

Planning Committee

Date: **4 November 2020**

Time: **2.00pm**

Venue **Please Note:** In line with Government Guidance this meeting will take place virtually by Microsoft Teams. There will be opportunities for public engagement.

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

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AGENDA

64 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.

65 MINUTES OF PREVIOUS MEETINGS

Minutes of the meetings held on:

- (a) 2 September (copy attached);
- (b) 17 September (copy attached);

(c) 30 September (circulated separately)

66 CHAIR'S COMMUNICATIONS

67 PUBLIC QUESTIONS

Written Questions: to receive any questions submitted by the due date of 12 noon on 29 October 2020. One question received prior to publication of agenda (copy attached)

68 REQUEST FOR DEED OF VARIATION, CITY COLLEGE, 87 EASTERN ROAD, BRIGHTON 33 - 36

Report of the Head of Planning (copy attached)

69 REQUEST FOR DEED OF VARIATION, FORMER PORTSLADE BREWERY, SOUTH STREET, PORTSLADE 37 - 40

Report of the Head of Planning (copy attached)

70 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.

71 TO CONSIDER AND DETERMINE PLANNING APPLICATIONS

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

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

MINOR APPLICATIONS

A BH2020/00171- Queen's Park Tennis Club, Tennis Pavilion, Queen's Park East Drive, Brighton - Full Planning **41 - 56**

RECOMMENDATION – GRANT

Ward Affected: Queen's Park

B BH2020/01834 - 85 Hornby Road, Brighton - Full Planning **57 - 72**

RECOMMENDATION – GRANT

Ward Affected: Moulsecoomb & Bevendean

C	BH2020/02524 -Top Floor Maisonette, 20 Bloomsbury Place, Brighton- Full Planning	73 - 86
	RECOMMENDATION – GRANT <i>Ward Affected: East Brighton</i>	
D	BH2020/02557- 13 Pembroke Crescent, Hove - Householder Planning Consent	87 - 96
	RECOMMENDATION – GRANT <i>Ward Affected: Westbourne</i>	
E	BH2020/02417 - Flat 2, 159 Ditchling Rise- Full Planning	97 - 108
	RECOMMENDATION – GRANT <i>Ward Affected: Preston Park</i>	
F	BH2020/02316-83 Mile Oak Road, Portslade - Outline Application	109 - 124
	RECOMMENDATION – GRANT <i>Ward Affected: North Portslade</i>	
G	BH2020/02027 -61 Ashurst Road, Brighton - Full Planning	125 - 136
	RECOMMENDATION – GRANT <i>Ward Affected: Moulsecoomb & Bevendean</i>	
H	BH2020/02305 -Dental Surgery, 4 New Barn Road, Rottingdean, Brighton - Full Planning	137 - 150
	RECOMMENDATION – REFUSE <i>Ward Affected: Rottingdean Coastal</i>	

72 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

73 LIST OF NEW APPEALS LODGED WITH THE PLANNING INSPECTORATE **151 - 156**

(copy attached).

74 INFORMATION ON INFORMAL HEARINGS/PUBLIC INQUIRIES

(Nothing to report to this meeting).

75 APPEAL DECISIONS **157 - 160**

(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>

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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.

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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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PLANNING COMMITTEE	Agenda Item 65 (a) Brighton and Hove City Council
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BRIGHTON & HOVE CITY COUNCIL

PLANNING COMMITTEE

2.00pm 2 SEPTEMBER 2020

VIRTUAL MEETING - SKYPE

MINUTES

Present: Councillors: Hugh-Jones, Osborne (Chair), Childs (Opposition Spokesperson), Miller (Group Spokesperson), Henry, Fishleigh, Janio, Shanks, C Theobald and Yates

Co-opted Members: Roger Amerena (Conservation Advisory Group)

Officers in attendance: Nicola Hurley (Planning Manager), Hilary Woodward (Senior Solicitor), Robin Hodgetts (Principal Planning Officer), Henrietta Ashun (Senior Planning Officer), Luke Austin (Principal Planning Officer), Michael Tucker (Planning Officer), Russell Brown (Senior Planning Officer), Jack Summers (Planning Officer), Sven Rufus (Planning Officer) and Shaun Hughes (Democratic Services Officer).

PART ONE

32 PROCEDURAL BUSINESS

a) Declarations of substitutes

32.1 Councillor Hugh-Jones substituted for Councillor Littman.

b) Declarations of interests

32.2 All Committee Members have been lobbied by residents regarding items A, B and C. Councillor Yates stated they had submitted an objection to item G and would leave the meeting while the item was considered by the Committee.

c) Exclusion of the press and public

32.3 In accordance with Section 100A of the Local Government Act 1972 ('the Act'), the Planning Committee considered whether the public should be excluded from the meeting during consideration of any item of business on the grounds that it is likely in view of the business to be transacted or the nature of the proceedings, that if members

of the public were present during it, there would be disclosure to them of confidential information as defined in Section 100A (3) of the Act.

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

33 MINUTES OF THE PREVIOUS MEETING

- 33.1 The minutes of the meeting held on 5 August 2020 were being circulated separately and would be considered at the next Committee meeting.

34 CHAIR'S COMMUNICATIONS

- 34.1 This meeting is being recorded and will be capable of repeated viewing via the online webcast.

Welcome Committee Members and members of the public, to this virtual meeting.

To enable the meeting to run smoothly, all presentations, questions and answers have been circulated in advance and are available online for members of the public and can be referenced by all attending the meeting. Presentations take into account that no site visits were arranged following Covid19 guidelines and have enhanced visuals showing the context of the area. The report has also been published in advance as usual.

The Chair stated that the recent changes to planning legislation by the Government would be considered by the Planning Officers. Training will be given on the changes. Design training will also be given on three separate dates, whilst mandatory refresher training will be given in October this year.

35 PUBLIC QUESTIONS

- 35.1 There were none.

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

- 36.1 The Chair explained that in line with current Central Government guidance in relation to the Covid 19 pandemic, formal site visits had not been arranged. To reflect that in depth presentation material and visuals had been circulated in advance of the meeting and had also been appended to the agenda papers published on the council website. If, however, Members considered that they required more detailed information in order to determine any application a site visit could be requested either at this point on the agenda or at any point in the proceedings. No site visits were requested at this point in the meeting.

37 TO CONSIDER AND DETERMINE PLANNING APPLICATIONS

1. The Democratic Services Officer read out Items on the agenda. It was noted that all Major applications and any Minor applications with speakers were automatically reserved for discussion.

2. It was noted that the following item was not called for discussion and it was therefore deemed that the officer recommendation was agreed including the proposed Conditions and Informatives and any additions / amendments set out in the Additional / Late Representations List:

- **Item H:** BH2020/01691 – 13 Landseer Road, Brighton – Full Planning

A BH2020/00917 - 1-3 Ellen Street, Hove - Full Planning

1. It was noted that an in-depth presentation had been provided by officers in advance of the meeting and was included on the council website detailing the scheme by reference to site plans, elevational drawings and photographs which also showed the proposed scheme in the context of neighbouring development.
2. The Members were updated by the Planning Manager that one additional condition and two informatives were listed on the late list.

Speakers

3. Mike Gibson representing Hove Station Neighbourhood Forum stated that the forum supports the application as a car free development. It was considered that 10% affordable housing would be suitable for the scheme. Following community engagement, the improvements to the development have been good. The forum considers the engagement to have been very beneficial throughout the application process. The forum wanted to be involved and are pleased that they were.
4. Nick Green, the agent acting on behalf of the applicant, felt the current application was an improvement on the previous scheme following consultations with the local community, the authority, and the Design Review Panel. Improvements have been made in the greening of the development and the infrastructure. It was confirmed that Watkins Jones own the site and will continue to manage the site once the development is completed. It is considered that the ground floor offices will help to regenerate the area. The development will bring many benefits to the area and the city with new and improved green spaces.

Questions for the speaker

5. Councillor Janio was informed that there was no obligation for residents of the car free development to not have cars/vehicles. The lack of parking was considered a deterrent.
6. Councillor Fishleigh was informed that the viability assessment has been agreed and that the average affordable rent will be 25% less than market rent.
7. Councillor Theobald was informed that there some of the disabled parking bays would be for office workers and visitors, as well as residents. The applicant had tried to ensure that as few as possible on-street parking bays had been lost as a result of the scheme.
8. Councillor Hugh-Jones was informed that the mix of affordable housing units was under discussion.

Questions to officers

9. Councillor Yates was informed that they were correct, page 35 of the presentation showed the proposed elevation facing onto Ellen Street not Conway Street.

Debate

10. Councillor Miller stated they supported the application with much needed housing in an area that needs developing. The S106 agreement is good and the development will help to 'kick start' the Hove economy after the pandemic.
11. Councillor Henry considered that the public consultation had been good. The current site is currently unpleasant and would benefit from development. The loss of parking is not worth dismissing the application at this well connected site.
12. Councillor Childs considered it was naïve to think residents would not have cars on this car free development. It is considered that there is insufficient affordable housing. Development on this site is good, but not this one.
13. Councillor Theobald was against the application and raised concerns over the density and height of the development and noted that the previous permission was granted at appeal. The 18 storeys of the highest building will require sprinklers. The target number of dwellings in the space is exceeded and the development will harm the heritage assets of the area. It is noted that 7 units are below space standards and there will be loss of daylight to neighbouring properties.
14. Councillor Janio considered that it was unrealistic that the development would be car free and did not support the application.
15. Councillor Shanks supported the application which provided much needed housing. It was noted that there were not many objections. More affordable housing would be beneficial however; the scheme before the committee is supported.
16. Councillor Hugh-Jones had reservations regarding the affordable housing. It was calculated that a one bed unit would be £200 more than market rent. The councillor was minded to support the application given the conditions, the consultations that have taken place and the green credentials.
17. Councillor Fishleigh considered that 10% affordable housing was insufficient, and the committee should reject the application and ask for more affordable housing.
18. Councillor Yates supported the application, considering the affordable housing and the consultation process was good.
19. Councillor Shanks considered the S106 consultation would be good for the community.
20. Councillor Osborne supported the application considering the community engagement that had taken place, the transport links with busses and trains next to the development, the sustainability and viability of the development.

21. Following the end of the debate the Chair invited the committee to vote: Out of the 10 Members present the vote was 6 to 4 that planning permission be granted.
22. **Resolved:** That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in the report and resolves to be MINDED TO GRANT planning permission subject to a s106 agreement on the Heads of Terms set out in the report and the Conditions and Informatives are set out in the report, **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 the report.

B BH2020/01403 - 64-68 Palmeira Avenue & 72-73 Cromwell Road, Hove - Full Planning

1. It was noted that an in-depth presentation had been provided by officers in advance of the meeting and was included on the council website detailing the scheme by reference to site plans, elevational drawings and photographs which also showed the proposed scheme in the context of neighbouring development. 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.
2. The Planning Officer updated the committee informing the Members that 13 further letters of objection had been received from neighbouring residents. The issues mentioned had already been covered by previous letters.

Speakers

3. Charles Harrison noted the development was controversial with no affordable housing as part of the windfall development; that is not in the BHCC Development Plan. The development will place more pressures on schools, roads etc. The existing houses are fine family homes and are not ready for demolition. Concerns were raised regarding thermal insulation and sunlight criteria for all units, as these are not currently met. The development will appear dominant on Cromwell Road, where parking will be an issue. The deep base excavations will be an issue for the neighbouring properties. The proposals are inconsistent and inaccurate. The committee are requested to reject the application.
4. Paul Ashwell considered that the amenities of the neighbouring Bellmead Court will be damaged as the development will be overbearing. It was noted that the report states the side windows will impact on Bellmead Court where vulnerable residents live. It is considered that there is a balance for and against the scheme, however the design is considered harmful to the heritage of the area. The development is considered to have a material loss of amenities for neighbours and the public consultation could have been better.

5. Ward Councillor Allcock stated that they did not consider this to be a windfall as described, it was the worst type of opportunistic overdevelopment, designed with a cavalier disregard for its impact on the neighbourhood. The developers bought sound houses as a speculative investment in the hope that they would get planning permission to build a hotel. Having failed, they have brought forward their Plan B - to generate a substantial profit from the gross overdevelopment of this site. The project is not considered to comply with the Council's policy for tall buildings, which in Hove is to concentrate high rise redevelopment on brownfield sites. The committee has just approved Ellen Street for 216 apartments, which is a significant contribution to the city's housing supply target and also provides 10% affordable housing units. Prices will be beyond the reach of residents and it does nothing for the 9100 people on the housing waiting list. Committee colleagues should draw a line now and refuse permission, or at the least defer the application until officers can give a view about the extent that developments in the area are contributing to the City's 5-year plan.
6. Ward Councillor O'Quinn considered that the planning application had gone through several stages, first a hotel with 80 rooms plus 80 flats, then when it was obvious that the planners would refuse it morphed into an application for 94 flats and questioned whether they would be AirBnB?) and then it was changed again in an effort to make it more palatable. The planning report on this application constantly states that there are issues that are not policy compliant, but they can be over-ridden due to housing need in the city. The Councillor asked: 'What is the point of planning policy if it's constantly ignored'? The loss of sunlight and daylight and private amenity for local residents particularly those at the top of Holland Road and those opposite in Cromwell Road, are dismissed as being of little consequence. This dense, cheap, unattractive and over high block of flats is set far too close to the front in Cromwell Road, and are out of sync with the building line of flats in that area, which are well set back from the road, so that they don't create a tunnel effect. It considered that this application turns that section of the road into a dark and oppressive area.
7. Ward Councillor Ebel spoke about the negative impact that this proposed development will have on the environment. The developer intends to install gas boilers, just before they are being phased out in 2025. The developer has failed to suggest a more environmentally friendly way of generating energy. The development will also result in demolishing the existing buildings. The property in 64 Palmeira Ave was recently rebuilt to a high standard after a fire. Tearing down a newly built house is a waste of resources and contradicts our city's aim to become carbon neutral by 2030. The development will also result in the loss of habitats and biodiversity as established gardens will be demolished. The new development is not car-free, and whilst this is not a reason to refuse planning permission by itself, it shows how little consideration the applicant has for the environment and our city's aim to become carbon neutral by 2030. For the reasons detailed by all three Ward Councillors the Committee was asked to refuse planning permission for this application.

Questions to Ward Councillors

8. Councillor Fishleigh was informed that none of the ward councillors were consulted on the scheme.

9. Paul Jenkins, agent acting on behalf of the applicant and stated their support for the scheme. It was noted that numerous consultations have taken place between the applicant and the Planning officers. Following this the hotel was removed from the scheme and the scale and massing of the development have been reduced to fit into the urban context. The development includes the maximum number of off street parking spaces allowed under policy. The standards of each unit are good with no objections from statutory officers. The development will contribute £800,000 to the local services with £384,000 contribution to affordable housing. The environmental and green measures in the scheme include green roofs, solar panels, and cycle parking in a sustainable location. The development will contribute to the 5 year housing supply targets and will aid recovery from the COVID-19 pandemic. Having worked with officers on the application the committee are requested to support the application.

Questions for speaker

10. Councillor Shanks was informed that the viability study did not require any affordable housing. Contributions have been negotiated and accepted under the S106 agreement.
11. Councillor Yates was informed that the carbon reduction would be 21.4%, which was better than the target of 19%. The percentage was achieved using modelling as the scheme had not been built yet. It was noted that gas boilers were efficient at this time and electric heating will be better in the future. Two scenarios were modelled, one for today and one the future giving a total result of 21.4%.
12. Councillor Miller was informed that negotiations had been ongoing with the authority for 3½ to 4 years. The first scheme was withdrawn following objections. The second scheme brock the development into smaller blocks. It was noted that the number of solar panels had been increased to the maximum possible. Green roofs have been added and the green spaces enlarged to 600sqm for communal use.
13. Councillor Hugh-Jones was informed that the number of solar panels had been vastly increased but the cost per user was not known. It was noted that the future use of electricity would be less expensive than now.
14. Councillor Childs was informed that 17.5% profit was less than the normal 20% under the NPPF.
15. The Planning Manager informed the committee that Policy CP20 allows for offsite contributions to affordable housing and that none of the current policies require developments to be carbon neutral at the current time. It was noted that the Local Planning Authority had carried out all the necessary consultation on the application. It was also confirmed that the NPPF acceptable range of profitability was 15% to 20%.
16. The case officer informed the committee that the gas boilers had now been replaced with electric heaters.

Questions of officers

17. Councillor Fishleigh was informed the Planning officers had carried out statutory consultations.

18. Councillor Theobald was informed that the empty property - 64 Palmeira Avenue - had been recently refurbished and the nursery previously at the address had relocated to a nearby property.

Debate

19. Councillor Miller offered their congratulations to the Planning officers. It was noted that the committee were not to judge the application by the number of letters of objection or support for the scheme. The government are looking at schemes having no affordable housing. The scheme submitted has more than others and the homes are needed to combat the housing crisis. The green credentials were good as was the underground parking. It was considered that the new homes were much needed, and the Councillor supported the scheme.
20. Councillor Childs noted the number of rough sleepers in the current housing crisis. The proposals offered no balance and was for profit only and was an overdevelopment of the site. The Councillor stated they were against the scheme.
21. Councillor Shanks understood the need for more houses, however the developers need to listen to residents. The area is a mix of flats and houses and the loss of 6 family houses would not be good for the area. The demolition of the houses was not good and with the lack of affordable housing the Councillor stated they were against the scheme.
22. Councillor Henry considered that the housing mix in this conservative area was good and would not support the scheme.
23. Councillor Yates considered that pre-application consultation with the community would have been good, and the applicant needed to listen to residents. The site is not a windfall. The development would add to the flats in the area and this was not good. The Councillor stated they were against the scheme.
24. Councillor Hugh-Jones considered that the affordable housing was missing, and the general design was overbearing. The use of electric panel heaters would be expensive, and the parking was not good. The Councillor stated they were against the scheme.
25. Councillor Janio considered it was a case of supply and demand and the profit did not need to be used for affordable housing. The Councillor supported the scheme.
26. Councillor Theobald stated they were not against the proposed flats or parking. It was considered that the loss of the 6 family homes was terrible. The scale and massing of the development was considered an issue for the surrounding area and the neighbouring conservation area. The lack of consultation was not good, and the objections should not be ignored. The design was considered terrible and the Councillor stated they were against the scheme.
27. Councillor Osborne considered the electric heaters were better. The number of objections was not a material consideration and agreed the lack of engagement was not great. The Councillor supported the scheme.

28. The Senior Legal officer informed the committee that pre-application consultation was not statutory on a scheme of this type. It was noted that the authority had complied with statutory consultations. The committee were also informed that should the committee be minded to refuse the application the reasons would need to be defensible at appeal. The matter of costs at appeal would be a matter of evidence.
29. The Planning Manager informed the committee that the demolition of the existing 6 family homes did not require permission and there was no policy to restrict the loss of the homes.
30. The Chair invited the Committee to vote on the application: The 10 Members present voted by 3 to 7 that planning permission be refused on the loss of existing housing, no affordable housing and scale.
31. Councillor Fishleigh formally proposed that the application be refused and seconded by Councillor Childs.
32. A recorded vote was taken in respect of the alternative recommendation that the application be refused. Councillors: Childs, Fishleigh, Henry, Hugh-Jones, Shanks, Theobald and Yates voted that planning permission be refused. Councillors: Miller, Janio and Osborne voted that planning permission be granted. The application was refused on a vote of 3 to 7.
33. **RESOLVED:** That the Committee has taken into consideration the reasons for the recommendation set out in the report and resolves to **REFUSE** planning permission on the grounds that the proposed development would result in loss of existing housing, insufficient affordable housing, height, scale, overlooking, overshadowing, loss of privacy and outlook. The final wording of the refusal to be agreed by the Planning Manager in consultation with the proposer and seconder.

C BH2020/01275 - Dubarry House, Hove Park Villas, Hove - Full Planning

1. It was noted that an in-depth presentation had been provided by officers in advance of the meeting and was included on the council website detailing the scheme by reference to site plans, elevational drawings and photographs which showed the proposed scheme in the context of neighbouring development. 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.
2. The case officer updated the committee informing the Members that one further objection had been received making a total of 41 and the online petition had 1,519 signatures as of 2 September 2020.
3. The Planning Manager informed the committee that the decision notice had been issued for the application in error. The decision notice could not be rescinded. The Members should proceed with hearing the speakers, asking questions and debating the application to understand how they would have voted.

4. The Senior Solicitor informed the meeting attendees that the administrative error meant the decision could not be withdrawn. However, the Members should consider the application as normal and as if the decision notice had not been issued. If Planning Permission is granted the decision will stand.

Speakers

5. Ian Thompson informed the committee they represented the residents of Dubarry House. It is considered that the development would lead to a loss of light and privacy for the flats with existing balconies. The architecture of the existing building is beautiful and is a celebration of a bygone age. Opinion is against the development with a petition of over 1,500, some signatories having worked at the factory. The committee is requested to resist the destruction of this part of Hove history and to maintain the beauty of Hove.

Questions for speaker

6. Councillor Fishleigh was informed that the opinion was that the development would not be seen from the street. The best view would be from Hove station platforms. It was also noted that a condition to move the bin store was not necessary as the bins are not prominent. The roofing felt is currently undergoing maintenance.
7. Ward Councillor Allcock considered that the application, if approved, would have a detrimental impact on many Newtown Road residents. Particularly those living in 2 to 8 Newtown Road who will incur considerable loss of light and overshadowing at kitchen level on the ground floor. They will also be overlooked by the proposed flats with a significant impact on their amenity.

The existing residents within Dubarry House will be affected by the loss of part of the roof terrace, which was designed for the benefit of all leaseholders. The Councillor believed that there are currently 8 existing residential units in the Dubarry building and there has been no consideration for affordable housing in any of the previous planning applications. This is mainly due to the offices being converted to flats under Permitted Development. The councillor considered that the 3 flats proposed will be beyond the financial means of most residents and will do little to ease the situation regarding housing in our City.

8. Ward Councillor Ebel: The Councillor noted that the first building you see when you travel to Hove by train is the iconic Dubarry building. The building is so iconic that it is listed in the Local List of Heritage Assets. The Dubarry building is also in very close proximity to the Hove Station Conservation Area. It was considered that whilst the principle of development on the roof is lost, due to a previous planning application approved at appeal, modifications to the building must still be well designed. The Councillor considered that this 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 considered a good enough design to compensate for this. The applicant plans to build only three additional flats. It is considered that this does not outweigh the negative effect the changes will have on the host building and the nearby conservation area. The Councillor asked the committee to refuse planning permission for this application.

9. Ward Councillor O'Quinn: The Councillor noted that the building is on the local list of heritage assets and the council have never sought to apply for national listed status for the Mosaic frontage of the building despite its historical significance. There have been many applications to build on the roof and in 2018 a full width extension on Microscope House was passed and this established the principle of development at roof level. However, other applications have failed since then and been turned down at appeal.

The Councillor commented that when they stood at the junction of Newtown Road and Hove Park Villas they could clearly see a shed like structure on the roof, which marred the building line and flats will be even more visible. It was considered that they would also be seen from the Clarendon and Ellen estate and from the newly proposed 1-3 Ellen St development. The Councillor considered the real beauty of Dubarry House is seen when standing on the platforms of Hove Railway Station. What has already been built there can be seen quite clearly. The removal of overhanging felt and handrails on the Hove Park Villas site will not offset the damage caused to this historic building.

10. Gareth Giles spoke as the agent for the applicant and thanked the officers for the positive pre-application discussions. It was considered that the single storey proposals are low key and low impact with setback to prevent overlooking or overshadowing. The northside windows will be obscured glazed to protect privacy and the repair of the building will be included in the development. The communal roof terrace will be improved and kept for residents.

Questions for speaker

11. Councillor Theobald was informed by the agent that the bin store had been moved to behind the railings on the ground floor.
12. Councillor Miller was informed that the application site is the eastern end of the building and was the main building. The western extensions are taller than Dubarry House. The development is considered to restore the order of the building with most of the terracing already extended.

Questions for Officers

13. Councillor Hugh-Jones was informed that there were no projecting balconies to the east or south on the existing building. The daylight and sunlight assessments were acceptable for Newtown Road and there was considered to be no significant impact on the properties in the road.

Debate

14. Councillor Theobald noted that a similar scheme had been granted permission in 2019 and stated they supported the application that would not be seen much by the residents and will return the roofline.
15. Councillor Miller stated they were against the application.

16. Councillor Hugh-Jones noted the heritage aspects were acceptable and the development would re-instate the roofline, improve the roof and railings. The Councillor supported the application.
17. Councillor Fishleigh considered the development would not spoil the view from Hove station and supported the application.
18. Councillor Childs considered the scheme would not cause much damage and supported the application.
19. A vote was taken and of the 9 Members present on a vote of 8 to 1 planning permission was granted. (Councillor Henry had left the meeting before the item was discussed and took no part in the discussions or vote).
20. **RESOLVED:** That the committee has taken into consideration and agrees with the reasons for the recommendation set out in the report and resolves that they would have **GRANTED** planning permission subject to the Conditions and Informatives in the report.

D BH2020/01319 - 23 Shirley Drive, Hove - Full Planning

1. It was noted that an in-depth presentation had been provided by officers in advance of the meeting and was included on the council website detailing the scheme by reference to site plans, elevational drawings and photographs which showed the proposed scheme in the context of neighbouring development. The main considerations in determining the application relate to the principle of development, the design and appearance of the dwellinghouse, landscaping and biodiversity, impact on neighbouring amenities, the standard of accommodation created, the impact on the highways network and sustainability.

Speakers

2. Tim Pope, the residents' representative, considered the proposals to have a negative impact on the neighbouring properties. The lack of impact stated in the report cannot be substantiated, the development will impact on the properties nearby. It was noted that no site visits to the neighbouring properties had been carried out and any decision would be challengeable. The development is not compatible with the area where other backland developments have been refused. It is not considered that back gardens are windfall sites. The application is unreasonable and should be refused.
3. The Planning Manager informed the Members that no site visits had taken place during the COVID-19 lockdown. Officers have used photographs, mapping and aerial mapping to view the site. Enhanced presentations have been attached to all applications during the pandemic and have proved satisfactory.
4. Ward Councillor Bagaen considered the proposed sub-division of the plot to be unacceptable and fails to respect Planning policy. A nearby subdivision was refused as the plot was too narrow. The same applies here. Other applications have also been rejected. It is noted that the highway's officer did not find the proposals to be in line with standards. The height, bulk, detailing and materials are out of keeping on this cramped

plot. The committee were reminded that the application at 19 was refused and upheld at appeal.

Questions for speaker

5. Councillor Fishleigh was informed that Councillor Bagaeen had visited the site.
6. Councillor Janio was informed that appeal at the nearby property had been refused for similar reasons that Councillor Bagaeen was requesting the application before the committee to be refused.
7. The Planning Manager requested the Members to consider each application on its own merits.
8. Gareth Giles spoke to the committee as agent for the applicant and thanked the officers for their time. The proposals are for one new dwelling which is a self-build project of a high standard well designed family home with green credentials secured by condition. The project will not be visible from the road. The host dwelling has been 3 flats since the 1950s with two plots in the garden. The rear plot is the site of the proposed development. The development will have a simple material palette. The side elevation window facing 25B will be partially glazed to maintain privacy. It is considered that the appeal at 19 was different. The applicant considered they worked well with officers on the application.

Questions of officers

9. Councillor Fishleigh was informed that the application at 19 Shirley Drive was refused and upheld at appeal as the site was too narrow. The application at 23 is not considered to be the similar and is of a better design.
10. Councillor Shanks was informed that back garden developments are taken on a case-by-case basis.
11. Councillor Theobald was informed that site visits were not considered safe at this time due to COVID-19. This was under constant review. There is considered sufficient information for the application to be considered.
12. Councillor Hugh-Jones was informed that it was the opinion of the Planning Manager that the speaker on behalf of the residents considered there to have been insufficient review of the impact by the case officer. The Planning Manager considered the report to be acceptable.

Debate

13. Councillor Theobald considered that not just 25B would be affected by the development, 21 Rigden Road, to the rear, would be affected too. The plot is small, narrow and cramped on the boundary with the Hove Park Neighbourhood Forum. The cars at the front of the property were an issue and the 50 objections were noted.

14. Councillor Shanks stated they were happy with the application as it was a good use of space. The days of big houses were going. The Councillor supported the application.
15. Councillor Osborne supported the application as it was considered to be a good standard and sustainable.
16. A vote was taken and of the 8 Members present and on a vote of 5 to 3 planning permission was granted. (Councillors Child and Henry were not present for the discussions and did not take part in the subsequent vote).
17. **RESOLVED:** That the committee has taken into consideration and agrees with the reasons for the recommendation set out in the report and resolves to **GRANT** planning permission subject to the Conditions and Informatives in the report.

E BH2020/00505 - 99-100 North Road & 42 Vine Street, Brighton - Full Planning

1. It was noted that an in-depth presentation had been provided by officers in advance of the meeting and was included on the council website detailing the scheme by reference to site plans, elevational drawings and photographs which showed the proposed scheme in the context of neighbouring development. 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.

Speakers

2. Ward Councillor Deane did not consider the application to be an improvement on previous schemes that have been rejected before. The heritage officer reviewed the design and found it flat and unprepossessing. The properties nearby in Cheltenham Place will be impacted by the development. It is considered that the additional storey will remove sunlight from the tiny gardens. 1-11 Cheltenham Place will also suffer noise disruption. The two new homes will be detrimental to neighbours and there is not considered to be much need for offices. The committee are requested to reject the application.
3. A statement from the applicant's agent, Sarah Sheath was read out to the committee and stated that the application before Members follows the refusal of an earlier scheme and seeks to address the previous reason for refusal by reducing the scale of the proposed roof addition. The previous application was refused solely due to concerns about the scale, bulk, height and positioning of the roof addition being harmful to the character and appearance of the host buildings and wider conservation areas. In light of earlier refusals and the consideration by Appeal Inspectors, the Council raised no concerns in relation to any other matters, including impact on neighbour amenity. In order to address the last reason for refusal this proposal significantly reduces the scale of the roof addition and seeks to replicate an unimplemented scheme previously found to be acceptable by an Appeal Inspector. Accordingly, the additional floor has been stepped back from the edge of the building substantially and the existing parapets are proposed to be raised in height very slightly. All other elements of the proposals remain

as previously proposed as no objections were raised to these parts of the previous application. The raising of the parapets not only helps reduce the visual impact of the now reduced roof addition but also addresses concerns raised previously in respect of the potential visibility and reflectivity of balustrade treatments. The Conservation Officer has confirmed that the amendments to the proposals now ensure that the host buildings will remain the dominant built forms and that the roof addition will read as a taller building in the background of the development. Given that many of the objections to this proposal have previously been considered and dismissed by various appeal inspectors and that the scheme now before members is virtually identical to a scheme that has previously been found acceptable by an appeal inspector, there can be no reason to now resist the application before you. The proposals have overcome the one reason for refusal previously cited, and all other elements of the scheme remain as were previously proposed and found to be acceptable by the Council. The scheme will secure the delivery of some 700 sqm of office floorspace in the centre of Brighton, along with two small residential units of accommodation. Planning officers have rightly balanced these benefits with the limited visual impact of the proposals and they have concluded that the overall balance falls in favour of the proposals. Officers are satisfied that the proposals have adequately addressed the previous reason for refusal, and now accord with Development Plan policies and it was requested that Members concur with officer's findings and support the application.

Questions for officers

4. Councillor Shanks was informed that the previous scheme was dismissed at appeal and the ground floor being residential did not form part of this application. The change of use class on the ground floor would allow more flexibility in the future.

Debate

5. There was no debate.
6. The Members were invited to vote and out of the 9 attending Planning permission was granted by a unanimous vote. (Councillor Henry was not present for the discussion and did not take part in subsequent the vote).
7. **RESOLVED:** That the committee has taken into consideration and agrees with the reasons for the recommendation set out in the report and resolves to **GRANT** planning permission subject to the Conditions and Informatives in the report.

F BH2020/01791 - 28-29 George Street, Hove - Full Planning

1. It was noted that an in-depth presentation had been provided by officers in advance of the meeting and was included on the council website detailing the scheme by reference to site plans, elevational drawings and photographs which showed the proposed scheme in the context of neighbouring development. 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 impact on the amenities of local residents.

Speakers

2. Mr Patel spoke to the committee on behalf of local residents. The speaker requested the committee balance the need for the development, George Street and the conservation area next door. The wall to the rear of the properties is approximately 200 years old and runs for 200m. The main objections are the proposal would be overbearing for the properties to the rear, noise, loss of privacy, sunlight and daylight issues. The proposal will allow overlooking of neighbours, especially the bedrooms. The roof terrace harms the setting and is against policy. If permission is granted it will cause harm to the conservation area and the environment.
3. Ward Councillor Wilkinson objected to the application on the grounds of impact on the neighbours. The proposal would be overbearing and contrary to policy. The flat roof to the rear of the application site will be the same level as neighbouring bedrooms. The proposal is too close to the rear. No noise and disturbance are acceptable under policy. The proposed screening is not sufficient.
4. Ward Councillor Moonan noted that the approval at 53 George Street had a reduced roof terrace. It considered that the same issues apply at the application site. The committee were requested to reduce the roof terrace by 2m as a buffer space. All new development should respect the site and surrounding area. The rear wall is important and should be valued. The committee are requested to add a condition to reduce the terrace if the application is permitted.
5. Huw James spoke as the applicant's agent and noted the application was for new rear windows and rear screening. The development is proposed to improve the issues for the neighbours to the rear. The flats being created are lawful development. The shops at the site closed due to COVID-19. The owner now wishes to invest in the site with a new shop front in the future. The proposed screening is to prevent overlooking. The terrace cannot be restricted. The alternative would be no screening. To clarify the screen will be attached to the roof not the rear wall.

Questions for officers

6. Councillor Hugh-Jones was informed that an alteration to the 2m reduction would be too much to be considered in this application?
7. The Planning Manager requested the committee to consider the application as submitted.
8. The case officer noted that other developments in George Street were new and thereby subject to control. This property is not. The roof terrace is already accessible.
9. Councillor Childs was informed that a change to the fence would normally be subject to consultation. It is considered that this would be a step to far.

10. Councillor Shanks was informed that by condition the terrace would be attached to the roof.
11. Councillor Hugh-Jones was informed that the Members should determine the application before them.
12. Councillor Childs was informed that the application at 53 George Street was approved last year and was for a new development where conditions could be applied. The application site was built in the 1980s and permitted development allows development, so no conditions can be applied here. The new windows are not considered unreasonable and they will allow more light into the new flats.

Debate

13. Councillor Childs stated they did not support the application as they had concerns relating to the wall and overlooking.
14. The Chair invited the Members to vote and of the 8 present a vote of 7 to 1 permission was granted. (Councillors Henry and Miller were not present for the discussions and subsequent vote).
15. **RESOLVED:** That the committee has taken into consideration and agrees with the reasons for the recommendation set out in the report and resolves to **GRANT** planning permission subject to the Conditions and Informatives in the report.

G BH2020/00995 - 90 Southall Avenue, Brighton - Full Planning

1. It was noted that an in-depth presentation had been provided by officers in advance of the meeting and was included on the council website detailing the scheme by reference to site plans, elevational drawings and photographs which showed the proposed scheme in the context of neighbouring development. 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.

Speakers

2. Ward Councillor Yates informed that committee that within the radius of 98 Southall Avenue the report did not note other properties in multiple occupancy as they were operated under head lease operation. These are not in the report. If 98 Southall Avenue has C4 and not? C3 use this would affect the 10% of properties in the area as homes of multiple occupancy (HMO). The committee are requested to defer the application to seek clarification.

Questions for Officers

3. Councillor Fishleigh was informed that properties owned by educational establishments were excluded from the 10%.

4. The Senior Solicitor stated that under use classes order properties controlled by educational establishments were not counted as HMOs in C4 use class.
5. Councillor Fishleigh was informed that the information regarding the further use of the educational properties in the area was not known.
6. Councillor Childs proposed a motion to defer the application to give time for clarification of other properties in the application area including 98 Southall Avenue. Councillor Fishleigh seconded the motion.
7. The motion was put to the vote and from the 7 Members present a vote of 5 to 2 the motion was carried. The application would be deferred to a future meeting. (Councillors Henry and Miller were not present for the discussions and subsequent vote. Councillor Yates withdrew from the meeting following their representation to the committee and took no part in the discussions or subsequent vote).
8. **RESOLVED:** To defer the application to a future meeting following clarification.

H BH2020/01691 - 13 Landseer Road, Hove - Full Planning

1. This application was not called for discussion and the officer recommendation was therefore taken as having been agreed unanimously.
2. **RESOLVED:** That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in the report and resolves to **GRANT** planning permission subject to the Conditions and Informatives in the report.

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

- 38.1 As previously stated, in line with current Central Government guidance in relation to the Covid 19 pandemic, formal site visits had not been arranged.

39 LIST OF NEW APPEALS LODGED WITH THE PLANNING INSPECTORATE

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

40 INFORMATION ON INFORMAL HEARINGS/PUBLIC INQUIRIES

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

41 APPEAL DECISIONS

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

The meeting concluded at 7.31pm

Signed

Chair

Dated this

day of

PLANNING COMMITTEE	Agenda Item 65(b) Brighton and Hove City Council
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BRIGHTON & HOVE CITY COUNCIL

PLANNING COMMITTEE

2.00pm 17 SEPTEMBER 2020

VIRTUAL MEETING - SKYPE

MINUTES

Present: Councillors Littman (Chair), Osborne (Deputy Chair), Childs (Opposition Spokesperson), Miller (Group Spokesperson), Fishleigh, Henry, Hills, Simson and Yates

Co-opted Members: Roger Amerena (Conservation Advisory Group)

Officers in attendance: Jane Moseley (Planning Manager), Hilary Woodward (Senior Solicitor), Alison Gatherer (Lawyer), Rebecca Smith (Planning Officer), Sven Rufus (Planning Officer), Russell Brown (Senior Planning Officer), Michael Tucker (Planning Officer), David Farnham (Development and Transport Assessment Manager), Helen Hobbs (Senior Planning Officer), Jody Blake (Planning Officer) and Shaun Hughes (Democratic Services Officer).

PART ONE

42 PROCEDURAL BUSINESS

a) Declarations of substitutes

42.1 Councillor Hills substituted for Councillor Shanks and Councillor Simson substituted for Councillor Theobald. Councillor Janio sent apologies

b) Declarations of interests

42.2 Councillor Simson declared they had been lobbied on item I and had served on the Licensing Committee when the licence was considered but remained of an open mind. Councillor Hills declared they knew the applicant for item E and would withdraw from the debate and any decision making for that item. Councillor Miller declared they had been lobbied on items C, D, E but remained of an open mind. Councillor Yates declared they had been lobbied on items C, D, E but remained of an open mind; however, they had submitted representations on items G and K and would withdraw from the debate and any decision making on those items

c) Exclusion of the press and public

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

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

43 MINUTES OF THE PREVIOUS MEETING

43.1 **RESOLVED:** The Chair was authorised to sign the minutes of the meeting held on 5 August 2020 as a correct record.

44 CHAIR'S COMMUNICATIONS

44.1 The Chair addressed the committee, other attendees and those watching the webcast and encouraged them to take part and say what you think about City Plan Part Two. The consultation will be on the council website from 7 September to 30 October 2020. It seems that there will be less planning control in the future given the recent announcements from the government. In 2016 the council were given a target of 13,200 homes by 2030. The government have changed the matrix calculator resulting in a 287% increase, 4 times the current figure, and this is not achievable. We ask that the residents and councillors stand against the changes. This is not a party political matter. David Renard, the local government association Housing spokesperson states that there is no substitute for local knowledge in decision making as they know their area best and can ensure that wider issues will be considered such as infrastructure and affordable housing.

45 PUBLIC QUESTIONS

45.1 There were none.

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

46.1 The Chair explained that in line with current Central Government guidance in relation to the Covid 19 pandemic, formal site visits had not been arranged. To reflect that in depth presentation material and visuals had been circulated in advance of the meeting and had also been appended to the agenda papers published on the council website. If, however, Members considered that they required more detailed information in order to determine any application a site visit could be requested either at this point on the agenda or at any point in the proceedings.

47 TO CONSIDER AND DETERMINE PLANNING APPLICATIONS

47.1 The Democratic Services Officer read out all the agenda Items. It was noted that all Major applications and any Minor applications with speakers were automatically reserved for discussion. There were no major applications for consideration at this meeting.

47.2 It was noted that the following item(s) were not called for discussion and it was therefore deemed that the officer recommendation(s) were agreed including the proposed Conditions and Informatives and any additions / amendments set out in the Additional / Late Representations List:

- **Item H:** BH2019/03758 – 17 Old Shoreham Road, Hove - Full Planning
- **Item J:** BH2020/01509 – 46 Queens Gardens, Brighton - Full Planning
- **Item K:** BH2020/00995 – 90 Southall Avenue, Brighton - Full Planning

A BH2020/01466 - Hill House, 53 Western Road, Hove - Full Planning

1. It was noted that an in-depth presentation had been provided by officers in advance of the meeting and was included on the council website detailing the scheme by reference to site plans, elevational drawings and photographs which showed the proposed scheme in the context of neighbouring development.
2. The main considerations in the determination of this application relate to the principle of development, affordable housing, design and heritage, biodiversity and landscaping, the impact on neighbouring amenity, the standard of accommodation created, the impact on the highway, and sustainability.

Speakers

3. Ward Councillor Clare spoke on the item and expressed concerns regarding the development of the listed building. Residents in Holland Mews to the rear of the site will be impacted by construction traffic, loss of light from the increase in height of the proposals and loss of privacy from the proposed balconies. A traffic management plan is requested to address the traffic issues. The development is located in parking zone M, which is a congested zone, please make the proposals a car free development.
4. John McLean spoke as the applicant's agent and stated that they had been on a site visit with officers to clarify the proposals as they were mindful that the building was listed. The impact of the proposal was assessed from 17 different viewpoints. The heritage team felt the visual impact would be negligible. The Conservation Area Group (CAG) approved the setback design of the top floor with edge planting and set back parapet handrail. The applicant is happy to repair the Hills pavement mosaic. CAG also approved of the proposed front elevation to the north. The replacement windows, roof and extensive refurbishment will return the building to landmark status. The applicant understands the concerns relating to construction traffic and has submitted a Construction Management Plan to the case officer which will avoid using Holland Mews. There is considered to be no loss of sunlight and daylight estimates are acceptable for the residents of Holland Mews as the less than one storey development will be set to the north side of the building away from the mews.

Questions for speaker

5. Councillor Fishleigh was informed that the applicant was happy to agree conditions relating to no construction traffic in Holland Mews; details of window replacement and landscape strip on roof terrace – introduced to prevent overlooking; and repair of Hills pavement mosaic.
6. Councillor Hills was informed that there would be no loss of light to Holland Mews to the rear of the building.
7. Councillor Fishleigh proposed a motion to add a condition to retain the Hills pavement mosaic. This was seconded by Councillor Henry.
8. The Chair put the motion to the vote, and it was agreed unanimously.

Debate

9. Councillor Miller considered the design to improve the building and approved of the new units to be gained by the development. The councillor supported the application.
10. Councillor Yates considered that the applicant had engaged with the community and supported the application.
11. Councillor Osborne considered the housing mix to be acceptable. A car free development would be desirable. The inclusion of 12 solar panels was good and the councillor stated their support for the application.
12. Councillor Littman was delighted to see the make-over for the building and the repair of the mosaic. The councillor supported the application.
13. A vote was taken and by unanimous vote, planning permission was granted.
14. **RESOLVED:** That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in the report and resolves to be MINDED TO GRANT planning permission subject to a s106 agreement on the Heads of Terms set out in the report and the Conditions and Informatives as set out in the report, 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 11.1 of the report.

B BH2020/01467 - Hill House, 53 Western Road, Hove - Listed Building Consent

1. The listed building consent (LBC) application was considered at the same time as BH2020/01446 – Hill House, 53 Western Road, Hove - full planning application.
2. A vote was taken and by unanimous vote, listed building consent was granted.
3. **RESOLVED:** That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in the report and resolves **TO GRANT** listed building consent subject to the Conditions and Informatives as set out in the report.

C BH2020/01620 - 57 Goldstone Crescent, Hove - Full Planning

1. It was noted that an in-depth presentation had been provided by officers in advance of the meeting and was included on the council website detailing the scheme by reference to site plans, elevational drawings and photographs which showed the proposed scheme in the context of neighbouring development.
2. The main considerations in the determination of this application relate to the principle of development, affordable housing provision, density, design, landscaping and biodiversity, their impact on neighbouring amenity, the standard of accommodation, the impact on the highway, and sustainability.

Speakers

3. Ward Councillor Bagaeen spoke on the item to the committee declaring that they spoke on behalf of residents and the Hove Park Forum. The councillor expressed concerns that a site visit had not taken place and did not consider the other designs mentioned in the design and access statement are material, and strongly disagreed with the statement that the tree is not significant. The development site is not a windfall and is not on the register of potential development sites. The density of the area is important, and the titled balance of consideration should be ignored. No affordable housing has been offered in the scheme. The design and access statement states that the applications at 57 and 55 are being dealt with separately. The Hove Park Forum is currently working on the Hove Park neighbourhood plan, and this should be a material consideration even though it has not been adopted yet. The plan includes design guidelines created to protect the area. This development fails on landscaping and sustainability strategies. The Forum commissioned a housing needs assessment and found the dwelling mix must be decided by life stage modelling. Hove Park plays a wider role in the city and offers larger homes.
4. The Planning Manager informed the committee that there had been no site visits during lockdown to protect the health and safety of staff and residents. The neighbourhood plan has not been drafted and therefore has no weight in the discussion.
5. The case officer informed the committee that the developments at 57 and 55 Goldstone Crescent were two separate applications. This was a decision made by the applicant as they were two separate properties under different ownership.
6. Ian Coomber spoke to the committee on the item as the applicant's agent. The speaker considered that the application was a model of co-operation and working together with officers. It was noted that the presentation was the best view of the application. The street scene in the area is not considered uniform. The development includes a mix of flats which will be good for those wishing to downsize. The scheme is good and cannot be considered against the draft neighbourhood plan design code. The area offers a variety of housing creating a good mix. The development will help to address the 5 year land supply for the council. It is considered that the report and presentation are good and show everything needed to determine the application. The speaker requested the committee to approve the application.

Questions for speaker

7. Councillor Miller was informed that the development would be a good match for those wishing to downsize in the area.

Questions for officers

8. Councillor Hills was informed that the cycle parking would be to the rear of the building. The exact location is under negotiation. By condition the development will not be occupied until this has been resolved.
9. Councillor Childs was informed that the development was a similar footprint to the existing property and the majority of the garden would be retained.
10. Councillor Fishleigh was informed that the developer decided to submit two applications for 57 and 55 Goldstone Crescent as they were under different ownership. The Councillor was informed that the S106 agreement would need to be signed and agreed before the Community Infrastructure Levy (CIL) was introduced.
11. The Senior Solicitor informed the committee that the S106 agreement would need to be agreed before 2 October 2020 as this would be before CIL started. After that date the contributions will change.

Debate

12. Councillor Miller considered the number of units and affordable housing contribution to be good, along with the materials. The dug down design was good, as was the downsizing for city residents and the flats will add 7 units to housing targets. The councillor supported the application.
13. Councillor Osborne appreciated the report and the development, on the same footprint, not over the height of neighbouring properties and with little harmful effect, to be acceptable and supported the application.
14. Councillor Hills considered the development to create more good homes, with downsizing opportunities and to be well planned. The councillor supported the application.
15. Councillor Fishleigh found the application a challenge to consider away from the other development proposed at No.55.
16. A vote was taken and out of the 9 Members present the committee voted by 7 to 2 that planning permission be granted.
17. **RESOLVED:** That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in the report and resolves to be MINDED TO GRANT planning permission subject to a s106 agreement on the Heads of Terms set out in the report and the Conditions and Informatives as set out in the report, 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 11.1 of the report.

D BH2020/01619 - 55 Goldstone Crescent, Hove - Full Planning

1. It was noted that an in-depth presentation had been provided by officers in advance of the meeting and was included on the council website detailing the scheme by reference to site plans, elevational drawings and photographs which showed the proposed scheme in the context of neighbouring development.
2. The main considerations in the determination of this application relate to the principle of development, affordable housing provision, density, design, landscaping and biodiversity, their impact on neighbouring amenity, the standard of accommodation, the impact on the highway, and sustainability.

Speakers

3. Ward Councillor Brown spoke to the committee and stated that they objected to the application. The councillor considered that both the previous application at 57 and this application at 55 Goldstone Crescent should be considered at the same time. The applications will set a precedent in the area. The proposals are near other developments, but they are not the same. This is the wrong location. The application is considered to be an overdevelopment of the site, to be overbearing and to upset the street scene. The three parking spaces proposed are insufficient on the busy road where street parking is congested. There are no bus stops nearby. Under City Plan Part 1 the characteristics of the area need to be maintained; this application does not do that. This residential development is not in character. The councillor requested that the committee refuse the application.

Questions for speaker

4. Councillor Simson was informed that the neighbouring property was a bungalow, and the development would be overbearing on that dwelling.
5. Councillor Hills was informed that the nearest bus stop was in Woodruff Avenue some 200 metres away, where a limited service stopped.
6. Ian Coomber spoke to the committee as the applicant's agent. The speaker considered that the application was similar to that at 57. The engagement with officers had been good. It was considered that the site was a windfall and the downsizing possibilities were good. It was noted that the area was not exclusively large houses. The impact on the neighbouring bungalow has been assessed and found acceptable by the case officer. There are sustainable transport links nearby. The speaker requested that the committee grant planning permission.

Debate

7. Councillor Hills considered that a mix of housing in the area would be better than just larger homes.
8. Councillor Miller considered the number of units to be good and the affordable housing contribution to be acceptable. The councillor noted that the report stated there would be

no detrimental impact on the neighbouring bungalow and had seen this on a drive -by. The councillor supported the application.

9. A vote was taken and out of the 9 Members present the committee voted by 7 to 2 that planning permission be granted.
10. **RESOLVED:** That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in the report and resolves to be MINDED TO GRANT planning permission subject to a s106 agreement on the Heads of Terms set out in the report and the Conditions and Informatives as set out in the report, 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 11.1 of the report.

E BH2020/01973 - 40 Dyke Road Avenue Brighton - Full Planning & Demolition in a Conservation Area

1. It was noted that an in-depth presentation had been provided by officers in advance of the meeting and was included on the council website detailing the scheme by reference to site plans, elevational drawings and photographs which showed the proposed scheme in the context of neighbouring development.
2. The main considerations in the determination of this application relate to the principle of the development, its design and heritage impacts, particularly in relation to the conservation area. The impact on neighbouring amenity, the trees on site, transport network and sustainability issues are also considered.
3. The committee were informed by the case officer that paragraph 8.4. should read: The present proposal would result in the replacement of the existing dwelling so no housing gain.

Speakers

4. Lap Chan spoke to the committee as the applicant's agent. The determination of the application is considered on the loss of the existing building which is only a heritage asset in as much as it is in a conservation area. Other properties in the area are set back from the front boundary and there is no consistency in the area. The styles and appearance of properties in the area are mixed with most buildings being behind walls and hidden from sight. The development has been redesigned following contact with the case officer and this was supported by the Conservation Advisory Group (CAG) and a ward councillor. The new dwelling could meet Passivhaus standards as the new build will be energy efficient. It is noted that the existing building is not updateable.

Questions for speaker

5. Councillor Miller was informed that the applicant would live in the new property.
6. Councillor Fishleigh was informed that the CAG approved the arts & crafts design.

Questions for officers

7. Councillor Yates was informed that the application was for a replacement single dwelling. It was noted that the property had been converted back to one dwelling from two, some time ago.

Debate

8. Councillor Miller approved of the design, which was considered better than the previous one and more fitting to the area. The scheme for a family unit was good. The councillor supported the scheme and was against the officer recommendation for refusal.
9. Councillor Fishleigh considered the design to be an improvement and supported the application.
10. Councillor Simson considered the existing property to be an eyesore and the new design to be better than the previous one. The councillor supported the scheme and was against the officer recommendation for refusal.
11. Councillor Yates supported the application and was against refusal. The proposed dwelling, to be of a high standard, would be a good addition to the area. More dwellings would have been better, but one was better than none.
12. Roger Amerena (CAG) considered this application to be better than the last one with the forecourt wall being reinstated. The new dwelling would be a plus for the area.
13. A vote was taken and out of the 8 Members present the committee voted unanimously against the officer recommendation to refuse planning permission. (Councillor Hills had withdrawn and took no part in the debate or decision-making process).
14. A motion to grant planning permission was proposed by Councillor Miller and seconded by Councillor Childs.
15. Councillor Miller stated what the proposed reasons for grant as per the recommended reason for refusal except remove "No" in the second sentence; third sentence reads "...existing building does preserve and enhance the appearance and character of the area and would not cause harm..."; final sentence deleted. The reasons for grant should be included in the minutes.
16. Councillor Littman requested that the imposition of suitable conditions be delegated to the Planning Manager.
17. A recorded vote was held: Councillors Osborne, Childs, Miller, Henry, Fishleigh, Yates, Simson and Littman voted in favour of granting planning permission.
18. **RESOLVED:** That the Committee has taken into consideration the report and resolves TO GRANT planning permission for the reasons set out above and subject to conditions to be agreed by the Planning Manager. The final wording of the GRANT to be agreed by the Planning Manager.

F BH2020/01899 - 4 Tandridge Road, Hove - Full Planning

1. It was noted that an in-depth presentation had been provided by officers in advance of the meeting and was included on the council website detailing the scheme by reference to site plans, elevational drawings and photographs which showed the proposed scheme in the context of neighbouring development.
2. The main considerations in the determination of this application relate to the principle of the development, the design and appearance of the proposed dwellings and the impact of the proposal on neighbouring amenity. The standard of accommodation to be provided, transport implications and sustainability and are also material considerations.

Speakers

3. Matthew Binns spoke to the committee as an objector. The speaker considered that their family would be adversely affected by the application. There did not appear to be any engagement by the applicant with the neighbours or a site visit to assess the impact of the proposals. The development will be incongruous. The property is two dwellings already and had been refused before. The speaker considered that they would lose light, and there appeared to be no assessment of this, loss of privacy as the rear of the new building will align with rear boundary of the neighbouring property. There have been other applications along Tandridge Road and this application will in result in? overcrowding with too many properties together. The speaker asked the committee to refuse the application.

Questions to speaker

4. Councillor Fishleigh was informed that the garage to the rear of the application site may have been turned into an office. The councillor was also informed that the application was considered to affect the light and privacy of the neighbouring properties. It was also noted a previous application for a replacement dwelling was granted planning permission. The councillor was informed that there were two dwellings on the application site.
5. Councillor Miller was informed that the new builds in the road were of a different design and had received little objection.

Questions for officers

6. Councillor Fishleigh was informed that a site visit had not taken place and as far as officers knew, the property was known as one dwelling.
7. Councillor Miller confirmed that a site visit would be appreciated to understand the site better.
8. The Senior Solicitor asked the committee whether they were happy for the case officer to carry out the site visit or would the Members wish to attend.
9. Councillor Littman addressed the committee and all the Members agreed that the case officer should carry out the site visit.

10. The Planning Manager stated that an extant planning permission existed for the site allowing two dwellings to be built.
11. A vote was taken and on a unanimous vote, all 8 committee Members agreed to defer the application pending a site visit to ascertain whether the application property was in use as one or two dwellings. (Councillor Yates was not present during the discussions and took no part in the decision making process).
12. **RESOLVED:** That the Committee has taken into consideration the report and agrees to defer the application pending a site visit.

G BH2020/01870 - 136 Ladysmith Road, Brighton - Full Planning

1. It was noted that an in-depth presentation had been provided by officers in advance of the meeting and was included on the council website detailing the scheme by reference to site plans, elevational drawings and photographs which showed the proposed scheme in the context of neighbouring development.
2. The main considerations in the determination of this application relate to the principle of the proposed change of use, the effects of the proposed change of use on neighbours' amenity, the standard of accommodation to be provided for future occupiers, and transport matters.

Debate

3. Councillor Childs considered that there were lots of Homes of Multiple Occupancy (HMO) in this crowded area. The councillor expressed concerns that the proposed change of use would have a negative impact on the area with regards to noise, rubbish and more cars needing parking.
4. A vote was taken, and the 8 Members present voted by 3 to 5 against the officer recommendation to approve the application. (Councillor Yates was not present during the debate and took no part in the decision making process).
5. A motion to refuse the application was proposed by Councillor Childs and seconded by Councillor Fishleigh.
6. Councillors Childs proposed that the reasons for refusal would be on the grounds that the application would potentially have a negative impact by way of parking, noise and waste and thereby be contrary to planning policy QD27 – protection of amenities.
7. A recorded vote was taken, and of the 7 Members present councillors Childs, Miller, Fishleigh and Simson voted to refuse the application, whilst councillors Osborne, Hills and Littman voted to grant the application. By a vote of 4 to 3 the application was refused. (Councillors Henry and Yates were not present during the debate and took no part in the decision making process).
8. **RESOVLED:** That the Committee has taken into consideration the reasons for the recommendation set out in the report but resolves to **REFUSE** planning permission on the grounds that the proposed development would potentially result in noise, parking issues and waste which would have a negative impact on amenity. The final wording of

the refusal to be agreed by the Planning Manager in consultation with the proposer and seconder.

H BH2019/03758 - 17 Old Shoreham Road, Hove - Full Planning

1. This application was not called for discussion and the officer recommendation was therefore taken as having been agreed unanimously.
2. **RESOLVED:** That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in the report and resolves to **GRANT** planning permission subject to the Conditions and Informatives in the report.

I BH2020/01548 - 23 Trafalgar Street, Brighton - Full Planning

1. It was noted that an in-depth presentation had been provided by officers in advance of the meeting and was included on the council website detailing the scheme by reference to site plans, elevational drawings and photographs which showed the proposed scheme in the context of neighbouring development.
2. The main considerations in the determination of this application relate to the principle of development, design and heritage, the impact on neighbouring amenity and on the highways network.

Speakers

3. Ward Councillor Deane spoke to the committee. The councillor considered that Members were absolutely right to refuse the application when it first came to committee and noted that councillors from all parties considered it as a 'pub by stealth' and is therefore an inappropriate change of use within the Cumulative Impact Zone. The councillor noted that although licensing conditions stipulate no outside drinking beyond 6 pm there would be noise and disturbance to nearby residents from smokers who will be permitted outside until 10 pm. The councillor also found it concerning that there is a whiskey bar open to the public in close proximity to Brighton Met College. This second application has at best minor tweaks compared to the first application and few, if any, concerns raised have been allayed. The councillor considered that although there have been numerous letters of support for this application the members are requested to take note of the postcodes of those supporters as the councillor believes a significant number are not from Brighton and do not represent the wishes of local people. The councillor urged the committee to abide by policy and again refuse this application, as there is very little difference between this and first time around.
4. Sebastian Woolf, the applicant, spoke to the committee. The applicant thanked the case officer and stated they were a business owner in the whiskey trade and well known in the North Laine area and understood the dynamics of the area. The applicant did not consider they were off loading cheap alcohol but would be open for the sampling and selling of whiskies. Support had been received from around the UK and distributors would be invited to Brighton to enjoy the applicant's own whiskey brand. Brighton is a good place for small businesses, and this will not be a large chain pub like venue. The independent whiskey will be bottled in Brighton with labels designed by local artists.

Questions for the speaker

5. Councillor Fishleigh was informed that the applicant did not speak to the committee on the previous application. The applicant confirmed they had not spoken to the North Laine trader's association but had spoken in person to other business owners and believed there would be employment opportunities and that people were excited by the proposal.

Questions for officers

6. Councillor Fishleigh was informed that although not relevant a premises licence had been granted.
7. Councillor Hills was informed that petitions and support had been received from across the UK.
8. The Planning Manager stated that the material considerations within the objections or representations in support were to be considered, and not the number of objections or representations in support.

Debate

9. Councillor Simson supported the applicant that they considered to be unique.
10. Councillor Fishleigh supported the application.
11. Councillor Osborne supported the application and considered the conditions to be acceptable.
12. Councillor Childs supported the application and considered the conditions to be good, along with the building improvements, and the employment and tourist benefits.
13. Councillor Littman considered the application to be better than the previous one and that the proposals would be good for the city. The councillor supported the application.
14. A vote was taken and the 8 Members who were present when the vote was taken the committee voted unanimously that planning permission be granted. (Councillor Yates was not present during the discussions and took no part in the decision making process).
15. **RESOLVED:** That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in the report and resolves to be **GRANT** planning permission subject to the Conditions and Informatives as set out in the report.

J BH02020/01509 - 46 Queens Gardens Brighton - Full Planning

1. This application was not called for discussion and the officer recommendation was therefore taken as having been agreed unanimously.

2. **RESOLVED:** That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in the report and resolves to **GRANT** planning permission subject to the Conditions and Informatives in the report.

K BH2020/00995 - 90 Southall Avenue, Brighton - Full Planning

1. This application was not called for discussion and the officer recommendation was therefore taken as having been agreed unanimously.
2. **RESOLVED:** That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in the report and resolves to **GRANT** planning permission subject to the Conditions and Informatives set out in the report.

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

- 49.1 The Chair explained that in line with current Central Government guidance in relation to the Covid 19 pandemic, formal site visits had not been arranged. To reflect that in depth presentation material and visuals had been circulated in advance of the meeting and had also been appended to the agenda papers published on the council website. If, however, Members considered that they required more detailed information in order to determine any application a site visit could be requested either at this point on the agenda or at any point in the proceedings.

50 LIST OF NEW APPEALS LODGED WITH THE PLANNING INSPECTORATE

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

51 INFORMATION ON INFORMAL HEARINGS/PUBLIC INQUIRIES

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

52 APPEAL DECISIONS

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

The meeting concluded at 5.08pm

Signed _____ Chair

Dated this _____ day of _____

Subject:	City College 87 Preston Road Brighton BN1 4QG Request to vary the terms of the Section 106 agreement relating to planning permission BH2017/01083 (Change of use from education (D1) to 25no flats (C3) including roof conversion, insertion of mezzanine levels, installation of rooflights, replacement of windows, erection of rear infill extension at first floor level, demolition of existing building to rear of property and other associated works including cycle and bin store, new pedestrian access to the building, communal garden space and associated landscaping).
Date of Meeting:	4 November 2020
Report of:	Executive Director Economy, Environment and Culture
Contact Officer:	Name: Russell Brown E-mail: Russell.Brown@brighton-hove.gov.uk Tel: 07394414471
Wards Affected:	Preston Park

1. PURPOSE OF THE REPORT

- 1.1 To consider a request to vary the Heads of Terms of a Section 106 Agreement signed in connection with planning application BH2017/01083, in order to amend the affordable housing requirements.

2. RECOMMENDATION

- 2.1 That the proposed variation to the Heads of Term be agreed so that the developer is obligated to pay a commuted sum of £1,357,500, twelve (12) months after first occupation, in lieu of providing the affordable housing in the form of ten shared ownership units on site, as set out in the Deed of Variation to the s106.

3. BACKGROUND INFORMATION

- 3.1 Members were Minded to Grant full planning permission at Planning Committee on 9 August 2017 for the following planning application:

*“**BH2017/01083** Change of use from education (D1) to 25no flats (C3) including roof conversion, insertion of mezzanine levels, installation of rooflights, replacement of windows, erection of rear infill extension at first floor level, demolition of existing building to rear of property and other associated works including cycle and bin store, new pedestrian access to the building, communal garden space and associated landscaping.”*

- 3.2 The granting of permission was subject to the completion of a S106 agreement containing the following Head of Term (amongst others), as set out in the original Committee report:

“Affordable Housing: On site provision of 5 no. affordable rent units and 5 no. shared ownership units, which represents 40% affordable.”

- 3.3 Planning permission was granted on 20th November 2017, following completion of the s106 Agreement.

- 3.4 A Deed of Variation was then sought to the s106 Agreement to amend the tenure to provide ten shared ownership units, rather than five affordable rent units and five shared ownership units.
- 3.5 This was approved at the 15th August 2018 meeting of the Planning Committee with the Deed of Variation dated 16th July 2019.

4. PROPOSAL

- 4.1 The developer has written to the Council to request that they pay an in lieu commuted sum of £1,357,500.
- 4.2 The proposal is made by the developer in response to a lack of interest in the affordable units from the Council's list of preferred Registered Social Landlords (RSLs). This is because of the small number of units, the current climate caused by Covid-19, and a lack of confidence in the market.
- 4.3 The only interested Registered Provider has subsequently confirmed they are not proceeding with the sale. The developer has stated that this is due to a combination of factors, including the staircasing requirement, the costs involved with having to convert the wheelchair unit to a private unit at a later date as it will unlikely be sold to such a user, some internal funding priorities, the RP's commitment to other purchases, and the unusual nature of the site.

5. COMMENT

- 5.1 With respect to provision of affordable housing, the expectation of City Plan Part One Policy CP20(a) is to achieve 40% affordable housing provision on sites of 15 more units. Only in 'exceptional circumstances' does the policy allow the Council to accept a commuted sum in lieu of onsite provision on larger sites. An example of one of these circumstances would be where the Registered Provider finds it uneconomic or impractical to provide the units agreed, which is the case here.
- 5.2 Policy CP20 lists 5 considerations for assessing the appropriate level and type of affordable housing provision, namely:
- i. local need in respect of the mix of dwelling types and sizes including the city's need to provide more family-sized affordable housing;*
 - ii. the accessibility of the site to local services and facilities and public transport;*
 - iii. the costs relating to the development; in particular the financial viability of developing the site (using an approved viability model);*
 - iv. the extent to which the provision of affordable housing would prejudice the realisation of other planning objectives; and*
 - v. the need to achieve a successful housing development."*

- 5.3 It is therefore worth noting that the proposed variation would allow a financially viable and successful housing development to be achieved.
- 5.7 It is for the reasons mentioned in paragraphs 4.2 and 4.3 that the developer has proposed to pay a commuted sum in lieu of providing the ten Shared Ownership affordable units. The developer has confirmed that the development cannot be implemented unless this Deed of Variation is agreed.
- 5.8 It is considered that the implementation of the development would deliver planning and economic benefits, including much-needed private housing, in a sustainable location, with good access to shops and services, and sustainable transport links, as well as improving and bringing back into use an attractive locally listed building, helping to secure its long-term retention and maintenance. With the variation, it would also deliver a policy-compliant level (40%) of affordable housing (albeit via a commuted sum), The s106 also commits the developer to £130,835 of contributions towards local education services, recreation facilities and employment schemes.
- 5.9 It is considered that the developer has provided sufficient justification and evidence that affordable housing units cannot be provided on site, and therefore an exception to this requirement within Policy CP20 can be accepted in this case, taking into account the site characteristics and policy considerations iii (the financial viability of delivering the site) and v (delivering a successful housing development).

Housing Response

- 5.10 The Housing Team is willing to accept the payment of an in-lieu commuted sum to the Council that would ensure a set contribution that would be used to provide affordable housing elsewhere in the City. In this case they are satisfied that the payment of the commuted sum can be made within 12 months of occupation
- 5.11 The background to this is that affordable housing is provided in perpetuity. It is the Council's requirement that a portion of the housing be used as affordable and that it be provided through an Affordable Housing Provider, defined as "a housing association, trust, Registered Provider or company or body specialising in the delivery of Affordable Housing as agreed in writing with the Council".

Analysis

- 5.12 Following negotiations, the developer has agreed to offer an in-lieu commuted sum of £1,357,500, which is payable within 12 months of occupation. It is important to note, however, that any subsequent sales of residential units after 12 months where payment of the commuted sum has not been made will be prevented by the Council.
- 5.13 The following clauses would be added to the Deed of Variation:

“Not to Occupy the Proposed Development until the Council has been given at least 15 days prior written notice of the date of first Occupation; such notice to be addressed to the Council’s Head of Planning at Hove Town Hall Norton Road Hove BN3 3BQ.”

“To give the Council at least 10 Working Days’ prior written notice of the actual date that is 12 months from the date of first Occupation (“Payment Date”).”

“To notify the Council of the number of Dwellings Occupied, as at the Payment Date, together with written evidence of the same.”

“To pay the Affordable Housing Contribution (Index Linked) to the Council on or prior to the Payment Date.”

“Not to Occupy or cause or permit the Occupation or sale of any further Dwellings after the Payment Date until the Affordable Housing Contribution has been paid to the Council.”

5.15 In conclusion and in this case, the non-provision of on-site affordable housing has been adequately justified and is therefore considered acceptable as an exception to part (a) of City Plan Part One Policy CP20. As such, it is recommended to vary Clause 2 of Schedule 2 of the S106 dated 20th November 2017, as amended by Clause 3 of the Deed of Variation dated 16th July 2019.

Background Documents:

Planning Application BH2017/01083

Subject:	Former Portslade Brewery, South Street, Portslade		
Date of Meeting:	4 November 2020		
Report of:	Liz Hobden, Head of Planning		
Contact Officer:	Name:	Chris Swain	Tel: 01273 292178
	Email:	Chris.swain@brighton-hove.gov.uk	
Ward(s) affected:	South Portslade		

1. PURPOSE OF THE REPORT

- 1.1 To consider a request to vary the Heads of Terms of the Deed of Variation to the Section 106 Agreement dated 3 November 2017 in connection with planning permission BH2018/02373 (original application BH2016/02459) to vary the clause requiring that two shared ownership dwellings are to be provided to instead provide a financial contribution for offsite affordable units in lieu of the on-site provision.

2. RECOMMENDATION

- 2.1 That the Committee has taken into consideration and agrees with the reasons for the recommendation set out below and resolves to **GRANT** the Deed of Variation to the S106 Agreement dated 3 November 2017 related to planning permission ref: BH2018/02373 (original application BH2016/02459).

3. BACKGROUND INFORMATION

- 3.1 The permission relates to the redevelopment of the former Portslade Brewery site sited off South Street within the Portslade Old Village Conservation Area. Full planning permission was granted for the following development:

BH2018/02373 - Application for variation of condition 1 of BH2016/02459 (Partial demolition of existing buildings, conversion of remaining buildings from industrial (B2) to a mixed use development comprising 37 self-contained flats (C3), 674 sqm of employment floorspace (B1) (art studios and ancillary galleries, shared community space and café). Erection of 11 new dwellings (C3). Formation of 47 parking spaces, soft and hard landscaping.) to allow amendments to the approved drawings. Variation of conditions 4, 8, 10, 11, 17, 18, 28, 29, 31, 35, 40 and 43 to allow phasing of project. Variation of condition 7 regarding accessibility, 39 regarding surface water maintenance and management and 41 regarding flooding. Granted: 29 October 2019.

Original application

BH2016/02459 - Partial demolition of existing buildings, conversion of remaining buildings from industrial (B2) to a mixed-use development comprising 37 self-contained flats (C3), 674 sqm of employment floorspace (B1) (art studios and ancillary galleries, shared community space and café). Erection of 11 new

dwellings (C3). Formation of 47 parking spaces, soft and hard landscaping.
Granted: 3 November 2017.

- 3.2 The permission provides for a mixed used development involving the conversion of the former locally listed brewery buildings to provide 37 self-contained flats and 674sqm of employment space, demolition of the later industrial buildings and the erection of 11 new dwellings.
- 3.3 The new build dwellings are nearing completion with the overall development earmarked to be completed in the summer of 2021.

4. PROPOSAL

- 4.1 The s106 Legal Agreement requires that two of the new build dwellings must be offered up for affordable housing (shared ownership). The proposal is to vary the legal agreement to allow a commuted sum to be paid in lieu of the on-site affordable housing.
- 4.2 The two three-bedroom dwellings that have been offered up as shared ownership affordable units are marked as units 10 and 11 on the approved plans.

5. CONSULTATIONS

- 5.1 **Housing Strategy:** No objection
- 5.2 Further to our telephone conversation this is to confirm Housing Strategy's agreement to receipt of a commuted sum at this development in lieu of affordable housing on-site as originally approved. This scheme was given planning permission in 2017 and the development is currently approaching build completion (for the new build element). The planning permission included an obligation that affordable housing would be provided in the form of the on-site provision of two houses for shared ownership sale.
- 5.3 In May 2020 the developer approached the council to outline that they had been unable to secure an offer from one of the council's Registered Provider partners to acquire these homes. We are satisfied that they had tried to achieve a sale. The council has also considered whether it could purchase the properties direct but in this instance this approach proved unviable. Planning policy allows the move to a commuted sum in these circumstances in accordance with the Technical Guidance for Developer Contributions. The developer has proposed a commuted sum based on the figures outlined in our published guidance. This sum will be used to provide affordable housing elsewhere in the city.

6. COMMENT

- 6.1 The main considerations in the determination of this application relate to the principle of varying the legal agreement to allow for the payment of a commuted sum in lieu of the on-site provision of two three-bedroom dwellings in shared ownership.

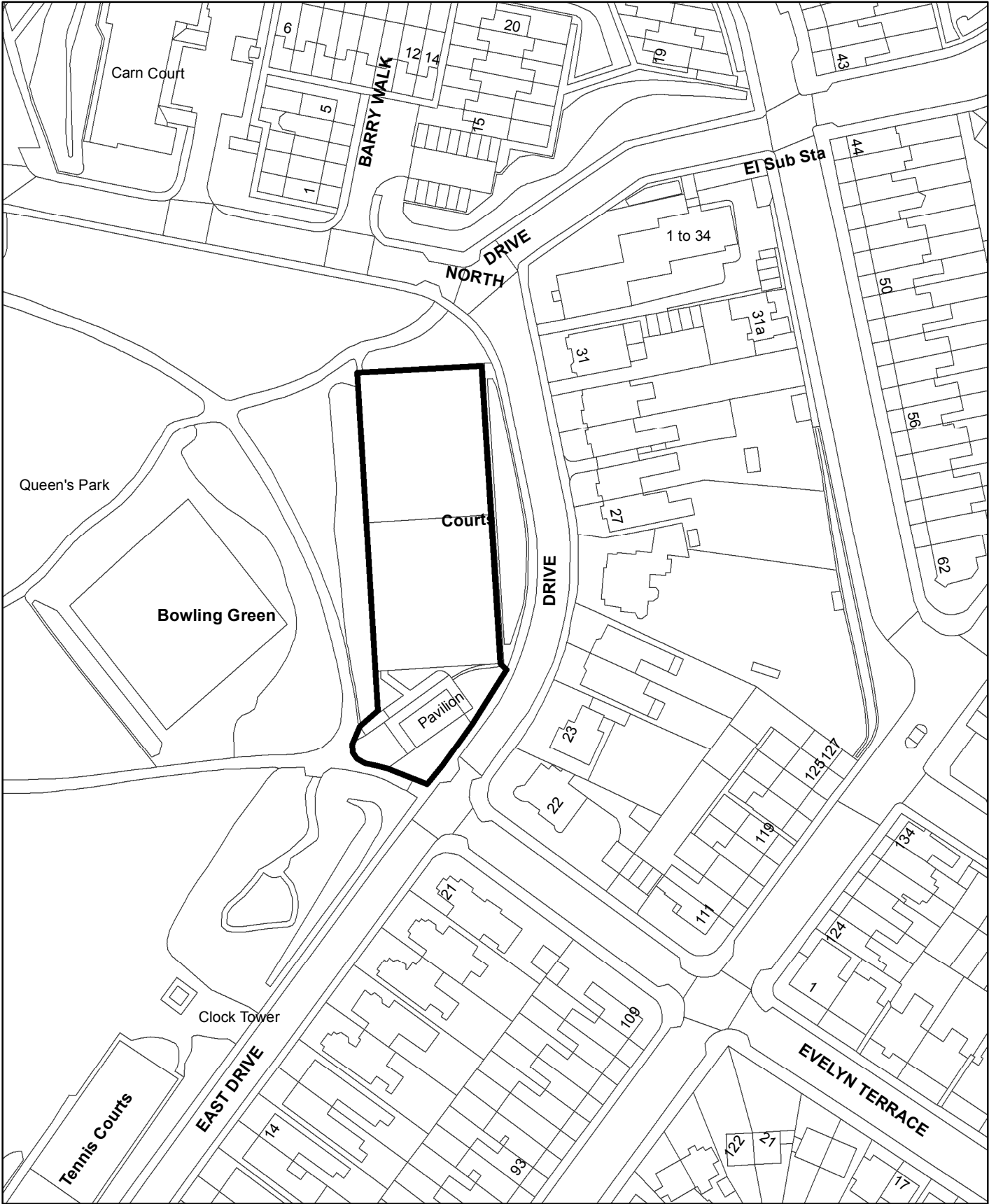
- 6.2 The applicant has set out in their submission that they have been unable to find a Registered Provider to take on the two affordable units. The Housing Strategy Team are satisfied that every effort has been made to achieve the sale of the two shared ownership units to a Registered Provider and that this approach is not possible at this time.
- 6.3 City Plan Part One policy CP21 and the Affordable Housing Brief indicates that the Council's preference is for on-site affordable housing provision is preferable to help achieve balanced and mixed communities. As such the Housing Strategy Team engaged in discussions with the applicant to explore whether the Council could purchase the two units as part of the Council's affordable housing portfolio.
- 6.4 Housing Strategy Team were not able to make a viable case to take on the two affordable units and as such in this instance have agreed that a commuted sum could be made in lieu of the on-site provision.
- 6.5 The commuted sum has been arrived at in accordance with the formula set out within the Developer Contributions Technical Guidance (March 2017). The resulting figure is £140,000 for each shared ownership unit and thus an overall total of £280,000. The Housing Strategy Team have confirmed that the total offered by the applicant is in accordance with the guidance.
- 6.6 The commuted sum would be put towards the Council's affordable housing programme within the City which includes homes for affordable rent, which has the benefit of providing homes with greater levels of affordability than the two shared ownership units that were to be provided on-site.
- 6.7 To conclude, it is considered that the applicant's proposal to vary the legal agreement to provide a commuted sum, in lieu of onsite affordable housing, is acceptable and would accord with the thrust of relevant planning policy and the aims of the Council. It is therefore recommended that the Deed of Variation is permitted.
7. **BACKGROUND DOCUMENTS:** Planning Applications BH2018/02373 and the original application - BH2016/02459.

ITEM A

**Queens Park Tennis Club
BH2020/00171
Full Planning**

DATE OF COMMITTEE: 4th November 2020

BH2020 00171 - Queens Park Tennis Club



N



Scale: 1:1,250

<u>No:</u>	BH2020/00171	<u>Ward:</u>	Queen's Park Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	Queens Park Tennis Club Tennis Pavilion Queens Park East Drive Brighton BN2 0BQ		
<u>Proposal:</u>	Erection of 10no lighting columns with LED luminaires to illuminate courts 1-4.		
<u>Officer:</u>	Nicola Van Wunnik, tel: 294251	<u>Valid Date:</u>	31.01.2020
<u>Con Area:</u>		<u>Expiry Date:</u>	27.03.2020
<u>Listed Building Grade:</u>		<u>EOT:</u>	
<u>Agent:</u>	Jacob Chadwick Architects 49 Richmond Street Brighton BN2 9PD		
<u>Applicant:</u>	Queens Park Tennis Club Tennis Pavilion Queens Park East Drive Brighton BN2 0BQ		

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	0024/15	B	31 January 2020
Report/Statement	Ecological Walkover Survey		17 January 2020
Report/Statement	Lighting Assessment		17 January 2020
Location Plan	0024/14	A	31 January 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 10 lighting columns and 12 lamps hereby approved shall be installed in such a manner as to ensure that light sources and reflectors are not directly visible from the habitable room windows of any property directly abutting the site. Any method or equipment for shielding the light sources proposed shall be subject to approval and testing on site and written confirmation of acceptability by the Local Planning Authority before the floodlights are first brought into use.

There shall be no subsequent variation of the lights without the written approval of the Local Planning Authority.

Reason: To safeguard the amenities of the occupiers of adjoining properties and to comply with policies SU9, QD26 and QD27 of the Brighton & Hove Local Plan.

4. At no time and under no circumstances shall the light from the floodlights into the habitable room windows of adjacent buildings exceed a level of 2 lux vertical illuminance.

Reason: To safeguard the amenities of the occupiers of adjoining properties and to comply with policies SU9, QD26 and QD27 of the Brighton & Hove Local Plan.

5. The tennis courts shall only be used for the playing of tennis between the hours of 8am and 10pm on any day including Bank and Public Holidays and shall not be used at any other time for any other purpose.

Reason: To safeguard the amenities of the occupiers of adjoining properties and to comply with policies SU9, QD26 and QD27 of the Brighton & Hove Local Plan.

6. All ecological measures and/or works shall be carried out in accordance with the details contained in the Ecological Walkover Survey report by PJC Consultancy submitted on the 17th January 2020.

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 CPP1.

7. Prior to the commencement of the development hereby approved (including demolition and all preparatory work), a scheme for the protection of the retained trees, in accordance with BS 5837:2012, including a tree protection plan(s) (TPP) and an arboricultural construction method statement (AMS) shall be submitted to and approved in writing by the Local Planning Authority. The development thereafter shall be implemented in strict accordance with the approved details.

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

8. The lights shall only be illuminated between the hours of 8am and 10pm on any day including Bank and Public Holidays.

Reason: To safeguard the amenities of the occupiers of adjoining properties and to comply with policies SU9, QD26 and QD27 of the Brighton & Hove Local Plan.

9. Prior to the first use of the lighting hereby approved a scheme to enhance the nature conservation interest of the site, including details of the location and number of bat, bird and bee boxes 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 SPD 11 and shall be implemented in full prior to the first use of the lighting 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 Supplementary Planning Document SPD11 Nature Conservation and Development.

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 provisions of the Environmental Protection Act 1990, should any complaints be received.

2. SITE LOCATION & APPLICATION DESCRIPTION

- 2.1. The site is situated on the western side of East Drive towards the north-eastern boundary of the grade II listed Queen's Park which is registered for its special historic interest under the Historic Buildings and Ancient Monuments Act 1953. The site is located in the Queen's Park conservation area.
- 2.2. The site has a total of six tennis courts and a single storey pavilion building. Planning permission is sought for the erection of ten lighting columns to courts 1 to 4, located to the north of the Clock Tower, with two further courts located to the south.

3. RELEVANT HISTORY

- 3.1. **BH2018/03690** - Removal of existing upstand and section of railings, excavation and landscaping to create a new wheelchair access ramp to tennis pavilion from East Drive. Creation of new sloping access path from pavilion to tennis courts. Approved 23/08/2019
- 3.2. **BH2018/01683** - Erection of a single storey side extension to provide new store room. Approved 21/08/2018

4. REPRESENTATIONS

- 4.1. **Twelve (12)** letters have been received objecting to the proposed development for the following reasons:
 - The lights would disturb the local wildlife, particularly the nocturnal habits of birds, insects and animals that live in the park will be substantial.
 - The LED lighting will be unsightly and radiate light into living space and an unwelcome intrusion

- Purely for financial gain and profit of the tennis club with little regard to the conservation area.
- Industrial style would not be in keeping with the area.
- The height of the lights would dominate the skyline and would be visible from many areas.
- Detrimental effect on property value.
- Not in keeping with the conservation area
- Light pollution
- Noise will be heard by residents
- Increased light and activity will change the night-time character of the neighbourhood from purely residential
- Increased traffic late at night
- Hours should be restricted to 9pm
- Concerns over hours of illumination
- Posts 4.3m higher than the fence and dominate the skyline
- Damage to the local environmental aesthetic

4.2. **Thirty eight (38)** letters have been received supporting the proposed development for the following reasons:

- The lights will extend the playing period for this useful public amenity.
- The lights will reduce the local park crime rate and anti-social behaviour around the clubhouse.
- The tennis club is a great asset to community fitness, health and wellbeing - even better if accessible in the dark, winter evenings.
- Fantastic community asset and the light will let more people use these courts.
- Lights will offer year round after school tennis and help generate much needed income for the tennis club.
- Great for promoting tennis.
- The LED lights will ensure that there is no light pollution outside the playing areas of the courts.
- Less pressure on peak times, notably weekend mornings and afternoons.
- Lights are sympathetic and would cause little or no light pollution.
- Lights will make regular tennis more accessible for those community members who struggle to play in daylight hours.
- Safer place for everyone.
- School tennis clubs and lessons can take place throughout the winter evenings.
- Being able to play tennis during the darker months will support people's physical and mental health and wellbeing.
- Increased sense of safety in the park
- Enable the continued regeneration and use of this space for the Brighton Community.
- Positive contribution to the community as it promotes access to an opportunity for exercise and the health of residents in Brighton.
- Important with reduced funding to public facilities that initiatives such as this are supported so that the community benefits as a whole.
- Enhance the impact the tennis club has on the area.

- Energise and bring prestige to the club and area.
 - Floodlights have been thoughtfully planned, sensitive to both the environment and neighbours
- 4.3. **One (1)** letter has been received commenting on the proposed development for the following reasons:
- On the whole support the development
 - Some concerns about the lighting
 - Screening or baffles should be considered to limit direct glare
 - Noise could be an issue of the lights are kept on late into the evenings
- 4.4. **Councillor Clare Rainey** supports the proposed development. A copy of her representation is attached to this report.

5. CONSULTATIONS

5.1. Arboriculture

No objection subject to the recommended condition.

5.2. City Parks:

No comments received

5.3. Conservation Advisory Group:

The group supports approval.

5.4. Ecology:

In summary, provided the recommended mitigation measures are implemented, the proposed development can be supported from an ecological perspective. Bird, bat and bee bricks/boxes should be provided to ensure a net gain for biodiversity.

5.5. Environmental Health:

The proposed lighting design while maintaining the minimum lighting requirement for tennis to be played under floodlights, should not result in light spillage that exceeds the standard prescribed in the guidance notes. In fact, the modelling predicts that it will fall well below.

5.6. Heritage:

The development complies with the requirements of HE3, HE6 and HE11 and would not cause any harm to the surrounding conservation area, the setting of the listed buildings within the park or to the character and setting of the Queen's Park and is therefore supported.

5.7. Sport England:

No comments received

5.8. Sports Facilities:

No comments received

- 5.9. **Sussex Gardens Trust:**
When it is fully dark, no one is experiencing the layout or design of this grade II listed park. However, the lights will be incredibly bright in the context of normal street lighting and will to some degree affect the appreciation of the park just before and just after sunset. So, the Trust expresses reservations regarding the intensity of these lights and their potentially harmful impact on the appreciation and enjoyment of the park's wildlife (especially birdsong), architectural and historic features at dusk. We ask that you take this into account when determining the application and seek mitigation measures where appropriate.
- 5.10. **Sustainable Transport Verbal Comment:**
No objection as the proposal will not have a significant negative impact on the highway.
- 5.11. **The Gardens Trust:**
No comments received
- 5.12. **Tourism and Leisure**
No comments received

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 which is currently underway to 30 October 2020.

Brighton & Hove City Plan Part One

SS1	Presumption in Favour of Sustainable Development
CP9	Sustainable transport
CP10	Biodiversity
CP12	Urban design
CP15	Heritage
CP17	Sports provision
CP18	Healthy city

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
QD15	Landscape design
QD16	Trees and hedgerows
QD18	Species protection
QD25	External Lighting
QD26	Floodlighting
QD27	Protection of amenity
HE3	Development affecting the setting of a listed building
HE6	Development within or affecting the setting of conservation areas
HE11	Historic parks and gardens

Supplementary Planning Documents:

SPD06	Trees & Development Sites
SPD11	Nature Conservation & Development
SPD14	Parking Standards

8. CONSIDERATIONS & ASSESSMENT

- 8.1. The main considerations in the determination of this application relate to the principle of the development; impact on the character and setting of the adjacent listed buildings, historic park and garden, and conservation area; impact on ecology; and impact on neighbouring amenity.
- 8.2. When considering whether to grant planning permission for works within in a conservation area or to a listed building, 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".

Principle of Development:

- 8.3. Policy CP17 of the Brighton and Hove City Plan Part One seeks the enhancement and more effective use of existing indoor and outdoor sports facilities and spaces. It supports the provision of new sports services, facilities and spaces (including extensions to existing provision) especially those that meet identified needs. It states that new provision should meet quality standards, optimise their accessibility and affordability to all users, and proposals should seek to improve the variety of provision in the city.
- 8.4. The proposal would enhance the sports and recreation facilities for the benefit of members of the tennis club and wider community, as the courts can also be used by non-members. It is considered acceptable in principle as it would accord with the general policy approach set out in policy CP17, subject to the other factors discussed below.

Impact on Heritage Assets:

- 8.5. The tennis club has six courts in total. Courts 5 and 6 are situated in a separate area of the park to the south.
- 8.6. The proposal is to mount 12no. LED-type luminaires at the top of 10no. 8m high lighting columns on courts 1 to 4. The lights would be located around the edge of the tennis courts, adjacent to the existing 3.5m tall open fencing which encloses the courts. The columns would be mid-grey zinc in colour.
- 8.7. The tennis club is located within the grade II listed Queen's Park and Queen's Park conservation area, and there are listed buildings close to the site. The proposal will therefore need to consider the impact on the setting of the listed buildings and appearance of the conservation area and the character of the historic park.
- 8.8. With regard to the listed buildings, the impact of the lights would be minimal on the setting of the Clock Tower as the Quiet Garden would provide screening with its established trees and shrubs. Similarly, the impact of the proposed lights on the Memorial Drinking Fountain would be minimal as it is located lower, separated by the bowling green and screened by the Wildlife Garden. The impact on the Royal Spa, Egremont and Park Street Gates would be negligible due to the distance from the proposed development, and the significant amount of vegetation between.
- 8.9. With regard to the impact on the conservation area and historic park, it is acknowledged that the proposed lights would be visible when viewed from East Drive and from within the park itself. However given the mature trees around courts 1-4, the floodlights would not stand out as visually intrusive and would be appropriate in terms of visual appearance. The Council's Heritage Officer considers that the proposed floodlights would not any cause harm to the surrounding conservation area, the setting of the listed buildings within the park or to the character and setting of the Queens's Park.

- 8.10. On balance the proposal would enhance the existing facilities of the tennis club and is not considered to harm the character and appearance of the site, the setting of the listed buildings, the historic park or wider conservation area.

Impact on Amenity:

- 8.11. The proposed lights would enable the tennis club to operate outside of daylight hours. The applicant has stated in the Design and Access Statement that the lights would only be in operation when there is a confirmed booking, and would not operate after 10pm.
- 8.12. The main issue in amenity terms is light spillage from the proposed lights in hours of darkness because the tennis club is located in close proximity to residential properties.
- 8.13. The Lighting Report accompanying the application shows that the direct light spillage at the nearest residential areas along East Drive would be minimal. The lights nearest East Drive (lighting column 2, 4, 6, 8 & 10) would direct light towards the tennis courts and away from the dwellings, and the lights on the opposite side of the tennis courts (lighting column 1, 3, 5, 7 & 9) would be in excess of 43m away from the front elevations of the residential properties on East Drive.
- 8.14. The Council's Environmental Health officer has reviewed the proposal and has no objections to the scheme, subject to the floodlights only being use between the hours of 8am and 10pm, is recommended to be secured by condition. They have also advised that due to the proximity of residential properties, it is appropriate to adopt the strict standard of a maximum allowable luminance value of 2 lux (vertical illuminance).
- 8.15. Overall, it is not considered that the proposal will cause demonstrable harm to neighbouring amenity through increased light pollution.

Ecology:

- 8.16. The proposed site is not designated for its nature conservation interest, but Stevenson Road Quarry Local Wildlife Site lies c. 148m to the south and Whitehawk/Race Hill Local Nature Reserve lies c. 477m to the east. Given the nature, scale and location of the proposed development, there are unlikely to be any impacts on any designated sites.
- 8.17. A Preliminary Ecological Appraisal has been submitted with the application and this has been reviewed by the County Ecologist. The County Ecologist has confirmed that provided the recommended mitigation measures are implemented, including the installation of bird, bat and bee boxes, the proposed development can be supported from an ecological perspective. It is recommended that these details are secured by condition.

Arboriculture:

- 8.18. There is mature vegetation surrounding the tennis courts. Although the proposed works will be contained within the tennis courts, it is recommended that the protection of the existing trees is secured by condition.

9. EQUALITIES

- 9.1. The installation of a wheelchair access ramp was approved under application BH2018/03690 to provide improved accessibility to the tennis club.



PLANNING COMMITTEE LIST
COUNCILLOR REPRESENTATION

Cllr. Clare Rainey
BH2020/00171 – Queens Park Tennis Club

8th February 2020:

Stance: Customer made comments in support of the Planning Application

Comment Reasons:
- Residential Amenity

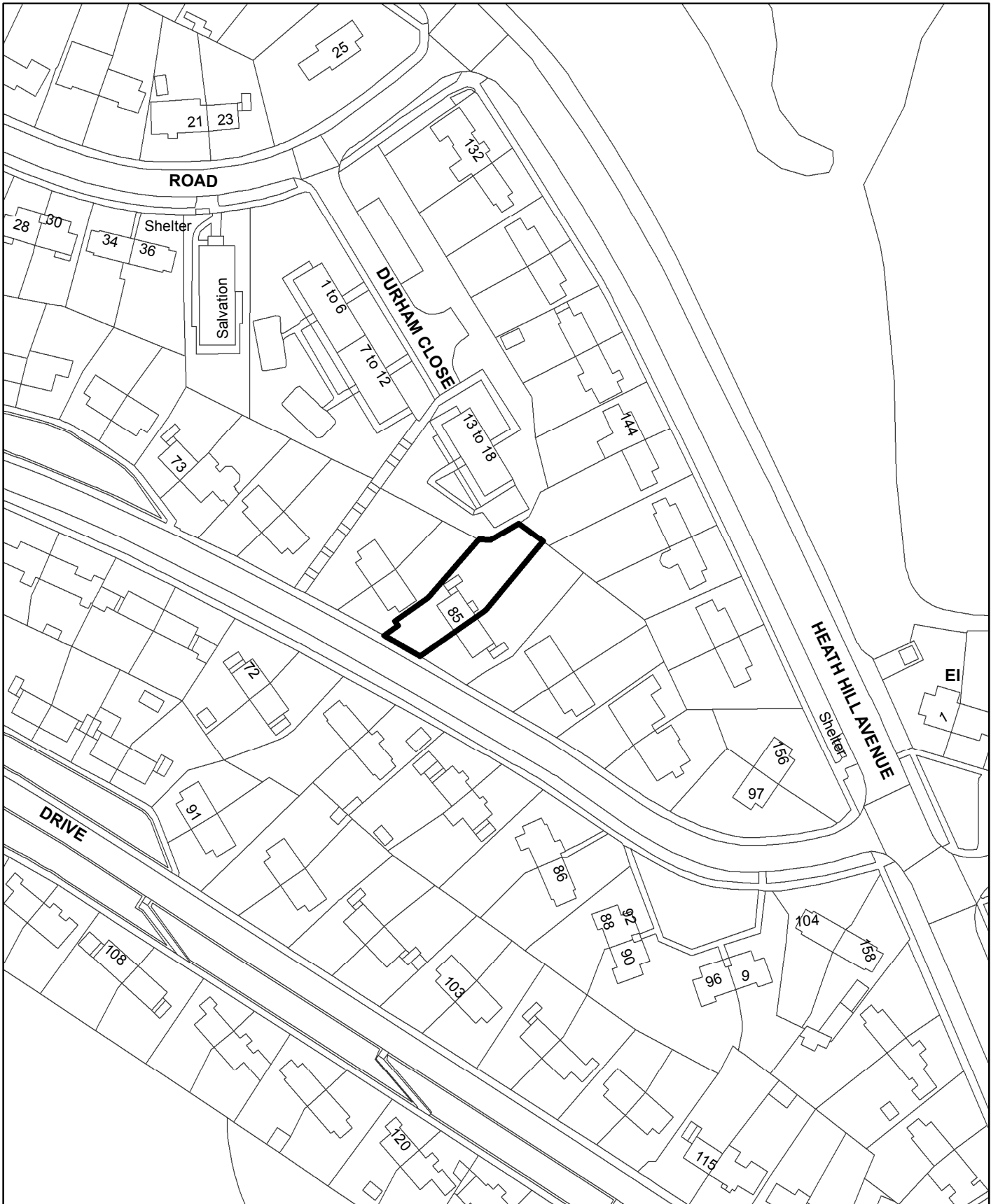
Comment: Queens Park tennis courts are popular, affordable and much needed in an area without many local sports facilities. The addition of lighting will extend the time the courts are available for use by local residents. Having looked at the plans it seems there will be minimal light pollution outside the courts.

ITEM B

**85 Hornby Road
BH2020/01834
Full Planning**

DATE OF COMMITTEE: 4th November 2020

BH2020 01834 - 85 Hornby Road



N



Scale: 1:1,250

<u>No:</u>	BH2020/01834	<u>Ward:</u>	Moulsecoomb And Bevendean Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	85 Hornby Road Brighton BN2 4JH		
<u>Proposal:</u>	Erection of single storey rear extension and covered cycle store. Change of use from single dwellinghouse (C3) to 6no bedroom small house in multiple occupation (C4) (Retrospective).		
<u>Officer:</u>	Rebecca Smith, tel: 291075	<u>Valid Date:</u>	07.07.2020
<u>Con Area:</u>		<u>Expiry Date:</u>	01.09.2020
<u>Listed Building Grade:</u>		<u>EOT:</u>	
<u>Agent:</u>	Lewis And Co Planning SE Ltd 2 Port Hall Road Brighton BN1 5PD		
<u>Applicant:</u>	Rivers Birtwell C/o Lewis & 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
Detail	Soundproofing Sepc 1		7 July 2020
Detail	Soundproofing Spec 5		7 July 2020
Detail	Retaining Brake Spec		7 July 2020
Location Plan	01		7 July 2020
Proposed Drawing	0260/COU.01		7 July 2020
Report/Statement	Planning Statement		7 July 2020

2. 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: Parking Standards.

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

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

4. The development hereby approved shall be implemented in accordance with the proposed layout detailed on the proposed floorplans, drawing no 0260/COU.1, received on 7th July 2020 and shall be retained as such thereafter. The layout of the kitchen/dining/living room shall be retained as communal space at all times and shall not be used as bedrooms.

Reason: To ensure a suitable standard of accommodation for occupiers and to comply with policy QD27 of the Brighton & Hove Local Plan.

5. The soundproofing and retaining brake specification implemented and hereby approved shall be retained and maintained within the property at all times.

Reason: To ensure that the site is operated in accordance with the details submitted and to be in accordance 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. SITE LOCATION & APPLICATION DESCRIPTION

- 2.1. The site is a semi-detached property on the northern side of Hornby Road. The house is brick built with a tiled roof and there is an existing side extension. The house is set back from the pavement behind a front garden and has a rear garden.
- 2.2. The application site is located within the Moulsecoomb and Bevendean ward and is subject to a now city-wide Article 4 direction removing the 'permitted development' rights which would allow a change from a dwelling to a HMO, so a planning application is required to do so.
- 2.3. The application seeks retrospective planning permission or the change of use from a dwellinghouse (planning use class C3) to a small house in multiple occupation (HMO)(planning use class C4).

- 2.4. The application also seeks retrospective planning permission for a single storey rear extension and cycle parking, though the retrospective nature of this element is not a material consideration.

3. RELEVANT HISTORY

None

4. REPRESENTATIONS

- 4.1. **Twelve (12)** letter has been received, objecting to the proposed development for the following reasons:

- Bevendean already has a high proportion of HMOs
- Increased noise, traffic, anti-social behaviour and litter as a result of HMOs.
- Lack of community facilities in area: youth centre and scout hut closed due to lack of demand
- Lack of demand for the local school.
- Increase in student accommodation elsewhere so no need for more HMOs.
- Works already begun internally and for the extension.
- Overdevelopment
- Cycle store is up steps so is more likely to lead to more cars
- Internally communal area not big enough for students
- Breaches Policy CP21
- Bevendean at a disadvantage when CP21 applied due to larger plot sizes.
- No off-street parking provided
- Lack of sense of community in the area
- Family housing desperately needed in the area.
- Bevendean not a community just an extension of university campus.

- 4.2. **Councillor Yates** has objected to this application. A copy of the representation is attached to this response.

5. CONSULTATIONS

- 5.1. **Environmental Health:** No objection subject to condition

The application seeks to convert a semi-detached 3-bedroom property into 6 bedrooms. More bedrooms will equal more occupants which it is reasonable to expect will result in more noise especially considering the sharing of a party wall.

- 5.2. As such some noise mitigation may be necessary. This is acknowledged in the planning statement of the application. The figures quoted are, in the opinion of the Environmental Health officer extremely optimistic figures for soundproofing which may not be achievable.

- 5.3. The Environmental Health comments request a condition to require an acoustic survey to determine the level of sound proofing required and for that to be installed prior to occupation.

- 5.4. **Housing Strategy :** No comment received

- 5.5. **Planning Policy:** No comment
- 5.6. **Private Sector Housing:** Comment
There is no mention of the level of fire protection within the proposals. The Automatic Fire Detection System (AFD) requirements should be based on the LACORS Housing Fire Safety Guidance on fire safety provisions for certain types of existing housing.
- 5.7. **Sustainable Transport - Verbal Comment:** No objection
No objection. Site is not located within a Controlled parking Zone (CPZ) and it is noted that the site does not provide off-street car parking. However, we do not wish to object on this ground as any parking is likely to be accommodated in the vicinity of the site.
- 5.8. The application submission includes cycle parking details; the proposals show covered cycle parking for 4 cycles which is policy compliant. It is noted that the proposed cycle store is located up steps which is less than ideal, however, significant works would be required to remove the stepped access and therefore on this occasion the Highway Authority is supportive of the inclusion of cycle parking to encourage sustainable travel. The cycle parking shown on the plans should be secured through an implementation condition.
- 5.9. The proposed change of use from C3 to C4 (small HMO) is unlikely to result in a significant uplift in trips which would warrant refusal of the application because of a detrimental impact on the local highway network.

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 which is currently underway to 30 October 2020.

Brighton & Hove City Plan Part One

SS1	Presumption in Favour of Sustainable Development
CP1	Housing delivery
CP9	Sustainable transport
CP10	Biodiversity
CP12	Urban design
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
QD27	Protection of amenity
HO5	Provision of private amenity space in residential development

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 design and appearance of the rear extension and bike storage, the effects of the proposed change of use on neighbours' amenity, the standard of accommodation to be provided for future occupiers, and transport matters.
- 8.2. Due to the ongoing coronavirus pandemic a physical site visit has not taken place when assessing this application. Instead, a desktop assessment has been made using up to date photographs of the site provided by the planning agent and street view imagery. This is considered sufficient to assess the acceptability of the proposal.

Principle of Change of Use:

- 8.3. Policy CP21 (ii) of the Brighton and Hove City Plan Part One specifically addresses the issue of changes of use to planning use class C4, a mixed C3/C4 use or to a sui generis House in Multiple Occupation and states that:
"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, or to a sui generis House in Multiple Occupation use (more than six people sharing) will not be permitted where:
- *More than 10 per cent of dwellings within a radius of 50 metres of the application site are already in use as Class C4, mixed C3/C4 or other types of HMO in a sui generis use."*
- 8.4. A mapping exercise has been undertaken which indicates that there are 31 properties within a 50m radius of the application property, one of which has been identified as being in HMO use. The percentage of neighbouring properties in HMO use within the radius area is thus 3.22%.
- 8.5. Based on the existing percentage of neighbouring properties in HMO use, which is less than 10%, the change of use to a six-bedroom HMO (C4) would not conflict with the aims of policy CP21.
- 8.6. It is noted that the property has recently been occupied with six unrelated tenants and that the change of use aspect of this application is now retrospective in nature, though this is not a material consideration in relation to the proposal.
- 8.7. Several other addresses have been mentioned in neighbour representations as being in HMO use. 150 Health Hill Avenue is a lawful HMO and has been included in the calculation above. Planning permission was sought for 84 Hornby Road to become a HMO, but withdrawn, no further planning applications have been received to date. There is also no evidence that 84 Hornby Road has a licence to operate as a HMO. The other addresses mentioned do not fall within the 50m radius of the site and are therefore not part of the consideration of this application.
- Design and Appearance:**
- 8.8. The proposed rear extension, which has already been completed on site, is to the rear and incorporates the existing side extension (store and outside WC) from the existing house. The rear extension is off set from the shared boundary with the semi-detached neighbour.
- 8.9. It is of brick construction with a flat roof membrane and white uPVC windows and door to match the existing house. The extension does not adversely affect the character and appearance of the property or that of the wider area.
- 8.10. In terms of the cycle parking provided to the front of the property, this would not protrude significantly in front of the building line, and is located close to the building so does not look cluttered. Therefore, although a separate structure, it would have little impact on the appearance of the property as a whole or that of the area.

- 8.11. The development is therefore considered acceptable in terms of design and appearance.

Standard of Accommodation:

- 8.12. The six-person, six-bedroom HMO has a living/dining and kitchen space on the ground floor, along with three bedrooms and a shower room, with a further three bedrooms, another shower room and separate WC on the upper floor.
- 8.13. The communal space to the property would be arranged to the rear and would not share the party wall with the neighbour at no. 87. The kitchen/dining/living would be one space of approximately 25.38sqm. The indicative furnished layout demonstrates that the communal layout can provide comfortable seating and dining facilities as well as enough storage/worktop space for the proposed occupiers to prepare and store food/cooking equipment.
- 8.14. The six bedrooms would range in size from 7.54sqm to 8.42sqm. Although not yet adopted policy, the Government's Nationally Described Space Standards (NDSS) do provide a useful point of reference for assessing new residential uses. Policy DM1 (which would be applicable to HMOs by requirement of policy DM7) of the draft City Plan Part Two proposes to adopt the NDSS. It is noted that the bedrooms would exceed the minimum size indicated by the Space Standards for a single occupancy bedroom.
- 8.15. The indicative layout provided shows that the kitchen/dining/living room provides adequate space for the number of residents proposed to cook, dine and relax together. Similarly, the plans indicate show that the bedrooms of this property are all capable of accommodating the standard furniture expected in a HMO bedroom (bed, desk, chair and storage furniture) without compromising on the circulation space within the room for an adult to move around comfortably.
- 8.16. Finally, to the rear of the property there is a garden which provides outdoor private amenity space which is enough for the number of occupiers/size of the dwelling. The objectives of policy HO5 to ensure that private amenity space is provided are therefore met.
- 8.17. Overall, the property would provide a good standard of accommodation for future occupiers of the development in accordance with Local Plan policies QD27 and HO5 of the Brighton and Hove Local Plan. A condition restricting the number of occupiers is not required in this instance as a C4 HMO provides for a maximum of 6 people.

Impact on Amenity:

- 8.18. 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.
- 8.19. The proposed use of the property as a small HMO with a maximum of six occupiers would not be too dissimilar to that of a family dwelling. The pattern of movement within the dwelling and to and from the dwelling may be different

owing to the individual lives being led rather than a family unit. However, the impact of this would not be of such a magnitude to cause substantial harm or warrant refusal.

- 8.20. The application site is not in an area which currently has more than 10% of properties within 50m radius 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 enough to warrant refusal of the application on the grounds of potential amenity impact.
- 8.21. Sound proofing measures have been included as part of this application (and have already been constructed on site); these details have been reviewed by Environmental Health Officers who have raised concerns about the "extremely optimistic" figures for sound proofing that may not be achievable. The comments of the Environmental Health Officer also state that "more bedrooms will equal more occupants which it is reasonable to expect will result in more noise especially considering the sharing of a party wall" and then goes on to say that some noise mitigation may be necessary. However, these comments have not specifically identified that the increase will result in harm.
- 8.22. The comments have requested that a condition be attached to require an acoustic survey prior to development. In considering whether to attach the condition suggested by the Environmental Health Officer, regard must be had to whether this is reasonable, and necessary to make the development acceptable. Given that no express harm has been identified and the comments state that more noise would be created, it is then important to consider whether the additional noise would be above that reasonably expected.
- 8.23. The sound proofing details included within the application are similar to those submitted by the same applicant in relation to BH2019/01050 - 26 Brentwood Crescent. This application was heard at planning committee on 7th August 2019 and refused by the committee, but overturned by an appeal (APP/Q1445/W/19/3235929) and permission granted. The Inspector for this appeal acknowledged that the sound proofing was included within the application and that it would mitigate against noise transference to the adjacent dwelling, but also noted that "potential forms of noise and disturbance such as the playing of loud music, partying, or social activity in the garden would not necessarily be any more likely to cause harm to neighbouring residents than would be the case with a large family, which could easily be accommodated within the property."
- 8.24. In the interests of consistent decision making regard should be had to the appeal decision and application noted above and that the origins of the application are a requirement of the Article 4 Direction and policy CP21 which seek to protect from over-concentrations of HMOs within an area, QD27 would be the policy test for noise matters. It is not considered that the use of the property by six-sharers is significantly harmful to the amenity of neighbouring residents to warrant refusal of the ground of potential noise disturbance over and above that of a large family.

- 8.25. Considering the above the requested condition will not be recommended as the noise may not be greater than that reasonably expected by a large family. Furthermore, should excessive noise be found to be emitting from the property in the future, then under the Environmental Protection Act 1990 the Environmental Health team could act if "statutory nuisance" was evidenced. This planning recommendation would not prejudice that should it become necessary. However, a condition will be applied to ensure that the sound proofing and door closers constructed will be retained and maintained.
- 8.26. In terms of other amenity issues that have been raised by neighbours such as litter, anti-social behaviour and refuse, these are anecdotal points which would not provide substantive grounds for refusal of the application on amenity grounds. The plans indicate refuse and recycling storage space and a condition is recommended to ensure these are always available for use.

Sustainable Transport:

- 8.27. The change of use from C3 to C4 small HMO is unlikely to have a significant effect on the local highway network to warrant refusal of the application on this ground.
- 8.28. The Highway Authority is not concerned about overspill car parking arising from the change of use. The property is not located within a CPZ so there are no restrictions on on-street parking.
- 8.29. Cycle parking has been included within the application, and although accessed via steps which is less than desirable, it is the only option for encouraging sustainable travel by bicycle at this site. To provide cycle parking at pavement level would warrant significant engineering works which are not necessary given the alternative. A condition is recommended to ensure that the cycle parking agreed is implemented and retained in accordance with these details.

9. EQUALITIES
None identified

Cllr. Dan Yates
BH2020/01834 – 85 Hornby Road

27th July 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.

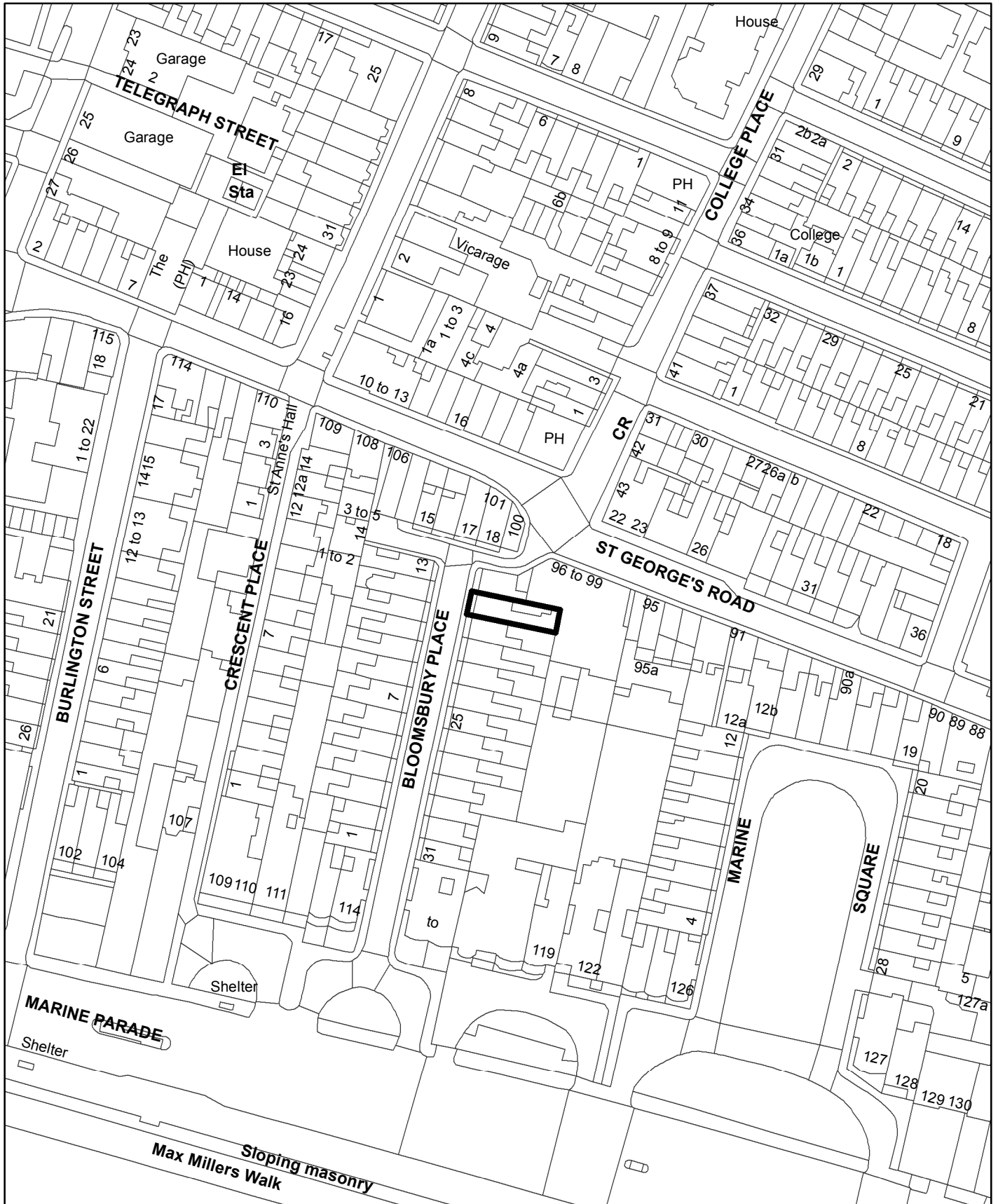
I would ask that officers check the current and previously held licensing registers to check their impact on the 10% rule is properly taken into consideration. Should the recommendation on this application be to approve I would like this application to come to committee please.

ITEM C

**Top Floor Maisonette, 20 Bloomsbury Place
BH2020/02524
Full Planning**

DATE OF COMMITTEE: 4th November 2020

BH2020 02524 - Top Floor Maisonette, 20 Bloomsbury Place



Scale: 1:1,250

<u>No:</u>	BH2020/02524	<u>Ward:</u>	East Brighton Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	Top Floor Maisonette 20 Bloomsbury Place Brighton BN2 1DB		
<u>Proposal:</u>	Change of use from a three bedroom maisonette (C3) to a three bedroom small House in Multiple Occupation (HMO) (C4).		
<u>Officer:</u>	Emily Stanbridge, 293311	tel: <u>Valid Date:</u>	14.09.2020
<u>Con Area:</u>		<u>Expiry Date:</u>	09.11.2020
<u>Listed Building Grade:</u>	Listed	<u>EOT:</u>	
	Building Grade II		
<u>Agent:</u>	Whaleback Ltd. The Old Bank 257 New Church Road Hove BN3 4EE		
<u>Applicant:</u>	Mr M Ives C/o Whaleback Ltd. The Old Bank 257 New Church Road Hove BN3 4EE		

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	01		8 September 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 C4 HMO hereby approved shall only be occupied by a maximum of three (3) persons.

Reason: To ensure a satisfactory standard of accommodation for future occupiers and to comply with policy QD27 of the Brighton & Hove Local Plan.

4. The development hereby approved shall be implemented in accordance with the proposed layout detailed on the proposed floorplan received on 8th September 2020 and shall be retained as such thereafter. The rooms annotated as the communal kitchen/living space shall be retained as communal space and shall not be used as bedrooms at any time. The bedrooms shown shall be retained in the form shown on the plans and not subdivided.

Reason: To ensure a suitable standard of accommodation for occupiers 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 maisonette located on the second and third floor of 20 Bloomsbury Place. The property is grade II listed and located within the East Cliff Conservation Area.
- 2.2. Planning permission is sought to change the use of the maisonette from a dwelling (planning use class C3) to a three-bedroom house in multiple occupation (HMO)(planning use class C4).
- 2.3. The site is subject to a city-wide Article 4 direction removing the 'permitted development' rights which would allow a change from a dwelling to a HMO, so a planning application is required to do so.

3. RELEVANT HISTORY

- 3.1. **BH2020/01724:** Internal alterations to flat. Approved 05/08/20.
- 3.2. **BH2020/00463:** Internal alterations to layout of flat. Refused 03/06/20.
- 3.3. **BH2004/03377/LB:** Insertion of a partition and door (Retrospective). Approved 20/12/04.

4. REPRESENTATIONS

- 4.1. Seven (7) letters of representation have been received objecting to the development on the following grounds:
 - Shared hallway on first floor would result in loss of privacy and security;
 - Increased noise, particularly when more people are working from home
 - Two HMOs in close proximity
 - Property not designed for multiple occupancy - poor standard of living
 - Only a single shower room is proposed
 - Limited parking is available
 - Overdevelopment of a historic building
 - Fire safety issues
 - No cycle parking provisions

- Overlooking of rear garden
- Increased number of people using shared access.

4.2. **Councillor Platts** objects to the development. A copy of their representation is attached to this report.

4.3. **Councillor Bagaen** objects to the development on the grounds it is contrary to the existing article 4 direction and there is insufficient justification to override it. It is not in his ward.

5. CONSULTATIONS

5.1. **Sustainable Transport:** Verbal comment 07.10.2020

No objection subject to the future occupiers not being eligible to obtain parking permits.

5.2. **Policy** No comment

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 which is currently being undertaken until 30 October 2020.

Brighton & Hove City Plan Part One

SS1	Presumption in Favour of Sustainable Development
CP8	Sustainable buildings
CP9	Sustainable transport
CP12	Urban design
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
QD14	Extensions and alterations
QD15	Landscape design
QD27	Protection of amenity
SU9	Pollution and nuisance control
SU10	Noise nuisance

Supplementary Planning Documents:

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 change of use, the standard of accommodation provided, the impact on neighbouring properties and transport issues.
- 8.2. Due to the coronavirus pandemic it has not been possible to undertake a physical site visit due to social distancing and alternative working arrangements. The assessment detailed below has been made based on the documents submitted as part of the application, photographs provided by the planning agent during consideration, and recent GoogleEarth and Streetview imagery of the site. It is considered this is sufficient to assess the acceptability of the proposal.

Principle of development

- 8.3. Policy CP21 of the Brighton and Hove City Plan Part One specifically addresses the issue of changes of use to either class C4 (small HMO), a mixed C3/C4 use, or to a larger sui generis House in Multiple Occupation, including those in an existing C4 use and states that:

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

- *More than 10 per cent of dwellings within a radius of 50 metres of the application site are already in use as Class C4, mixed C3/C4 or other types of HMO in a sui generis use.'*

- 8.4. The over-concentration of HMOs in certain parts of Brighton & Hove, as expressed through the Council's Student Housing Strategy, led to the issuing of article 4 directions in five of the city's electoral wards.
- 8.5. Policy CP21 seeks to address the potential impact of concentrations of HMOs upon their surroundings and to ensure that healthy and inclusive communities are maintained across the city.
- 8.6. A mapping exercise has taken place which indicates that there are 117 neighbouring residential properties within a 50m radius of the application property, of which five have been identified as being in an HMO use, with an additional property benefiting from an extant HMO permission. With a total of six HMO uses, the percentage of neighbouring properties in HMO use within the radius area is thus 5.13%.
- 8.7. Based upon the existing percentage of neighbouring properties in HMO use, which is less than 10%, the proposal for a C4 use would be in accordance with policy CP21.

Design and Appearance:

- 8.8. 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.
- 8.9. Further, 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.
- 8.10. 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. In this instance no external or internal alterations are proposed as part of this application and therefore the proposals are not deemed to cause harm to the preservation of this listed building or wider conservation area.
- 8.12. An earlier application (BH2020/01724) for internal works to the property was approved in August 2020. This listed building consent approved alterations to the existing layout of the property to enable to conversion of a large bathroom to a bedroom and the replacement of a modern cupboard on the top landing to a shower room.
- 8.13. Information provided as part of this application states that these internal works are nearing completion. An update provided by the agent on the 13th of October 2020 confirms that the internal works are substantially complete and the final stages of the refurbishment are due to be finished in the next couple of weeks.

From the photos provided by the agent it is evident that the structural works to the layout have been completed.

Standard of Accommodation

- 8.14. Policy QD27 of the Brighton and Hove Local Plan aims to secure a good standard of living accommodation for current and future occupiers. Accommodation should therefore provide suitable circulation space within bedrooms once the standard furniture for an adult has been installed (such as a bed, wardrobe and desk), as well as good access to natural light and adequate outlook in each bedroom. The communal facilities should be of a sufficient size to allow unrelated adults to independently cook their meals at the same time, sit around a dining room table together, and have sufficient space and seating to relax in a communal lounge.
- 8.15. 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 and relate to new build developments, they provide a useful guideline on acceptable room sizes that would offer occupants useable floor space once the usual furniture has been installed. The 'Nationally Described Space Standards' establishes the minimum floor space for a single bedroom as measuring at least 7.5m², and a double bedroom should measure at least 11.5m².
- 8.16. The proposed living accommodation comprises communal living areas on the second floor with the three proposed bedrooms and shared shower room on the third floor.
- 8.17. The communal living space consists of a kitchen and separate living area, these rooms combined would provide approximately 31sqm of shared living space. The agent has provided photos as part of the application submission. These photographs indicate how the communal space is laid out and demonstrate that the communal areas are laid out in such a way that they could adequately function for the level of occupation proposed. The proposed occupancy level of three is derived from the size of each of the bedrooms being for single occupancy, and the agent indicating this level of occupancy in their submission.
- 8.18. The three bedrooms on the third floor vary in size between 7.4sqm and 11.1sqm. Whilst the smallest front bedroom has a floor area marginally below the standards stated within the NDSS on balance this bedroom is considered acceptable given its rectangular shape which could still allow for likely furniture items and retain circulation space. Furthermore, the communal living space is generous and as such on balance the standard of accommodation for a future occupier remains acceptable.
- 8.19. Conditions are recommended to retain the floor plan shown on the approved plans and to restrict occupancy of the building to three occupants to ensure that a suitable standard of accommodation is had for all occupiers.

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 proposed change of use would result in an increase in occupancy and intensity in comparison to a C3 use, due to more frequent comings and goings in addition to general movements and disturbance within the dwelling. However, the level of additional activity is considered to be acceptable and would not result in significant harm to the amenity of neighbouring occupiers.
- 8.22. Whilst the development could result in up to three unrelated persons residing within the property, any direct increased impact on adjoining occupiers in regard to noise and disturbance is unlikely to be of a magnitude beyond the use of the property as a three-bedroom single dwellinghouse. The pattern of movement within the dwelling and to and from the dwelling may be different owing to the individual lives being led rather than a family unit, but without impacts such as to warrant the refusal of planning permission. A condition to secure the number of occupants to three is additionally sought to protect the amenity of neighbouring occupiers and to prevent any further intensified use of the property.
- 8.23. The application site is not in an area which currently has more than 10% of properties within 50m radius 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 enough to warrant refusal of the application on the grounds of potential amenity impact.

Sustainable Transport:

Cycle Parking

- 8.24. Due to site constraints; namely a lack of outside space, small communal hallway and stepped access, policy compliant cycle parking is not achievable and therefore not sought by condition.

Car parking

- 8.25. The property is located within Controlled Parking Zone H where the average permit uptake is 90%. The Highway Authority considers that these levels of uptake demonstrate that the CPZ is likely to be over-capacity (80% uptake being a typical threshold - noting the potential for actual values to be higher on some streets given that the value represents an average across each zone). This leads to a concern that there is insufficient spare capacity below the Transport Planning industry standard 85% bay occupancy threshold (as opposed to permit uptake) on local streets in the vicinity of the development to accommodate the amount of overspill that the development will generate and this will lead to circulating traffic and higher road safety risks.
- 8.26. However as no further bedrooms are being created, it is not considered necessary or justified to impose a condition to restrict parking permits as the proposal would not materially alter the existing situation. Further, the number of

parking permits within the CPZ issued is already restricted in number by measures outside the planning process.

Trip generation

- 8.27. Whilst it is acknowledged that there may be a small increase in trips this is not considered significant enough to warrant the refusal of this application.

9. EQUALITIES

None identified

Cllr. Nancy Platts
BH2020 02524 - Top Floor Maisonette, 20 Bloomsbury Place

4th October 2020:

Please accept this email as a Ward Councillor objection to the approval of application BH2020/02524 / 20 Bloomsbury Place BN2 1DB. I would like to request that this application is determined by the Planning Committee.

As a Ward Councillor, I am supporting residents who live in this property and are concerned at the change of use to an HMO. I have outlined each concern below:

1. At the increasing number of HMOs in this area. Councillors sought to address this concern through a request to include East Brighton in an Article 4 Direction and residents want this to be strictly applied.
2. That the conversion to an HMO further reduces the availability of family homes in the Kemp Town area.
3. That the change of use to an HMO could lead to more than three residents occupying the property and that this may increase noise due to lack of soundproofing. Residents have highlighted historic problems with noise between floors due to the fact they are converted properties and were not originally designed as flats. This problem has been more noticeable with everyone working at home during the pandemic.
4. The small dimensions of the third bedroom which doesn't appear to meet current space standards, the lack of windows and lack of bathroom facilities for three separate households. My understanding from one of the residents is that the owner bought a two-bedroom flat and has changed the bathroom into a bedroom and changed a storage area into a shower room.
5. The potential for increased parking in an area that already suffers from significant parking problems. I understand that secure cycle parking has not been included in the application.
6. Inadequate fire safety provision.

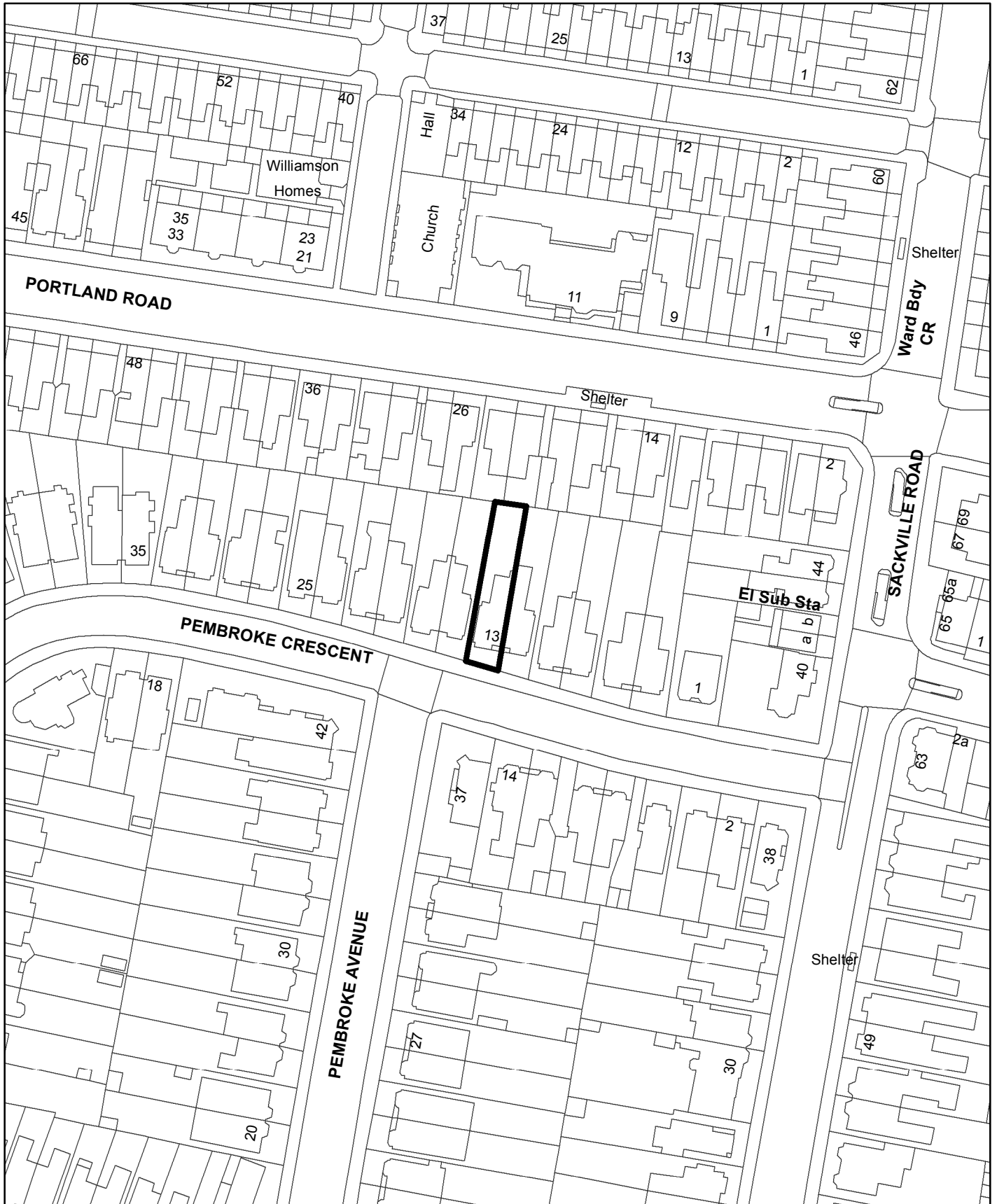
I also wish to express my concern that residents seem to be unaware of the previous application that converted this property from a two-bedroom into a three-bedroom flat and that it was that planning application (approved in August 2020) that has appeared to 'pave the way' for another HMO in the area. On behalf of residents I want to reiterate their expectation that developers act within the spirit of Planning legislation and guidance.

ITEM D

**13 Pembroke Crescent
BH2020/02557
Full Planning**

DATE OF COMMITTEE: 4th November 2020

BH2020 02557 - 13 Pembroke Crescent



N



Scale: 1:1,250

<u>No:</u>	BH2020/02557	<u>Ward:</u>	Westbourne Ward
<u>App Type:</u>	Householder Planning Consent		
<u>Address:</u>	13 Pembroke Crescent Hove BN3 5DH		
<u>Proposal:</u>	Erection of a single storey detached garden room outbuilding to rear. (Part-retrospective)		
<u>Officer:</u>	Jack Summers, tel: 296744	<u>Valid Date:</u>	10.09.2020
<u>Con Area:</u>		<u>Expiry Date:</u>	05.11.2020
<u>Listed Building Grade:</u>		<u>EOT:</u>	
Agent:	DesignHouse 1 Pembroke Crescent Hove BN3 5DH		
Applicant:	Mr Dan Grant 13 Pembroke Crescent Hove BN3 5DH		

1. RECOMMENDATION

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

Conditions:

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

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

Plan Type	Reference	Version	Date Received
Location and block plan	001	-	10 September 2020
Proposed Drawing	-	-	10 September 2020

2. The external finishes of the development hereby permitted shall be as follows:
- walls finished in vertical timber cladding.
 - roof finished in roofing felt.
 - aluminium fenestration.

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

3. Access to the roof over the outbuilding hereby approved shall be for maintenance or emergency purposes only and the 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.

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. The application site is an Edwardian semi-detached dwellinghouse on the north side of Pembroke Crescent, within the Pembroke and Princes conservation area.
- 2.2. Planning permission is sought for the erection of a single-storey outbuilding at the end of the rear garden. Such works require express permission from the Local Planning Authority as the conservation area is subject to an Article Four Direction that has removed the right for such works to be carried out as 'permitted development'

3. RELEVANT HISTORY

- 3.1. **BH2020/02558** Addition of render to side elevation. Under Consideration
- 3.2. **BH2019/02972** Erection of single storey rear and side extensions and summer house, installation of basement incorporating gym, sauna and swimming pool with associated alterations. Refused 30 January 2020 for the following reason: *“The proposal, by reason of the significant excavation works that would be necessary at the north end of the garden, would have an unacceptably high probability of causing critical damage to the root system of a mature Sycamore tree sited in an adjacent garden. The loss of this tree would both reduce the biodiversity of the locality and cause harm to the character of the Pembroke and Princes conservation area, contrary to policies QD16 and HE6 of the Brighton and Hove Local Plan and CP10 and CP15 of the City Plan Part One.”*

4. CONSULTATIONS

- 4.1. **Heritage**

This is a three-storey Edwardian semi-detached property built of red brick with white painted decorative timber features that typifies this part of the Pembroke and Princes Conservation area. The pairs of houses are closely spaced allowing only glimpses into the plots behind, therefore the generous rear gardens are an important element of the urban grain of this part of the conservation area but are not seen from the public realm.
- 4.2. This application proposes the construction of a single storey timber outbuilding at the rear of the plot. It is considered that the size and position of the proposed structure would allow retention of sufficient un-developed rear garden space, such as not to harm the established urban grain, and also allow access for the maintenance of the existing boundaries. In addition, the building will not affect

the public realm, therefore the Heritage Team does not wish to object to this application.

4.3. Arboriculture

As the structure appears non-invasive, with no works identified to neighbouring trees, arboricultural input would not be relevant to the decision process; arboricultural comment is not required to this application.

5. REPRESENTATIONS

5.1. Seven letters have been received, objecting to the proposal on the following grounds:

- The proposed outbuilding is too large/overbearing
- The proposed outbuilding is of an inappropriately modern design
- The proposal could set a harmful precedent
- Loss of light from overshadowing
- Loss of privacy
- The proposed outbuilding includes plumbing and may include facilities with the intention of creating a new dwelling
- Plumbing is required to be shown on the plans
- The proposal would cause harm to the character of the Pembroke and Princes conservation area
- It is unclear how large the outbuilding will be
- The proposed outbuilding is visible from the adopted public highway
- The 'office' will attract staff and customers that will impact on the amenities of local residents
- Development began before the date specified in the application form
- There is a live application for the addition of render at this site and the objector does not know why
- The proposal could lead to increased traffic and noise
- Concerns that the applicant does not have adequate respect for the planning process. Previous application for a summer house was refused. Development only ceased when a Planning Officer contacted the applicant.

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
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 which is currently underway to 30 October 2020.

8. CONSIDERATIONS & ASSESSMENT

- 8.1. The main considerations in the determination of this application relate to the design and appearance of the development; and the potential impacts on the amenities of local residents; on the character or appearance of the conservation area; on the smooth running of the adopted highway; and on the health of the large tree in the neighbouring garden.
- 8.2. To seek planning permission retrospectively is a valid course of action in the development process and is not a material consideration in the determination of the application.
- 8.3. The proposed development is a single outbuilding that is to be used as a private home office that would be incidental to the main dwellinghouse (planning use

class C3). Concerns raised by local residents that the structure will be used as a self-contained dwellinghouse are speculative and there is nothing in the application submission which suggests this to be the case, or that an assessment based on such a use would be appropriate at this stage. If planning permission is granted and the structure later becomes used as a separate dwellinghouse, this would be a breach of planning control so such concerns are not a valid reason for refusal.

Design and Appearance

- 8.4. The proposed outbuilding has a gross footprint of approximately 15.25m². It is sited at the end of the garden area, with a gap of 1.3m from the rear and left-side boundary, and 1.0m from the right-side boundary. The mono-pitched roof slopes upwards from the rear to the front of the structure, with an eaves height of 2.0m at the rear, rising to 2.5m at the front.
- 8.5. It is considered that the outbuilding is a suitable size and height, relative in proportion to the size of the rear garden of the host building, whilst maintaining a suitable separation distance from all boundaries.
- 8.6. The appearance of the outbuilding is alternative to the host building, finished in vertical timber cladding with a felt roof. However, the detached nature of the outbuilding helps remove the need for it to mimic the appearance of the host building in terms of material finish and general design. The appearance of the outbuilding is that of a subordinate, incidental building and its more modern appearance does not cause any harm to the character and appearance of the host building or wider area.

Impact on Heritage Assets

- 8.7. 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.
- 8.8. 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".
- 8.9. The proposed development is entirely to the rear of the application site and would be visible only fleetingly through gaps between nos.11 and 13 Pembroke Crescent and potentially 24 and 26 Portland Road. It is also noted that the outbuilding would be visible from the rear gardens and windows of nearby properties. The leafy rear gardens of these properties contribute positively to the character of the Pembroke and Princes conservation, but as has already been noted, the outbuilding is considered to be in proportion to its siting and the host property, and a significant area of garden space is to be retained. For these reasons it is considered that the proposal would not be harmful to wider views and is considered to have a neutral impact on the Pembroke and Princes conservation area.

Impact on Amenity

- 8.10. As abovementioned, the outbuilding is between 2.0 and 2.5m in height and will be visible from the gardens/rear windows of surrounding neighbouring dwellinghouses. Being visible, however, does not equate to causing harm. The site is enclosed with a boundary wall of approximately 1.6m in height, which, combined with the building being set back from this, within the site, means that the outbuilding would not appear overbearing or cause any significant loss of light through overshadowing. It is noted that the rear gardens of properties backing onto the application site from the north (fronting Portland Road) are at a lower natural ground level, but this does not alter the view that any impact would be minimal.
- 8.11. The only fenestration on the outbuilding is south-facing and would not provide any views of the host building or neighbouring dwellings that are not already possible from the rear garden of the application site; it is not considered that the proposal will lead to any actual loss of privacy. In addition, the outbuilding is single-storey and surrounded by the aforementioned 1.6m tall boundary wall, which would reduce any outlook into neighbouring amenity space or ground floor windows. A condition is recommended restricting access to the roof for anything other than maintenance or in the event of an emergency. It is considered that access to the roof for amenity purposes would cause a harmful sense of overlooking for neighbours in the adjoining properties.
- 8.12. The proposed use of the outbuilding is as a modest home office for use by persons living at the host dwellinghouse. It is not considered that the scale of the development would attract any level of additional activity that could be considered harmful to the amenities of local residents. The council will retain the authority to investigate under the Environmental Protection Act 1990, should any noise complaints be received.

Impact on the Adopted Highway

- 8.13. It is not considered that the proposal would attract significant footfall; the impact on the smooth and safe running of the adopted public highway is unlikely to be significant.

9. EQUALITIES

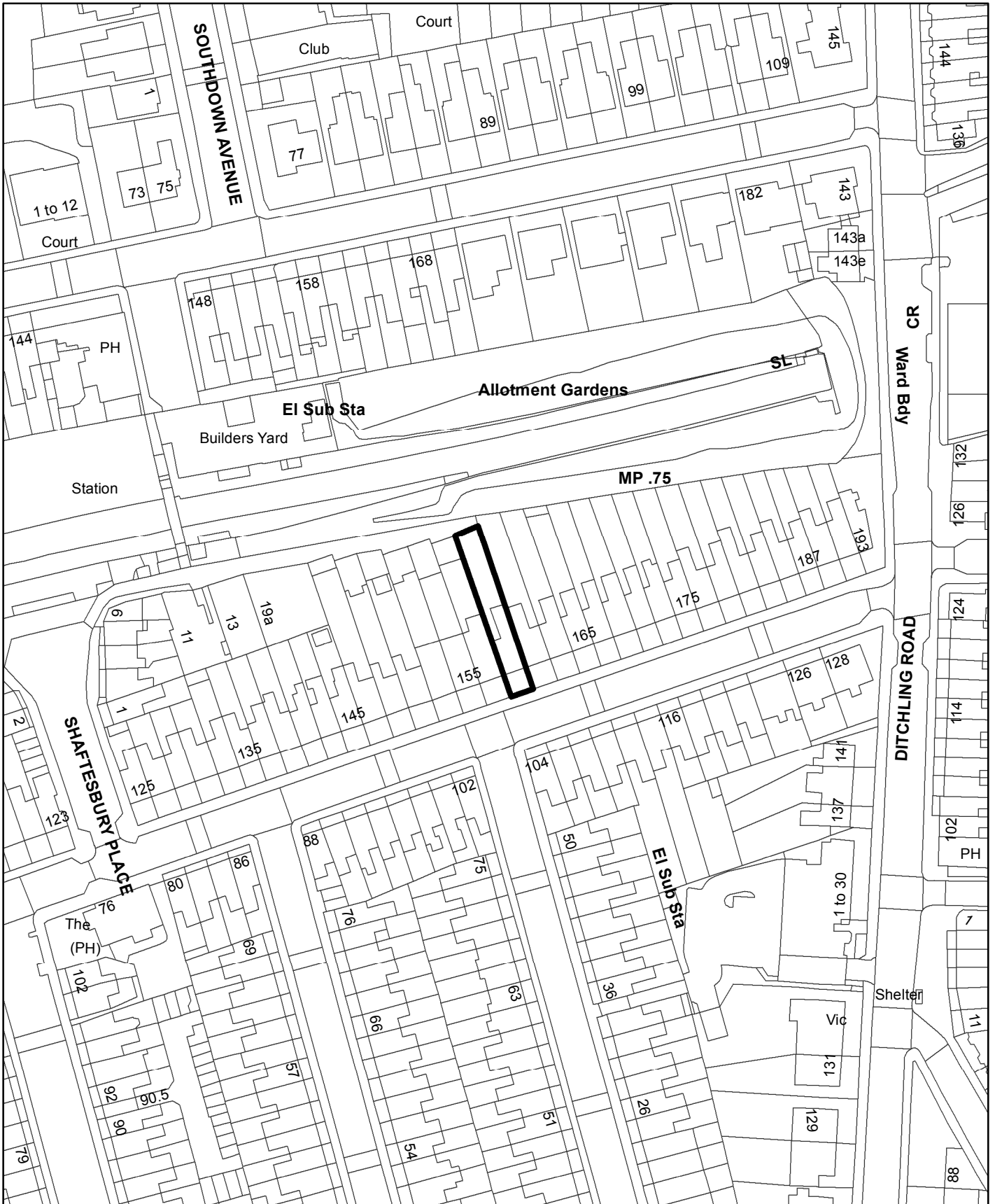
None identified.

ITEM E

**Flat 2, 159 Ditchling Rise
BH2020/02417
Full Planning**

DATE OF COMMITTEE: 4th November 2020

BH2020 02417 - Flat 2, 159 Ditchling Rise



N



Scale: 1:1,250

<u>No:</u>	BH2020/02417	<u>Ward:</u>	Preston Park Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	Flat 2 159 Ditchling Rise Brighton BN1 4QR		
<u>Proposal:</u>	Change of use from single dwelling (C3) to flexible/dual C3/C4 use as single dwelling (C3) or a three bedroom small house in multiple occupation (C4).		
<u>Officer:</u>	Rebecca Smith, tel: 291075	<u>Valid Date:</u>	01.09.2020
<u>Con Area:</u>		<u>Expiry Date:</u>	27.10.2020
<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>	Ms Rubina Altaf C/O 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
Location and block plan	001		1 September 2020
Proposed Drawing	7058/020	Rev A	6 October 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 approved shall be implemented in accordance with the proposed layout detailed on the proposed floorplans, drawing no 7058/020 Rev A, received on 6th October 2020 and shall be retained as such thereafter. The layout of the kitchen and living room shall be retained as communal space at all times and shall not be used as bedrooms.
Reason: To ensure a suitable standard of accommodation for occupiers and to comply with policy QD27 of the Brighton & Hove Local Plan.
4. The small HMO (C4) hereby approved shall only be occupied by a maximum of three (3) persons.

Reason: To ensure a satisfactory standard of accommodation for future occupiers and to comply with policy QD27 of the Brighton & Hove Local Plan.

5. The development hereby approved shall not be occupied until refuse and recycling storage facilities have been installed to the front of the building and made available for use. These facilities shall thereafter be retained for use at all times.

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

6. The dwelling shall be occupied as either a dwelling (C3) or as a small House in Multiple Occupation (C4) unless otherwise agreed in writing by the Local Planning Authority.

Reason: As this matter is fundamental to the acceptability of the permission hereby approved.

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. The application relates to the first floor, second floor, and roof space of a two storey over basement property on the northern side of Ditchling Rise. The loft of the property has been converted to provide additional accommodation, with a rooflight in the front roof slope and a conservation-style dormer window on the rear roof slope. The property is not listed, and it does not fall within a conservation area.
- 2.2. The application seeks planning permission or the change of use from a dwellinghouse (planning use class C3), to a flexible/dual use as either a dwellinghouse or a small, three-bedroom house in multiple occupancy (HMO)(planning use class C4). There are no external alterations proposed as part of the proposal.
- 2.3. The application site is located within the Preston Park ward which has been subject to an Article 4 Direction restricting the 'permitted development' right to change the use of land from C3 (dwellinghouse) to C4 (house in multiple occupancy) since this restriction was extended city wide from 3rd June 2020. Planning permission is therefore required to change the use of the site from C3 to C4 use, or as is proposed, to a flexible C3/C4 use.

3. RELEVANT HISTORY

None relevant

4. REPRESENTATIONS

4.1. **Six (6)** letters have been received, objecting to the proposed development for the following reasons:

4.2. Additional traffic and demand for parking

- Detrimental effect on property value
- Poor design
- Noise/ residential amenity
- Increased demand for local and community resources
- Loss of family home, increasingly transient community, over-concentration of HMOs/Air BnB on street.
- Precedent
- Increase in rubbish and recycling
- Fire escape/fire safety
- Increased risk of anti-social behaviour

4.3. **Two (2)** letters have been received, supporting the proposed development for the following reasons:

- Residential Amenity
- Increased density would make more efficient use of built up area and help with the shortage of accommodation.
- Better sized bedrooms
- Good design

5. CONSULTATIONS

5.1. **Housing Strategy:** No comment received

5.2. **Planning Policy:** No comment

5.3. **Private Sector Housing :** Comment

Private Sector Housing have advised that should the application be approved then a HMO licence would need to be applied for and that the Council's HMO standards can be found on the Council website for guidance.

5.4. **Sustainable Transport** - Verbal comment: No objection

Site is located within a CPZ. CPZ J has a resident's parking permit uptake of 89% (based on the average of the last 12 months of available data). The parking zone is therefore considered to be overcapacity and in the absence of a parking survey to demonstrate capacity the Highway Authority requests that the right to apply for parking permits is restricted by way of a planning condition. This is because the future HMO use could create additional parking pressure.

- 5.5. The Highway Authority does not wish to request cycle parking on this occasion as the site is too constrained.
- 5.6. The estimated future trips of the site are unlikely to be significantly greater if the use changes to a small HMO use in the future.

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 which is currently underway to 30 October 2020.

Brighton & Hove City Plan Part One

SS1	Presumption in Favour of Sustainable Development
CP1	Housing delivery
CP9	Sustainable transport
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

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 to be provided for future occupiers, the effects of the proposed change of use on neighbours' amenity, and transport matters.

8.2. Due to the ongoing coronavirus pandemic a physical site visit has not taken place when assessing this application. Instead a desktop assessment has been made using up to date photographs of the site provided by the planning agent and street view imagery, which is considered sufficient to assess the acceptability of the proposal.

Principle of Change of Use:

8.3. The application seeks consent for the change of use from a dwellinghouse (planning use class C3) to a dwellinghouse or small HMO (flexible planning use class C3/C4 use). This would allow the use to change back and forth between C3 and C4 for up to ten years, (as permitted) under Class V of Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015, a time period which is recommended to be secured by condition.

8.4. Given that the property as existing is already in C3 use, the main consideration is whether its use as a HMO (C4 use) is acceptable.

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

"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, or to a sui generis House in Multiple Occupation use (more than six people sharing) will not be permitted where:

- *More than 10 per cent of dwellings within a radius of 50 metres of the application site are already in use as Class C4, mixed C3/C4 or other types of HMO in a sui generis use."*

8.6. A mapping exercise has been undertaken which indicates that there are 103 properties within a 50m radius of the application property, two of which have been identified as being in HMO use. The percentage of neighbouring properties in HMO use within the radius area is thus 1.94%.

- 8.7. Based on the existing percentage of neighbouring properties in HMO use, which is less than 10%, the principle of change of use to a three-bedroom HMO (C4) would not be in conflict with the aims of policy CP21.

Standard of Accommodation:

- 8.8. The existing layout comprises a kitchen and separate living room to the front of the first floor with two rear bedrooms separated by a bathroom. In the converted loft space is a third bedroom and separate WC.
- 8.9. The proposed change of use to a flexible HMO/dwelling use includes minor revisions to the internal layout. The first floor bathroom would be moved to the roof space, with the area replaced with a small WC and additional space for the rear bedroom
- 8.10. The communal areas (living room and kitchen) provide a total of 20.2sqm space comprising a kitchen and a separate lounge. The kitchen provides enough space for the three proposed residents of the HMO to cook together and provides ample storage for food and cooking equipment. Similarly, the kitchen and separate lounge would provide sufficient space for a family to cook, prepare food, dine together and relax together.
- 8.11. If, however, the communal space was converted to a bedroom in the future, this would restrict the level of shared space available to occupants. Therefore, a condition is recommended restricting the use of the communal areas to ensure that alterations to the layout are not made later that reduces the amount of communal space provided for the occupiers.
- 8.12. The three bedrooms would range in size from 8.44sqm to 15.493sqm, including, in the loft, space with a head height of greater than 1.5m from the internal floor level. Although not yet adopted policy, the Government's Nationally Described Space Standards (NDSS) do provide a useful point of reference for assessing new residential uses. Policy DM1 (which would be applicable to HMOs by requirement of policy DM7) of the draft City Plan Part Two proposes to adopt the NDSS. It is noted that the bedrooms would exceed the minimum size indicated by the Space Standards for a single occupancy bedroom. Furthermore, having reviewed photographs of the existing layout a furnished layout can be achieved throughout that is not cramped or restrictive for an adult to live comfortably.
- 8.13. The virtual site visit photos also show that the bedrooms of this property are all capable of accommodating the standard furniture expected in a HMO bedroom (bed, desk, chair and storage furniture) without compromising on the circulation space within the room for an adult to move around comfortably.
- 8.14. This assessment has been made on the property as a three-bedroom, three person HMO. A condition is recommended restricting the occupancy to three people. This is because, despite two of the rooms being sufficient as double bedrooms, the kitchen is very small and as a space for five people to prepare food and allow for the storage of food and cooking equipment it would be very cramped and would fail to accord with paragraph 127F of the NPPF and Local Plan policy QD27.

- 8.15. Overall, the property would provide a good standard of accommodation for future occupiers of the development in accordance with Local Plan policies QD27 and HO5 of the Brighton and Hove Local Plan.

Impact on Amenity:

- 8.16. 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.
- 8.17. The part change of use from a family dwelling house to small house in multiple occupation will result in a change to the character of the residential property as occupancy by unrelated individuals can result in more intensive activity. The nature of the HMO use could result in more comings and goings from three unrelated occupiers, as well as an uplift of activity within the property itself. However, as a small HMO, it is considered that the impact would not amount to significant harm to neighbouring amenity, particularly when compared with a large family living in the property, to warrant refusal of the application.
- 8.18. As noted above, the application site is not in an area which currently has more than 10% of properties within 50m radius 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 enough to warrant refusal of the application on the grounds of potential amenity impact.

Sustainable Transport:

- 8.19. The site is in a well-connected area, with London Road Railway Station a short walk from the site and good public transport links from the buses that stop on Ditchling Road.
- 8.20. In terms of cycle parking, this has not been sought by the Highway Authority on this occasion as the site is too constrained with it being an upper maisonette. The Highway Authority are also not concerned that the proposed flexible C3/C4 use would lead to a significant uplift in trips to and from the site that would cause harm to the local transport network. It would not therefore be appropriate to restrict the development on this basis.
- 8.21. The Highway Authority has also requested that the development is restricted to not have the right to apply for parking permits as it is located within a CPZ. CPZ J is currently over capacity at 89% (according to the last 12 months of available data average). The request from the Highway Authority is noted; however as no further bedrooms are being created, it is not considered necessary or justified to impose a condition to restrict parking permits as the proposal would not materially alter the existing situation. Further, the number of parking permits within the CPZ issued is already restricted in number by measures outside the planning process.

Other Considerations:

- 8.22. A number of representations have identified increased rubbish as a concern. However, while three adults living in a HMO may cause a slight increase in waste production, this could equally alter with a change in occupancy or occupant circumstances in a dwelling, such as having children or becoming affluent. It is not, therefore, considered sufficient to warrant refusal, though a condition has been attached to ensure that refuse and recycling facilities are provided at the front of the property. The development is therefore acceptable in relation to refuse and recycling.

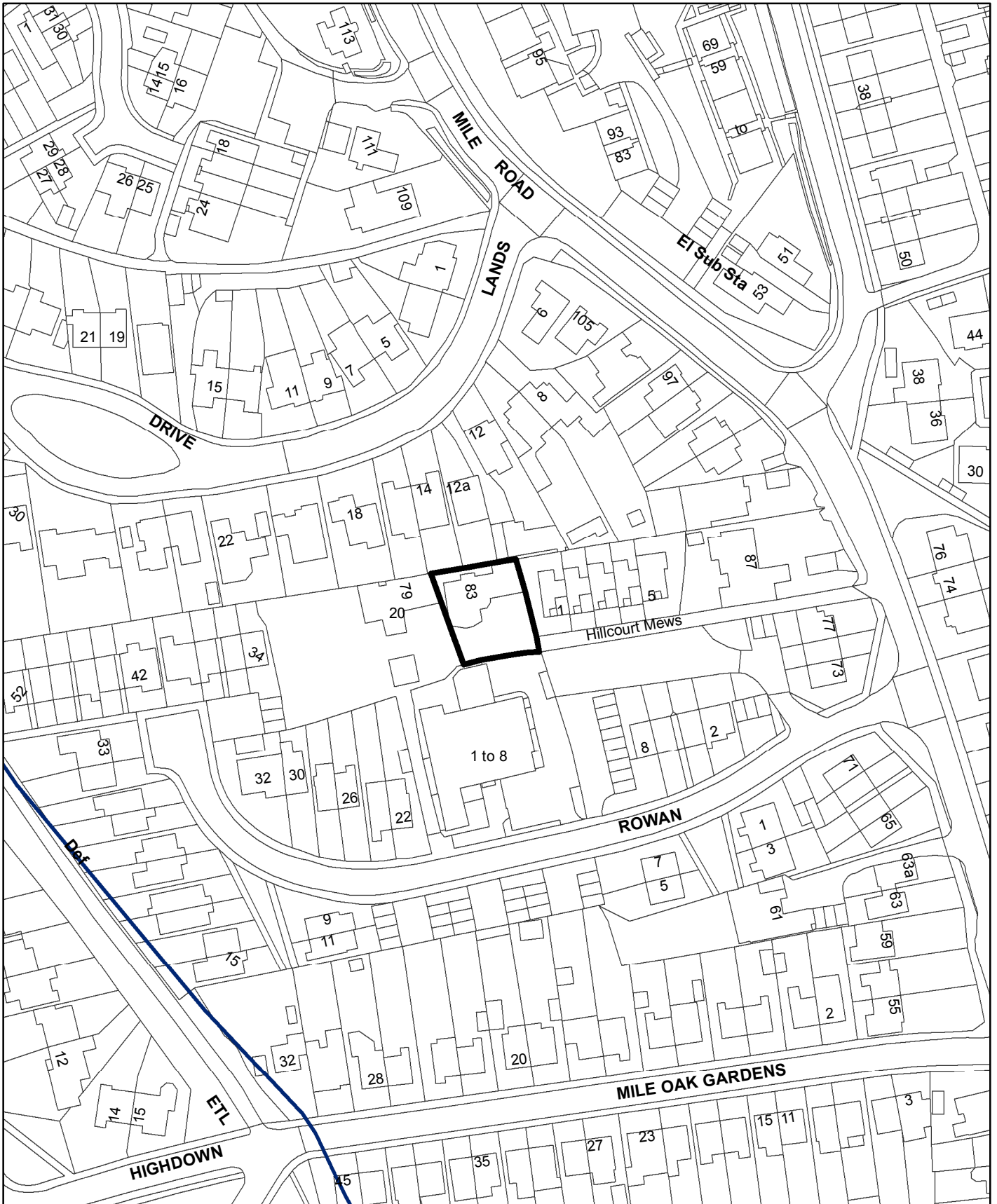
9. EQUALITIES
None identified

ITEM F

**83 Mile Oak Road
BH2020/02316
Full Planning**

DATE OF COMMITTEE: 4th November 2020

BH2020 02316 - 83 Mile Oak Road



N



Scale: 1:1,250

<u>No:</u>	BH2020/02316	<u>Ward:</u>	North Portslade Ward
<u>App Type:</u>	Outline Application		
<u>Address:</u>	83 Mile Oak Road Portslade BN41 2PJ		
<u>Proposal:</u>	Outline application with all matters reserved for demolition of existing dwelling and erection of 2no two storey, three bedroom dwellinghouses (C3).		
<u>Officer:</u>	Russell Brown, tel: 293817	<u>Valid Date:</u>	21.08.2020
<u>Con Area:</u>		<u>Expiry Date:</u>	16.10.2020
<u>Listed Building Grade:</u>		<u>EOT:</u>	09.11.2020
Agent:	Arki-Tec Plans 87A Mile Oak Road Portslade BN41 2PJ		
Applicant:	Ms S Drewett 83 Mile Oak Road Portslade BN41 2PJ		

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 Plan	2020/0013-05	A	21 August 2020
Location and block plan	2020/0013-01	A	21 August 2020

2.

- a) Details of the reserved matters set out below ("the reserved matters") shall be submitted to the Local Planning Authority for approval within three years from the date of this permission:
- (i) layout;
 - (ii) scale;
 - (iii) appearance;
 - (iv) access; and
 - (v) landscaping.
- b) The reserved matters shall be carried out as approved.
- c) Approval of all reserved matters shall be obtained from the Local Planning Authority in writing before any development is commenced.

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

3. The development hereby permitted must be begun not later than the expiration of two years from the final approval of the reserved matters or, in the case of

approval on different dates, the final approval of the last such matter to be approved.

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

4. No development, including demolition, shall take place until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include:
 - (i) The phases of the Proposed Development including the forecasted completion date
 - (ii) A scheme of how the contractors will liaise with local residents to ensure that residents are kept aware of site progress and how any complaints will be dealt with reviewed and recorded (including details of any considerable constructor or similar scheme)
 - (iii) A scheme of how the contractors will minimise disturbance to neighbours regarding issues such as noise and dust management vibration site traffic and deliveries to and from the site
 - (iv) Details of hours of construction including all associated vehicular movements
 - (v) Details of the construction compound
 - (vi) A plan showing construction traffic routes

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

Reason: As this matter is fundamental to the protection of amenity and highway safety throughout development works and to comply with Policies QD27, SU9, SU10 and TR7 of the Brighton & Hove Local Plan, CP8 of the Brighton & Hove City Plan Part One, WMP3d of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan 2013, and SPD 03 Construction and Demolition Waste.

5. Notwithstanding the proposal hereby permitted, prior to the first occupation of the development details of new and extended crossovers and accesses 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: In the interests of highway safety and to comply with Policies TR7 of the Brighton & Hove Local Plan and CP9 of the Brighton & Hove City Plan Part One.

6. Vehicle parking areas shall not be used otherwise than for the parking of private motor vehicles and motorcycles belonging to the occupants of and visitors to the development hereby approved.

Reason: To ensure that adequate parking provision is retained and to comply with Policy CP9 of the Brighton & Hove City Plan Part One.

7. 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.

8. No extension, enlargement, alteration of the dwellinghouses or provision of buildings, etc incidental to the enjoyment of the dwellinghouse within the curtilage of the dwellinghouses as provided for within Schedule 2, Part 1, Classes A, B, D and E of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended (or any order revoking and re-enacting that Order with or without modification) other than that expressly authorised by this permission shall be carried out without planning permission obtained from the Local Planning Authority.

Reason: The Local Planning Authority considers that further development could cause detriment to the amenities of the occupiers of nearby properties and to the character of the area and for this reason would wish to control any future development to comply with Policies QD14 and QD27 of the Brighton & Hove Local Plan and CP12 of the Brighton & Hove City Plan Part One.

9. None of the residential units hereby approved shall be occupied until each residential unit built has achieved 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.

10. 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.

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 submitted drawings numbered 2020/0013-02 A, 2020/0013-03 C, 2020/0013-04 B and 2020/0013-06 A are for illustrative purposes only and do not constitute approved drawings.
3. A formal application for connection to the public sewerage system is required in order to service this development. Please read Southern Water's New Connections Services Charging Arrangements documents which has now been published and is available to read on their website via the following link: southernwater.co.uk/infrastructure-charges.

4. 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 Local 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.
5. In order to accord with Policy TR14 Cycle Access and Parking of the Brighton & Hove Local Plan 2005 cycle parking must be secure, convenient (including not being blocked in a garage for cars and not being at the far end of a rear garden), accessible, well lit, well signed, near the main entrance, by a footpath/hardstanding/driveway and wherever practical, sheltered. It should also be noted that the Local Highway Authority would not approve vertical hanging racks as they are difficult for many people to use and therefore not considered to be policy and Equality Act 2010 compliant. Also, the Highway Authority approves of the use of covered, illuminated, secure 'Sheffield' type stands spaced in line with the guidance contained within the Manual for Streets section 8.2.22 or will consider other proprietary forms of covered, illuminated, secure cycle storage including the Police approved Secure By Design cycle stores, "bunkers" and two-tier systems where appropriate.
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 9 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 relates a single storey, two bedroom dwellinghouse at the end of Hillcourt Mews, a private access lane located off the west side of Mile Oak Road, between its junction with Rowan Close to the south and Brasslands Drive

to the north. Hillcourt Mews already features a row of five townhouses on its northern side, as noted within the relevant history section, together with other permissions in the immediate vicinity. To the south is Rowan House, a former industrial unit converted to flats and to the north are the dwellings on Brasslands Drive.

- 2.2. The site is not within a conservation area, is not a listed building or within the vicinity of one and is not within a Controlled Parking Zone (CPZ).
- 2.3. Outline planning permission with all matters reserved is sought for the demolition of the existing dwelling and the erection of 2, two storey dwellinghouses (Use Class C3) with three bedrooms.
- 2.4. Whilst it is noted that the application is for outline permission with all matters reserved, sufficiently detailed plans and elevations have been submitted such that scale, appearance, means of access, layout and landscaping could, in theory, be assessed. However, it has been agreed with the applicant that the drawings are "*for illustrative purposes only*" and they are therefore not formally part of the application.

3. RELEVANT HISTORY

- 3.1. **BH1997/01629/FP**: Dormer windows at front, side extension and garage. Approved 18.11.1997
- 3.2. **BH2020/00211**: Outline application with all matters reserved for demolition of existing dwelling and erection of 3no three storey, three bedroom dwellinghouses (C3). Refused 23.03.2020 because "the proposal, by reason of its inappropriate density and the height of the dwellings, represents an overdevelopment of the site, is out of character and causes neighbouring amenity issues in respect of overlooking, overshadowing and loss of sunlight. The proposal also results in the further intensification of the narrow access leading to insufficient turning around space, introducing highways safety concerns. As such, it is contrary to Policies CP9, CP12 and CP14 of the Brighton & Hove City Plan Part One and TR7 and QD27 of the Local Plan."
- 3.3. An appeal was dismissed on 12 August 2020 on the grounds of the proposed buildings would be likely to be overbearing and cause overshadowing, loss of sunlight and overlooking to neighbours. The scheme was also considered likely to be harmful to highway safety.

Rowan House, 12 Rowan Close:

- 3.4. **BH2012/04084**: Conversion of existing building to form 8no flats and 1no maisonette with associated alterations including partial demolition of existing building, revised and additional fenestration, creation of balconies and additional parking. Approved 26.03.2013

Hillcourt Mews, 85 Mile Oak Road:

- 3.5. **BH2013/00380:** Demolition of existing industrial unit and erection of 1no. two bedroom dwelling house and 4no. three bedroom dwelling houses with associated parking. Approved 04.04.2013

Land to the rear of 2-8 Rowan Close:

- 3.6. **BH2017/00750:** Erection of a single storey building comprising 2no two bedroom and 1no one bedroom apartments (C3), associated landscaping and parking. Approved 16.08.2017

20 Rowan Close:

- 3.7. **BH2019/01577:** Demolition of existing dwelling and erection of 5no dwellings (C3) comprising 2no pairs of semi-detached three bedroom houses and 1no detached four bedroom house, including solar and water harvesting systems. Approved 06.09.2019

4. REPRESENTATIONS

- 4.1. Five objections were received raising the following issues:
- There are already issues with traffic congestion and noise on the resident-owned Hillcourt Mews, which gets blocked by too many refuse and recycling bins, is too narrow for heavy vehicles and will be permanently damaged.
 - The fire brigade service cannot access the site, and neither can the rubbish lorry.
 - There would only be enough manoeuvrability on site if the new owners drive two seater cars like those in the indicative plans, but these homes are aimed at families, so larger cars are likely to be used.
 - The area is already over developed and overcrowded with several houses already under development.
 - There are already major parking problems in the surrounding streets, which this development would almost certainly add to since any new owners would have a need for more than one vehicle.
 - These properties would cause overlooking or otherwise require some sort of frosting to the rear-facing windows.
 - Neighbours would be subject to an increased amount of noise, disruption, loss of sunlight and overshadowing.
 - The architects have not really solved the issues that were raised by the objections.
 - If 83 Mile Oak is developed, this will mean the remaining trees will be removed. This area has already lost too much green space and habitat for local residents and wildlife.
- 4.2. One representation in support of the application was received stating that it makes good use of the site, it would tie in nicely with the set of mews houses and the houses that are being built at 20 Rowan Close, and that there is no particular reason not to allow the proposed development.

5. CONSULTATIONS

- 5.1. **Transport:**
No changes are proposed to pedestrian access arrangements onto the adopted (public) highway at Mile Oak Road and this is deemed acceptable in principle. Dropped kerbs with paving and tactile paving will be required where the private access crosses the adopted (public) highway footway to reach Mile Oak Road to make access possible to the site for the mobility and visually impaired as well as update and improve access to the site for pedestrians. This can be secured by condition to seek approval for a (detailed) licence from the Streetworks team.
- 5.2. For this development the minimum cycle parking standard is four cycle parking spaces in total. A purpose built cycle shed is proposed in each of the rear gardens, but this is neither convenient nor compliant with SPD14. Therefore, details of cycle parking at the front of the site near the main entrance to the dwellings are requested by condition.
- 5.3. Since the site is outside of a Controlled Parking Zone (CPZ) there is free on-street parking available. There are also somewhat limited opportunities for free on-street disabled parking for disabled residents and visitors. Blue Badge holders are also able to park on double yellow lines for up to three hours. Therefore, no objections are raised.
- 5.4. No significant alterations are proposed to the current servicing and delivery arrangements to this site and this is deemed acceptable. Also, if the vehicle access is redesigned as suggested then servicing and deliveries to and on the site could be improved with less turning required in the access road.
- 5.5. No changes are proposed to the existing vehicle access arrangements for vehicles onto the adopted (public) highway at Mile Oak Road and this is deemed acceptable.
- 5.6. However, the proposed on-site shared turning head needs redesigning as its unnecessarily too wide and too deep. If it is made slightly narrower then kerbs and landscaping could be installed to protect the sides of the dwellings and slightly less deep then it would be possible to fit cycle stores behind a kerb and below the high level wet room windows. This would also free up amenity space in the rear gardens and remove the risk of injury and damaging the side walls and fences of the narrow passageways whilst moving cycles along them. The redesign should be informed by vehicle swept path analysis and would ideally allow an ambulance and food store delivery vehicle to turn in it.
- 5.7. The driveway and hardstanding materials should be porous and / or permeable and no surface water should run-off onto the adopted (public) highway. Therefore, a condition for the hard surfaces should be attached to any permission granted.
- 5.8. For this development the maximum car parking standard is three spaces. The proposed level of car parking of two spaces is in line with the maximum standards and therefore deemed acceptable.

- 5.9. A "Retention of parking area" condition should be attached to any permission granted to ensure that on-site parking provision is maintained.
- 5.10. Mile Oak Road is located outside of any CPZ so any overspill parking cannot be controlled and the site cannot be made 'car free' by condition.
- 5.11. There is not forecast to be a significant increase in vehicle trip generation as a result of these proposals and therefore any impact on carriageways would be minimal.
- 5.12. **Southern Water:**
A formal application for a connection to the foul sewer would be required, which should be added as an informative to the permission. Furthermore, given that there are no dedicated public surface water sewers in the area to serve this development, alternative means of draining surface water are required. Discharge of surface water runoff to public combined network can be allowed only once full assessment of other alternative methods have been carried out and discounted following this hierarchy: an adequate soakaway or some other adequate infiltration system; a water course; where neither are practicable, a sewer. If a public sewer is found during construction works, an investigation into its ownership will be required before any further works commence.

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 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 which is currently underway to 30 October 2020.

Brighton & Hove City Plan Part One

SS1	Presumption in Favour of Sustainable Development
CP1	Housing delivery
CP12	Urban design
CP14	Housing density

Brighton & Hove Local Plan (retained policies March 2016)

TR7	Safe Development
QD27	Protection of amenity

Other Documents

Urban Characterisation Study 2009

8. CONSIDERATIONS & ASSESSMENT

- 8.1. The main considerations in the determination of this application relate to the principle of development on the site, and the impact on the character of the area.

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 proposed development would result in the net gain of one unit and would therefore make a very minor contribution towards the Council's housing target. The acceptability or otherwise of the scheme is subject to the specifics of the area, density and a satisfactory design. This is discussed below.

Character of the area:

- 8.5. The area surrounding the site is almost totally residential, with no distinct pattern of development given that there are garages, townhouses, terraced and semi-detached dwellinghouses, large converted buildings and single detached properties like the subject site. The scale varies from three storeys down to one.

- 8.6. City Plan Policy CP14 outlines that residential development should be of a density that is appropriate to the identified positive character of the neighbourhood, but development will be permitted at higher densities than those typically found in the locality subject to a number of criteria detailed within the policy.
- 8.7. In this case, the gross density of the Mile Oak & Portslade Village neighbourhood, in which this site falls, is approximately 23 dwellings per hectare (dph). The existing plot has a density of over 23dph, and therefore the existing dwelling fits in well with the character of the neighbourhood. To make full, efficient and sustainable use of the land available, new residential development is expected to achieve a minimum net density of 50 dph, provided it contributes positively to creating or maintaining sustainable neighbourhoods and that all of the aforementioned criteria can be satisfactorily met.
- 8.8. The Appeal Inspector for the previous scheme for three dwellings on the site had no in-principle objection to a higher density development and did not consider that it would harm the character or appearance of the area as it would be seen in the context of the recent surrounding development, thereby finding no conflict with City Plan Part One Policies CP12 and CP14. Therefore, the proposed 46dph as a result of this two-dwelling scheme would be considered an appropriate density in this location.
- 8.9. City Plan Policy CP12 indicates that development will be expected to establish a strong sense of place by respecting the diverse character and urban grain of the city's identified neighbourhoods. It defines urban grain as the general layout, pattern and footprint of buildings and streets as viewed overhead in plan form. The Mile Oak & Portslade Village neighbourhood is made up of a mix of two storey terraced and semi-detached dwellings with more semi-detached and detached bungalows to the north and a peppering of three and four storey linear flat blocks. There are also some more recent town house and perimeter block infill and, to the east, two estates of mixed-types in cul-de-sac layouts. The application site falls within the Mile Oak character area, which is a low rise, low density suburban housing area on the edge of the downs with varied inter-war and post war development in generous streets.
- 8.10. The illustrative drawings demonstrate that it is possible to accommodate two storey dwellings, and that if they were to adopt the flat roof style of other recent additions to the area they would be significantly lower than the previously-proposed three storey dwellings, as well as the existing townhouses on the Hillcourt Mews site. At two storeys in height they would now fit in more comfortably with the character of the immediate vicinity, which comprises buildings of either a single storey or two storeys in height. The illustrative drawings also demonstrate that it would be possible to ensure that both dwellings would be lower than the existing building on site. Accordingly, the issues previously raised in respect of the impact on neighbouring amenity resulting from the proposed height, most notably overshadowing and loss of sunlight, are considered to be ameliorated by the lower height.

Other matters:

- 8.11. Following correspondence between Officers and the applicant, further information in the form of a swept path drawing for a 4.6 tonne light van and revised floor plans have been forthcoming. This has demonstrated that it would be possible to erect two houses and there to be enough space for cars and delivery vehicles to safely turn around within the site, avoiding reversing manoeuvres along or into Hillcourt Mews. Whilst this is sufficient to overcome the concerns with the previous application regarding on-site turning, access has not been considered in detail in determining this application.
- 8.12. Since this site is solely accessed via the existing 3.3m wide lane that only allows a single vehicle to travel along it given the lack of passing space, a Construction Environmental Management Plan (CEMP) would be required as part of any application for access as well as further swept path drawings and the information requested by the Local Highways Authority in their comments.
- 8.13. As noted previously, drawings have been submitted showing the potential layout and details of the dwelling. Whilst the rear gardens for such a layout would be relatively small at 3.4m deep, the first floor rear windows would serve staircases, bathrooms and en-suites. As such, the application has demonstrated that it would be possible to provide the level of accommodation sought whilst avoiding the overlooking of the rear gardens and windows of 12A and 14 Brasslands Drive, which are relatively close to the proposed building.
- 8.14. It is considered that permitted development rights in respect of Classes A, B, D and E of Schedule 2, Part 1 of the GPDO 2015 (as amended) are removed to prevent an adverse impact on the character of the area and neighbouring amenity.

Conclusions

- 8.15. The proposed development would provide an additional unit of accommodation in Portslade and would generate some economic activity during construction work and from the spending in the local economy of the future occupiers; these modest benefits are acknowledged. Following revisions made to the previous scheme and to this proposal, the planning authority can support the provision of two dwellings in this location since they would not have an adverse impact on the character of the area, neighbouring amenity or on highways safety. The proposed development is therefore recommended for approval.

Community Infrastructure Levy

- 8.16. Under the Regulations of the Community Infrastructure Levy (CIL) 2010 (as amended), Brighton & Hove City Council adopted its CIL on 23 July 2020 and began charging on all CIL liable planning applications on and from the 5 October 2020. The amount of CIL liability for C3 uses in Charging Zone 3 is £75/sqm. The exact amount will be confirmed in the CIL liability notice which will be issued as soon as it practicable after the issuing of planning permission.

9. EQUALITIES

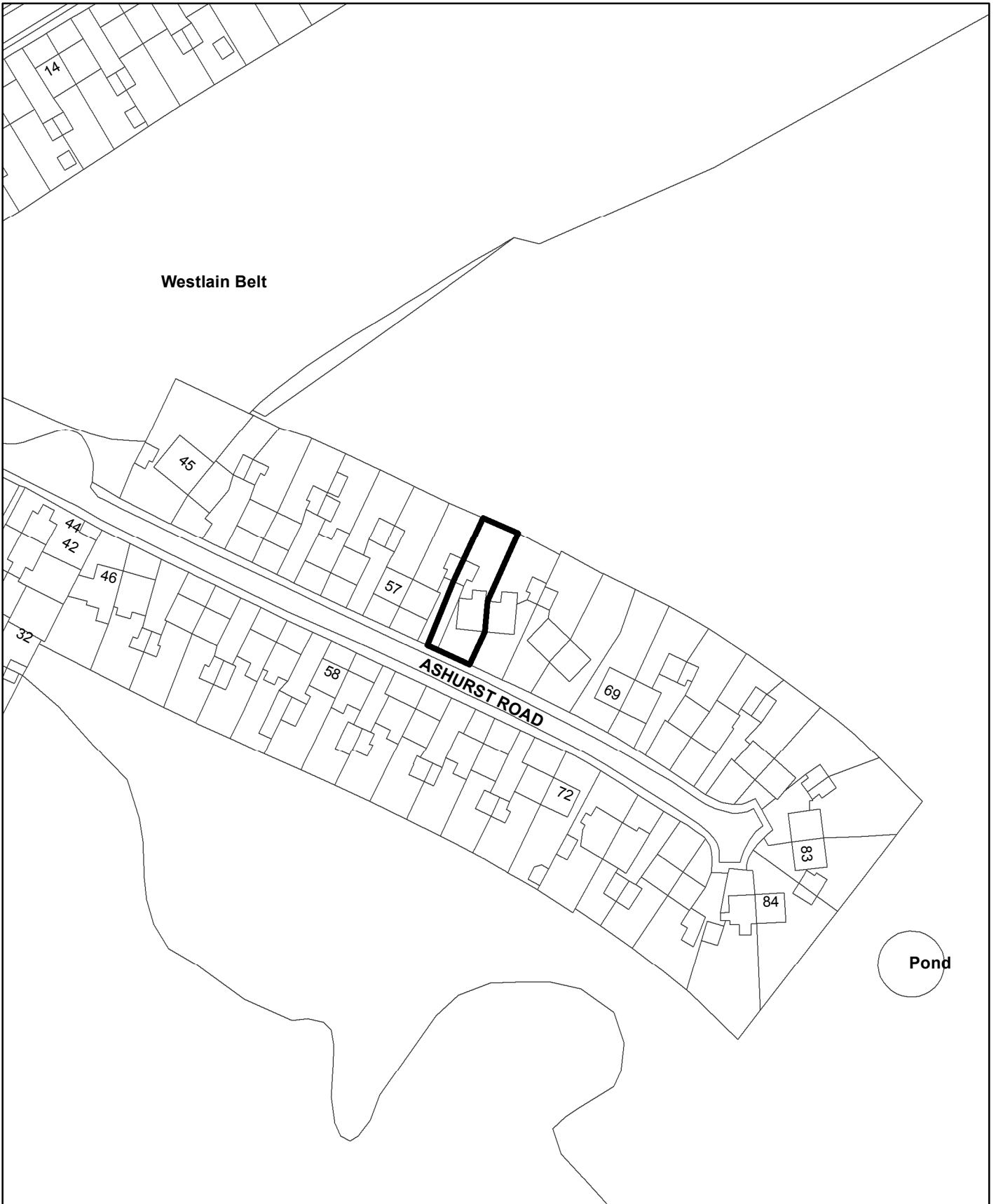
- 9.1. Although the Highway Authority have identified a desire for a dropped kerb with tactile paving where Hillcourt Mews meets Mile Oak Road to improve access for the mobility and visually impaired, it has not been demonstrated that such works are reasonably required for a net increase of one dwelling and as such as beyond the scope of any permission that is granted.

ITEM G

**61 Ashurst Road
BH2020/02027
Full Planning**

DATE OF COMMITTEE: 4th November 2020

BH2020 02027 - 61 Ashurst Road



Pond

N



Scale: 1:1,250

<u>No:</u>	BH2020/02027	<u>Ward:</u>	Moulsecoomb And Bevendean Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	61 Ashurst Road Brighton BN2 4PJ		
<u>Proposal:</u>	Change of use from four bedroom dwelling (C3) to four bedroom small house in multiple occupation (C4).		
<u>Officer:</u>	Sven Rufus, tel: 292454	<u>Valid Date:</u>	06.08.2020
<u>Con Area:</u>		<u>Expiry Date:</u>	01.10.2020
<u>Listed Building Grade:</u>		<u>EOT:</u>	
<u>Agent:</u>	Lewis And Co Planning SE Ltd 2 Port Hall Road Brighton BN1 5PD		
<u>Applicant:</u>	Mr & Mrs Corbett C/O Lewis & Co Planning 2 Port Hall Road Brighton BN1 5PD		

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	7046/001		24 July 2020
Proposed Drawing	7046/010	A	19 October 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 provided on site 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 development hereby approved shall be implemented in accordance with the proposed layout detailed on the proposed drawing 7046/010A, received on the 14th October 2020 and shall be retained as such thereafter. The layout of the kitchen and dining room shall be retained as communal space at all times and shall not be used as bedrooms.

Reason: To ensure a suitable standard of accommodation for occupiers and to comply with policy QD27 of the Brighton & Hove Local Plan.

6 The development hereby approved shall only be occupied by a maximum of four (4) 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.

SITE LOCATION & APPLICATION DESCRIPTION

The application site is part of a semi-detached pair of properties on the north side of Ashurst Road. It is a two storey brick built property with a large area of hardstanding in front of the house for vehicle parking, and a rear garden.

The application seeks to convert the property from a dwelling house (planning use class C3) to a House in Multiple Occupation (planning use class C4). An Article 4 Direction in the city removes the permitted development rights for properties to change use from C3 to C4 without a planning application. No external alterations are proposed.

RELEVANT HISTORY

2015/0497: Enforcement - unauthorised HMO. (Case Closed 9/12/16 - Evidence shows that the property was operating as an HMO prior to the establishment of the Article Four Direction in 2013)

REPRESENTATIONS

Three (3) letters have been received from neighbours, objecting to the proposed development for the following reasons:

- o Noise
- o Waste and refuse
- o Too many HMOs in the area.
- o Parking pressure
- o Need more family homes

Cllr Yates objects to the proposed development. A copy of his representation is attached to this report.

CONSULTATIONS

Housing:

Comment

Ground floor bedroom exits through high risk area (kitchen). First floor room has no door. Other first floor room appears to small for licencing standards. HMO licence will be needed.

Planning Policy:

No comment

Sustainable Transport:

Comment (verbal comment)

Cycle parking proposed for the garage but no details attached. Secure by condition - a minimum of 2 spaces, not to be blocked by car parking. Trip generation unlikely to be significantly higher than at present. The property is within CPZ D which has matchday only restrictions and therefore no restriction of the right to apply for parking permits is required.

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.

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 which is currently underway until 30 October 2020.

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
- QD5 Design - street frontages
- QD27 Protection of amenity

Supplementary Planning Documents:

- SPD14 Parking Standards

CONSIDERATIONS & ASSESSMENT

The main considerations in the determination of this application relate to the principle of the change of use, the standard of accommodation, the amenity impacts of the proposal and transport implications of the use.

No site visit was carried out as a part of the consideration of this application due to restrictions in place during the Covid-19 pandemic. However an assessment of the site and property was made through Streetview and through photos supplied by the agent during consideration of the details. As a result the absence of a site visit did not adversely impact on the ability to determine this application, and a full assessment of the pertinent issues was carried out.

Principle of Development:

The applicant has set out the history of the property as a rental unit in the Planning Statement, and states that the property was in use as an HMO prior to the establishment of the Article Four Direction in 2013. However, the property has subsequently been in use as a property managed under a headlease to the University of Sussex, and this is considered to be the established use of the property. Properties managed under headlease terms are not considered to be HMOs.

The definition of an HMO as set out in Section 254 of the Housing Act 2004, and excludes buildings occupied by students at specified educational establishments, including University of Sussex, which are managed by their establishment. In this case, the headlease arrangement constitutes the management arrangement that places the University in control of the management.

As a result of the above, the use of the property is most recently considered to be used as falling within planning use class C3(c), which allows for groups of people (up to six) living together as a single household, but not falling with a HMO definition.

Consequently, notwithstanding the earlier history of the property as an HMO, the most recent use is considered to be C3(c) and as such since the establishment of the article Four Direction in 2013, any proposal to use the property as an HMO requires permission. The previous use as an HMO prior to the headlease arrangement does not establish a right to use the property now in this way.

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

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

- More than 10 per cent of dwellings within a radius of 50 metres of the application site are already in use as Class C4, mixed C3/C4 or other types of HMO in a sui generis use.'

A mapping exercise was undertaken which indicates that there are twentyone (21) properties within a 50m radius of the application property. Two other properties have been identified as being in HMO use within the 50m radius. A further property, at 74 Ashurst Road, was formerly in use as an HMO, but Council Tax records for the property indicate that this has been in occupation under sole tenancies or occupied by related people since August 2018. The licence for this property lapsed in 2017. As such it is considered that the current authorised use of 74 Ashurst Road is as a C3 dwellinghouse.

Therefore there are two qualifying properties out of the 21 properties within 50m which gives a result of 9.5% HMOs within 50m.

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 four-bed house in multiple occupation would not be in conflict with the aims of policy CP21.

Design and Appearance:

There are no external alterations proposed with this application.

Standard of Accommodation:

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, Draft City Plan Part 2 proposes to adopt them and indicates a direction of travel on behalf of the LPA. The NDSS provide a useful guideline on 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 7.5msq, and a double bedroom should measure at least 11.5msq. The minimum floor space requires a head height of above 1.5m.

The internal layout of the property would remain largely unaltered from the existing arrangement, other than an alteration to the floor areas of the rear bedrooms on the first floor, and relocation of the door to the ground floor bedroom. The proposed layout would include four bedrooms, one on the ground floor and three on the first floor. The floor areas of the first floor rooms would be 7.8msq 9.4msq and 13.2msq and the ground floor room would provide 15.1msq. The plans as originally submitted showed one of the first floor rooms offering only 6.8msq and following feedback to the applicant this was amended to the current arrangement. The resultant shape of the smallest room takes on an 'L' shaped form. Although this is the smallest room, and notwithstanding the atypical shape, it is considered that the arrangement of the room would allow for the inclusion of furniture with enough room to circulate and that this would provide a suitable standard of accommodation. The other rooms all provide ample room and are considered acceptable in terms of layout.

With regard to the ground floor bedroom, the plans as originally submitted showed a doorway linking the bedroom to the dining room. It was considered that this close relationship between the bedroom and the main communal area would result in amenity impacts through noise and disturbance to the occupant of that bedroom that

would not be acceptable. The amended plans submitted have repositioned this door so that the access to the ground floor room would be from the hallway.

All bedrooms would have windows providing natural light and a good outlook, and would have floorspaces and layout that provide a suitable standard of accommodation.

The communal space would consist of a kitchen of 9.2msq, a 'dining room' of 9.6msq allowing almost 19msq for the occupants of the property. It is considered that the space and layout of these rooms would be suitable for use by four occupants. There is an additional area in the form of a conservatory that would allow some 'overspill' use but while this enhances the communal space that is otherwise available, being of a lightweight glazed construction, it is not considered as a main communal area as it is not likely to be warm enough for constant use throughout the year, and therefore does not form part of the consideration of the suitability of the communal space.

While some of the bedrooms are of sufficient size to accommodate two people sharing, the level of occupancy that could result were all rooms to be fully occupied would be greater than the amount of communal space could support while still providing a suitable standard of accommodation in the property as a whole. Some of the bedrooms are relatively small and occupants of these rooms would be likely to make greater use of the communal space, increasing the demands on the space available. Consequently it is considered that the maximum occupancy for the property, while providing a suitable standard of accommodation would be four people. A condition is recommended, limiting occupancy to this level.

The property also has a rear garden which would enhance the standard of accommodation.

For the reasons set out above, it is considered that the proposal would provide an acceptable standard of accommodation for occupation by four people.

Impact on Amenity:

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

This application is not located in an area that currently has above 10% of properties within 50m of the application site being HMOs. While any additional HMO's have the potential for increasing the cumulative impact of such properties and the harm to amenity with which they are often associated, in this instance the existing numbers of HMO's in the area do not give cause to refuse the application on the grounds of potential amenity impact.

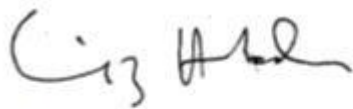
Sustainable Transport:

Cycle parking has been proposed for the garage, but no details have been provided for this so this will be secured by condition, providing secure storage for a minimum of two bicycles, which can be accessed at all times with no possibility for being blocked in by a parked car.

The application site is within Controlled Parking Zone D, which has matchday and event restrictions only and as such it is not considered necessary to require that the development be restricted from being able to apply for parking permits.

EQUALITIES

None identified



Liz Hobden
Head of Planning
City Development and Regeneration

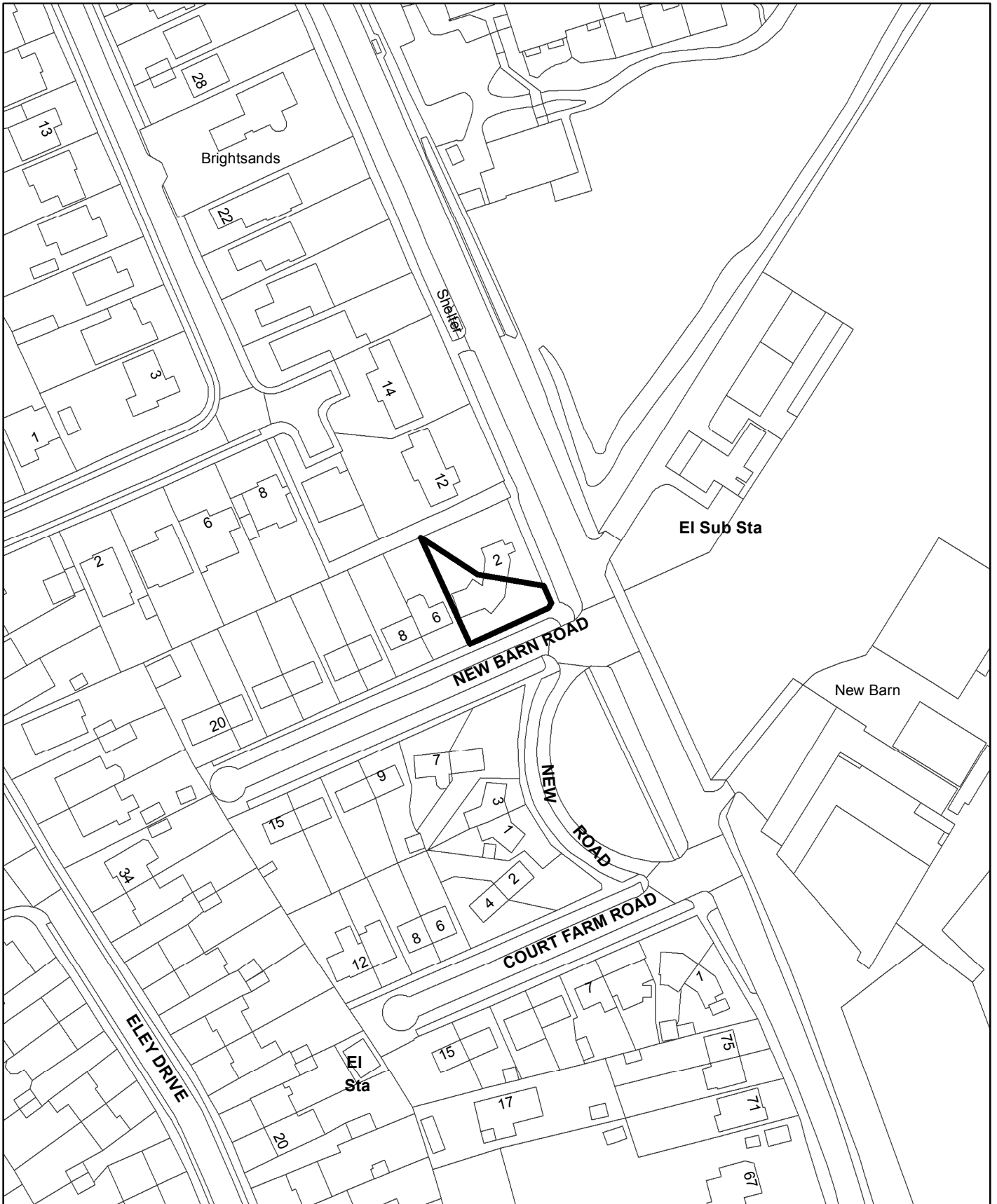
Signature of Reviewing Officer: Jane Moseley
Dated: 16 October 2020

ITEM H

**Dental Surgery, 4 New Barn Road
BH2020/02305
Full Planning**

DATE OF COMMITTEE: 4th November 2020

BH2020 02305 - Dental Surgery, 4 New Barn Road



N



Scale: 1:1,250

<u>No:</u>	BH2020/02305	<u>Ward:</u>	Rottingdean Coastal Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	Dental Surgery 4 New Barn Road Rottingdean Brighton BN2 7FN		
<u>Proposal:</u>	Erection of first floor extension.		
<u>Officer:</u>	Steven Dover, tel:	<u>Valid Date:</u>	27.08.2020
<u>Con Area:</u>		<u>Expiry Date:</u>	22.10.2020
<u>Listed Building Grade:</u>		<u>EOT:</u>	
<u>Agent:</u>	Lewis And Co Planning 2 Port Hall Road Brighton BN1 5PD		
<u>Applicant:</u>	Deans Dental Care 4 New Barn Road Rottingdean Brighton BN2 7FN		

1. RECOMMENDATION

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

- The proposed extension, by virtue of its design, form, excessive bulk and footprint, would result in a visually intrusive and bulky addition to the property which would be unsympathetic to the design of the existing dwelling. As such the proposed development would be of detriment to the character and appearance of the existing dwelling, the New Barn Road and Falmer Road streetscene and the wider area. As such the proposal is contrary to policy QD14 of the Brighton and Hove Local Plan and CP12 of the Brighton and Hove City Plan Part One.
- The proposed development, by reason of its projection and increased bulk beyond the rear elevation of the host property would result in an unneighbourly development, with detrimental outlook and overbearing effects on number 4 New Barn Road. The development is considered contrary to policy QD27 of the Brighton and Hove Local Plan.

Informatives:

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

2. This decision is based on the drawings received listed below:

Plan Type	Reference	Version	Date Received
Block Plan	003		19 August 2020
Proposed Drawing	102A		27 August 2020
Proposed Drawing	103		27 August 2020

2. SITE LOCATION & APPLICATION DESCRIPTION

- 2.1. The application site forms a semi-detached, two storey property in use as a dwelling house (planning use class C3), with an adjoining single storey extension to the west, which was allowed at appeal in September 2014 (ref. APP/Q1445/A/14/2220082). The single storey extension, whilst adjoining the host property and having the same address, is entirely separate from the main dwellinghouse. There are no internal connections between the extension and the dwellinghouse, and it is in use as a Dental Surgery (planning use class D1), currently operated by the owner of the adjoining dwellinghouse.
- 2.2. The application seeks planning permission for the erection of first floor, flat roof extension over the existing single storey dental surgery, to provide additional floorspace for the use.
- 2.3. A list of 164 names addresses and telephone numbers has been submitted to the Council by the agent, stating the listed people support the application due to expansion of local business facility and extra capacity created.

3. RELEVANT HISTORY

- 3.1. **BH2020/01367** - Erection of first floor flat roof extension to provide additional floorspace for dental surgery (D1) - Refused 17/07/2020 for the following reasons:
 1. The proposed extension, by virtue of its design, form, excessive bulk and footprint, would result in a visually intrusive and bulky addition to the property which would be unsympathetic to the design of the existing dwelling. As such the proposed development would be of detriment to the character and appearance of the existing dwelling, the New Barn Road and Falmer Road streetscene and the wider area. As such the proposal is contrary to policy QD14 of the Brighton and Hove Local Plan and CP12 of the Brighton and Hove City Plan Part One.
 2. The proposed development, by reason of its projection and increased bulk beyond the rear elevation of the host property would result in an unneighbourly development, with detrimental outlook and overbearing effects on number 4 New Barn Road. The development is considered contrary to policy QD27 of the Brighton and Hove Local Plan."
- 3.2. **BH2019/00861** - Erection of first floor extension with extension of roof above extension. Refused 16/05/2019 and Dismissed at Appeal. Reasons for refusal were;
 1. The proposed extension, by virtue of its design, form, excessive bulk and footprint, would result in a visually intrusive and bulky addition to the property which would be unsympathetic to the design of the existing dwelling. As such the proposed development would be of detriment to the character and appearance of the existing dwelling, the New Barn Road and Falmer Road streetscene and the wider area. As such the proposal is contrary to policy QD14 of the Brighton and Hove Local Plan and CP12 of the Brighton and Hove City Plan Part One.

2. The proposed development, by reason of its projection and increased bulk beyond the rear elevation of the host property would result in an unneighbourly development. In addition, by virtue of the inclusion of a window within the northern elevation would result in overlooking and loss of privacy for the current and future occupiers of the parent property. The development is considered contrary to policy QD27 of the Brighton and Hove Local Plan.
- 3.3. **BH2016/05903** - Display of non-illuminated fascia sign (Retrospective) - Refused - 06/03/17
- 3.4. **BH2015/00936** - Application for Approval of Details Reserved by Conditions 3 and 6 of application BH2014/00881 (Decided on appeal) - Approved - 11/05/15
- 3.5. **BH2014/03924** - Application for Approval of Details Reserved by Conditions 3, 5 and 6 of application BH2014/00881 - Split decision - 27/01/15
- 3.6. **BH2014/00881** - Part change of use of ground floor from house (C3) to dental surgery (D1) with associated erection of single storey side extension - Refused - 15/05/14 - Appeal Allowed (APP/Q1445/A/14/2220082) - 15/09/14
- 3.7. **BH2013/00909** - Part change of use of ground floor from house to dental surgery (D1) with associated erection of single storey side extension - Refused - 29/05/13

4. REPRESENTATIONS

- 4.1. **Councillor Mears** supports the proposed development. A copy of her representation is attached to this report.

5. CONSULTATIONS

- 5.1. **Environmental Health:** No objection 12/10/2020
- 5.2. **Sustainable Transport:** Verbal comments received 16/09/2020
No objection:
- 5.3. Proposal is unlikely to generate enough trips to have a significant negative effect on highways. The two existing parking spaces are sufficient. The cycle provision is sufficient. The ramp and bin storage are acceptable.
- 5.4. **Economic Development:** No comment received
- 5.5. **Public Health:** No comment received
- 5.6. **Rottingdean Parish Council:** No comment received

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 which is currently underway to 30 October 2020.

Brighton & Hove City Plan Part One

SS1	Presumption in Favour of Sustainable Development
CP2	Sustainable economic development
CP3	Employment land
CP9	Sustainable transport
CP12	Urban design

Brighton and 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
QD14	Extensions and alterations
QD27	Protection of Amenity

Supplementary Planning Documents:

8. CONSIDERATIONS & ASSESSMENT

- 8.1. The main considerations in the determination of this application relate to the impact of the proposed development on the character and appearance of the building and the wider streetscape and the amenities of neighbouring properties, including the amenities of no. 4 New Barn Road.
- 8.2. Due to Covid-19, the need to ensure the safety of Council staff and the Public through minimisation of contact and potential spreading has been paramount. To help meet this objective the Planning Department has only been undertaking site visits if no other way to access the impacts of an application can be determined from available/supplied information. This application has not had a site visit as a substantial photographic and written record from previous similar applications and appeals exists, in conjunction with street view and satellite data. This information has been sufficient to determine and fully assess the impacts of the proposed works.
- 8.3. The application property is a semi-detached two-storey house with a single-storey flat roofed side extension providing accommodation for a dental surgery. It is located on the corner of New Barn Road and Falmer Road. The pair of dwellings formed by 2 and 4 New Barn Road (Nos. 2 and 4) are angled to accommodate their corner position and mirror a similar pair of dwellings on the opposite side of the far entrance to this small planned residential estate of semi-detached houses. The overall character of the area is a spacious and open one, with pairs of dwellings set behind front gardens, supplemented by the presence of green verges.
- 8.4. The current application is materially the same as application BH2020/01367 which was refused under delegated powers in July 2020, as noted above. Since that refusal, the applicant has made minor amendments to the proposed extension, to reduce the width of the existing front ground floor window, and indicating that the proposed first floor rear window is to be obscure glazed.
- 8.5. A previous application BH2019/00861, which was refused and subsequently dismissed on appeal, was for a similar form of development, with erection of an additional storey onto the existing ground floor extension. However the roof form was different from the current application and that recently refused in application BH2020/01367, with a dual pitched hipped design that mirrored the host property. The history section above set out the reasons for refusal of this earlier application.

Design and Appearance:

- 8.6. The current application, although having been altered from application BH2019/00861 by the removal of the hipped roof, would still add significant bulk to the building, and have an awkward and contrived appearance, at odds with the main building and the wider streetscene. The design with the flat roof further

emphasises and contrasts the extension from the majority of the surrounding properties and creates an incongruous roofscape which has substantial detrimental harm to the appearance of the host property, the attached semi and neighbouring properties.

- 8.7. In addition, the extension would further disrupt the semi-detached pair, with a loss of symmetry between the corner pairs of the properties which frame the entrance of New Barn Road. It would infill the existing gap and separation between numbers 4 and 6 New Barn Road at first floor level, leading to a diminution in the openness of the estate and a disruptive pattern of development.
- 8.8. These concerns are mirrored to a large extent by the appeal Inspector in their dismissal of the previous first floor extension application BH2019/00861 (appeal ref. APP/Q1445/W/19/3231864): "*However, as an addition to a prominent corner property, it would be widely visible from the street, despite being screened in some views by a tree in the front garden of No. 4. There would also be some limited views of the rear from the public realm, including from Falmer Road. It would lead to a loss of symmetry between the corner pairs of semi-detached properties on the entrance to the residential estate. It would also fill the gap at first floor level between Nos. 4 and 6. This would harm the existing pattern of development and open character of the estate.*"
- 8.9. The Inspector further noted: "*The existing single-storey extension is relatively unobtrusive in the street scene. The proposed extension, by contrast, would significantly increase the bulk of the building and it would be visually more prominent due to its height.*"
- 8.10. The inspector concluded in relation to character and appearance "*that the proposed extension would significantly harm the character and appearance of the host property and surrounding area.*"
- 8.11. Despite amendments having been made since the earlier appeal dismissal and refused applications, it is still considered that the proposed extension, by virtue of its design, form and bulk, would result in a visually intrusive and bulky addition to the side of the existing property which would be unsympathetic to the design of the existing dwelling. The proposed development would be of detriment to the character and appearance of the existing dwelling, the New Barn Road and Falmer Road streetscene, and the wider area, contrary to Policy QD14.

Impact on Amenity:

- 8.12. The Council's Environmental Health Officer has raised no objections to the proposal.
- 8.13. Whilst it is noted that the occupier of the dental practice is currently the owner of the parent property, number 4, this may not always be the case and policy QD27 seeks to protect the amenity of both existing and future residents/occupiers.
- 8.14. The proposed extension would project substantially beyond the rear elevation of number 4, and due to its height and length would have a detrimental effect on the amenity of those residents, due to an enclosing effect on the host property,

a reduction in the outlook from rear windows and a substantial overbearing effect on the existing conservatory in particular. This would bring harm to the living conditions of current and future occupiers.

- 8.15. The appeal Inspector again highlights the above issues in their dismissal (APP/Q1445/W/19/3231864), stating: *"The proposed extension would project beyond the rear elevation of the building. Due to its length and height, this would have an enclosing effect on the host property. The proximity of the extension to a first-floor window in the rear elevation of the property would reduce outlook from this window. There is also a conservatory adjacent to the existing single-storey extension. The increase in height of the building directly adjacent to the conservatory would have an overbearing impact on this room. There would be harm to the living conditions of the occupants of No. 4 arising from this."*
- 8.16. A window is proposed within the north facing elevation of the extension. The earlier application BH2019/00861 was refused on various grounds, including that a window in the northern elevation would result in overlooking and loss of privacy for the current and future occupiers of the parent property. Within the earlier appeal decision, the Inspector however concluded that if the north facing window was obscurely glazed and non-openable up to 1.7, above internal floor level then the harm would be mitigated. The window in question is now detailed as obscure glazed and if the scheme was considered otherwise acceptable its retention as such could be secured by condition.
- 8.17. The Inspector also stated that a condition could be attached to ensure that only persons living in the parent property could work in the dental surgery. The Inspector concluded in relation to living conditions *"that the proposed development would cause material harm to the living conditions of occupants of 4 New Barn Road, with regard to outlook but not with regard to privacy."*
- 8.18. Overall, it is considered that the proposal would have substantial detrimental impact to outlook and be overbearing to the occupants of No. 4 New Barn Road by reason of its projection and increased bulk beyond the rear elevation of the host property. This would result in an unneighbourly development contrary to policy QD27 of the Brighton and Hove Local Plan.

Sustainable Transport:

- 8.19. It is not considered that the proposal is likely to create significant additional trip generation to a level which would cause a negative highway impact.
- 8.20. The two existing off-street parking spaces would be retained. The level of parking proposed for the new dental surgery is deemed acceptable, particularly as there is ample, free, on-street parking in the vicinity.
- 8.21. The cycle parking provision would be increased to 3 spaces due to the extra consulting room, to meet sustainable transportation standards. Space is allocated for the storage of bins at the front for collection to ensure that they do not interfere with car parking.

8.22. If the scheme were otherwise acceptable, both the car parking spaces, and cycle parking space could be retained by condition.

8.23. Therefore, Highways have confirmed no objection to the proposed development.

Other matters:

8.24. The applicant seeks to expand the dental business to increase service provision and safety, both of which are recognised and encouraged. However, the potential public benefits that are sought are not considered to outweigh the substantial visual and amenity harm that the proposed extension would bring to the host property, the wider area and local residents. Other options to meet the applicant's aspirations for the business need to be considered.

8.25. The appeal inspector concluded in their dismissal of (APP/Q1445/W/19/3231864) *"The public benefits arising from the expansion of dentistry services do not outweigh the harm I have identified."*

9. EQUALITIES

9.1. The proposed altered access ramp would provide level access and constructed to meet BS8300 standards - Design of buildings and their approaches to meet the needs of disabled people.

Cllr. Mary Mears
BH2020/02305 - Dental Surgery, 4 New Barn Road

1st September 2020:

As a ward councillor for Rottingdean Coastal I am writing to support this planning application for the following reasons:

The world is a changing place and in Rottingdean we are seeing a loss of local infrastructure including doctors and dentist surgeries.

The doctors in Rottingdean has closed and patients from Woodingdean, Ovingdean and Rottingdean now have to travel to Saltdean.

The above dentist at 4 New Barn Road is the only dentist in the area, which enables residents to be able to access safely and easily, and I fully support their planning application to enable them to increase their floor space with the proposed first floor extension.

This is so important with other services closing and moving out of the area to ensure that residents including the elderly and disabled can access a dentist, and equally important to support the practice ensuring they have the space they need to enable them to continue.

Should this planning application be minded to grant under delegated powers, I wish this planning application to go to the planning committee and reserve my right to speak.

PLANNING COMMITTEE

Agenda Item 73

Brighton & Hove City Council

NEW APPEALS RECEIVED 03/09/2020- 30/09/2020

WARD

GOLDSMID

APPEALAPPNUMBER

BH2020/00900

ADDRESS

Kings Gate 111 The Drive Hove BN3 6FU

DEVELOPMENT DESCRIPTION

Creation of an additional floor to provide three 3no bedroom flats and one 2no bedroom flat with private parking.

APPEAL STATUS

APPEAL IN PROGRESS

APPEAL RECEIVED DATE

24/09/2020

APPLICATION DECISION LEVEL

Delegated

WARD

HANGLETON AND KNOLL

APPEALAPPNUMBER

BH2020/00748

ADDRESS

39 Florence Avenue Hove BN3 7GX

DEVELOPMENT DESCRIPTION

Prior approval for the erection of a single storey rear extension, which would extend beyond the rear wall of the original house by 6m, for which the maximum height would be 2.970m, and for which the height of the eaves would be 2.970m.

APPEAL STATUS

APPEAL IN PROGRESS

APPEAL RECEIVED DATE

24/09/2020

APPLICATION DECISION LEVEL

Delegated

WARD

HANGLETON AND KNOLL

APPEALAPPNUMBER

BH2020/00820

ADDRESS

57 Northease Drive Hove BN3 8PP

DEVELOPMENT DESCRIPTION

Erection of a two storey, 2no. bedroom dwelling (C3) attached to the west elevation of the existing no.57 Northease Drive, with associated works.

APPEAL STATUS

APPEAL IN PROGRESS

APPEAL RECEIVED DATE

08/09/2020

APPLICATION DECISION LEVEL

Delegated

WARD

HANOVER AND ELM GROVE

APPEALAPPNUMBER

BH2019/00161

ADDRESS

The FreeButt 1 Phoenix Place Brighton BN2 9ND

DEVELOPMENT DESCRIPTION Change of use from Public House (A4) to provide residential accommodation comprising 3no purpose built wheelchair accessible units on the ground floor (C3) and 3no Houses of Multiple Occupation (HMOs) with 23 bedspaces on the first, second and third floors (Sui Generis). Remodelling and alterations incorporating erection of additional storey and roof alterations including raising of ridge height and formation of mansard roof with revised fenestration and associated works.

APPEAL STATUS APPEAL IN PROGRESS
APPEAL RECEIVED DATE 11/09/2020
APPLICATION DECISION LEVEL Delegated

WARD **HANOVER AND ELM GROVE**
APPEALAPPNUMBER BH2019/01490
ADDRESS 64 Islingword Road Brighton BN2 9SL
DEVELOPMENT DESCRIPTION Change of use from residential dwelling (C3) to four bedroom small house in multiple occupation (C4). (retrospective)
APPEAL STATUS APPEAL IN PROGRESS
APPEAL RECEIVED DATE 17/09/2020
APPLICATION DECISION LEVEL Delegated

WARD **HANOVER AND ELM GROVE**
APPEALAPPNUMBER BH2020/00556
ADDRESS 5 Brading Road Brighton BN2 3PE
DEVELOPMENT DESCRIPTION Change of use from single dwellinghouse (C3) to two bedroom small house in multiple occupation (C4). (Part-retrospective)
APPEAL STATUS APPEAL IN PROGRESS
APPEAL RECEIVED DATE 16/09/2020
APPLICATION DECISION LEVEL Delegated

WARD **MOULSECOOMB AND BEVENDEAN**
APPEALAPPNUMBER BH2020/00893
ADDRESS 64 Barcombe Road Brighton BN1 9JR
DEVELOPMENT DESCRIPTION Change of use from dwelling house (C3) to seven bedroom large house in multiple occupation (Sui Generis). (Retrospective).
APPEAL STATUS APPEAL IN PROGRESS
APPEAL RECEIVED DATE 24/09/2020
APPLICATION DECISION LEVEL Delegated

WARD **PATCHAM**

APPEALAPPNUMBER BH2019/00645
ADDRESS 2 Winfield Avenue Brighton BN1 8QH
DEVELOPMENT DESCRIPTION Demolition of existing two storey dwellinghouse and outbuildings. Erection of 5no two storey dwellinghouses (C3) with associated landscaping and creation of access road.
APPEAL STATUS APPEAL IN PROGRESS
APPEAL RECEIVED DATE 16/09/2020
APPLICATION DECISION LEVEL Delegated

WARD **PRESTON PARK**
APPEALAPPNUMBER BH2019/00999
ADDRESS 51 Ditchling Rise Brighton BN1 4QN
DEVELOPMENT DESCRIPTION Certificate of lawfulness for existing use of property as a 10no bedroom large house in multiple occupation (Sui generis).
APPEAL STATUS APPEAL IN PROGRESS
APPEAL RECEIVED DATE 22/09/2020
APPLICATION DECISION LEVEL Delegated

WARD **PRESTON PARK**
APPEALAPPNUMBER BH2019/02590
ADDRESS Flat 1 176 Springfield Road Brighton BN1 6DG
DEVELOPMENT DESCRIPTION Conversion & excavation of existing basement to form 1no studio flat (C3) incorporating single storey rear extension with terrace above for existing ground floor flat, new side access & revised fenestration.
APPEAL STATUS APPEAL IN PROGRESS
APPEAL RECEIVED DATE 04/09/2020
APPLICATION DECISION LEVEL Delegated

WARD **PRESTON PARK**
APPEALAPPNUMBER BH2020/00940
ADDRESS 12 Stafford Road Brighton BN1 5PF
DEVELOPMENT DESCRIPTION Change of use from six bedroom small house in multiple occupation (C4) to eight bedroom large house in multiple occupation (Sui Generis)
APPEAL STATUS APPEAL IN PROGRESS
APPEAL RECEIVED DATE 24/09/2020
APPLICATION DECISION LEVEL Delegated

WARD **QUEEN'S PARK**
APPEALAPPNUMBER BH2019/01249
ADDRESS 138 Edward Street Brighton BN2 0JL

DEVELOPMENT DESCRIPTION Change of use from retail (A1) and residential 3no bedroom maisonette (C3) to 5no bedroom house in multiple occupation (C4).
APPEAL STATUS APPEAL IN PROGRESS
APPEAL RECEIVED DATE 08/09/2020
APPLICATION DECISION LEVEL Delegated

WARD

APPEALAPPNUMBER

ADDRESS

REGENCY

BH2020/00614

Russell House Russell Mews Brighton BN1 2AU

DEVELOPMENT DESCRIPTION

Application for variation of condition 1 of BH2016/05662 (External alterations and additions to fenestration, including access doors to existing balconies, following prior approval application BH2016/05439 for change of use from offices (B1) to 52no flats (C3)) to allow amendment to approved drawings to reduce height of glass balcony screen on fourth floor.

APPEAL STATUS

APPEAL IN PROGRESS

APPEAL RECEIVED DATE

08/09/2020

APPLICATION DECISION LEVEL

Delegated

WARD

APPEALAPPNUMBER

ADDRESS

ST. PETER'S AND NORTH LAINE

BH2019/03607

Smart House Ditchling Road Brighton BN1 4SE

DEVELOPMENT DESCRIPTION

Erection of a one bedroom single storey (plus basement) detached dwelling house (C3) with courtyard, access via Vere Road and associated alterations.

APPEAL STATUS

APPEAL IN PROGRESS

APPEAL RECEIVED DATE

24/09/2020

APPLICATION DECISION LEVEL

Delegated

WARD

APPEALAPPNUMBER

ADDRESS

WESTBOURNE

BH2020/00455

78 & 78A New Church Road Hove BN3 4FN

DEVELOPMENT DESCRIPTION

Roof alterations to include hip to half-hip extensions, dormers to front and rear, installation of rooflights and replacement of garage door with bay window.

APPEAL STATUS

APPEAL IN PROGRESS

APPEAL RECEIVED DATE

16/09/2020

APPLICATION DECISION LEVEL

Delegated

WARD

APPEALAPPNUMBER

WESTBOURNE

BH2020/00521

ADDRESS 148 Portland Road Hove BN3 5QL
DEVELOPMENT DESCRIPTION Partial demolition of existing offices (B1), and erection of part two, part three storey building to create 4no offices (B1) at ground floor and 4no one-bedroom flats (C3) at first and second floor. Reinstate pitched roof to north elevation.
APPEAL STATUS APPEAL IN PROGRESS
APPEAL RECEIVED DATE 16/09/2020
APPLICATION DECISION LEVEL Delegated

WARD **WESTBOURNE**
APPEALAPPNUMBER BH2020/00850
ADDRESS Middleton Grove Nursing Home 11 Portland Road Hove BN3 5DR
DEVELOPMENT DESCRIPTION Replacement of existing timber windows with upvc windows to front, side and rear elevations of existing care home (C2).
APPEAL STATUS APPEAL IN PROGRESS
APPEAL RECEIVED DATE 25/09/2020
APPLICATION DECISION LEVEL Delegated

WARD **WOODINGDEAN**
APPEALAPPNUMBER BH2020/00942
ADDRESS 56A The Ridgway Brighton BN2 6PD
DEVELOPMENT DESCRIPTION Remodelling of existing bungalow to form two-storey dwelling house.
APPEAL STATUS APPEAL ALLOWED
APPEAL RECEIVED DATE 23/09/2020
APPLICATION DECISION LEVEL Delegated

APPEAL DECISIONS FOR THE PERIOD BETWEEN 03/09/2020 AND 20/10/2020

WARD

BRUNSWICK AND ADELAIDE

APPEAL APPLICATION NUMBER

APL2020/00067

ADDRESS

Flat 1 8 Palmeira Square Hove BN3 2JB

DEVELOPMENT DESCRIPTION

Internal alterations to layout of flat.

APPEAL TYPE

Against Refusal

APPEAL DECISION

APPEAL ALLOWED

PLANNING APPLICATION NUMBER

BH2019/00762

APPLICATION DECISION LEVEL

Delegated

WARD

CENTRAL HOVE

APPEAL APPLICATION NUMBER

APL2020/00080

ADDRESS

12 Ventnor Villas Hove BN3 3DD

DEVELOPMENT DESCRIPTION

Revised fenestration to include blocking up of existing rear door, installation of rear door in new location and enlargement of side window. Installation of rear steps, raised platform and screening.

APPEAL TYPE

Against Refusal

APPEAL DECISION

APPEAL DISMISSED

PLANNING APPLICATION NUMBER

BH2019/03122

APPLICATION DECISION LEVEL

Delegated

WARD

GOLDSMID

APPEAL APPLICATION NUMBER

APL2020/00022

ADDRESS

11 Cambridge Grove Hove BN3 3ED

DEVELOPMENT DESCRIPTION

Conversion of existing vehicle repair workshop (B2) in to 1no one bedroom flat (C3) and associated works

APPEAL TYPE

Against Refusal

APPEAL DECISION

APPEAL DISMISSED

PLANNING APPLICATION NUMBER

BH2019/02804

APPLICATION DECISION LEVEL

Delegated

WARD

HOVE PARK

APPEAL APPLICATION NUMBER

APL2020/00007

ADDRESS

Sackville Trading Estate And Hove Goods Yard
Sackville Road Hove BN3 7AN

<u>DEVELOPMENT DESCRIPTION</u>	Demolition and comprehensive redevelopment of Sackville Trading Estate and Hove Goods Yard, comprising "build to rent" residential units (C3) with associated internal and external amenity provision; a care community (C2) together with associated communal facilities, flexible office accommodation (B1); flexible retail floorspace (A1 and/or A3) and community/leisure floorspace (D1/D2); car and cycle parking; integrated public realm; and vehicular access via existing entrance from Sackville Road. (Revised scheme with amended description and revised plans. Proposed buildings to be erected range from 2 to 15 storeys, with 564no residential units (C3), 260no care community units (C2), 5164m2 (B1); 684m2 (A1 and/or A3) and 946m2 of community/leisure floorspace (D1/D2)).
<u>APPEAL TYPE</u>	Against Refusal
<u>APPEAL DECISION</u>	WITHDRAWN APPEAL
<u>PLANNING APPLICATION NUMBER</u>	BH2018/03697
<u>APPLICATION DECISION LEVEL</u>	Planning (Applications) Committee

<u>WARD</u>	MOULSECOOMB AND BEVENDEAN
<u>APPEAL APPLICATION NUMBER</u>	APL2020/00084
<u>ADDRESS</u>	95 Heath Hill Avenue Brighton BN2 4FH
<u>DEVELOPMENT DESCRIPTION</u>	Change of use from 6no. bedroom small House in Multiple Occupation (C4) to 9no. bedroom large House in Multiple Occupation (Sui Generis). Proposals also incorporate: the erection of a single storey rear extension; acoustic fencing; the installation of a side window; and the creation of 2no. car parking spaces.
<u>APPEAL TYPE</u>	Against Refusal
<u>APPEAL DECISION</u>	APPEAL DISMISSED
<u>PLANNING APPLICATION NUMBER</u>	BH2019/03433
<u>APPLICATION DECISION LEVEL</u>	Planning (Applications) Committee

<u>WARD</u>	MOULSECOOMB AND BEVENDEAN
<u>APPEAL APPLICATION NUMBER</u>	APL2020/00096
<u>ADDRESS</u>	25 Wheatfield Way Brighton BN2 4RQ
<u>DEVELOPMENT DESCRIPTION</u>	Change of use from 6no. bedroom small House in Multiple Occupation (C4) to 8no. bedroom large House in Multiple Occupation (Sui Generis). Proposals also incorporate the erection of acoustic fencing and privacy panels.
<u>APPEAL TYPE</u>	Against Refusal
<u>APPEAL DECISION</u>	APPEAL DISMISSED

PLANNING APPLICATION NUMBER BH2019/03417
APPLICATION DECISION LEVEL Delegated

WARD

MOULSECOOMB AND BEVENDEAN

APPEAL APPLICATION NUMBER
ADDRESS
DEVELOPMENT DESCRIPTION

APL2020/00098
92 Newick Road Brighton BN1 9JH
Change of use from existing 6no bedroom small house in multiple occupation (C4) to a 9no bedroom large house in multiple occupation (sui generis) incorporating single storey rear extension, conversion of garage into habitable space & revised fenestration.

APPEAL TYPE

Against Non-determination

APPEAL DECISION

APPEAL DISMISSED

PLANNING APPLICATION NUMBER
APPLICATION DECISION LEVEL

BH2019/03375
Not Assigned

WARD

MOULSECOOMB AND BEVENDEAN

APPEAL APPLICATION NUMBER
ADDRESS
DEVELOPMENT DESCRIPTION

APL2020/00100
21 Lower Bevendean Avenue Brighton BN2 4FE
Change of Use from 3no. bedroom dwelling (C3) to dental practice (D1).

APPEAL TYPE

Against Refusal

APPEAL DECISION

APPEAL DISMISSED

PLANNING APPLICATION NUMBER
APPLICATION DECISION LEVEL

BH2019/03703
Delegated

WARD

NORTH PORTSLADE

APPEAL APPLICATION NUMBER
ADDRESS
DEVELOPMENT DESCRIPTION

APL2020/00054
Henge Way Portslade BN41 2ES
Erection of two storey dwellinghouse (C3), with hardstanding and creation of vehicle crossover.

APPEAL TYPE

Against Refusal

APPEAL DECISION

APPEAL ALLOWED

PLANNING APPLICATION NUMBER
APPLICATION DECISION LEVEL

BH2019/01409
Delegated

WARD

QUEEN'S PARK

APPEAL APPLICATION NUMBER
ADDRESS
DEVELOPMENT DESCRIPTION

APL2020/00081
27 Freshfield Street Brighton BN2 9ZG
Roof alterations including raising of ridge height and installation of a rear dormer.

APPEAL TYPE

Against Refusal

APPEAL DECISION

APPEAL ALLOWED

PLANNING APPLICATION NUMBER
APPLICATION DECISION LEVEL

BH2019/02740
Delegated

<u>WARD</u>	ST. PETER'S AND NORTH LAINE
<u>APPEAL APPLICATION NUMBER</u>	APL2020/00078
<u>ADDRESS</u>	66 - 68 Lewes Road Brighton BN2 3HZ
<u>DEVELOPMENT DESCRIPTION</u>	Change of use from existing retail unit (A1) to launderette (Sui Generis) (Part Retrospective).
<u>APPEAL TYPE</u>	Against Refusal
<u>APPEAL DECISION</u>	APPEAL DISMISSED
<u>PLANNING APPLICATION NUMBER</u>	BH2019/01948
<u>APPLICATION DECISION LEVEL</u>	Delegated

<u>WARD</u>	WOODINGDEAN
<u>APPEAL APPLICATION NUMBER</u>	APL2020/00101
<u>ADDRESS</u>	Land Adjacent To 42 Rosebery Avenue Brighton BN2 6DE
<u>DEVELOPMENT DESCRIPTION</u>	Erection of 1no chalet bungalow (C3).
<u>APPEAL TYPE</u>	Against Refusal
<u>APPEAL DECISION</u>	APPEAL DISMISSED
<u>PLANNING APPLICATION NUMBER</u>	BH2019/01518
<u>APPLICATION DECISION LEVEL</u>	Delegated

<u>WARD</u>	WOODINGDEAN
<u>APPEAL APPLICATION NUMBER</u>	APL2020/00103
<u>ADDRESS</u>	11 Donnington Road Brighton BN2 6WH
<u>DEVELOPMENT DESCRIPTION</u>	Erection of single storey rear extension.
<u>APPEAL TYPE</u>	Against Refusal
<u>APPEAL DECISION</u>	APPEAL ALLOWED
<u>PLANNING APPLICATION NUMBER</u>	BH2020/00588
<u>APPLICATION DECISION LEVEL</u>	Delegated

<u>WARD</u>	WOODINGDEAN
<u>APPEAL APPLICATION NUMBER</u>	APL2020/00139
<u>ADDRESS</u>	56A The Ridgway Brighton BN2 6PD
<u>DEVELOPMENT DESCRIPTION</u>	Remodelling of existing bungalow to form two-storey dwelling house.
<u>APPEAL TYPE</u>	Against Refusal
<u>APPEAL DECISION</u>	APPEAL ALLOWED
<u>PLANNING APPLICATION NUMBER</u>	BH2020/00942
<u>APPLICATION DECISION LEVEL</u>	Delegated
