root protection zone. As further mitigation and protection, it is also recommended that the s106 agreement should ensure that for any street trees near to the site that are lost within 5 years of commencement as a result of the development shall be replaced by 3 trees. The applicant has agreed to this approach. The amendments to the lightwell, in conjunction with the method statement and s106 requirements are considered sufficient to address any potential harm to trees. Arboriculture officers are in support of this approach.

Environmental Health / Land Contamination:

- 8.107. Environmental Health officers have reviewed the site and confirmed that it is unlikely that there would be sources of contamination on site given the nature of the existing uses on site. A desk top study for potential land contamination shall be secured by condition, in addition to a Construction Environment Management Plan.
- 8.108. A noise assessment has been submitted with the application in order to assess the likely impact of road noise on the residential units. The assessment concludes that satisfactory sound levels can be achieved in all units subject to the installation of appropriate glazing. Environmental Health officers have reviewed this approach and agreed as acceptable.

9. CONCLUSION

- 9.1. Paragraph 11 of the NPPF makes it clear that planning application decisions should apply a presumption in favour of sustainable development. Furthermore, it states that where relevant development plan policies are out of date, planning permission should be granted unless any adverse impacts in doing so would significantly and demonstrably outweigh that harm.
- 9.2. 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.

- 9.3. When assessing the scheme before us, in applying the planning balance, there are a number of factors which weigh both for and against the scheme.
- 9.4. The proposed development would provide 94 residential units in addition to a financial contribution towards affordable housing. The standard of accommodation of the proposed units would provide is good in most cases and acceptable in all cases. The majority of the units would benefit from external amenity space, a communal garden area, basement car parking and cycle parking, however it is acknowledged that several units would be north facing dual aspect. The substantial provision of residential units weighs heavily in favour of the scheme.
- 9.5. The proposed buildings are considered to represent an appropriate redevelopment of the site which would introduce a contemporary building into the street whilst according with the prevailing characteristics of the area and avoiding harm to neighbouring heritage assets.
- 9.6. The scheme would, however, result in the loss of existing dwellings and a building which has been previously operated as a community use which is regrettable, and the proposed accommodation mix would be weighted towards smaller dwellings, both of which would weigh against the scheme. The proposed new buildings would have some negative impact upon neighbouring amenity.
- 9.7. It is also acknowledged that the development is significant in scale and will result in additional strain on local amenities and services, however the proposal is acceptable in transport, environmental health, sustainability and ecological terms, and conditions / s106 requirements are recommended to secure:
- Disabled parking and cycle parking provision, and travel plan measures;
 - Compliance with energy and water consumption standards and access standards;
 - Solar photovoltaic panel array and solar thermal heating system;
 - Ecological improvements;
 - Contributions towards educational provision, open space / sports provision, and the Council's Local Employment Scheme.
- 9.8. Overall, whilst the proposed development would result in some harm, it is considered that the scheme would deliver substantial benefits including a significant delivery of housing with a good standard of accommodation in a sustainable location. Overall, approval of planning permission is recommended subject to the conditions and s106 requirements set out in sections 1 and 11.

10. EQUALITIES

- 10.1. The new build element of the scheme would be required to comply with optional access standards by condition, and 5 wheelchair accessible units would be provided. Furthermore 5 disabled parking spaces would be provided.

11. DEVELOPER CONTRIBUTIONS

11.1. S.106 Agreement:

The contributions required would be allocated and spent as follows:

- A contribution of £57,589.40 towards education (Blatchington Mill and Hove Park Schools).
- A contribution of £250,065.24 towards open space and recreation provision. To be allocated as follows:
 - Children and Young People play space £6,349.16 towards St Anns Well Gardens and or Hove Park and or Hove Kingsway
 - Amenity Green Space £7,083.09 towards St Anns Well Gardens, Palmeira Square, Adelaide Gardens and or Hove Park
 - Outdoor sports facilities £60,359.99 towards St Anns Well Gardens, Palmeira Square, Adelaide Gardens and or Hove Park and or Hove Kingsway
 - Parks and Gardens £88,343.46 towards St Anns Well Gardens, Palmeira Square, Adelaide Gardens and or Hove Park and or Hove Kingsway, and treelined roads within 1 kilometre of the development
 - Natural and Semi-Natural open space £39,576.60 towards St Anns Well Gardens Palmeira Square, Adelaide Gardens, Hove Park and or Hove Kingsway and treelined roads within 1 kilometre of the development
 - Allotments £8,662.95 towards North Nevil Allotments/ Eastbrook Allotments/ St Louie Allotments/ Rowan Avenue Allotments
 - Indoor Sport £39,690.00 towards King Alfred/Kingsway and/or Withdean.

- A contribution of £26,100 to the Council's Local Employment and Training Strategy.

- An artistic component / element as part of the proposed scheme to the value of £32,300.

- A scheme to secure that any street tree that die as a result of the development with 5 years of commencement are replaced at a rate of 3:1.

- A contribution of £ £82,500 towards sustainable transport improvements in the vicinity, including:
 - Pedestrian footway improvements on the island crossing on Cromwell Road to the right of the Palmeira Ave junction to include tactile paving;
 - Pedestrian footway improvements on but not limited to Palmeira Ave; and
 - Bus stop improvements on Cromwell Road including RTPI, accessible kerbs and/or cage strengthening.

- A s278 in order to secure:

- Closure of 3 x existing site accesses on Cromwell Rd and 1x existing access on Palmeira Ave;
 - Amendments to on-street parking and the proposed re-location of the solo motorcycle bay; and
 - Creation of a new pedestrian-priority vehicular cross-over on Palmeira Ave, which will serve as the basement car park access for the site.
 - Removal/relocation of bus stop and shelter and creation of new loading bay.
- A 5 year Travel Plan to secure variety of incentive measures including:
 - A travel pack for residents to include information on local options for sustainable transport and road safety.
 - Offering the first occupants of each residential unit 1 year subsidised tickets/memberships for one of the following local public and shared transport services per resident -
 - Local buses and/or train services;
 - BTN Bike Share; and
 - Enterprise Car Club
 - Formal cyclist training for a minimum of 6 residents on request, to be marketed throughout the development and offered on a first come first serve basis.
 - maintenance stands together with pumps and basic maintenance and repair tools within the cycle stores for resident use.
 - Providing first occupiers of each unit a voucher of ≥£150 per unit to go towards the cost of purchasing a bicycle
 - Establishing a Bicycle User Group for residents and any employees. This should be subsidised for the duration of the Plan to provide:
 - 'Bike buddy' services to other residents/workers thinking of taking up cycling
 - To hold several social rides per year, including an allowance for refreshments.
 - 2 or more 'Doctor Bike' sessions per year with both a direct repair and a teaching element.
 - Providing information on sustainable transport options and the other measures and offers above in all marketing material (including any on-line).
 - Provide and maintaining on site notice boards to provide 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

In the event that the draft S106 agreement has not been signed by all parties, the application shall be refused for the following reasons:

1. The proposed development fails provide a provision of affordable housing which addresses the requirement of Policies CP1, CP19 and CP20 of the Brighton and Hove City Plan Part 1.
2. The proposed development fails to provide a financial contribution towards the improvement and expansion of capacity of local schools required contrary to policy CP7 of the Brighton and Hove City Plan Part 1 and the City Council's Developer Contributions Technical Guidance.
3. The proposed development fails to provide a financial contribution towards the improvement and expansion of open space and recreation in the vicinity of the site required contrary to policies DA5, CP7 and CP16 of the Brighton and Hove City Plan Part One and the City Council's Developer Contributions Technical Guidance.
4. The proposed development fails to provide adequate travel plan measures to encourage use of sustainable transport modes and therefore fails to address the requirements of Policies CP7 and CP9 of the Brighton and Hove City Plan Part One.
5. The proposed development fails provide a financial contribution towards the City Council's Local Employment Scheme 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.
6. 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 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 adequate mitigation for the protection of trees adjacent to the site contrary to policies QD15 of the Brighton & Hove Local Plan and CP12 and CP13 of the Brighton & Hove City Plan Part One.
7. 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.

Cllr. John Allcock
BH2020/01403 - 64-68 Palmeira Avenue & 72-73 Cromwell Road

13th July 2020:

This application has been developed without any consultation with the community on which it will impact. This is not a material planning consideration, but I am extremely disappointed that the developer has made no efforts to consult neighbours or ward councillors about this major development which would have given the developer the opportunity to listen and address a range of issues.

I am objecting to planning application BH/2020/01403 based on the following concerns:

1. The viability assessment:

The viability assessment produced for this planning application states that the developer will not be able to offer any affordable housing and does not even intend to pay S106 contributions. So, the development if approved, will not contribute to the public estate or in any way to the desperate need for affordable housing in our city. The Council's current policy requires all developments of five or more dwellings to provide an affordable housing contribution ranging from 20% for smaller schemes rising to 40% in developments of 15 or more homes

I am aware that the viability assessment currently still requires District Valuers Services (DVS) assessment, so the costs used in the viability assessment may be over-stated and the DVS would need to validate the other fees and finance charges.

The estimated build costs (excluding land acquisition, finance and other fees/charges) is approx. £16.8m. Interestingly, Norwich City Council recently built 93 award-winning, sustainable, flats and houses to Passivhaus standards for a total construction cost of £14.7m at their Goldsmith Street Development.

2. Location & Conservation Area:

The plan is for a massive 9 storey building including lower ground floor and basement parking levels. The building sits exactly on the boundaries of the Willett Estate Conservation Area and is clearly incompatible with the area.

3. Transport:

The proposed development would impact significantly on traffic congestion, and on street parking in CPZ O, which is already close to full capacity (2201 of 2288 available parking permits were issued in May 2020). This negative impact would compound the consequences of the planned nearby large developments at Lyon Close and 113-119 Davigdor, which are still to be built.

4. Impact on services and community infrastructure:

The development will create further burden on the local GP practice (Charter medical centre) and Brunswick Primary School. Again, there will be no Section 106 money to help offset this pressure.

5. Environmental issues:

Brighton and Hove Council have committed to carbon neutrality by 2030, so we need considerably more robust measures to address the climate emergency. I would expect this development to commit to compliance with the standards defined in the UK Green Building Council framework for Net Zero Carbon buildings. It is doubtful whether the glass curtain walling specified for the upper 2 floors of the proposed building would achieve anything like the required U-values and need for natural ventilation. According to the section details provided, there appear to be significant risks of cold bridging at the edges of floor slabs.

The government has announced that gas boilers will be replaced by low-carbon heating systems in all new homes built after 2025 as a contribution to reducing Co2 output. The planning application details that the developer will install **gas boilers**, prior this deadline. In addition, the City is trying to phase out the use of gas boilers for heating, so the developer should be considering other options, such as heat pumps, “passive” heating/cooling measures, MVHR (mechanical ventilation with heat recovery). The developer’s proposals are inadequate to deliver a sufficiently sustainable, environmentally friendly way of generating energy for the building.

The planning submission includes incorrect statements about **64 Palmeira Avenue** having significant structural damage caused by a fire, being wrapped by structural scaffolding and in need of demolition. This building was repaired to a high standard in 2019 and the financial and environmental consequences of demolishing this attractive and useful building are unacceptable.

Major reduced level excavation, in the order of 5m in depth, over a large proportion of the site area and the construction of a deep retaining wall structure will require numerous HGV movements on and off the site. This will also result in major disruption to residents and additional pollution.

6. Design concerns:

- **Loss of Daylight & Sunlight:** There will be some loss of day- and sunlight to the neighbouring buildings such as 62 Palmeira Avenues, Bell Mead Court in Holland Road and housed on Cromwell. The BRE report isn’t available at the time of submitting this objection.
- **Loss of Privacy:** Residents in the neighbouring buildings will suffer from a loss of privacy.
- **Glass curtain walling panels** are proposed for some elevations of this development and for the whole of the fifth and sixth floors. Glass curtain walling is inappropriate for this development, as it raises concerns of inadequate thermal insulation, solar gain, natural ventilation, service penetrations and abutment details with internal partitions, bathroom and kitchen fittings.

- **Basement parking:** The drawings do not show any structural columns in the basement parking area, so insufficient consideration appears to have been given to how the 8 floors above will be supported, without affecting the proposed car park layout.
- **Landscaping/drainage:** The landscaping proposals, mimicking/referencing Brighton Palace Pier, West Pier, Brighton Pavilion & the Dome with a water feature, timber decking steel box posts, angled paths, etc appear inappropriate and over complex. It is also unclear where the green roofs will be located and how the Parapet box hedges will be safely planted and maintained on the roof slabs. In addition, there is no indication of how the proposed trees will be planted on, or inside, the retaining wall structures.
- **Drainage:** Large additional areas of impermeable surfaces will put great strain on the drainage system and, according to the table on page 12 section 5.8 of the SUDS Drainage report, the limited open space round the building will limit the SUDS options available.

I would respectfully ask the Planning Committee to reject this application for the reasons outlined above.

Cllr. Marianna Ebel
BH2020/01403 - 64-68 Palmeira Avenue & 72-73 Cromwell Road

9th July 2020:

I would like to object to planning application BH2020/01403 (proposed development at the corner of Palmeira Ave & Cromwell Rd), please find attached my objection.

I would also like to speak against this planning application at the Planning Committee meeting.

Please confirm the receipt of my objection.

9th July 2020:

I am objecting to planning application BH/2020/01403 based on the following issues:

Environmental Concerns:

The government has announced that gas boilers will be replaced by low-carbon heating systems in all new homes built after 2025 in an attempt to tackle the escalating climate crisis. And yet, the planning application details that the developer intends to install gas boilers, just before this deadline. The developer has failed to suggest a more sustainable, environmentally friendly way of generating energy for the proposed building.

I am also concerned that the development will result in demolishing the existing buildings on the proposed site. The property in 64 Palmeira Ave burned down in a fire three years ago and has been rebuilt to a high standard. Tearing a newly built house down is a waste of resources and contradicts our city's aim to become carbon neutral by 2030.

Impact on the Local Area:

The new residents in the proposed development will likely register at Charter Medical Centre, putting a further strain onto this already very busy GP practice. The same is to be expected for the schools in the area, Brunswick Primary School in particular.

The proposed development is not a car free development, which will increase congestion in the area and will impact the CPZ O, which is already at almost full capacity (2201 of 2288 available parking permits were issued in May 2020).

These issues are of great concern to me, especially in light of the outcome of the Viability Assessment Report, which suggests that the developer does not intend to pay S106 contributions which could mitigate some of the negative impact the proposed development will have on the local area.

Unsuitability for the Location & Conservation Area:

Due to its size and envisaged design, this development is unsuitable for this location. The development would profoundly alter the character of the area. This area is not a designated area for high rise buildings, and yet, this is another planning application for a building multiple times higher than the existing buildings that the new development plans to replace. This will significantly alter the character of the area, and it will also have a negative impact on the nearby Willett Estate Conservation Area.

Affordable Housing:

The viability assessment produced for this planning application states that the developer will not be able to offer any affordable housing and does not even intend to pay S106 contributions.

Loss of Daylight & Sunlight:

There will be some loss of day- and sunlight to the neighbouring buildings, especially to Palmeira Ave 62 and the Bell Mead Court in Holland Road.

Loss of Privacy:

The residents in the neighbouring buildings will suffer from a loss of privacy, especially the residents in Palmeira Ave 62.

Lack of Consultation:

Although this is not a material planning consideration, I am disappointed that the developer has made no efforts to consult neighbours or ward councillors about this major development. A consultation or even just a public presentation could have given the developer an opportunity to address the concerns of residents and ward councillors.

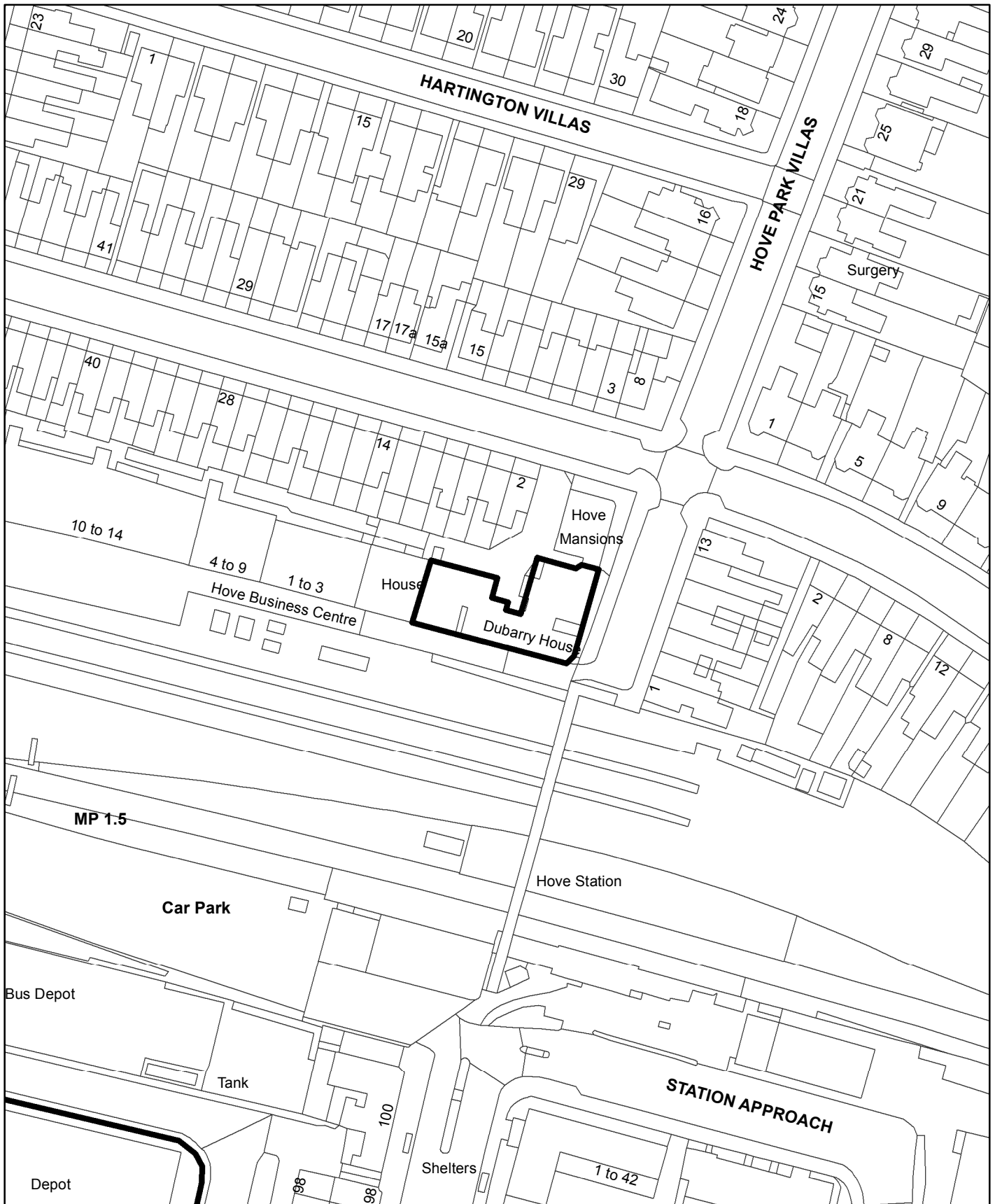
I ask you to refuse the planning application for the reasons outlined above.

ITEM C

**Dubarry House, Hove Park Villas
BH2020/01275
Full Planning**

DATE OF COMMITTEE: 2nd September 2020

BH2020 01275 - Dubarry House, Hove Park Villas



N



Scale: 1:1,250

| | | | |
|--------------------------------------|--|----------------------------|----------------------|
| <u>No:</u> | BH2020/01275 | <u>Ward:</u> | Goldsmid Ward |
| <u>App Type:</u> | Full Planning | | |
| <u>Address:</u> | Dubarry House Hove Park Villas Hove BN3 6HP | | |
| <u>Proposal:</u> | Extension to form additional third floor incorporating creation of 3no additional two bedroom flats (C3) with roof terraces, installation of cycle and bin storage to ground floor, revised boundary treatments and associated works. | | |
| <u>Officer:</u> | Michael Tucker, tel: 292359 | <u>Valid Date:</u> | 11.05.2020 |
| <u>Con Area:</u> | | <u>Expiry Date:</u> | 06.07.2020 |
| <u>Listed Building Grade:</u> | | <u>EOT:</u> | |
| <u>Agent:</u> | Mr Kai Penny Office 11 The Old Bank 257 New Church Road Hove BN3 4EE | | |
| <u>Applicant:</u> | Octopus Properties Ltd 69 Dyke Road Avenue Hove BN3 6DA | | |

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.

| Plan Type | Reference | Version | Date Received |
|-------------------------|---------------------------|----------------|----------------------|
| Location and block plan | M 133/100 | - | 11 May 2020 |
| Report/Statement | Lighting Assessment | - | 11 May 2020 |
| Other | DESIGN _ ACCESS STATEMENT | - | 12 May 2020 |
| Proposed Drawing | M 133/300 | B | 11 May 2020 |
| Proposed Drawing | M 133/301 | A | 11 May 2020 |
| Proposed Drawing | M 133/302 | A | 11 May 2020 |
| Proposed Drawing | M 133/303 | C | 10 August 2020 |
| Proposed Drawing | M 133/304 | B | 22 July 2020 |
| Proposed Drawing | M 133/305 | D | 22 July 2020 |
| Proposed Drawing | M 133/306 | C | 10 August 2020 |
| Proposed Drawing | M 133/307 | B | 22 July 2020 |
| Proposed Drawing | M 133/308 | B | 22 July 2020 |
| Proposed Drawing | M 133/309 | C | 10 August 2020 |
| Proposed Drawing | M 133/310 | A | 22 July 2020 |
| Proposed Drawing | M 133/311 | C | 10 August 2020 |
| Proposed Drawing | M 133/312 | - | 22 July 2020 |

| | | | |
|------------------|-----------|---|----------------|
| Proposed Drawing | M 133/313 | C | 10 August 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 development hereby permitted shall not be commenced until details 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) details of all cladding (including seam pattern and frequency);
 - b) details of the proposed window, door and balcony treatments
 - c) 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 QD14 and HE6 of the Brighton & Hove Local Plan and Policies CP12 and CP15 of the Brighton & Hove City Plan Part One.

4.
 - a) Prior to commencement, a full asbestos survey of the premises, undertaken by a suitably qualified specialist shall be submitted in writing to the local planning authority for approval. If any asbestos containing materials are found which present significant risk/s to the end user/s then
 - b) A report shall be submitted to the local planning authority in writing, containing evidence to show that all asbestos containing materials have been removed from the premises and taken to a suitably licensed waste deposit site.**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.

5. The development hereby permitted shall not be commenced until full details of window(s) 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 and shall be retained as such thereafter.
Reason: As this matter is fundamental to the acceptable delivery of the permission to ensure a satisfactory appearance to the development and to comply with policy HE10 of the Brighton & Hove Local Plan and CP15 of the Brighton & Hove City Plan Part One.

6. The works hereby permitted shall not be commenced until a schedule of work for the repair of the decorative lettering panels has been submitted to and approved in writing by the Local Planning Authority, including photographs/drawings and sections recording the features to be replicated and the methodology for doing so. All replacement and reinstatement features must match exactly the original in materials and detail. The approved schedule must

thereafter be implemented in full, prior to the occupation of the development hereby permitted.

Reason: As insufficient information has been submitted, to ensure the satisfactory preservation of this locally listed building and to comply with policies HE10 of the Brighton & Hove Local Plan and CP15 of the Brighton & Hove City Plan Part One.

7. Prior to commencement, an acoustic and noise report to include details of the measures to protect the dwellings hereby permitted from noise disturbance from pedestrians, deliveries, vehicles and rail traffic (including announcements) shall be submitted to and approved in writing by the Local Planning Authority. The approved measures shall be implemented prior to first occupation of the development hereby permitted and retained as such thereafter.
Reason: To safeguard the amenities of the occupiers of the development and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.
8. Prior to first occupation an adequate ventilation system shall be installed to ensure that all rooms to flats with windows in the southern and eastern elevations have access to clean air drawn from outside the building without it being necessary to open windows.
Reason: To safeguard the amenities of the future occupiers of the building and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.
9. Prior to first occupation of the dwellings hereby permitted full details of the proposed privacy screening for the terraces shall have been submitted to and approved in writing by the Local Planning Authority. The privacy screening shall be carried out in accordance with the approved details prior to first occupation of the development and retained as such thereafter.
Reason: To safeguard the privacy of the occupiers of the adjoining property and to comply with policy QD27 of the Brighton & Hove Local Plan.
10. The development hereby permitted shall not be occupied until a plan detailing the positions, height, design, materials and type of all existing and proposed boundary treatments (other than the privacy screening required by condition 9 above) has been submitted to and approved in writing by the Local Planning Authority. The boundary treatments shall be provided in accordance with the approved details prior to occupation of the development and shall thereafter be retained at all times.
Reason: To enhance the appearance of the development in the interest of the visual and residential amenities of the area and to comply with policies QD15, HE10 and QD27 of the Brighton & Hove Local Plan and CP12/CP15 of the Brighton & Hove City Plan Part One.
11. The development hereby permitted shall not be occupied until details of secure cycle parking facilities for the occupants of, and visitors to, the development 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 SPD14: Parking Standards.

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. Six (6) swift bricks/boxes shall be incorporated within the external walls of the development hereby approved 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.

15. No cables, wires, aerials, pipework (except rainwater downpipes as shown on the approved plans), meter boxes or flues shall be fixed to the roof or 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 QD14 and HE10 of the Brighton & Hove Local Plan and CP12/CP15 of the Brighton & Hove City Plan Part One.

16. The felt covering that currently extends over the existing parapets shall be removed and the masonry/render made good to match original and retained as such thereafter.

Reason: to ensure a satisfactory appearance to this locally listed building and to comply with policy HE10 of the Brighton & Hove Local Plan and CP15 of the Brighton & Hove City Plan Part One.

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

18. Access to the roof of the existing block shall be limited to those areas marked as terrace on the approved drawings. All other areas shall be for maintenance

or emergency purposes only and the flat roof shall not be used as a roof garden, terrace, patio or similar amenity area.

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

19. Noise associated with plant and machinery incorporated within the development shall be controlled such that the Rating Level, measured or calculated at 1-metre from the façade of the nearest existing noise sensitive premises, shall not exceed a level 5dB below the existing LA90 background noise level. Rating Level and existing background noise levels to be determined as per the guidance provided in BS 4142:2014. In addition, there should be no significant low frequency tones present.

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

20. The glazing to all external facades of the building shall meet sound levels as set out in table 4 of BS8233:2014.

Reason: To safeguard the amenities of the future occupiers of the building 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 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.
3. The water efficiency standard required by the above condition 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.
4. Swift bricks/boxes 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 them above windows or doors. Swift bricks should be used unless these are not practical due

to the nature of construction, in which case alternative designs of suitable swift boxes should be provided in their place.

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

2. SITE LOCATION & APPLICATION DESCRIPTION

- 2.1. The application relates to Dubarry House, an attractive and prominent building on the western side of Hove Park Villas immediately to the north of the Hove Railway Station footbridge. The building is in mixed use including offices (B1), professional services (A2) and dwellings (C3).
- 2.2. Dubarry House comprises the easternmost part of the former Dubarry Perfumery complex, with the other constituent parts being Microscape House in the centre and Hove Business Centre occupying the western two-thirds of the building.
- 2.3. The building is Locally Listed, and the site is adjacent to the Hove Station Conservation Area and the Grade II listed Hove Station Buildings.
- 2.4. Planning permission is sought for two extensions at roof level to form an additional third floor comprising 3no. two-bedroom dwellings (Use Class C3 - dwellinghouses). The application also includes the formation of terraces at roof level and the provision of cycle and bin storage at ground floor. Associated works include the reversal of previous unsympathetic works to the building including the safety railings at ground floor and the felt covering to the parapet.

3. RELEVANT HISTORY

Dubarry House:

- 3.1. **BH2019/02025** - Prior approval for change of use from offices (B1) to 2no two bedroom flats. (C3) Prior approval required approved 05/09/2019
- 3.2. **PRE2019/00101** - Roof extension to provide three new flats.
- 3.3. **BH2017/04244** - Erection of extension to create 1no three bedroom residential unit (C3) at third floor level. Withdrawn
- 3.4. **BH2010/01685** - Erection of one bedroom penthouse flat incorporating terrace. Refused 23/08/2010, appeal dismissed

Microscape House:

- 3.5. **BH2018/01221** - Alterations and extension to third floor flat, including increase to ridge height, following prior approval application BH2016/05473 for change of

use from offices (B1) to residential (C3) to form 7no flats. (Part retrospective).
Approved 24/07/2018

- 3.6. **BH2016/05473** - Prior approval for the change of use from offices (B1) to residential (C3) to form 7 flats. Prior approval required approved 24/11/2016

Hove Business Centre:

- 3.7. **BH2017/03876** - Prior approval for change of use from office (B1) to 15no flats (C3). Prior approval required approved 01/02/2018

- 3.8. **BH2017/03863** - Creation of additional floor to provide 4no office units (B1) with associated works. Approved 15/01/2019

- 3.9. **BH2014/03742** - Creation of 4no one bedroom flats, 4no two bedroom flats and 1no three bedroom flat on existing flat roof incorporating revised access and associated works. Appeal allowed

4. REPRESENTATIONS

- 4.1. **Forty (40)** letters have been received, objecting to the proposal for the following reasons:

- Adversely affects listed building
- Additional traffic and parking demand
- Detrimental effect on property value
- Inappropriate height of development
- Overdevelopment
- Overshadowing
- Unnecessary to develop this building
- Noise
- Restriction of view
- Design out of keeping with existing building
- Other areas more suitable for housing development
- Additional demand for recycling and waste facilities
- Loss of access to roof terrace during construction
- Approval would create a precedent
- Additional overlooking
- Daylight survey incorrect
- Application received during COVID-19
- Disruption during build
- Proposal does not contribute towards affordable housing
- Damage to trees

- 4.2. **Councillors, Ebel, O'Quinn and Allcock** have each objected to the proposal. Copies of these correspondences are attached to this report.

- 4.3. A petition has been started on change.org in objection to the application. The petition raises the following areas of concern:

- Visual impact of the proposal on the character and appearance of the existing building
- Impact on the natural lighting of a number of houses on the south side of Newtown Road

As of 31st July 2020, the petition had received 1,488 signatures.

5. CONSULTATIONS

5.1. Sustainable Transport: No objection

Pedestrian & Mobility & Visually Impaired Access

The applicant is not proposing changes to pedestrian access arrangements onto the adopted (public) highway and for this development this is deemed acceptable.

Cycle Access, Parking and Use

- 5.2. SPD14 Parking Standards states that a minimum of 1 cycle parking space is required for every residential unit with up to 2 beds, and 2 for 3 plus beds, as well as 1 space per 3 units for visitors after 4 units. For this development of 3 residential units with 2 beds the minimum cycle parking standard is 3 long stay cycle parking spaces in total (3 for residential units and 0 visitor spaces). The applicant has kindly offered to install a cycle store at the front of the site near the main entrance in their supporting evidence for 4 cycles however further than that there is at least a lack of a long stay design, materials, dimensioned detail and lighting therefore not withstanding the proposal hereby permitted cycle parking is requested by condition and informative.

- 5.3. The Highway Authority also notes that there are cycle parking facilities available to the general public on-street (that could be used by site visitors) and more securely to hire off-street at Hove railway station (that could be used for extra cycle parking by site residents) and 'Bike Share' cycles to rent in the vicinity of the site just over the adjacent footbridge in Goldstone Villas.

Disabled Parking

- 5.4. There are opportunities, if somewhat limited, in the form of free on-street disabled parking bays in the vicinity of the site for disabled residents and visitors to park when visiting the site by car. Blue Badge holders are also able to park, where it is safe to do so, on double yellow lines for up to 3 hours in the vicinity of the site. Therefore in this instance the Highway Authority would not consider the lack of dedicated, for sole use only, on-site disabled car parking to be a reason for refusal.

Servicing & Deliveries (including goods & people pick up / drop off)

- 5.5. The applicant is not proposing any significant alteration to their current servicing and delivery arrangements to this site and for this development this is deemed acceptable.

Vehicular Access

- 5.6. The applicant is not proposing changes to the existing non-existent vehicle access arrangements onto the adopted (public) highway and for this development this is deemed acceptable.

Car, Car Club and Motorcycle Parking

- 5.7. SPD14 Parking Standards states that the maximum car parking standard for 2 bedroom dwellings within the Key Public Transport Corridor (KPTC) is 0.5 spaces per dwelling plus 1 space per 2 dwellings for visitors. The applicant is proposing 0 car parking spaces for each 2 bedroom property within the KPTC. For this development of 3 residential units the maximum car parking standard is 3 spaces when rounded up (0.5 per unit and 1 visitor space). Therefore the proposed level of car parking (zero spaces) is in line with the maximum standards and is therefore deemed acceptable in this case.
- 5.8. Regarding on-street parking permits and car-free housing, Hove Park Villas is located in Controlled Parking Zone (CPZ) T.
- 5.9. SPD14 explains that, where there is a concern that developments within CPZs may generate overspill parking, then the acceptability of proposals will be considered in relation to various factors. These include the capacity of on street parking in the vicinity "which should be demonstrated by the applicant through an on-street parking survey". Based on this consideration the Council may restrict future occupants' eligibility for residents parking permits.
- 5.10. Regarding the essential planning need for making this site "car free" by restriction of on-street parking permits by condition, this proposed development of 3 number two bedroom dwellings does not provide any off-street parking. It is therefore readily predictable that it will generate overspill parking on nearby streets. The application did not provide a parking survey to demonstrate the existence of sufficient on-street capacity to absorb this level of overspill. However the most recent records available to the Highway Authority for CPZ T (March 2019 to February 2020) showed the average 12 month percentage of permits issued to the total number of permits allowed to be 73%. Therefore the Highway Authority considers that these levels of uptake demonstrate that the CPZ T is not likely to be over-capacity (80% uptake being a typical threshold where Highway Authorities become concerned). So the Highway Authority does not think this proposal should be made "car free" and will not require that a Lambeth Methodology Survey be carried out and will not request that requests for on-street car parking permits be restricted.
- 5.11. It is also noted that there is a Car Club parking bay and free motorcycle parking in Hove Park Villas only about 50m from the site.

Trip Generation - Vehicles and Highway Impact

- 5.12. There is not forecast to be a significant increase in vehicle trip generation as a result of these proposals therefore any impact on carriageways will be minimal and within their capacity so the application is deemed acceptable and developer contributions for carriageway related improvements will not be sought.

Equality Impacts

- 5.13. Identified equality impacts have been in relation to disabled parking issues and the objective justification is that this is dealt with by existing nearby on-street disabled parking bay facilities and the parking exemptions that a Blue Badge holder has as described above.
- 5.14. **Environmental Health:** No objection
No objection subject to conditions. From looking at the land Sciences report dated 22/2/16 it would appear that the water supply pipes may need to be barrier-type. Permission should be sought from Southern Water. ACM [asbestos containing materials] report outstanding. Discovery strategy required. The site is part of a mixed commercial/residential building, close to the train station. The noise from pedestrians, deliveries, vehicles, plant/equipment and transportation noise (including announcements) must be mitigated against.
- 5.15. **Housing:** No comment received
- 5.16. **Private Sector Housing:** No comment
- 5.17. **Heritage:** Initial comments 02/06/2020: Further information required
The planning history to the approval of roof developments on other parts of this property (in separate ownerships) relates initially to the appeal allowed for application BH2014/03742 for a roof addition at Hove Business Centre (which occupies over 2/3 of the southern elevation), and subsequently approval for a full width roof addition at Microscape House (BH2018/01221) adjacent to the subject property, establishing the principle of developments at roof level.
- 5.18. As stated above, other sections of this building to the west have existing or proposed roof extensions, and small flat roofed structures currently exist on the subject roof - these would be replaced by the proposed development.
- 5.19. This application follows a previous application for a roof addition taking a very different approach to that currently proposed (application BH2017/04244) which was withdrawn, and subsequently pre-application advice was sought for the development along similar lines to the proposal currently under consideration. The flat roof design with a set back from the main facades is considered appropriate; extending this building in this way is in line with the approach taken with the neighbouring roof extension applications and is considered to be acceptable in principle.
- 5.20. The rear (north elevation) of this building has a more utilitarian character than the South and East elevations and is less publicly visible. The visibility of the new structure from the immediate public realm would be limited, however alterations to the South and East elevations will be clearly visible from the railway station car park, the elevated vantage points of the railway platforms and public footbridge, and the impact on the roofscape will be visible in a more limited way from the junction of Hove Park Villas and Newtown Road. The impact of this proposal on the South and East elevations is therefore considered to be the principal consideration, with potential impact as viewed from the junction of Hove Park Villas and Newtown Road in addition - an image showing the view from this

junction was requested in the pre-app advice, however it does not seem to have been included with this application and should now be sought for consideration.

- 5.21. It is considered that this development would not be likely to cause harm to the setting of the listed Station or conservation area and any harm to the local heritage asset itself would be less than substantial. The alignment and style of windows indicated is considered sympathetic to the host building however specific details for the windows have not been included and will be required for consideration.
- 5.22. It is considered that the rectification of previous unsympathetic works to this property should form part of this proposal, in order to off-set the harm identified above with a public benefit. The building is currently disfigured by unsightly felt covering over the parapet, and as advised during the pre-app process the removal of this is considered important. This is mentioned in the Design and Access Statement however is not noted on the drawings - this should therefore be required by condition on any approval given, along with removal of excessive satellite paraphernalia and repairs to the distinctive original decorative lettering panels. The removal of the unsympathetic handrails from the entrances in Hove Park Villas and reinstatement of appropriate area railings are also considered necessary benefits and although indicated on the submitted drawings no details are provided therefore this should be secured by condition.
- 5.23. **Heritage:** Updated comments following receipt of further information 19/06/2020: No objection
The applicant has provided images showing as existing and as proposed views of the development from the junction of Hove Park Villas and Newtown Road. This confirms that the proposal would be clearly visible from this location however the Heritage Team is satisfied that the level of harm to the local heritage asset remains less than substantial.
- 5.24. The image also shows the removal of the felt covering, which is welcome, however it is still considered that a condition along the lines of the above suggested wording should be attached to any approval, and it is confirmed that the other suggested conditions also considered to remain necessary for the reasons given.
- 5.25. **Conservation Advisory Group:** No objection
The Group recommended APPROVAL after a vote, 7 approve, 1 refuse, 4 abstain, but added the following comments and recommendations,
- The host building is a rare example of its type, and to alter it by an additional storey in a modern bland design is not desirable. The additional storey will be visible though set back and will break the now even roof line which has existed for the last two years. The proposal will return the roof line to that which existed for at least eighty years.
 - There are extremely limited views of this part of the building from the CA and what can be seen is the recently added Microscape House extension.
 - Much harm has been done to the Hove Park Villas frontage by the removal of the forecourt railings and the introduction of safety hand rails and a bin store, plus an overhanging felt roof covering.

- If considered for approval the Group wishes that there is added a planning condition requiring the applicant to, remove the overhanging roofing felt and safety rails, relocate the bin store to a less prominent position and re-introduce railings of an appropriate and compatible design between the piers.

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 |
| CP1 | Housing delivery |
| CP7 | Infrastructure and developer contributions |
| CP8 | Sustainable buildings |
| CP9 | Sustainable transport |
| CP10 | Biodiversity |
| CP12 | Urban design |
| CP13 | Public streets and spaces |

| | |
|------|--------------------|
| CP14 | Housing density |
| CP15 | Heritage |
| CP19 | Housing mix |
| CP20 | Affordable housing |

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 |
| QD18 | Species protection |
| QD27 | Protection of amenity |
| HO5 | Provision of private amenity space in residential development |
| HO13 | Accessible housing and lifetime homes |
| HE3 | Development affecting the setting of a listed building |
| HE6 | Development within or affecting the setting of conservation areas |
| HE10 | Buildings of local interest |

Supplementary Planning Documents:

| | |
|-------|---|
| SPD03 | Construction & Demolition Waste |
| SPD09 | Architectural Features |
| SPD11 | Nature Conservation & Development |
| SPD12 | Design Guide for Extensions and Alterations |
| SPD14 | Parking Standards |

8. CONSIDERATIONS & ASSESSMENT

- 8.1. The main material considerations in the determination of this application relate to the principle of the development, the design and appearance of the proposal, including its impact upon heritage; the impact on amenity, the standard of accommodation, highway impacts, and sustainability.
- 8.2. The City Plan Part 1 Inspector's Report was received in February 2016. The Inspector's conclusions on housing agreed 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 Strategic Housing Land Availability Assessment (SHLAA) Update 2019, which identifies sites with the potential for housing development, 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).

Principle of Development:

- 8.4. The proposal would result in the creation of 3no. additional dwellings at a time when the LPA is unable to demonstrate a five-year supply, so this is given increased weight, in accordance with the 'tilted balance' in favour of housing delivery.
- 8.5. The existing uses of the building include residential (use class C3), offices (use class B1), and financial and professional services (use class A2), none of which would be incompatible with intensified residential activity within the building.
- 8.6. Paragraphs 122 & 123 of the NPPF encourage development proposals which make efficient and optimal use of existing sites, especially where there is a shortage of land for new housing. The proposal would serve to achieve this aim.
- 8.7. The principle of roof extensions to the former Dubarry complex has been established through a number of previous approvals for roof extensions to the adjoining Microscape House and Hove Business Centre parts of the building, including BH2018/01221 (Microscape House - implemented) and BH2017/03863 (Hove Business Centre - extant).
- 8.8. Therefore, and subject to an assessment of other material planning considerations, the proposal is considered to be acceptable in principle.

Design and Appearance:

- 8.9. 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.
- 8.10. 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".
- 8.11. The proposed roof extensions would be of a similar design to the approved (BH2018/01221, BH2017/03863) roof extensions to the western parts of the building, being single-storey with a flat roof, set back from the main facades and finished in metal cladding. The proposed fenestration would align with the windows below and replicate the pattern of glazing divisions. The design has been amended since the initial submission to remove the eaves detail.
- 8.12. The bulk and massing of the development are considered to be appropriate and would reinstate the pre-eminence in height of the eastern end of the building. The single-storey scale, the set-back and the contrast of materials would result in the proposal being viewed as a distinct, contemporary addition to the Dubarry building, rather than as a pastiche seeking to emulate the existing design. The window placements and detailing would tie the proposal in with the existing building and together with the simplified eaves would avoid competition with the existing building.

- 8.13. Visibility of the proposal from the public realm would be limited, with the main advantages being of the south elevation from the Hove Station platforms and car park, and the east elevation from Hove Park Villas, outside of a conservation area.
- 8.14. An indicative visualisation has been submitted to demonstrate the impact of the proposal on the building from Hove Park Villas, and whilst the proposal would be clearly visible, it is considered that the level of harm caused to the Locally Listed heritage asset would be less than substantial.
- 8.15. It is therefore considered that the proposal would be unlikely to cause harm to the setting of the listed Station buildings or the Hove Station Conservation Area.
- 8.16. The application includes the reversal of previous unsympathetic works to the building, including the removal of the felt roof covering, repairs to the distinctive lettering panels and the replacement of the external handrails at ground floor with more appropriate railings. It is considered that these elements of the scheme would mitigate for and offset the less than substantial harm caused by the extensions at roof level.
- 8.17. The Council's Heritage team have reviewed the scheme and have given their support to the application. The Conservation Advisory Group (CAG) have also reviewed the scheme and have supported the application.
- 8.18. In order to ensure a satisfactory appearance to the development, conditions are recommended to require further details of the windows and metal cladding at roof level, and further details of boundary treatments. Conditions are also recommended to ensure the implementation of the above mitigating development, in accordance with the comments of the Heritage department and as requested by CAG.
- 8.19. Subject to the above conditions, on balance it is considered that the proposal would be acceptable in terms of its design and appearance, with the less than substantial harm to the Locally Listed building caused by the roof extensions offset by the rectification of previous unsympathetic works to the building and the provision of 3no additional dwellings. The proposal is considered not to have a harmful impact upon the visual amenity of the surrounding area including the setting of the nearby listed station buildings and the Hove Station Conservation Area.
- Impact on Amenity:**
- 8.20. 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.
- 8.21. The existing building provides three/four storeys of accommodation, including residential and commercial uses. It is considered that 3no. additional residential units would be unlikely to have a significant additional impact in terms of noise disturbance for existing residents.

- 8.22. Views from the main living areas of each proposed unit would be directed north, east and south. Obscure glazing is proposed to the bedrooms facing to the north, in the units identified as P2 and P3, to mitigate against any loss of privacy for the residential dwellings on Newtown Road. The north-facing window in unit P1 would not afford harmful views towards neighbours. Views to the south and east would not be any more intrusive or harmful than the views available from the existing building, with the nearest properties being separated by a considerable distance across Hove Park Villas to the east and the railway line to the south.
- 8.23. The proposed roof extension would introduce additional bulk at roof level, with the potential to result in a loss of daylight and increased overshadowing for nearby properties, particularly those to the north on Newtown Road.
- 8.24. The application includes a cross-section drawing illustrating the relationship between Dubarry House and the residential properties to the north on Newtown Road. This drawing shows that there would be a slight loss of outlook for these properties, of approx. 2.5 degrees from the rear ground floor windows. This is considered not to result in significant enough harm in terms of an overbearing impact or loss of outlook so as to warrant the refusal of the application.
- 8.25. The application also includes a Daylight and Sunlight Assessment, which concludes that the proposal would not be likely to have a significant adverse impact on the living accommodation within nos. 2-8 Newton Road, with the impact being within standard Building Research Establishment guidance limits.
- 8.26. The proposed outdoor terraces would be located on the southern and eastern edges of the existing roof, on either side of the existing communal terrace (to be retained). 1.8m-high obscure glazed tapering privacy screening would be placed on the sides of each terrace. It is considered that the proposed terraces would not have a significant detrimental impact upon neighbouring amenity through either noise disturbance or loss of privacy, with no additional views being created and the relatively shallow depth of the terrace unlikely to accommodate prolonged or intensive use.
- 8.27. It is therefore considered that the proposal would not have a detrimental impact upon neighbouring amenity to an extent sufficient to warrant refusal of the application.

Standard of Accommodation:

- 8.28. The proposed dwellings comprise 3no. two-bedroom flats, identified as P1, P2 and P3. The units have been amended since the initial submission to include side-facing windows to Bedroom 2 of P2 and Bedroom 1 of P3, and for only the lower half of the rear windows in Bedroom 2 of P2 and Bedrooms 1 and 2 of P3 to be obscured.
- 8.29. Although not yet adopted policy, the Government's Nationally Described Space Standards (NDSS) do provide a useful point of reference for assessing new dwellings. Policy DM1 of the draft City Plan Part Two proposes to adopt the NDSS.

- 8.30. In order to meet the minimum standards for a comparable two-bedroom, four-person dwelling as stipulated by the NDSS, the units would each need to have a minimum area of 70sqm, which they do.
- 8.31. Unit P1 would have an internal area of approximately 117sqm, with bedrooms of 30.3sqm and 15sqm. Each habitable room would have access to natural light and outlook and provide space for furniture and circulation.
- 8.32. Unit P2 would have an internal area of approximately 82sqm, with bedrooms of 25.6sqm and 14sqm. As amended, each habitable room would have access to natural light and outlook and provide space for furniture and circulation. Whilst the kitchen area would be somewhat narrow there would nevertheless be sufficient room for this space to function.
- 8.33. Unit P3 would have an internal area of approximately 91sqm, with bedrooms of approx. 25sqm and 19.7sqm. As amended, each habitable room would have access to natural light and outlook and provide space for furniture and circulation.
- 8.34. Each unit would have access to outdoor amenity space in the form of a terrace area surrounded by 1.8m high obscure glazed privacy screen.
- 8.35. There are concerns regarding the potential for noise disturbance for future residents from the nearby roads and train station, as well as activity associated with, and from within, the host building. Conditions securing a noise assessment and noise mitigation measures are recommended to address this.
- 8.36. Overall it is considered that, as amended and subject to the recommended conditions, the proposed dwellings would each provide an acceptable standard of accommodation.

Sustainable Transport:

- 8.37. The proposal is unlikely to result in a significant enough uplift in trip generation to warrant a financial contribution. No changes to pedestrian or vehicular access are proposed.
- 8.38. The application includes the formation of an external cycle store to the east of the building, next to the bin store. Further details are recommended to be secured by condition. Cycle parking facilities should be convenient, covered and secure; however this will need to be balanced against the impact upon the appearance of the eastern façade of the building.
- 8.39. No on-site car parking is proposed for the additional residential units. The site is located within Controlled Parking Zone (CPZ) T which has a permit uptake rate of 73%, indicating that there is available on-street car parking capacity to meet the demand that would be generated by the proposal. It is therefore not recommended to make the development car-free by condition.

- 8.40. It is noted that there is a Car Club parking bay and free motorcycle parking in Hove Park Villas only about 50m from the site.
- 8.41. The development is therefore considered to be acceptable in relation to impacts on the highway, and sustainable transportation.

Sustainability:

- 8.42. Energy and water efficiency standards in accordance with the requirements of policy CP8 of the Brighton and Hove Local Plan can be secured by condition.
- 8.43. Refuse facilities for the new flats are proposed within the bin store to the north of the building.

Other Considerations:

- 8.44. In view of the ongoing COVID-19 travel restrictions a site visit has not been conducted. It has been possible to fully assess the application based on available photographic records of the site and surrounding area.
- 8.45. The proposed drawings show minor internal alterations on the lower floors to adjust the staircase up to the new third floor, in addition to the removal of the existing structures at rooftop level. In accordance with the comments of Environmental Health it is considered appropriate to secure a contamination discovery strategy and asbestos survey of the premises.
- 8.46. A condition requiring six swift bricks/boxes have been attached to improve ecology outcomes on the site in accordance with the Policy CP10 of the Brighton & Hove City Plan Part One and Supplementary Planning Document SPD11 Nature Conservation and Development. No facing brickwork is proposed and as such it would not be reasonable to require a bee brick.
- 8.47. Concerns raised by members of the public relating to a potential breach of lease due to the proposed reduced size of the existing communal roof terrace and loss of property value would not form a planning consideration in the determination of this application. For development of this scale disruption during construction works would also not form a material planning consideration.

Conclusion:

- 8.48. The principle of roof extensions to the former Dubarry complex has been established as acceptable, and the provision of 3no. dwellings would make a welcomed contribution to the housing supply of the city. The proposed design would appear as a subordinate addition to the building, with any harm caused to the Locally Listed building being less than substantial and offset by the reversal of previous unsympathetic works to the building and the provision of 3no dwellings. The impact of the proposal on neighbouring amenity is unlikely to be significantly detrimental and is considered not to warrant refusal. Transport implications can be addressed through conditions, as can ecology and sustainability matters. Approval is therefore recommended, subject to conditions.

9. EQUALITIES

- 9.1. Policy HO13 seeks to secure access standards above normal Building Regulations requirements. The proposed flats would be at third floor level with no step-free access possible and it is therefore considered that a condition requiring compliance with the M4(2) Building Regulations Standards would not be reasonable.

Cllr. Jackie O'Quinn and Cllr. John Allcock
BH2020/01275 – Dubarry House, Hove Park Villas

5th June 2020:

Councillor John Allcock and I would like to express our objection to this planning application on behalf of the residents of the local area, particularly those in Newtown Road, who are directly affected by this application. . There have been numerous applications for various parts of the Dubarry building and I have been involved in objecting to all of them for the past 5 and a half years. Sometimes we are successful even when appeals are raised against the council's decision, but depressingly the applications always seem to come back, albeit in a different form i.e. not one penthouse but 3 flats.

Our objections are based on the following points:

Heritage of the Dubarry building

This building is on the local list of heritage assets. In the past I did try to persuade the council to apply for listed status with Heritage England, but I was informed the applications took time and there was little manpower available to do the necessary work. Heritage England are aware that the inside of the building is beyond saving as a heritage asset as it has been significantly altered, but the outside of the building could easily acquire listed status because of the stunning mosaic façade. It seems a travesty to build on top of the old perfume factory, this can be seen by the unsympathetic flats that replaced an office at the other end of the roof. It is a shame that more attention isn't given to this building and I suspect that that's because you can only really see it in its full glory from the Hove station platforms or from the Clarendon and Ellen estate flats on the upper levels. I found it rather surprising that Whaleback (the company putting forward this design) stated in their 'Planning, design, access and heritage statement' that 'officers were supportive of a roof extension on Dubarry house' as they haven't always been in the past. What has changed?

Impact on the surrounding area

Loss of light

It is not only Newtown Road residents that will be impacted by this development if it goes ahead, in particular numbers 2-8 Newtown Road, but residents within Dubarry House itself, where there will be overshadowing at kitchen level on the ground floor. Residents of Dubarry House are also concerned at the loss of part of the roof terrace, which is meant to be for the benefit of all leaseholders. What is being done to compensate for this loss? There will also be a loss of light for properties in Newtown Road – nos 2-8 – house and gardens, and in some case this loss of light is considerable. The proposed flats will also be seen from the upper floors of 2-8 Newtown Road, and this implies there will be overlooking of those properties by the flats. Thus, there is an impact on the amenity of local residents.

Parking/congestion

As anyone who has driven down Newtown Road knows, this is a heavily used area for parking, especially as Hove Station is immediately adjacent, with some

people just parking in the pay bays and then popping into Brighton for a shopping trip. There is also a small shopping parade just opposite this side of Dubarry House, where the flats will be built, and that attracts a lot of cars parking as well, so I can't see how anyone can possibly conclude that there is room for more car permits in this area! Wilbury Avenue and Newtown road are also used as a cut through to Hove Retail Park and to the area to the south of Hove Station, so there is always a lot of traffic. This development should be made car free if it goes ahead, especially as it is right next to Hove Station, and the council should look at changing the times on present permits to 8-10pm so that cars with no permit can't park in permit spaces in the evening.

There is also the approved KAP development further along the Newtown road which has approximately 147 units and this will have a tremendous impact on parking and congestion in the area. There is also an application for Hove Gardens due soon and that will also have a heavy impact on congestion and parking.

Affordable housing?

At no point, in any of the planning applications for Dubarry House, Hove Business centre etc. has there been any affordable housing offered, mainly because of low numbers of units proposed but also because of Permitted development rules. We would like to argue that 3 flats, which will be well beyond the financial means of most residents, do little to ease the situation regarding housing in Brighton and Hove.

We therefore respectfully ask that you refuse planning permission for this application and request that we are able to speak when it comes before the planning committee.

Cllr. Marianna Ebel
BH2020/01275 – Dubarry House, Hove Park Villas

28th May 2020:

I am objecting to planning application BH2020/01275 based on the significant negative impact on the character of the Dubarry building.

I recognise that the application site has been subject to a previous application to committee with an appeal ruling that means the principle of development on the roof is lost.

However, with this new planning application the applicant plans to change the entire roof line of this local landmark. This would irreversibly alter this unique building. Though not statutorily listed, the building is recognised in the Local List of Heritage Assets where its “strong horizontal emphasis” [1] is mentioned. This highlights the relevance of the building to the character of the local area and its place in local architecture. The building lies in close proximity to the Hove Station Conservation Area which means the bulk of new build atop the existing building needs to be considered in terms of the impact on the Conservation Area in accordance with local plan policy HE6, specifically

Proposals within or affecting the setting of a conservation area should preserve or enhance the character or appearance of the area and should show:

- a. a consistently high standard of design and detailing reflecting the scale and character or appearance of the area &
- c. no harmful impact on the townscape and roofscape of the conservation area [2]

I believe the development not only contravenes this policy but the general thrust of CP15 of the City Plan Part 1 which states that “the city’s historic environment will be conserved and enhanced”.

The applicant plans to build only three additional flats and I believe that this does not outweigh the negative effect this will have on the host building.

QD14 of the Brighton & Hove Local Plan states that planning permission for extensions or alterations to existing buildings, including the formation of rooms in the roof, will only be granted if the proposed development is well designed. I believe any alteration to the roof line of the Dubarry building will significantly alter the character of the building to its detriment. The proposed changes are not well enough designed to compensate for this.

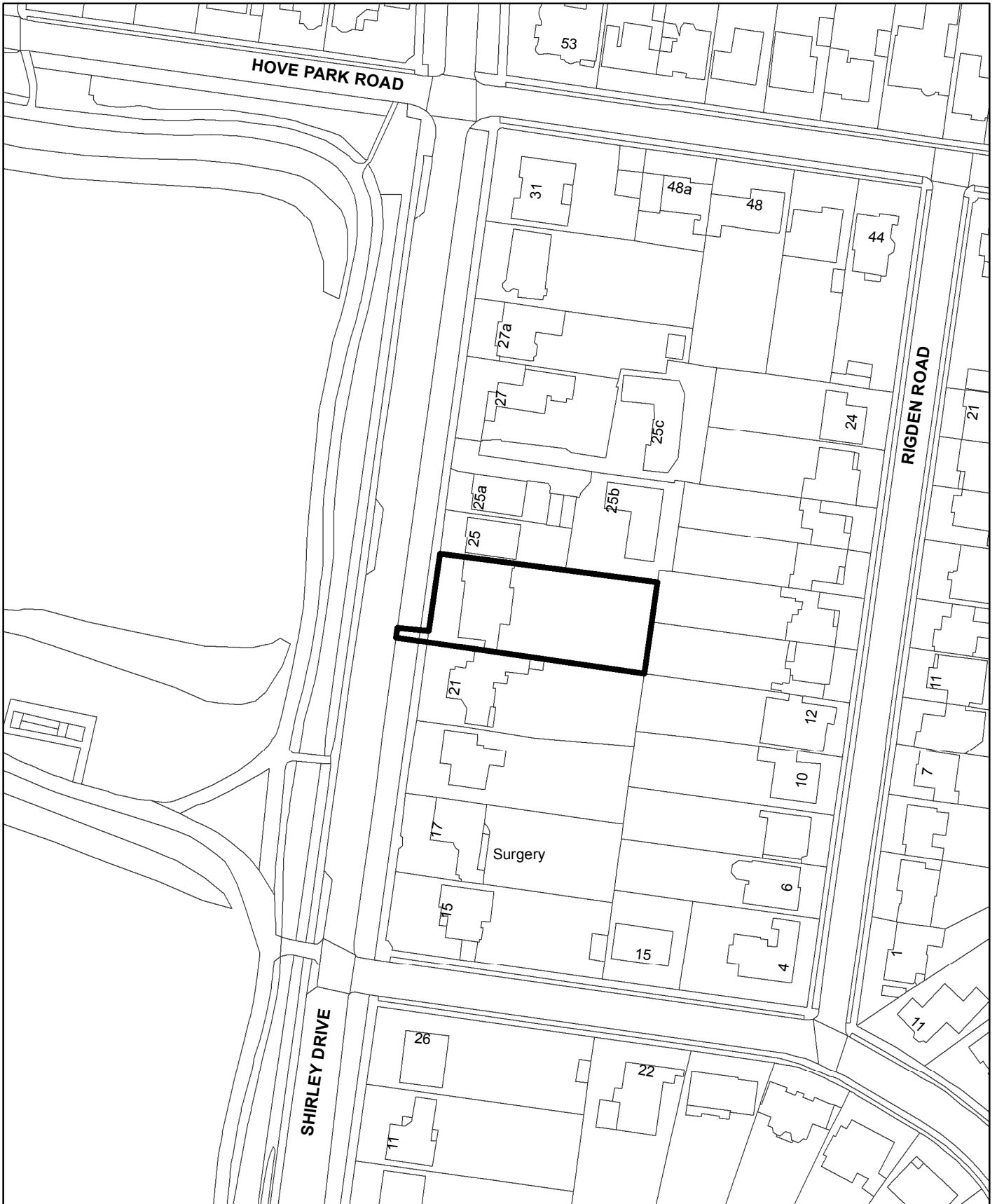
I therefore ask you to refuse planning permission for this application and request that the application is heard at the planning committee.

ITEM D

**23 Shirley Drive
BH2020/01319
Full Planning**

DATE OF COMMITTEE: 2nd September 2020

BH2020 01319 - 23 Shirley Drive



N



Scale: 1:1,250

| | | | |
|--------------------------------------|--|----------------------------|-----------------------|
| <u>No:</u> | BH2020/01319 | <u>Ward:</u> | Hove Park Ward |
| <u>App Type:</u> | Full Planning | | |
| <u>Address:</u> | 23 Shirley Drive Hove BN3 6NQ | | |
| <u>Proposal:</u> | Erection of part one, part two storey detached house (C3) to the rear of the property, installation of a front balcony and a winter garden to the side of the first floor of the frontage property and associated alterations. (Amended drawings) | | |
| <u>Officer:</u> | Russell Brown, tel: 293817 | <u>Valid Date:</u> | 14.05.2020 |
| <u>Con Area:</u> | | <u>Expiry Date:</u> | 09.07.2020 |
| <u>Listed Building Grade:</u> | | <u>EOT:</u> | 07.09.2020 |
| <u>Agent:</u> | Mr Jon Turner 19A Wilbury Avenue Hove BN3 6HS | | |
| <u>Applicant:</u> | Maria Higgins 23 Shirley Drive Hove BN3 6NQ | | |

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.

| Plan Type | Reference | Version | Date Received |
|-------------------------|-----------------------|----------------|----------------------|
| Location and block plan | TA 1266 /01 | A | 21 July 2020 |
| Existing Drawing | NJCL 703_01_140520 | | 14 May 2020 |
| Proposed Drawing | NJCL 703_02_140520 | | 14 May 2020 |
| Proposed Drawing | TA 1266 /10 | B | 21 July 2020 |
| Proposed Drawing | TA 1266 /11 | A | 21 July 2020 |
| Proposed Drawing | TA 1266 /12 | A | 21 July 2020 |
| Proposed Drawing | TA 1266 /13 | A | 21 July 2020 |
| Proposed Drawing | TA 1266 /14 | A | 21 July 2020 |
| Proposed Drawing | TA 1266 /15 | A | 21 July 2020 |
| Proposed Drawing | TA 1266 /16 | A | 21 July 2020 |
| Proposed Drawing | TA 1266 /17 | A | 21 July 2020 |
| Proposed Drawing | TA 1266 /20 | A | 15 June 2020 |
| Proposed Drawing | TA 1266 /21 | A | 15 June 2020 |
| Proposed Drawing | TA 1266 /22 | A | 15 June 2020 |
| Proposed Drawing | TA 1266 /23 | A | 15 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 part of the development hereby permitted shall take place until samples of all materials to be used in the construction of the external surfaces of the development have been submitted to and approved in writing by the Local Planning Authority, including:
 - a) samples of all brick, panelling, cladding, tiling and render (including details of the colour of render / paintwork to be used);
 - b) 1:20 elevation and section drawings of the proposed window, door and balcony treatments; and
 - c) 1:20 scale plan and section drawings of the green roof, including depth of substrate and seeding mix.Development shall thereafter be carried out only 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 the first occupation of the development hereby permitted, a scheme for landscaping shall be submitted to and approved in writing by the Local Planning Authority. The 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, dimensions and materials and any sustainable drainage system used;
 - b. a schedule detailing location, sizes and numbers of all proposed trees and plants; and
 - c. details of all boundary treatments to include type, position, 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 and QD16 of the Brighton & Hove Local Plan, CP12 of the Brighton & Hove City Plan Part One and SPD06, SPD11 and SPD16.

5. Prior to the commencement of the development hereby approved (including demolition and all preparatory work), an Arboricultural Assessment of the two trees proposed to be removed on site shall be submitted to and approved in writing by the Local Planning Authority. If the Assessment confirms that the two trees are worthy of retention but cannot be relocated within the site, four additional trees shall be included in the landscaping details secured by condition 4, and provided on the site to replace them.

Reason: As this matter is fundamental to assessing whether the trees can be relocated or replanted on the site in compliance with Policies QD16 of the Brighton & Hove Local Plan and SPD06.

6. The development hereby permitted shall not be commenced (including demolition and all preparatory work) until the protection measures identified in the Arboricultural Assessment received on 14 May 2020 are in place and retained throughout the construction process. The fences shall be erected in accordance with British Standard BS5837 (2012) Trees in relation to design, demolition and construction - Recommendations and shall be retained until the completion of the development and no vehicles, plant or materials shall be driven or placed within the areas enclosed by such fences.
Reason: As this matter is fundamental to protecting the trees which are to be retained on the site during construction works in the interest of the visual amenities of the area and to comply with Policies QD16 of the Brighton & Hove Local Plan and SPD06.
7. The hard surface hereby approved shall be made of porous materials and retained thereafter or provision shall be made and retained thereafter to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the property.
Reason: To reduce the risk of flooding and pollution and increase the level of sustainability of the development and to comply with Policy CP8 of the Brighton & Hove City Plan Part One and SPD16.
8. A bee brick shall be incorporated within the external wall of the development hereby approved 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 SPD11.
9. Three swift bricks shall be incorporated within the external walls of the development hereby approved 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 SPD11.
10. Access to the flat roofs over the dwellinghouse hereby approved shall be for maintenance or emergency purposes only and the flat roofs shall not be used as a roof garden, terrace, patio or similar amenity area.
Reason: In order to protect adjoining properties from overlooking and noise disturbance and to comply with Policies QD14 and QD27 of the Brighton & Hove Local Plan.
11. The new crossover and extended driveway shall be constructed prior to the first occupation of the development hereby permitted.
Reason: In the interests of highway safety and to comply with Policies TR7 of the Brighton & Hove Local Plan and CP12 of the City Plan Part One.
12. The development hereby permitted shall not be occupied until the cycle parking facilities shown on the approved plans have been fully implemented and made

available for use. The cycle parking facilities shall thereafter be retained for use by the occupants of, and visitors to, the development at all times.

Reason: To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than private motor vehicles and to comply with Policy TR14 of the Brighton & Hove Local Plan and SPD14.

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

Reason: To ensure the provision of satisfactory facilities for the storage of refuse and recycling and to comply with Policies QD27 of the Brighton & Hove Local Plan, CP8 of the Brighton & Hove City Plan Part One and WMP3e of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan Waste and Minerals Plan.

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

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

15. The residential unit hereby approved shall not be occupied until it 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.

16. No extension, enlargement or other alteration of the dwellinghouse(s) as provided for within Schedule 2, Part 1, Classes A, B and C 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) other than that expressly authorised by this permission shall be carried out without planning permission obtained from the Local Planning Authority.

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

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 advice regarding permeable and porous hard surfaces can be found in the Department of Communities and Local Government document 'Guidance on the permeable surfacing of front gardens'.

3. Where possible, bee bricks should be placed in a south facing wall in a sunny location at least 1 metre above ground level.
4. Swift bricks 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 them above windows or doors.
5. The planning permission granted includes vehicle crossovers which require alterations and amendments to areas of the public highway. All necessary costs including any necessary amendments to a Traffic Regulation Order (TRO), the appropriate license and application fees for the crossing and any costs associated with the movement of any existing street furniture will have to be funded by the applicant. Although these works are approved in principle by the Highway Authority, no permission is hereby granted to carry out these works until all necessary and appropriate design details have been submitted and agreed. The crossover is required to be constructed under licence from the Highway Authority. The applicant must contact the Streetworks Team (permit.admin@brighton-hove.gov.uk 01273 290729) at their earliest convenience to avoid any delay and prior to any works commencing on the adopted (public) highway.
6. The applicant is advised that accredited energy assessors are those licensed under accreditation schemes approved by the Secretary of State (see Gov.uk website); two bodies currently operate in England: National Energy Services Ltd; and Northgate Public Services. The production of this information is a requirement under Part L1A 2013, paragraph 2.13.
7. The water efficiency standard required under Condition 15 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 is located on the east side of Shirley Drive, between the junction of Hove Park Road to the north and Shirley Road to the south. The site comprises a two-storey, post-war property with bay windows and two gable ends, that appears to have been extended to the north to incorporate a double garage. The building has been split into three flats: a three-bed flat on the ground floor, and a three-bed flat and a one-bed flat on the first floor. It benefits from two off-street parking spaces, and a crossover wide enough for a single vehicle.

To the rear, there is a garden shared between the three-bed flats. The garden can also be accessed via a gated side passageway. The site slopes up to the north and to the west meaning that the building is lower than the rear-most point of the garden.

- 2.2. The site is not within a Conservation Area and the existing property is not listed, nor in the vicinity of one, but it is opposite the locally listed Hove Recreation Ground. It is within Controlled Parking Zone (CPZ) P, and Groundwater Source Protection Zone 2. Trees within the land pertaining to 25C and 27 Shirley Drive are the subject of Tree Preservation Orders (TPO).
- 2.3. Planning permission is sought for the erection of a part one-, part two-storey detached house (Planning Use Class C3) to the rear of the existing property; the installation of a front balcony and a winter garden to the side of the first floor of the existing property, and associated alterations.
- 2.4. The following changes have been made during the course of the application:
 - Change to the main roof form from pitched, to flat with parapet and a green roof, with a pitched standing seam roof to the single storey element.
 - Closer proximity of single storey element of proposed dwelling to rear (east) boundary, and two storey element to the west side.
 - Reconfiguration of the external amenity space to make it more usable.
 - Reduction in the extent of the single storey front projection / lobby.
 - Creating a single internal floor level on the ground floor.
 - Increase in internal floor-to-ceiling heights to the ground floor
 - Simplified material palette.
 - Provision of a winter garden to the side of the frontage property.

3. RELEVANT HISTORY

- 3.1. BH2007/03128: Reconstruction of external access (retrospective). Approved 20 March 2008
- 3.2. BH2019/02776: Erection of two storey detached dwellinghouse to the rear of 23 Shirley Drive, demolition of side extension to existing dwellinghouse to be replaced with first floor balcony. Withdrawn 13 January 2020

Also of relevance:

- 3.3. BH2007/00180: Erection of two-storey, detached four-bedroom house at rear of 25 Shirley Drive. Approved 11 May 2007
- 3.4. BH2005/00116/FP: New dwelling house in rear garden of 27 Shirley Drive. Approved 24 February 2005

4. REPRESENTATIONS

- 4.1. Thirty seven (37) objections were received within the consultation period, five of which were from properties directly affected by the proposed development, raising the following issues:
- a) The proposal would be 'garden grabbing' and overdevelopment of the site, which would have four dwellings on it, resulting in small plots with little garden area. It would be contrary to Government Policy PPS3 and also Local Plan Policies QD1, QD2 and QD3.
 - b) The proposed dwelling would add to the building density already created by overcrowded, crammed infill development in the back gardens of 25 and 27 Shirley Drive, which have ruined these plots as shown in aerial views.
 - c) The driveway over the grass verge is too close to the tree and goes over its roots, and the access to the proposed dwelling would likely eventually be used as a driveway, which would adversely impact residential amenity.
 - d) The proposed parking space on the driveway would bring the total number up to three, serving a total of 10 bedrooms between the four properties. It would be reasonable to expect each dwelling to have two parking spaces, or eight in total, so this proposal could result in excessive on-street parking and traffic.
 - e) Having such a small car parking space so far away from the house would preclude it having a charging point.
 - f) The green roof next to bedrooms with Juliet balconies is likely to give rise to overlooking into houses and gardens.
 - g) The design is poor, it would be completely out of keeping with the recognised pattern of housing in the area to the detriment of the amenity of the area and once built it would be allowed to be extended or developed further.
 - h) The character of the area is derived from sylvan open space so using gardens as building plots only diminishes it.
 - i) Views from neighbouring gardens would not be improved.
 - j) Access to the rear garden for emergency services and builders would prove difficult given its narrowness.
 - k) Balconies and a park are not a substitute for a garden and no. 23 would permanently be deprived of a garden.
 - l) However 'green' the building is, it would adversely affect water run-off, the ground on which it is built and the area around it, which is a wildlife corridor between the Shirley Drive and Rigden Road properties and would be affected by noise and light pollution, especially at night.
 - m) If permission for this building was granted it would set a precedent therefore making it difficult for future applications to be refused and would encourage others to sell off land, which could affect the value of homes.
 - n) The proposal have an adverse impact on people's work and home lives given the increase in working from home.
 - o) The trees on the verges along Shirley Drive should be protected; the position of the tree outside no. 23 appears to be inaccurately shown further north than it actually is.
 - p) Serious concerns regarding overshadowing and loss of daylight and sunlight to properties north of no. 23. A Daylight and Sunlight report including a shadow analysis diagram should be submitted.
 - q) The proposal, by reason of its size, depth, width, height and massing, would have an unacceptably adverse impact on neighbouring properties in terms of overlooking, loss of privacy and visually overbearing impact.

- r) The cramped building to tree relationship is likely to place further detrimental long term pruning pressures on an elm tree on the northern boundary.
- s) Back garden developments increase noise and light pollution.
- t) The proposal would have been marginally more acceptable if had a maximum height of 2.5m and a green roof over all of it; it would rudely interrupt the prevailing garden environment.
- u) Despite ramped entrance to the building, there is limited provision for disabled access from the road because there is no vehicular access.
- v) It would be much too close to the boundaries of the properties to either side.
- w) It would be environmentally unsustainable with effects on greenhouse gas emissions and atmospheric pollution.
- x) It does not reach Code for Sustainable Homes Level 5 required by the Council for back garden developments.
- y) The reasons for refusing permission and dismissing the appeal for a dwelling to the rear of no. 19 are still valid now.
- z) The 3m high fence shown on the plans should clearly not be allowed and the plans are misleading.
- aa) The creation of a public path from Shirley Drive to the row of back gardens would remove privacy and security.
- bb) This proposal would not only not achieve the aims of City Plan Part One Policy CP14, it works against them.
- cc) Adding another large unit would result in higher resource consumption and waste on an even larger scale than the main house, it having already been split into three separate units.
- dd) The sustainability report states there would be 5 fruit trees planted within 10m and this would not be appropriate.

4.2. Subsequent to a re-consultation after changes had been made, six (6) (six) objections were made raising the following issues:

- a) The latest amendments are so significant that there is little similarity to the original drawings and warrant a fresh application.
- b) There is no house that would gain neighbours' approval because any structure would affect the building to land ratio, add to parking congestion, adversely affect the open green nature of the area and generally detract from the location.
- c) The view shown on drawing no. TA 1266 /17A is not possible.
- d) It is unacceptable that the proposed house is now closer than 2m to the boundary fence, and therefore the shadowing effect will be greater than before. It would also be a potential source of noise and light pollution.
- e) The green roof would overlook gardens.
- f) The application does nothing to address the need for additional and affordable housing in Brighton and Hove.
- g) The amended drawings do not address any or all of the issues set out in previous letters and by adjoining neighbours.
- h) Changing the design of the proposed house does nothing to alter its impact on the nature of the area.
- i) The building of the houses to the rear of no. 25 were an awful mistake that are totally out of keeping in the area.
- j) Rather than losing gardens, they need to be cultivated to encourage wildlife.

- k) The revised proposal provides a greater vertical emphasis of a monolithic nature that contributes to a sense of bland, inappropriate and discordant scale and mass of structure - with appalling visual impacts - that serve only to emphasise its inappropriateness to a rear garden location.
- l) The proposal will create an overbearing environment for the immediately neighbouring dwellings, contrary to Local Plan Policy QD27.
- m) The opaque glazed windows to the Juliette balconies areas offer little in terms of protecting privacy and mitigating the perception of overlooking of neighbouring properties and their rear gardens.

4.3. 4 (four) representations in support of the application were received, giving the following reasons:

- a) It appears to be a carefully thought through, well-designed, modest house for the plot, proportionate in size leaving an adequate garden. It is respectful to its surroundings and is in line with the two other neighbouring houses too.
- b) There has been another property developed on a similar, adjacent plot, which sets a precedent for the erection of a new structure. This plot is a disparate site and in no way does it constitute 'garden grabbing'.
- c) Some eco-sustainable and interesting features (i.e. green living roof, raised pond and solar panels) to encourage wildlife are also incorporated and match the design.
- d) The noise and disruption caused by the build is only to be expected and won't have a direct impact on the environment or wildlife in the area.
- e) This area (plot) looks to be underutilised by the owner of the property.
- f) The number of vehicles will not be substantially increased, as there are enough parking spaces and garages.
- g) Living arrangements would not be negatively impacted by this new development. It is a relief to see that the staircase to the side of the property would be removed, but the hedges and fences should be maintained at a sufficient size to provide privacy for all properties adjacent to the site.

4.4. Subsequent to a re-consultation after changes had been made, one representation in support of the application was received, with the individual noting they were 'very impressed' with the amendments, particularly with the sustainable living roof design. They considered the house to be well-proportioned and an excellent use of the space, setting a very high standard for use as a bench mark for future planning applications.

4.5. Councillors Bagaeen and Brown have objected to the application as submitted. Copies of the correspondence is attached to the report.

5. CONSULTATIONS

5.1. Transport:

No changes are proposed to the pedestrian access arrangements onto the adopted (public) highway, which is deemed acceptable.

5.2. The minimum cycle parking standard for this development is two cycle parking spaces, but there is a lack of details in terms of design, materials, dimensions

and illumination for the proposed store for four bicycles. Cycle parking details are therefore requested by condition.

- 5.3. There are also somewhat limited opportunities in the form of free on-street disabled parking bays in the vicinity of the site for disabled residents and visitors to park. Blue Badge holders are also able to park on double yellow lines for up to three hours.
- 5.4. The applicant is not proposing any significant alteration to their current servicing and delivery arrangements to this site and this is deemed acceptable for this development.
- 5.5. The proposed changes to the existing vehicle access arrangements onto the adopted (public) highway are deemed acceptable in principle. Details of the new / extended crossover can be conditioned.
- 5.6. A condition should also be attached to ensure that the driveway and hardstanding materials are porous and / or permeable, and that no surface water should run-off onto the adopted (public) highway.
- 5.7. The maximum car parking standard for this development (3 residential units; 1 existing, 1 altered and 1 new) within an Outer Area is 4 spaces. The application form submitted states there are nine vehicles spaces on site and is proposing an additional light goods vehicles / public carrier vehicle space making a total of 10 parking spaces. Therefore, the proposed level of car parking is not in line with SPD14 and therefore amendments are required to avoid refusal.
- 5.8. The proposed development of an additional three bedroom dwelling on the site is considered to generate overspill parking on nearby streets. A parking survey was not provided to demonstrate the existence of sufficient on-street capacity to absorb any overspill. The site is located in Controlled Parking Zone (CPZ) P, which only came into operation at the start of September 2019 and therefore there are still many permits available. Given that the permit uptake is low, it is not considered that this proposal should be made car-free (restriction of car parking permits) by condition.
- 5.9. There is not forecast to be a significant increase in vehicle trip generation as a result of these proposals therefore any impact on carriageways will be minimal and 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 Joint Area Action Plan (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 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 |
| CP10 | Biodiversity |
| CP12 | Urban design |
| CP14 | Housing Density |

Brighton & Hove Local Plan (retained policies March 2016)

| | |
|------|---|
| TR7 | Safe Development |
| TR14 | Cycle access and parking |
| SU5 | Surface water and foul sewage disposal infrastructure |
| SU10 | Noise nuisance |
| QD14 | Extensions and alterations |
| QD15 | Landscape design |
| QD16 | Trees and hedgerows |
| QD27 | Protection of amenity |
| HO5 | Provision of private amenity space in residential development |
| HO13 | Accessible housing and lifetime homes |

Supplementary Planning Documents

| | |
|-------|---|
| SPD06 | Trees and Development Sites |
| SPD11 | Nature Conservation and Development |
| SPD12 | Design Guide for Extensions and Alterations |
| SPD14 | Parking Standards |

SPD16 Sustainable Drainage

Supplementary Planning Guidance

SPGBH9 A Guide for Residential Developers on the Provision of Outdoor Recreation Space

Other Documents

Urban Characterisation Study 2009

East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan - Policy WMP3d and WMP3e

8. CONSIDERATIONS & ASSESSMENT

8.1. The main considerations in the determination of this application relate to the principle of development; the design and appearance of the dwellinghouse; landscaping and biodiversity; its impact on neighbouring amenity; the standard of accommodation created; the impact on the highways network; and sustainability.

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. The site counts as a small 'windfall site', bringing the benefit of providing an additional housing unit to the city, albeit a very minor contribution to the City's ongoing five year supply requirements.

8.5. As such, the principle of residential development is considered acceptable.

8.6. To make full, efficient and sustainable use of the land available, City Plan Part One Policy CP14 outlines that new residential development in Brighton & Hove will be expected to achieve a minimum net density of 50 dph (dwellings per hectare), subject to meeting the other criteria (contributing positively to sustainable neighbourhoods, design and type of dwelling, sustainable transport, proximity to services, and provision of outdoor space).

8.7. Notwithstanding the minimum net density set out in Policy CP14, residential development should still be of a density that is appropriate to the identified

positive character of the neighbourhood and be determined on a case by case basis. The site is within the Tongdean neighbourhood where the average gross density is 11 dph. Based on there being three dwellings within the existing property, the current density of the site is 27 dph. This scheme would result in four dwellings on the plot, resulting in 36 dph. However, this decreases to 19 dph if the proposed dwellinghouse is considered solely on its own plot, which would be the case as it would be entirely self-contained.

- 8.8. Whilst a dph of 19 is above the average for the neighbourhood, it is noted that this is in keeping with other, similar development in the vicinity. Further, the policy presumption is towards allowing densities higher than those typically found in the locality, especially where it can be adequately demonstrated that the proposal meets all the criteria listed in Policy CP14 and there is no overall harm.

Design and Appearance:

- 8.9. The site is within the Hove Park character area of the Tongdean neighbourhood, which is characterised by large, interwar and post-war houses, on generous plots, set back from tree-lined roads. It not considered that the proposed dwellinghouse would be out of character with this area, particularly as it would be set back 46m from the road, and would not be visible due to the distance and existing utility room, preventing views in-between no. 23 and the property to the south, no. 21. A proposed winter garden to the side of the frontage property would also provide screening. In this way it would have much less of an impact on the streetscene than the existing properties constructed to the rear of nos. 25 and 27.
- 8.10. It is important to note that this application is not the first for a dwelling to be sited in a rear garden on its own plot within the surrounding area. Such dwellings exist at 2b Shirley Drive, the rear of no. 25 (now no. 25B), the rear of no. 27 (now no. 25C), no. 102, no. 112 as well as 19 Mallory Road. Therefore, the principle of subdividing the large rear gardens of properties to create separate plots is considered to be acceptable and congruous with the surrounds. In terms of plot sizes, the aforementioned approved dwellings had 278m², 606m², 600m², 288m², 300m² and 251m² respectively, which demonstrates variety in plot size. This scheme would provide the proposed dwelling with a plot area of 500m², which would therefore be towards the top end of the scale and considered acceptable. It is noted that this has been enlarged from 449m² proposed by the previous application.
- 8.11. In terms of the built footprint within the plot, at 130.6m² the proposed dwellinghouse would be smaller than either of the adjacent new properties to the north. The dwelling at no. 25b measures approximately 156m², with no. 25c larger still. The footprint of the proposed dwelling equates to 26% of the overall plot size, which is comparable with 25.7% at no. 25b and less than 32.8% at no. 25c. It is noted that the footprint has been reduced from 136m² proposed by the previous application.
- 8.12. With regard to these types of development it is important to ensure that sufficient garden space is left for the frontage property. The scheme would result in the

total removal of the garden for the first floor flat, which is instead proposed to have a balcony and a winter garden; and a reduction in garden space for the ground floor flat. However, this would still be 11.3m deep, which is considered acceptable and broadly in line with the depth of properties in the vicinity, with remaining garden space for no. 25 at 14.2m; for no. 27 at between 10m and 22.6m; for no. 102 at just 7m; for no. 112 at 18.8m; and for 19 Mallory Road of 11m. Consideration of the garden space for the proposed dwelling will be had in the Standard of Accommodation section of this report.

- 8.13. The changes made during the course of this application were the result of a request by Officers raising concerns over design, neighbouring amenity and standard of accommodation. It is considered that the form of the proposed dwellinghouse is more traditional with two storeys to the front and single storey to the rear, with the exception of the porch to form the entrance lobby. Whilst it is recognised that the pitched roof was an attempt to fit in with the design of nos. 25b and 25c, the proposed flat roof greatly reduces the scale and massing of the proposed dwellinghouse, and allows for the provision of a green roof hidden behind a parapet detail. Whilst the single storey element, would be closer to the rear (western) boundary of the site, at between 1.2m and 1.6m distance, it incorporates a pitched roof with an eaves height of 2.4m to lessen the impact on the rear gardens of nos. 14 and 16 Rigden Road.
- 8.14. The scale of the dwellinghouse has been reduced such that it could not be set down much further into the site without unacceptably compromising the internal floor to ceiling height or undertaking extensive excavation, which would cause issues with providing level access into the property. As such, the proposed scale of the building is considered acceptable.
- 8.15. In terms of the views from the Rigden Road properties, the proposed dwelling would be visible. However, given the height of the two storey element at the rear elevation of 5.6m (nearly 7m from the rear site boundary) and distance from the rear conservatories of 14 and 16 Rigden Road of almost 40m, it is considered that it would not be particularly incongruous or visually intrusive.
- 8.16. The building is modern in design and this is reflected in the material palette; brickwork, grey self-finishing panels, white painted render, standing seam cladding and a green roof. It is recognised that the brick choice would be crucial in integrating the dwelling into its surroundings. Notwithstanding the colour shown on the elevational drawings, it has been recommended that a condition requiring approval of exact details of the materials.
- 8.17. It is recognised that changes would have to be made to the footway to incorporate a crossover and dropped kerb, and enlarge a driveway. These are discussed in more detail in the highways section of this report. These changes, including more bins, the new side gate and boundary treatment would indicate the provision of a dwelling to the rear, but conditions would be attached to any permission granted to ensure that their design would fit sufficiently well into the local context and would not jar with what is there already.

- 8.18. Regarding the changes to the frontage property, the provision of a front balcony and winter garden to the south side are welcomed and the changes, including the demolition of the two-storey side addition, to facilitate the replacement amenity space are considered acceptable. Details of the replacement front doors and windows in the canted bay, south side and rear elevations can be secured by condition, and would result in the restoration of the original window patterns. The installation of hanging tiles to the first floor, with the exception of the later addition to the north, would be a welcome improvement such that the subject property would better fit in with neighbours.
- 8.19. Overall, it is considered that the proposed development is of a high standard of design and would not have a significantly adverse impact on the character of the neighbourhood given its revised scale and massing, lack of visibility from Shirley Drive and materiality. As such, the revised scheme is considered acceptable in design terms.

Landscaping and Biodiversity:

- 8.20. Three trees are proposed to be removed due to allow for the construction of the proposed dwellinghouse to the rear of the site. However, only one of the three (tree 5) has been included within the Arboricultural Assessment. Given that it is a Category C tree and therefore low-quality, its removal is considered acceptable. It is recommended that a condition be imposed to require an Arboricultural Assessment to be submitted and approved in writing by the LPA in respect of the other two trees, prior to commencement of the proposed dwellinghouse, to establish whether they are worthy of retention and relocation within the site. It has been clarified that the street tree to the north of no. 23 would be retained.
- 8.21. Two trees (trees 1 and 4) would be affected by the proposed development, but the incursion of the hard landscaping on the Root Protection Area (RPA) would be 12.8m² (4.5%) and 5m² (17%), which is within acceptable tolerances and therefore the level of impact would be low, subject to a condition requiring the tree protection measures (fencing and temporary suspended walkway) detailed within the assessment to be employed prior to tree works taking place.
- 8.22. Two trees are proposed within the rear garden of the ground floor flat, but to ensure the development would not result in the net loss of trees, it is recommended that additional native tree planting is secured by condition as part of a wider landscaping scheme.
- 8.23. The ratio of hard to soft landscaping is weighted in favour of the latter, which is to be encouraged. An additional condition is recommended to ensure that hard surfacing is porous and / or permeable.
- 8.24. Whilst the new planting, pond and vegetable planters could help to deliver a biodiversity net gain on site in line with City Plan Part One Policy CP10 and the Environment Bill, bee and swift bricks are the Council's preferred measures and the relevant conditions are recommended.

Impact on Neighbouring Amenity:

- 8.25. Paragraph 127 of the NPPF outlines that planning decisions should ensure that developments create places that promote health and well-being, with a high standard of amenity for existing and future users.
- 8.26. The relevant considerations in respect of this application are sunlight, daylight, overshadowing, outlook, sense of enclosure, privacy, noise and disturbance.
- 8.27. Given the orientation of the site there is some potential for loss of light and an increase in overshadowing to 25b Shirley Drive and its front garden in addition to the rear garden of 16 Rigden Road. However, there are no windows in the south side of the former so there would be no impact in respect of loss of sunlight or daylight to any neighbouring windows. There would be only minor overshadowing of the gardens of both properties, and unlikely to be the areas in most use.
- 8.28. It is recognised that the proposed dwellinghouse would be visible from the windows of properties neighbouring the site. However, while there would be a change in outlook, it is not considered that there would be an adverse impact, particularly as no-one has the right to a view, and it would be almost 40m from the rear conservatories of 14 and 16 Rigden Road and some 20m from the rear window of the closest properties on Shirley Drive. These distances would also make it unlikely for the proposed dwelling to create an adverse sense of enclosure or be overbearing.
- 8.29. In terms of privacy, the ground floor windows would be less than 2m from ground level, which is the height of the existing boundary fence around the site, which is to be retained. The first floor windows would face west, towards the existing building, but as previously mentioned, this distance would be approximately 20m and would not be considered to result in an adverse impact upon privacy. The Juliette balconies to the first floor fenestration would be etched glass, which would prevent views in and out to the lower portion in any case. There would be some overlooking of neighbouring gardens, but this is to be expected in an urban area such as this and already occurs between the existing properties. The proposed green roof features an access panel, but this would be for maintenance only, which would not be often if it is installed properly. In any case, a condition shall be imposed preventing its use as an external amenity area.
- 8.30. Any views from the front balcony to the existing property would be to the street, which is currently overlooked and this is considered a positive in terms of active surveillance. Any views from the rear-facing window to the winter garden would be limited by the flank wall of 21 Shirley Drive to a small part of the garden to the ground floor flat of no. 23.
- 8.31. It is acknowledged that the proposed dwellinghouse would result in a more intensive use of the rear garden of no. 23. However, it is not considered that the increased use would result in significant noise and disturbance to adjacent residential occupiers.
- 8.32. It is considered necessary to restrict 'permitted development' rights to the dwellinghouses by condition to avoid any adverse impact upon neighbouring

amenity from any kind of extension or new opening (Classes A, B and C of Schedule 2, Part 1 of the GPDO).

- 8.33. As such, it is not considered that this proposal would have any additional impacts on neighbouring amenity and is therefore compliant with Policy QD27.

Standard of Accommodation:

- 8.34. Policy QD27 of the Brighton and Hove Local Plan aims to secure a good standard of living accommodation for current and future occupiers in all new developments. Accommodation should therefore provide suitable circulation space within the communal spaces and bedrooms once the standard furniture has been installed, as well as good access to natural light and air in each habitable room.
- 8.35. The 'Nationally Described Space Standards' were introduced by the Department for Communities and Local Government in 2015 to establish acceptable minimum floor space for new build developments. Although these space standards have not been formally adopted into the Brighton and Hove City Plan, they provide a useful guideline on acceptable room sizes that would offer occupants useable floor space once the usual furniture has been installed.
- 8.36. The application proposes a three bed, five person dwellinghouse, which should have a Gross Internal Area (GIA) of 93m². It would have a GIA of 179m², which is therefore compliant as are the bedroom sizes. The floor to ceiling height at ground floor would be 2.44m and 2.3m at first floor, which is considered acceptable.
- 8.37. The total external garden area for the new house would comprise 376m², which is generous for a 3 bedroom house, and would be in excess of 21m wide by 12m deep.
- 8.38. A private amenity space in excess of 18m wide x 14m deep would be provided for the existing ground floor unit, which is considered ample and sufficiently useable. In terms of the new balcony to the frontage property, accessed from the hallway, this would provide in excess of 8m² of external amenity space at 4.1m wide by 2.3m deep, facing west to overlook Hove Recreation Ground. The winter garden, accessed from the kitchen / dining room, would face south and would provide 5.2m² of space at 1.6m wide by 3.3m deep. The Tongdean neighbourhood Urban Study notes that "All but the very north of the area is within 10 minutes' walk of a recreational space and children's play area, and about a third of all households are within 5 minutes' walk of such spaces." In this case, the property is also directly opposite Hove Recreation Ground.
- 8.39. In terms of outlook, ventilation and natural lighting, the proposed dwellinghouse has triple aspect to the north, west and south, thereby allowing for cross-ventilation. As such, all the units would have acceptable amounts of ventilation, outlook and natural lighting.

- 8.40. Access would be directly via a gate to the south side of the frontage property, but only for pedestrians and cyclists. This is considered legible, sufficiently wide, safe and could be illuminated.
- 8.41. As such, the proposed development is considered to offer acceptable living conditions for future occupiers, compliant with Local Plan Policies QD27 and HO5 as well as point 8 of SA6 and point 6 of CP14 that requires the provision of outdoor recreation space appropriate to the demand the application would generate.

Highways:

- 8.42. The site is a 19 minute walk from Hove train station, or just four or eight minutes by car and bicycle respectively, as well as a two minutes' walk from the closest bus stops (served by six routes). As such, the development would be easily accessible by sustainable transport in addition to being well served by local services and community facilities on Old Shoreham Road, as required by points 4 and 5 of CP14.
- 8.43. The site is located in Controlled Parking Zone (CPZ) P, which only came into operation at the start of September 2019 and therefore there are still many permits available. Given that the permit uptake is low, it is not considered that this proposal should be made car-free (restriction of car parking permits) by condition. In any case, the proposal for a three bedroom dwelling is not considered to generate significant overspill parking on nearby streets or a significant increase in vehicle trip generation.
- 8.44. It is, however, noted that the application form incorrectly states that there are nine existing vehicles spaces on site, and 10 proposed. This is not the case. Three car parking spaces would, in fact, be provided, which is below the maximum car parking standard for the 'Outer Area', requiring four spaces, and is therefore considered acceptable in terms of car parking provision.
- 8.45. The proposed changes to the existing vehicle access arrangements onto the public highway are considered acceptable, subject to details of the new crossover and extended driveway being conditioned.
- 8.46. The minimum cycle parking standard for this development is two spaces and the location of the cycle store has been shown. Given that it is 1.55m deep by 2m wide, it is considered fit for purpose. As such, a condition is only required to secure its provision prior to occupation and its retention in perpetuity.
- 8.47. As regards refuse and recycling bins, these have been shown to the south side of the frontage property, both behind the side gate and in front of it. As they are close to the public highway for easy collection, no objection is raised to their location, subject to a condition to secure their location in perpetuity.
- 8.48. As such, subject to the imposition of suitable conditions, the impact on highways would be acceptable.

Sustainability:

8.49. City Plan Part One Policy CP8 requires new residential development demonstrate efficiency in the use of water and energy, setting standards that mirror the national technical standard for water and energy consumption. Therefore, conditions are recommended to ensure the development met those standards.

8.50. A Sustainability Checklist was provided that commits to the use of materials that have low embodied energy and that offer an enhanced durability with timber from certified sustainable sources. As such, the proposal would comply with point 6 of SA6 to promote and support environmental sustainability improvements to new buildings. The Council does not require back garden developments to achieve the Code for Sustainable Homes Level 5, or the equivalent of, now that it has been withdrawn.

Issues raised by consultation:

8.51. Issues regarding the value of homes and home working are not relevant planning considerations and therefore have not been taken into account in the determination of this application. It is also worth noting that Local Plan Policies QD1, QD2 and QD3 have been superseded, and that the area to the rear of the site between the Shirley Drive and Rigden Road properties is not designated as a wildlife corridor. Furthermore, there is no requirement for an application for a single dwelling to provide affordable housing.

9. CONCLUSIONS

9.1. The scheme makes a minor, but welcome contribution to the Council's housing targets through a family dwellinghouse offering a good standard of accommodation and high quality design, as well as sustainability and biodiversity gains. There are no significant impacts on neighbouring amenity that cannot be mitigated by condition and the other alterations are considered acceptable without compromising on highways safety. As such, this application is recommended for approval subject to conditions.

10. EQUALITIES

10.1. The proposed dwellinghouse would be suitable for use by wheelchair users or those with a mobility-related disability given that level access is provided within it and outside via a ramp.

Cllr. Samer Bagaeen
BH2020/01319 – 23 Shirley Drive

5th June 2020:

Stance: Customer objects to the Planning Application

Comment Reasons:

- Poor design

Comment: This site sits within the boundary of the Hove Park Neighbourhood Forum for which the forum has started to work on an urban design guide supported by Aecom & Troy Planning & Design through Locality & MHCLG funding. Our position as a forum and councillors for Hove Park is that we want any new developments to comply with conservation area guidance where applicable and also meet the highest possible carbon emissions from new development through design.

These principles will be embedded in the design guide. Until we complete our work, which should be no more than 12 weeks, we are not supporting any new development that does not meet the emerging design coding work and the city's commitment to be net zero. This is why we are objecting to this application.

The design guide will also offer a view on building in gardens and will through the neighbourhood forum offer guidance for local residents on how building on sensitive locations such as gardens can contribute to the city's targets on a strategic level rather than a piecemeal level which is what this scheme does.

Cllr. Vanessa Brown
BH2020/01319 – 23 Shirley Drive

29th May 2020:

As a Councillor for Hove Park Ward I am writing to strongly object to the above planning application. This application is to build a three bedroom, two storey house in the garden of 23 Shirley Drive, which has already been sub divided into 2/3 flats. A side extension would have to be demolished and it would still only leave a very narrow entrance to the site, barely wide enough for even a very small car. There is no way any emergency vehicles could access the site.

The house would cause severe overlooking and a loss of privacy to No. 21 Shirley Drive and overlooking and overshadowing to the houses directly behind in Rigden Road. There is also concern that the flat green roof could be used as a balcony.

This area is characterised by good sized detached houses with fairly generous plots giving a green open feel. These gardens near the recreation ground form a wildlife corridor which is home to many species of birds, insects and reptiles. This application would be an overdevelopment of the site and totally out of keeping with the surrounding houses.

The residents of 19 Shirley Drive previously applied to build in the back garden but were refused permission and this was upheld on appeal being termed “a harmful form of development.”

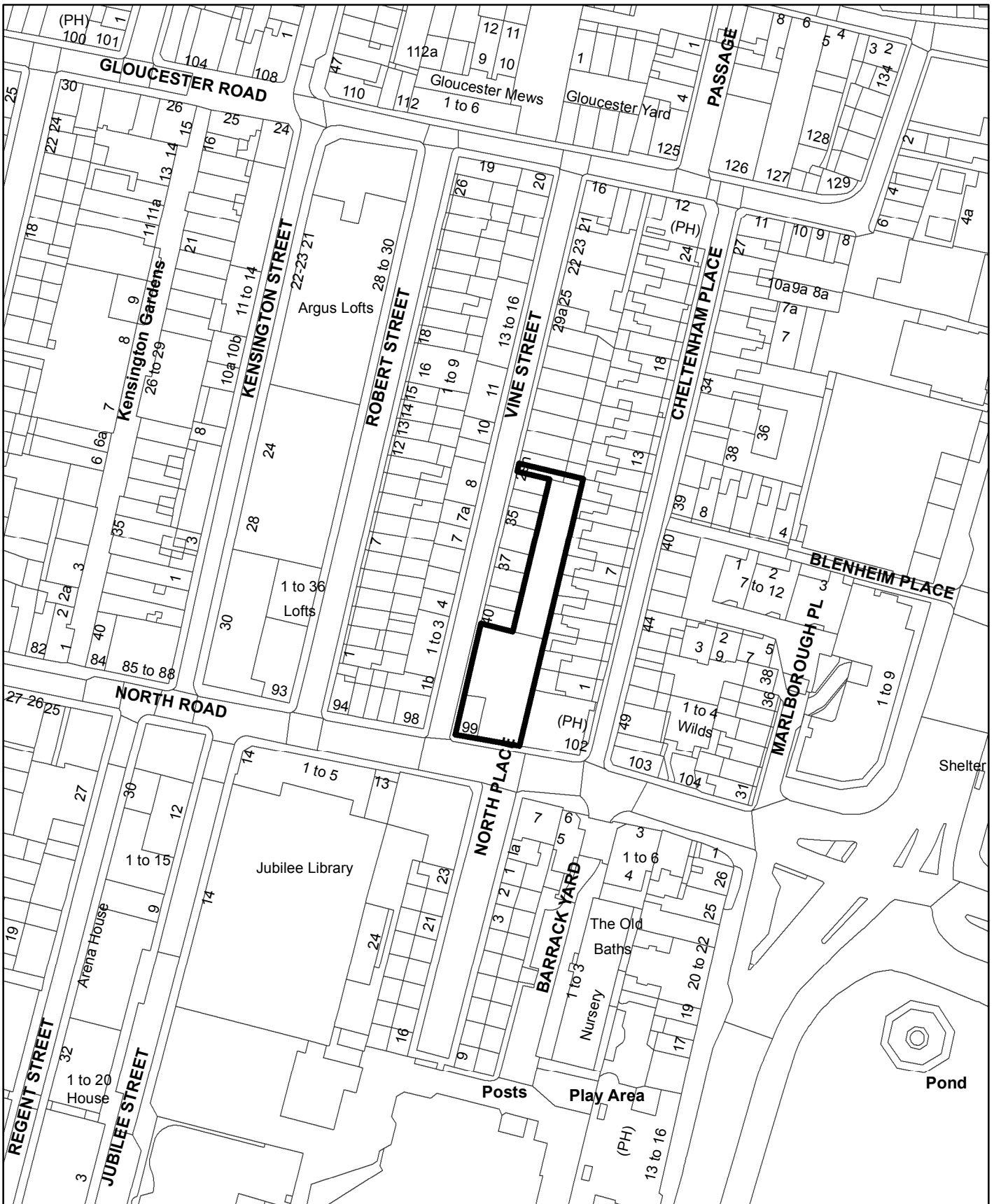
If this application should be recommended to be passed I would ask that it go before the Planning Committee for decision.

ITEM E

**99-100 North Road & 42 Vine Street
BH2020/00505
Full Planning**

DATE OF COMMITTEE: 2nd September 2020

BH2020 00505 - 99-100 North Road & 42 Vine Street



N



Scale: 1:1,250

| | | | |
|--------------------------------------|--|----------------------------|---|
| <u>No:</u> | BH2020/00505 | <u>Ward:</u> | St. Peter's And North Laine Ward |
| <u>App Type:</u> | Full Planning | | |
| <u>Address:</u> | 99 - 100 North Road & 42 Vine Street Brighton BN1 1YE | | |
| <u>Proposal:</u> | Erection of an additional storey to create 2no two-bedroom flats with terraces. Change of use of existing retail unit (A1) at 42 Vine Street to office (B1) incorporating replacement roof & shopfront. Erection of first floor extension & mezzanine extension to provide additional office space (B1) including refurbishment of existing office at 100 North Road. | | |
| <u>Officer:</u> | Russell Brown, tel: 296520 | <u>Valid Date:</u> | 17.02.2020 |
| <u>Con Area:</u> | North Laine | <u>Expiry Date:</u> | 13.04.2020 |
| <u>Listed Building Grade:</u> | | <u>EOT:</u> | |
| <u>Agent:</u> | Mrs Sarah Sheath Dowsett Mayhew Planning 63A Ship Street Brighton BN1 1AE | | |
| <u>Applicant:</u> | Mr John Blake C/o Dowsett Mayhew Planning 63A Ship Street Brighton BN1 1AE | | |

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.

| Plan Type | Reference | Version | Date Received |
|-------------------------|------------------|----------------|----------------------|
| Location and Block Plan | TA1069/01 | A | 17 February 2020 |
| Proposed Drawing | TA1069/20 | B | 17 February 2020 |
| Proposed Drawing | TA1069/21 | A | 17 February 2020 |
| Proposed Drawing | TA1069/22 | C | 18 June 2020 |
| Proposed Drawing | TA1069/23 | G | 18 June 2020 |
| Proposed Drawing | TA1069/24 | F | 15 June 2020 |
| Proposed Drawing | TA1069/25 | G | 18 June 2020 |
| Proposed Drawing | TA1069/26 | D | 01 May 2020 |
| Proposed Drawing | TA1069/27 | F | 01 May 2020 |
| Proposed Drawing | TA1069/28 | C | 01 May 2020 |
| Proposed Drawing | TA1069/30 | B | 17 February 2020 |
| Proposed Drawing | TA1069/31 | A | 17 February 2020 |
| Proposed Drawing | TA1069/32 | C | 18 June 2020 |
| Proposed Drawing | TA1069/33 | G | 18 June 2020 |
| Proposed Drawing | TA1069/34 | E | 15 June 2020 |

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|------------------|-------------|---|--------------|
| Proposed Drawing | TA1069/35 | G | 18 June 2020 |
| Proposed Drawing | TA1069/36 | D | 01 May 2020 |
| Proposed Drawing | TA1069/37 | F | 01 May 2020 |
| Proposed Drawing | TA1069/38 | D | 01 May 2020 |
| Proposed Drawing | TA1069/39 | F | 18 June 2020 |
| Proposed Drawing | TA1069/40 | F | 18 June 2020 |
| Proposed Drawing | TA1069/SK61 | | 18 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. The development hereby permitted shall not 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 the proposed window, door and balcony treatments; and
 - d) samples of all other materials to be used externally.
Development shall be carried out in accordance with the approved details.
Reason: To ensure a satisfactory appearance to the development and to comply with Policies QD14 and HE6 of the Brighton & Hove Local Plan and CP12 and CP15 of the Brighton & Hove City Plan Part One.

4. Access to the flat roof over the extension hereby approved shall be for maintenance or emergency purposes only and the flat roof shall not be used as a roof garden, terrace, patio or similar amenity area.
Reason: In order to protect adjoining properties from overlooking and noise disturbance and to comply with Policies QD14 and QD27 of the Brighton & Hove Local Plan.

5. Any new or replacement hard surfaces, including to the terraces hereby approved, shall be made of porous materials and retained thereafter or provision shall be made and retained thereafter to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the property.
Reason: To reduce the risk of flooding from run-off and rain water and increase the level of sustainability of the development in compliance with Policies CP8 and CP11 of the Brighton & Hove City Plan Part One and SPD16.

6. The office accommodation hereby permitted as shown on drawing numbers TA1069/20 B, TA1069/21 A and TA1069/22 B shall be used as offices (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 Policies CP3 and SA2 of Brighton & Hove City Plan Part One.

7. The rooflights hereby approved shall have steel or cast metal frames finished in a black or dark grey colour, 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 Policies HE6 of the Brighton & Hove Local Plan and CP15 of the Brighton & Hove City Plan Part One.

8. All new and replacement rainwater goods, soil and other waste pipes shall be in cast iron and shall be painted grey and retained as such thereafter.

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

9. Prior to the first occupation of the development hereby permitted, a scheme for landscaping shall be submitted to and approved in writing by the Local Planning Authority. The 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 and materials;
- b. a schedule detailing sizes and numbers of all proposed trees and plants including details of tree pit design, use of guards or other protective measures and confirmation of location, species and sizes;
- c. details of the screening for the northern-most part of the terrace for Unit 2 to include type, 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 future occupiers and to comply with Policies QD15 and QD16 of the Brighton & Hove Local Plan, CP12 of the Brighton & Hove City Plan Part One and SPD06, SPD11 and SPD16.

10. The development hereby permitted shall not be first occupied until a scheme to enhance the nature conservation interest of the site has been submitted to and agreed in writing by the Local Planning Authority. The scheme shall accord with the standards described in Annex 6 of SPD11 and shall be implemented in full prior to the first occupation of the development hereby approved and thereafter retained.

Reason: To increase the biodiversity of the site, to mitigate any impact from the development hereby approved and to comply with Policy CP10 of the Brighton & Hove City Plan Part One and SPD11.

11. The development hereby permitted shall not be occupied until a scheme for the separate storage of office and residential 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 the development and the refuse and recycling storage facilities shall thereafter be retained for use at all times.

Reason: To ensure the provision of satisfactory facilities for the storage of refuse and recycling in compliance with Policies QD27 of the Brighton & Hove Local Plan, CP8 of the Brighton & Hove City Plan Part One and WMP3e of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan Waste and Minerals Plan.

12. The development hereby permitted shall not be occupied until a scheme for separate and secure cycle parking facilities for the occupants of, and visitors to, the office and residential units 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 SPD14.

13. 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 development, 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 and QD27 of the Brighton & Hove Local Plan and CP9 of the Brighton & Hove City Plan Part One and SPD14 Parking Standards.

14. Within three months of the date of first occupation a framework travel plan for the office development shall be submitted to and approved in writing by the Local Planning Authority. The framework travel plan shall thereafter be fully implemented in accordance with the approved details.

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

15. Neither 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.

16. Neither 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.

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 13 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.
3. The applicant is advised that accredited energy assessors are those licensed under accreditation schemes approved by the Secretary of State (see Gov.uk website); two bodies currently operate in England: National Energy Services Ltd; and Northgate Public Services. The production of this information is a requirement under Part L1A 2013, paragraph 2.13.
4. The water efficiency standard required under Condition 16 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. This application relates to Numbers 99 and 100 North Road which are located on the northern side of North Road in central Brighton. The two buildings have developed separately and are of different architectural style. No. 99 is located at the corner with Vine Street, comprising three storeys with parapets which form the main element of the building's skyline. The ground floor has been heavily modified, but the upper floors' decorative stucco survives; an elaborate panel depicting a lion and lettering 'The Red Lion' reveal the building's historic use as a public house. The building's corner position and decorative finish elevate its

prominence in the streetscene. It contributes greatly to the character and special interest of the North Laine Conservation Area in which it is located.

- 2.2. No. 100 appears to date to the early-mid 20th century, with a stone/concrete ground floor and brick above. The large openings and double-height of the ground floor relate to its original use as a bus depot. It displays a restrained art deco style, again with parapet, which forms the main element of the skyline.
- 2.3. The building to the immediate east of no. 100 (the Fountain Head) completes the block. It is two storeys in height and substantially lower than no. 100. The difference in height is particularly prominent in views up the road from the east. It has a brick slip frontage with rendered panels.
- 2.4. The buildings lie within the North Laine Conservation Area. To the east is the Valley Gardens Conservation Area, which includes the junction between Marlborough Place and Gloucester Place (the A23), from where the buildings can be seen at the junction with North Road. There are several listed buildings in the vicinity, the closest being 31-32 and 33-36 Marlborough Place to the east, all Grade II listed.
- 2.5. Planning permission is sought for the erection of an additional storey to create 2, two-bedroom flats with terraces, together with the erection of a first floor extension and a mezzanine extension to provide additional office space (Use Class B1) including the refurbishment of the existing office at 100 North Road. The change of use of the existing retail unit (Use Class A1) at 42 Vine Street to office (Use Class B1) incorporating a replacement roof and shopfront is also proposed. Changes were made during the course of the application to reduce the number and revise the height of the east-facing windows, as well as to add a parapet wall to the rear section of the eastern elevation and to the southern elevation, and to show the cladding horizontally.

3. RELEVANT HISTORY

- 3.1. **BH2001/01059:** Change of use of part of existing commercial garage to offices (Class B1a) together with external alterations to North Road and Vine Street elevations; demolition of remainder of commercial garage to Vine Street and redevelopment of site along with vacant site adjacent 21-26 Vine Street, to create six houses and two flats; change of use of numbers 1 and 2 Cheltenham Place from ancillary accommodation for commercial garage to form two houses, involving external alterations - 100 North Road, 1& 2 Cheltenham Place & 26/27 Vine Street. Approved 30 September 2002
- 3.2. **BH2003/03564:** Construction of additional storey to provide third floor offices and two self-contained flats - 100 North Road. Refused 7 January 2004
- 3.3. **BH2004/00455/FP:** Construction of additional storey to provide two flats together with alterations to roof. Re-submission of previously refused application ref - BH2003/03564 - 100 North Road. Refused 1 April 2004, but allowed on appeal on 1 February 2005

- 3.4. **BH2006/00295:** Redevelopment of 36 Vine Street and conversion of depot building to form new office building, with additional office space at third floor facing North Road - 100 North Road & 36 Vine Street. Refused 27 April 2006
- 3.5. **BH2006/00295:** Demolition of 36 Vine Street and roof of the depot building to the rear of 100 North Road - 100 North Road & 36 Vine Street. Refused 11 April 2006
- 3.6. **BH2007/04427:** Change of use of first and second floors from retail (A1) to offices (B1), infill extension at second floor level on Vine Street elevation, insertion of new window at first floor North Road elevation, and new shop front - 99 North Road. Allowed on appeal (non-determination) 23 October 2008
- 3.7. **BH2009/01163:** Change of use from former vehicle depot (sui generis) to retail (A1) – Rear of 100 North Road. Approved 5 August 2009
- 3.8. **BH2010/01036:** Change of use of ground floor and basement from retail unit (A1) to café (A3) - 99 North Road. Approved 11 October 2010
- 3.9. **BH2015/02982:** Erection of additional storey to create 2 no. two bedroom flats and 1 no. one bedroom flat (C3) - 99 & 100 North Road. Refused 8 February 2016 for the following reasons:
1. The proposed additional storey by virtue of its scale, bulk, form, height and positioning would represent a prominent and incongruous addition in terms of the impact on the skyline and the perceived bulk of the buildings. Furthermore, the proposal applies a consistent architectural style and roofline across the two buildings which are distinctly different due to their age, architectural style and historic uses. By extending across the two plots, the distinction between the two is blurred and the legibility of their individual histories obscured. This is exacerbated by the consistent roof form, which further unites the two buildings. This would create a monolithic skyline which increases the massing and bulk of the buildings. For these reasons, the proposed development would have a significantly harmful impact on the character and appearance of the recipient buildings and the wider Conservation Area contrary to policies QD1, QD2, QD14 and HE6 of the Brighton & Hove Local Plan.
 2. The proposed roof terrace, by virtue of their situation and elevated position would have an overbearing impact on occupiers of nos. 24 North Place, 1a Vine Street, 1b Vine Street, 7 North Road and 8 North Road, resulting in significant levels of overlooking and loss of privacy. As such, the proposed development would be contrary to policy QD27 of the Brighton & Hove Local Plan.
- 3.10. The appeal was dismissed on 28 July 2016, but the second reason for refusal was rejected as were parts of the first refusal reason.
- 3.11. **BH2019/02174:** Erection of an additional storey to create 1no three-bedroom flat & 2no two-bedroom flats with terraces. Change of use of existing retail unit (A1) at 42 Vine Street to office (B1) incorporating replacement roof & shopfront.

Erection of first floor extension & refurbishment works to existing office (B1) space at 100 North Road. Refused 19 November 2019 because the proposed additional storey by virtue of its scale, bulk, height and positioning would represent an over-dominant, prominent and incongruous addition in terms of the impact on the skyline, clearly visible in views from North Road, Cheltenham Place and North Place. For these reasons, the proposed development would have a significantly harmful impact on the character and appearance of the host buildings, the streetscene and the North Laine and Valley Gardens Conservation Areas contrary to Policies QD5, QD14 and HE6 of the Brighton & Hove Local Plan and CP12 and CP15 of the City Plan Part One.

4. REPRESENTATIONS

4.1. **Thirteen (13) objections** were received raising the following concerns:

- a) The new property on the roof, roof terraces and first floor offices would cause overshadowing, loss of light and overlooking, and would be visually overbearing, with a consequential impact on the physical and mental health of residents.
- b) The submitted plans do not show the windows and rooflights at the rear of 40 Vine Street and some of the windows in 37-40 Vine Street, which is misleading.
- c) The drawings do not show any balustrades, which would be required to meet building control regulations, and would be visible from the street.
- d) The outdoor area in Section EE/FF seems likely to be a smoking area, which would increase noise, pollution and fire risk, particularly as it is a small enclosed space and the resulting echo will amplify sounds coming from within.
- e) There seems to be little reference to Cheltenham Place and the effect on properties and residents at the south end of the street.
- f) Further development would exacerbate noise and odour issues from ducts and air conditioning units located on the existing roof.
- g) The height of the building being out of proportion to the width of the road would channel street noise leading to louder noise at night. Car fumes would also accumulate in the street.
- h) There are no recycling and refuse facilities for the offices and there are not Paladin bins on the street as suggested in the drawings
- i) Neither the appearance nor the size of the enlarged building would be appropriate. The style of the architecture is totally discordant with the North Laine Conservation Area and with the building itself. The height of the new building will be out of scale and out of character with the rest of the North Laine area.
- j) The new roof planned for the warehouse unit in Vine Street is also too high & would dominate the little cottages to the rear.
- k) The proposed additional floor would be visible from Cheltenham Place, North Place obliquely from North Road and is even larger than refused application BH2015/02982, and would be overdevelopment.
- l) It is difficult to quantify the degree of harm to the wider conservation area from the vague statements in the DAS, but there is an acknowledgement that harm would result, and 'less than substantial' could be significant.

- m) None of the flats are designated as affordable housing, which further calls into question their benefit to the community.
- n) The new designs do not appear to have taken into account any of the previous concerns raised by neighbours. The continued and total disregard for the local community by the developer highlights that any issues which might arise during construction are likely to be ignored and suggests that they lack either or both the experience and resources required for a project of this scope.
- o) Permitting this would consequently have a detrimental effect on the property value of a large number of residents in the neighbourhood.
- p) The increase in noise and nuisance during the building works would impact on the lives of those living in the area.

4.2. **North Laine Community Association** has objected to the application for the following reasons:

- a) Their comments remain the same as the previous application which was refused.
- b) Concerns remain about the bulk of the additional storey and its impact on Vine Street residents and those at the southern end of Cheltenham Place, where their rear gardens won't have any sunlight. It is disappointing that the impact on residents has not been addressed. These proposals would adversely impact the amenity of neighbouring properties due to the likely noise and disturbance, increased overlooking and loss of privacy that would result from the terraces.
- c) The development changes the massing of the building, is out of scale with the neighbouring properties, and will have a significant effect on the character of the conservation area. The additions will increase the bulk of the building and will be visible from most of North Road.
- d) The proposed additional storey would also be visible in views from North Place and would interrupt the established and distinctive parapet line of the building and of the skyline established by the parapets, eaves and roof ridges in this section of North Road and Vine Street by way of its bulk and monolithic prominence. It appears over-dominant in relation to the existing building and would be intrusive in long views.
- e) This application would neither preserve nor enhance the character and appearance of the North Laine Conservation Area as it contravenes Policies QD1, QD2, QD4, QD14, QD27 and HE6 of the Brighton and Hove Local Plan as well as SPD12.

4.3. **Councillor Deane** has objected to the application as submitted. A copy of the correspondence is attached to the report.

5. CONSULTATIONS

5.1. Heritage:

3D visuals / photomontages of the proposal have not been provided to assist with visual impact assessment as requested.

- 5.2. The 2004 application approved on appeal in 2005 is given little weight and the 2015 appeal decision is more relevant.
- 5.3. The re-roofing works between Vine Street and Cheltenham Place would be obscured by the existing development and therefore no comment is made regarding this aspect as it will unlikely be visible from the public realm.
- 5.4. The proposed additional storey would have a setback from the parapet on all the street elevations, but despite this would be highly visible looking west along North Road and from Cheltenham Place above the Fountain Head pub. It would be prominent in these views and would add bulk to the building, exacerbating the dominance of 100 North Road over the Fountain Head pub, having a harmful impact on the character and appearance of the North Laine Conservation Area.
- 5.5. This increase in height and bulk over the Fountain Head pub would also be visible from more distant views, such as from Marlborough Place within the Valley Gardens Conservation Area. The proposed additional storey would interrupt the consistent ascending roofline up North Road.
- 5.6. Views of the bulk of the proposed additional storey, although setback from the parapet, would be highly visible from the entire length of North Place directly opposite. This visual impact would have a harmful impact on the character and appearance of the North Laine Conservation Area.
- 5.7. There does not appear to be any justification behind the proposed solid panel and domestic sized doors or the proposed changes to the windows on the façade of 42 Vine Street, which are completely out of character with the conservation area.
- 5.8. The increase in parapet height to 42 Vine Street and the Vine Street elevation of 100 North Road to match that of 99 North Road is contrary to SPD12 given that the street has a mixed and varied roof line. The parapet height increase does not appear to have any function, other than to partially obscure the additional storey.
- 5.9. The resulting appearance of the proposal would create an overly prominent and out of character roof line within the North Laine and Valley Gardens Conservation Areas, the character and appearance of which it would fail to preserve or enhance, contrary to Local Plan Policy HE6. Overall, the proposal is considered to be an overdevelopment of the site. Whilst the harm to the conservation areas would be less than substantial, only minimal public benefits would arise from the development that do not outweigh this harm.
- 5.10. Following amendments to show an extended parapet and first floor windows to the east elevation in addition to the provision of CGIs, the following comments were given:
- 5.11. In the CGI view from North Place, due to the setback of the proposal, the first floor and parapet level of 100 North Road remain as the dominant built forms. The materiality of the proposal will be essential to ensuring that it recedes into

the background. From this view, a small section of the Fountain Head public house can be seen, which reads as the lower tier of a stepping down in the built form with the setback of the proposal from the east minimising the perceived bulk of 100 North Road.

- 5.12. In the CGI looking north-west toward the subject site from North Road, the proposal is visible above the neighbouring Fountain Head public house. As the proposed additional storey is substantially setback from the street front and the eastern boundary, the proposal reads as a taller building in the background of the development and not necessarily on top of 100 North Road. Similar to the North Place CGI, the existing street frontage and parapet of 100 North Road remain the dominant elements of the site.

5.13. Urban Design:

Generally, the reduction in scale is an improvement, especially with regard to the street scene of North Road which is unlikely to be affected by the additional storey being set back significantly from this elevation. Added to this, the revised proposal is improved in that when viewed from North Road or North Place, the additional storey is perceived only over 100 North Road. However, it is difficult to properly assess this without 3D visualisations of the proposals.

- 5.14. There remain concerns over the impact on Vine Street as the proposed additional storey is significantly closer to this elevation than the adjacent roof structures to the north. The applicant states that the revised proposals are approximately the scale of the approved 2005 scheme, so there may not be much that can be done about this. Again, 3D visualisations would assist greatly in assessing whether the proposals would be visible from this narrow street.

- 5.15. The Proposed Cheltenham Place / East Streetscene Elevation appears to make reference to the front parapet of 100 North Road and could alleviate concerns with regard to the perceived height of proposals on this elevation. However, the recess in plan at first floor level is not proposed to be infilled and thus it is unclear how this parapet is to be expressed in reality. The improvement to perceived height on the east elevation will be most successful if the new section of parapet is aligned with and is a continuation of the existing parapet to the eastern flank of 100 North Road, because this will allow the additional storey to be set back from the parapet.

- 5.16. The roofline of the proposed additional storey has been rationalised to omit the step up in height between the two existing units, now presenting as less haphazard in appearance; this is considered to be an improvement.

- 5.17. The roofline has also been detailed to provide a distinctive horizontal conclusion to the additional storey, which helps to ground it and lessen its perceived height. This could be taken further, into a brise-soleil for example, to cast greater shadow and thus reduce perception of the proposals even more.

- 5.18. The proposed vertical standing seamed metal cladding has been omitted in favour of a horizontally oriented cladding system. This is considered to be an

improvement in reducing the perceived height of the additional storey and creating a more elegant appearance.

- 5.19. Whilst the proposed cladding has been changed from vertical to horizontal, it still presents a somewhat flat and unforgiving aesthetic. As such, consideration should be given to material composition and detailing to create a lightweight and highly textural appearance to contrast the existing buildings (predominantly brick masonry and stucco). For example, large expanses of glazing, perforated shutters, green walls and rain-screen cladding systems are all ways to build a layered, textural architectural aesthetic with depth, shadow and interest.
- 5.20. More greenery should be proposed. Green walls and terrace planting will help to soften the material / aesthetic impact of the proposals and significantly improve biodiversity gains on the site.
- 5.21. Following amendments to show an extended parapet and first floor windows to the east elevation in addition to the provision of CGIs, the following comments were given:
- Generally, this is an improvement; the extended parapet wall to the east is successful in reducing the perceived mass of the additional storey.
 - The materiality of the additional storey could still be improved. The applicant should include green wall elements to the south and east elevations to soften its impact.
 - Additional windows in the eastern elevation of the additional storey would also help to soften the appearance.
- 5.22. **Planning Policy:**
The proposed residential units would be on a windfall site and make a small contribution towards the City's housing target. The provision of two bed units is welcomed as this reflects the significant need for family sized accommodation and reflects the Council's housing mix requirements. Both units will include private roof terraces and no concerns are therefore raised regarding private amenity space.
- 5.23. Although no viability evidence has been submitted to support criterion (b) of Local Plan Policy SR8 regarding the loss of the retail unit at 42 Vine Street, its very close proximity to the North Laine retail area means that no concerns are raised in this instance. It is further noted that the 2009 planning permission for the change of use of the premises to A1 imposed a condition restricting the use to the sale of clothes, footwear, bags, purses and jewellery only.
- 5.24. There is a significant need for new employment floorspace, particularly in the central Brighton area, and the provision of 713.5m² of B1 is therefore welcomed and supported by Local Plan Policy EM4 and City Plan Policy CP2.
- 5.25. Policy WMP3e of the WMP requires proposals for new development to identify the location and provision of facilities intended to allow for the efficient management of waste, e.g. location of bin stores and recycling facilities. These are indicated on the submitted plans and no concerns are raised

- 5.26. **Transport:**
No objections are raised to the two pedestrian accesses from Vine Street and one from North Road.
- 5.27. No objections are raised to the site continuing to have no existing vehicular access.
- 5.28. The site does not currently contain any car parking spaces, and this is to remain the case as with this proposal. The proposal has the potential to generate a demand of approx. one vehicle. Any overspill parking would be managed given the site's location within Controlled Parking Zone (CPZ) Y where there is high demand for parking indicated by permit uptake of over 98%. Therefore, it is recommended that the residential development is made car-free by condition.
- 5.29. In accordance with SPD14, the parking allowed for B1 office space located in the Central area is disabled parking only.
- 5.30. In terms of cycle parking provision, 13 cycle spaces are required to be provided for B1 office use and 14 are provided on the ground floor, which is acceptable subject to further details of and amendments to the design. Semi-vertical racks are not considered acceptable and 50% of spaces should be provided via Sheffield stands.
- 5.31. SPD14 requires showers and changing facilities to be provided for all office developments of 500m² and above, which should cater for a minimum of 10% of staff. It is requested that these be provided.
- 5.32. The ground floor plan indicates two cycle parking spaces will be provided for residential use, which is in accordance with SPD14. Bicycles being accessed in the same store as the bins is not acceptable as access would not be convenient and they would not be secure.
- 5.33. The proposal has the potential to result in a small uplift in trips, but the impact on the surrounding highway and transport network would not be severe.

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. 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990
- 6.3. 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 Joint Area Action Plan (October 2019)

6.4. 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 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 |
| CP8 | Sustainable buildings |
| CP10 | Biodiversity |
| CP12 | Urban design |
| CP15 | Heritage |

Brighton & Hove Local Plan (retained policies March 2016)

| | |
|------|---|
| TR4 | Travel plans |
| TR7 | Safe Development |
| TR14 | Cycle access and parking |
| SU10 | Noise nuisance |
| QD5 | Design - street frontages |
| QD10 | Shopfronts |
| QD14 | Extensions and alterations |
| QD15 | Landscape design |
| QD16 | Trees and hedgerows |
| QD27 | Protection of amenity |
| HO5 | Provision of private amenity space in residential development |
| HO13 | Accessible housing and lifetime homes |
| EM4 | New business and industrial uses on unidentified sites |
| SR8 | Individual shops |
| HE6 | Development within or affecting the setting of conservation areas |

Supplementary Planning Documents

- SPD02 Shop Front Design
- SPD03 Construction & Demolition Waste
- SPD09 Architectural Features
- SPD11 Nature Conservation and Development
- SPD12 Design Guide for Extensions and Alterations
- SPD14 Parking Standards

Supplementary Planning Guidance

- SPGBH9 A Guide for Residential Developers on the Provision of Outdoor Recreation Space

Other Documents

- Urban Characterisation Study 2009
- East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan - Policy WMP3d and WMP3e

8. CONSIDERATIONS & ASSESSMENT

- 8.1. The main considerations in the determination of this application relate to the principle of development, the proposed design, and its impact on heritage assets, landscaping and biodiversity, impact on neighbouring amenity, the standard of accommodation created. and the impact on the highway network.

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. The site counts as a small 'windfall site', bringing the benefit of providing two additional housing unit to the city, and contributing to the City's ongoing five year supply requirements. A net increase of two dwellings (such as that in this proposal) would be a minor contribution to meeting that supply.
- 8.5. Regarding the proposed change of use of the existing retail unit (Use Class A1) at 42 Vine Street to office (Use Class B1), this is assessed against Local Plan Policy SR8. Whilst it has not been demonstrated that an A1 use is no longer economically viable in that particular unit, it is very close to the North Laine retail area. Therefore, local residents within its catchment would still be within easy

walking distance of a comparable shop so no concerns are raised in this instance. Compliance with criterion (b), relating to the loss of a retail unit, is assessed in the relevant section of this report.

- 8.6. In terms of the proposed office use, there is an existing office with a workshop area on the first floor and a kitchenette area on the mezzanine above. The site is within the Built-Up Area and the Central Brighton area (defined by City Plan Part One Policy SA2), which is a designated prime office area in accordance with City Plan Part One Policy CP3. Therefore, the principle of the office use in this location is considered acceptable in policy terms.
- 8.7. The Council's Employment Land Study (December 2012) sets a requirement for 112,240m² of new office floorspace to be provided in the City up to 2030, and also outlines significant demand for new office floorspace in Brighton and Hove. Policies SA2 and CP3 (as well as Draft City Plan Part Two Policy DM11, indicating a future direction of travel) encourage opportunities for new office and commercial uses within the Central Brighton area, support proposals for the upgrade and refurbishment of existing office accommodation to meet modern standards, the improvement in resource efficiencies and of the environment and townscape of the site.
- 8.8. In respect of Local Plan Policy EM4, as already noted there is a demonstrable need for new office floorspace in the City. In addition, the site benefits from its close proximity to Brighton train station as well as bus stops in Valley Gardens and Victoria Gardens; the proposal would not result in a loss of residential floorspace, or have a detrimental impact on a designated nature site; it is not considered to lead to a detrimental increase in traffic or noise, or on residential amenity; and the proposed mezzanine and ground floor yards provide more than adequate amenity space. Therefore, the proposed development is considered to accord with Policy EM4.
- 8.9. The proposed office extension and refurbishment of the existing would deliver much-needed new, higher quality and efficiently laid out floorspace, capable of being divided further allowing suitable flexibility for future occupiers. As such, this element of the proposal is given substantial weight in the decision-making process.

Design and Heritage:

- 8.10. 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.
- 8.11. Case law has held that the desirability of preserving the character or appearance of a conservation area must be given "considerable importance and weight".
- 8.12. Following the refusal of the previous application (ref. BH2019/02174), the scale of the additional storey has been reduced so that it almost matches the scale of the extension approved at appeal in 2005 (thereby removing the three bed flat previously proposed); and the footprint of the additional floor is now very similar

to the appeal scheme in that it would sit over the southern half of the site and feature a staggered arrangement (the eastern unit being closer, but still 10.3m from the North Road frontage with the western unit set a further 3.65-4m back). The currently submitted scheme has been further amended, as previously mentioned.

- 8.13. Officers' attention has been brought to the fact that BH2004/00455/FP was determined under previous Local Plan policies, albeit they were in Second Deposit Draft form. However, it is not considered that significant changes were made to their wording in the now adopted document and, where superseded, their thrust is replicated in the current City Plan Part One policies. The policies cited that have now been superseded are ENV.3, ENV.22, QD1, QD2, QD3 and QD4 and these have been replicated in by City Plan Part One Policies CP8, CP12 and CP14. As such, given that it was assessed against very similar policies to those in the current development plan, it is considered that the decision forms a material consideration in the determination of this application.
- 8.14. Application BH2015/02982, which was dismissed at appeal on 28 July 2016, is also a material consideration. Officers note that some of the concerns raised in representations about the current proposal were rejected by this Appeal Inspector. In assessing the differences between the current scheme and the appeal scheme it should be noted that the Inspector identified the following key issues in determining that appeal:
- Views of the proposed additional floor over the Fountain Head public house from North Road and Cheltenham Place, and its prominence in views from that direction up North Road given its bulk and effect of exacerbating the dominance of the existing building over the public house.
 - Views of the proposed additional floor from North Place from where it would appear prominent due to the small setback behind the parapet wall combined with its height; the additional bulk above the building would dominate it when viewed from this direction.
 - Insufficient information about any railing required above the balustrade to the front of the building, especially above no. 99. A glass balustrade would be reflective and consequently draw attention to the proposed development, exacerbating the dominating effect it would have on the existing and surrounding buildings within the conservation area.
- 8.15. The first two issues mentioned above were evident in the refusal reason for the more recent application, BH2019/02174, in addition to its significantly harmful impact on the character and appearance of the host buildings, the streetscene and the North Laine and Valley Gardens Conservation Areas.
- 8.16. As previously mentioned, the scale and bulk of the additional storey has now been reduced to that previously approved at appeal and the addition over 99 North Road has been removed so the current proposal is also differently positioned. Furthermore, it is approx. 0.5m lower than the previous scheme. Whilst it is approx. 0.39m higher than the extension approved at appeal in 2005, it appears that the provision of an appropriate floor zone, floor to ceiling heights, a roof finish and the parapet were not accounted for in the approved scheme.

- 8.17. Officers consider that the revised proposals resolve the concerns raised by the Appeal Inspector in 2016 and those mentioned in the previous report, given the removal of the additional storey over no. 99 (the corner unit) and therefore the reduced proximity of the additional storey to the Vine Street boundary.
- 8.18. In terms of the views of the building and additional floor from the east up North Road, and over the Fountain Head pub, the impact from the revised proposal on the character and appearance of the host buildings, the streetscene and the wider Conservation Area is considered to be less detrimental than the previous two schemes given the increased set back, the provision of a continuous parapet wall to successfully help conceal the additional floor, improved articulation to the windows so that they reference the datum of the existing parapet to 100 North Road, and a more considered approach to aesthetics and materiality. This has been demonstrated in the Verified Views that show the additional floor over the Fountain Head pub in addition to from the end of North Place, which were identified as the key views by the Inspector.
- 8.19. Regarding the set back, the western unit (Unit 1) would now be set back between 3.65m and 4m from the edge of the roof on the North Road frontage, 5.9m from the Vine Street frontage and by 1.9m from the Cheltenham Place frontage. These are identical distances to those approved on appeal in 2005. Furthermore, the eastern unit (Unit 2) would be set back from the edge of the roof on the North Road frontage by approx. 10.3m and 1.9m from the Vine Street frontage. These measures are considered to significantly reduce the visual impact of the proposed additional storey, even from the end of North Place, such that it would not only be set back substantially from the existing facades but would also not compete with or impose upon the existing architectural detailing of the historic facades below.
- 8.20. Officers recognise that the proposal does cause some harm to the North Laine and Valley Gardens Conservation Areas, but it is considered that this is less than substantial. Paragraph 196 of the NPPF sets out that, where this is the case, the harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. In this case, the provision of additional and improved office accommodation in addition to two new family sized dwellings is cumulatively considered to outweigh the less than substantial harm to designated heritage assets.
- 8.21. It is recognised that the extension would be visible in views westwards over the Fountain Head public house, both closer to the site and further away. However, the visibility of the extension does not make it harmful in itself. As stated above, the visibility of the extension has been reduced by virtue of the reduced scale and the increase to the height of the parapet wall as shown in the Verified Views. In combination with the improved appearance and materiality of the extension, this is now considered to outweigh the less than substantial harm previously identified. The scale and visibility of the extension is also akin to that previously considered acceptable by the Inspector in 2005. Detailed drawings and material samples are recommended to be secured by condition.

- 8.22. It is acknowledged that providing windows to the second floor flat would only have had limited benefit to future occupiers as secondary, obscure glazed windows for additional light. This has been compensated for through the addition of rooflights.
- 8.23. It is noted that concern has been raised by the Heritage Officer about the uniform parapet height, which was amended to make it so following comments by the Urban Design Officer. Officers can confirm that this element of the proposal is not contrary to SPD12, which refers to the retention of a varied roof-line and 'levelling up' buildings to a uniform height where a street has developed with buildings of varying height and scale, since this change is just to the parapet. Furthermore, the roof height of the extension is also contiguous which is supported given that the extension would be of a modern design and appearance that would contrast with the historic buildings below, as found by the Appeal Inspector for BH2015/02982.
- 8.24. It is acknowledged that the Heritage Officer has raised an objection to the proposed solid panel and domestic sized doors and the proposed changes to the windows on the façade of 42 Vine Street. However, these issues were not raised during the course of the previous application, nor did they form part of the refusal reason. As such, it is considered unreasonable to now consider those objectionable. In any case, the loss of two poor quality metal framed sash windows and double height retail warehouse-style doors would not warrant a reason for refusal. The proposed set of doors still within the large existing opening and taller windows are considered to be more appropriate for the proposed use of this part of the ground floor as offices, allowing much-needed natural light in. They can be conditioned as timber framed.
- 8.25. As such, the application would be compliant with City Plan Part One Policy CP12, Local Plan Policy QD14 and paragraphs 127 and 130 of the NPPF that require developments to add to the overall quality of the area through being visually attractive as a result of good architecture, to be sympathetic to local character and the surrounding built environment, to optimise the potential of the site and to improve the character and quality of an area. Furthermore, the latter paragraph makes it clear that design should not be used as a valid reason to object to development where it accords with clear expectations in plan policies.

Landscaping and Biodiversity:

- 8.26. No information has been provided with regard to landscaping, but it is possible that some existing hard surfaces would be replaced and there would be new areas of decking, for example, to the proposed terraces. A condition would be imposed to ensure that hard surfacing is porous and / or permeable. The ground floor shows that four new trees would be planted, which is welcomed subject to the species selection and tree pit design. This can be encompassed within a condition to include any new hard surfacing and planting, which could help to deliver a biodiversity net gain on site.
- 8.27. Given that the submitted Biodiversity Checklist identifies that there is none on site, limited measures would be needed to provide a biodiversity net gain in line with City Plan Part One Policy CP10 and the Environment Bill. It is

recommended that a scheme to enhance the nature conservation interest of the site is secured by condition. The use of green walls, for example, would help to soften the impact of additional floor.

Impact on Neighbouring Amenity:

- 8.28. Paragraph 127 of the NPPF states that planning decisions should ensure that developments create places that promote health and well-being, with a high standard of amenity for existing and future users.
- 8.29. As noted within the planning history, a previous scheme (BH2015/02982) went to appeal and was dismissed, but the second refusal reason, relating to the proposed roof having an overbearing impact and resulting in significant levels of overlooking and loss of privacy, was rejected.
- 8.30. The Appeal Inspector noted that the proposed roof terraces would provide views for future occupiers over the roofs of surrounding buildings and that any overlooking would be mutual within this densely developed city centre location and would be at an oblique angle looking down towards windows. In any case, screening for the northern-most part of the terrace for Unit 2 can be secured by condition in the event of an approval. He also considered that *“In terms of the effect on daylight and sunlight levels to surrounding properties, the limited additional height and set back from the edge of the existing roof would be sufficient to ensure that it would not materially affect light levels to surrounding properties”* and that *“the proposed development would not cause material harm to the living conditions of ... 7, 8 and 24 North Road and 1a-1b Vine Street with particular regard to privacy and outlook”*.
- 8.31. Furthermore, the delegated report for BH2015/02982 considered that *“the positioning of the proposed additional storey, including a set back from front and side elevations, together with the bulk and height of the development and the distance from the nearest residential properties is such that no significant overshadowing of nearby properties would occur beyond the existing arrangement.”*
- 8.32. Given the significant reduction in the footprint, scale, bulk and height of the additional storey now proposed in comparison to the previous two schemes, it is considered that the impact on neighbours in terms of sunlight, daylight, overshadowing, outlook and privacy would be much reduced and would not be objectionable. The increase in set-backs from the frontages have also helped in this regard. Furthermore, it would be considered unreasonable to raise such issues now given that these have not been found to be reasons for refusal by the Appeal Inspector.
- 8.33. In the event of an approval, a condition would be added to prevent the flat roof over the extension being used as a roof garden, terrace, patio or similar amenity area.
- 8.34. Consideration has been given as to whether it would be appropriate to attach a condition regarding the opening hours of the office use. However, as a condition is proposed retaining the office floorspace and removing permitted development

rights to allow a change of use, it is considered that in this instance it is not necessary to impose such a condition.

- 8.35. As such, it is not considered that this proposal would have any additional impacts on neighbouring amenity, including in terms of noise (other than that emanating from construction works, which is not a planning consideration). It is also worth noting that the potential impact from future office tenants and anyone smoking within the voids and outside spaces is also not a planning consideration.

Standard of Accommodation:

- 8.36. Policy QD27 of the Brighton and Hove Local Plan aims to secure a good standard of living accommodation for current and future occupiers in all new developments. Accommodation should therefore provide suitable circulation space within the communal spaces and bedrooms once the standard furniture has been installed, as well as good access to natural light and air in each habitable room.
- 8.37. The 'Nationally Described Space Standards' were introduced by the Department for Communities and Local Government in 2015 to establish acceptable minimum floor space for new build developments. Although these space standards have not been formally adopted into the Brighton and Hove City Plan, they provide a useful guideline on acceptable room sizes that would offer occupants useable floor space once the usual furniture has been installed.
- 8.38. Two flats are proposed: a two bedroom, four person dwelling (Unit 1) and a two bedroom, three person dwelling (Unit 2). According to Officers' calculations, at 72m² and 70m² both are compliant with the GIAs outlined within the NDSS (61m² and 70m² respectively) as are the bedrooms sizes, and this is therefore acceptable. The floor to ceiling height at second floor level would be 2.35m, which is considered acceptable.
- 8.39. In terms of outlook, ventilation and natural lighting, Unit 1 has triple aspect to the north, south and east thereby benefitting from cross-ventilation whilst Unit 2 only has single aspect, but this is to the west and considered acceptable since the flat would receive sufficient sunlight.
- 8.40. As such, the proposed development is considered to offer acceptable living conditions for future occupiers, compliant with Local Plan Policy QD27.

Highways:

- 8.41. Car-free development is considered acceptable, especially since the permit uptake rate within CPZ) Y is 98%, which is above the industry standard indication of parking stress at 85%. The restriction on future residents of the proposed flats from applying for a parking permit is recommended to be controlled by condition.
- 8.42. Whilst sufficient office and residential cycle parking spaces are proposed to be provided on the ground floor, the racks and location of the latter would not be acceptable. It is considered that details can be secured by a prior to occupation condition in the event of an approval and provided once the internal layout has

been formalised, which also applies to the showers and changing facilities for the offices.

- 8.43. In terms of refuse and recycling bins, these have been shown on the ground floor, but it is unclear whether these are for the offices or residential, or both. They should be separate and therefore a pre-occupation condition can be added in the event of an approval. The location of the paladin bin on the street is shown incorrectly on the plans but is considered unlikely to be of sufficient capacity to serve the proposed development in addition to the existing properties so should not be relied upon.
- 8.44. The proposal has the potential to result in a small uplift in trips, but the impact on the surrounding highway and transport network would not be considered to be severe.
- 8.45. Given that Council policy supports the shift away from car usage and towards more sustainable forms of transport, including walking and cycling, it is considered that a framework travel plan for the future occupiers of the offices is required, and which is an important tool to assist with this.
- 8.46. As such, subject to the imposition of suitable conditions, the impact on highways would be acceptable.

Sustainability:

- 8.47. City Plan Part One Policy CP8 requires new residential development demonstrate efficiency in the use of water and energy, setting standards that mirror the national technical standard for water and energy consumption. Therefore, conditions are recommended to ensure the development met those standards.

Issues raised by consultation:

- 8.48. Issues regarding health of residents, Building Regulations, smoking by future occupiers, disruption from building works, existing pollution, noise and odour issues, community engagement from the developer and property values are not relevant planning considerations and therefore have not been taken into account in the determination of this application. It is also worth noting that Policies QD1, QD2, QD3 and QD4 were superseded and not retained as policies once City Plan Part One was adopted in March 2016 .

9. CONCLUSIONS

- 9.1. The scheme makes a minor contribution to the Council's housing targets in addition to a significant contribution to the City's supply of office floorspace, which is considered to outweigh the less than substantial harm caused to designated heritage assets. The scheme otherwise satisfactorily overcomes the previous refusal reason by proposing a much reduced extension in terms of scale and massing that would not significantly affect residential amenity and would provide a good standard of accommodation. As such, this application is recommended for approval subject to conditions.

10. EQUALITIES

- 10.1. It is noted that the residential units would be accessible by a lift as would the offices on the mezzanine and first floor levels. Furthermore, level access is provided at ground floor level. Given the significant size of Unit 1, this would be more suitable for wheelchair users, but both could function as wheelchair accessible dwellings.



PLANNING COMMITTEE LIST
COUNCILLOR REPRESENTATION

Cllr. Lizzie Deane
BH2020/00505 – 99 - 100 North Road & 42 Vine Street

6th March 2020:

I write in my capacity of ward councillor to support local residents and the North Laine Community Association in their objections to this application.

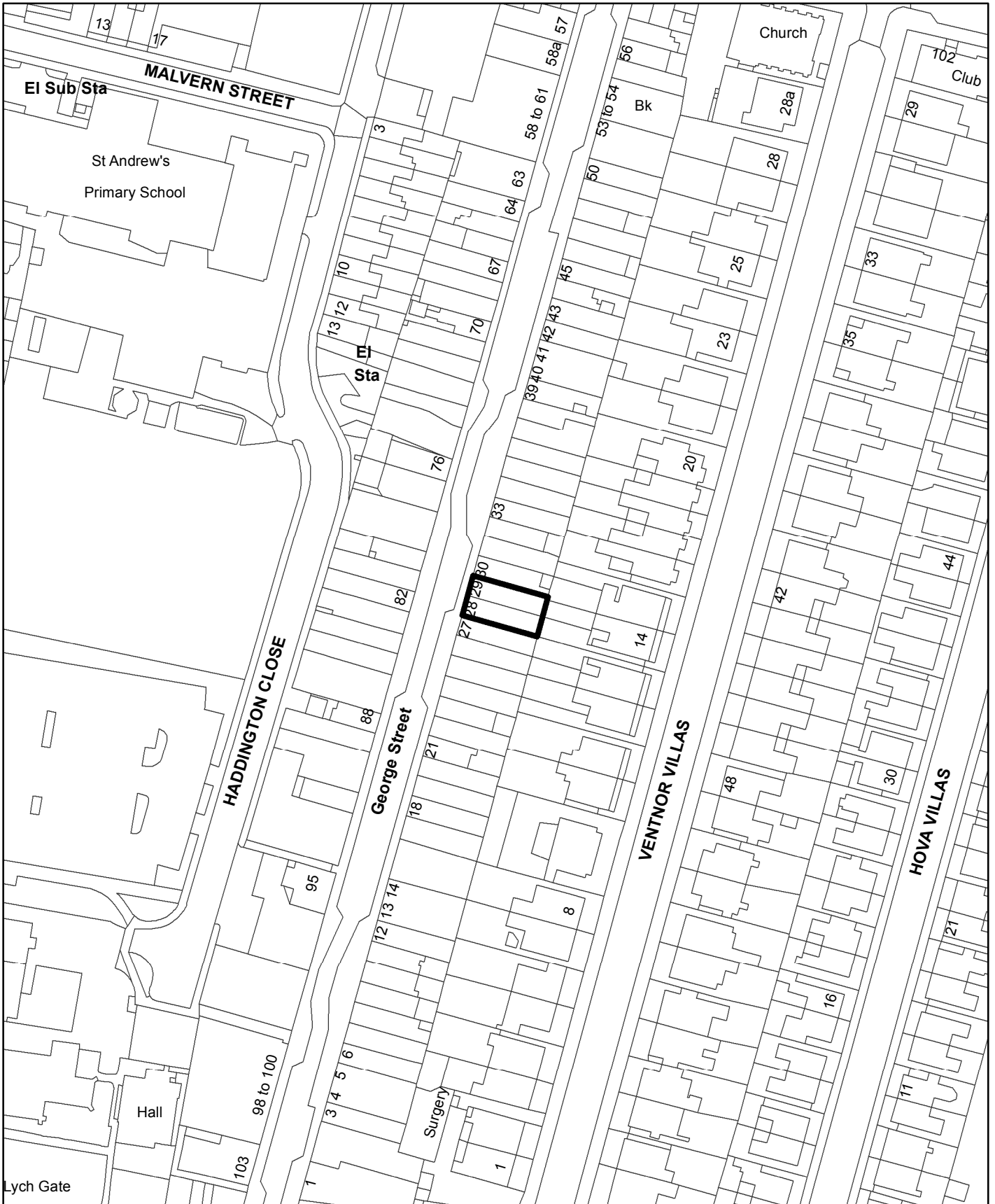
I would ask that the application be turned down under delegated powers.
If however officers are minded to grant, then I would ask that it comes before Planning Committee For consideration by elected members.

ITEM F

**28-29 George Street
BH2020/01791
Full Planning**

DATE OF COMMITTEE: 2nd September 2020

BH2020 01791 - 28-29 George Street



N



Scale: 1:1,250

| | | | |
|--------------------------------------|---|---|--------------------------|
| <u>No:</u> | BH2020/01791 | <u>Ward:</u> | Central Hove Ward |
| <u>App Type:</u> | Full Planning | | |
| <u>Address:</u> | 28-29 George Street Hove BN3 3YA | | |
| <u>Proposal:</u> | Installation of new window and door to the first floor rear elevation, removal of rooflights and erection of cedar fence screen to rear terrace. | | |
| <u>Officer:</u> | Jack Summers, tel: 296744 | <u>Valid Date:</u> | 03.07.2020 |
| <u>Con Area:</u> | n/a | <u>Expiry Date:</u> | 28.08.2020 |
| <u>Listed Building Grade:</u> | n/a | <u>EOT:</u> | |
| <u>Agent:</u> | ECE Planning Limited Worthing BN12 4AP | Brooklyn Chambers | 11 Goring Road |
| <u>Applicant:</u> | Geneva Investment Group Chambers 11 Goring Road | C/O ECE Planning Limited Worthing BN12 4AP | Brooklyn |

RECOMMENDATION

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.

| Plan Type | Reference | Version | Date Received |
|-------------------------|------------------|----------------|----------------------|
| Location and block plan | 3962-01 | - | 2 July 2020 |
| Proposed Drawing | 3962-04 | A | 2 July 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 windows and doors hereby permitted shall have softwood frames painted white.

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

4. Prior to installation of the cedar screening hereby approved, full details of the colour and treatment to protect against weathering; and the method by which it is to be installed, 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 and thereafter retained.

Reason: To ensure a satisfactory appearance to the development, the preservation of the historic boundary wall, and to comply with policies QD14 and HE6 of the Brighton & Hove Local Plan, and 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 should be aware that whilst the requisite planning permission may be granted, this does not preclude the department from carrying out an investigation under the Environmental Protection Act 1990, should any complaints be received.

SITE LOCATION & APPLICATION DESCRIPTION

The application site comprises a double-width, two-storey terraced building on the eastern side of George Street, on the edge of, but not within, the Cliftonville Conservation Area.

The property is in (A1) retail use, with the first floor in use as ancillary space. A Lawful Development Certificate has confirmed that the change of use of the first floor of the property to two dwellings (planning use class C3 flats), from space ancillary to the retail premises on the ground floor, is 'permitted development' (ref. BH2020/01697). Planning permission is now sought to make the necessary external alterations at the rear of the property, including changes to windows/doors (fenestration), and the installation of timber balustrading.

RELEVANT HISTORY

BH2020/01697 Certificate of lawfulness for proposed change of use of first floor from retail (A1) to residential (C3) to create 2no flats. Approved

3/82/0438 Extensions at ground and first floor levels to the rear Approved

Also of relevance to this application:

BH2019/03321 - 53-54 George Street Erection of a first floor rear extension and the creation of 2no. first floor, two bedroom flats (C3) with a roof terrace, ground floor entrance, and associated works. Approved

BH2018/03774 - 22 George Street Erection of rear extension at first floor level and conversion of existing retail storage space (A1) to create 1no 2 bedroom flat (C3) with roof terrace. Alterations to shopfront to create separate street access. Replacement and relocation of air conditioning unit. Approved

CONSULTATIONS

None

REPRESENTATIONS

Eighteen letters have been received, objecting to the proposal on the following grounds:

- The flat roof is already used as an external amenity area which causes a loss of privacy. The proposal will exacerbate the loss of privacy
- The proposal will cause noise and light pollution
- Detrimental impact on property value
- The proposal will set a harmful precedent
- The proposal will cause overshadowing
- The proposed fence will impede access for wildlife
- The proposal will threaten the continued existence of the existing wildlife corridor to the rear of Ventnor Villas
- The proposal will be overbearing
- The proposal will cause harm to the character of the conservation area and a historic boundary wall
- The proposed flats may be used as 'Air B&Bs' which will impact on on-street parking in the area.
- The proposed floor plans show the flat to be below the size required to be in accordance with the Nationally Described Space Standards.
- The removal of the rooflights may impact on the viability of the ground floor commercial space
- The boundary markings are shown as running through rooms of the proposed flats, creating a flying freehold
- There does not appear to be any fire escape from the rear terraces
- The terrace will be used as a smoking area which will impact on neighbouring residents' amenities
- The proposed fence will make the flint wall more vulnerable to damage from the wind

It should be noted that of the eighteen letters which have been received, only five are from residents who are considered likely to be directly impacted upon by the proposal.

MATERIAL CONSIDERATIONS

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

The development plan is:

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

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.

RELEVANT POLICIES

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One (CPP1)

- SS1 Presumption in Favour of Sustainable Development
- SA6 Sustainable Neighbourhoods
- CP8 Sustainable buildings
- CP10 Biodiversity
- CP12 Urban design
- CP15 Heritage

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

- TR7 Safe development
- QD14 Extensions and alterations
- QD16 Trees and hedgerows
- QD27 Protection of amenity
- HE6 Development within or affecting the setting of conservation areas

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 Two (CPP2) (emerging)

- DM18 High quality design and places
- DM19 Maximising Development Potential
- DM20 Protection of Amenity
- DM21 Extensions and alterations
- DM29 The Setting of Heritage Assets
- DM37 Green Infrastructure and Nature Conservation

CONSIDERATIONS & ASSESSMENT

The main considerations in the determination of this application relate to the impact of the physical alterations on the character and appearance of the host building and wider area (including part of the Cliftonville Conservation Area); and the potential impacts on the amenities of local residents. Planning Practice Guidance states that the Courts have taken the view that planning is concerned with land use in the public interest, so that the protection of purely private interests, such as the impact of a development on the value of a neighbouring property, as raised in representations, is not a material consideration.

Further, the principle of the change of use is not a consideration of this assessment, nor is the use of the rear terrace as an associated external amenity area. The use of the site as up to two residential flats has been confirmed by this Authority as lawful under Schedule II, Part Three, Class G of the Town and Country Planning (General Permitted Development)(England) Order 2015 (as amended), through the grant of the aforementioned Lawful Development Certificate.

Design and Appearance

The proposal includes alterations to the rear-facing first floor fenestration (windows), resulting in two matching pairs of French doors and a casement window between them. They are described as being constructed with softwood frames painted white, which is considered acceptable in terms of appearance so would be secured by condition.

The cedar screening that is proposed to run along the edges of the existing terrace would have an acceptable impact on the character of the host building. However, it is recommended that a condition is added requiring further details, including how it would be treated to protect against rot or weathering that may be detrimental to its appearance.

On this basis, the development is considered acceptable in terms of its design and appearance.

Impact on Heritage Assets

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.

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".

In this case, the building abuts the boundary of the Cliftonville Conservation Area. A large number of objections have been made with regards to the impact the cedar screening could have on the significance of this heritage asset. It should be noted that only fleeting glimpses of the proposal would be visible from the public highway on Ventnor Villas, but the proposal would be visible from the rear gardens and windows of several of these properties.

The cedar screening would be installed into the side of the existing historic boundary wall and would project approximately 0.8m above it. It is considered that this placement, rather than directly atop the boundary wall, would mitigate the potential harm caused to some degree as the screen would be clearly 'read' as a non-original addition to the wall and should not significantly detract from its form and proportions. This would also lessen any structural impact on the wall. It is considered that some slight harm to the Conservation Area might occur as a result of introducing the cedar screening. However, any harm would be less than substantial, and in accordance with paragraph 196 of the NPPF the harm must be weighed against the public benefits of the proposal.

In this instance, it is considered that the benefit of ensuring that the two additional residential units added to the City's housing supply are of a sufficiently high standard of accommodation, and improve the amenity of the occupants, in accordance with policy QD27, is a public benefit which outweighs the slight impact upon the Conservation Area.

Concerns have been raised that by affixing the screening to the historic wall it would be more vulnerable to the wind. Whilst issues relating to safety of construction are a matter for Building Regulations and are not a planning consideration, maintaining the condition of the historic wall is desirable and details of the method of fixture of the screening (which may be to the floor level of the terrace rather than the wall itself) will be secured by condition.

Impact on Amenity

The cedar screening would run along the edges of the existing terrace and is designed to create a greater sense of privacy for future occupants of the site but would also prevent overlooking into the rear gardens of the properties on Ventnor Villas. At least one neighbour has stated that the rear terrace is already used as an outside amenity area (presumably by employees of the commercial unit) and that there is already a perceived and actual loss of privacy.

However, not only is the terrace already used by the commercial occupier but it could be used as outside amenity space for the residential flats. Because these have been allowed under 'permitted development' rights, the planning authority cannot restrict the use of the terrace or access to it, unlike on other rear terraces along George Street.

Accordingly, given that the proposed screening would reach to a height of 1.8m as measured from the floor level of the terrace, it would significantly reduce any existing or potential overlooking and on this basis is considered to have a positive impact in terms of amenity and protecting privacy and avoiding overlooking.

Concerns have been raised that the proposed fenestration may cause light pollution to windows on the rear of buildings on Ventnor Villas. The proposed fenestration is not significant in size and would be separated from neighbouring windows by an appreciable distance and partially obscured by the proposed cedar screening. For these reasons, and the abovementioned fact that use of the first floor as residential accommodation is 'permitted development', the impact of light pollution resulting from the development is not considered significant.

Concerns have also been raised about how the terraces might be used and that there could be an increased noise output from future residents using the terrace. It is not considered that anyone using the terrace should be presumed to be noisier than any existing residents in their own gardens, and any noise output would be proportional to a residential unit. Regardless, the Council retains the authority to investigate under the Environmental Protection Act 1990, should any noise complaints be received. Some level of background noise should be expected within this dense part of the City.

Impact on the Adopted Highway

Concerns have been raised that the proposed flats could be used as holiday accommodation and will subsequently impact detrimentally on local parking conditions. As previously noted, the creation of one or more flats in this location is permitted development and this application relates only to the physical works to the rear of the property. The impact on the adopted highway is not, therefore, a material planning consideration in this instance.

Standard of Accommodation

As previously noted, the creation of one or more flats in this location is permitted development, therefore the standard of accommodation is not something that can be taken into consideration in this assessment. It is, however noted that the proposal is designed to improve the standard of accommodation for future residents with an improved layout of fenestration.

Some objection has been raised to the removal of the existing rooflights, as this would allegedly impact on the viability of the ground floor commercial unit. However, that issue would be beyond the scope of this application and light/ventilation can be secured by other means for the commercial unit, if deemed necessary.

Biodiversity

The Council has adopted the practice of securing minor design alterations to schemes with the aim of encouraging the biodiversity of a site, particularly with regards to protected species such as bumblebees. Given the nature of the application it is not considered appropriate to secure biodiversity improvement in this instance.

Concerns have been raised that local wildlife walks along the top of the historic wall and that the proposed screening will impede this access. Given that the screening is not attached directly atop the wall it is not considered likely that it would impede access for local animals.

Concerns have also been raised that the proposal will threaten the continued existence of the green corridor running down the rear of Ventnor Villas. Given the small scale of the proposal it is not considered that it would have any significant impact on any existing flora and fauna.

Other Considerations

Issues surrounding fire safety are a matter for Building Regulations and are not a material planning consideration.

One letter of objection has raised the issue that due to the subdivision of the first floor level it may create a flying freehold, which in turn may impact on future owners' ability to manage maintenance. This would be a private matter for future owners to manage and is not a material planning consideration.

Concerns have been raised that by granting planning permission in this instance that a harmful precedent would be set. Planning applications are assessed on a case-by-case basis and this would not set a precedent for new roof terraces in other areas.

Equalities

None identified.



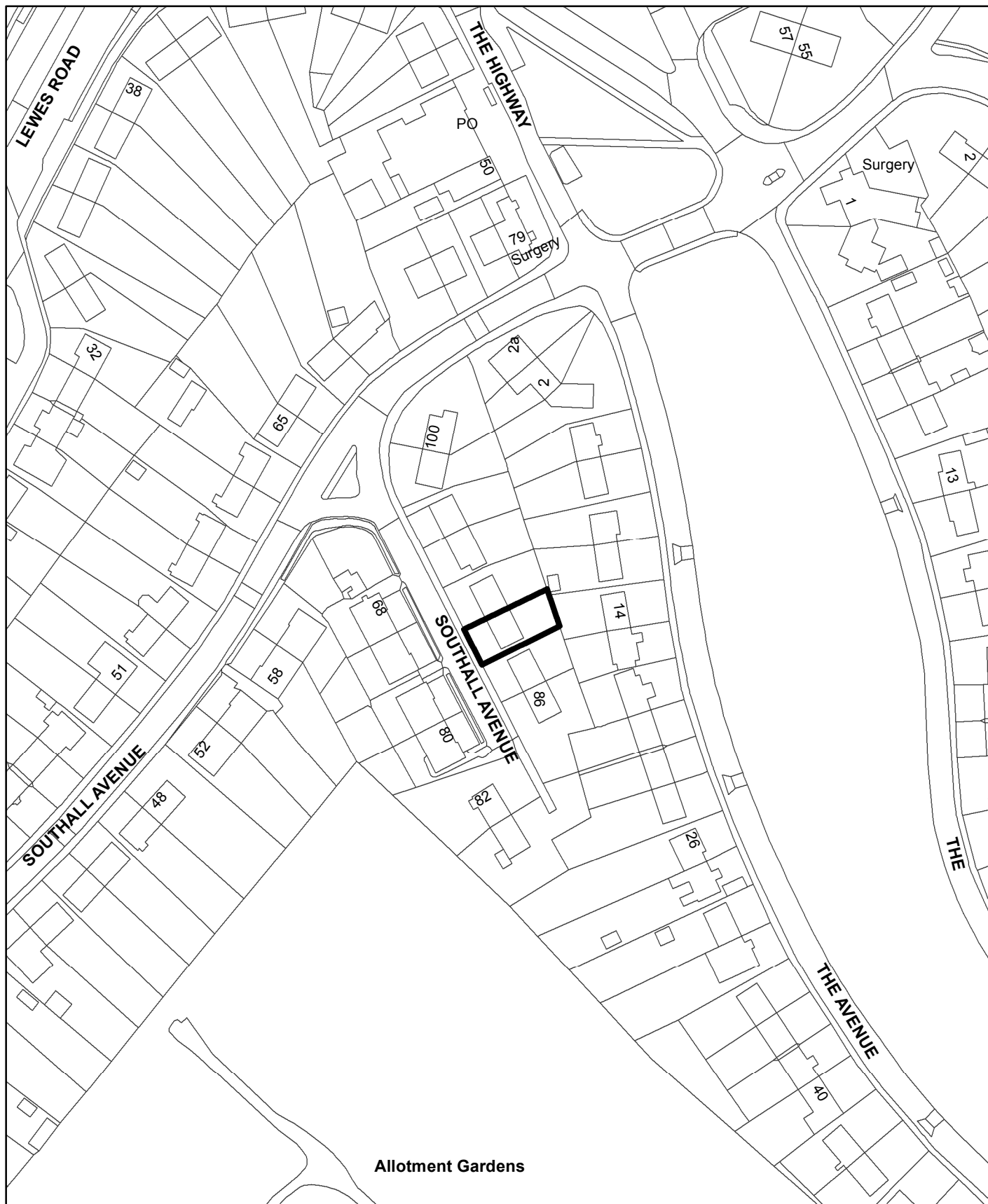
Signature of Reviewing Officer: Jane Moseley
Dated: 14 August 2020

ITEM G

**90 Southall Avenue
BH2020/00995
Full Planning**

DATE OF COMMITTEE: 2nd September 2020

BH2020 00995 - 90 Southall Avenue



N



Scale: 1:1,250

| | | | |
|--------------------------------------|---|----------------------------|---|
| <u>No:</u> | BH2020/00995 | <u>Ward:</u> | Moulsecoomb And Bevendean Ward |
| <u>App Type:</u> | Full Planning | | |
| <u>Address:</u> | 90 Southall Avenue Brighton BN2 4BB | | |
| <u>Proposal:</u> | Change of use from (C3) dwelling to (C4) small house in multiple occupation incorporating the erection of a single storey rear extension and minor fenestration alterations. | | |
| <u>Officer:</u> | Sven Rufus, tel: 292454 | <u>Valid Date:</u> | 03.04.2020 |
| <u>Con Area:</u> | | <u>Expiry Date:</u> | 29.05.2020 |
| <u>Listed Building Grade:</u> | | <u>EOT:</u> | |
| <u>Agent:</u> | Lewis And Co Planning SE Ltd Lewis And Co Planning 2 Port Hall Road Brighton BN1 5PD | | |
| <u>Applicant:</u> | Mr T Mole Care Of Lewis And Co Planning 2 Port Hall Road Brighton BN1 5PD | | |

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.

| Plan Type | Reference | Version | Date Received |
|------------------|------------------|----------------|----------------------|
| Proposed Drawing | 01 | | 3 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 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 the development and the refuse and recycling storage facilities shall thereafter be retained for use at all times.

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

4. The development hereby permitted shall not be occupied until details of secure cycle parking facilities for the occupants of, and visitors to, the development 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 SPD14: Parking Standards.

5. The external finishes of the single storey rear extension hereby permitted shall match in material, colour, style, bonding and texture those of the existing building.

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

6. The area marked as Kitchen/diner and the area marked as Living area as detailed on drawing 01, received 3rd April 2020 shall be retained as communal space at all times and shall not be used as bedrooms at any time.

Reason: To ensure a satisfactory standard of accommodation for future occupiers and to comply with policy QD27 of the Brighton & Hove Local Plan

7. A bee brick shall be incorporated within the external wall of the development hereby approved 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.

8. The existing fence separating the rear terrace from the neighbouring building at 92 Southall Road shall be retained, or if replaced an equivalent fence or other solid screening of at least 1.8m shall be installed and thereafter permanently retained as such.

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

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. Where possible, bee bricks should be placed in a south facing wall in a sunny location at least 1 metre above ground level.

2. SITE LOCATION & APPLICATION DESCRIPTION

- 2.1. The application site is one of a pair of semi-detached houses on the north side of Southall Avenue in Bevendean. It is a two storey, pebble-dashed house with a front porch, with car parking on the hardstanding to the front of the house.
- 2.2. The application seeks to change the use of the site from planning use class C3 (dwellinghouse) to use class C4 (House in Multiple Occupation (HMO) for use by 3 to 6 unrelated individuals), with an associated single storey rear extension.
- 2.3. The whole city is now covered by an Article 4 Direction which removes 'permitted development' rights which would otherwise allow the change of use from a single dwellinghouse (C3) to small HMO (C4) without the need for a planning application. However, the Moulsecoomb And Bevendean Ward, in which the site is located, has been subject to this restriction since 2013 under an earlier Article 4 direction.

3. RELEVANT HISTORY

- 3.1. 65/2131: Formation of hardstanding including new vehicular access (Approved 23/11/65)

4. REPRESENTATIONS

- 4.1. Two (2) letters have been received from neighbours, objecting to the proposed development for the following reasons:
 - Imbalanced community/too many HMOS in the area already;
 - Noise and disturbance; and
 - Poor management.
- 4.2. Councillor Yates has objected to this proposal. A copy is attached to this report.

5. CONSULTATIONS

- 5.1. **Housing:**
No objection
No objection or comment other than the requirement to apply for an HMO licence.
- 5.2. **Planning Policy:**
No Comment
- 5.3. **Sustainable Transport:**
No objection (comment provided verbally)

No objection. There is room at the front or rear of the property for three cycle parking spaces. A slight increase in vehicle trips is anticipated but not significant enough to warrant refusal.

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 |
| CP9 | Sustainable transport |
| CP10 | Biodiversity |
| CP12 | Urban design |
| CP14 | Housing density |
| CP19 | Housing mix |
| CP21 | Student housing and Housing in Multiple Occupation |

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

| | |
|------|----------------------------|
| TR7 | Safe Development |
| TR14 | Cycle access and parking |
| SU10 | Noise Nuisance |
| QD14 | Extensions and alterations |
| QD15 | Landscape design |
| QD18 | Species protection |
| QD27 | Protection of amenity |

Supplementary Planning Documents:

| | |
|-------|---|
| SPD11 | Nature Conservation & Development |
| 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 change of use; the standard of accommodation provided; the acceptability of the proposed rear extension in design terms; the impact of the proposed change of use on the amenity of the neighbourhood; and the transport implications of the proposals.

Principle of the Proposed Change of Use:

- 8.2. Policy CP21 of the Brighton and Hove City Plan Part One specifically addresses the issue of changes of use to either class C4, a mixed C3/C4 use, or to a larger House in Multiple Occupation ('sui generis' - not falling in any use class) and states that:
- 8.3. 'In order to support mixed and balanced communities and to ensure that a range of housing needs continue to be accommodated throughout the city, applications for the change of use to a Class C4 (houses in multiple occupation) use, a mixed C3/C4 use or to a sui generis House in Multiple Occupation use (more than six people sharing) will not be permitted where:
- 8.4. "More than 10 per cent of dwellings within a radius of 50 metres of the application site are already in use as Class C4, mixed C3/C4 or other types of HMO in a sui generis use."
- 8.5. A mapping exercise was undertaken (confirmed on 21 July 2020) which indicated that there are 34 properties within a 50m radius of the application property. Within this radius, four other properties have been identified as being in HMO use.
- 8.6. However, one of these, at 98 Southall Avenue, while shown as an HMO on the mapping system is actually managed under a Headlease arrangement with the University of Brighton so is considered to fall within Planning Use Class C3(c) rather than be a HMO.

- 8.7. The mapping exercise also includes the adjoining property, number 92 Southall Avenue which has various planning permissions to change use to a HMO, but there is uncertainty over whether these have been lawfully implemented. Nonetheless, it has been included as a HMO for the purposes of the calculations required for this application with regards to policy CP21.
- 8.8. Excluding the property at 98 Southall Avenue from the consideration of the numbers of properties within 50m of the application site, but including number 92, there are three qualifying properties out of the 34 properties. This means that in total, there are 8.8% HMOs within 50m.
- 8.9. Based upon the existing percentage of neighbouring properties in HMO use, which is not greater than 10%, the proposal to change of use to a six bed house in multiple occupation would not be in conflict with the aims of policy CP21.

Standard of Accommodation:

- 8.10. Policy QD27 relates to protection of amenity and confirms that permission will not be granted where development 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.
- 8.11. The 'Nationally Described Space Standards' (NDSS) were introduced by the Department for Communities and Local Government in 2015 to establish acceptable minimum floor space for new build developments. Although these space standards have not been formally adopted into the Brighton and Hove City Plan, Draft City Plan Part 2 proposes to adopt them, indicating a 'direction of travel' on behalf of the Local Planning Authority. The NDSS provide useful guideline on the acceptable room sizes that would offer occupants useable floor space once the usual furniture has been installed. The NDSS identifies a minimum floor space that should be achieved for a single bedroom as measuring at least 7.5m², and a double bedroom should measure at least 11.5m². To be included in the minimum floor space, there must be a head height above 1.5m.
- 8.12. The existing dwelling comprises a large living room, dining room and kitchen with internal store at ground floor level, with three bedrooms, a shower room and a separate WC at first floor level.
- 8.13. The proposed layout, including the proposed rear extension, would comprise six bedrooms: two on the ground floor and four on the first floor. The floor areas of these vary between 7.5m² and 8.5m², excluding any areas such as 'mini-corridors' behind doors where the floor area would not be considered usable. All rooms show a good layout, including an indicative furniture arrangement, with good access to natural light. As such, it is considered that all of the bedrooms shown would be suitable for single occupancy, giving a maximum occupancy for the property as a whole of six persons.
- 8.14. The property also offers a shared shower-room on each floor, and a small utility area on the ground floor. The property would provide approximately 27m² of communal space, divided between a kitchen/dining area and a living room to be provided in the proposed single storey rear extension. Given that all the rooms

are at or close to the minimum level that the NDSS supports as an acceptable standard of accommodation, potential future occupants would be expected to want to make more use of the communal space available, and so in such circumstances, it is appropriate to pay special attention to the standards within this space.

- 8.15. The layout and arrangement of the items of furniture shown on the plans is recognised as being indicative only, but this is considered to represent what the applicant accepts as a plausible solution to the constraints on space within the ground floor communal area. It is noted that the space is broadly divided into two areas, linked by steps down from the kitchen to the living room, with a dining table located by the bannister of those steps. It is accepted that not all occupants may not be using these spaces at the same time and that in total the plans show a total of ten seats (five dining and five living room). However it is not considered that the space available in the dining area would realistically be able to accommodate five people at once as the table shown is small and there is little around the table for access and manoeuvring. Nonetheless, seating for more than six people would be available.
- 8.16. The layout on the ground floor allows ample space for cooking and adequate space for moving around and through the rooms, with sufficient seating in the various areas for six people. In light of the limited space in the bedrooms and the consequent increased demands that would be placed on the communal space, it is considered that the layout of the proposed HMO would provide a suitable standard of occupation for up to six occupants.
- 8.17. On this basis, the standard of accommodation to be provided is considered acceptable.

Design and Appearance:

- 8.18. The proposed scheme would result in changes to the appearance of the rear of the property, with a new single storey side extension, the replacement of a side door with a bathroom window, and the removal of a window on the rear first floor. The proposed extension would measure 3m deep and 5.4m wide, and would be finished in render to match the main dwelling.
- 8.19. If the property was in use as a dwelling (use class C3), the proposed extension could be constructed under 'permitted development' rights. Because of the proposed HMO use this is not the case, so the extension must be assessed as part of the overall proposal, though it is relevant to note that the extension could previously have been added without the need for a planning application.
- 8.20. Notwithstanding this, the small scale of the extension, and its location to the side of the property furthest from the conjoined property at 92 Southall Avenue, with a 1.5m gap to the boundary and a 3m gap to the nearest property at 88 Southall Avenue, means in design terms, it is considered acceptable. Being at the rear, it would not have any adverse impact on the streetscene or wider area. The design and arrangement of windows is considered to be consistent with those of the host building.

- 8.21. Conditions are proposed requiring materials to match those of the host building. On this basis, the scheme is considered acceptable in terms of design and appearance.

Impact on Amenity:

- 8.22. 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.
- 8.23. The proposed extension would not be immediately adjacent to any neighbouring buildings or gardens and is not considered to cause any potential harm to neighbours as a result of overlooking, overshadowing, or the creation of an overbearing structure. The use of the extension as a living area would not result in harm beyond that which may be experienced by the normal residential use of such a property in this location.
- 8.24. The site is not in an area that currently has above 10% of properties within 50m of the application site being in HMO use. While any additional HMOs may have the potential to increase the cumulative impact and harm to amenity with which they are often associated, in this instance the existing numbers of HMOs in the area is not sufficient to warrant refusal of the application on the grounds of potential amenity impact.
- 8.25. The application also includes a proposal to include an area of decking at the rear of the property, accessed from the proposed extension and adjacent to the boundary with 92 Southall Avenue. The potential for decking to increase harmful impact on the amenity of neighbours arises when it would increase the level of use of an area, or bring a use close to sensitive parts of residential accommodation. In this case, it is not considered the decking would increase the use of or access to the rear of the property, and the location would not be immediately adjacent to bedrooms of the occupants of the application site or neighbouring property. There is a fence between the application address and 92 Southall Avenue which would prevent mutual overlooking between these two properties. A condition is recommended to ensure retention of this boundary treatment.
- 8.26. The potential for overlooking on to other properties from the terrace has been assessed. It is considered that although the rear garden slopes down towards the properties to the north on The Avenue, the distance between them and the application site, and the minimal impact on the height of the vantage point by including a terrace, is such that there would not be significant additional overlooking from this point beyond that which is already possible.
- 8.27. As such it is considered that there would be no significant increase in harm to the amenity of the occupants of the proposed property or neighbours as a result of this application.

Sustainable Transport:

8.28. The application does not propose to vary the parking arrangement from the existing one space in front of the property and this is acceptable. The property is not within a Controlled Parking Zone and as such there is neither need nor opportunity to require the development to be permit free.

8.29. The garden is considered to have ample room at either front or rear for secure covered cycle storage sufficient for the storage of a minimum of three bicycles. This will be secured by condition.

Biodiversity:

8.30. The council now requires provisions to be made for biodiversity in all applications. While none have been specifically proposed as a part of this application, such measures will be secured by condition, with a requirement to include bee bricks and swift boxes in the final scheme.

9. EQUALITIES
None identified

Cllr. Dan Yates
BH2020/00995 – 90 Southall Avenue

10th May 2020]:

Stance: Customer objects to the Planning Application

Comment Reasons:

- Because of the Additional Traffic
- Noise
- Residential Amenity
- Traffic or Highways

Comment: Reasons for objection:

The impact of this HMO on the surrounding residents, community and properties could be significant due to the nature and intensification of occupation on this site:

- Potential for noise and other environmental disturbance including waste management issues
- Inadequate provision of parking and consequential impact to on street parking.
- Impact on community resources such as schools and health facilities due to the loss of family accommodation

It would also be helpful if the officer report could outline the impact of this being granted would have on the councils ability to meet its commitments within city plan part one, especially the requirements and the council's ability to meet its housing needs assessment.

I would ask that officers check the current and previously held licensing registers to check their impact on the 10% rule is properly taken into consideration. Should the recommendation on this application be to approve I would like this application to come to committee please.

Should the committee be minded to approve this application I would ask them to consider the removal of permitted development rights to ensure that any subsequent enlargement or alteration be fully considered before being approved for development on this site.

ITEM H

**13 Landseer Road
BH2020/01691
Full Planning**

DATE OF COMMITTEE: 2nd September 2020

BH2020 01691 - 13 Landseer Road



N



Scale: 1:1,250

| | | | |
|--------------------------------------|--|----------------------------|-----------------------|
| <u>No:</u> | BH2020/01691 | <u>Ward:</u> | Hove Park Ward |
| <u>App Type:</u> | Full Planning | | |
| <u>Address:</u> | 13 Landseer Road Hove BN3 7AF | | |
| <u>Proposal:</u> | Change of use from residential dwelling (C3) to four bedroom small house in multiple occupation (C4). (Retrospective) | | |
| <u>Officer:</u> | Jack Summers, tel: 296744 | <u>Valid Date:</u> | 06.07.2020 |
| <u>Con Area:</u> | | <u>Expiry Date:</u> | 31.08.2020 |
| <u>Listed Building Grade:</u> | | <u>EOT:</u> | |
| Agent: | | | |
| Applicant: | Mr Richard Ladmore 72 Pine Grove London SW19 7HE | | |

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.

| Plan Type | Reference | Version | Date Received |
|------------------|------------------|----------------|----------------------|
| Block Plan | - | - | 6 July 2020 |
| Proposed Drawing | 15-01-01 | - | 6 July 2020 |
| Location Plan | - | - | 6 July 2020 |

2. Unless within 2 months of the date of this decision a scheme for bin storage is submitted in writing to the local planning authority for approval, and unless the approved scheme is implemented within one month of the local planning authority's approval, the use of the site as a small HMO shall cease and all equipment and materials brought onto the land for the purposes of such use shall be removed until such time as a scheme is approved and implemented. Upon implementation of the approved bin storage provision in this condition, that provision shall thereafter be maintained.

In the event of an appeal against this decision, the operation of the time limits specified in this condition will be suspended until that appeal has been determined.

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.

3. The kitchen/dining room and living room as detailed on the approved plans shall be retained as communal space at all times and shall not be used as one or more bedrooms.

Reason: To ensure a suitable standard of accommodation for occupiers to comply with policy QD27 of the Brighton & Hove Local Plan.

4. The hereby approved development shall only be occupied by a maximum of four persons.

Reason: To ensure a satisfactory standard of accommodation for future occupiers and to comply with policy QD27 of the Brighton & Hove Local Plan.

Informatives:

1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One 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. This application relates to a two-storey terraced dwellinghouse on the north side of Landseer Road. The site is not within a Conservation Area, but as of June 2020 is subject to the city-wide Article 4 Direction that has removed the right to change the use of a dwellinghouse(planning use class C3) to a small house in multiple occupation (planning use class C4) without a planning application being required.
- 2.2. Planning permission is thus sought retrospectively to change the use of the building from a dwellinghouse (planning use class C3) to a small house in multiple occupation (HMO; planning use class C4). It does not appear that any physical alterations have taken place as part of the change of use.

3. RELEVANT HISTORY

- 3.1. None relevant. No evidence has been found that suggests that restrictive planning conditions were applied at the time of construction.

4. CONSULTATIONS

- 4.1. Policy
Advised that no policy comments required.
- 4.2. Private Sector Housing
The applicant will need to apply for a HMO licence should planning permission be granted.

- 4.3. Transport
The site lies within Controlled Parking Zone R. The average uptake of residential parking permits for this zone between March 2019 and February 2020 was 90%. The most recent data taken in February 2020 also showed 90% uptake. Therefore it is requested that the development be made Car Free by condition.
- 4.4. It is not considered that the proposal will create any significant increase in trip generation.
- 4.5. Due to the constraints of the site it is not considered that policy-compliant cycle parking can be accommodated.
- 4.6. There are good public facilities in the vicinity, including at the end of Landseer Road at the junction with Sackville Road, there is a disabled bay, a car club bay and a motorcycle bay.

5. REPRESENTATIONS

- 5.1. Sixteen letters have been received from fifteen individuals, objecting to the proposal on the following grounds:
- Noise Nuisance
 - There are already too many HMOs in the local area
 - Harmful to the character of the neighbourhood
 - Detrimental impact on property value
 - Detrimental impact on on-street parking conditions
 - The rooms in the property are not suitable for HMOs as they are too small
 - Clarification on whether every tenant would require separate refuse and recycling provision
 - New large-scale development in the local area that can provide additional accommodation
 - The gardens of the property are overgrown
 - Impacts from additional tenants*
- 5.2. **Multiple objections have included reference to up to as many as eight residents in the property, though the source of this information is unclear. It should be noted that planning permission is sought for planning use class C4, relating to a small house in multiple occupation. This use class would not allow for there to be more than six occupants at any one time.*

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 |
| SA6 | Sustainable Neighbourhoods |
| CP9 | Sustainable transport |
| CP12 | Urban design |
| CP13 | Public streets and spaces |
| CP21 | Student housing and Housing in Multiple Occupation |

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

| | |
|------|---|
| TR7 | Safe development |
| TR14 | Cycle access and parking |
| TR18 | Parking for people with a mobility related disability |
| QD27 | Protection of amenity |

East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan (WMP)

| | |
|------|----------------------------------|
| WMP3 | Implementing the Waste Hierarchy |
|------|----------------------------------|

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 Two (CPP2) (emerging)

| | |
|------|--------------------------------------|
| DM1 | Housing, Accommodation and Community |
| DM7 | Houses in Multiple Occupation (HMOs) |
| DM20 | Protection of Amenity |
| DM36 | Parking and Servicing |

8. CONSIDERATIONS & ASSESSMENT

8.1. The main considerations in the determination of this application relate to the principle of the development; its impact on amenity; the standard of accommodation provided; the impact on the highway; and biodiversity.

8.2. Planning Practice Guidance states that the Courts have taken the view that planning is concerned with land use in the public interest, so that the protection of purely private interests such as the impact of a development on the value of a neighbouring property, as raised in representations, is not a material consideration

Principle of Development

8.3. Policy CP21 stipulates that within a 50m radius of the application site no more than 10% of the total dwellings should be in a HMO use. A mapping survey has been undertaken and concluded that while there is a small number of HMOs in the wider area, of the 91 residential properties within 50m of the application site, none are in use as a HMO.

8.4. The proposal therefore accords with policy CP21 of the City Plan Part One.

Impact on Amenity

8.5. The use of a property as a small HMO can sometimes lead to an increase in noise output over the previous use as a (C3) dwellinghouse, as a group of independent adults may have more diverse schedules than a single family unit. The more occupants in a HMO when compared to the same property being occupied by a family group, the higher the potential for the disturbance.

8.6. In this instance it is noted that as a three bedroom dwellinghouse, the property could be occupied by four adults within the same family group. Therefore, its use as a HMO for four occupants would not necessarily result in additional disturbance to neighbours.

8.7. Although it is asserted in multiple letters of objection that tenants of the property have caused harm to residential amenities, records indicate that only one noise complaint was received by the Council's Environmental Service (in July 2020), with the most recent complaint prior to that dating from August 2018.

8.8. On this basis, it is difficult to sustain an objection based on impact on amenity.

8.9. Concerns have been raised that the garden area of the property is not maintained since the property has been let out to tenants. However, this is not a material consideration in relation to the present application.

Standard of Accommodation

8.10. As previously noted, no physical alterations have been included in the change of use and the internal layout is unchanged. All of the bedrooms are of a good size and layout (one bedroom has a floor area of 17m² and all are able to

accommodate bedroom furniture and provide sufficient space for each occupant to relax or undertake work/study. By way of comparison the rooms are all comfortably above the minimum room sizes set out in the Nationally Described Space Standards.

- 8.11. The internal communal space is all at ground floor level and constitutes a small living room and a separate kitchen/dining room. The living room has an area of just over 13m² and the kitchen/dining room has an area of approximately 14.5m².
- 8.12. The kitchen/dining room can accommodate sufficient kitchen facilities and a table and four chairs without blocking access to the garden or impeding use of the kitchen. Although there are likely to be some times of the day when the kitchen/dining room will be in demand, it is acknowledged that given the nature of the use there is no guarantee that all occupants will necessarily always want to dine together.
- 8.13. The lounge area can comfortably accommodate the occupants and allow the room to be used without feeling cramped.
- 8.14. Conditions are recommended limiting the number of residents to no more than four, and requiring that the living room and kitchen/dining room are retained as communal amenity space.

Impact on the Adopted Highway

- 8.15. The application site is within a Controlled Parking Zone that reportedly has a high level of uptake. The request of the Highway Authority to remove the rights of future occupants to parking permits is noted, but is not considered justified or reasonable, given that there is no increase in planning units proposed and the property has an existing entitlement to a parking permit. Any overspill parking can be controlled through enforcement of the CPZ, and the Highway Authority has control over who is issued a permit; it is not considered that such a condition is essential as the potential harm is insignificant and otherwise controllable.
- 8.16. It is not considered that policy-compliant cycle parking can be implemented on site given the stepped front access and lack of easy access to the rear garden without going through the house itself. In this instance, it is considered that a lack of cycle parking is acceptable for this reason, particularly as no increase in planning units is proposed.

Biodiversity

- 8.17. The Council has adopted the practice of securing minor design alterations to schemes with the aim of encouraging the biodiversity of a site, particularly with regards to protected species such as bumblebees. Given the nature of the application it is not considered appropriate to secure biodiversity improvement in this instance.

Other Considerations

- 8.18. Concerns have been raised that each occupant of the HMO would have their own separate refuse and recycling facilities and that these would be placed on the pavement. It is considered that this is unlikely, however details of recycling

and refuse facilities will be required by condition in order to ensure there is no resultant impediment to the footpath.

- 8.19. Concerns have been raised that the area is already 'threatened' by new residential development in the area, and that the accommodation offered by the HMO is unnecessary as the residents could all live in the new build flats under construction in the area. HMOs often offer necessary, more affordable accommodation and the creation of new build residential units in the area does not remove the need for a range of different residential accommodation.

9. EQUALITIES

- 9.1. The site does not currently offer level access which may impede those with a mobility-related difficulty but given that this is a pre-existing condition of the site and the steps are characterful of the wider streetscene it is not considered warranted to raise an objection in this instance.

PLANNING COMMITTEE

Agenda Item 39

Brighton & Hove City Council

NEW APPEALS RECEIVED

WARD

APPEALAPPNUMBER

ADDRESS

DEVELOPMENT DESCRIPTION

APPEAL STATUS

APPEAL RECEIVED DATE

APPLICATION DECISION LEVEL

BRUNSWICK AND ADELAIDE

BH2019/01805

77 Holland Road Hove BN3 1JN

Demolition of existing building and erection of 4 storey mixed use building with rooms in the roof comprising of basement and ground floor office space (B1), 9no 2 bedroom flats on floors 1-4 (C3), and provision of secure cycle storage, vehicle parking, bin storage, landscaping and associated alterations.

APPEAL IN PROGRESS

22/07/2020

Delegated

WARD

APPEALAPPNUMBER

ADDRESS

DEVELOPMENT DESCRIPTION

APPEAL STATUS

APPEAL RECEIVED DATE

APPLICATION DECISION LEVEL

GOLDSMID

BH2020/00424

106 Addison Road Hove BN3 1TR

Certificate of lawfulness for proposed loft conversion, incorporating rear dormer, side dormer to existing outrigger and 3no front rooflights.

APPEAL IN PROGRESS

13/07/2020

Delegated

WARD

APPEALAPPNUMBER

ADDRESS

DEVELOPMENT DESCRIPTION

APPEAL STATUS

APPEAL RECEIVED DATE

APPLICATION DECISION LEVEL

HANGLETON AND KNOLL

9 Findon Close Hove BN3 8GZ

Appeal against

APPEAL IN PROGRESS

13/07/2020

Not Assigned

WARD

APPEALAPPNUMBER

ADDRESS

DEVELOPMENT DESCRIPTION

APPEAL STATUS

APPEAL RECEIVED DATE

HANOVER AND ELM GROVE

BH2020/01198

6 Franklin Road Brighton BN2 3AD

Conversion of existing residential dwelling to create 2no one bedroom flats and 1no two bedroom maisonette (C3). (Part retrospective).

APPEAL IN PROGRESS

29/07/2020

APPLICATION DECISION LEVEL Delegated

WARD

APPEALAPPNUMBER

ADDRESS

DEVELOPMENT DESCRIPTION

APPEAL STATUS

APPEAL RECEIVED DATE

APPLICATION DECISION LEVEL

PATCHAM

BH2020/00036

46 Greenfield Crescent Brighton BN1 8HJ

Erection of side extension to ground and lower ground floor with associated landscaping.

APPEAL IN PROGRESS

28/07/2020

Delegated

WARD

APPEALAPPNUMBER

ADDRESS

DEVELOPMENT DESCRIPTION

APPEAL STATUS

APPEAL RECEIVED DATE

APPLICATION DECISION LEVEL

PATCHAM

BH2020/00438

3 Overhill Way Brighton BN1 8WP

Erection of a single storey 3no bedroom dwelling (C3) to rear of existing house with solar panels to south elevation and landscaping.

APPEAL IN PROGRESS

24/07/2020

Delegated

WARD

APPEALAPPNUMBER

ADDRESS

DEVELOPMENT DESCRIPTION

APPEAL STATUS

APPEAL RECEIVED DATE

APPLICATION DECISION LEVEL

PRESTON PARK

BH2017/02929

48 Rugby Road Brighton BN1 6EB

Installation of exterior wall insulation to side elevation and associated works.

APPEAL IN PROGRESS

28/07/2020

Delegated

WARD

APPEALAPPNUMBER

ADDRESS

DEVELOPMENT DESCRIPTION

APPEAL STATUS

APPEAL RECEIVED DATE

APPLICATION DECISION LEVEL

PRESTON PARK

BH2019/02289

218 Dyke Road Brighton BN1 5AA

Erection of 1no two storey three bedroom dwelling house (C3) on land to rear including excavation, landscaping and access via Highcroft Villas & Old Mills Mews.

APPEAL IN PROGRESS

14/07/2020

Planning (Applications) Committee

WARD

APPEALAPPNUMBER

ADDRESS

PRESTON PARK

BH2019/03426

31 Chester Terrace Brighton BN1 6GB

| | |
|-----------------------------------|--|
| <u>DEVELOPMENT DESCRIPTION</u> | Erection of self-contained wooden bicycle store at front (Part Retrospective). |
| <u>APPEAL STATUS</u> | APPEAL IN PROGRESS |
| <u>APPEAL RECEIVED DATE</u> | 28/07/2020 |
| <u>APPLICATION DECISION LEVEL</u> | Delegated |

| | |
|-----------------------------------|---|
| <u>WARD</u> | QUEEN'S PARK |
| <u>APPEALAPPNUMBER</u> | BH2020/00488 |
| <u>ADDRESS</u> | 4 College Place Brighton BN2 1HN |
| <u>DEVELOPMENT DESCRIPTION</u> | Replacement of mansard roof and front dormer with dual pitched roof, rendered walls and front window. |
| <u>APPEAL STATUS</u> | APPEAL IN PROGRESS |
| <u>APPEAL RECEIVED DATE</u> | 27/07/2020 |
| <u>APPLICATION DECISION LEVEL</u> | Delegated |

| | |
|-----------------------------------|--|
| <u>WARD</u> | REGENCY |
| <u>APPEALAPPNUMBER</u> | BH2019/03530 |
| <u>ADDRESS</u> | 22 - 23 Duke Street Brighton BN1 1AH |
| <u>DEVELOPMENT DESCRIPTION</u> | Change of Use from retail (A1) to cafe/restaurant and hot food takeaway (A3/A5). |
| <u>APPEAL STATUS</u> | APPEAL IN PROGRESS |
| <u>APPEAL RECEIVED DATE</u> | 20/07/2020 |
| <u>APPLICATION DECISION LEVEL</u> | Delegated |

| | |
|-----------------------------------|--|
| <u>WARD</u> | REGENCY |
| <u>APPEALAPPNUMBER</u> | BH2020/00291 |
| <u>ADDRESS</u> | Grosvenor Casino 9 Grand Junction Road Brighton BN1 1PP |
| <u>DEVELOPMENT DESCRIPTION</u> | Application for variation of condition 1 of BH2019/01256 (Alterations to entrance façade, incorporating replacement canopy, entrance doors, screens and side windows. Re-tile stairs and lighting pillars, replacement of existing stair lift and light shades.) to allow amendments to the approved drawings. |
| <u>APPEAL STATUS</u> | APPEAL IN PROGRESS |
| <u>APPEAL RECEIVED DATE</u> | 10/07/2020 |
| <u>APPLICATION DECISION LEVEL</u> | Delegated |

| | |
|------------------------|--|
| <u>WARD</u> | ST. PETER'S AND NORTH LAINE |
| <u>APPEALAPPNUMBER</u> | BH2019/02106 |
| <u>ADDRESS</u> | 8 Kensington Street & 30 Kensington Gardens Brighton BN1 4AJ |

DEVELOPMENT DESCRIPTION Erection of an additional storey fronting Kensington Gardens and conversion of basement, first & part ground floor to provide 2no two bedroom flats (C3) incorporating front & rear rooflights, new access via Kensington Street & revised fenestration.

APPEAL STATUS APPEAL IN PROGRESS
APPEAL RECEIVED DATE 28/07/2020
APPLICATION DECISION LEVEL Delegated

WARD **WISH**
APPEALAPPNUMBER BH2019/03667
ADDRESS 18 Glebe Villas Hove BN3 5SN

DEVELOPMENT DESCRIPTION Demolition of existing garage and associated alterations to existing dwelling including revised fenestration. Erection of detached two bedroom dwelling on ground and lower ground floors with landscaping associated works.

APPEAL STATUS APPEAL IN PROGRESS
APPEAL RECEIVED DATE 22/07/2020
APPLICATION DECISION LEVEL Delegated

WARD **WOODINGDEAN**
APPEALAPPNUMBER BH2019/02724
ADDRESS 148 Warren Road Woodingdean Brighton BN2 6DD

DEVELOPMENT DESCRIPTION Demolition of existing dwelling and garages and erection of a pair of semi-detached two storey dwellings and 1no detached bungalow (C3). Access and car parking to be provided via Warren Road.

APPEAL STATUS APPEAL IN PROGRESS
APPEAL RECEIVED DATE 28/07/2020
APPLICATION DECISION LEVEL Delegated

WARD **WOODINGDEAN**
APPEALAPPNUMBER BH2019/03858
ADDRESS 26 Downland Road Brighton BN2 6DJ

DEVELOPMENT DESCRIPTION Erection of single storey side and rear extension to form studio flat and enlarge existing one bedroom flat to two bedrooms with car parking spaces and cycle store to front and associated works.

APPEAL STATUS APPEAL IN PROGRESS
APPEAL RECEIVED DATE 28/07/2020
APPLICATION DECISION LEVEL Delegated



**Brighton & Hove
City Council**

INFORMATION ON HEARINGS / PUBLIC INQUIRIES

This is a note of the current position regarding Planning Inquiries and Hearings

| | |
|-------------------------|--------------------------------|
| Planning Application No | BH2018/00937 |
| Site Address | 239-243 Kingsway |
| Description | Appeal hearing against refusal |
| Application Decision | Refused |
| Type of Appeal | Hearing |
| Date Appeal To Be Held: | |
| Venue of Appeal | |
| Appeal Decision | |
| Planning Officer | |
| | |

PLANNING COMMITTEE

Agenda Item 41

Brighton & Hove City
Council

APPEAL DECISIONS FOR THE PERIOD BETWEEN 22/07/2020 AND 18/08/2020

| | |
|---|--|
| <u>WARD</u> | HANOVER AND ELM GROVE |
| <u>APPEAL APPLICATION NUMBER</u> | APL2020/00034 |
| <u>ADDRESS</u> | 39 Bonchurch Road Brighton BN2 3PJ |
| <u>DEVELOPMENT DESCRIPTION</u> | Conversion of an existing dwelling house to form 2no two-bedroom maisonettes (C3) incorporating revised fenestration. |
| <u>APPEAL TYPE</u> | Against Refusal |
| <u>APPEAL DECISION</u> | APPEAL DISMISSED |
| <u>PLANNING APPLICATION NUMBER</u> | BH2019/01939 |
| <u>APPLICATION DECISION LEVEL</u> | Delegated |
| <u>WARD</u> | HOLLINGDEAN AND STANMER |
| <u>APPEAL APPLICATION NUMBER</u> | APL2020/00026 |
| <u>ADDRESS</u> | 84 Hollingbury Road Brighton BN1 7JA |
| <u>DEVELOPMENT DESCRIPTION</u> | Conversion of existing maisonette (C3) to create 2no flats at ground floor and lower ground floor level incorporating single storey rear extension (C3). |
| <u>APPEAL TYPE</u> | Against Refusal |
| <u>APPEAL DECISION</u> | APPEAL DISMISSED |
| <u>PLANNING APPLICATION NUMBER</u> | BH2019/02836 |
| <u>APPLICATION DECISION LEVEL</u> | Delegated |
| <u>WARD</u> | HOLLINGDEAN AND STANMER |
| <u>APPEAL APPLICATION NUMBER</u> | APL2020/00039 |
| <u>ADDRESS</u> | 12 Standean Close Brighton BN1 9EU |
| <u>DEVELOPMENT DESCRIPTION</u> | Change of use from three bedroom residential dwelling (C3) to six bedroom small house in multiple occupation (C4), incorporating conversion of garage into habitable space and associated alterations. (Part-Retrospective). |
| <u>APPEAL TYPE</u> | Against Refusal |
| <u>APPEAL DECISION</u> | APPEAL ALLOWED |
| <u>PLANNING APPLICATION NUMBER</u> | BH2019/02674 |
| <u>APPLICATION DECISION LEVEL</u> | Planning (Applications) Committee |
| <u>WARD</u> | HOVE PARK |
| <u>APPEAL APPLICATION NUMBER</u> | APL2020/00090 |

| | |
|------------------------------------|--|
| <u>ADDRESS</u> | 5 Windsor Close Hove BN3 6WQ |
| <u>DEVELOPMENT DESCRIPTION</u> | 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. |
| <u>APPEAL TYPE</u> | Against Refusal |
| <u>APPEAL DECISION</u> | APPEAL DISMISSED |
| <u>PLANNING APPLICATION NUMBER</u> | BH2020/00501 |
| <u>APPLICATION DECISION LEVEL</u> | Delegated |
| <u>WARD</u> | HOVE PARK |
| <u>APPEAL APPLICATION NUMBER</u> | APL2020/00091 |
| <u>ADDRESS</u> | 6 Nevill Road Hove BN3 7BQ |
| <u>DEVELOPMENT DESCRIPTION</u> | Erection of single storey rear timber pergola with perspex roof and privacy screening. |
| <u>APPEAL TYPE</u> | Against Refusal |
| <u>APPEAL DECISION</u> | APPEAL ALLOWED |
| <u>PLANNING APPLICATION NUMBER</u> | BH2020/00755 |
| <u>APPLICATION DECISION LEVEL</u> | Delegated |
| <u>WARD</u> | HOVE PARK |
| <u>APPEAL APPLICATION NUMBER</u> | APL2020/00092 |
| <u>ADDRESS</u> | 4 Woodruff Avenue Hove BN3 6PF |
| <u>DEVELOPMENT DESCRIPTION</u> | Demolition of existing front boundary brick wall and erection of boundary fence with sliding gate, external redecoration and landscaping (part retrospective). |
| <u>APPEAL TYPE</u> | Against Refusal |
| <u>APPEAL DECISION</u> | APPEAL DISMISSED |
| <u>PLANNING APPLICATION NUMBER</u> | BH2020/00439 |
| <u>APPLICATION DECISION LEVEL</u> | Delegated |
| <u>WARD</u> | MOULSECOOMB AND BEVENDEAN |
| <u>APPEAL APPLICATION NUMBER</u> | APL2020/00040 |
| <u>ADDRESS</u> | 44 Heath Hill Avenue Brighton BN2 4FH |
| <u>DEVELOPMENT DESCRIPTION</u> | [Retrospective] Change of use from 7 bedroom dwelling house (C3) to 6 bedroom small House in Multiple Occupation (C4). |
| <u>APPEAL TYPE</u> | Against Refusal |
| <u>APPEAL DECISION</u> | APPEAL DISMISSED |
| <u>PLANNING APPLICATION NUMBER</u> | BH2019/03231 |

APPLICATION DECISION LEVEL Delegated

WARD **MOULSECOOMB AND BEVENDEAN**

APPEAL APPLICATION NUMBER APL2020/00087

ADDRESS Land Adjacent To 69 Hillside Brighton BN2 4TF

DEVELOPMENT DESCRIPTION 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.

APPEAL TYPE Against Refusal

APPEAL DECISION APPEAL DISMISSED

PLANNING APPLICATION NUMBER BH2019/02450

APPLICATION DECISION LEVEL Delegated

WARD **NORTH PORTSLADE**

APPEAL APPLICATION NUMBER APL2020/00085

ADDRESS 83 Mile Oak Road Portslade BN41 2PJ

DEVELOPMENT DESCRIPTION Outline application with all matters reserved for demolition of existing dwelling and erection of 3no three storey, three bedroom dwellinghouses (C3).

APPEAL TYPE Against Refusal

APPEAL DECISION APPEAL DISMISSED

PLANNING APPLICATION NUMBER BH2020/00211

APPLICATION DECISION LEVEL Delegated

WARD **PATCHAM**

APPEAL APPLICATION NUMBER APL2020/00083

ADDRESS 144 Mackie Avenue Brighton BN1 8SB

DEVELOPMENT DESCRIPTION Replacement of existing aluminium single glazed window to aluminium double glazed window to existing office front elevation.

APPEAL TYPE Against Refusal

APPEAL DECISION APPEAL DISMISSED

PLANNING APPLICATION NUMBER BH2019/03720

APPLICATION DECISION LEVEL Delegated

WARD **PRESTON PARK**

APPEAL APPLICATION NUMBER APL2020/00088

ADDRESS 193 Havelock Road Brighton BN1 6GN

DEVELOPMENT DESCRIPTION Conversion from existing retail use (A1) to create 1 no self-contained studio flat (C3), with associated alterations. (Retrospective)
APPEAL TYPE Against Refusal
APPEAL DECISION APPEAL DISMISSED
PLANNING APPLICATION NUMBER BH2019/02513
APPLICATION DECISION LEVEL Delegated

WARD **QUEEN'S PARK**

APPEAL APPLICATION NUMBER APL2020/00036
Living Accommodation 52 Carlton Hill Brighton

ADDRESS BN2 0DA

DEVELOPMENT DESCRIPTION Alterations to boundary walls including raising the height & render to north & west elevations (part-retrospective).

APPEAL TYPE Against Refusal

APPEAL DECISION APPEAL DISMISSED

PLANNING APPLICATION NUMBER BH2019/01633

APPLICATION DECISION LEVEL Delegated

WARD **QUEEN'S PARK**

APPEAL APPLICATION NUMBER APL2020/00044

ADDRESS 32 George Street Brighton BN2 1RH

DEVELOPMENT DESCRIPTION Erection of part one, part two storey rear extension to facilitate a studio flat (C3) to the lower ground floor with installation of front door for access and retention of upper floors as 4 bedroom small HMO (C4).

APPEAL TYPE Against Refusal

APPEAL DECISION APPEAL DISMISSED

PLANNING APPLICATION NUMBER BH2019/03568

APPLICATION DECISION LEVEL Delegated

WARD **QUEEN'S PARK**

APPEAL APPLICATION NUMBER APL2020/00055

ADDRESS Albion Court 44-47 George Street Brighton
BN2 1RJ

DEVELOPMENT DESCRIPTION Application for variation of condition 2 of BH2016/01151 to allow amendments to approved drawings to retain existing brickwork to rear façade.

APPEAL TYPE Against Refusal

APPEAL DECISION APPEAL DISMISSED
PLANNING APPLICATION NUMBER BH2019/03515
APPLICATION DECISION LEVEL Delegated

WARD **ROTTINGDEAN COASTAL**
APPEAL APPLICATION NUMBER APL2020/00052
ADDRESS 41 Westfield Avenue North Saltdean
Brighton
BN2 8HS
DEVELOPMENT DESCRIPTION Certificate of lawfulness for proposed loft conversion incorporating alterations to existing rear dormer.
APPEAL TYPE Against Refusal
APPEAL DECISION APPEAL DISMISSED
PLANNING APPLICATION NUMBER BH2019/01194
APPLICATION DECISION LEVEL Delegated

WARD **ROTTINGDEAN COASTAL**
APPEAL APPLICATION NUMBER APL2020/00089
ADDRESS Land Opposite Courcels Arundel Street Brighton
BN2 5UB
DEVELOPMENT DESCRIPTION Installation of 20m monopole, 12 no. antennas and equipment cabinets to replace existing monopole and associated equipment.
APPEAL TYPE Against Refusal
APPEAL DECISION APPEAL ALLOWED
PLANNING APPLICATION NUMBER BH2019/01628
APPLICATION DECISION LEVEL Delegated

WARD **WESTBOURNE**
APPEAL APPLICATION NUMBER APL2020/00086
ADDRESS Girton House 193 Kingsway Hove BN3 4FB
DEVELOPMENT DESCRIPTION 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.
APPEAL TYPE Against Refusal
APPEAL DECISION APPEAL ALLOWED
PLANNING APPLICATION NUMBER BH2020/00035
APPLICATION DECISION LEVEL Delegated
