

Planning Committee

Date: **10 February 2021**

Time: **2.00pm**

Venue **Virtual**

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

Conservation Advisory Group Representative

Contact: **Shaun Hughes**
Democratic Services Officer
penny.jennings@brighton-hove.gov.uk

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AGENDA

97 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.

98 MINUTES OF THE PREVIOUS MEETING

Minutes of the meeting held on 13 January 2021 are to be circulated separately.

99 CHAIR'S COMMUNICATIONS

100 PUBLIC QUESTIONS

Written Questions: to receive any questions submitted by the due date of 12 noon on 4 February 2021.

101 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.

102 TO CONSIDER AND DETERMINE PLANNING APPLICATIONS

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

MAJOR APPLICATIONS

A	BH2020/01951 - Land to rear of Hilton Brighton Metropole, 106-121 Kings Road, Brighton	1 - 50
B	BH2020/01952 - Land to rear of Hilton Brighton Metropole, 106-121 Kings Road, Brighton (LBC)	51 - 66
C	BH2020/02289 - 5-8 London Road, Brighton	67 - 120
D	Deed of Variation to BH2014/00331 - 50 Heath Hill Avenue, Brighton	121 - 128

MINOR APPLICATIONS

E	BH2020/01969 - 39a Preston Park Avenue	129 - 150
F	BH2020/03091 - Adastral House, 7-8 Westbourne Villas, Hove	151 - 166
G	BH2020/03236 - Block C, 101-120 Kingsmere, London Road, Brighton	167 - 176
H	BH2020/03029 - St Johns, 2 Vicarage Lane, Rottingdean	177 - 194
I	BH2020/03419 - Pavilion Theatre, 29 New Road, Brighton	195 - 204

J	BH2020/02590 - 8 Eileen Avenue, Saltdean	205 - 222
K	BH2020/02285 - 7 Woodland Drive, Hove	223 - 242
L	BH2020/03247 - Norfolk Square Gardens, Norfolk Square, Brighton	243 - 254
M	BH2020/03446 - 63 Newick Road, Brighton	255 - 270

103 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.

104 BMOHD - APPEAL CHANGE REPORT 271 - 282

INFORMATION ITEMS

105 LIST OF NEW APPEALS LODGED WITH THE PLANNING INSPECTORATE 283 - 284

(copy attached).

106 INFORMATION ON INFORMAL HEARINGS/PUBLIC INQUIRIES 285 - 286

(copy attached).

107 APPEAL DECISIONS 287 - 290

(copy attached).

Members are asked to note that plans for any planning application listed on the agenda are now available on the website at: <http://www.brighton-hove.gov.uk>

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

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

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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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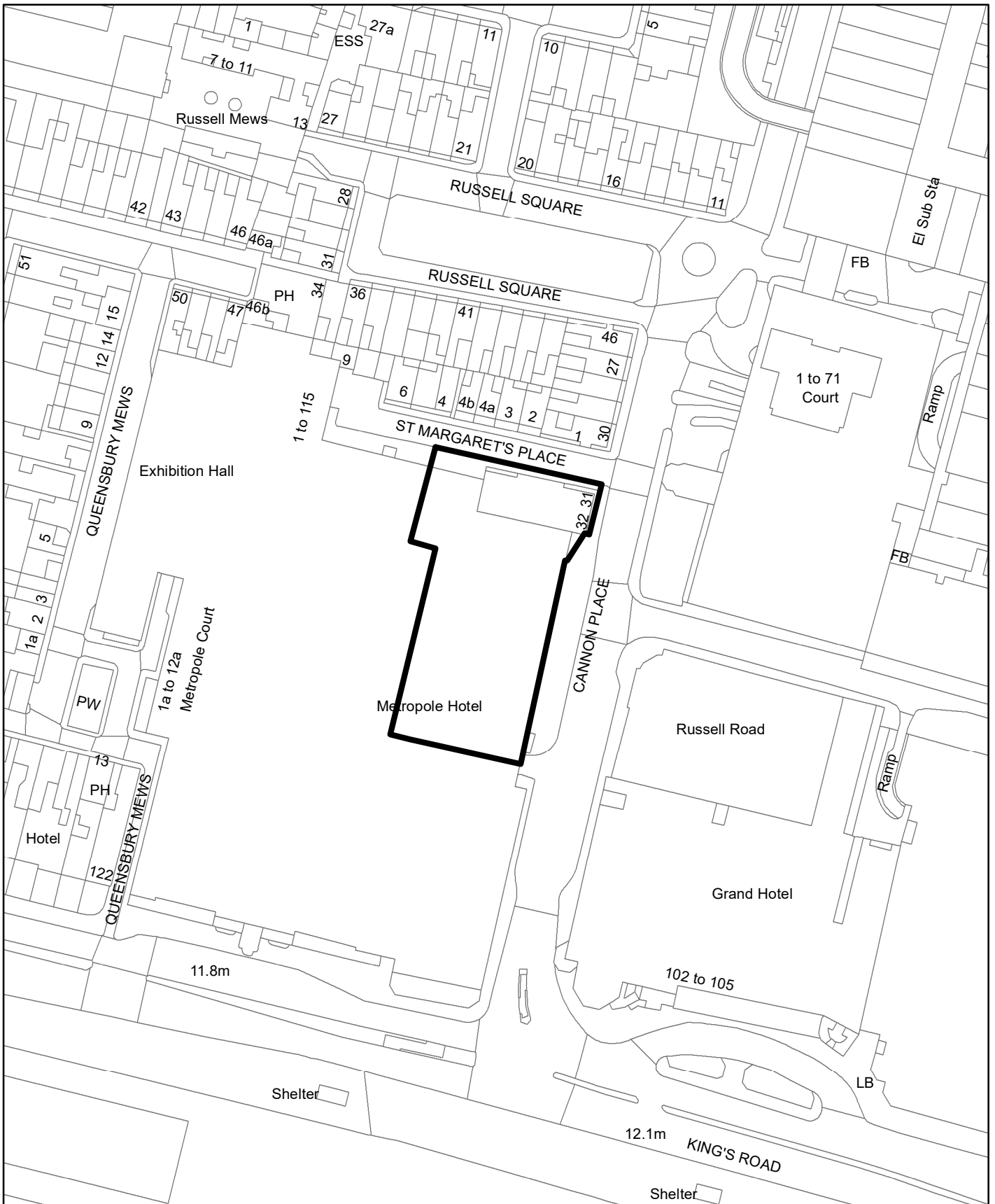
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- Once you are outside, please do not wait immediately next to the building, but move some distance away and await further instructions; and
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ITEM A

**Land to The Rear of Hilton
Brighton Metropole
BH2020/01951
Full Planning**

DATE OF COMMITTEE: 10th February 2021

BH2020/01951 Land To The Rear Of Hilton Brighton Metropole 106 - 121 Kings Road Brighton BN1 2FU,



**Brighton & Hove
City Council**



Scale: 1:1,250

<u>No:</u>	BH2020/01951	<u>Ward:</u>	Regency Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	Land to the Rear of Hilton Brighton Metropole 106 - 121 Kings Road Brighton BN1 2FU		
<u>Proposal:</u>	Redevelopment incorporating demolition of existing buildings on Cannon Place & St Margaret's Place and erection of a building between four to nine storeys to create a 221 room hotel (C1) including retention of Grade II listed facades at nos 31 and 32 Cannon Place.		
<u>Officer:</u>	Chris Swain, tel: 292178	<u>Valid Date:</u>	30.07.2020
<u>Con Area:</u>	Regency	<u>Expiry Date:</u>	29.10.2020
<u>Listed Building Grade:</u>	II	<u>EOT:</u>	
<u>Agent:</u>	Lichfields 14 Regents Wharf All Saints Street London N1 9RL		
<u>Applicant:</u>	Topland Neptune Limited C/o Lichfields 14 Regents Wharf All Saints Street London N1 9RL		

1. RECOMMENDATION

- 1.1. That the Committee has taken into consideration and agrees with the reasons for the recommendation set out below and resolves to be **MINDED TO GRANT** planning permission subject to a s106 agreement on the Heads of Terms set out below and the following Conditions and Informatives as set out hereunder, **SAVE THAT** should the s106 Planning Obligation not be completed on or before the **5 May 2021** the Head of Planning is hereby authorised to refuse planning permission for the reasons set out in section 10.1 of this report:

Section 106 Head of Terms:

Sustainable Transport

Management Plans

- A Travel Plan covering a minimum 5 year period. The first version of the plan should be submitted and approved before first occupation of the development and should (include as a minimum).
 - Objectives, targets, actions and measures/incentives which shall include reducing single-occupancy trips by motor vehicles and where possible reducing trips by delivery and servicing vehicles.
 - The Plan should be monitored with TRICS Level 3 SAM Surveys undertaken and monitoring reports submitted over a 5 year period.
 - A monitoring fee of **£6,000** should also be secured to cover council officer time associated with approving, monitoring and enforcing successive versions of the plan and related liaison/coordination activities.

- As a minimum, the measures and incentives outlines in the Employee / Commercial Travel Pack shall be secured to support the delivery of Travel Plan objectives and targets.
- A Travel Plan Coordinator shall be appointed by the developer to implement the Travel Plan.

Employee/Commercial Travel Pack: as a minimum

- Providing and retaining maintenance stands together with pumps and basic maintenance and repair tools within the cycle store for employee use.
- Promotion of sustainable travel measures on the hotel website
- Providing and maintaining a notice board in a prominent communal location in the development containing information on the following -
 - road safety,
 - local sustainable travel options,
 - Travel Plan objectives, targets, measures and progress,
 - initiatives being promoted by the staff or the Travel Plan Coordinator relating to any of the above, including the Love to Ride website and initiatives,
 - initiatives being promoted by Brighton & Hove City Council relating to any of the above, as may be sent by the City Council from time to time.

Highway works

Requirement to enter into a s278/38 highway agreement to implement the scheme of highway works approved under the condition 5 (Highway Works) and for the implementation of the works to be completed to the satisfaction of the council as Local Highway Authority prior to first occupation.

Public Art

- Commissioning and installation of an Artistic Component to the value of **£49,900** within the development in public view or in the immediate vicinity of the site. This could comprise an ‘uplift’ in the value of public realm provision to incorporate an artistic component.
- S106 monitoring fee of **£2,495**

Employment

- Submission of an Employment & Training Strategy to secure the use of at least 20% local construction labour,
- A financial contribution of **£22,100** towards the Local Employment Scheme
- S106 monitoring fee of **£1,105**

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	11231-EPR-00-XX-DR-A-01-0208	P2	19 October 2020

Proposed Drawing	11231-EPR-00-AA-DR-A-01-0001	P2	19 October 2020
Proposed Drawing	11231-EPR-00-BB-DR-A-01-0002	P2	19 October 2020
Proposed Drawing	11231-EPR-00-CC-DR-A-01-0003	P2	19 October 2020
Proposed Drawing	11231-EPR-00-DD-DR-A-01-0004	P2	19 October 2020
Proposed Drawing	11231-EPR-00-EE-DR-A-01-0005	P2	19 October 2020
Proposed Drawing	11231-EPR-00-FF-DR-A-01-0006	P2	19 October 2020
Proposed Drawing	11231-EPR-00-GG-DR-A-01-0007	P2	19 October 2020
Proposed Drawing	11231-EPR-00-XX-DR-A-01-0200	P2	19 October 2020
Proposed Drawing	11231-EPR-00-XX-DR-A-01-0203	P2	19 October 2020
Proposed Drawing	11231-EPR-00-XX-DR-A-01-0204	P2	19 October 2020
Proposed Drawing	11231-EPR-00-XX-DR-A-01-0206	P2	19 October 2020
Proposed Drawing	11231-EPR-ZZ-01-DR-A-02-2101	P2	19 October 2020
Proposed Drawing	11231-EPR-ZZ-02-DR-A-02-2102	P2	19 October 2020
Proposed Drawing	11231-EPR-ZZ-03-DR-A-02-2103	P2	19 October 2020
Proposed Drawing	11231-EPR-ZZ-04-DR-A-02-2104	P2	19 October 2020
Proposed Drawing	11231-EPR-ZZ-05-DR-A-02-2105	P2	19 October 2020
Proposed Drawing	11231-EPR-ZZ-06-DR-A-02-2106	P2	19 October 2020
Proposed Drawing	11231-EPR-ZZ-07-DR-A-02-2107	P2	19 October 2020
Proposed Drawing	11231-EPR-ZZ-RF-DR-A-02-2108	P2	19 October 2020
Proposed Drawing	11231-EPR-ZZ-RF-DR-A-02-2109	P2	19 October 2020
Proposed Drawing	11231-EPR-ZZ-EL-DR-A-04-0001	P2	19 October 2020
Proposed Drawing	11231-EPR-ZZ-EL-DR-A-04-0002	P2	19 October 2020
Proposed Drawing	11231-EPR-ZZ-EL-DR-A-04-0004	P2	19 October 2020
Proposed Drawing	11231-EPR-ZZ-EL-DR-A-04-0005	P2	19 October 2020
Proposed Drawing	11231-EPR-ZZ-EL-DR-A-04-0006	P2	19 October 2020

Proposed Drawing	11231-EPR-ZZ-EL-DR-A-04-0007	P2	19 October 2020
Proposed Drawing	11231-EPR-ZZ-EL-DR-A-04-0008	P2	19 October 2020
Proposed Drawing	11231-EPR-ZZ-EL-DR-A-04-0009	P2	19 October 2020
Proposed Drawing	11231-EPR-ZZ-EL-DR-A-04-0010	P2	19 October 2020
Proposed Drawing	11231-EPR-ZZ-AA-DR-A-05-3001	P2	19 October 2020
Proposed Drawing	11231-EPR-ZZ-BB-DR-A-05-3002	P2	19 October 2020
Proposed Drawing	11231-EPR-ZZ-CC-DR-A-05-3003	P2	19 October 2020
Proposed Drawing	11231-EPR-ZZ-DD-DR-A-05-3004	P2	19 October 2020
Proposed Drawing	11231-EPR-ZZ-B1-DR-A-02-3099	P3	15 January 2021
Proposed Drawing	11231-EPR-ZZ-GF-DR-A-02-3100	P3	15 January 2021
Proposed Drawing	11231-EPR-ZZ-B1-DR-A-02-3098	P3	15 January 2021
Proposed Drawing	11231-EPR-ZZ-EL-DR-A-04-0303	P3	4 December 2020

2. Development hereby permitted shall be commenced before the expiration of three years from the date of this permission.

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

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

- a) samples of all cladding (roof and elevations) to be used and the details of all joins, seams and fixing methods,
- b) details of the proposed windows treatments, dormers, bays and door treatments,
- c) details of all other materials to be used externally,

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

Reason: To ensure a satisfactory appearance to the development and to comply with policies CP12, CP13 and CP15 of the Brighton & Hove City Plan Part One and polices HE3 and HE6 of the Brighton & Hove Local Plan.

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

Reason: To safeguard the appearance of the building and the visual amenities of the locality and to comply with policy CP12, CP13 and CP15 of the Brighton & Hove City Plan Part One and policies HE3 and HE6 of the Brighton & Hove Local Plan.

5. Notwithstanding the submitted plans no development other than demolition shall take place until a general arrangement plan(s) showing the following works to the adopted highway has been submitted to and approved in writing by the Local Planning Authority.
- Underground utility detection, verification and location survey to PAS 128 standard, category A,
 - Stopping up of highway adjacent to the main pedestrian access on Cannon Place,
 - 13m loading bay with kerb build out to allow for delivery vehicles to enter the bay in forward gear,
 - Inclusion of a sufficiently sized taxi bay,
 - Bollards protecting the loading bay from vehicles mounting the kerb,
 - Treatment to stop vehicles from stopping on the corner of the access radii should be provided,
 - Continuous pedestrian crossing treatment from the loading bay kerb associated with the development to the proposed kerb build out for the loading bay to the south of the access,
 - Works to allow for safe manoeuvre of vehicles with pedestrian refuge in place
 - Formal pedestrian crossing leading to the public car park.

Where applicable indicating proposals for:

- Existing levels of the finished highway tying into building threshold levels,
- Alterations to waiting restrictions or other Traffic Regulation Orders to enable the works,
- Signing, street furniture, street trees and pits,
- Structures on or adjacent to the highway,
- Extent of any stopping up, diversion or dedication of new highway (including all public rights of way shown on the definitive map and statement)

Prior to occupation these works shall be completed in accordance with the approved details.

Reason: In the interests of public safety and to ensure that all road works associated with the proposed development are: planned; approved in good time (including any statutory processes); undertaken to a standard approved by the Local Planning Authority and are completed before occupation.

6. Notwithstanding the submitted drawings, prior to occupation of the development hereby permitted, a scheme for landscaping shall be submitted to and approved in writing by the Local Planning Authority. The approved landscaping shall be implemented in accordance with the approved details in the first planting season after completion or first occupation of the development, whichever is the sooner. The scheme shall include the following:

- a. details of all hard and soft surfacing to include type, position, design, dimensions and materials and any sustainable drainage system used;
- b. a schedule detailing sizes and numbers/densities of all proposed trees/plants including details of tree pit design, use of guards or other protective measures and confirmation of location, species and sizes, nursery stock type, supplier and defect period;
- c. details of any planters or street furniture,

Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason: To enhance the appearance of the development in the interest of the visual amenities of the area and to comply with policies QD15 of the Brighton & Hove Local Plan and CP12, CP13 and CP15 of the Brighton & Hove City Plan Part One and policies HE3 and HE6 of the Brighton & Hove Local Plan.

7. Notwithstanding the plans hereby permitted, prior to first occupation of the development hereby permitted, details of secure, accessible and inclusive cycle parking facilities for the occupants of, and visitors to, the development shall have been submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be fully implemented and made available for use prior to the first occupation of the development and shall thereafter be retained for use at all times.

Reason: To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than private motor vehicles and to comply with policy TR14 of the Brighton & Hove Local Plan and paragraph 110b of the National Planning Policy Framework.

8. Prior to the first use/occupation of the development hereby approved a Waste & Recycling Management Plan, which includes, inter alia, details of the types of storage of waste and recycling, types of vehicles used to collect these materials, how collections will take place and the frequency of collections shall be submitted to and approved in writing by the Local Planning Authority. All waste, recycling and their storage and collection activities shall thereafter be carried out in accordance with the approved plan.

Reason: In order to ensure that the safe operation of the development and to protection of the amenities of nearby residents, in accordance with policies SU10, QD27 and TR7 of the Brighton & Hove Local Plan and the Waste and Minerals Plan for East Sussex, South Downs and Brighton & Hove.

9. Within 6 months of first occupation of the development hereby permitted a BREEAM Building Research Establishment has issued a Post Construction Review Certificate confirming that the non-residential development built has achieved a minimum BREEAM New Construction rating of "Excellent" and such certificate has been submitted to, and approved in writing by, the Local Planning Authority.

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

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

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

Reason: To safeguard the amenities of the occupiers of adjoining properties and ensure an acceptable appearance to the development in accordance with QD27 of the Brighton & Hove Local Plan and policy CP12 of the Brighton and Hove City Plan.

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

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

- 12.
- (1) No works pursuant to this permission shall commence until there has been submitted to and approved in writing by the local planning authority:
 - (a) A desk top study documenting all the previous and existing land uses of the site and adjacent land in accordance with national guidance as set out in Contaminated Land Research Report Nos. 2 and 3 and BS 10175:2011+A1:2013 - Investigation of Potentially Contaminated Sites - Code of Practice;

And if notified in writing by the local planning authority that the desk top study identifies potentially contaminant linkages that require further investigation then,

- (b) a site investigation report documenting the ground conditions of the site and incorporating chemical and gas analysis identified as appropriate by the desk top study in accordance with BS 10175:2011+A1:2013;

And if notified in writing by the local planning authority that the results of the site investigation are such that site remediation is required then,

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

- (2) The development hereby permitted shall not be occupied or brought into use until there has been submitted to, and approved in writing by, the local planning authority a written verification report by a competent person approved under the provisions of condition (1)c that any remediation scheme required and approved under the provisions of condition (1)c has been implemented fully in accordance with the approved details (unless varied with the written agreement of the local planning authority in advance of implementation). Unless otherwise agreed in writing by the local planning authority the verification report shall comprise:

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

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

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

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

- 14. Prior to completion and occupation of the development hereby permitted, details of all plant and machinery and the noise associated with it shall be submitted to and approved in writing by the Local Planning Authority. Noise associated with plant and machinery shall be controlled such that the Rating Level, measured or calculated at 1-metre from the façade of the nearest existing noise sensitive premises, shall not exceed the representative background noise level. Rating

Level and existing representative background noise levels to be determined as per the guidance provided in BS 4142:2014. In addition, there should be no significant adverse impacts from low frequency noise.

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

15. No servicing (i.e. deliveries to or from the premises) shall occur except between the hours of 06.00 and 23.00 Monday to Sundays, including Bank or Public Holidays.

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

16. The outdoor courtyard shall not be in use for guests except between the hours of 07.00 and 23.00.

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

17. The development hereby permitted shall not be first occupied until a scheme for the fitting of odour control equipment to the building has been submitted to and approved in writing by the Local Planning Authority. The measures shall be implemented in strict accordance with the approved details prior to the first occupation of the development and shall thereafter be retained as such.

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

18. Prior to the first occupation of development hereby permitted a Hotel Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The plan shall set out how noise will be managed throughout the site, including details of the management of the communal external amenity space, smoking arrangements for commercial operations and management of on-site events. The approved measures shall be implemented in strict accordance with the approved details from the first occupation of the development and shall thereafter be retained as such.

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

19. No development shall take place (other than demolition works) until a detailed design for the site using sustainable drainage methods as per the recommendations of the Cannon Place Hotel, Brighton SUDS Report (2200059-EWP-ZZ-XX-RP-C-0001) by Elliot Wood dated July 2020 has been submitted to and approved in writing by the Local Planning Authority. The approved drainage system shall be implemented in accordance with the approved detailed design prior to the building commencing.

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

20. No development above ground floor slab level of any part of the development hereby permitted shall take place until a drainage strategy detailing the proposed means of foul water disposal and an implementation timetable, has been submitted to and approved in writing by, the Local Planning Authority in consultation with the sewerage undertaker. The development shall be carried out in accordance with the approved scheme and timetable.
Reason: To ensure adequate foul sewage drainage/treatment is available prior to development commencing and to comply with policy SU5 of the Brighton & Hove Local Plan.
21. No development above ground floor slab shall take place until an ecological design strategy (EDS) addressing measures for the protection and enhancement of biodiversity has been submitted to and approved in writing by the local planning authority. The EDS shall include the following:
- a. purpose and conservation objectives for the proposed works;
 - b. review of site potential and constraints;
 - c. detailed design(s) and/or working method(s) to achieve stated objectives;
 - d. extent and location /area of proposed works on appropriate scale maps and plans;
 - e. type and source of materials to be used where appropriate, e.g. native species of local provenance;
 - f. timetable for implementation demonstrating that works are aligned with the proposed phasing of development;
 - g. persons responsible for implementing the works;
 - h. details of initial aftercare and long-term maintenance;
 - i. details for monitoring and remedial measures;
 - j. details for disposal of any wastes arising from works,
- The EDS shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.
Reason: To ensure that any adverse environmental impacts of development activities can be mitigated, compensated and restored and that the proposed design, specification and implementation can demonstrate this.
22. The development hereby permitted shall not be occupied until details showing the type, number, location and timescale for implementation of the compensatory bird, bat and insect bricks / boxes has been submitted to and approved in writing by the Local Planning Authority. The scheme shall then be carried out in strict accordance with the approved details prior to occupation and thereafter retained.
Reason: To safeguard these protected species from the impact of the development and ensure appropriate integration of new nature conservation and enhancement features in accordance with policies QD18 of the Brighton & Hove Local Plan and CP10 of the Brighton & Hove City Plan Part One and SPD11: Nature Conservation and Development.
23. No development above ground floor slab shall take place until an example bay study showing full details of window(s) and their reveals and cills and the ground

and basement floor frontages / entrances including 1:20 scale elevational drawings and sections for the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out and completed fully in accordance with the approved details and shall be retained as such thereafter.

Reason: To ensure a satisfactory appearance to the development and to comply with policies CP12, CP13 and CP15 of the Brighton & Hove City Plan Part One and policies HE3 and HE6 of the Brighton & Hove Local Plan.

24. All boiler flues shall have vertical termination above roof.
Reason: To safeguard the amenities of the local residents and minimise air pollution and to comply with policies SU9 and QD27 of the Brighton & Hove Local Plan and policy CP8 of the Brighton & Hove City Plan Part One.
25. The glazed frontages to the ground and basement floors adjacent to Cannon Place shall be fitted with clear glass which shall be retained and kept unobstructed at all times.
Reason: To ensure an active frontage is maintained and to comply with policy CP12 of the Brighton and Hove City Plan Part One.
26. No development shall take place until a Demolition & Environmental Management Plan (DEMP) has been submitted to and approved in writing by the Local Planning Authority. The DEMP shall include:
- (i) The phases of the Proposed Demolition including the forecasted completion date(s)
 - (ii) A commitment to apply to the Council for prior consent under the Control of Pollution Act 1974 and not to Commence Demolition until such consent has been obtained
 - (iii) A scheme of how the contractors will liaise with local residents to ensure that residents are kept aware of site progress and how any complaints will be dealt with reviewed and recorded (including details of any considerate constructor or similar scheme)
 - (iv) A scheme of how the contractors will minimise disturbance to neighbours regarding issues such as noise and dust management vibration site traffic and deliveries to and from the site
 - (v) Details of hours of construction including all associated vehicular movements
 - (vi) Details of the any demolition compound
 - (vii) A plan showing demolition traffic routes
- The construction shall be carried out in accordance with the approved CEMP.
Reason: As this matter is fundamental to the protection of amenity, highway safety and managing waste throughout development works and to comply with policies QD27, SU9, SU10 and TR7 of the Brighton & Hove Local Plan, policy CP8 of the Brighton & Hove City Plan Part One, and WMP3d of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan 2013 and Supplementary Planning Document 03 Construction and Demolition Waste.

27. No development, excluding demolition, shall take place until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include:
- (i) The phases of the Proposed Development including the forecasted completion date(s)
 - (ii) A commitment to apply to the Council for prior consent under the Control of Pollution Act 1974 and not to Commence Development until such consent has been obtained
 - (iii) A scheme of how the contractors will liaise with local residents to ensure that residents are kept aware of site progress and how any complaints will be dealt with reviewed and recorded (including details of any considerable constructor or similar scheme)
 - (iv) A scheme of how the contractors will minimise disturbance to neighbours regarding issues such as noise and dust management vibration site traffic and deliveries to and from the site
 - (v) Details of hours of construction including all associated vehicular movements
 - (vi) Details of the construction compound
 - (vii) A plan showing construction traffic routes
- The construction shall be carried out in accordance with the approved CEMP.
- Reason:** As this matter is fundamental to the protection of amenity, highway safety and managing waste throughout development works and to comply with policies QD27, SU9, SU10 and TR7 of the Brighton & Hove Local Plan, policy CP8 of the Brighton & Hove City Plan Part One, and WMP3d of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan 2013 and Supplementary Planning Document 03 Construction and Demolition Waste.
28. The development hereby permitted shall not be occupied until a Delivery & Service Management Plan, which includes details of the types of vehicles, how deliveries will be scheduled, take place and otherwise be managed, and the frequency of deliveries, shall be submitted to and approved in writing by the Local Planning Authority. All deliveries shall thereafter be carried out in accordance with the approved plan.
- Reason:** In order to ensure the safe operation of the development and to protect the amenities of nearby residents and to comply with policies TR7, SU10, QD27 and SR4 of the Brighton & Hove Local Plan and SA2, CP4, CP5, CP9, CP12, CP13 and CP15 of the City Plan Part One.
29. HGVs used for demolition and construction of the development shall minimise routes through the City Centre Air Quality Management Area when travelling to/from the site.
- Reason:** To minimise NOx and particulate emissions to the established AQMAs during demolition and construction and to comply with policies SU9 and QD27 of the Brighton & Hove Local Plan and policy CP8 of the Brighton & Hove City Plan Part One.

30. HGVs within the control of the developer which are used for the demolition/construction of the site shall meet the euro-VI emission standard (available for vehicles registered after September-2014).
Reason: To minimise NOx and particulate emissions to the established AQMAs during demolition and construction and to comply with policies SU9 and QD27 of the Brighton & Hove Local Plan and policy CP8 of the Brighton & Hove City Plan Part One.
31. The developer shall comply with Stage IIIB of EU directive 97/68/EC for NOx emissions limits from non-mobile construction machinery in accordance with DfT guidance improving air quality emissions from non-road mobile machinery.
Reason: To avoid emission impacts in and around the AQMA and to comply with policies SU9 and QD27 of the Brighton & Hove Local Plan and policy CP8 of the Brighton & Hove City Plan Part One.
32. The development hereby permitted shall not commence until full details of existing and proposed ground levels (referenced as Ordnance Datum) within the site and on land and buildings adjoining the site by means of spot heights and cross-sections, proposed siting and finished floor levels of all buildings and structures, have been submitted to and approved by the Local Planning Authority. The development shall then be implemented in accordance with the approved level details.
Reason: As this matter is fundamental to the acceptable delivery of the permission to safeguard the amenities of nearby properties and to safeguard the character and appearance of the area, in addition to comply with policy QD27 of the Brighton and Hove Local Plan and CP12 and CP15 of the Brighton & Hove City Plan Part One.
33. All gas boilers within the development shall have NOx emission rates of less than 30mg/kwh. To safeguard the amenities of the local residents and minimise air pollution and to comply with policies SU9 and QD27 of the Brighton and Hove Local Plan and policy CP8 of the Brighton and Hove City Plan Part One.
Reason: To safeguard the amenities of the local residents and minimise air pollution and to comply with policies SU9 and QD27 of the Brighton & Hove Local Plan and policy CP8 of the Brighton & Hove City Plan Part One.
34. All render finishes to the north facing elevation of the new build element of the building hereby permitted fronting St Margaret's Place shall be smooth, lime based, wet render without external beads, stops, bell drips or expansion joints.
Reason: To ensure a satisfactory appearance to the development and to comply with policy CP12 and CP15 of the Brighton & Hove City Plan Part One and polices HE3 and HE6 of the Brighton & Hove Local Plan.

Informatives:

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

sustainable development. The Local Planning Authority seeks to approve planning applications which are for sustainable development where possible.

2. The applicant is advised that accredited energy assessors are those licensed under accreditation schemes approved by the Secretary of State (see [Gov.uk website](#)); two bodies currently operate in England: National Energy Services Ltd; and Northgate Public Services. The production of this information is a requirement under [Part L1A 2013](#), paragraph 2.13.
3. The applicant is advised that the details of external lighting required by the condition above should comply with the recommendations of the Institution of Lighting Engineers (ILE) 'Guidance Notes for the Reduction of Light Pollution (2011)' or similar guidance recognised by the council. A certificate of compliance signed by a competent person (such as a member of the Institution of Lighting Engineers) should be submitted with the details. Please contact the council's Pollution Team for further details. Their address is Environmental Health & Licensing, Bartholomew House, Bartholomew Square, Brighton, BN1 1JP (telephone 01273 294490 email: ehlpollution@brighton-hove.gov.uk website: www.brighton-hove.gov.uk).
4. The applicant is advised that under Part 1 of the Wildlife and Countryside Act 1981 disturbance to nesting wild birds, their nests and eggs is a criminal offence. The nesting season is normally taken as being from 1st March – 30th September. The developer should take appropriate steps to ensure nesting birds, their nests and eggs are not disturbed and are protected until such time as they have left the nest.
5. The applicant is advised that a formal application for connection to the public sewerage system is required in order to service this development. To initiate a sewer capacity check to identify the appropriate connection point for the development, please contact Southern Water, Southern House, Sparrowgrove, Otterbourne, Hampshire, SO21 2SW (tel 0330 303 0119), or www.southernwater.co.uk
6. Planning permission is no defence against a statutory noise nuisance investigation. The council is required to investigate under the provisions of the Environmental Protection Act 1990 to determine whether or not a statutory nuisance is occurring and if any action is appropriate,
7. You are advised that a Traffic Regulation Order (TRO) is required. You must submit a plan to a scale of 1:1000 of an indicative scheme for a TRO, along with timescales for commencement and completion of the development. Please be aware that the statutory TRO process is not straightforward; involving the public advertisement of the proposal(s) and the resolution of any objections. You should expect a minimum of six months to elapse between the Highway Authority's TRO Team confirming that it has all the information necessary to enable it to proceed and the TRO being advertised. You will not be permitted to implement the TRO measures until the TRO has been sealed, and we cannot always guarantee the outcome of the process. We cannot begin the TRO

process until the appropriate fee has been received. To arrange for a TRO to be processed contact parking.infrastructure@brighton-hove.gov.uk. N.B. The cost of implementing any lining, signing or resurfacing required by the TRO is separate to the TRO fees, which solely cover the administration required to prepare, consult, amend and seal the TRO.

2. SITE LOCATION & APPLICATION DESCRIPTION

- 2.1. This application relates to Brighton Metropole Hotel located in Cannon Place in central Brighton. The development site includes much of Cannon Place frontage of the existing Brighton Metropole Hotel site and would extend around to the corner of Cannon Place and St. Margaret's Place. Within the existing hotel, the site currently accommodates exhibition space (at ground and first floor levels) along with small conference rooms and associated service areas at second floor. The site includes Nos. 31-32 Cannon Place, a grade II listed building that fronts St Margaret's Place. The site also includes a hardstanding / pavement area between the existing built form and the highway on Cannon Place which is under the ownership of B&HCC, the majority of which is Local Highways Authority land.
- 2.2. The Brighton Metropole building itself is on the Council's Local List of Heritage Assets and has been significantly extended and altered over time since it was originally built. The main building fronts the seafront on Kings Road.
- 2.3. Sussex Heights residential tower is located to the west, St Margaret's Place, a residential terrace is sited to the north. To the east of the site on the opposite side of Cannon Place are two multi storey car parks separated by Russel Road.
- 2.4. The site is located within the Regency Square Conservation Area, which is centred around Regency Square, located to the west of the development, which is characterised by 19th Century residential properties. There are several listed buildings within its vicinity, including the Grand Hotel to the south east of the site and Nos. 2 and 3 St Margaret's Place and No.30 Cannon Place immediately to the north.
- 2.5. Planning permission is sought for the redevelopment of part of the wider Brighton Metropole Hotel site, incorporating the demolition of existing buildings containing conference facilities on Cannon Place & St Margaret's Place and the erection of a new standalone hotel (C1): The development would consist of the following;
 - Building of between four to nine storeys (including basement level)
 - Retention of Grade II listed facades at Nos. 31 and 32 Cannon Place and the addition of a mansard roof,
 - 221 rooms with a variety different sizes and types from first to seventh floor,
 - Reception, dining and bar areas and access to internal open courtyard at ground floor level,

- Basement floor to provide meeting rooms, back of house and services and cycle parking,
 - and the creation of new landscaping / public realm on the Cannon Place frontage.
- 2.6. The new proposal would be a standalone hotel and would not share facilities with the existing Metropole hotel.
- 2.7. A number of revisions to the proposal were sought during the life of the application including the following:
- Elevational improvements including revised fenestration, detailing, and bay treatments,
 - Changes to proposed materials,
 - A taller tower topped with an open framed belvedere element,
 - Reduction / re-siting of plant enclosures on the roof,
 - Revisions to external landscaping / public realm and loading bays.

3. **RELEVANT HISTORY**

- 3.1. There is no recent relevant history of planning applications on the site other than the concurrent listed building application (BH2020/01952).
- 3.2. A pre-application proposal for a similar hotel scheme was submitted in March 2020.

Pre-application advice from officers

- 3.3. **PRE2020/00071** - Part redevelopment of the Hilton Brighton Metropole to create a new hotel to the North of the Metropole Hotel building. The facades of the existing Grade II listed numbers 31 and 32 Cannon Place to be retained.
- 3.4. Consultee advice was sought during the pre-app process from the Planning Policy, Urban Design and Heritage Teams.
- Officers considered the principle of the hotel was considered acceptable subject to acceptable justification for the loss of the existing conferencing facilities.
 - The general height, scale and massing of the proposals was considered appropriate in principle,
 - Work was required on the articulation of the facades and the relationship between the new build and the listed buildings to ensure the proposed fully respected the listed buildings and better evoked a Regency terrace form.
 - It was considered that the tower feature could be strengthened with a taller slimmer design,
 - The proposal should ensure that the site is greened as much as possible with landscaping improvements on the Cannon Place frontage,
 - Future application would be required to demonstrate an acceptable impact on neighbouring amenity.

4. REPRESENTATIONS

4.1. **Nineteen (19)** letters has been received objecting to the proposed development for the following reasons:

Design / Appearance

- Excessive height,
- Out of keeping with the Conservation Area and neighbouring listed buildings,
- The proposed mansard roof is out of character and harms the listed building,
- No masterplan of the area has been provided,
- Zinc cladding mansard to the proposal hotel is inappropriate
- Proposals do not fully respect of reference the existing heritage assets within the area,
- Adverse impact on listed building,

Transport

- Will result in increased traffic resulting in noise, air pollution and congestion,
- Will increase parking pressures in the immediate area,
- Disruption to pedestrians using the footway due to drop offs and hotel deliveries,
- Restricted access for hotel drop offs,
- The Transport Assessment is flawed,
- The hotel will not be 'car free',
- Proposal unsafe for pedestrians,
- Lack of cycle lanes on Cannon Place

Impact on neighbouring amenity

- Loss of daylight and sunlight to adjoining properties,
- Loss of privacy with views into adjoining properties,
- Overbearing on neighbouring properties,
- Increased noise disturbance during construction,
- Increased noise disturbance through the operation of the hotel (plant / deliveries etc) and also through increased footfall from users of the hotel, including those also using the bar facilities,
- Noise and disturbance from the open hotel courtyard,
- Wind tunnel impact, especially on St Margaret's Place
- Sunlight and daylight assessment inadequate,
- Restriction of view,

Other Considerations

- City doesn't need any more hotels,
- Should be used for housing,
- Reduce neighbouring property values
- Further strain on surrounding infrastructure
- Lack of greening or biodiversity measures proposed,
- The pedestrian wind survey is flawed,

- Concerns raised with the Noise Assessment as the plant and ventilation strategies and locations are not known at this stage,
- Concerns raised in respect of the accuracy of the visuals in the design and access statement and those used previously in pre-application discussions,
- Concern that this is the first of a piecemeal development of the wider site,
- Air quality concerns,

Regency Square Area Society

4.2. The Society objects on the following grounds:

- The proposal does not address concerns highlighted by the planning department, amenity groups or residents during pre-application consultations,
- The Cannon Place and St Margaret's Place Street frontages would not be fully repaired by the proposals,
- Significant Highways impacts over and above that set out in the Transport Assessment,
- The mansards to both the new build and the listed building are inappropriate and would harm the buildings and the public realm including the conservation area.

The Brighton Society

4.3. The Society objects on the following grounds:

This design fails to meet the high standards of high quality and sympathetic design which this important site demands. It is an overbearing, poorly conceived and poorly designed proposal, out of context with its Conservation Area surroundings in terms of scale, form, detailing and materials. It attempts to cram too much accommodation on to its sensitive site. It represents commercial exploitation of a historic area of the central city - at the expense of our heritage and urban environment.

5. CONSULTATIONS

Internal

5.1. **Air Quality:** Comment

The hotel is located in an area of clean air quality not far from the open sea frontage.

5.2. The development proposals are not deemed to worsen prevailing fresh air.

5.3. Consideration has been given to traffic production to and from the site. Additional private car trips are most likely to access Central Brighton via section of the A259 - outside of the Air Quality Management Areas (AQMA). From the year of occupation additional taxi movements, due to the development are predicted to pass through AQMA1 such as guest pickups from railway stations and Gatwick Airport. This is predicted to be below the guidance, threshold of 100 extra

vehicles per day in an AQMA that would trigger the requirement for a detailed air quality assessment.

- 5.4. A condition is recommended to ensure any gas boilers are ultra low NOx and additional air quality requirements to be included in any CEMP.
- 5.5. **Arboriculture: Comment**
Tree planting would be feasible although individuals may struggle. Large vegetation within the highway generally does not establish in proximity to Kingsway due to poor soil and wind channelling. Those that do are considerably stunted compared to compatriots 50m further inland.
- 5.6. Further details of species and landscaping is recommended by condition.
- 5.7. **Artistic Contribution: Comment**
Adopted City Plan Policy CP5 supports investment in public realm spaces suitable for outdoor events and cultural activities and the enhancement and retention of existing public art works; CP7 seeks development to contribute to necessary social, environmental and physical infrastructure including public art and public realm; and
- 5.8. CP13 seeks to improve the quality and legibility of the city's public realm by incorporating an appropriate and integral public art element. It is suggested that the Artistic Component element for this application is to the value of £49,900.
- 5.9. To make sure that the requirements of Policies CP5, CP7 and CP13 are met at implementation stage, it is recommended that an Artistic Component schedule be included in the section 106 agreement.
- 5.10. **City Clean: No objection**
- 5.11. **County Archaeologist No objection**
Although this application is situated within an Archaeological Notification Area, based on the information supplied, it is not considered that any significant archaeological remains are likely to be affected by these proposals. For this reason there are no further recommendations to make in this instance.
- 5.12. **Economic Development: No objection**
City Regeneration has no adverse comments regarding this application. The proposed application states that the existing C1 gross floorspace of 3421sqm will be lost, however the proposed gross new internal floor space will be 9747sqm and additional net gain of 6326sqm an addition of 221 new hotel rooms. The application does not state the current number of employees working within the conference sector of the hotel, but indicates that the proposed number of new employees would be for 55 FTE's and 42 PTE. City Regeneration

accepts that the current rooms used as conference facilities are of poor quality; Viscount Room, Hall 7, Hall 9 and the Park Suites, and are not sufficiently used. It is understood from the Visit Brighton that the loss of this conference space will not affect the conference offer that Brighton and Hove City has, as there are more modern facilities with conference facilities within the city.

- 5.13. Due to the size of the development, it meets the criteria as a major development and as such will be subject to developer contributions for the sum of £22,100 in line with the council's Technical Guidance for Developer Contributions.
- 5.14. There will also be a requirement for the submission of an Employment and Training Strategies relating to the site in respect of both the demolition and construction phases of the development.
- 5.15. **Environmental Health: No objection**
Conditions are recommended in respect of land contamination, a Construction and Environmental Management Plan and a Site Waste Management Plan.
- 5.16. **Heritage: No objection**
Whilst it is disappointing that this proposal does not represent a more comprehensive redevelopment of the unattractive 1960s conference hall facilities, the redevelopment of this part of the site is nevertheless very welcome. The full restoration and repair of the listed frontage is also welcomed and there is no objection to the proposed mansard roof. It is considered that, given the very mixed built context and the width of Cannon Place, the proposed footprint, building line, scale and massing of the new hotel building are generally appropriate whilst the design has responded positively to the mixed context and adjacent heritage assets. The active street level frontage for much of the building's length would be a positive improvement on Cannon Place. The south-east corner 'tower' feature has evolved positively during the design and pre-application process and has an acceptable vertical emphasis. Revisions to the scheme have improved the detailing and articulation of the external facades and notwithstanding the somewhat heavy zinc clad roof which would still benefit from being set back from the main façade the proposal would overall have an acceptable appearance.
- 5.17. It is considered that the proposals would preserve the significance of the listed building at 31-32 Cannon Place and would enhance the appearance of the Regency Square conservation area and enhance the settings of the locally listed Metropole Hotel and the listed buildings in Cannon Place and St Margaret's Place.
- 5.18. Conditions are recommended in respect detailed specifications of all materials, and large-scale details of key architectural elements including dormer windows.

- 5.19. **Planning Policy: No objection**
The site is located within the Brighton Centre and Churchill Square Development Area as set out in Policy DA1 of City Plan Part One. The Development Area designation provides an opportunity to deliver sustainable development and address some of the existing townscape, public realm, and permeability issues in the area.
- 5.20. The provision of a hotel in this location is supported in principle as the site is within the Hotel Core Zone defined by Policy CP6 'Visitor Accommodation' where new hotel development is directed. Para 2.133 in the emerging policy DM17 in CPP2 also sets sequentially suitable opportunity search areas for new hotels which includes the DA1 area. The scheme would result in the loss of approximately 3500m² conference floorspace. An emerging policy in CPP2 (DM17) aims to safeguard existing large capacity conference facilities. Justification for the loss of the conference facilities is set out in the Planning Statement. This satisfies the criteria and as no objection is raised as regards to the loss.
- 5.21. **Sustainability: No objection**
The building fabric incorporates good U-values and a proposed reduction in carbon emissions over Part L Building Regs of 22.7%. The proposal to use a communal air source heat pump for heating and cooling will contribute significantly to reducing the carbon dioxide emissions from the building through efficient use of electricity. The blue / green roof is an innovative proposal that will limit rainwater runoff to the drainage system and could add a limited amount of biodiversity. A good maintenance regime will be required for the roof to ensure continuing operation.
- 5.22. Water use is proposed to be within the 110 litres / person / day standard required in CP8. The main provision of Policy CP8 for non-residential buildings is to achieve a BREEAM "Excellent" rating. It is stated that this development will target the Excellent standard.
- 5.23. Conditions are recommended to ensure a BREEAM 'excellent' rating.
- 5.24. **Sustainable Urban Drainage: No objection**
The proposals outlined in the submitted SUDS report are considered appropriate. Further detailed drainage information will be required by condition.
- 5.25. **Sustainable Transport: Object**
Concerns raised over various works on highway land including configuration of loading bay, taxi stand, and soft/hard landscaping including pedestrian refuge but note will be possible to resolve through s278 process. Seek refusal due to cycle parking design issues (aisle widths etc. within the building and lack of

spacing around external provision), and lack of disabled parking, notably a lack of data from carpark operator in relation to occupancy of disabled spaces in carpark opposite site.

5.26. **Tourism: No objection**

Having looked at the Canon Place Hotel Planning Statement our initial feedback would be that the proposal has merit and would offer enhanced facilities available for both leisure and business visitors. The addition of a new 221 room hotel would add to the City's portfolio of accommodation and the proposed number of additional rooms would comply with the additional accommodation potential identified in the Brighton & Hove Visitor Accommodation Study Update 2018, assuming that the rooms are of mid-market quality. As set out in the Planning Statement it is agreed that the proposed loss of conference space would not be of detriment to Brighton's conference offer. It is agreed that the rooms to be lost, including the Viscount Room, Hall 7, Hall 9 and the Park Suites, are of poor quality, infrequently used and are not reflective of the quality of product required by conference planners. Should conference organisers require rooms of this size they have many other options in the City to fulfil their requirements.

5.27. **Urban Design: No objection**

Proposals have progressed through pre-application (PRE2020/00071) and received urban design comments at this stage in June 2020, as well as post-application urban design comments in August 2020 with subsequent meetings. Following this process, proposals are generally well received and respond well to considerations of townscape, heritage and scale. The majority of urban design concerns raised at pre-application and post-application stage have been addressed.

5.28. However, some recommendations for improvement remain. Some aspects could be dealt with by condition. These include:

- Biodiversity gains and nature enhancement;
- Public realm interface and active ground frontage;
- Visibly increased height caused by roof plant enclosures, and;
- Massing and appearance of the corner tower element.

5.29. Conditions are recommended in respect of materials, detailing and landscaping.

External Consultees

5.30. **The Brighton and Hove Archaeological Society: No objection**

The Brighton and Hove Archaeological Society are unaware of any archaeological deposits that are likely to be affected by this development. The development is close to Regency Square so that there may be some historical implications.

- 5.31. It is possible that The County Archaeologist has information not available to this Society. The Society would suggest that you contact him for his recommendations.
- 5.32. **Conservation Advisory Group (CAG): Objection**
The Group welcomes the ambition to repair, restore and activate the street scene of Cannon Place, some changes to the pre-application consultation blocky design and the retention of the facade of the Grade II listed 31-32 Cannon Place and Royal Newburgh Assembly Rooms. The Group nevertheless recommends refusal for the reasons below.
- There is no supporting 'master site plan' for the rest of the applicant's Metropole conference buildings.
 - The Wilds and Busby designed façade to the No.1 St Margaret's Place (the Royal Newburgh Assembly Rooms) as well as the exquisite Grade II Listed early 19th Century houses at 27 - 32 Cannon Place are only 4 storeys high and would be dominated by the height and mass of the proposed development,
 - Mansard style roofs are not characteristic of the conservation area and that proposed for the Grade II listed 31-32 Cannon Place would be particularly inappropriate.
 - The metal clad upper floors of the new build have an unattractive industrial character which is emphasised by their overwhelming mass,
 - The SE tower is misrepresented in the application's visuals. It should be at least one storey lower and with reduced bulk,
- 5.33. **Ecology: No objection**
Surveys were carried out in accordance with best practice and are sufficient to inform appropriate mitigation, compensation and enhancement. The site is not covered by a nature conservation designation. Given the nature, scale and location of the proposed development, there are unlikely to be any impacts on any sites designated for their nature conservation interest. The site is currently dominated by buildings within an urban environment and is of limited ecological interest. The site offers opportunities to provide biodiversity net gain which will help the Council address its duties and responsibilities under the NERC Act, NPPF and local planning policy. The recommendations made in the Preliminary Environmental Appraisal are appropriate and should be incorporated into an Ecological Design Strategy.
- 5.34. Conditions are recommended in respect of an Ecological Design Strategy and a requirement for bird, bat, bee boxes and bricks.
- 5.35. **Historic England: No objection**
Historic England is supportive in principle of the redevelopment of the site. The proposal and the potential to deliver improvements to the character and appearance of the Regency Square Conservation Area. It will also deliver enhancements to the facades of the grade II listed 31-32 Cannon Place.

However, we have concerns regarding the applications on heritage grounds due to the design of the tall and visually dominant mansard roof and also that the roof level plant closures are visible in some views. We recommend that amendments to the design of the scheme are sought to reduce the height of the mansard roof element to a single storey and that the roof plant enclosures are not visible at street level.

5.36. **SGN: No objection**

No gas mains are located within the application site.

5.37. **Southern Water: No objection**

The developer can discharge foul and surface water flow no greater than existing levels if proven to be connected and it is ensured that there is no overall increase in flows into the sewerage system. No additional flows other than currently received can be accommodated within existing sewerage network. Following initial investigations, Southern Water can provide a water supply to the site.

5.38. A condition is requested for details of the proposed means of foul and surface water sewerage disposal.

5.39. **Sunlight and Daylight (BRE): Comment**

The Sunlight and Daylight report submitted with the application is considered robust. Loss of daylight would be outside the BRE guidelines for four properties on St Margaret's Place, immediately to the north of the site. The losses would be minor adverse in three cases, and moderate adverse in the other. Some of the worse results are likely to be partly due to contributory factors arising from the receptor building's own design such as overhangs and setbacks. Three of these properties would also have a loss of sunlight outside the BRE guidelines which would be minor adverse tending towards moderate. The fourth dwelling does not have room uses which are relevant for sunlight. Additionally, another property on the row which would be within the guidelines for daylight would have a loss of sunlight which would be minor adverse. Winter sunlight would be most affected in each case, whilst loss of year round sunlight (which is more important) would be more minor.

5.40. Most of the proposed hotel rooms would receive either the recommended amount of daylight for a residential bedroom or close to it. As hotels are a non-residential use and rooms are occupied for short periods, some flexibility in consideration of lower results would be reasonable

5.41. **Sussex Police: No objection**

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

life or community cohesion. Despite the level of crime and anti-social behaviour in Brighton & Hove district being above average when compared with the rest of Sussex, I have no major concerns with the proposals at this location, however, additional measures to mitigate against any identified local crime trends and site specific requirements should be considered. The applicant is advised that there is a cumulative impact policy in place and the proposed premises falls within the cumulative area/centre of the night-time economy. The applicant is advised to refer to *Secure By Design* guidance.

5.42. **UK Power Networks:** No objection

5.43. **Wind microclimate:** Comment

The study employs a wind climate model based on data measured at Thorney Island airport. This is an acceptable approach. The study considers and accounts for the effects of the local terrain within the area via the method set out within ESDU data item 01008. This is an appropriate and robust technique. The study derives the suitability of wind conditions via application of the London Docklands Development Corporation (LDDC) variant of the Lawson criteria for pedestrian comfort and safety. This is the most widely adopted variant of the Lawson criteria and is considered both acceptable and appropriate. Overall, the assessment represents a plausible appraisal of the wind microclimate upon the introduction of the proposed development.

6. MATERIAL CONSIDERATIONS

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

6.2. The development plan is:

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

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

7. POLICIES

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part Two

Policies in the Proposed Submission City Plan Part 2 do not carry full statutory weight but are gathering weight as the Plan proceeds through its stages. They provide an indication of the direction of future policy. Since 23 April 2020, when the Plan was agreed for submission to the Secretary of State, it has gained weight for the determination of planning applications but any greater weight to be given to individual policies will need to await the outcome of the Regulation 19 consultation, which ended on the 30 October 2020.

Brighton & Hove City Plan Part One

SS1	Presumption in Favour of Sustainable Development
DA1	Brighton Centre and Churchill Square Area
SA1	The Seafront
SA2	Central Brighton
CP2	Sustainable economic development
CP5	Culture and Tourism
CP6	Visitor Accommodation
CP7	Infrastructure and developer contributions
CP8	Sustainable buildings
CP9	Sustainable transport
CP10	Biodiversity
CP11	Flood risk
CP12	Urban design
CP13	Public streets and spaces
CP15	Heritage
CP18	Healthy city

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

TR4	Travel plans
TR7	Safe Development
TR14	Cycle access and parking
TR18	Parking for people with a mobility related disability
SU5	Surface water and foul sewage disposal infrastructure
SU9	Pollution and nuisance control
SU10	Noise Nuisance
QD5	Design - street frontages
QD15	Landscape design
QD16	Trees and hedgerows
QD18	Species protection
QD25	External lighting
QD27	Protection of amenity
HE1	Listed buildings
HE2	Demolition of a listed building
HE3	Development affecting the setting of a listed building
HE6	Development within or affecting the setting of conservation areas
HE8	Demolition in conservation areas

HE10 Buildings of local interest

Supplementary Planning Guidance:
SPGBH15 Tall Buildings

Supplementary Planning Documents:
SPD03 Construction & Demolition Waste
SPD11 Nature Conservation & Development
SPD14 Parking Standards

Further Guidance
Developer Contributions Technical Guidance (March 2017).

8. CONSIDERATIONS & ASSESSMENT

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

- The principle of the development,
- Design: including scale, form, density, materiality and impact on the character and appearance of the listed building and the setting of the neighbouring heritage assets and the wider Regency Square Conservation Area,
- Landscaping, public realm,
- Impact on the amenity of neighbouring occupiers,
- Sustainable transport implications,

Planning Policy Context and Principle of Development

8.2. The site is located within the Brighton Centre and Churchill Square Development Area as set out in Policy DA1 of City Plan Part One. The primary aim of the policy is to secure a new state of the art conference centre in a new location through redevelopment of the Brighton Centre to accommodate an extension of the Churchill Shopping Centre. Although the proposed development is not within the strategic allocation for that development, the local priorities and principles set out in the policy also apply to this site where appropriate.

8.3. The Development Area designation provides an opportunity to deliver sustainable development and address some of the existing townscape, public realm, and permeability issues in the area.

Principle of new hotel

8.4. The site is in a hotel and conference use as existing and is sited within the SA2 Central Brighton area, as noted in City Plan Part 1 (CPP1), which seeks to “reinforce central Brighton’s role as the city’s vibrant, thriving regional centre for shopping, leisure, tourism, cultural, office and commercial uses”. The Planning Statement sets out that the hotel will be an additional facility serving the mid to high-market, complementing the nearby Metropole and Grand Hotels.

- 8.5. Both CPP1 and the background documents supporting CPP2 suggest a strong need for new visitor accommodation spaces in the city. CPP1 recognises the strategic need for a range of hotels and conference facilities across Brighton and Hove.
- 8.6. CPP1 Policy CP5 Culture and Tourism supports the retention, upgrading and enhancement of existing visitor facilities to meet changing consumer demands and high environmental standards in terms of design, management and access. The site is within the Hotel Core Zone defined by CPP1 Policy CP6 'Visitor Accommodation' where new hotel development is directed, while CPP1 Policy DA1 sets out the Council's strategy for Brighton to be 'one of Europe's leading conference and meeting destinations'.
- 8.7. The Planning Policy Team raise no objections to the provision of a new hotel in this location. The Tourism Team 'Visit Brighton' set out that the proposals are in accordance with the aims of the Brighton and Hove Visitor Accommodation Study 2018 and well located to cater to a wide range of visitors and as such support the scheme.
- 8.8. Emerging policy in CPP2 (DM17) identifies DA1 as one of the 'opportunity areas for new hotels', but also aims to safeguard existing large capacity conference facilities, such as the application site.
- 8.9. Although Policy DM17 therefore does not carry full weight it indicates the future policy approach and carries forward the objective set out in CPP1. It is also supported by robust up-to-date evidence in the Brighton and Hove Visitor Accommodation Study Update 2018, which specifically mentions Hilton Brighton Metropole providing conference facilities that play an important role in attracting major conferences to the city.
- 8.10. The policy is criteria-based and requires proposals that lead to the loss of these facilities to demonstrate:
- A) availability of adequate provision elsewhere in the City; and
 - B) existing use was no longer viable or could no longer be sustained on a long-term basis; or
 - C) partial loss enables the upgrade of remaining conference and banqueting provision; or
 - D) re-provision within a new development or in accordance with a Strategic Allocation set out in CPP1.
- 8.11. The Brighton and Hove Visitor Accommodation Study Update 2018 goes on to suggest that any significant reduction in conference and banqueting provision in the city's 4-star hotels would weaken Brighton's competitive position as a conference destination. The proposed loss of approximately 3500sqm

conference floorspace is therefore a potential concern which would need to be fully justified by the applicant.

- 8.12. The Planning Statement submitted in support of the application addresses this issue in detail. It sets out that the conference facilities to be lost are of poor quality with limited natural light and tired decoration and are rarely used. It is stated that the Hall 7 Viscount Room (the largest room to be 'lost') was only in use as a conference venue on two days during the whole of 2018. The ground floor Viscount room was occupied for just 5 days, and there were 15 events during this same period in the Stanmer, Preston and Park Rooms. Furthermore, the operator (Hilton) has indicated it will not retain these conferencing facilities as part of the hotel following the planned refurbishment of the hotel estate so it is unclear whether they would be operating as conferencing facilities in the future should the proposed development not proceed.
- 8.13. Policy DM17 allows for the loss of conferencing facilities where certain criteria are satisfied. It is considered that the issues set out above demonstrate that the existing use can no longer be sustained on a long-term basis, thereby complying with criterion (b). The Planning Statement also details the nature and extent of alternative conferencing facilities in the city so criterion (a) is also considered to be satisfied. On this basis, it is considered that the loss of the conference facility, and its replacement with a new hotel, accords with emerging Policy DM17 of CPP2.
- 8.14. The Tourism Team do not object to the loss of the conference facilities, setting out the following, "It is agreed that the proposed loss of conference space would not be of detriment to Brighton's conference offer. Should conference organisers require rooms of this size they have many other options in the City to fulfil their requirements. Having received assurances that the rooms which are being lost are marginal to the requirements of the Labour Party Conference and thus the City would still be able to accommodate the event, we are happy to support the proposed alterations." The Planning Policy Team also raise no objections to the loss of the existing conference facilities and confirm the proposed hotel use is in accordance with the relevant development plan policies.
- 8.15. Finally, the application submission sets out that the proposed development would provide employment for a total of 55 FTE and 42PTE employees in a modern, well specified hotel. The proposed development would result in economic benefits for the city as well as providing future employment and this welcomed. The proposal is supported by the Economic Development Team.
- 8.16. On the basis of the above, it is considered that the provision of a hotel on this site, and the loss of the conference facilities, is acceptable in principle and

accords with the relevant planning policy, subject to the other considerations set out below.

Design, Scale and Appearance and impact on wider townscape:

- 8.17. National and local policies seek to secure good quality design which respects the existing townscape and the setting of heritage assets. CPP1 Policy CP12 and the Supplementary Planning Guidance on Tall Buildings (SPGBH15) identify the application site as within an area with the potential for development of higher density and tall buildings (18m in height or approximately 6 storeys above existing ground level).
- 8.18. CPP1 Policy CP12 on Urban Design sets that development should hit certain criteria. The keys points are set out below:
- Raise the standard of architecture and design in the city;
 - Establish a strong sense of place by respecting the diverse character and urban grain of the city's identified neighbourhoods;
 - Achieve excellence in sustainable building design and construction;
 - Conserve or enhance the city's built and archaeological heritage and its settings;
 - Protect or enhance strategic views into, out of and within the city;
 - Be inclusive, adaptable and accessible;
 - Ensure that the design of the external spaces is an integral element of the overall design approach, in a manner which provides a legible distinction between public and private realm;
- 8.19. SPGBH15 requires all new tall buildings to be of a high quality of design, such that they can make a positive contribution to the city's urban form and skyline, support the city's continued regeneration, and are generally well received. All tall buildings must be integrated into the public realm, be responsive to environmental conditions and embrace principles of sustainability.
- 8.20. The design of the current scheme has been progressed through a pre-application submission and further discussions and revisions post submission.
- 8.21. The immediate site itself is mixed with the historic listed frontages of Nos. 31 and 32 Cannon Place juxtaposed with the stark blank facades of the 1960's conference centre. The locally listed Metropole hotel building is also a mix of historic with more modern built forms. Originally built in the 1890's it has been much changed over time culminating in harmful roof alterations and extensions in the 1970's and 80's. To the west on the wider site is the 1970's Sussex Heights tower. To the north of the site are the of historic Regency terraces along St Margaret's Place and Cannon Place., whilst the eastern side of Cannon Place is fronted two 1970's multi storey car parks and further to the south the listed Grand Hotel. It is noted that the site and surrounding area contain may tall buildings as existing.

- 8.22. The area suffers from a lack of greenery and a poor public realm experience with the exception of Russel Square to the north.
- 8.23. The proposed scheme would retain the listed frontages of Nos. 31 and 32 Cannon Place whilst demolishing the modern conference buildings on either side of the listing build on both Cannon Place and to the north on St Margaret's Place. The listed buildings would be refurbished externally with the non-original flat roof replaced with a mansard roof and dormer windows.
- 8.24. The new build hotel would be predominantly eight storeys in height (including basement level) rising to nine storeys at the south east tower. There would be a four-storey element to the north west fronting St Margaret's Place, with the height stepping up from listed frontage and tallest element on the southernmost corner. The built form would be set around an internal courtyard which would abut the existing Clarence House building which is to be retained to the west.
- 8.25. The upper two floors would be set within a metal clad mansard type roof form with protruding dormer windows. The south eastern corner would form a tower element providing a contrast to the metal clad roof form. The ground and basement floors fronting Cannon Place would largely be glazed and would provide an element of active frontage.
- 8.26. As originally submitted, whilst the height, scale and massing were generally considered appropriate there were concerns raised by the Urban Design Officer that the tower was lacking in prominence and that the facades were somewhat flat and featureless. The Heritage Team noted that the mansard on the new building should ideally be set back from the elevation below and that the elevation treatment should evoke more of the Regency style.
- 8.27. After discussions with the applicant revised drawings and an addendum to the Design and Access Statement were submitted. These included:
- increased height to the main tower, adding a 'belvedere' frame,
 - improvements to the Cannon Place elevation by adding bays and revised fenestration details to improve the articulation of the elevations,
 - replacement of the cladding on the north facing St Margaret's Place elevation with a painted render finish and revised fenestration and detailing to provide a more traditional appearance on this frontage,
 - the addition of a cornice line below the mansard roof,
 - More varied elevational materials with textured, matt and gloss terracotta cladding,
 - A lighter coloured, more traditional looking appearance to the zinc for the roof,
 - Revisions to the rooftop plant boundaries to limit impact from views from street,

- 8.28. It is considered that the revisions to the building are successful and whilst not overcoming all concerns would improve the appearance of the development and its relationship with the surrounding area.
- 8.29. The listed frontage and its new mansard would be set forward of the frontage of the new build element on Cannon Place and as such there is sufficient separation between the two building forms to ensure that there would not be an overly jarring relationship between the historic and more contemporary elements of the development.
- 8.30. The Urban Design Officer sets out that the proposals are generally well received and respond well to considerations of townscape, heritage and scale. Whilst supporting the scheme on design grounds recommendations for improvements to the tower and further revision to roof top plant enclosures to remove completely from southern views remain.
- 8.31. The Heritage Team welcome the revisions to the new build element setting out that “Overall, the amendments are relatively modest but have clearly improved the proportions and detailing of the new building.”
- 8.32. Whilst it is disappointing that a more comprehensive development has not been sought which would replace a greater extent of the visually harmful 1960/70’s conference buildings fronting the public domain, the proposal nevertheless would be a significant improvement on the existing Cannon Place frontage. The design of the scheme has improved significantly throughout the application process and overall it is considered an appropriate design approach for the site that respects the surrounding area in accordance with policies CP12 and DA1 of CPP1 and saved policy QD5 of the B&HCC Local Plan.
- 8.33. The quality of materials and detailing will be paramount to ensure a successful scheme. Conditions requiring details / samples of materials and detailed large-scale drawings / sections of elevational details are proposed to ensure a high-quality build is maintained through to completion.

Heritage

- 8.34. The application site itself contains the grade II listed 31-32 Cannon Place whilst the wider Metropole hotel is locally listed. There are three listed buildings immediately to the north in 30 Cannon Place and Nos. 2 and 3 St Margaret’s Place. The site itself is within the Regency Square Conservation Area.
- 8.35. The impacts on any designated heritage assets and their settings as well as the impact on the settings of any non-designated heritage assets are required to be assessed in accordance with national and local planning policy and in accordance with the relevant Acts of Parliament. At national level this is the

National Planning Policy Framework (NPPF) and locally under policy CP15 of CPP1 and policies HE1, HE3, HE6 and HE10 of the saved Local Plan.

- 8.36. 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.
- 8.37. 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”.
- 8.38. The Heritage Team are satisfied that the refurbishment and alterations of the listed building facades including the proposed mansard roof element are acceptable and subject to satisfactory detailing would preserve and enhance the listed building.
- 8.39. The Heritage Team also set out that, “It is also considered that given the very mixed built context and the width of Cannon Place, the proposed footprint, building line, scale and massing of the new hotel building are generally appropriate whilst the design has responded positively to the mixed context and adjacent heritage assets. The active street level frontage for much of the building’s length would be a positive improvement on Cannon Place.” It is further stated that the design of the tower has progressed through the application process and, “It would provide a distinctive and legible feature in views from the seafront in the conservation area but without diminishing from the prominence of the Metropole or the Grand.”
- 8.40. The Conservation Advisory Group, the Brighton Society and the Regency Square Area Society have all objected to the scheme on heritage grounds.
- 8.41. Whilst they did not formally object to the scheme as originally submitted it is noted that Historic England raised concerns about the double height mansard roof form and the potential to view the roof top plant from street level which they considered would detract from the listed frontage at 31-32 Cannon Place and the wider Conservation Area.
- 8.42. Whilst the concerns above are noted, especially in relation to the contemporary zinc mansard roof it is considered that the modern design and materials are an acceptable design approach in this location considering the varied built form within the vicinity.
- 8.43. Overall, it is considered that the proposals would preserve the significance of the listed building at 31-32 Cannon Place and would enhance the appearance

of the Regency Square Conservation Area and enhance the settings of the locally listed Metropole Hotel and the listed buildings in Cannon Place and St Margaret's Place.

Landscaping / public realm

- 8.44. National and local plan policies place great emphasis on securing good design and placemaking. City Plan Policy CP13 requires the quality, legibility and accessibility of the city's public urban realm to be improved in a comprehensive manner through new development schemes, transport schemes and regeneration schemes. Such proposals are required to produce attractive and adaptable streets and public spaces that enrich people's quality of life and provide for the needs of all users by:
1. Positively contributing to the network of public streets and spaces in the city;
 2. Enhancing the local distinctiveness of the city's neighbourhoods;
 3. Conserving or enhancing the setting of the city's built heritage;
 4. Reducing the adverse impact of vehicular traffic and car parking;
 5. Utilising high quality, robust and sustainable materials for all elements of the street scene;
 6. Incorporating street trees and biodiversity wherever possible;
 7. Encouraging active living and healthier lifestyles;
 8. Helping to create safe and inclusive public spaces;
 9. Incorporating an appropriate and integral public art element; and
 10. Reducing the clutter of street furniture and signage
- 8.45. Improved public realm and townscape is also a key aim of policy DA1 and also for SA1, the main seafront policy.
- 8.46. The existing public realm on the site frontage on Cannon Street provides a very poor experience for pedestrians, with ill-defined pavement and swathes of hardstanding, used for car unauthorised car parking as well as deliveries for the existing hotel. The blank façade of the conference building adds to a harsh environment dominated by cars and devoid of any greening or biodiversity.
- 8.47. The proposals would be almost entirely on highway land and would be subject to detailed agreement through a highway's works condition and implementation via a s278 agreement. However, the principle has been agreed, which represents a significant improvement on the existing condition of the site, with new seating, planters, and tree and shrub planting. High quality materials are proposed, as well as more legible pedestrian experience along Cannon Place. Planting is also proposed on the St Margaret's Place, including in front of the newbuild element which would replace one of the existing service bays.
- 8.48. While ideally the ground floor of the hotel on Cannon Place would integrate better with the outside space and provide opportunities for seating to extend into the public realm, it is acknowledged that there are a number of constraints,

including the sloping land, land ownership and the prevailing wind conditions which are obstacles in this regard.

- 8.49. Further, revisions to the landscaping / road layout will be required through the s278 process to satisfy highways concerns, as well as to improve biodiversity outcomes. It is suggested that additional planting could be achieved abutting the facades of the building on Cannon Place. within the applicant's land ownership.
- 8.50. Overall, the general principle of the landscaping is agreed, and subject to the recommended conditions and obligations is considered to significantly improve the public realm within the immediate vicinity of the site, in accordance with development plan polices.

Impact on Neighbouring Amenity

- 8.51. 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.
- 8.52. There are several residential properties in close proximity to the site. These include the properties immediately to the north on St Margaret's Place and Cannon Place within the adjacent residential tower, Sussex Heights to the west and also within the extended upper floors of the Metropole hotel to the south and west.
- 8.53. An assessment of the daylight and sunlight impact of the proposed redevelopment on neighbouring properties is contained in a report by Lichfields, titled 'Cannon Place Hotel, Brighton, daylight sunlight and overshadowing assessment' and dated July 2020.
- 8.54. The assessment sets out that some properties to the north of the site would be impacted with loss of daylight outside BRE guidelines at Nos. 2, 3 4a and 4b St Margaret's Place and loss of sunlight outside of the BRE guidelines at 2, 3, 4a and 5 Margaret's Place.
- 8.55. Sunlight and daylight within all other residential properties in close proximity, (Metropole hotel building, Sussex Heights and Cannon Place) would be within BRE guidance with the proposed scheme in place.
- 8.56. The BRE have undertaken an independent review of the applicant's daylight and sunlight submission and consider that the results are robust and in accordance with the guidance in BRE Report 'Site layout planning for daylight and sunlight: a guide to good practice' and BS 8206 Part 2.' The review sets out, *"There would be losses of daylight outside the BRE guidelines at 2, 3, 4a and 4b St Margaret's Place. At numbers 2, 4a and 4b, the losses would be minor adverse. Some of the losses would be only marginally outside the guidelines. Number 3 is the property which would be most affected. Three windows at this property would have a moderate adverse loss, with another two being minor*

adverse. Some of the worse results are likely to be partly due to contributory factors arising from the receptor building's own design such as overhangs and setbacks.

Three of these properties (2, 3, 4b) would also have a loss of sunlight outside the BRE guidelines which would be minor adverse tending towards moderate. A fourth does not have room uses which are relevant for sunlight. Additionally, another property on the row (No.5) which would be within the guidelines for daylight would have a loss of sunlight which would be minor adverse. Winter sunlight would be most affected in each case."

- 8.57. Overall, in respect of sunlight and daylighting, whilst acknowledging that there would be a detrimental impact on some of the adjoining occupiers in St Margaret's Place it is considered that the harm would be relatively minor overall in the context of the overall scheme. The new build element on St Margaret's Place, whilst taller than the existing frontage is set back from the street and no higher than the existing listed frontage at 31-32 and as such respects the existing height and scale of prevailing development within the street. The BRE guidance does note that sunlight and daylight levels may not be possible to be achieved in some built up or historic environments within town centres. In this context, the negative impacts on neighbouring amenity in respect of sunlight and daylight are not considered so significant to warrant the refusal of the application.
- 8.58. Given the close proximity of the proposed development to the existing terraced properties to the north there will be a degree of overlooking towards these properties. In respect of the refurbished listed building the windows are existing with the exception of the mansard dormers but it is acknowledged that the intensity of the use is likely to be greater than existing. The new building element on St Margaret's Place would replace a service entrance and whilst the scheme was revised to reduce the level of fenestration it would introduce windows and the potential for overlooking in this location. The new build element would be set back from the highway with the potential for some landscaping at ground floor which would provide some mitigation.
- 8.59. Overall, it must be noted that the existing windows of the adjacent residential properties on St Margaret's Place / Cannon Place front onto a public street where there is a lower expectation of privacy than if they backed onto a private garden. In this context, and considering the existing situation, any increase in either real or perceived overlooking from the proposed hotel is considered acceptable and would not warrant refusal on grounds of loss of privacy.
- 8.60. In respect of the impact on Sussex Heights and the residential properties within the Metropole building it is considered that these properties would be sited a sufficient distance away to ensure that any overlooking and therefore loss of privacy would not be significant.

- 8.61. Residents have raised concerns about noise and disturbance from the operation of the hotel, including noise from the courtyard, plant noise, disturbance from additional vehicular trips including deliveries and the potential for anti-social behaviour outside the hotel.
- 8.62. An Acoustic Report by Cahill Design Consultants has been submitted in support of the application. It confirms that noise from new traffic added to the network would not result in any material increase over and above the existing noise environment. The report assesses background noise levels on receptors within the site. Whilst exact details and locations of plant have not yet been confirmed, the report concludes that cumulatively the development should achieve a level that is minimum of 5 dB below the existing background noise levels (expressed as dB LA90), at the nearest defined noise sensitive receivers, consistent with guidance within BS4142:2014. A specific condition is recommended to ensure that plant and operational noise from machinery is controlled in line with the BS4142:2014 guidance.
- 8.63. It is further considered that noise and disturbance from the proposed development, be it from future occupiers or transport related impacts can be controlled via a Delivery and Servicing Management Plan and a Management Plan to be secured by condition and it is not considered that neighbouring properties will be significantly impacted in this regard.
- 8.64. Proposed windows are all to be fixed shut and will either be double glazed or include secondary glazing which will help prevent noise escaping from the hotel. Further conditions are recommended to control the hours of use of the external courtyard.
- 8.65. Noise, dust and air quality during the construction of the scheme will be controlled by a Demolition and Environmental Management Plan (DEMP) and Construction and Environmental Management Plan (CEMP).

Sustainable Transport:

- 8.66. City Plan policy CP9 seeks to promote sustainable modes of transport and cycling and walking in particular to reduce reliance on the private car. Local plan policy TR4 promotes the use of Travel Plans. Policy TR7 seeks to ensure highway safety. Development is expected to meet vehicular and cycle parking standards set out in SPD14.
- 8.67. Policies DA1 and SA1 outline that new development should contribute to improve sustainable transport with the area with improvements to the public realm and cycling and pedestrian routes.

- 8.68. The site is in a sustainable location close to the city centre and is well located to take advantage of existing sustainable transport links. It also benefits from a multi-storey public carpark immediately opposite, south of which is a long loading bay.
- 8.69. The design of the public realm abutting the application site has progressed during the life of the application and includes a loading bay for deliveries and a taxi drop off in front of the southern end of the building on Cannon Place.
- 8.70. The scheme includes 28 cycle spaces in a dedicated store for staff and guests, along with eight public cycle stands (16 cycle spaces) proposed on Cannon Place. No vehicle parking is proposed on site.
- 8.71. A Transport Assessment (TA) was submitted with the original application with further transport information, including a Road Safety Audit, submitted by the applicant as the application progressed.
- 8.72. Whilst the landscaping and highway design has progressed during the life of the application with the extension of the loading bay to the south to accommodate a taxi drop off and improvements to pedestrian crossings there are still a number of areas that have not been agreed. However, it is considered that the general principles are acceptable and the necessary changes could be secured by condition and implemented under a s278 /s38 agreement.
- 8.73. Other concerns raised by the LHA Highways Team concern the lack of disabled parking and inadequate cycle parking layout. In considering the issues raised, it is important to bear in mind paragraph 109 of the NPPF which states: *“Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.”*
- 8.74. A minimum of three disabled carparking spaces are required in accordance with SPD14. The applicant has set out that the nature of the constrained site and the aim of maximising the public realm has meant that no on-site provision has been achievable. The applicant has confirmed that there are 12 disabled spaces in the NCP car park opposite which can be pre-booked, as well as 14 spaces within the Metropole Hotel Car Park itself which is open to the public. Highway works are proposed on the site to ensure a safe pedestrian crossing is installed close to the hotel entrance on Cannon Place prior to occupation.
- 8.75. This being the case, it is considered that the disabled users will have sufficient parking availability in the immediate vicinity, and that considering the site constraints and the public realm requirements, the provision is considered acceptable in this regard.

- 8.76. Cycle parking for staff and users of the hotel has been provided internally within the basement and externally within the public realm in accordance with the numbers specified within SPD14. Whilst further revisions have improved the quality of the provision it is noted that the LHA Transport Team still have concerns with the detailed layout of the cycle store and the external provision. Overall, the internal provision is considered to provide a good balance between maximising cycle storage numbers, while providing practical circulation space. It is also of note that there is no adopted guidance regarding cycle parking dimensions. It is recognised that the external cycle parking will need to be revised to ensure a satisfactory external landscaping scheme and further cycle parking details will be secured by condition.
- 8.77. The applicant has set out in the TA that the site is well connected to local transport hubs and that future occupiers of the site will be encouraged to use sustainable modes. To help achieve these ends a Travel Plan is proposed, to be secured by condition. A Demolition and Environment Management Plan (DEMP) and a Construction and Environmental Management Plan (CEMP) will be required as a condition to ensure the demolition and construction of the scheme does not result in any adverse environmental health or transport impacts.
- 8.78. Overall, particularly as it would be car free, the proposal is considered to provide a development which would be sustainable in transport terms, encouraging car-free travel, in a sustainable location, so accords with both planning policy and national guidance which notes that *“Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe”*.
- 8.79. Subject to the proposed conditions securing a Delivery and Service Management Plan, Highway Works, CEMP and DEMP, and the s106 agreement obligations for the implementation of the necessary highway works under a s278 agreement and the Travel Plan the scheme accords with the development plan in respect of transport impacts.

Other Materials Considerations

Sustainability

- 8.80. City Plan policy CP8 requires that all developments incorporate sustainable design features to avoid expansion of the City’s ecological footprint, achieve significant reductions in greenhouse gas emissions and mitigate against and adapt to climate change.
- 8.81. The applicant has submitted a Sustainability Strategy as part of their submission. The building fabric incorporates good U-values and a proposed reduction in carbon emissions over Part L Building Regs of 22.7%. Water use is proposed to

be within the 110 litres person / day standard required for residential development in CP8 and this is welcomed. Heating throughout is by air source heat pump via a communal system with low temperature distribution. Hot water is from a gas fired instantaneous boiler.

- 8.82. A condition is proposed to secure a BREEAM rating of excellent for the commercial elements of the scheme.
- 8.83. The blue roof is an innovative proposal that will limit rainwater runoff to the drainage system and could add a limited amount of biodiversity. The external envelope of the building is designed to exceed the statutory insulation requirements.
- 8.84. Overall, subject to compliance with the suggested conditions the proposal is considered to have an acceptable impact in respect of sustainability and is recommended for approval by the Sustainability Team.

Ecology

- 8.85. There are no sites designated for their nature conservation interest that are likely to be impacted by the proposed development. The site is currently covered in buildings and hardstanding and has very little biodiversity value.
- 8.86. It is suggested that bird boxes, swift bricks, bat boxes and bee bricks / bug boxes are provided throughout the scheme and these are to be secured by condition.
- 8.87. Further nature enhancements to the scheme will be secured via an Ecological Design Strategy condition. The mitigation measures set out in the Preliminary Ecological Appraisal by The Ecology Consultancy in respect of nesting birds and potential disturbance of the nearby peregrine nest box on Sussex Heights are considered appropriate by the County Ecologist.
- 8.88. Subject to compliance with the recommended conditions the overall proposal is in accordance with development plan policies in respect of ecology.

Arboriculture

- 8.89. The existing site has no trees as existing. The Arboriculture Team have raised concerns that growing conditions will be difficult in this location close to the seafront due to the poor soils and wind channelling. Whilst the general landscaping approach is agreed further details will be required post decision via condition and this will include careful consideration of tree species

Contaminated Land

- 8.90. The Environmental Health Team raise no objection to the scheme. A full land contamination condition is required should planning permission be granted.

Sustainable Urban Drainage / Flood Risk

- 8.91. Policy CP11 in the City Plan Part One sets out that the council will seek to manage and reduce flood risk and any potential adverse effects on people or property in Brighton & Hove, in accordance with the findings of the Strategic Flood Risk Assessment (SFRA). Saved policies SU3, SU5 and SU11 in the B&H Local Plan relates to water resources and their quality, surface water and foul sewage disposal infrastructure and polluted land and buildings.
- 8.92. A SUDS report by Elliot Wood was submitted in support of the application.
- 8.93. The Local Lead Flood Authority is satisfied with the proposals subject to the imposition of a condition requiring a detailed design for the site using sustainable drainage methods as per the recommendations of the submitted SUDS Report.
- 8.94. Southern Water raise no objection subject to the imposition of a condition requiring further details of the proposed means of foul and surface water disposal to be agreed.

Air Quality

- 8.95. Policy SU9 of the Local Plan relates to pollution and nuisance control. The policy states that development that may be liable to cause pollution and/or nuisance to land, air or water would only be permitted where human health and safety, amenity and the ecological well-being of the natural and built environment is not put at risk; when such development does not reduce the Local Planning Authority's ability to meet the Government's air quality; and other sustainability targets and development does not negatively impact upon the existing pollution and nuisance situation.
- 8.96. Since 2013 an Air Quality Management Area (AQMA) has been designated in Brighton and Hove. Whilst the site is outside the central Brighton AQMA it is acknowledged that vehicular trips to/from Brighton station would travel through this designated area.
- 8.97. The applicant has provided information on daily trips into the AQMA and such it is agreed that the numbers are below those that would trigger the requirement for an Air Quality Assessment.
- 8.98. The Air Quality Officer has set out that the proposal is acceptable in respect of air quality subject to suggested conditions in respect of boiler emissions and a CEMP that includes specific measures to provide mitigation for any potential air quality issues during demolition and construction.

Wind Microclimate

- 8.99. The application includes a desk top Microclimate Wind Report by RWDI (July 2020) which has assessed the existing and proposed wind conditions at the site.

- 8.100. The wind study has enabled the pedestrian level wind environment at the site to be quantified and classified in terms of suitability for current and planned usage, based on the industry standard Lawson criteria for pedestrian comfort and safety. The study considers the proposed development in the context of existing surrounds and approved future surrounds.
- 8.101. The study acknowledges that the site is a windy location, reflecting its position so close to the seafront where prevailing winds predominate from the south-west (with secondary winds from the north-east, typically during the spring months).
- 8.102. The study has concluded that the proposed development does not have any adverse effect on the wind conditions compared to the current buildings on the site.
- 8.103. Whilst mitigation measures are not required the applicant has set out that landscaping measures such as tree planting and planters will be used to improve the wind conditions in key areas including the main entrance to the hotel on Cannon Place. This is likely to result in a net improvement over the existing prevailing wind conditions. Landscaping is also proposed in the internal open courtyard to improve comfort levels for future occupiers in this space.
- 8.104. Through design development and an enhanced landscaping scheme it will be the developer's intention to deliver a net improvement to the current condition.
- 8.105. The applicant's Wind Assessment has been independently peer reviewed by Architectural Aerodynamics Ltd. The review sets out that the study is robust and the results plausible and as such they are satisfied with the report and agree that the mitigation measures set out are appropriate. The wider landscaping details will be agreed as part of the s278 highway works.

Standard of accommodation

- 8.106. The hotel is generally considered to result in a good standard of accommodation for future occupiers. Daylight levels are generally very good throughout. There are four unlit rooms sited behind the listed frontage on St Margaret's Place and whilst this is disappointing it would not warrant refusal for a hotel use. The ground and basement floors used for meeting, dining and leisure are generally reasonably lit, some off the internal courtyard and considered acceptable.

Conclusion and planning balance

- 8.107. Paragraph 11 of the NPPF makes it clear that planning application decisions should apply a presumption in favour of sustainable development. When assessing the scheme before us, in applying the planning balance, there are factors which weigh both for and against the scheme.

- 8.108. Negative factors include a loss of daylight and sunlight for a limited number of properties on St Margaret's Place, some minor design concerns and some limited highways impacts, including the lack of onsite disabled parking.
- 8.109. Whilst acknowledging that the scheme will result in some harm to the amenity of neighbouring residents, the LPA is mindful that the proposed development within St Margaret's Place respects the prevailing built form and is considered an appropriate design response and any negative impact must also be weighed against the many positive benefits of the scheme. The overall highways approach is appropriate for the site and subject to the recommended conditions and obligations the overall highways impacts are acceptable when considering the scheme holistically.
- 8.110. Outlining the positives of the scheme, the public benefits include the contribution of a contemporary 221 bed hotel in a sustainable central location where there is a need for such accommodation. The proposal would help the local visitor economy and would create new employment within the city.
- 8.111. The design of the scheme has evolved positively during pre-application discussions with further improvements during the life of the application and overall offers significant improvements to the appearance and character of the site.
- 8.112. There are clear heritage benefits to the scheme with the refurbishment of the listed building and overall an enhancement of the Regency Square Conservation Area.
- 8.113. The redevelopment of the site will also result in the creation of active frontages along Cannon Place and a significantly improved public realm with tree planting and landscaping in accordance with the thrust of policy DA1 and this is considered a significant positive benefit of the scheme.
- 8.114. Other factors, including impacts relating to ecology, sustainability, flood risk, land contamination, wind and air quality have been assessed and have been considered acceptable.
- 8.115. Overall it is considered that the public benefits of the scheme taken as a whole, which include the provision of a policy compliant hotel scheme are such that they significantly outweigh any limited design and highways concerns and the harm to the amenity of neighbouring occupiers.
- 8.116. The proposed development will make a significant contribution towards sustainable development in the City and thus complies with the NPPF and contributes towards meeting the objectives of City Plan Part One Policy CP1 and approval of planning permission is therefore recommended subject to the

completion of a s106 planning legal agreement and to the conditions recommended above.

9. **COMMUNITY INFRASTRUCTURE LEVY & DEVELOPER CONTRIBUTIONS**

- 9.1. 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. It is not considered that this application is CIL liable in accordance with the adopted Charging Schedule.

Developer Contributions

Highways

- 9.2. The applicant to enter into a s278/s38 agreement for the implementation of the works agreed under the recommended highway design condition. A travel plan is also to be secured to promote sustainable modes of travel.

Employment

- 9.3. Due to the size of the development, it meets the criteria as a major development and as such will be subject to developer contributions for the sum of £22,100 in line with the council's Technical Guidance for Developer Contributions.
- 9.4. There will also be a requirement for the submission of an Employment and Training Strategies relating to the site in respect of both the demolition and construction phases of the development.

Artistic Component

- 9.5. The artistic component is calculated via a standard formula linked to the overall floorspace of the scheme and in this instance the value of the contribution totals £62,500. This contribution is not a monetary payment to be sought by the council but rather an uplift to the quality of the scheme to the value of this amount and will be secured within the legal agreement.
- 9.6. It is recommended that an overall Artistic Component Strategy is sought allowing delivery of the artistic component elements where required which should consider a consistent approach across the site.
- 9.7. Taking into consideration an approved Artistic Component Strategy for suitable projects this may include street furniture, hard or soft landscaping, internal or external murals or sculptures or uplift in materials and may also include improvements to adjacent public realm. The objective is to bring an individual identity to the scheme with an uplift to the public realm and the development over and above the proposed plans.

In the event that the draft S106 agreement has not been signed by all parties within 12 weeks of the date of the permission, the Head of Planning is authorised to refuse the application for the following reasons:

1. The proposed development fails to provide appropriate mitigation of the transport impacts of the development or promote sustainable transport modes contrary to policies TR7 of the Brighton & Hove Local Plan and DA1, CP7 and CP9 of the Brighton and Hove City Plan Part One.
2. The proposed development does not include an appropriate artistic element commensurate to the scale of the scheme and therefore fails to address the requirements of CP5, CP7 and CP13 of the Brighton and Hove City Plan Part One.
3. The proposed development fails to provide an Employment and Training Strategy specifying how the developer or their main contractors will provide opportunities for local people to gain employment or training on the construction phase of the proposed development contrary to policies DA1 and CP7 of the Brighton and Hove City Plan Part 1 and the City Council's Developer Contributions Technical Guidance.
4. The proposed development fails to provide a financial contribution towards the City Council's Local Employment Scheme secured via Section 106 Agreement to support local people to employment within the construction industry contrary to policies DA1 and CP7 of the Brighton and Hove City Plan Part 1 and the City Council's Developer Contributions Technical Guidance.

10. EQUALITIES

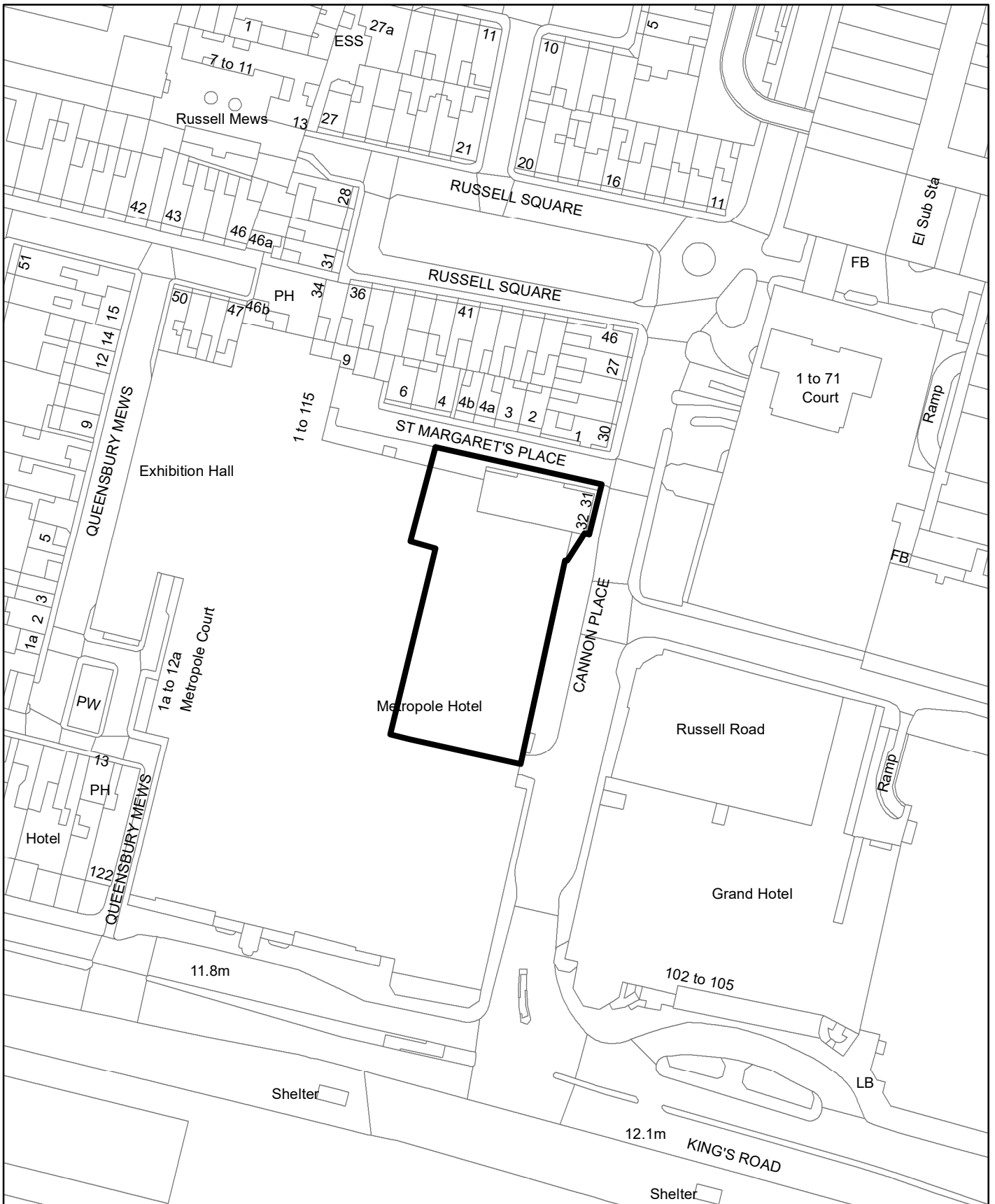
- 10.1. An accessible external lift is provided to the main entrance on Cannon Street and lift access is provided to all floors. Five percent of the bedrooms will be accessible rooms, two on each floor from first floor to sixth floor, making a total of 12 accessible rooms in the building. There are three additional larger than standard rooms on each floor. The en-suite facility for the accessible bedrooms will be suitable for use by a person in a wheelchair. Accessible bathrooms will include level access showers.

ITEM B

**Land To The Rear Of Hilton Brighton
Metropole
BH2020/01952
Listed Building Consent**

DATE OF COMMITTEE: 10th February 2021

BH2020/01952 Land To The Rear Of Hilton Brighton Metropole 106 - 121 Kings Road Brighton BN1 2FU,



**Brighton & Hove
City Council**



Scale: 1:1,250

<u>No:</u>	BH2020/01952	<u>Ward:</u>	Regency Ward
<u>App Type:</u>	Listed Building Consent		
<u>Address:</u>	Land to The Rear Of Hilton Brighton Metropole 106 - 121 Kings Road Brighton BN1 2FU		
<u>Proposal:</u>	Redevelopment incorporating demolition of existing buildings on Cannon Place & St Margaret's Place and erection of a building between four to nine storeys to create a 221 room hotel (C1) including retention of Grade II listed facades at nos 31 and 32 Cannon Place.		
<u>Officer:</u>	Chris Swain, tel: 292178	<u>Valid Date:</u>	30.07.2020
<u>Con Area:</u>	Regency	<u>Expiry Date:</u>	24.09.2020
<u>Listed Building Grade:</u>	Grade II		
<u>Agent:</u>	Lichfields 14 Regents Wharf All Saints Street London N1 9RL		
<u>Applicant:</u>	Topland Neptune Limited C/o Lichfields 14 Regents Wharf All Saints Street London N1 9RL		

1. RECOMMENDATION

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

Conditions:

1. All new and replacement rainwater goods, soil and other waste pipes shall be in cast iron and shall be painted to match the colour of the background walls and retained as such thereafter.
Reason: To ensure a satisfactory appearance to the development and to comply with policy HE1 of the Brighton & Hove Local Plan and CP15 of the Brighton & Hove City Plan Part One.

2. The works hereby permitted shall not be commenced until full details of the lead dormers and dormer windows within the new mansard roof including 1:20 scale sample elevations and sections have been submitted to and approved in writing by the Local Planning Authority. Notwithstanding the details shown on the proposed elevations the dormer windows should be single 2 over 2 timber sashes. The works shall be implemented in strict accordance with the agreed details and maintained as such thereafter.
Reason: As insufficient information has been submitted, to ensure the satisfactory preservation of this listed building and to comply with policy HE1 of

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

3. No cables, wires, aerials, pipework meter boxes, ventilation grilles or flues shall be fixed to or penetrate any external elevation, other than those shown on the approved drawings, without the prior consent in writing of the Local Planning Authority.

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

4. All railings shown on the approved plans shall be painted black and retained as such thereafter.

Reason: To ensure the satisfactory preservation of this listed building and to comply with policies HE1 and HE4 of the Brighton & Hove Local Plan and CP15 of the Brighton & Hove City Plan Part One.

Informatives:

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

Plan Type	Reference	Version	Date Received
Proposed Drawing	11231-EPR-ZZ-GF-DR-A-32-0001	P1	16 July 2020
Location Plan	11231-EPR-00-XX-DR-A-01-0310	P2	19 October 2020
Proposed Drawing	11231-EPR-00-XX-DR-A-01-0312	P2	19 October 2020
Proposed Drawing	11231-EPR-ZZ-B1-DR-A-02-2199	P2	19 October 2020
Proposed Drawing	11231-EPR-ZZ-00-DR-A-02-2200	P2	19 October 2020
Proposed Drawing	11231-EPR-ZZ-01-DR-A-02-2201	P2	19 October 2020
Proposed Drawing	11231-EPR-ZZ-02-DR-A-02-2202	P2	19 October 2020
Proposed Drawing	11231-EPR-ZZ-03-DR-A-02-2203	P2	19 October 2020

Proposed Drawing	11231-EPR-ZZ-04-DR-A-02-2204	P2	19 October 2020
Proposed Drawing	11231-EPR-ZZ-05-DR-A-02-2205	P2	19 October 2020
Proposed Drawing	11231-EPR-ZZ-EL-DR-A-04-2100	P1	16 July 2020
Proposed Drawing	11231-EPR-ZZ-NO-DR-A-04-2101	P1	16 July 2020
Proposed Drawing	11231-EPR-ZZ-AA-DR-A-05-3100	P2	19 October 2020
Proposed Drawing	11231-EPR-ZZ-BB-DR-A-05-3101	P2	19 October 2020
Proposed Drawing	11231-EPR-ZZ-04-DR-A-27-0100	P1	16 July 2020
Proposed Drawing	11231-EPR-00-ZZ-DR-A-31-0010	P2	19 October 2020
Proposed Drawing	11231-EPR-00-ZZ-DR-A-31-0011	P2	19 October 2020
Proposed Drawing	11231-EPR-00-ZZ-DR-A-31-0012	P2	19 October 2020
Proposed Drawing	11231-EPR-00-ZZ-DR-A-31-0013	P2	19 October 2020
Proposed Drawing	11231-EPR-00-ZZ-DR-A-31-0014	P2	19 October 2020
Proposed Drawing	11231-EPR-00-ZZ-DR-A-31-0015	P2	19 October 2020
Proposed Drawing	11231-EPR-00-ZZ-DR-A-31-0016	P2	19 October 2020
Proposed Drawing	11231-EPR-ZZ-GF-DR-A-32-0002	P1	16 July 2020

Proposed Drawing	11231-EPR-ZZ-GF-DR-A-32-0003	P1	16 July 2020
Proposed Drawing	11231-EPR-ZZ-GF-DR-A-32-0004	P1	16 July 2020
Proposed Drawing	11231-EPR-ZZ-GF-DR-A-32-0006	P1	16 July 2020

2. SITE LOCATION

- 2.1. The application site relates to Nos. 31-32 Cannon Place, a grade II listed building that is sited on the corner of Cannon Place and St Margaret's Place. The original internal structure and roof have been lost over time and have been subsumed within the conference facilities of the Brighton Metropole Hotel.
- 2.2. The site is located within the Regency Square Conservation Area, which is centred around Regency Square, located to the west of the development, which is characterised by 19th Century residential properties. There are several listed buildings within its vicinity, including the Grand Hotel to the south east of the site and Nos. 2 and 3 St Margaret's Place and No.30 Cannon Place immediately to the north.

3. RELEVANT HISTORY

- 3.1. Other than the concurrent full planning application for the proposed new hotel there is no recent relevant history of planning applications or listed building consents on the site.
- 3.2. **PRE2020/00071** - Part redevelopment of the Hilton Brighton Metropole to create a new hotel to the North of the Metropole Hotel building. The facades of the existing Grade II listed numbers 31 and 32 Cannon Place to be retained.
- 3.3. **BH2020/01951** - Redevelopment incorporating demolition of existing buildings on Cannon Place & St Margaret's Place and erection of a building between four to nine storeys to create a 221-room hotel (C1) including retention of Grade II listed facades at nos 31 and 32 Cannon Place. Currently under consideration.
- 3.4. Pre-application advice from officers
PRE2020/00071 - Part redevelopment of the Hilton Brighton Metropole to create a new hotel to the North of the Metropole Hotel building. The facades of the existing Grade II listed numbers 31 and 32 Cannon Place will be retained.

- 3.5. The Heritage Team were consulted as part of the pre-application process, and their response in respect of the listed building is added below.

Heritage Comments

- 3.6. The incorporation of the listed building at 31-32 Cannon Place as an integral element of the hotel is welcomed given that the significance of this building appears to now lie only in its exterior, and the opening up of the doorway beneath the portico as a secondary hotel access is very much supported.. The repair and restoration of these imposing corner facades, to include more appropriate entrance doors, is again welcomed. There would be no objection to a mansard roof addition as shown, given the past loss of the original roof, and it would help to mitigate the change in height to the new building.

4. APPLICATION DESCRIPTION

- 4.1. This listed building consent application was submitted alongside an application for planning permission for the redevelopment of part of the Brighton Metropole Hotel site, including the demolition of existing buildings containing conference facilities on Cannon Place & St Margaret's Place and the erection of a building between four to nine storeys to create a 221 room hotel (C1).
- 4.2. As part of this redevelopment, Listed Building Consent is sought for alterations to the grade II listed 31 and 32 Cannon Place including demolition of the non-original interior structure and roof and the creation of a new mansard roof with dormers.

5. REPRESENTATIONS

- 5.1. **Six (6)** letters has been received objecting to the proposed development for the following reasons:

Design / Appearance

- Excessive height of proposed new building,
- Out of keeping with the Conservation Area and neighbouring listed buildings,
- The proposed mansard roof is out of character and harms the listed building,
- No masterplan of the area has been provided,
- Zinc cladding mansard to the proposal hotel is inappropriate
- Proposals do not fully respect of reference the existing heritage assets within the area,
- Detailing of listed building inappropriate,
- Adverse impact on listed building,

Transport

- Will result in increased traffic resulting in noise, air pollution and congestion,
- Will increase parking pressures in the immediate area,

- Disruption to pedestrians using the footway due to drop offs and hotel deliveries,
- Restricted access for hotel drop-offs,
- The Transport Assessment is flawed,
- The hotel will not be 'car free'
- Proposal unsafe for pedestrians,
- Lack of cycle lanes on Cannon Place

Impact on neighbouring amenity

- Loss of daylight and sunlight to adjoining properties,
- Loss of privacy with views into adjoining properties,
- Overbearing on neighbouring properties,
- Increased noise disturbance during construction,
- Increased noise disturbance through the operation of the hotel (plant / deliveries etc) and also through increased footfall from users of the hotel, including those also using the bar facilities,
- Noise and disturbance from the open hotel courtyard,
- Wind tunnel impact, especially on St Margaret's Place
- Sunlight and daylight assessment inadequate,
- Restriction of view,

Other Considerations

- City doesn't need any more hotels,
- Should be used for housing,
- Further strain on surrounding infrastructure
- Lack of greening or biodiversity measures proposed,
- Concerns raised with the Noise Assessment as the plant and ventilation strategies and locations are not know at this stage,
- Concern that this is the first of a piecemeal development of the wider site,
- Air quality concerns,

5.2. Regency Square Area Society: objection

The Society objects on the following grounds:

- The proposal does not address concerns highlighted by the planning department, amenity groups or residents during pre-application consultations,
- The Cannon Place and St Margaret's Place Street frontages would not be fully repaired by the proposals,
- Significant Highways impacts over and above that set out in the TA,
- The mansards to both the new build and the listed building are inappropriate and would harm the buildings and the public realm including the conservation area.

6. CONSULTATIONS

Internal

6.1. **Heritage:** No objection

The detailed assessment of the listed building at 31-32 Cannon Place is very much welcomed. The incorporation of the listed building as an integral element of the hotel is also welcomed given that the significance of this building now lies in its main street facades and its historic interest; the opening up of the central doorway beneath the pediment as a secondary hotel access is supported as are the restoration works proposed. There is no objection to a mansard roof addition with raised parapet as shown, given the past loss of the original shallow hipped roof and current flat roof, and it would help to mitigate the otherwise abrupt change in height to the new building, A slated mansard style roof rather than a contemporary additional storey is preferred as shown, so as to clearly distinguish the listed building from the new-build hotel.

6.2. It is considered that the proposals would preserve the significance of the listed building at 31-32 Cannon Place and would enhance the appearance of the Regency Square conservation area and enhance the settings of the locally listed Metropole Hotel and the listed buildings in Cannon Place and St Margaret's Place.

6.3. Conditions are recommended in respect of the mansard window details, painting of railings and rainwaters good and approval of materials.

External Consultees

6.4. **Conservation Advisory Group (CAG):** Objection

The Group welcomes the ambition to repair, restore and activate the street scene of Cannon Place, some changes to the pre-application consultation blocky design and the retention of the facade of the Grade II listed 31-32 Cannon Place and Royal Newburgh Assembly Rooms. The Group nevertheless recommends refusal for the reasons below.

- There is no supporting 'master site plan' for the rest of the applicant's Metropole conference buildings.
- The Wilds and Busby designed façade to the No.1 St Margaret's Place (the Royal Newburgh Assembly Rooms) as well as the exquisite Grade II Listed early 19th Century houses at 27 - 32 Cannon Place are only 4 storeys high and would be dominated by the height and mass of the proposed development,
- Mansard style roofs are not characteristic of the conservation area and that proposed for the Grade II listed 31-32 Cannon Place would be particularly inappropriate.

- The metal clad upper floors of the new build have an unattractive industrial character which is emphasised by their overwhelming mass,
- The SE tower is misrepresented in the application's visuals. It should be at least one storey lower and with reduced bulk,

6.5. **Historic England: No objection.**

Historic England is supportive in principle of the redevelopment of the site. The proposal and the potential to deliver improvements to the character and appearance of the Regency Square Conservation Area. It will also deliver enhancements to the facades of the grade II listed 31-32 Cannon Place. However, we have concerns regarding the applications on heritage grounds due to the design of the tall and visually dominant mansard roof and that the roof level plant closures are visible in some views. We recommend that amendments to the design of the scheme are sought to reduce the height of the mansard roof element to a single storey and that the roof plant enclosures are not visible at street level.

7. MATERIAL CONSIDERATIONS

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

7.2. The development plan is:

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

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

8. POLICIES

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part Two

Policies in the Proposed Submission City Plan Part 2 do not carry full statutory weight but are gathering weight as the Plan proceeds through its stages. They provide an indication of the direction of future policy. Since 23 April 2020, when the Plan was agreed for submission to the Secretary of State, it has gained weight for the determination of planning applications but any greater weight to be given to individual policies will need to await the outcome of the Regulation 19 consultation, which ended on the 30 October 2020.

Brighton & Hove City Plan Part One

SS1 Presumption in Favour of Sustainable Development
CP15 Heritage

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

HE1 Listed buildings
HE2 Demolition of a listed building

Supplementary Planning Guidance

SPGBH11 Listed Building Interiors

Supplementary Planning Documents

SPD09 Architectural Features

9. CONSIDERATIONS & ASSESSMENT

- 9.1. As the application is for listed building consent, the sole considerations in the determination of this application relate to the impact of the proposals on the listed building.
- 9.2. The impacts on any designated heritage assets and their settings are required to be assessed in accordance with national and local planning policy and in accordance with the relevant Acts of Parliament. At national level this is the National Planning Policy Framework (NPPF) and locally under policy CP15 of CPP1 and policies HE1 and HE3 of the saved Local Plan.
- 9.3. In considering whether to grant planning permission which affects a listed building or its setting the Council has a statutory duty to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
- 9.4. Case law has held that the desirability of preserving a listed building or its setting must be given “considerable importance and weight”.
- 9.5. As part of the wider redevelopment to create a new standalone hotel works are proposed to the Listed Buildings at 31 and 32 Cannon Place.

- 9.6. These buildings incorporate part of the frontage, in St Margaret's Place, of the former Royal Newburgh Assembly Rooms, of c1833, designed by Amon Wilds and Charles Augustine Busby. The building is four storeys over basement, with a one-window range to Cannon Place and a 7-window range to St Margaret's Place, faced in painted stucco. To the St Margaret's Place frontage is a pediment with two columns in antis that have Egyptianising capitals. The building is now much altered with a 1970s extension to the west of the pediment, a flat roof replacing the original shallow hipped roofs and an internal concrete frame that has wholly replaced the original interior.
- 9.7. The proposal includes removal and replacement of the existing flat roof with a mansard type arrangement with dormers and refurbishment of the frontage and include the opening up of the central doorway on the St Margaret's Place elevation.
- 9.8. The Heritage Team are supportive of the proposals and state the following:
“The incorporation of the listed building as an integral element of the hotel is also welcomed given that the significance of this building now lies in its main street facades and its historic interest; the opening up of the central doorway beneath the pediment as a secondary hotel access is supported. The details of this reinstated entrance, as well as the false door to the Cannon Place elevation are considered well-detailed and appropriate. The full repair and restoration of these imposing corner facades is again welcomed. There is no objection to a mansard roof addition with raised parapet as shown, given the past loss of the original shallow hipped roof and current flat roof, and it would help to mitigate the otherwise abrupt change in height to the new building. A slated mansard style roof rather than a contemporary additional storey is preferred as shown, so as to clearly distinguish the listed building from the new-build hotel.”
- 9.9. It is considered that the mansard window pattern to the listed Cannon Place building is still not traditional and would not match the large-scale mansard section detail, which appropriately shows a vertically sliding sash arrangement. A simpler 2 over 2 sash pattern would be more appropriate, and there are also some concern about the ‘boxiness’ of the lead surrounds. However, these issues could be controlled by a condition requiring 1:20 scale section and elevation details of the dormers and dormer windows to the listed building to be submitted and approved.
- 9.10. Notwithstanding their concerns in respect to the certain elements of the new build hotel Historic England have not raised any concerns about the proposed mansard roof on the listed buildings at 31-32 Cannon Place.

- 9.11. Whilst the Conservation Area Group and the Regency Square Residents' Association have objected to the introduction of a mansard roof arrangement above the listed building, the applicant's approach is considered appropriate for the reasons set out by the Heritage Team above.
- 9.12. Conditions are recommended in respect of further large-scale details for the dormer and dormer windows, requirements for the cast iron railings and rainwater goods and a condition precluding cables, wires, aerials, pipework meter boxes, ventilation grilles or flues on street elevations.
- 9.13. Subject to the recommended conditions, the proposed works would not harm the historic character or appearance of the Grade II listed building in accordance with policy HE1 of the Brighton & Hove Local Plan and CP15 of the Brighton & Hove City Plan Part One.

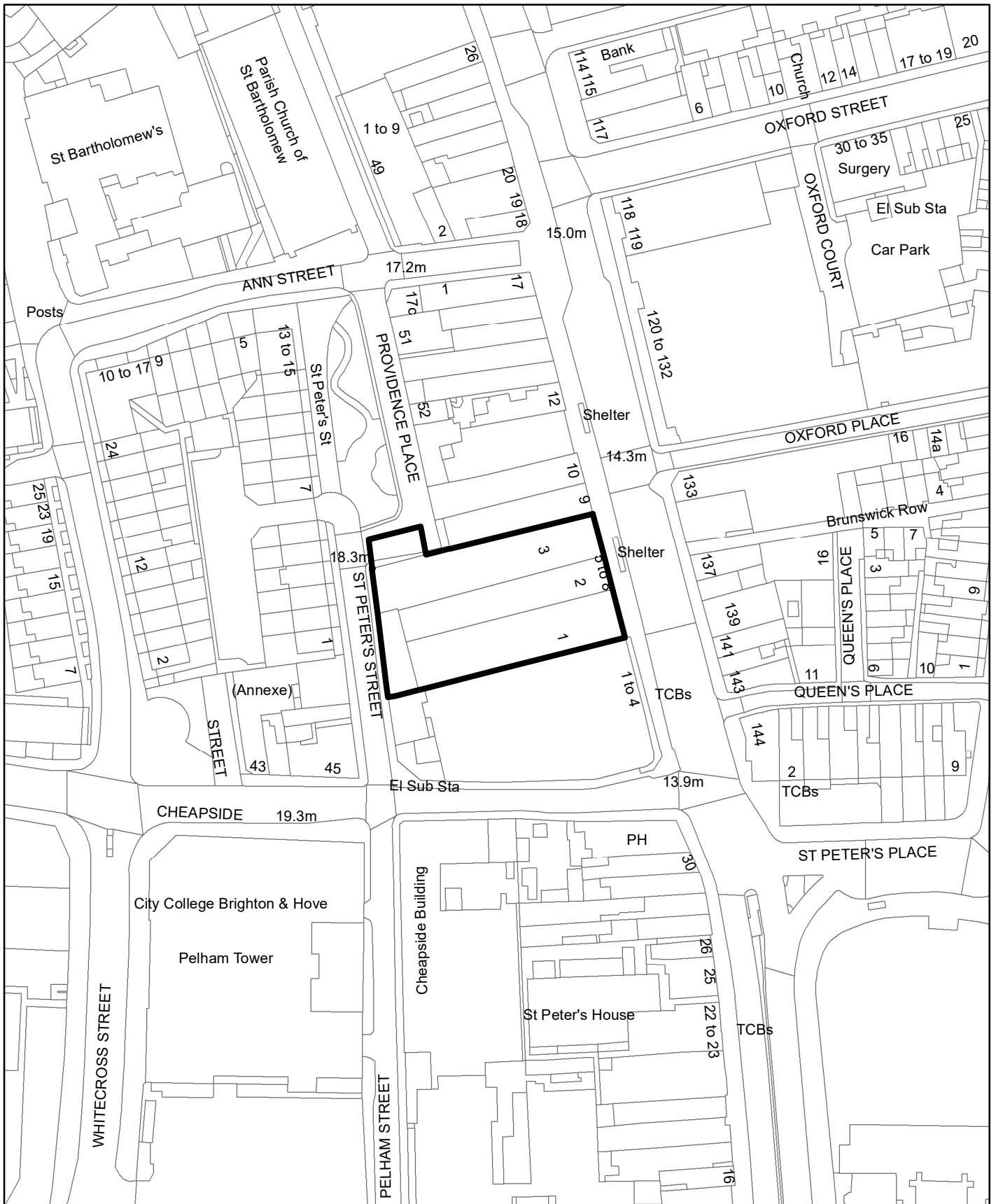
10. EQUALITIES

- 10.1. The proposed new hotel includes a disabled access to the Cannon Street elevation and lifts throughout.

ITEM C

**5-8 London Road
BH2020/02289
Full Planning**

DATE OF COMMITTEE: 10th February 2021



**Brighton & Hove
City Council**



Scale: 1:1,250

<u>No:</u>	BH2020/02289	<u>Ward:</u>	St. Peter's And North Laine Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	5-8 London Road Brighton BN1 4JA		
<u>Proposal:</u>	Demolition of existing building and redevelopment to provide a mixed-use development comprising new retail floorspace (Class A1) and student bedrooms in a building ranging from four to five storeys in height with basement, cycle and ancillary retail storage, with landscaping, public realm works and communal open space. (For information: proposal is for 156no student bed spaces and 453 sqm of retail floor space).		
<u>Officer:</u>	Luke Austin, tel: 294495	<u>Valid Date:</u>	25.08.2020
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	24.11.2020
<u>Listed Building Grade:</u>	N/A	<u>EOT:</u>	10.05.2021
<u>Agent:</u>	Boyer Planning 2nd Floor 24 Southwark Bridge Road SE1 9HF		
<u>Applicant:</u>	McLaren (London Road) Limited C/O Boyer Planning 2nd Floor 24 Southwark Bridge Road SE1 9HF		

1. RECOMMENDATION

- 1.1. That the Committee has taken into consideration and agrees with the reasons for the recommendation set out below and resolves to be **MINDED TO GRANT** planning permission subject to a s106 agreement on the Heads of Terms set out below and the following Conditions and Informatives as set out hereunder, **SAVE THAT** should the s106 Planning Obligation not be completed on or before 5 May 2021 the Head of Planning is hereby authorised to refuse planning permission for the reasons set out in section 13 of this report:

S106 Heads of Terms

Employment:

- Submission of an Employment & Training Strategy to secure the use of at least 20% local construction labour
- A financial contribution of £15,600 towards the Local Employment Scheme
- Monitoring fee

Student Management Strategy

- A student management plan including a move in/move out strategy.
- Securing that occupants of the development are enrolled at an established higher education establishment within Brighton and Hove with tenancy agreements for the full academic year.

- 24hr security presence strategy to detail number of staff, complaints procedures, management of amenity areas and hours for access gates.

A Residential (PBSA) Travel Plan

Details to Include:

- A travel pack for each new employee/resident
- To offer incentives to each first student from some of the following:
 - Subsidised bus travel season tickets
 - Subsidised rail tickets
 - Two year car club membership
 - Two year Brighton & Hove Bike Share membership
 - Bikeability training
 - £150 voucher towards bicycle
- Maintenance stands for cyclists
- Information on sustainable transport options within marketing sales and recruitment material.
- A notice board displaying information relating to sustainable transport options and travel plan information
- 'Doctor bike services'
- Monitoring and associated fees

Highways Works

Requirement to enter into a s278/38 highway agreement to implement the scheme of highway works approved under the condition 5 (Highway Works) and for the implementation of the works to be completed to the satisfaction of the council as Local Highway Authority prior to first occupation.

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	1951-P-013	C	09 December 2020
Proposed Drawing	1951-P-014	A	09 December 2020
Proposed Drawing	1951-P-015	A	09 December 2020
Proposed Drawing	1951-P-016	A	09 December 2020
Proposed Drawing	1951-P-017	A	09 December 2020
Proposed Drawing	1951-P-018	A	09 December 2020
Proposed Drawing	1951-P-019	A	09 December 2020
Proposed Drawing	1951-P-021	A	25 January 2021
Proposed Drawing	1951-P-030		17 August 2020
Proposed Drawing	1951-P-031	A	25 January 2021
Proposed Drawing	1951-P-032		17 August 2020
Proposed Drawing	1951-P-033	A	25 January 2021
Proposed Drawing	1951-P-034	A	25 January 2021
Proposed Drawing	1951-P-035		17 August 2020
Proposed Drawing	1951-P-036		17 August 2020

Proposed Drawing	1951-P-037		17 August 2020
Proposed Drawing	1951-P-038		17 August 2020
Proposed Drawing	1951-P-039		17 August 2020
Proposed Drawing	1951-P-040		17 August 2020
Location Plan	1951-P-001		17 August 2020
Block Plan	1951-P-002		17 August 2020
Report	20-0858.01		17 August 2020
Report	20813.NIA.01 Rev. B		17 August 2020

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.

Prior to commencement

2. No development, including demolition, shall take place until the Demolition Environmental Management Plan (DEMP) is approved in writing by the Local Planning Authority. The DEMP shall include:
 - (i) The phases of the Proposed Development including the forecasted completion date(s);
 - (ii) A commitment to apply to the Council for prior consent under the Control of Pollution Act 1974 and not to Commence Development until such consent has been obtained;
 - (iii) A scheme of how the contractors will liaise with local residents to ensure that residents are kept aware of site progress and how any complaints will be dealt with reviewed and recorded (including details of any considerate constructor or similar scheme);
 - (iv) A scheme of how the contractors will minimise disturbance to neighbours regarding issues such as noise and dust management vibration site traffic and deliveries to and from the site;
 - (v) Details of hours of demolition including all associated vehicular movements;
 - (vi) Details of the construction compound;
 - (vii) A plan showing construction traffic routes.

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

Reason: To protect amenity, manage highway safety and waste throughout development works and to comply with policies QD27, SU9, SU10 and TR7 of the Brighton & Hove Local Plan, policy CP8 of the Brighton & Hove City Plan Part One, and WMP3d of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan 2013 and Supplementary Planning Document 03 Construction and Demolition Waste.

3. No development, other than demolition, shall take place until the Construction Environmental Management Plan (CEMP) is approved in writing by the Local Planning Authority. The CEMP shall include:

- (i) The phases of the Proposed Development including the forecasted completion date(s);
- (ii) A commitment to apply to the Council for prior consent under the Control of Pollution Act 1974 and not to Commence Development until such consent has been obtained;
- (iii) A scheme of how the contractors will liaise with local residents to ensure that residents are kept aware of site progress and how any complaints will be dealt with reviewed and recorded (including details of any considerate constructor or similar scheme);
- (iv) A scheme of how the contractors will minimise disturbance to neighbours regarding issues such as noise and dust management vibration site traffic and deliveries to and from the site;
- (v) Details of hours of construction including all associated vehicular movements;
- (vi) Details of the construction compound;
- (vii) A plan showing construction traffic routes.

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

Reason: To protect amenity, manage highway safety and waste throughout development works and to comply with policies QD27, SU9, SU10 and TR7 of the Brighton & Hove Local Plan, policy CP8 of the Brighton & Hove City Plan Part One, and WMP3d of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan 2013 and Supplementary Planning Document 03 Construction and Demolition Waste.

4. Notwithstanding the submitted plans no development other than demolition shall take place until a general arrangement plan(s) showing the following works to the adopted highway has been submitted to and approved in writing by the Local Planning Authority:

- 2 x loading bays on St Peter's Street and Providence Place respectively
- 2 x disabled bays on St Peter's St
- Repaving of footways on St Peter's Street and Providence Place
- Extension of the footway provided along the western boundary to connect to the existing provision to the south.
- Raised platform at the junction of St Peter's Place and Providence Place

Reason: In the interests of public safety and to ensure that all road works associated with the proposed development are: planned; approved in good time (including any statutory processes); undertaken to a standard approved by the Local Planning Authority and are completed before occupation.

5. Prior to the commencement of the development all details of the proposed means of foul and surface water sewerage disposal have been submitted to, and approved in writing by, the Local Planning Authority in consultation with Southern Water.

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

- 6.

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

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

7. The development hereby permitted shall not be commenced (including demolition and all preparatory work) until agreed protection measures are in place and retained throughout the construction process. The fences shall be erected in accordance with British Standard BS5837 (2012) Trees in relation to design, demolition and construction – C Arboricultural Method Statement dated 10/12/2019. Protective measures shall be retained until the completion of the development and no vehicles, plant or materials shall be driven or placed within the areas enclosed by such fences.

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

8. Other than demolition, no development above ground floor slab level of any part of the development hereby permitted shall take place until details of future proofing measures for a connection to a community heating system shall be submitted to and approved in writing by the local planning authority and thereafter retained.

Reason: To support the provision of low and zero carbon technologies including district heating and to accord with policies SS1 and CP8 of the Brighton and Hove City Plan Part One.

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

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

10. No development hereby permitted shall take place until a detailed ventilation strategy demonstrating how and where ventilation will be provided to the residential/student accommodation at first floor level facing onto London Road including details of where the clean air is drawn from has been submitted to and approved in writing by the Local Planning Authority. The scheme be carried out in accordance with the approved details.

Reason: To ensure future occupiers benefit from a good standard of amenity and do not suffer undue noise disturbance, to provide fresh air to all future occupiers, and to comply with policies SU9, SU10 and QD27 of the Brighton and Hove Local Plan.

Above ground floor slab level

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

- a) samples of all brick (including patterned brickwork), render and tiling (including details of the colour of render/paintwork to be used)

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

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

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

12. No development above ground floor slab level of any part of the development hereby permitted shall take place until details of the PV panel arrangement have been submitted to and approved in writing by the Local Planning Authority. The details shall include a roof plan, cross section, and details of materials. The roof shall then be constructed in accordance with the approved details and shall be retained as such thereafter.

Reason: To ensure that the development contributes to sustainability objectives and the visual amenity of the streetscene in accordance with CP18, CP12 and CP15 of the Brighton and Hove City Plan Part One.

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

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

14. Prior to the first occupation of the development hereby approved a Move In / Move Out Strategy, which details how the moving in and out of students at the start and end of terms will be co-ordinated and managed shall be submitted to and approved in writing by the Local Planning Authority. All student move in and out shall thereafter be carried out in accordance with the approved plan.

Reason: In order to ensure that the safe operation of the development and to protection of the amenities of nearby residents, in accordance with polices S10, QD27 and TR7 of the Brighton & Hove Local Plan and CP21 of the City Plan Part One.

15. 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.

No development shall take place until an ecological design strategy (EDS) addressing enhancement of the site for biodiversity, to include a biodiverse green roof, wildlife friendly and the provision of swift and house sparrow boxes, has been submitted to and approved in writing by the local planning authority. The EDS shall include the following:

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

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

Reason: To provide a net gain for biodiversity as required by Section 40 of the Natural Environment and Rural Communities Act 2006, paragraphs 170 and 175 of the National Planning Policy Framework and Policy CP10 of the Brighton & Hove City Council City Plan Part One.

16. Prior to the first use/occupation of the development hereby approved a Waste & Recycling Management Plan, which includes, inter alia, details of the types of storage of waste and recycling, types of vehicles used to collect these materials, how collections will take place and the frequency of collections shall be submitted to and approved in writing by the Local Planning Authority. All waste, recycling and their storage and collection activities shall thereafter be carried out in accordance with the approved plan.

Reason: In order to ensure that the safe operation of the development and to protection of the amenities of nearby residents, in accordance with policies SU10, QD27 and TR7 of the Brighton & Hove Local Plan and the Waste and Minerals Plan for East Sussex, South Downs and Brighton & Hove.

17. Within 3 months of first occupation of the non-residential development hereby permitted a BREEAM Building Research Establishment has issued a Post Construction Review Certificate confirming that the retail element of the development built has achieved a minimum BREEAM New Construction rating

of 'Very good' and the student element of the development has achieved a minimum BREEAM New Construction rating of 'Excellent' and such certificates have been submitted to, and approved in writing by, the Local Planning Authority.

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

Prior to Occupation

18. Prior to occupation of the development hereby permitted, a landscaping scheme specifically for the defensible buffer planting outside of the residential units adjacent to the northern and southern courtyards shall be submitted to and approved in writing by the Local Planning Authority. The approved landscaping shall be implemented in accordance with the approved details in the first planting season after completion or first occupation of the development, whichever is the sooner.

Any plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

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

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

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

To be complied with

20. 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.

21. The development hereby permitted shall not be occupied until the disabled parking facilities shown on the approved plans have been fully implemented and made available for use. The disabled parking facilities shall thereafter be retained for use by the occupants of, and visitors to, the development at all times.
Reason: To ensure the development provides for the needs of disabled staff and visitors to the site and to comply with policy TR18 of the Brighton & Hove Local Plan and SPD14: Parking Standards.
22. If during construction, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing by the Local Planning Authority), shall be carried out until a method statement identifying and assessing the risk and proposing remediation measures, together with a programme for such works, shall be submitted to the Local Planning Authority for approval in writing. The remediation measures shall be carried out as approved and in accordance with the approved programme.
Reason: To safeguard the health of future residents or occupiers of the site and to comply with policy SU11 of the Brighton & Hove Local Plan.
23. No drainage systems for the infiltration of surface water to the ground are permitted other than with the written consent of the local planning authority. Any proposals for such systems must be supported by an assessment of the risks to controlled waters. The development shall be carried out in accordance with the approved details.
Reason: To safeguard the health of future residents or occupiers of the site and to comply with policy SU11 of the Brighton & Hove Local Plan.
24. Piling and investigation boreholes using penetrative methods shall not be carried out other than with the written consent of the local planning authority. The development shall be carried out in accordance with the approved details.
Reason: Piling or any other foundation designs using penetrative methods can result in risks to potable supplies from, for example, pollution / turbidity, risk of mobilising contamination, drilling through different aquifers and creating preferential pathways. Thus it should be demonstrated that any proposed piling will not result in contamination of groundwater in accordance with policy SU3 of the Brighton & Hove Local Plan.
25. Providence Place Gardens shall not be used for the storage of construction materials or machinery associated with the development at any time.
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 and CP13 of the Brighton & Hove City Plan Part One and SPD06: Trees and Development Sites.

26. HGV used for the demolition/construction of the site shall meet the euro-VI emission standard (available for vehicles registered after September-2014).
Reason: To minimise NOx and particulate emissions to the established AQMAs during demolition and construction and to comply with policies SU9 and QD27 of the Brighton & Hove Local Plan and policy CP8 of the Brighton & Hove City Plan Part One.
27. The developer shall comply with Stage IIIB of EU directive 97/68/EC for NOx emissions limits from non-mobile construction machinery in accordance with DfT guidance improving air quality emissions from non-road mobile machinery.
Reason: To avoid emission impacts in and around the AQMA and to comply with policies SU9 and QD27 of the Brighton & Hove Local Plan and policy CP8 of the Brighton & Hove City Plan Part One.
28. Other than the balcony areas and terraces identified on the approved plans, access to the flat roofs of the development hereby approved shall be for maintenance or emergency purposes only, and the flat roofs shall not be used as a roof garden, terrace or patio or similar amenity area.
Reason: In order to protect adjoining properties from overlooking and noise disturbance and to comply with policy QD27 of the Brighton and Hove Local Plan.
29. Prior to first occupation of the development hereby approved, full details of the proposed external lighting scheme, including lamps proposed for the main entrances on the Southern elevation, are required to be submitted for approval by the Local Planning Authority. No external lighting other than that which forms part of the approved scheme shall be installed.
Reason: To ensure the satisfactory preservation of this listed building, to protect neighbouring amenity, and to comply with policies QD25, QD27, HE1 and HE6 of the Brighton and Hove Local Plan and CP15 of the Brighton and Hove City Plan Part One.
30. All approved hard surfaces shall be made of porous materials and retained thereafter or provision shall be made and retained thereafter to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the property.
Reason: To reduce the risk of flooding and pollution and increase the level of sustainability of the development and to comply with policies CP8 & CP11 of the Brighton & Hove City Plan Part One.
31. The accessible dwelling(s) hereby permitted as detailed on the approved drawings shall be provided as specified.
Reason: To ensure satisfactory provision of homes for people with disabilities to comply with policy HO13 of the Brighton & Hove Local Plan.

32. The landscaping scheme shall be carried out in accordance with the approved scheme in the first planting and seeding season following the first occupation of the building hereby permitted or the completion of the development, whichever is the sooner. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become, in the opinion of the Local Planning Authority, seriously damaged or diseased, shall be replaced with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.
Reason: To enhance the appearance of the development in the interest of the visual amenities of the area and to comply with policies QD15 of the Brighton & Hove Local Plan and CP12 and CP13 of the Brighton & Hove City Plan Part One.
33. No tree shown as retained on the approved drawings shall be cut down, uprooted, destroyed, or damaged in any manner during the development and thereafter within 5 years from the date of occupation of the building for its permitted use, other than in accordance with the approved plans and particulars or as may be permitted by prior approval in writing from the local planning authority. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
Reason: To enhance the appearance of the development in the interest of the visual amenities of the area, to provide ecological, environmental and biodiversity benefits and to maximise the quality and usability of open spaces within the development in compliance with policies QD15 of the Brighton & Hove Local Plan and CP12 and CP13 of the Brighton & Hove City Plan Part One.
34. The commercial uses hereby permitted shall not be open to customers except between the hours of 06:00 and 23:00 on Mondays to Sundays, including Bank or Public Holidays.
Reason: To safeguard the amenities of the locality and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.
35. The recommendations as set out in the Acoustic Report 20813.NIA.01 Rev. B carried out by KP Acoustics Ltd shall be implemented prior to first occupation of the development hereby permitted and retained as such thereafter.
Reason: To safeguard the amenities of the occupiers of neighbouring properties and to comply with policies SU10 and QD27 of the Brighton and Hove Local Plan.
36. No sound reproduction or amplification equipment (including public address systems, tannoys, loudspeakers, etc.) which is audible outside the site boundary shall be installed or operated on the site.
Reason: To safeguard the amenities of the occupiers of adjoining properties and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.

37. The Party Ceilings, Floors and Walls between the residential units and residential/non-residential shall be designed to achieve airborne and impact sound insulation values of at least 5dB better than that required by Approved Document E performance standards. The residential units should meet the internal noise level standards of BS8233:2014 and World Health Organisation Night Noise Guidelines. The development shall be carried out in accordance with the details.
Reason: To safeguard the amenities of the occupiers of adjoining properties and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.
38. The Air Source Heat Pumps shall be provided as specified.
Reason: to comply with Policy CP8 (Sustainable buildings) of Brighton & Hove City Plan Part One.
39. Any Ultralow NOx boilers within the development shall have NOx emission rates of <30 mg/kwh.
Reason: To safeguard the amenities of the local residents and minimise air pollution and to comply with policies SU9 and QD27 of the Brighton & Hove Local Plan and policy CP8 of the Brighton & Hove City Plan Part One.
40. The communal roof terrace amenity spaces hereby approved shall only be used by occupiers between the hours of 7am-9pm Monday-Friday and 8am-10pm on Saturdays and Sundays.
Reason: To protect the amenity of occupiers of the development and neighbours from undue noise or disturbance, to comply with policy QD27 of the Brighton and Hove Local Plan.
41. Notwithstanding the approved plans, the residential window panels facing the courtyards shall be provided in obscurely treated glazing below 800mm and shall be retained thereafter permanently retained as such.
Reason: To safeguard the privacy of the occupiers of the adjoining property and provide a satisfactory standard of accommodation and to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.
42. No cables, telecommunications equipment, wires, aerials, pipework (except rainwater downpipes as shown on the approved plans and lightening protection), meter boxes or flues shall be fixed to any elevation facing a highway.
Reason: To safeguard the appearance of the building and the visual amenities of the locality and to comply with policy CP12 of the Brighton & Hove City Plan Part One.
43. The ground floor retail premises hereby permitted shall be used for retail only, which shall mean a use which fell within Use Class E(c) of the Schedule to the Town and Country Planning (Use Classes) Order 1987 and shall be used for no other purpose (including any other purpose in Class E of the Schedule to

the Town and Country Planning (Use Classes) Order 1987 or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification). Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended (or any order revoking and re-enacting that Order with or without modification), no change of use from the use permitted by this condition shall occur without planning permission obtained from the Local Planning Authority.

Reason: The Local Planning Authority would wish to retain control over any subsequent change of use of these premises in the interests of safeguarding the supply of commercial and office floorspace in the city given the identified shortage, to comply with policy CP3 and DA4 of Brighton & Hove City Plan Part One.

44. The development shall provide for 156 purpose built student accommodation units within buildings of up to 5 storeys in height only.

Reason: To ensure the Local Planning Authority retains control over the density, mix and type of uses within the development and its height, in the interests of retaining sufficient retail floorspace within the Policy DA4 Development Area, and to ensure the character and appearance of the area including wider strategic views and impact to heritage assets are protected, and to ensure the protection of the amenities of the occupiers of existing and proposed properties, to comply with Policies HE3, HE6, HO5, HO13, QD5 and QD27 of the Brighton & Hove Local Plan and DA4, CP1, CP2, CP3, CP12, CP14, CP15 and CP19 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 applicants should be aware that whilst the requisite planning permission may be granted, this does not preclude the Environmental Protection department from carrying out an investigation in line with the provisions Environmental Protection Act 1990, should any complaints be received with regards to noise from the premises.
3. The applicants are advised that under Part 1 of the Wildlife and Countryside Act 1981 disturbance to nesting birds, their nests and eggs is a criminal offence. The nesting season is normally taken as being from 1st March – 30th September. The developer should take appropriate steps to ensure nesting birds, their nests and eggs are not disturbed and are protected until such time as they have left the nest.

4. The applicants are reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act. Trees and scrub are likely to contain nesting birds between the above dates, unless a recent survey has been undertaken by a competent ecologist to assess the nesting birds activity on site during this period and has shown it is absolutely certain that nesting birds are not present.
5. The applicants are advised that accredited energy assessors are those licensed under accreditation schemes approved by the Secretary of State (see Gov.uk website); two bodies currently operate in England: National Energy Services Ltd; and Northgate Public Services. The production of this information is a requirement under Part L1A 2013, paragraph 2.13.
6. The applicants are advised that a formal application for connection to the public sewerage system is required in order to service this development. To initiate a sewer capacity check to identify the appropriate connection point for the development, please contact Southern Water, Southern House, Sparrowgrove, Otterbourne, Hampshire, SO21 2SW (tel 0330 303 0119), or www.southernwater.co.uk
7. The applicants are advised that this planning permission does not override the need to obtain a licence under the Licensing Act 2003. Please contact the Council's Licensing team for further information. Their address is Environmental Health & Licensing, Bartholomew House, Bartholomew Square, Brighton BN1 1JP (telephone: 01273 294429, email: ehl.safety@brighton-hove.gov.uk, website: www.brighton-hove.gov.uk/licensing).
8. You are advised in accordance with safe digging practices in accordance with HSE publication HSG47 "Avoiding Danger from Underground Services" must be used to verify and establish the actual position of the mains, pipes, services and other apparatus on site before any mechanical plant is used. It is your responsibility to ensure that this information is provided to all relevant people (direct labour or contractors) working for you on or near gas pipes. Please contact The Safety Admin Team at SGN Tel: 0800 912 1722 and the Dig Safely pages on sgn.co.uk
9. Crime prevention measures could be evidenced by a Secure By Design Developers Award Certificate or equivalent
10. Where possible, bee bricks should be placed in a south facing wall in a sunny location at least 1 metre above ground level.
11. Swift bricks can be placed on any elevation, but ideally under shade-casting eaves. They should be installed in groups of at least three, at a height above 5m height, and preferably with a 5m clearance between the host building and

other buildings or obstructions. Where possible avoid siting swift bricks above windows or doors. Where swift bricks are not practical due to the nature of construction, alternative designs of suitable swift nest boxes should be provided in their place.

2. SITE LOCATION

- 2.1. The application site relates to a rectangular piece of land totalling 0.18ha located on the western side of London Road, north of Fleet Street (A270). The site comprises a three-storey building however due to the varied floor-to-floor heights, the building reads as four storeys. The building occupies most of the plot, apart from servicing within the plot and parking areas on the periphery. The building has been largely altered; most notably post-1955 with the extension of the building façade to the south. The building has additionally been extended at the rear to provide loading bays in the conversion to multiple retail units, as currently occupied.
- 2.2. The building has a deep floor plan and is currently occupied by three large retail units; Poundland, Iceland and Peacocks providing a retail frontage on London Road
- 2.3. The site is bound to the rear by St Peter's Street to the west and Providence Place to the north. Land levels rise from the east to the west, resulting in the ground floor level at London Road, being basement level on St Peters Street and Providence Place.
- 2.4. The surrounding area is mainly commercial on London Road with a mixture of residential and commercial on St Peters Street and Providence Place. Directly south of the site is a three-storey building occupied by a supermarket. To the north of the site is a single storey retail unit, behind which is a three-storey property containing three flats. To the north-west of the site is Providence Place Gardens; a linear open space which was re-landscaped to add shared surfaces and seating areas several years ago.
- 2.5. Valley Gardens conservation area lies in close proximity to the east. Grade I listed St Bartholomew's Church lies to the north beyond St Bartholomew's church and Grade II listed St Peters Church, lies to the south-east. Other listed buildings include Grade II listed terrace of numbers 1-9 St Peter's Place, containing two separate list entries for numbers 1-3 and 4-9. Outside number 1 St Peter's Place is a pair of K6 telephone kiosks listed Grade II. The site is also situated within an Archaeological Notification Area. The North Laine Conservation Area is located approximately 150 metres to the south of the Site.
- 2.6. The site falls within the London Road Development Area (New England Quarter and London Road Development Area) of the City Plan Part One. The

site also falls within the area covered by SPD10 - London Road Central Masterplan.

3. THE APPLICATION

- 3.1. The proposal seeks permission for the demolition of the existing building and redevelopment to provide a mixed-use development comprising 453sqm new retail floorspace and 156 student bedrooms in a building ranging from four to five storeys in height with basement, cycle and ancillary retail storage, with landscaping, public realm works and communal open space.
- 3.2. The development would be 4 storeys facing London Road and part 4/5 storeys facing St Peters Street with a central spine linking the development.
- 3.3. Ground floor – 453 m2 of flexible retail floorspace to create 1 large or 3 smaller units
- 3.4. Upper floors – 156 units of Purpose Built Student Accommodation (PBSA) comprising:
 - 77 studios
 - 79 cluster flats
- 3.5. A service courtyard would be provided at ground floor (accessed via service lift from Providence Place and access from London Road) providing:
 - Two bike stores (accessed from London Road)
 - A refuse store (emptied and accessed from service lift from Providence Place)
 - A laundry room
 - Toilet and shower facilities
 - Plant room
- 3.6. Cycle and Car Parking:
 - 2 disabled parking spaces
 - 1 loading bay/drop off zone
 - 1 servicing bay
 - 130 cycle spaces
- 3.7. 120 cycle parking spaces will be provided for the student accommodation (104 long stay spaces and 16 visitor spaces)
- 3.8. 10 cycle parking spaces will be provided for the retail floor space (6 long stay spaces and 4 visitor spaces).
- 3.9. The 16 visitor cycle parking spaces for the student accommodation are proposed within the public realm in Providence Place via 8 Sheffield stands.

- 3.10. Visitor cycle parking for retail would utilise 12 existing spaces located on London Road (outside the Aldi site) and provide 4 additional spaces in the form of 2 Sheffield Stands on London Road in front of the site.

Amended Plans

- 3.11. Amended plans were received during the course of the application which make the following minor changes/clarifications:
- Updated tree information
 - Updated Stage 1 RSA and information to address the Highway Authority concerns raised.

Design Changes:

- Removal of seating at student entrance and redesign with stairs only
- Removing the corner column and improving the visual impact of the entrance recess; installing full height glazing with high gloss cladding to the ceiling of the entrance; installing coloured high gloss cladding next to the glazing;
- Installing a new decorative perforated metal screen with squared motifs, with associated feature lighting, that picks up the brickwork theme above (St Bart's inspired)
- Recessed brickwork with dark semi glossed bricks;
- Metal cladding panels with squared motifs to the windows, in place of the recessed brickwork;
- Lighting to draw the eye to the entrance in the evening light;
- Slender vertical signage added above the entrance, which would be sympathetic to the proposed building and to the amenity of neighbouring properties.

4. RELEVANT HISTORY

Date	Key Milestones
12.02.2020	Pre-application 1 submitted - PRE2020-00041 (see details below)
16.04.2020	Design Review Panel 1
28.05.2020	Pre-application 2 submitted - PRE2020/00118 (see details below)
01.07.2020	Design Review Panel 2
17.08.2020	Application submitted
29.12.2020	Amendments submitted following feedback from Transport and Urban Design

4.1. Pre-Application History:

The applicant entered pre-application discussions with BHCC development management department resulting in 2 separate pre- application meetings.

Pre-application 1 (**PRE2020-00041**) issued 13th May 2020

4.2. Response Summary

- The principle of the redevelopment of the site with PBSA development on the upper floors with retail frontage retained at ground floor level is acceptable.
- The current use of the upper floors of the premises for ancillary storage associated with the retail units represents an ineffective use of the large building and the proposed development would provide a more effective and efficient use of the site. Changes to be made to the scheme are summarised as follows:
 - Removal of basement accommodation
 - Utilise basement for plant, bike storage, storage and shop floor
 - See how the Aldi site would assimilate
 - Cluster rooms should achieve 1.5 ADF
 - Studios should achieve minimum of 2.0 ADF
 - Provision of additional amenity space at higher levels
 - Quality of courtyard provision should be assessed consideration to the roof line and parapet
 - Provision of good quality integrated shopfronts
 - A larger more prominent entrance for PBSA

Pre-application 2 (ref: **PRE2020/00118**) issued 5th August 2020

4.3. Changes made from 1st pre-app

- Retail floorspace has increased from 427 m²
- Service area has been rationalised
- Central spine moved northwards
- Internal layout changes
- Southern courtyard has increased m²
- Northern courtyard has reduced in m² and raised to first floor level
- Relocation of student entrance to north-west corner
- Provision of linked internal student spaces
- Elevational changes
- Massing changes

4.4. Response Summary

- The principle of the development on the site is acceptable (Purpose built student accommodation on the upper floors and retention of retail on the ground floor) and would provide much needed student accommodation within the City; and retail space.
- Generally, the proposals have developed well in line with DRP and LPA recommendations.
- The proposals appear to have an acceptable impact on nearby Heritage Assets.
- Consideration of the design elements mentioned in the Urban Design Comments appended should be taken into account.
- The amenities of future occupiers should be further considered.
- Increased internal amenity space is required on the site for future occupiers.

4.5. Design Review Panel(s)

The applicants attended 2 separate Design Review Panels between x and seek to address of the key and detailed considerations.

Summary of feedback:

4.6. 1st Design Review Panel, response dated 16th April 2020:

“This proposal was presented in a clear and considered way, and the team are commended for bringing their work to review at an early stage, enabling a constructive conversation. We welcome a second review.

The team are commended on their thoughtful approach to placemaking which has demonstrated good understanding of the wider context leading to a proposal that appears to positively contribute to the local townscape.

While there are no significant concerns with the scale and mass, a considerable amount of design work is still needed to refine the scheme into one that provides a good place to live for occupants and responds architecturally to its high-street location”.

- 1. Verified views are required to affirm the positive contribution to the townscape which until now has been demonstrated through illustrative drawings.*
- 2. The plan layout must be the focus moving forward. It requires reorganisation, particularly at lower levels, to create better shared space with positive connections between them. Design emphasis on a shared stair may help with this.*
- 3. Levels are key. The interface between the proposal and the western edge with the public realm, as well as between internal spaces and the courtyards, should be refined and key spaces activated. Detailed sections are required.*

4.7. 2nd Design Review Panel, response dated 1st July 2020:

“We are pleased to support the revised form and mass of the proposal, however, have a number of suggestions to further improve the architectural language and the internal configuration of the scheme”.

- 1. Develop and refine the elevations through a simplified and clear, detailed material palette, focusing particularly on the London Road façade, as well as the relationship and hierarchy between the St Peter’s Street and Providence Place façades.*

2. *Incorporate three distinct retail bays as the default option, allowing for sufficient servicing and access as well as coordinated elevations on to London Road.*
3. *Introduce a managed, 4th floor roof terrace on the north-western corner overlooking Providence Place, simultaneously rationalising the brickwork and massing viewable from the street below.*
4. *Reconfigure the ground and first floor layouts around the western staircase to allow a stronger spatial and visual connection between the student reception and the southern courtyard.*
5. *Ensure that the landscape arrangement of the southern courtyard responds appropriately to solar and environmental comfort, accommodating both private and communal leisure and learning activities suited to student use.*
6. *Explore options to maximise fresh air to northern service court.*
7. *Refine and improve sustainability and environmental strategies, possibly including bio-solar roofs, on-site SUDs solutions and improved biodiversity both within courtyards and the public realm.*

4.8. Pre-application presentation to Planning Committee

The applicant sought to attend a pre-application presentation to the Planning Committee Members, however given circumstances surrounding Covid-19 potential meeting dates were not available.

Planning Applications

The application site:

- 4.9. **BH2013/00824** – Installation of new shop front. Approved 07.05.2013.
 - 4.10. **BH2013/00825** – Display of internally illuminated fascia and projecting signs. Approved 03.05.2013.
 - 4.11. **BH2012/02745** - Display of internally illuminated fascia and hanging signs to front elevation and non-illuminated fascia sign to side elevation. Approved 06.11.2012
 - 4.12. **BH2012/03325** - Display of internally illuminated fascia and projecting signs. Approved 10.12.2012.
- Surrounding developments:
- 4.13. **BH2021/00012** - Erection of additional 2no storeys to create 4no studio flats (C3) and associated works including extension fronting Providence Place. Under Consideration.

- 4.14. **BH2018/02699** - Demolition of existing building and the erection of a five storey building with retail (A1 use class), community hub, student accommodation reception, laundry, plant room, bin store and cycle store at ground floor level, 232 student rooms (sui generis use class) at first, second, third and fourth levels, and solar PV array on the roof, 118-132 London Road, BN1 4JH (CO-OP Site). Approved 09.08.2019
- 4.15. **BH2018/02607** - Hybrid planning application comprising: Full Planning application Site A (West of Pelham Street): External alterations and internal refurbishment to the existing college building and redevelopment of the existing car park to provide 3 storey extensions to the existing college (D1 use), disabled parking spaces with new vehicular access, cycle parking spaces, open space and landscaping. Outline Application Site B (East of Pelham Street): Demolition of York, Trafalgar and Cheapside Buildings and the erection of up to 135 residential units (C3 use) at maximum 6 storeys with associated new and relocated vehicular accesses, car and cycle parking (with all matters reserved except access, external layout and scale, Pelham Street. Approved 27.03.2019.
- 4.16. **BH2020/00550** - Reserved matters application pursuant to outline permission BH2018/02607 for approval of appearance, internal layout and landscaping relating to 135 new residential units at Site B (East of Pelham Street), Pelham street. Pending decision.
- 4.17. Statement of Community Involvement
The Localism Act requires pre-application consultation on certain types of planning applications made in England. As such the following consultation events have been held by the applicants:
- A website was produced
 - A virtual public exhibition 6th July 2020 presentation and provided an opportunity for questions and answers. Invites via a leaflets to 3289 homes and business within 0.21 miles of the site Also included a feedback form.

5. REPRESENTATIONS

- 5.1. **Five (5)** letters have been received from adjoining occupiers objecting to the proposed development for the following reasons:

Amenity

- Creation of a large shadow over the park as the sun comes from the south and the park is towards the north.
- Building height will cover the small green area in shade for the entire morning during winter and also at other times. Limited alternative parks
- It will obscure views of the sky due to the increase in height of the building and the narrow pavement
- The park will be in eternal darkness during the winter months

- Extreme Distress to the present neighbours which arises due to the noise and the pollution from the demolition process which involves heavy earth moving machinery and causing severe noise and pollution within the area
- There have been many noisy developments here recently and the low income residents need a break from the noise (noise has negative implications for health)
- Disruption the Day to day living of the Residents and effect the people mental and well-being.
- Disruption to sleeping times as everyone has their own pattern of sleeping and it's not 6pm to 8am.

PBSA

- It is likely, especially with the thousands of new student dwellings at the university and on Lewes Road, the developers will soon apply for change of use
- The area has too many students already who, at such a number, do not add to the community and increase the amount of antisocial behaviour such as drinking and creating late night noise (already a problem)

Design/Appearance

- The destruction of the 1930's facade would be a real loss to the look and feel of London Road
- London Road is nearly all made up of victorian and art-deco buildings and really works as a whole
- The success of keeping the facade of the large old Co Op building showed how a site could be changed for modern use but still keep its external character
- The council and many in Brighton have worked hard to improve London Road and it is an on-going work and it is maybe because of the improvements that developers are attracted to the area.

Air Quality

- The air quality assessment does not compare the building to the previous land use
- The building frontage should be set back to allow for more people to pass on the pavement and also avoid pollution canyon effect
- Deliveries, maintenance vehicles, buses and taxis are the main reason for the high level of pollution on that stretch of road. Students will contribute to those sources just as much as any other resident.
- The pollution increased from 2018 to 2019 for the closest diffusion tube and stands at 55% over legal levels.
- At 55% above legal levels COMEAP (the most respected report on air quality and health) predicts that on average the pollution in this location will reduce life expectance by 1.5 years.
- the air quality assessment does not prove that this site will have a lower pollution footprint compared to the previous.

- Air quality assessment is incorrectly made and it confirms pollution will increase with this development.
- Area pollution in 2019 is 55% over legal levels and against LAQM air pollution targets.
- The building exposes more people to this pollution and increases the pollution.
- There should be no additional housing at a location that is exposed to such high levels of pollution (students or otherwise)

Other considerations

- It will damage the community more than what is bringing good.
- The drawings supplied in the application are not sufficient in detail; the text is unreadable.

5.2. **Four (4)** letters has been received from adjoining occupiers supporting the proposed development for the following reasons:

Design

- Sympathetic design which adds greatly to the frontage of London Road retaining quality retail space
- The design fits in with both London Road and historic St Bartholomew's Church and its surrounds
- This looks like a good proposal to redevelop this particular plot of land with something attractive and well thought through. I think this development would enhance and compliment the surrounding area.

PBSA

- provides much needed purpose built student accommodation which will be
- attractive to students from Sussex, BIMM and Brighton together with the significant number of language schools operating in Brighton, all who bring significant revenue into the City
- Students are needed to bring vibrancy and revenue to this City: they spend in shops etc. as do their families who come to visit them. From what I see in this area they are NOT the ones who are responsible for excessive drinking and noise

Public Realm

- This particular plot is in dire need of regeneration and I'm pleased to see this is happening in Elder Place and Providence Place.
- The current plot is ugly, run-down, defaced and used for antisocial activities.
- Providence Place Green is currently full of litter and anti-social behaviour including drug dealing. The proposed student entrance will be glass and face the green with security who will have a good view of what is happening.

Amenity

- To those who are upset about the noise of demolition and building: yes, this is unpleasant there are planned areas for green terraces which, it is

proposed, will be locked at 9pm for those who are worried about noise and drinking.

- Should we keep ugly, badly planned, dirty buildings whose doorways contribute to antisocial problems in place because of temporary noise and inconvenience or should we look to the future with new, purpose-built, mixed use buildings of interesting design where thought has been given to the different needs of residents and traders? The bigger picture is one where, after due consultation with all concerned parties, a cleaner, brighter, more appropriate building will enhance the area for all.

5.3. Letter from the **Local Area Action Team** in support:

“The design and development team gave a presentation to the London Road Area Local Action Team (LAT) meeting on 8th September 2020. This was an agenda item and there were Q&A. This comment reflects the general positive feeling of the meeting in response to the presentation.

The site adjoins and overlooks Providence Place Park - which was the subject of a detailed improvement programme in which the LAT was an enthusiastic and involved participant. The architect was clearly aware of the issues and potential of the immediate area - and the design clearly reflected that concern. Should the development go ahead it will certainly be an improvement in this regard.

Residents of Providence Place lofts were very enthusiastic about the scheme for similar reasons.

The sympathetic architectural recognition of St Bartholomew's church was appreciated. The presenters were asked questions about: effect on air quality, the numbers of students, the rental costs, the noise from the roof terrace (an evening curfew would be in place), the degree to which local policing issues had been consulted upon, whether the development would be truly "car-free". The presentation team assured the LAT meeting that they would (a) honour all promises concerning "green" specifications of the building (b) maintain good links with the LAT and community in the future.

Some concerns have been expressed (at other LAT meetings) about the sustainability of developments that count on students always wanting to come to Brighton in future years. The LAT would also request that, should this application be granted, good links with the community be sought by Council Officers in regard to Section 106 (or CIL equivalent) monies and their disbursement for Public Realm improvements.

5.4. **Councillor's comments:** A copy of the representation from **Councillor Pete West** is attached.

6. **CONSULTATIONS**

External

- 6.1. Brighton and Hove Archaeological Society: No comment
- 6.2. **CCG:** No comment
- 6.3. **Conservation Advisory Group:** No objection
The Group recommended **APPROVAL** with one abstention, and added the following comment;
- The removal of the existing structure will result in a better building which will reverse the negative impact of the present building has on the hereby heritage assets, in particular the Grade I St. Bartholomew's Church.
- 6.4. **County Archaeologist:** No objection
It is unlikely that any significant archaeological remains are likely to be affected by these proposals. No further recommendations to make in this instance.
- 6.5. **County Ecologist:** No objection
In summary, provided the recommended appropriate mitigation, compensation and enhancement including an ecological design strategy to secure a biodiverse green roof and birdboxes are implemented, the proposed development can be supported from an ecological perspective.
- 6.6. **Environment Agency:** No comment.
- 6.7. **Sussex Police:**
From a crime prevention perspective concerns were raised regarding the shared service courtyard which will provide access to two bike stores, a refuse store, a laundry room, toilet and shower facilities and the plant room. This area has the potential to cause conflict between the student and retail element of this development.
- 6.8. However, having consulted at length with the architect of this development, it is considered that conflict within this area will be minimal.
- 6.9. In order to safeguard the users of this area it is recommended that gating in situ is installed either end of the courtyard allows natural surveillance and thought being given to the siting of CCTV and lighting.
- 6.10. **Scotia Gas Networks:** Comment
There should be no mechanical excavations taking place above or within 0.5m of a low/medium pressure system or above or within 3.0m of an intermediate pressure system. Hand dug trial holes should be used where required.
- 6.11. **Southern Water:** Comment
The proposed development will lie over an existing public sewer, which will not be acceptable to Southern Water. The exact position of the public apparatus must be determined on site by the applicant before the layout of the proposed development is finalised.

6.12. **SSE:** Comment
Whilst SSE Utility Solutions Ltd may have assets in the wider vicinity, there are no records of any owned apparatus within the vicinity of the site.

6.13. **UK Power Networks:** Comment
Details of the location of UKPN equipment in relation to the site has been provided.

Internal

6.14. **Arboriculture:**
There are no trees located within the proposed development, however two off site local authority maintained trees are in proximity to the proposal.

6.15. Formal tree protection measures will not be necessary; however conditions should ensure that Providence Place Gardens is not used for the storage of materials, nor as a staging area at any time.

6.16. Conditions securing tree protection methods to off-site trees during demolition and construction are required.

6.17. **Air Quality:** Comment
Summary of Comments Recommend Approval with Conditions excepting:

1. Auxiliary diesel generator
2. Gas fired boiler with flue emissions on top of fifth floor roof

Ventilation strategy

3. First floor bedrooms facing London Road shall require air intakes from the rear (west) roof of the development plot or shall be hermetically sealed from the London Road

6.18. **City Parks:** No comment

6.19. **Economic Development:** Comment
City Regeneration has no adverse comments regarding this application as retail facilities will be provided under the new scheme and is welcomed by Economic Development.

6.20. As per the Planning Authority's Technical Guidance for Developer Contributions a sum of £15,600 is required in addition an Employment & Training Strategies respect of both the demolition and construction should be secured via s106 agreement.

6.21. **Environmental Health:** No objection
The use of non-site-specific noise data is acceptable due to current conditions. The report submitted in respect of contaminated land is acceptable.

- 6.22. A DEMP and CEMP should be required by condition.
- 6.23. **Heritage:** Approve with Conditions:
The submitted heritage assessment is considered to be comprehensive with regard to the various heritage assets that could potentially be impacted by the proposals and the way in which the heritage assessment has helped to then inform the proposals is very much welcomed.
- 6.24. The scale and massing of the proposal is generally considered to be appropriate from a heritage perspective and it is welcomed that the London Road frontage would remain the same height.
- 6.25. Details of materials, including the patterned brickwork, should be secured by condition.
- 6.26. **Percentage for Art:** Comment
The net gain in this instance would not generate a sufficient sum taking into account the associated commissioning, artist fees and installation costs. No contribution shall be sought.
- 6.27. **Planning Policy:** Support
The principle of the redevelopment of the site with PBSA development on upper floors with retail frontage is retained at ground floor level is acceptable and would provide a more effective and efficient use of the site whilst assisting in the regeneration of the wider London Road area.
- 6.28. **Private Sector Housing:** Comment
In studio units a sleeping person should not have to pass through the kitchen/cooking area in order exit the flat in the event of fire.
- 6.29. Poor layout within a unit of accommodation can present a fire risk to the occupant before he or she is able to reach the escape route. Ideally, sleeping areas should be closer to the exit door to the accommodation than the living area or kitchen/cooking facilities.
- 6.30. **Sustainable Drainage:** No objection
No objections subject to conditions to secure detailed design of the surface water drainage system before construction.
- 6.31. **Sustainable Transport:** Initial Comment – Objection
Objections raised due to lack of information regarding delivery and servicing, collision data, RSA concerns, cycle parking, disabled parking and trip generation methodology.
- Second Comment – Objection
- 6.32. Objections raised due to collision data information, delivery and servicing survey data, RSA concerns, cycle parking and disabled parking.

Third Comment – Objection

- 6.33. Objections raised due delivery and servicing forecasting methodology, RSA and highways works, disabled access disabled parking and cycle parking.

Fourth Comment - Comment

- 6.34. Concerns relating to the highways works can be dealt with via planning obligation, concerns relating to cycle parking remain but do not amount to an objection.

- 6.35. Satisfied that the two proposed loading bays are sufficient to accommodate the proposed demand.

6.36. **Sustainability Team: Support**

It is recommended that this application be approved. The requirement to achieve water efficiency of 110 litres /person / day should be secured by condition. The ASHP heating and hot water proposals may be secured by condition. Provision should be made for connection to a future heat network.

6.37. **Urban Design: Initial Comment - Support/Seek Amendments**

The scheme has progressed well through two Design Review Panel (DRP) sessions and supplementary urban design comment from the LPA and has addressed the majority of recommendations successfully.

- 6.38. The proposals are generally supported. However, some concerns remain with regard to:

- Diversity and quality / health of planting to courtyard spaces and rooftops;
- Solar and environmental comfort, scope for privacy, functionality and potential
- for overlooking of bedroom in the primary courtyard space;
- The contribution of the student entrance to public realm and sociability;
- An architectural form against St. Peter's Street and Providence Place which appears to be dictated by massing considerations rather than respond to them;
- Servicing of retail units if divided into three;
- Natural daylight levels to corridors;
- A reduced sense of privacy, security and ownership to bedrooms fronting onto the primary shared courtyard;
- A poor visual and physical connection between student lounge and reception areas and the southern courtyard;
- Elevational composition

Second Comment - Support/Seek Amendments

- 6.39. Design proposals have progressed through a lengthy pre-application process including two external design review panel sessions. The applicant has shown a willingness to work collaboratively and adaptively to address concerns and

recommendations raised at pre-application stage and have continued to engage with the LPA to address urban design comments post application.

- 6.40. Proposals are very well received. Thorough contextual analysis has informed a robust site strategy and development vision with regard to townscape, heritage assets and visual character. These attributes, along with site layout, public realm and landscape, when considered holistically, present a high-quality design solution which can be supported.
- 6.41. However, there are some concerns and recommendations which can be summarised as follows:
- A lack of proposed urban greening to London Road is disappointing;
 - Student bedrooms which face onto the south courtyard may suffer from noise disturbance and reduced privacy, security and outlook;
 - Whilst the visual connection between entry lobby / lounge spaces and the primary stair leading down to the south courtyard is strong and dynamic, the access to the courtyard is small and constrained and obstructs this otherwise strong design attribute;
 - Elevational composition could more positively address the stepped built form of the north-west corner.
 - These concerns do not amount to reason for objection, but the applicant is encouraged to address them in order to attain the highest possible quality of design.

7. MATERIAL CONSIDERATIONS

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

8. POLICIES

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One:

SS1	Presumption in Favour of Sustainable Development
DA4	New England Quarter and London Road Area
SA6	Sustainable Neighbourhoods
CP2	Sustainable economic development
CP4	Retail provision
CP8	Sustainable buildings
CP9	Sustainable transport
CP10	Biodiversity
CP11	Flood risk
CP12	Urban design
CP15	Heritage
CP16	Open space
CP18	Healthy city
CP21	Student housing and Housing in Multiple Occupation

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

TR4	Travel plans
TR7	Safe Development
TR14	Cycle access and parking
TR18	Parking for people with a mobility related disability]
SU3	Water resources and their quality
SU9	Pollution and nuisance control
SU10	Noise Nuisance
QD15	Landscape design
QD16	Trees and hedgerows
QD18	Species protection
QD25	External lighting
QD27	Protection of amenity
HE3	Development affecting the setting of a listed building
HE6	Development within or affective the setting of conservation areas
HE12	Scheduled ancient monuments and other important archaeological sites
SU3	Water resources and their quality
SU5	Surface water and foul sewerage disposal infrastructure

Supplementary Planning Guidance:

SPD14	Parking Standards
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Supplementary Planning Documents:

SPD03	Construction & Demolition Waste
SPD06	Trees & Development Sites
SPD10	London Road Central Masterplan (2009).
SPD11	Nature Conservation & Development

Further Guidance:

9. CONSIDERATION & ASSESSMENT

Executive Summary

- 9.1. The main considerations in the determination of this application relate to the principle of the development including the loss of the existing retail unit, the impact of the development on the character and appearance of the area, neighbouring amenity, sustainable transport impacts and contribution to other objectives of the development plan. The principle of development is considered acceptable as it would deliver much needed additional student accommodation and upgraded retail space at an acceptable density within a sustainable location in need of regeneration whilst respecting nearby heritage assets and neighbouring amenity.

Planning Policy Context and Principle of Development

- 9.2. The site falls within the London Road Development Area as set out in Policy DA4 of the City Plan Part One. Priority 2 for the area seeks to manage, enhance and consolidate the existing retail provision within the defined prime frontage of London Road Town Centre whilst retaining key retail sites to maintain the area as a shopping destination. This site is considered to be a key retail site and it is therefore important that the redevelopment does not compromise the site's ability to attract and retain high profile retail occupiers. Priority 3 seeks to working with landowners and traders to secure the redevelopment/refurbishment of key retail sites along London Road.
- 9.3. The site also falls within the London Road Central Masterplan area covered by SPD10. The document sets out a number of principles, including improvements to the public realm and the provision of mixed-use developments with active frontages.
- 9.4. The proposal includes the demolition of all buildings on the site and the erection of a new building comprising retail at ground floor level and purpose built student accommodation (PBSA) above. The existing building comprises three retail units with ancillary storage and office space to the rear and upper floors with a total gross internal floor area of 3151sqm. The principle of such a development and the relevant policies are considered in detail below.

Loss of Existing Uses/Retail provision

- 9.5. The site is located within the London Road Town Centre identified in City Plan Policy CP4 and saved Local Plan Policy SR5. SR5 seeks to protect retail frontages within defined centres in order to ensure vibrancy and pedestrian footfall with the area. Paragraph 3.50 states that the priority for the shopping area is to enhance and consolidate the existing retail provision within London Road shopping centre and improve the physical environment. The site forms part of the primary retail frontage of London Road Town Centre and currently

hosts three national chain stores, indicating that there is demand in this location for that type of store.

- 9.6. The applicant has submitted a Retail impact Assessment which demonstrates that the London Road Town Centre has a good footfall with vacancy rates below the national average. There is a good mix of retail offer. As such the importance of maintaining the retail frontage and units at ground floor would enable the continuation of a thriving retail frontage.
- 9.7. The proposed development includes 456sqm of retail provision which equates to a total loss of internal retail floorspace of 2697.9sqm. The majority of the existing floorspace is however set to the rear and within the upper levels and compromises ancillary retail storage and office space. The proposal would maintain a full width A1 use at ground floor level and would be flexible as it could be suitable for either one occupier or subdivided into three units, dependant on the requirements of the occupier. This would ensure that an active frontage is retained along the Prime Retail Frontage, in accordance with policy SR5.
- 9.8. The applicant has provided marketing evidence for the retail units in their current condition which indicates little interest due to the size, floorplans and the current quality of the building. The marketing exercise gained interest from restaurant uses and general feedback was given that there is a demand for smaller units with greater flexibility within the area.
- 9.9. Furthermore, the applicant has instructed their retail agent to approach retailers to test if the proposed space is designed in a way that would be attractive to them should they have a requirement in London Road. The responses indicate that the space would be attractive.
- 9.10. The loss of some retail floorspace does not raise significant objections as the key policy objective is to retain the retain frontage, which the current proposals would achieve, whilst also upgrading the building and improving the vibrancy and visual quality of the area. Additionally, it is considered that sufficient space is retained to enable a retail outlet to function, with sufficient flexibility for staff facilities, access to staff cycle parking and sufficient provision for serving and deliveries. The public realm improvements to the rear and the provision of the entrance to the proposed student accommodation would also help to introduce a secondary level of activity and frontage at ground floor level along rear and side streets around London Road, which are currently in a poor state.
- 9.11. The Council's Economic development support the development and have indicated that the proposal enhances this area of London Road and will offer retail space of a superior standard. The Planning Policy team are also in support of the proposal.
- 9.12. The development would also replace a dated inefficient building with a new high quality mixed use building, which would also help to meet the policy

objectives of improving the urban realm. Overall, the proposed development would assist in the regeneration of this section of London Road, would be in broad conformity with the principles of DA4, SPD10, CP4 and would meet the requirements of SR5.

Purpose Built Student Accommodation (PBSA):

- 9.13. The student element of the proposal would provide 156 student bed spaces located within a central location.
- 9.14. Policy CP21 demonstrates the Council's commitment to increasing accommodation demands from students and to create mixed, healthy and inclusive communities. As such the Council will support the provision of additional purpose built accommodation, on the basis that the following criteria are met:
1. There is no undue impact on residential amenity
 2. High density only where it is compatible with the landscape
 3. The site is within a sustainable transport corridor
 4. There is no unacceptable increase in on street parking
 5. It is safe and secure for occupants
 6. A formal agreement with one of the universities is entered into
 7. The site is not allocated for housing development/extant permission or residential
- 9.15. Criteria 1 (residential amenity), 2 (density), 4 (impact on parking) and 5 (security) are considered in detail within the body of this report. The remaining criteria are considered below.
- 9.16. The site is well-located for PBSA, being situated on London Road close to sustainable transport connections to the university campuses at Falmer and Mouselcoomb (criterion 3).
- 9.17. Criteria 6 states that applicants should demonstrate that they have entered into a formal agreement with one of the city's two Universities or other existing educational establishments within Brighton and Hove. The Planning Statement states that the applicant has received positive feedback with both the University of Sussex and University of Brighton in addition to other higher educational establishments, however no formal agreement for occupation has been secured. It is therefore recommended that a legal agreement restricting occupation of the development to students of these institutions, or others currently located in Brighton & Hove, is entered into.
- 9.18. Criteria 7 states that PBSA will not be supported on sites allocated for housing or with potential for housing. The application site does not fall into these categories and there is therefore no objection in this regard.
- 9.19. Draft City Plan Part Two Policy DM8 also relates to PBSA. 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. The policies provide

an indication of the direction of travel within policy aspirations for the city. 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.

- 9.20. Draft Policy DM8 is intended to supplement adopted policy CP10 and requires purpose-built student accommodation to provide the following:
- a) Predominantly cluster units
 - b) Sufficient sized bedrooms (for living and studying)
 - c) Communal living space, cooking and bathroom facilities (commensurate in size to the number of occupants)
 - d) Acceptable daylighting
 - e) No cars
 - f) 24-security presence
 - g) Tenancy agreements for the full academic year
- 9.21. Criterion (a) of this policy requires PBSA developments to incorporate predominantly cluster flats on order to provide more affordable accommodation. The accommodation mix comprises a mix of 77 studios and 79 cluster flats, which is considered to be an appropriate mix.
- 9.22. The cluster flats will be grouped into 5-8 bedrooms with shared kitchen/living space that would exceed 4sqm floorspace per student. The room sizes would range from 13.5sqm to 14.8sqm which is sufficient and comparable with other schemes recently approved in the city.
- 9.23. The studios and accessible room sizes range between 17.5sqm and 26.5sqm which is considered acceptable. Each studio would provide sufficient living facilities including a kitchenette area, a double bed, a desk area and an ensuite shower room. As such criterion (b) and (c) of DM8 are satisfied.
- 9.24. In terms of light levels, the application has been submitted with a daylight and sunlight assessment which provides details of the light levels within the proposed rooms. For dwellings, the BRE standard is minimum 1% for bedrooms, 1.5% for living rooms, and 2% for kitchens. There are no guidelines for student rooms, but it is considered that they should achieve a minimum ADF of 1.5%, given that the rooms are used for studying and not just sleeping. Ideally, studio rooms should achieve 2%, given that students would be expected to spend longer in these rooms which have also have a seating area and kitchen facilities.
- 9.25. The proposed PBSA achieves a 95% compliance with the 1.5% ADF guideline (162 out of the 170 rooms) and 77% (131 out of the 170 rooms) would achieve 2% ADF. A number of rooms would also exceed 2% ADF. The remaining rooms achieve 1% ADF. Whilst it would be preferable for the all rooms to achieve at least 2% it is acknowledged that this is not always possible in central location, particularly when making efficient use of the site. As a whole, the light

levels are considered satisfactory and comparable to recent schemes such as the nearby Co-op site (ref: **BH2018/02699**), where a 94% compliance with the 1.5% ADF level was considered acceptable.

- 9.26. Generous communal amenity areas provide opportunities for study, socialising, group dining and general amenity, as follows:
- External
 - Southern courtyard 250.2 m²
 - Northern courtyard 113.5 m²
 - 4th floor roof terrace 52.8 m²
 - Internal
 - Student lounge and reception area 85.7m²
 - 4th floor seating communal area 14.2m²
- 9.27. Concerns have been raised by the Urban Design Officer regarding the 9 student rooms fronting the southern courtyard at ground level due to potential for noise impact and general disturbance associated with the use of the courtyard. As mitigation, the rooms facing courtyards have raised cill levels, to allow for a deep planter and to improve privacy and act as a landscape buffer to provide defensible space. Whilst this is not an ideal solution, as the outlook of these rooms would be somewhat compromised, it is considered an acceptable compromise as adequate light levels can still be achieved for the majority of rooms.
- 9.28. Additionally, all student room windows provide for opaque glazing to their lower panes that are below 800mm and all ground and first floor bedrooms will include a semi-transparent film thereby ensuring all student rooms have good levels of privacy. It is proposed that these measures be secured by condition.
- 9.29. Overall, it is considered that proposed PBSA in an acceptable primary use for the site. The development would provide high-quality and modern accommodation catering for a range of needs within a sustainable location, in accordance with Policy CP21 of the CPP1 and emerging Policy DM8 of the draft CPP2.

Design and Appearance:

- 9.30. National and local policies seek to secure good quality design which respects general townscape and the setting of heritage assets and is a key aspect of sustainable development.
- 9.31. Policy CP12 on urban design states that development should comply with certain criteria. The key points are set out below:
- High quality design
 - Create a sense of place
 - Conserve and enhance the city's built archaeological heritage and settings
 - Achieve excellence in sustainable building design and construction

- 9.32. As set out above, the proposal would involve the demolition of the existing building and the construction of a replacement building fronting onto both London Road and St Peter's Street. The building would have two clear functions with the retail element within ground floor fronting onto London Road and the student accommodation set above and within the remainder of the building. The façade fronting onto London Road would be four storeys in height and would be of similar proportions to that of the existing building. A full width shopfront with glazing and a fascia board would be provided at street level and the upper levels would be finished in a mixture of reconstituted stone and brick with recessed panels.
- 9.33. The building would step up to five storeys as it extends to the middle of the site, with a continuation of the brick and inset panels. To the rear of the site, fronting on St Peter's street, the building would follow the topography of the land, stepping up again. Whilst this reads as six storeys on the London Road elevations, the building would be five storeys on St Peter's street with a basement level below. The upper levels on St Peter's Street would be stepped and include panels of feature brickwork in order to break up this element of the building. The north-west corner of the building would comprise the entrance to the student accommodation and would be finished in a contrast brown brick to create a clear entrance and focal point within the streetscene.
- 9.34. The central wing of the building would join the two facades together and would include external spaces to either side allowing for breathing room on the site whilst creating good quality amenity space for future occupiers of the building. The ground level (below ground on St Peter's Street) would contain the plant room, bin store, cycle storage and service court in addition to 9 studios fronting onto the courtyard.
- 9.35. It is considered that the proposed shopfronts provide for a high-quality integrated approach which is welcomed and would be a significant improvement in comparison to the existing building. Furthermore, the main entrance to student accommodation north-west corner of the site addresses both Providence Place and St Peter' Street and provides activity in this area.
- 9.36. In terms of scale and massing it is considered that the building would be effectively accommodated in the streetscene and would be in keeping with the prevailing heights of buildings within the vicinity. The height of the building is not dissimilar to existing building and due to the number of setbacks at upper levels, the building would pay respect and maintain strategic and sensitive views from local vantage points.
- 9.37. It is considered that each of the facades would effectively address their respective streets and present a cohesive approach. The proposal is considered to be a significant improvement over the existing rear elevation which is stark and harsh in appearance due to the lack of fenestration and features.

- 9.38. In terms of detailing and materiality, the proposed finish of the building is considered high quality and contextually appropriate. Both the Heritage and Urban Design Officers note that the materials would contribute positively to the surrounding streetscene whilst paying respect to the local vernacular.
- 9.39. The Urban Design Officer has worked closely with the applicant to achieve a high-quality scheme within this prominent site. The Urban Design Officer acknowledges the applicant's willingness to work collaboratively and adaptively to address concerns and recommendations raised at the pre-application stage.

Design Review Panel Process

- 9.40. The applicant attended 2 separate design review panel sessions which resulted in altering the massing, scale, height and landscaping throughout the site. Combined with the main key requests from the pre-application discussions with the LPA the following design provisions were made:
- Provision of a roof terrace
 - Changes made from 1st pre-app
 - Elevational changes
 - Massing changes
 - Service area has been rationalised
 - Central spine moved northwards
 - Internal layout changes
 - Southern courtyard has increased m2
 - Northern courtyard has reduced in m2 and raised to first floor level
 - Relocation of student entrance to north-west corner
- 9.41. The Design Review Panel queried the potential detrimental impact on environmental comfort if the Aldi site was to be developed in the future. The Design Panel suggested a combined single courtyard on the south side in anticipation of enabling a symmetrical footprint of development on the Aldi site. At a later stage within the pre-application, the applicant demonstrated that the proposed development and Aldi site would not be compromised by either site developing first and was deemed appropriate by the Urban Design Officer and the Design Review Panel.
- 9.42. Concerns and recommendations raised by the Urban Design Officer have been responded to positively during the assessment of the proposal including; extending the stone banding at ground floor level to first floor sill level, improving the visual impact of the entrance recess, installing full height glazing and high gloss cladding, installing additional decorative detailing to the elevations, revised brickwork, revised fenestration, revised lighting and the introduction of slender vertical signage above the student accommodation entrance.
- 9.43. Further changes were requested by the Urban Design Officer, including further urban greening to London Road, improved access to the central courtyard and the potential to improve the elevational composition of the stepped north-west

corner of the building. It must be noted however that the Urban Design Officer is in support of the scheme and considers it to be of high quality and that these additional suggestions were made in order to attain the highest possible design quality. The additional recommendations are noted, however, when considered holistically, and taking account of the amendments that the developer has already made, the overall scheme is considered acceptable.

- 9.44. Overall, the proposal presents a thorough contextual analysis of the site and surrounding area with a clear site strategy and development vision with regard to townscape, heritage assets and visual character. As a result, the proposed building can be accommodated comfortably within this context and would pay respect to neighbouring developments and heritage assets. The development and would provide a high quality building within an area in need of regeneration and would assist in creating a sense of place, in accordance with City Plan Part One Policy CP12.

Heritage:

- 9.45. Policy CP15 specifically relates to protection and enhancement of heritage assets and the city's aim to conserve and enhance the historic environment will be in accordance with its identified significance, giving the greatest weight to designated heritage assets and their setting.
- 9.46. Saved Policy HE6 of the Local Plan advises that proposals within or affecting the setting of a conservation area should preserve or enhance the character or appearance of the area and should show. Policy HE3 of the Local Plan states that development will not be permitted where it would have an adverse impact on the setting of a listed building.
- 9.47. The main areas of concern relate to the impact on the nearby Valley Gardens conservation area and the Grade I Listed St Bartholomew Church to the north. The Heritage Officer has reviewed the submitted heritage assessments and considers it to be comprehensive and robust.
- 9.48. The Heritage Officer has noted that the existing building is of some merit and does illustrate a particular point in time within the evolution of London Road. The building is however not locally listed, nor does it fall within a conservation area. The Heritage Officer has confirmed that the existing building makes a neutral contribution to the Valley Gardens conservation area. The building has been subject to several unsympathetic alterations in the past and the rear elevation is not considered to contribute positively to the surrounding area. As such the demolition of the building is not objected to subject to a suitable replacement. The Heritage Officer and the Conservation Advisory Group are in general support of the demolition of the building.
- 9.49. The most important view is considered to be up Pelham Street towards the southern elevation of St Bartholomew's Church. The Heritage Officer has noted that the development would pay respect to the adjacent Grade I listed building as that the substantial set back at fourth floor level facing St Peter's

Street would result in a building that would sit below the eaves line, thereby retaining the prominence of important elements of the Church within the streetscene. Furthermore, the Heritage Officer considers that proposed scale and massing is appropriate as it would maintain views to the southern gable of the Church, in addition to the Rose window; both of which are key elements within the listing of the building.

- 9.50. The Heritage officer has also noted that the proposal would help to enliven the adjacent square and would help to enhance the setting of the church and has welcomed the fact that the façade would match that of the existing building.
- 9.51. Overall, the scale and massing of the proposal is generally considered to be appropriate and can be supported in terms of Heritage, in accordance with City Plan Part One policy CP15, and retained Local Plan policies HE3 and HE6.

Impact on Amenity:

- 9.52. 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 can include a loss of privacy, a loss of natural light, a loss of outlook or the creation of a sense of enclosure. In addition, Policy SU10 seeks to ensure that proposed developments do not create undue levels of noise and disturbance.
- 9.53. The proposed building is of fairly significant scale and is located within close proximity to residential dwellings of a domestic scale and therefore the development would have the potential for significant impact on neighbouring amenity. It must be noted, however that this existing building is significant and therefore there is an existing level of harm. Furthermore, the site is located within a central location where there is a prevailing character of larger buildings set alongside smaller dwellings.
- 9.54. The closest residential units to the site are:
- **1-6 St Peter's Street** – two storey terrace of buildings to the west of the site split into residential flats
 - **45 Cheapside** – 3 storey block of flats
 - **141, 134-135 and 133 London Road** – upper floor flats within 2/3 storey mixed use buildings.
 - **9 and 10 London Road** – upper floor flats within a three storey mixed used building.
- 9.55. The applicant submitted a daylight and sunlight report which demonstrates that 3 rooms (one at 1 St Peter's Street and two at 2 St Peter's Street will fall marginally below the BRE guidelines. Given the separation afforded by the highway and the urban location, this is considered acceptable. Overall, the report finds that the development will not significantly reduce the daylight or sunlight of the main habitable rooms in surrounding properties.

- 9.56. The proposal would also allow for the possibility of overlooking and disturbance from roof terraces and additional windows at higher levels. The resultant relationships will impact upon the sense of privacy which some neighbouring residents currently benefit from. However, as detailed above the proposed development is in keeping with the pattern of development in the area, where there are a number of taller blocks of flats with balconies located alongside or to the rear of two storey dwellings and flats. Furthermore, the site is within a central built-up location where large buildings are characteristic, and a level of overlooking is to be expected.
- 9.57. Additionally, it is noted, that the overall design and massing of the scheme has been informed by the location of nearby residential properties, in particular the staggered profiles and the outlook would be significantly improved in comparison to the current servicing yard thereby enhancing the public realm. The applicant has also submitted an estate management plan to ensure the management of noise and operations within the scheme and a student management plan will be secured as part of the s106 agreement.
- 9.58. Overall in regard to overshadowing and daylight, loss of privacy and the potential for disturbance, it is acknowledged that an increased impact will occur to some local residential buildings, however taking into account all factors, including the benefits which the proposed development would deliver, including a substantial number of student units and upgraded retail unit in a sustainable location the proposed development is considered acceptable and would not cause an undue loss of amenity to adjoining occupiers in accordance with Policy QD27.

Sustainable Transport:

- 9.59. The site is located on London Road which is a key transport route within the city and benefits from sufficient bus services around the city. The site falls within an area where parking restrictions are in place. The existing site comprises three retail units with ancillary storage with parking and onsite loading bays to the rear. The applicant proposes to remove the rear parking and loading areas to make way for the development and to provide two disabled parking bays immediately outside the site on St Peter's Street, which is appropriate for the number of accessible units proposed, a loading bay/drop off zone on St Peter's Place and a serving bay immediately to the north of the site on providence place.
- 9.60. These loading bay proposals are based on surveys and forecasting carried out by the applicant which have demonstrated that the bay capacity is sufficient for the proposed quantum of development. Transport Officers have raised concerns in relation to the methodology used and have requested further surveys are undertaken to provide baseline data to assess the capacity of the existing retail units. The developer has however indicated that one of the existing retail units has ceased to operate and due to current restrictions as a result of the pandemic, surveys would not be representative of normal conditions. On this basis, the applicant has used an alternative industry

standard method to calculate the likely demand in order to establish the capacity required.

- 9.61. Despite this, the Transport Team have carried a survey and confirmed that the proposed loading bay capacity is acceptable. The Transport Team have however raised concerns regarding the proposed highways works with regards to highway safety. Notwithstanding the submitted details, it has been agreed with the Transport Team that revised information and further details can be secured obligation in order to address any outstanding concerns. This shall be secured as part of the legal agreement.
- 9.62. Concerns have been raised by transport officers in relation to cycle parking spacing and access to the cycle store for future occupiers. In response the applicant has amended the design of the building in order to widen corridors and access doors, which has been confirmed as acceptable. The Transport Team still raise concerns regarding the spacing between the two tier cycle parking stands, however have clarified that this would not amount to an objection. The applicant has confirmed that the spacing is inline with the manufacturing guidelines and will allow for a greater provision of spaces. The total provision of spaces is 104 long stay and 16 short stay for the student accommodation and 2 long stay and 16 short stay for the retail element, which is in accordance with SDP14 requirements. Whilst the concerns of the Transport team are noted, the provision is in accordance with SPD14 and overall, the cycle parking provision is considered acceptable and the concerns regarding the spacing would not warrant refusal of planning permission. The implementation of the cycle parking shall be secured by condition.
- 9.63. In addition to measures set out above, it is recommended that the following be secured by condition-
- Implementation of disabled car parking
 - A delivery and servicing management plan
 - Construction environment management plan (CEMP)
- 9.64. Transport officers have requested that the CEMP be requested via the s106 agreement. However, guidance does advise that where the information can be secured by a condition, a condition should be used. A condition is considered a suitable mechanism to secure the information and on this basis the CEMP is to be secured by condition.
- 9.65. A full scheme of travel plan measures, as set out within the heads of terms, is also recommended to be secured through s106 legal agreement, for approval by the Council prior to first occupation.

Air Quality:

- 9.66. In accordance with Policy DA4 of the City Plan Part One, BHCC seeks to ensure new development proposals take into account impact on local air quality and that improvements and/ or mitigation is sought wherever possible. Regard should be had to Policy SU9 of the Saved Local Plan and SA2 of the

City Plan Part One and an air quality assessment would be required to accompany any planning application. The development should ensure that improvements and/ or mitigation is sought wherever possible.

- 9.67. The application falls within an Air Quality Management Area (AQMA) in an area where NO₂ levels where records indicate that NO₂ levels have exceeded legal limits continuously since 2004. It is a requirement of policies SU9 and DA3 that developments within the AQMA must where practicable help to alleviate existing air quality problems and deliver improvements wherever possible. The application has been submitted with an air quality statement which concludes that the development would not generate significant levels of impact in air quality as a result of traffic nor from the proposed energy plant within the building. Furthermore, the report concludes that the units within the proposed development can achieve acceptable air quality conditions.
- 9.68. The Air Quality Officer is generally in support of the scheme and welcomes the use of Air Source Heat Pumps (ASHP) and solar panels to provide the principal source of heat, however concerns have been raised in relation to the use of a communal gas fired boiler for water heating, the use of a diesel back-up generator and the potential air quality within the rooms. The Air Quality Officer recommended the use of an electric system to heat water and suggests that rooms at first floor level facing London Road should be served by mechanical ventilation and shall have windows fixed shut. The Air Quality officer also raised concerns relating to a 'canyoning' effect within London Road due to the increase height of the building, however this concern has been withdrawn due to the minimal increase in height of the façade.
- 9.69. The applicant has clarified that the current proposal has been designed with air quality, sustainability and the cost for the future occupiers in mind as the efficiency of ASHPs directly relates to their running costs. It is proposed that ASHP will be the primary energy provider and that low NO_x gas boilers will provide top-up for the hot water system and used when the external ambient temperatures are low to ensure that the ASHPs are running efficiently.
- 9.70. Furthermore, the applicant has clarified that a back-up generator is required to ensure compliance with current Building Regulations and that the proposed diesel generator will only feed the life safety systems such as the sprinkler pumps and mechanical smoke systems; the generator will not be used as a back-up electrical services within the building in the event of power failure.
- 9.71. The Air Quality Officer still raises concerns about both systems set out above and advises that combustion free energy sources would be preferable. The submitted air quality assessment does however conclude that neither measure would generate a significant increase in air pollutants within the area, and this is not disputed by the Air Quality Officer. Although it would be preferable for a diesel generator to not be used within the development, the applicant has demonstrated that an auxiliary back-up system is required and that the use of the system would be minimal and for emergency processes only. Taking

account of this in addition to the measures that would be secured by condition to encourage use of sustainable transport modes including; cycle storage for all occupants, restricted routes of construction traffic and electromotive charging points, it is not considered that this objection would warrant refusal of the application.

- 9.72. In response to concerns regarding air quality within the rooms, the applicant has proposed a condition to carry out surveys within the specific locations of the site prior to commencement of the construction of the building. The Air Quality Officer has however suggested that a survey is unlikely to provide an accurate representation due to the current restrictions in movement and that mechanical ventilation and sealed windows are recommended. This practice is commonplace for developments within AQMAs within Brighton and Hove and has been secured on a number of residential and student schemes within the city. The applicant has confirmed that mechanical ventilation can be achieved within the current design and therefore shall be secured via condition.

Sustainability:

- 9.73. City Plan Policy CP8 requires that all new development achieves minimum standards for energy and water performance as well as demonstrating how the proposal satisfies a range of criteria around sustainable design features. 'Major' non- residential developments are expected to achieve BREEAM 'Excellent'.
- 9.74. In order to achieve these targets, the following is proposed:
- Well insulated building fabric
 - Air source heat pumps
 - Solar photovoltaics
- 9.75. The Sustainability Officer requires provision to be made for connection to a potential future heat network to ensure that a route from the highway to the plant room is identified and safeguarded so that a connection may be made if a heat network is developed in the area in future. A suitable condition has been recommended to secure this provision.
- 9.76. The Sustainability Officer has noted that it is credible that BREEAM requirements are considered at this early design stage, so that the maximum number of credits may be targeted and achieved.
- 9.77. The proposed reduction in carbon emissions amply meets the requirements of Brighton & Hove Policy CP8.

Archaeology:

- 9.78. Policy HE12 (Scheduled ancient monuments and other important archaeological sites) seeks to ensure development proposals preserve and enhance sites of known and potential archaeological interest and their settings.

9.79. The proposed development is situated within an Archaeological Notification Area, however based on the information submitted with the application the County Archaeologist does not consider that any significant archaeological remains are likely to be affected by these proposals, as such no objection is raised nor are any recommendations recommended. Therefore the proposed development complies with the provisions of Policy HE12.

Trees and Landscaping:

9.80. Policy QD16 requires applications for new development to accurately identify existing trees, shrubs and hedgerows and seek to retain existing trees and hedgerows. wherever feasible include new tree and hedge planting should be incorporated into proposals.

9.81. There are no trees located within the proposed development, however two off-site, local authority maintained trees are in proximity to the proposal. One of these trees (T2) is an Elm tree situated within the pavement of London Road at the front of the building to the east

9.82. The Tree Officer considers that there will be increased post development pressure on this Elm tree due to proximity, however this will be managed under the Council's current maintenance regime.

9.83. The application proposes a tree protection barrier should be secured by condition; however concerns were raised regarding the potential for damage to occur during the demolition and construction phase. As such a condition has been imposed for the applicant to provide tree protection measure prior to demolition to be approved by the LPA. A condition will also be imposed to ensure no storage of materials will occur in close proximity to the trees.

9.84. A priority for the New England Quarter Development Area is ensuring redevelopment opportunities extend and strengthen green infrastructure. In addition, the development area strategy seek to revitalise and regenerate the area. The rear of the site is in dire need of public realm enhancements to provide improved visual amenity. The applicant has appointed Landscape Architects to ensure landscaping plays an integral part of the scheme as requested by the Urban Design Officer. As such, the following landscaping features are incorporated into the proposal:

- Southern Courtyards (with three new trees)
- Northern Courtyard (with two new trees)
- Roof terrace
- Green roof new paving
- 2 Street trees

9.85. The proposed larger southern courtyard will provide the primary amenity space for the students and be at ground level. A smaller courtyard will be located to the north will be directly accessible from the student entrance and be at first floor level. Rooftop amenity space will be situated at fourth floor level to the west of the Site overlooking St Peter's Street and Providence Place. Deep

buffer landscaping is proposed for the outside of the rooms whilst ensuring the courtyard responds to the solar aspect.

- 9.86. During pre-application stage the applicant was encouraged to provide an additional street tree on London Road, however they have argued that this was not feasible due to the street infrastructure and underground services on London Road.
- 9.87. The Urban Design Officer has recommended
- expanding space for ground planting around the base of the existing Elm tree, as well as installing planters to either side of the existing bus shelter
 - Develop detailed planting plans to show that proposed defensible space offers sufficient scope for privacy to ground level bedroom windows.
- 9.88. The planting plans within the site are duly conditioned. Given the implementation of the Community Infrastructure Levy, it is considered that the provision of off-site public realm and landscaping works should not be sought via section 106 legal agreement.
- 9.89. The landscaping scheme is of a high-quality and introduces significant green infrastructure into the site and development area. As such it is considered that the scheme complies with the aims of Policy DA4 and CP12.

Ecology:

- 9.90. Section 40 of the Natural Environment and Rural Communities (NERC) Act 2006 states that: 'Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity'. Policy CP10 of the City Plan Part 1 sets out criteria for development to conserve, restore and enhance biodiversity and improve access to it. The site comprises buildings and hard standing within an urban setting. There are no trees or vegetation on site, although there are two trees close to the site.
- 9.91. As noted by the County Ecologist, the site is not designated for its nature conservation interest. The nearest designated site is Brighton Station Local Wildlife Site (LWS or Site of Nature Conservation Importance) which lies c. 249m to the west. Given the nature, scale and location of the proposed development, there are unlikely to be any impacts on the LWS or any other sites designated for their nature conservation interest.
- 9.92. Although the building on site was assessed as offering low bat roost potential, surveys found no evidence of roosting bats and the site overall is of limited suitability for bats. As such, no specific mitigation for bats is required. Furthermore, the County Ecologist considers that the site is unlikely to support any other protected species.
- 9.93. The following measures shall be secured by condition in order to provide a net gain in biodiversity:

- nest boxes/integrated bricks for house sparrows and swifts
- green roof
- landscaping

9.94. In summary, the county Ecologist raises no objections and provided the recommended mitigation and enhancement measures are implemented, she considers that the proposed development can be supported from an ecological perspective.

9.95. Overall, the proposal will comply with Policy CP10 of the CPP1.

Other Considerations:

Sustainable Urban Drainage / Flood Risk:

9.96. Policy CP11 in the City Plan Part One sets out that the council will seek to manage and reduce flood risk and any potential adverse effects on people or property in Brighton & Hove, in accordance with the findings of the Strategic Flood Risk Assessment (SFRA). Policies SU3, SU5 and SU11 in the Local Plan relate to water resources and their quality, surface water and foul sewage disposal infrastructure and polluted land and buildings.

9.97. The site is located in Flood Zone 1, which has the lowest probability of flooding, however there is a high risk of surface water flooding on the site. A sustainable Urban Drainage Strategy for the site will include permeable paving, attenuation tank and a green roof.

9.98. The sustainable drainage team do not raise any objections to the scheme subject to a condition securing a detail design and updated micro-drainage calculations.

Security:

9.99. Policy CP12 seeks all development to incorporate design features which deter crime or disorder and the fear of crime fence. A legal agreement will ensure that there is a 24-hour security presence which would also accord with Policy CP21.

9.100. Sussex Police have commented on the proposed application and have no objection to the scheme but have recommended a number of measures to the applicant. It is clear that the proposed development will enhance the public realm and reduce opportunities for crime to the rear, with the provision of an active frontage.

Waste:

9.101. Policy WMP3d of the Waste and Minerals Plan requires development proposals to minimise and manage waste produced during construction demolition and excavation. A development of scale will produce significant quantities of construction, demolition and excavation waste, and a comprehensive Site Waste Management Plan should be required by condition. Paragraph 49 of the National Planning Practice Guidance provides guidance

on what could be covered in the SWMP in order to meet the requirements of the policy . Policy WMP3d also requires applicants to demonstrate how the durability of the construction has been maximised. A condition has been imposed to secure details of a waste management plan.

Contamination:

- 9.102. A contamination report has been submitted which demonstrates that the risk for contamination and associated remediation is low. Environmental Health Officers have reviewed the contamination report and raise no objections, subject to conditions securing demolition and construction environment management plans in addition to relevant contaminated land surveys.

10. CONCLUSION

Conclusion & Planning Balance:

- 10.1. Paragraph 11 of the NPPF makes it clear that planning application decisions should apply a presumption in favour of sustainable development.
- 10.2. The proposed development would provide 156 student rooms, which represents a substantial contribution towards the need for purpose built student housing in the city. The site is ideally located for such development being in close proximity to University teaching accommodation and on a main road / sustainable transport corridor. The development would also provide 453sqm of modern high quality retail space.
- 10.3. Whilst not all of the comments and recommendations of the Urban Designer have been incorporated into the scheme, the design of the building is considered appropriate and sympathetic to nearby heritage assets and would assist in the regeneration of the wider London Road area. Urban Design and Heritage Officers are in support of the application.
- 10.4. The proposed PBSA will provide a good, fit-for-purpose residential accommodation with the necessary amenities in a highly sustainable location.
- 10.5. The proposed development would introduce green infrastructure into the vicinity and a net increase in biodiversity will be achieved across the site.
- 10.6. The proposal would result in a loss retail floor space, however the quality of the space would be improved and would offer a superior flexible retail space whilst enabling underutilised space to provide student residential accommodation and ensuring the primary retail frontage is retained and adequate retail space is provided. The future viability of the space is not considered to be compromised by the reduction in space. The development would revitalise and improve the development area, enhancing the public realm.

- 10.7. The proposed development would have a marginal impact on two properties in the vicinity, however this impact is not considered to be severe and is commensurate to a redevelopment within a central location such as this.
- 10.8. It is also acknowledged that there are several further amendments that could be made in respect of Sustainable Transport, however a lack of these amendments does not warrant refusal of planning permission, and sufficient conditions and obligations are recommended to secure additional details where necessary.
- 10.9. The scheme is in general accordance with the relevant local and national planning policies and guidance and is in accordance with the presumption in favour of sustainable development. Overall, whilst the scheme would cause harm in some respects, these concerns have been fully assessed, and overall it is considered that the scheme would deliver substantial benefits which would outweigh this harm. Approval is therefore recommended subject to the conditions and s106 requirements.

11. EQUALITIES

- 11.1. Accessible units and disabled parking spaces will be provided.

12. COMMUNITY INFRASTRUCTURE LEVY

- 12.1. 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. It is estimated that the amount of CIL liability for this application is £ 336,787.50. 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.

13. DEVELOPER CONTRIBUTIONS

The contributions required would be allocated and spent as follows:

- 13.1. Submission of an Employment & Training Strategy to secure the use of at least 20% local construction labour
- 13.2. A financial contribution of £15,600 towards the Local Employment Scheme
- 13.3. A Commercial and Residential Travel Plan to secure a variety of measures including:
- A travel pack for each new employee/resident
 - To offer incentives to each first student from a choice of the following:

- Subsidised bus travel season tickets
- Subsidised rail tickets
- Two year car club membership
- Two year Brighton & Hove Bike Share membership
- Bikeability training
- £150 voucher towards bicycle
- Maintenance stands for cyclists
- Information on sustainable transport options within marketing sales and recruitment material.
- A notice board displaying information relating to sustainable transport options and travel plan information
- 'Doctor bike services'
- Monitoring and associated fees

13.4. A s278 agreement in order to secure:

- 2 x loading bay on St Peter's Street and Providence Place
- Repaving of footways on St Peter's Street and Providence Place
- 2.0m footway provided along the western boundary to connect to the existing provision to the south
- Raised table at the junction of St Peter's Place and Providence Place

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

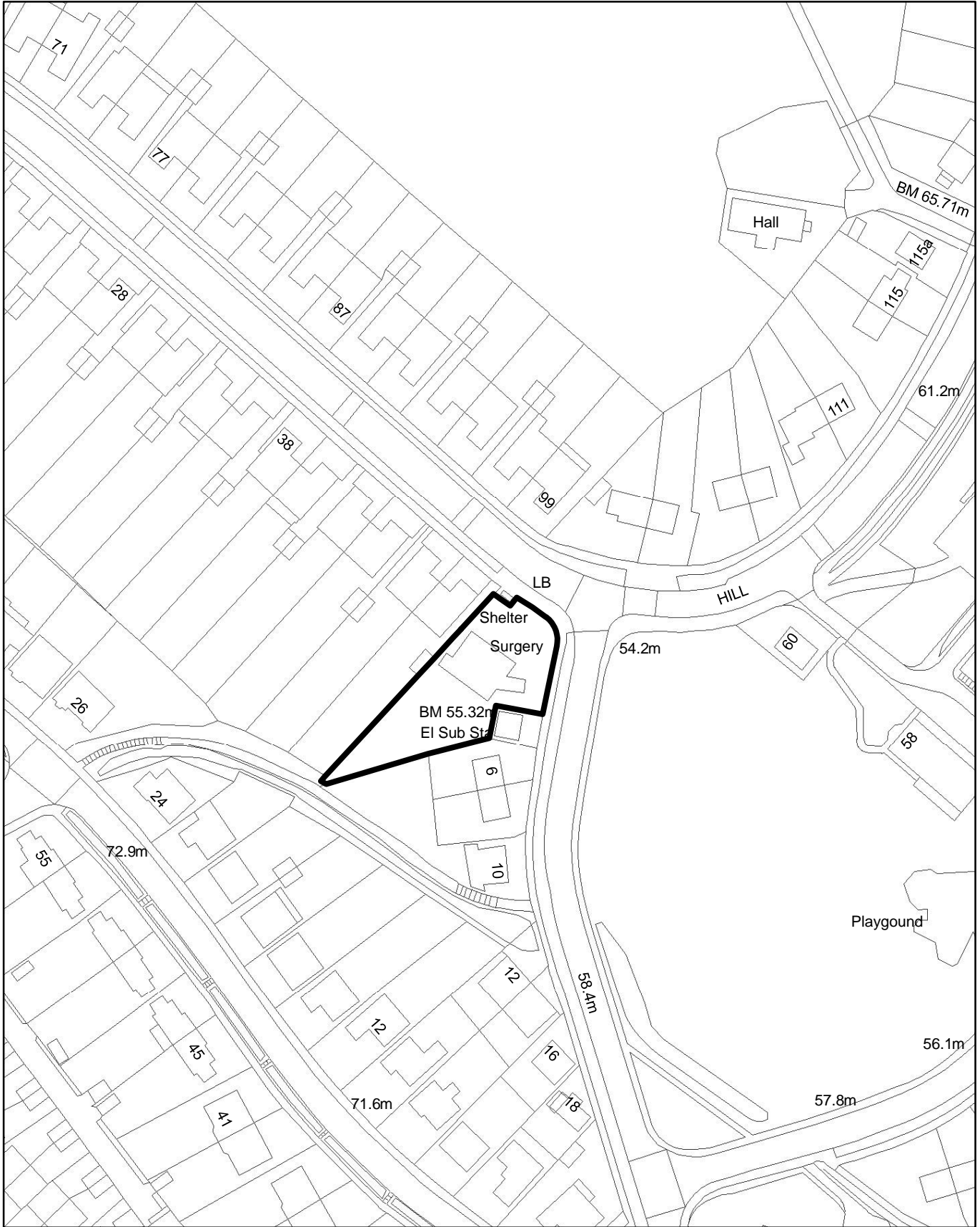
1. The proposed development fails to deliver a skills and employment strategy and in accordance with Policy CP2 of the Brighton and Hove City Plan Part One and the City Council's Developer Contributions Technical Guidance.
2. The proposed development fails to deliver a contribution skills and employment contribution in accordance with Policy CP2 of the Brighton and Hove City Plan Part One and the City Council's Developer Contributions Technical Guidance.
3. The proposed development fails to deliver a Student Management Strategy and in accordance with Policies CP21 of the Brighton and Hove City Plan Part One.
4. The proposed development fails to provide adequate travel plan measures to encourage use of sustainable transport modes and therefore fails to address the requirements of Policies CP7 and CP9 of the Brighton and Hove City Plan Part One.
5. The proposed development fails to provide highway works and public realm improvements contrary to the requirements of Policies DA6, CP7 and CP9 of the Brighton and Hove City Plan Part One.

ITEM D

**50 Heath Hill Avenue, Brighton
BH2014/00331
Deed of Variation**

DATE OF COMMITTEE: 13th January 2020

BH2014/00331 - 50 Heath Hill Avenue, Brighton.



**Brighton & Hove
City Council**

Scale: 1:1,250

Subject:	50 Heath Hill Avenue, Brighton, Request to vary Unilateral Undertaking in connection with planning permission BH2014/00331.		
Date of Meeting:	10 February 2021		
Report of:	Executive Lead Officer – Strategy Governance & Law		
Contact Officer:	Name:	Luke Austin	Tel: 01273 294495
	Email:	luke.austin@brighton-hove.gov.uk	
Ward(s) affected:	Moulsecoomb and Bevendean		

1. PURPOSE OF THE REPORT

- 1.1 To consider a request to vary the Heads of Terms of the Unilateral Undertaking dated 20th April 2015 in connection with planning permission BH2014/00331 to allow for removal of the requirements of students and management to the University of Sussex or University of Brighton and for the removal of the requirement to provide a replacement doctor's surgery.

2. RECOMMENDATION

- 2.1 That the S106 Head of Terms restricting students and management of the accommodation to the University of Brighton or the University of Sussex be varied and the requirement for a replacement doctor's surgery be removed, as set out below:
- The development shall be occupied by students from the University of Brighton or the University of Sussex or other higher education establishments within the city.
 - The developer shall enter into a Management Plan with a higher education provider or a student accommodation operator.

3. BACKGROUND INFORMATION

- 3.1 Permission was granted at appeal on 21st May 2015 for the following development:

BH2014/00331 (50 Heath Hill Avenue, Brighton) - Application for variation of condition 2 of application BH2012/03818 (Demolition of existing surgery and residential accommodation and erection of new surgery and student accommodation comprising of 19 rooms) to permit internal alterations and changes to fenestration to increase accommodation to 24 rooms.

- 3.2 The granting of permission was subject to a Unilateral Undertaking agreement containing the following Heads of Term (amongst others) as set out in the original committee report:
- Provision of a temporary replacement doctor's surgery
 - Occupation by students from the University of Brighton or the University of Sussex only.
 - Management Plan
- 3.3 The original application (**BH2012/03818**) for the demolition of the doctor's surgery and the erection of a new building containing 19 student rooms was allowed at appeal (ref. **APP/Q1445/A/13/2200971**) in November 2013. A later application (**BH2014/00331**) was submitted to alter the earlier permission by way of increasing the number of rooms to 24. As set out above, this application was refused at committee and later allowed at appeal.
- 3.4 The permission was part implemented in November 2016 by way of demolition of the pre-existing doctor's surgery. No further works have taken place since and the site is currently vacant. As the development was part implemented, the permission remains extant.

4. PROPOSAL

- 4.1 The developer wrote to the council 10 September 2020 seeking to amend the Unilateral Undertaking in order to remove the restrictions of students and management of the accommodation to either The University of Sussex or the University of Brighton. In addition, the developer also sought the removal of the requirement for a temporary replacement doctor's surgery to be provided.

5. COMMENT

- 5.1 The developer has provided additional evidence in order to justify the amendments to the wording of the legal agreement. As set out above, the developer seeks to remove Clause 3; the requirement for a replacement doctor's surgery within the vicinity of the site, following demolition of the surgery.
- 5.2 The developer's covering letter indicates that the demolition of the surgery has had no apparent detrimental impact to the running of existing surgeries within the area and therefore this requirement is no longer necessary.
- 5.3 A letter from the Clinical Commissioning Group (CCG) has been provided which indicates that the closure of the surgery has not resulted in a dispersal pressures as this area of the city is well serviced by GP practices and branch surgeries. Furthermore, the CCG letter confirms that there is no demand for an additional surgery at this site and there are no plans to commission additional health services in the vicinity of the site.

- 5.4 Given the fact that the surgery has been demolished for over four years with no harmful impact of the surrounding area, the removal of the requirement for a temporary replacement surgery is considered acceptable.
- 5.5 The developer also seeks to remove the restrictions of occupation and management of the student accommodation to the University of Brighton and the University of Sussex, as required by clauses 4 and 5 of the legal agreement. The developer's covering letter states that the wording allows for limited flexibility and does not take account of other higher education establishments within the city, which is in accordance with the current policy framework and emerging policies in City Plan Part Two.
- 5.6 The developer has also provided letters from both the University of Brighton and the University of Sussex, both of which indicate that neither university would currently be looking take on this site.
- 5.7 City Plan Part One Policy CP21 has been adopted since application BH2014/00331 was determined. The policy recognises that there are a number of other higher educational establishments within Brighton and Hove and allows for flexibility of occupation and management of student accommodation to educational establishments other than the city's two universities.
- 5.8 Based on the points set out above, the removal of clause 3 and the amendment of clauses 4 and 5 is considered acceptable and would accord with the priorities of policies CP21 of the Brighton and Hove City Plan Part One and HO20 of the Brighton and Hove Local Plan.

6. BACKGROUND DOCUMENTS

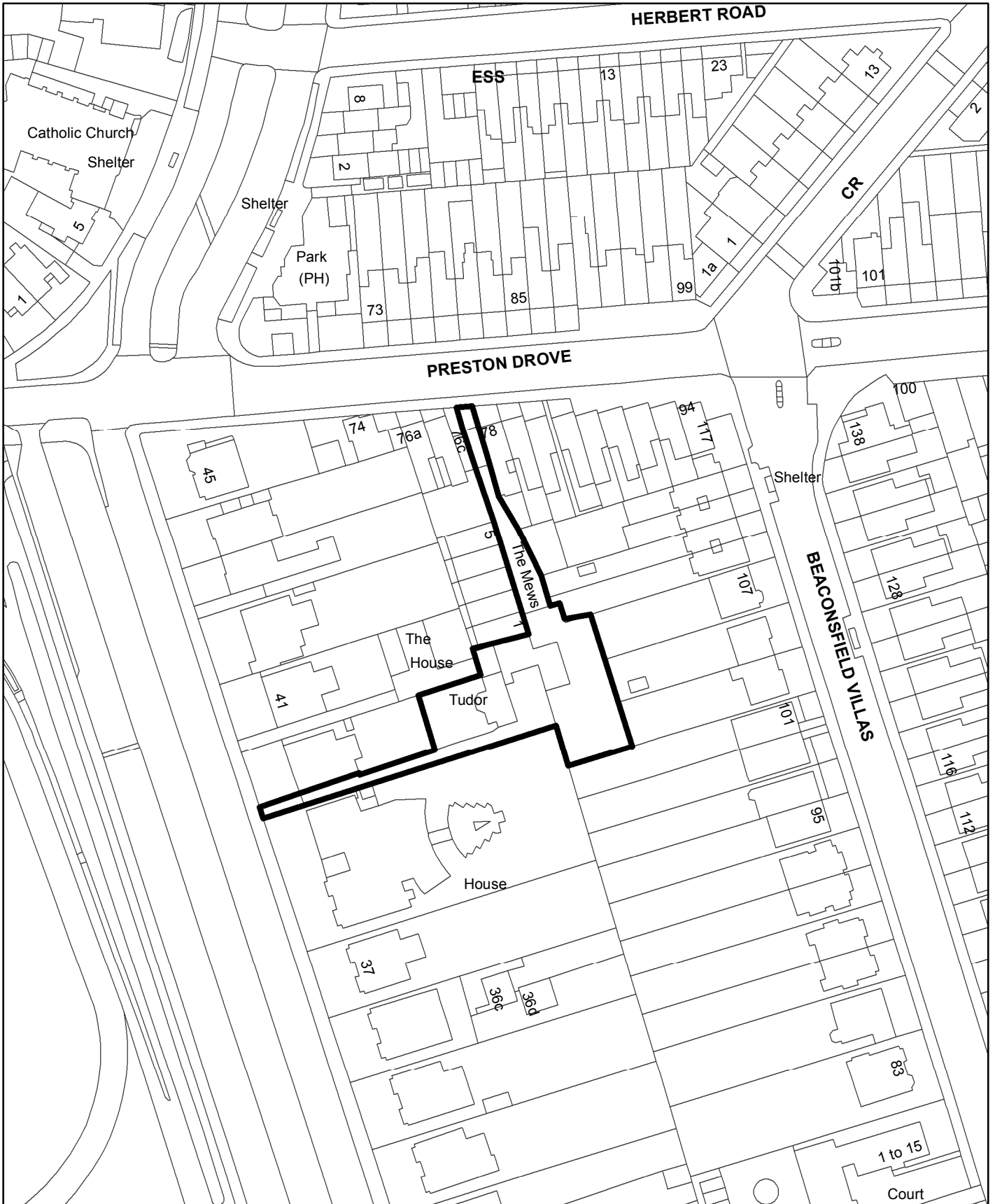
Planning Applications **BH2014/00331** and **BH2012/03818**.
Appeal Decision **APP/Q1445/A/13/2200971 (BH2012/03818)**.
Appeal Decision **APP/Q1445/W/14/3001891 (BH2014/00331)**.

ITEM E

**39A Preston Park Avenue
BH2020/01969
Full Planning**

DATE OF COMMITTEE: 10th February 2021

BH2020 01969 - 39A Preston Park Avenue



N



Scale: 1:1,250

<u>No:</u>	BH2020/01969	<u>Ward:</u>	Preston Park Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	39A Preston Park Avenue Brighton BN1 6HG		
<u>Proposal:</u>	Subdivision to create 2no dwellings; 1no 5-bedroom dwelling and 1no 4-bedroom dwelling (C3). Part two storey to the south elevation of existing annexe and part single storey extension to east elevation of existing annexe. Erection of new first floor balcony, replacement of all windows and revised fenestration. Erection of a garage and associated landscaping (Part-retrospective).		
<u>Officer:</u>	Rebecca Smith, tel: 291075	<u>Valid Date:</u>	06.08.2020
<u>Con Area:</u>	Preston Park Avenue	<u>Expiry Date:</u>	01.10.2020
<u>Listed Building Grade:</u>	N/A	<u>EOT:</u>	
<u>Agent:</u>	N/A		
<u>Applicant:</u>	Mr & Mrs. Errol and Joanne Barrett 39A Preston Park Avenue Brighton BN1 6HG		

This application was deferred from Committee on the 13 January to allow Members to carry out a site visit.

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	106.3 01	P0	21 July 2020
Proposed Drawing	106.3 10	P0	21 July 2020
Proposed Drawing	106.3 11	P0	21 July 2020
Proposed Drawing	106.3 12	P0	21 July 2020
Proposed Drawing	106.3 07	P1	23 September 2020
Proposed Drawing	106.3 05	P2	20 October 2020
Proposed Drawing	106.3 06	P2	20 October 2020
Proposed Drawing	106.3 08	P2	20 October 2020
Proposed Drawing	106.3 09	P1	20 October 2020
Proposed Drawing	106.3 03	P4	20 October 2020

2. 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.
3. Prior to first occupation of the development hereby permitted, a scheme for landscaping shall be submitted to and approved in writing by the Local Planning Authority. The approved landscaping shall be implemented in accordance with the approved details in the first planting season after completion or first occupation of the development, whichever is the sooner. The scheme shall include the following:
 - a. details of all hard and soft surfacing to include type, position, design, dimensions and materials and any sustainable drainage system used;
 - b. a schedule detailing sizes and numbers/densities of all proposed trees/plants including details of tree pit design, use of guards or other protective measures and confirmation of location, species and sizes, nursery stock type, supplier and defect period;
 - c. details of all existing and proposed boundary treatments, to include type, position, design, dimensions and materials;Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
Reason: To enhance the appearance of the development in the interest of the visual amenities of the area and to comply with policies QD15 of the Brighton & Hove Local Plan and CP12 and CP13 of the Brighton & Hove City Plan Part One.
4. The vehicle parking area(s) shown on the approved plans shall not be used otherwise than for the parking of private motor vehicles and motorcycles belonging to the occupants of and visitors to the development hereby approved and shall be maintained so as to ensure their availability for such use at all times. The car parking layout hereby approved shall be implemented in full accordance with plan 106.3 03 P4 to ensure that there is delineation between cars and pedestrians, prior to first occupation of the dwellings.
Reason: To ensure that adequate parking provision is retained and to comply with policy CP9 of the Brighton & Hove City Plan Part One and SPD14: Parking Standards.
5. Notwithstanding the submitted plans, the development hereby permitted shall not be occupied until details of secure cycle parking facilities for the occupants of, and visitors to, the development have been submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be fully implemented and made available for use prior to the first occupation of the development and shall thereafter be retained for use at all times.

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

6. A bee brick shall be incorporated within the external wall of the development hereby approved and shall be retained thereafter. There should be one bee brick in the extension for Stable Cottage and a separate bee brick incorporated into the garage.

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

7. The construction of the external garage to Stable House and the construction of the part one part two storey extension to Stable Cottage hereby permitted shall not be commenced (including demolition and all preparatory work) until the protection measures identified in the submitted arboricultural method statement (Ref: NJCL 788) received on the 12th October 2020 are in place and retained throughout the construction process. The fences shall be erected in accordance with British Standard BS5837 (2012) Trees in relation to design, demolition and construction - Recommendations and shall be retained until the completion of the development and no vehicles, plant or materials shall be driven or placed within the areas enclosed by such fences.

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

8. The flint walls to the boundary of the development proposed shall be retained and (if necessary) repaired using like for like materials and traditional methods.

Reason: To preserve the character and appearance of the conservation area and to be in accordance with policy HE6 of the Brighton & Hove Local Plan and policy CP15 of the City Plan Part One.

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

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

Informatives:

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

- 2 Where possible, bee bricks should be placed in a south facing wall in a sunny location at least 1 metre above ground level.

2. SITE LOCATION

- 2.1. The application site comprises a large, detached, two storey building in a horseshoe shape, set around a courtyard. It was used as an annexe to the care home at 38-39 Preston Park Avenue to the west. The application site is set behind properties on Preston Park Avenue to the west, Preston Drove to the north, and Beaconsfield Villas to the east. It is accessed by a separate driveway fronting Preston Park Avenue and has another point of access from Preston Drove, shared with a row of dwellings created in a mews.
- 2.2. The existing building is two-storey with rendered walls and tiled roof the existing windows and doors are a mix of wooden white windows and white uPVC. The grounds are currently arranged as a one plot with entrances linking the building through to Preston Drove and Preston Park Avenue.
- 2.3. The application is located in the Preston Park Conservation Area.

3. RELEVANT HISTORY

- 3.1. **BH2020/01244** - Erection of single storey rear extension incorporating biodiverse green roof and roof terrace, with associated alterations. Withdrawn
- 3.2. **BH2020/01243** - Splitting existing 1no. Dwelling into 2no. Dwellings (additional unit to be two storey, three bedroom dwelling (C3)) and internal alterations with installation of new fenestration to existing house. Proposal also incorporates erection of garage/home studio unit and landscaping enhancement. Withdrawn
- 3.3. **BH2017/00018** - Erection of single storey offices (B1) with other associated alterations. Refused 09.05.2017. Appeal Dismissed.
The reason for refusal was 'the proposed building, by virtue of its scale, design and siting would cause significant harm to the character and appearance of the existing property and surrounding Preston Park Conservation Area, contrary to policy CP15 of the Brighton and Hove City Plan Part One and policies QD14 and HE6 of the Brighton and Hove Local Plan.'
- 3.4. **BH2016/01883** - Erection of single storey offices (B1) with other associated alterations. Refused 01.09.2016.
- 3.5. **93/0611/CA** - Demolition of existing out-building and erection of 2 storey extension comprising 4 bedrooms, lounge and kitchen as annexe to existing building. Approved 23.11.1993.
- 3.6. **93/0610/FP** - Demolition of existing out-building and erection of 2 storey extension comprising 4 bedrooms, lounge and kitchen as annexe to existing building. Approved 23.11.1993.

4. APPLICATION DESCRIPTION

- 4.1. The proposal seeks permission to subdivide the property to form two dwellinghouses; 'Stable House', a five bedroom to the west, accessed from Preston Park Avenue; and 'Stable Cottage', a smaller four-bedroom to the east, accessed from Preston Drove. Each would have their own garden areas and parking, with the following works proposed to facilitate the subdivision:
- extend the annexe part of the building to the southern and eastern elevations by way of a part 1 part two storey extension.
 - replacement fenestration
 - construction of an external garage
 - Construction of a balcony and Juliet balcony to proposed unit 1.
 - associated landscaping, car parking, cycle parking and refuse and recycling facilities.
- 4.2. The parts of the application that are retrospective in nature are the new windows shown on the revised plans to both proposed dwellings and the pergola feature in respect of the larger Stable House.
- 4.3. A number of amendments to the plans were received during the course of the application including the removal of balconies. The overall site plan was also amended to alter the car parking, cycle parking and refuse/recycling layout in respect of Stable Cottage and the subdivision of the plots changed to allow it more outdoor space.
- 4.4. The description has also been updated to better reflect the proposal, namely the subdivision of the site into two dwellings.

5. REPRESENTATIONS

- 5.1. **Fourteen (14) letters** have been received, objecting to the proposed development for the following reasons:
- Restriction of view
 - No reassurance about potential loss of trees
 - Additional traffic
 - Residential amenity
 - Noise
 - More intensive use of Preston Drove driveway
 - Unacceptable impact on habitable rooms of 1 The Mews
 - Reduced safety and security for the Mews development.
 - Implications of fire safety for development
 - Disturbance from Stable Cottage
 - Detrimental impact on property value
 - Access to Stable cottage has only been a secondary access
 - Over development
 - Adversely affects conservation area

- Loss of privacy
- Use of courtyard garden by children compromised
- New dwelling would be cut off from Preston Park Avenue entirely
- The new development is narrow with limited space for turning and manoeuvring or delineation between users.
- Additional comings and goings
- South facing balconies will overlook Preston Park Avenue and Beaconsfield Road.
- Awkward subdivision of plot
- Preston Drive access is controlled by pin number and intercom, how will the new dwelling be accessible?
- Overshadowing
- Loss of green corridor between Beaconsfield Villas and Preston Park Avenue.

- 5.2. Please note that of the **14 letters** received there are only **9** unique individual representations accounting for some duplication between respondents and those without name or address.
- 5.3. **Councillor Hugh-Jones** has objected to the proposal. A copy of the letter received is attached to this report.

6. CONSULTATIONS

- 6.1. **Arboriculture:** No objection
First Comment - 17/08/2020:

To enable arboricultural comment we will require a tree survey conforming to BS5837: 2012 - Trees in relation to design, demolition and construction - Recommendations, along with protection measures during the construction phase for all trees being retained on site.

Second Comment - 12/10/2020:

- 6.2. The method statement is fairly generic, but from an arboricultural viewpoint there isn't anything to object to, with all trees proposed for retention and stated as unaffected by works. We would want to see protective fencing measures in place pre commencement, also confirmation on the current car parking concrete slab & whether there is any intention to update this? There would be a significant incursion into specified root protection area (RPA) of T1 Sycamore and the disturbance of any roots beneath. If this were to be considered an agreed construction method statement for any works would be required.
- 6.3. **Environmental Health:** No comment received
- 6.4. **Heritage - Verbal Comment:** No objection
 Whilst the site is located within the Preston Park conservation area, the site is setback from the two street elevations quite substantially.

6.5. Should ensure that the proposed development (if approved) does not impact on any of the flint boundary walls, this can be secured by condition.

6.6. **Planning Policy:** No comment

6.7. **Sustainable Transport:** No objection

First Comment - 27/08/2020:

6.8. Pedestrian access to the proposed dwelling entrance appears to be level and therefore acceptable.

6.9. No objection to the change of use subject to conditions requiring cycle parking, refuse and recycling collection point/store is secured close to the vehicle entrance

6.10. Cycle parking is indicated for both existing and proposed dwellings on the proposed plans and are within minimum Parking Standards SPD14.

Additional Comment (following amended site plan) - 16/10/2020:

Cycle parking:

6.11. The applicant has amended the location of the new dwelling's cycle parking from the drive to an area in the lawned garden beneath a large tree. It is recommended that the cycle parking be located elsewhere in a location away from the tree as there is no tarmac path (or similar) to allow for convenient access during inclement weather. It is also unclear if the ground is even at the base of the tree. A 'Notwithstanding the plans hereby approved' cycle parking condition is recommended to be attached in this instance (see suggested condition below).

Car parking:

6.12. It is recommended in the new driveway layout that a protected pedestrian path be created for the new dwelling, to improve pedestrian access. This would also encourage a reduction in car ownership/ parking by the new dwelling. Notwithstanding the proposed car parking arrangement on the new plan, the amended hardstand could allow further vehicles to be parked (and therefore would not accord to Parking Standards SPD14).

7. MATERIAL CONSIDERATIONS

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

7.2. The development plan is:

- Brighton & Hove City Plan Part One (adopted March 2016)
- Brighton & Hove Local Plan 2005 (retained policies March 2016);
- East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (adopted February 2013);

- East Sussex, South Downs and Brighton & Hove Waste and Minerals Sites Plan (adopted February 2017);
- Shoreham Harbour JAAP (adopted October 2019).

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

8. POLICIES

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part Two

Policies in the Proposed Submission City Plan Part 2 do not carry full statutory weight but are gathering weight as the Plan proceeds through its stages. They provide an indication of the direction of future policy. Since 23 April 2020, when the Plan was agreed for submission to the Secretary of State, it has gained weight for the determination of planning applications but any greater weight to be given to individual policies will need to await the outcome of the Regulation 19 consultation which closed on 30 October 2020.

Brighton & Hove City Plan Part One

SS1	Presumption in Favour of Sustainable Development
CP1	Housing delivery
CP8	Sustainable buildings
CP9	Sustainable transport
CP10	Biodiversity
CP11	Flood risk
CP12	Urban design
CP14	Housing density
CP15	Heritage

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

TR4	Travel plans
TR7	Safe Development
TR14	Cycle access and parking
SU10	Noise Nuisance
QD14	Extensions and alterations
QD15	Landscape design
QD16	Trees and hedgerows
QD27	Protection of amenity
HO5	Provision of private amenity space in residential development
HO11	Residential care and nursing homes
HO13	Accessible housing and lifetime homes
HO20	Retention of community facilities
HE6	Development within or affecting the setting of conservation areas

Supplementary Planning Documents:

SPD06	Trees & Development Sites
SPD11	Nature Conservation & Development

9. CONSIDERATIONS & ASSESSMENT

- 9.1. The main considerations in the determination of this application relate to whether the proposed change of use and subdivision to form two dwellinghouses is acceptable, the impacts of the proposed alterations and extensions to the existing building on design and appearance, including the impact on the wider conservation area, the impacts on neighbouring amenity and transport and ecology matters.
- 9.2. The proposal is part-retrospective in nature as some of the external alterations have already taken place, as noted above.
- 9.3. Due to the ongoing coronavirus pandemic a physical site visit has not taken place during the assessment of this application. Instead a desktop assessment has been made using up to date photographs of the site provided by the agent and street view imagery, which is considered sufficient to assess the acceptability of the proposal.

Principle of Development:

- 9.4. 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.
- 9.5. 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).

Existing and Proposed Use:

- 9.6. 39A Preston Park Avenue has recently been sold by the Grace and Compassion Benedictines (GCB). Prior to the sale the property was used as ancillary accommodation for the care home at 38-39 Preston Park Avenue. The building at 39A did not directly provide care for residents but did accommodate the sisters after the 1988 refurbishment of the buildings when nos. 38 and 39 were combined.
- 9.7. Although the building at 39A Preston Park Avenue is in residential use, it is not considered by the Local Planning Authority to have been in use as a C3 family home. As the property is not in use as a C3 residential use the application does not need to be assessed against local Plan policy HO9.

- 9.8. The marketing details for the sale of the property and the short statement from the previous users of the site, GCB, sets out a demonstrably link between 38-39 Preston Park Avenue and 39A Preston Park Avenue. Furthermore, prior to the submission of this application (BH2020/01243) an earlier application shows an existing layout featured a chapel and showed a layout featuring a number of bedrooms consistent with the account from GCB that the property was used as ancillary accommodation for the sisters of the Order who cared for residents in 38-39 and carried out the work of the charity.
- 9.9. It is therefore considered that policy HO11 applies. Policy HO11 seeks to retain existing residential care stock where possible. In cases where this is not possible the preferred use for sites is residential. The policy states that *'former homes will often be ideally located to provide opportunities for additional housing'*. In this instance the care home facility is not lost entirely, but reduced in scale to aid long-term viability of the site. The ancillary accommodation at 39A Preston Park Avenue, procured in the 1980s, is no longer required in connection with the care home/convent operations. In this instance, although there is a loss of facilities for the care home/convent, it is only a partial loss as the rest of the care home remains operational. As the care home continues to operate it is considered that policy HO11 is therefore complied with.
- 9.10. Accordingly, the change of use of the building at 39A is considered to be in accordance with local policies and would provide additional housing units which would contribute to current housing targets, representing a small windfall development of housing.

Subdivision:

- 9.11. The subdivision of the building would not be noticeably different; however, the subdivision of the overall plot would be. Currently there is a main building and an annexe, with an extension proposed to the annexe which is discussed later in this report.
- 9.12. The subdivision of the plot is necessary to create space around the proposed dwellings for cycle parking, parking and outside amenity space. Aside from the land forming the extension for the smaller property the open character of the space would remain. As existing the property benefits from a large garden and the subdivision and create of an additional; residential use would not be harmful to the overall pattern of the development in the wider area.

Design and Appearance:

- 9.13. Permission is sought for alterations to the larger of the proposed units and a part one-, part two-storey extension to the smaller proposed dwelling; the creation of balconies to both dwellings, and associated alterations. An external garage is also sought for the larger proposed dwelling.
- 9.14. The proposed extension to the eastern dwelling would significantly increase its footprint and provide a good standard of accommodation, within a good-sized plot. The two-storey element will increase the projection to the south of the building allowing for more bedroom space and living area. The single storey extension would be to the east and incorporate three roof lights in the roof. It

would be appropriately detailed with materials to match the existing building, except for the new windows which would be grey framed and also considered acceptable. The materials to be used in the remainder of the development are also considered acceptable, and in keeping with the surrounding properties and the conservation area.

Impact on Preston Park conservation area:

- 9.15. In considering whether to grant planning permission for development in a conservation area the Council has a statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the area. Case law has held that the desirability of preserving or enhancing the character or appearance of a conservation area must be given "considerable importance and weight".
- 9.16. The verbal comments of the Conservation Officer are supportive of the scheme, this does represent development within a conservation area, however it is substantially different to that proposed and assessed under the appeal in relation to BH2017/00018. The previously refused and appeal dismissed proposal sought a building with a footprint of 72 sqm and the extensions proposed as part of this property create an additional 45.5 sqm to the footprint of Stable Cottage, the smaller eastern unit. This proposal would provide a resulting development has significantly less footprint and bulk compared to what was refused. The development now proposed is also substantially different as it would be an extension rather than detached so would not lead to significant further fragmenting the 'green' nature of the rear part of the curtilage. Even with the proposed extension to the existing annexe part of the building there is still significant space within the plot and the development would be set away from shared boundaries.
- 9.17. Although the proposed external garage (in association with Stable House, the larger western unit) represents a further 20sqm of built up footprint, the whole site is arranged in such a way that the open nature of the plot is not severely compromised by the additional building, to warrant refusal on this basis. The style of the building is also in keeping with the proposals with appropriate materials and detailing proposed.
- 9.18. The development applied for is fully residential, therefore the character of the area would not change. The proposed layouts of the new dwellings would result in both having outdoor spaces relative to the size of the dwellings. It is also noted that the development does not propose to remove the flint walls within the garden. It is noted that the Conservation Officer requested that a condition be attached to any approval to ensure that the flint walls are retained. The retention of open greenery, trees and the flint walls do preserve the character and appearance of the conservation area whilst allowing for an increase in residential units.
- 9.19. Accordingly, the development would be acceptable in terms of the conservation area and not in conflict with policies HE6 or CP15.

Landscaping:

- 9.20. The exact details of the proposed landscaping are to be agreed later and a landscaping condition is recommended to achieve this. The recommended approved layout features a pergola, courtyard, upper garden and front lawn area for the larger Stable House and a long rectangular garden for Stable Cottage. The external amenity areas for both proposed properties allow for planting space and incorporate the retention of trees on site. The arboriculturist has been consulted on matters relating to trees and confirmed that the plans are acceptable in this regard. They have requested that a condition is attached to ensure that the trees are protected during construction. This has been incorporated into this recommendation to require that no external works in relation to Stable Cottage can proceed until the tree protection measures are in place and that these must be maintained and retained throughout construction.

Access:

- 9.21. The subdivision set out above will create two dwellings with their own parking and amenity areas. Stable House, the larger unit, would only be accessible through a driveway linking to Preston Park secured with a high green wooden gate. Stable Cottage would be accessed via an access to/from Preston Drove shared with an existing row of dwellings in a mews. There would be no linkage between the units, either by car or on foot.

Standard of Accommodation:

- 9.22. The proposal seeks to retain the existing character of the building as a larger residence by providing two, large dwellings, namely Stable House (318.02 sqm) and Stable Cottage (3/4 bedrooms; 164.46 sqm).
- 9.23. Policy QD27 seeks to ensure a good standard of amenity for future occupiers of the proposed development and this requirement is one of the core planning principles of the NPPF.
- 9.24. The standard of accommodation for the proposed dwellings will be assessed individually. Elements of the Nationally Described Space Standards (NDSS) have been used as a reference point when assessing the standard of accommodation. These standards have not yet been adopted, however it is acknowledged that similar standards are sought to be included in City Plan Part Two, which gives an indication of the direction of planning policy within the city.

Stable House (Unit 1):

- 9.25. The proposed dwelling at Stable House would have five bedrooms ranging from 7.88sqm to 28.8sqm, it is noted that three of the five bedrooms are en-suites and that only one bedroom does not have walk-in/built-in storage.
- 9.26. Stable House would include ample living accommodation including a feature lounge on the first floor. On the ground floor there is a choice of living areas and a bathroom. There are ancillary spaces annotated to accommodate a library, utility and gym/games room. There are separate bathrooms on both floors of the property, access to bathroom facilities will be good throughout the dwelling.
- 9.27. All of the bedrooms and habitable rooms would have outlook, and access to light and natural ventilation. The size of the unit is more than enough to comply with

the suggested sizes set out in the NDSS for a five-bedroom unit and when ancillary areas to bedrooms and living areas are taken into account the spaces provide a high standard of amenity in accordance with paragraph 127F of the NPPF.

Stable Cottage (Unit 2):

- 9.28. The proposed dwelling at Stable Cottage would have three/four bedrooms ranging from 8.91sqm to 34.7sqm. Although the plans have annotated a 'study' this has been assessed as a bedroom as it is large enough to be considered a single bedroom, hence the reference to three/four when discussing property size.
- 9.29. Stable Cottage would benefit from a large living/dining/kitchen area on the ground floor with direct access to the garden. There would be a separate shower and toilet on the ground floor and separate utility room. There would be a bathroom on the first floor which is large enough to accommodate a standard size bath.
- 9.30. All of the bedrooms and habitable rooms would have outlook, and access to light and natural ventilation. The size of the unit is more than enough to comply with the suggested sizes set out in the NDSS for a four-bedroom unit and when ancillary areas to bedrooms and living areas are taken into account the spaces provide a high standard of amenity in accordance with paragraph 127F of the NPPF.

Outdoor space:

- 9.31. Each property would also have access to outdoor private amenity space. The division of garden areas has been subject to alteration from what was initially proposed. The proposed garden of Stable Cottage has been enlarged from what was originally proposed and while it only benefits from one garden area when compared to Unit 1 which has a front lawn, courtyard and upper garden, both areas are considered reflective of the sizes of the dwellings proposed. Both gardens are proposed to be appropriately screen with timber fencing and hedges to ensure that there is some privacy. The provision of outdoor space is therefore compliant with policy HO5.
- 9.32. The proposal for the two dwellings would represent a high standard of accommodation internally and externally for both dwellings. This would be consistent with policies HO5 and QD27 of the Brighton & Hove Local Plan and paragraph 127F of the NPPF.

Impact on Amenity:

- 9.33. 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.
- 9.34. The proposed residential use for two dwellings is consistent with the surrounding character. The proposed extension to Stable Cottage to the rear and side would not be close to any neighbours other than the adjoining Stable House. The

additional residential uses will create more comings and goings from the property, but an additional household is not considered to be significantly harmful compared to the existing use as ancillary accommodation in association with the care home.

- 9.35. The proposed extension and alterations to the property are not considered to cause any significant harm to existing neighbouring residents that adjoin the boundary of the site. The part one part two storey extension is sited away from adjoining boundaries and there is a significant gap between the built footprint of the proposal and that building line of Beaconsfield Villas. The proposed external garage would not create any amenity harm to adjoining residents on the Preston Park Avenue side of the development. The alterations proposed would not harm the properties located off Preston Park Avenue or within The Mews development. It is noted that the proposed a balcony (off the feature lounge within Unit 1) may afford users distant views of the rear gardens of Preston Park Avenue to the south, however as this boundary is well screened from existing greenery this is unlikely to cause significant harm. Furthermore, no objections have been received from properties likely to be affected by the proposed balcony to Unit 1.
- 9.36. As discussed earlier in the report amendments to the scheme were sought during consideration. This included alterations to the proposed inset balcony to Unit 2 included as part of the original proposals. The balcony was not considered harmful to the gardens of Beaconsfield Villas as it was inset in nature and would have been screened to the east by the roof. As part of discussions it was recommended that this balcony either be altered to a Juliet balcony or removed entirely from the scheme as a balcony would create harmful overlooking to the garden area that would form part of Unit 1. The balcony was subsequently removed from the proposal and replaced with a window.
- 9.37. The removal of the inset balcony has not yielded a significant reduction in amenity harm as there was little amenity harm to begin with. The removal of the balcony has prevented harmful overlooking from a proposed upper floor balcony in unit 2 to the upper garden which the applicant wanted to retain as part of unit 1. Amendments to the plans were made and there is now a window in the south elevation. Although some views of the neighbouring garden will be possible this is not considered to be significantly harmful. Some overlooking of gardens from upper floor windows is expected in built up urban residential areas. This would not warrant refusal of the application.
- 9.38. During the application amendments to the driveway layout for Stable Cottage were sought to see if the car parking, using the existing access, could be situated further away from the basement window of 1 The Mews and potentially lessen the amenity impact of this close relationship. These amendments have not been sought in response to significant harm being identified, rather in response to an opportunity arising from the development to seek a better outcome in this existing tight neighbour relationship.

Sustainable Transport:

- 9.39. The proposed two dwellings five-bedroom and four-bedroom respectively would create additional demand on the Local Highway network. The proposals include provision for car parking in accordance with SPD14 and cycle parking and for both properties. Although indicative locations for the cycle parking have been provided, further details of the cycle parking are recommended to be secured by condition to ensure that the facilities provided are compliance with TR14 and SPD14.
- 9.40. The proposed units benefit from off street parking spaces and separate drives. The applicant is retaining the existing number of car parking spaces for the proposed dwellings and in this instance it is deemed that it would be unreasonable to object.. The proposed parking arrangements are recommended to be conditioned to ensure that car parking for residents/visitors is retained at all times and implemented in accordance with the plans submitted including the delineated footpath in respect of Unit 2.

Sustainability:

- 9.41. Regarding new build development policy CP8 seeks compliance with optional Building Regulation Standards for energy and water use. As a conversion of an existing building no standards beyond normal Building Regulations are sought.

Biodiversity:

- 9.42. The proposal includes an extension to Stable Cottage and a part one part two storey extension to Stable Cottage. These would be suitable for a bee brick in each structure which would contribute towards ecological outcomes in the city. A condition requiring a bee brick has been attached to improve ecological outcomes on the site in accordance with policy CP10 of the City Plan Part One and Supplementary Planning Document SPD11 Nature Conservation and Development.

Other matters:

- 9.43. Several objections received refer to the site access from Preston Drove as being via a privately owned courtyard, with some referring to limitations on access rights. The LPA are aware that there is a dispute over access here, but this is a civil matter and therefore needs to be resolved separately outside of the planning process.

10. COMMUNITY INFRASTRUCTURE LEVY

- 10.1. 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. It is estimated that the amount of CIL liability for this application is £10,443.00. 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.
- 10.2. The calculation quoted above is subject to the submission of evidence to show that the building has been in its continuous lawful use for at least six months in the three years prior to the day that planning permission is granted.

11. EQUALITIES

- 11.1. The development does refer to the conversion of an existing building therefore policy HO13 cannot be fully applied. It is however noted that both proposed properties appear to have level access and could be suitable for persons with mobility difficulties. Stable Cottage goes further and has bedroom, bathroom and living facilities on the ground floor so could be particularly suitable for individuals with additional needs.

Cllr. Siriol Hugh-Jones
BH2020/01969 – 39A Preston Park Avenue

26th August 2020:

Please accept this letter as an objection to the above application and a request that it go to Planning Committee if the officer decision is otherwise to grant permission.

I wish to object to this application on grounds of accuracy and the proposed access from Preston Drive. The plans indicate that the entire area from Preston Drive is owned by the applicants. However, this is strongly refuted by the residents of the Mews who have provided officers with Official Copy Entries of the Land Registry Title for 39a Preston Park Avenue.

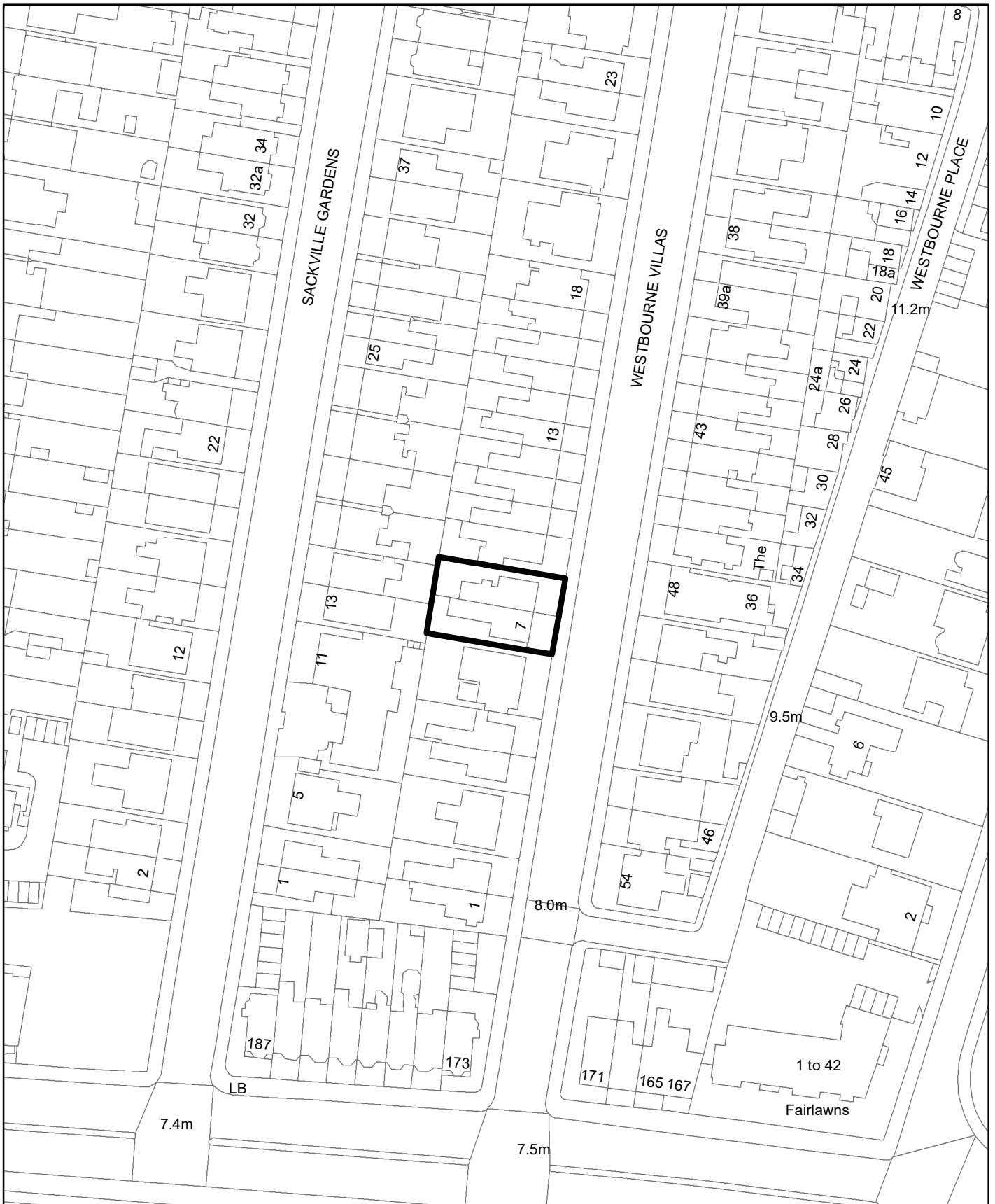
The plan further describes the division of the property into two units, with unit 2 having two carpark spaces and requiring regular vehicular access via the courtyard of 76 Preston Drive. Residents of the Mews and their children regularly cross the courtyard to access the garden and a play area. Vehicular access by two cars is therefore likely to raise safety concerns and to interrupt the quiet enjoyment of the space by existing residents.

ITEM F

**Adastral House,
7 - 8 Westbourne Villas
BH2020/03091
Full Planning**

DATE OF COMMITTEE: 10th February 2021

BH2020/03091 Adastral House, 7 - 8 Westbourne Villas, Hove, BN3 4GQ



**Brighton & Hove
City Council**



Scale: 1:1,250

<u>No:</u>	BH2020/03091	<u>Ward:</u>	Westbourne Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	Adastral House 7 - 8 Westbourne Villas Hove BN3 4GQ		
<u>Proposal:</u>	Change of use from hotel (C1) to a 19-room large House in Multiple Occupation (Sui Generis) including installation of side and rear rooflights.		
<u>Officer:</u>	Russell Brown, Tel: 293817	<u>Valid Date:</u>	29.10.2020
<u>Con Area:</u>	Sackville Gardens	<u>Expiry Date:</u>	24.12.2020
<u>Listed Building Grade:</u>	N/A	<u>EOT:</u>	
<u>Agent:</u>	ADA Architects 129 Kings Road Halstead C09 1HJ		
<u>Applicant:</u>	Mrs Angelique Glata 7 - 8 Westbourne Villas Hove BN3 4GQ		

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	589 - 001	C	1 December 2020
Proposed Drawing	589 - 002	F	21 December 2020
Proposed Drawing	589 - 100	I	3 December 2020
Proposed Drawing	589 - 101	E	1 December 2020
Proposed Drawing	589 - 200	D	1 December 2020
Proposed Drawing	589 - 201	C	29 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 number of persons residing at the premises shall not exceed nineteen (19) at any one time and each bedroom shall be for single person occupancy only.

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

4. The kitchen, dining, lounge and laundry rooms/areas shown on drawing no. 589-100 Rev I received by the Local Planning Authority on 3 December 2020 and drawing no. 589-101 Rev E received by the Local Planning Authority on 1

December 2020 shall be retained as communal space at all times and shall not be used as a bedroom.

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

5. The rooflights hereby approved shall have black or dark grey coloured steel or cast metal frames and shall be fitted flush with the adjoining roof plane.
Reason: To ensure a satisfactory appearance to the development and to comply with Policies QD14 and HE6 of the Brighton & Hove Local Plan and CP12 and CP15 of the Brighton & Hove City Plan Part One.
6. Full details of the new gates to the side of 7 and 8 Westbourne Villas hereby approved, including 1:20 scale elevations and materials / finishes, have been submitted to and approved in writing by the Local Planning Authority within three months of the decision date of this permission.
Reason: To ensure a satisfactory appearance to the development and to comply with Policies QD14 and HE6 of the Brighton & Hove Local Plan and CP12 and CP15 of the Brighton & Hove City Plan Part One.
7. The hard surface hereby approved shall be made of porous materials and retained thereafter or provision shall be made and retained thereafter to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the property.
Reason: To reduce the risk of flooding and pollution and increase the level of sustainability of the development and to comply with Policies CP8 and CP11 of the Brighton & Hove City Plan Part One and SPD16.
8. The House in Multiple Occupation hereby approved shall be operated in accordance with the Management Plan received 12 January 2021 and shall continue to be operated as such thereafter unless otherwise agreed in writing by the Local Planning Authority.
Reason: In order to avoid an adverse impact upon the residential amenity of the locality and to comply with Policy QD27 of the Brighton and Hove Local Plan.
9. The two car parking spaces shall not be used until the extended crossovers and accesses hereby permitted have been constructed.
Reason: In the interests of highway safety and to comply with Policies TR7 of the Brighton & Hove Local Plan and CP9 of the City Plan Part One.
10. The cycle parking facilities shown on the approved plans shall be fully implemented and made available for use within three months of the decision date of this permission. 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.

Informatives:

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

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

- 2 The applicant is advised that advice regarding permeable and porous hard surfaces can be found in the Department of Communities and Local Government document 'Guidance on the permeable surfacing of front gardens'.

2. SITE LOCATION

- 2.1. The application relates to two properties, a semi-detached pair, on the west side of Westbourne Villas approximately 110m from Kingsway to the south. They are both three storeys of crème-coloured render with stucco around the sash windows and doors with canted bays and porticos. Both have a driveway with space for one vehicle and front gardens behind low rendered blockwork walls. The properties have been in unauthorised use as a 21-bedroom short-term hostel for the homeless (Sui Generis use) for the last two years. Its authorised use is as a hotel. The current application is designed to better reflect how the accommodation is currently being used and the owner's longer-term aspirations for the site.
- 2.2. Westbourne Villas is predominantly two and three storey terraced housing, but includes some semi-detached and detached villas. The area is predominantly residential in character together with a small number of care homes.
- 2.3. The site is located within the Sackville Gardens Conservation Area, is opposite a locally listed street lamp and is within Controlled Parking Zone (CPZ) R.

3. RELEVANT HISTORY

- 3.1. BH2016/00795: Change of use from hotel (C1) to 8no self-contained flats (C3) with single storey rear extension and associated alterations. Withdrawn 18.11.2016
- 3.2. BH2007/04234: Change of use from hotel to 3 x 2 bed self contained flats and 15 holiday letting rooms. Refused 05.03.2008 and dismissed at appeal on 11.02.2009
- 3.3. BH2007/02700: Change of use from hotel (C1) to 3 no 2 bed self-contained flats and 15 holiday letting rooms including side and rear extensions and other alterations. Refused 25.09.2007
- 3.4. BH1997/01570/FP: To provide access for disabled. Install a flagpole to match existing in no.8 Westbourne Villas. Provide parking for one motor vehicle. Granted 22.12.1997

4. APPLICATION DESCRIPTION

- 4.1. The current application seeks a change of use from hotel (Use Class C1) to a 19-room large House in Multiple Occupation (Sui Generis) including the installation of side and rear rooflights.
- 4.2. Changes were made during the course of the application to remove the front rooflights and to the internal layout, resulting in the loss of one room, from 20 to 19.

5. REPRESENTATIONS

- 5.1. **Ten (10)** representations have been received objecting to the application on the following grounds (eight of which were from properties directly affected)
 - Trees / foliage at the back of the property should be kept to protect against sound and overlooking, especially as there would be 20 bedsits.
 - The rear or side rooflights should not shine onto properties behind and be left on all night.
 - Whilst there is a need to support local homeless and vulnerable people and disturbance to neighbours is relatively small, it is imperative that the homeless, a minority of whom could be addicted to drugs, drink and violence, remain supervised 24 hours. Blinds to properties opposite would have to be drawn.
 - There is already a high concentration of HMO's in Westbourne Villas compared to other local streets and, if approved, there would be a 'block' of 3 next to each other. This is against the City Plan.
 - There is a demand for hotels west of Hove Street as this area becomes more popular; this hotel does not need to compete with those in Brighton town centre. The reason it hasn't been financially viable recently is due to zero investment.
 - Concerned that maximising profit is coming before social welfare.
 - The change from hotel to guest house for the homeless was done without any prior notice to the local residents.
 - The change of use has already had an impact on parking for local residents, and a further change to HMO it will mean increased difficulties in parking.
 - This application shows no provision for an office or staff, which must be provided 24/7 and secured by condition.
 - This change of use compromises the safety of those living on this street.
- 5.2. Concerns were also raised regarding an impact on house sales but this is not a material planning consideration.

6. CONSULTATIONS

External

- 6.1. **Sussex Police:** No major concerns providing the crime prevention recommendations and observations are addressed and a condition is added securing single occupancy for each room, the application is supported.

Internal

- 6.2. **Heritage:** The addition of the two proposed front rooflights should be resisted, only a minority of buildings on Westbourne Villas have them. The proposed loft accommodation could be adequately lit with modest rooflights on the side and rear roofslopes. Subject to appropriately detailed fittings, secured via condition, a single rooflight on each side and each rear roofslope would be considered acceptable. The existing block site plan indicates a rooflight / dormer on the front roofslope, which does not appear on the existing elevations or on aerial and street views available online. No comment on the proposed change of use.

Additional Comments: Confirmation that the removal of the proposed rooflights from the front elevation resolves their concerns.

- 6.3. **Planning Policy:** No objection
- 6.4. **Private Sector Housing:** No comments to make
- 6.5. **Transport:** Comments Initial concerns over cycle parking overcome during process, and further details can be secured by condition. Concerns over use of car parking spaces, clarification provided by the applicant during the planning process. Conditions sought.

7. MATERIAL CONSIDERATIONS

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

8. POLICIES

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part Two

Policies in the Proposed Submission City Plan Part 2 do not carry full statutory weight but are gathering weight as the Plan proceeds through its stages. They provide an indication of the direction of future policy. Since 23 April 2020, when the Plan was agreed for submission to the Secretary of State, it has gained weight for the determination of planning applications but any greater weight to be given to individual policies will need to await the outcome of the Regulation 19 consultation which ended on 30 October 2020.

Brighton & Hove City Plan Part One

SS1	Presumption in Favour of Sustainable Development
CP1	Housing delivery
CP6	Visitor accommodation
CP12	Urban design
CP15	Heritage
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
SU9	Pollution and nuisance control
SU10	Noise Nuisance
QD14	Extensions and alterations
QD15	Landscape design
QD27	Protection of amenity
HO10	Accommodation for homeless people
HE6	Development within or affecting the setting of conservation areas

Supplementary Planning Documents:

SPD11	Nature Conservation & Development
SPD12	Design Guide for Extensions and Alterations
SPD14	Parking Standards
SPD16	Sustainable Drainage

9. CONSIDERATIONS & ASSESSMENT

- 9.1. The main considerations in the determination of this application relate to the principle of development, design and heritage, the impact on neighbouring amenity, the proposed standard of accommodation and the impact on the highway.
- 9.2. Because of COVID restrictions, officers did not undertake a site visit in relation to the present application, but it is considered that the context of the development and the planning considerations relating to this are well understood from the information that is available.

Principle of development

- 9.3. The site is located within the Hotel Core Area as defined in the current Brighton and Hove Local Plan 2005. Policy SR15 of the Local Plan does not permit the change of use of hotels in this core area unless clear evidence is provided to

demonstrate that the hotel or other accommodation is no longer viable.

- 9.4. City Plan Policy CP6 redefines the Hotel Core Zone (HCZ) boundary in light of findings from the Hotel Futures Study 2007 to exclude the western (Hove) part of the city, and seeks to protect existing hotels / guest houses (serviced accommodation) within the HCZ but will allow their loss subject to certain criteria. The HCZ is focussed around the main accommodation clusters and drivers of accommodation demand and therefore only extends as far west as Montpelier Road. Policy CP6 is considered to hold more weight than Policy SR15 and therefore the application site is considered to not be in the HCZ. Outside of the HCZ, the Council employs a more flexible approach to allow those premises with limited potential, to re-position themselves viably to exit the market. As such, the loss of the hotel in this instance is considered acceptable.
- 9.5. Whilst the applicant has not provided any information of marketing of the hotel, they do give the following reasons for the non-viability of the hotel:
- The property is located a considerable distance away from the main tourist attractions and conference facilities in the city centre. As such, hotels within easy walking distance of central Brighton are more popular in comparison. Paragraph 4.58 of the City Plan confirms that there is a total of 160 hotels and guest accommodation in the city, the majority of which are located in central Brighton. Peripheral locations such as Westbourne Villas, therefore present significant disadvantages in the hotel market place.
 - A number of new hotels have opened in the city centre in recent years including the Ibis Hotel (88-92 Queens Road), Jurys Inn (101 Stroudley Road), Indigo Hotel (Block J, New England Quarter). Again, these are in significantly more convenient locations than the application site.
 - The accounts show considerable investment in the last three years and yet due to the aforementioned reasons, occupancy has continued to drop.
 - Extensive advertising including on all hotel websites in addition to an aggressive pricing strategy have all failed to raise occupancy levels even during what would be considered peak seasons for the hotel industry.
- 9.6. City Plan Policy CP21 does not permit applications for new HMOs (Houses in Multiple Occupation) where more than 10% 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. In this case, there are HMOs at nos. 9, 17 and 45 Westbourne Villas in addition to 24A Westbourne Place. A 50m radius includes 63 properties. Therefore, 6.3% of dwellings within a 50m radius would be in HMO use. As such, the principle of a HMO use in this location is considered acceptable.
- 9.7. Of the original 19 residents, six are still in situ, a further five have been living in the property for over a year and six for more than six months. There is one new resident and one empty room. Hence the change of use application would better reflect the existing and future use of the houses.
- 9.8. At present the rooms are allocated via the Council's referral and application procedure for Commissioned Homeless Adult Supported Accommodation. This

minimises the use of emergency bed and breakfast accommodation and avoids the use of the under-occupied Council homes.

- 9.9. The accommodation therefore currently supports the Council's aim of increasing the supply of accommodation for homeless people (in this case, for the medium to long-term).
- 9.10. In its current form, the proposal also accords with Local Plan Policy HO10 which permits the provision of residential accommodation to meet the needs of homeless people as long as the site is well served by local community services, public transport and walking and cycling routes. The applicants have submitted a management plan for the site (which is considered in more detail in the Impact on Neighbouring Amenity section of this report). The Management Plan sets out the profile of residents, the requirements placed on residents for living in the accommodation and how it will be managed in terms of the on-site staff and support that will be available. A condition requiring the premises to be operated in accordance with the Management Plan, provides an on-going link between the accommodation and its support to local homeless people.
- 9.11. Accordingly, the proposal is considered to be compliant with Policies SS1, CP1, CP6 and CP21 of City Plan Part One and Local Plan Policy HO10 and can be supported in principle.

Design and Heritage

- 9.12. When considering whether to grant planning permission for development in a conservation area the Council has a statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the area. Case law has held that the desirability of preserving the character or appearance of a conservation area must be given "considerable importance and weight".
- 9.13. One side rooflight and one rear rooflight are proposed to no. 7, there are no changes to the external surfaces of no. 8. Given the limited visibility of the rear of no. 7 and the existing rooflight to the side roofslope of no. 8, the proposed rooflights are considered acceptable. Any approval would be subject to a condition to ensure that they have black or dark grey coloured steel or cast metal frames and fitted flush with the roof plane so they do not project above it.
- 9.14. Two gates, one to each side of this semi-detached pair would be installed to provide secure access to the rear garden, bin stores and bicycle shelter. Further details can be secured by condition.
- 9.15. The existing car spaces would be moved across to provide a 1.2m path to the gates and again a condition is recommended to ensure the paving is permeable and / or porous. This has a resultant impact on the crossovers, which shall be discussed later on in this report. The front gardens would be reduced in width, but would be laid with turf in place of the hard standing, which is supported as it brings benefits in respect of surface water run-off, drainage and absorption.
- 9.16. The proposal in its revised form is relatively minor in nature and is considered to preserve the character and appearance of the Sackville Gardens Conservation

Area. Since it does not cause any harm to the significance of designated heritage assets, the public benefits of the proposal do not need to be weighed against it, although they would be significant in the form of the 19 new rooms for medium to long-term accommodation for the homeless. As such, the proposal is considered to be compliant with City Plan Part One Policies CP12 and CP15 and Local Plan Policies QD14, QD15 and HE6 in addition to SPD12 and SPD16.

Impact on Neighbouring Amenity

- 9.17. Paragraph 127 of the NPPF outlines that planning decisions should ensure that developments create places that promote health and well-being, with a high standard of amenity for existing and future users.
- 9.18. The main impact of the proposal on residents would be on those properties opposite (48 and 49 Westbourne Villas) and directly adjoining to the side (6 and 9 Westbourne Villas) and rear (13, 15 and 17 Sackville Gardens). The main considerations would be noise and general disturbance.
- 9.19. It is not considered that the proposed rooflights, given their location and angle of installation looking upwards towards the sky, would give rise to overlooking and any light spill would be equivalent to that from the existing windows.
- 9.20. The applicant has provided a management plan for the property detailing the service model, the person specification for residents and a copy of the licence agreement for residents / occupiers.
- 9.21. The property provides a "low support" service meaning:
"Clients are established in their recovery journey and usually engaged with support services, although this may fluctuate and the provider will engage assertively when someone is disengaging. Clients may have mental ill health, substance misuse issues or physical health needs, but usually able to manage these so they do not negatively impact on their tenancy. Clients may lack a daytime structure that they find meaningful on referral. Engaged in developing their independent living skills, strengthening community links and building resilience. Willing to engage in a process that leads to them moving to independent accommodation Clients will require 1-2 hours individual support a week plus additional activities either inside or outside the Service."
- 9.22. The service is staffed 24 hours a day, 7 days a week by one Service Manager, two Deputy Service Managers and three Personal Mentors (key workers) as well as security officers being employed between the hours of 20:00-08:00. All have a welfare approach / background and there is no live-in accommodation for staff.
- 9.23. Details of the licence agreement for residents is provided in the management plan, but they must:
- be accountable for their own actions;
 - have a local connection to Brighton and Hove;
 - be willing to engage with a support worker and in positive change;
 - want to treat the house as a home;
 - treat everyone with respect and fairly; and
 - be willing to engage in community living.

- 9.24. The management plan therefore gives Officers confidence that the premises would not give rise to a significantly adverse impact on neighbouring residents, subject to a recommendation that a condition be secured for its ongoing implementation in perpetuity.
- 9.25. It is also noted that there have been a number of incidents reported to the Police at and around the premises location. Given these concerns and the potential for the property to accommodate 38 persons with double beds shown in each room, it is recommended that a condition be added restricting the property to a maximum occupation of 19 residents.
- 9.26. As such, the proposal is considered to be in accordance with Policies SU9, SU10 and QD27 of the Brighton and Hove Local Plan.

Standard of Accommodation

- 9.27. Policy QD27 of the Brighton and Hove Local Plan aims to secure a good standard of living accommodation for current and future occupiers in all new developments. Accommodation should therefore provide suitable circulation space within the communal spaces and bedrooms once the standard furniture has been installed, as well as good access to natural light and air in each habitable room.
- 9.28. The 'Nationally Described Space Standards' (NDSS) were introduced by the Department for Communities and Local Government in 2015 to establish acceptable minimum floor space for new build developments. Although these space standards have not been formally adopted into the Brighton and Hove City Plan, they provide a useful guideline on acceptable room sizes that would offer occupants useable floor space once the usual furniture has been installed.
- 9.29. Each bedroom would be well in excess of the NDSS figure for single person occupancy of 7.5m² and this is therefore acceptable. Although an ensuite and a kitchenette unit with a fridge, sink, microwave and cupboard is included within each room, laundry and dining facilities are elsewhere within the property and thus this is not self-contained accommodation but rather a HMO where facilities are shared.
- 9.30. Communal facilities in the form of a kitchen, dining and lounge area are provided on the ground floor in addition to a common kitchen / dining area on the second floor. The amount of provision is considered acceptable for 19 occupiers.
- 9.31. With the exception of the bedrooms within the loftspace that have a rooflight each, each bedroom within this HMO has at least one window and therefore benefits from sufficient outlook, ventilation and natural light.
- 9.32. As per the existing situation, residents would have access to the area at the rear of the property, mainly to access to bins and bicycles, but which could be used as sitting out space as well as the front garden, which would be laid with lawn. This is considered adequate for a HMO use, particularly given the proximity of both Hove Lawns and the beach which is a three minute walk away.

- 9.33. As such, the proposal is considered to offer acceptable living conditions for future occupiers, compliant with Local Plan Policies QD27.

Sustainable Transport

- 9.34. The site is considered to be in a sustainable location given the proximity to bus stops on Kingsway (A259) and New Church Road (B2066) three minutes' walk away, and local shops and services which are less than 10 minutes by foot.
- 9.35. The level of car parking spaces is compliant with SPD14; two spaces provided out of a maximum of five. It has been confirmed that the two car parking spaces would be for management / staff and maintenance contractors. Demountable bollards are proposed to prevent their use by the general public.
- 9.36. It is not considered that the use would lead to overspill car parking given that residents would be unlikely to have their own vehicle. It is not considered appropriate to impose the car-free condition requested by the Local Highways Authority (LHA) because parking in the local area and limiting the issue of parking permits is already covered through the management of Controlled Parking Zone (CPZ) R. There would be insignificant trip generation resulting from the proposal.
- 9.37. A licence from the LHA is required for the extended crossovers and it is therefore recommended that a condition be imposed in the event of an approval to ensure the spaces are not used until the extended crossovers are installed.
- 9.38. Following revisions, the cycle parking spaces to the rear of the building would be sufficient in number (10 long stay for residents and four short stay for visitors), adequately spaced and covered (by a shelter). The cycle parking is therefore broadly in line with comments from the LHA and Sussex Police and is considered acceptable subject to a condition securing its provision within three months of the decision date and its retention in perpetuity.

Conclusion

- 9.39. This proposal would provide a good standard of managed accommodation for 19 homeless individuals without causing an adverse impact on heritage assets, neighbouring amenity and highways, subject to the imposition of suitable conditions. As such, this application is recommended for approval.

10. EQUALITIES

- 10.1. Level access is provided to the ground floor rooms as per the existing arrangement, but it is considered impractical to provide a lift up to the loftspace.

ITEM G

**Block C, 101-120 Kingsmere
BH2020/03236
Removal or Variation of Condition**

DATE OF COMMITTEE: 10th February 2021

<u>No:</u>	BH2020/03236	<u>Ward:</u>	Withdean Ward
<u>App Type:</u>	Removal of Condition		
<u>Address:</u>	Block C 101-120 Kingsmere London Road Brighton BN1 6UW		
<u>Proposal:</u>	Removal of Condition 5 of application BH2020/02185 (Prior Approval for the erection of an additional two storeys to provide 9no self-contained flats (C3).) which states that the residents of the proposed development have no entitlement to a resident's parking permit.		
<u>Officer:</u>	Russell Brown, tel: 293817	<u>Valid Date:</u>	09.11.2020
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	04.01.2021
<u>Listed Building Grade:</u>	N/A	<u>EOT:</u>	
<u>Agent:</u>	Dowsett Mayhew Planning, Miss Laura Bourke, 63A Ship Street Brighton BN1 1AE		
<u>Applicant:</u>	C/O Dowsett Mayhew Planning		

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 and the following Conditions and Informatives as set out hereunder.

Conditions:

1. The development hereby permitted shall be completed before 30 September 2023.
Reason: In order to comply with sub-paragraph (2) of the conditions of Schedule 2, Part 20, Class A of the Town and Country Planning (General Permitted Development) Order 2015 (as amended).
2. No development, including demolition, shall take place until a report for the management of the construction of the development, which sets out the proposed development hours of operation and how any adverse impact of noise, dust, vibration and traffic on occupiers of the building and adjoining owners or occupiers will be mitigated, has been submitted by the developer and approved in writing by the local planning authority.
The construction shall be carried out in accordance with the approved report.
Reason: In order to comply with sub-paragraph (3) of the conditions of Schedule 2, Part 20, Class A of the Town and Country Planning (General Permitted Development) Order 2015 (as amended).
3. The developer shall notify the local planning authority of the completion of the development as soon as reasonably practicable after completion. The notification shall be in writing and must include—
 - (a) the name of the developer;
 - (b) the address or location of the development; and

(c) the date of completion.

Reason: In order to comply with sub-paragraphs (4) and (5) of the conditions of Schedule 2, Part 20, Class A of the Town and Country Planning (General Permitted Development) Order 2015 (as amended).

4. Any new dwellinghouse created under Class A shall remain in use as a dwellinghouse within the meaning of Class C3 of the Schedule to the Use Classes Order and for no other purpose, except to the extent that the other purpose is ancillary to the primary use as a dwellinghouse.

Reason: In order to comply with sub-paragraph (6) of the conditions of Schedule 2, Part 20, Class A of the Town and Country Planning (General Permitted Development) Order 2015 (as amended).

Informatives:

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

Plan Type	Reference	Version	Date Received
Location Plan	A1120/01		9 November 2020

2. 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 a flat-roofed four storey block of flats with a predominantly brick façade that is tile hung at the upper level, inset sections and forward projecting bays. It is one of a number of blocks of flats in the Kingsmere development on the east side of London Road (A23). Block C is situated on the northern side of the site set parallel to the eastern boundary and is the furthest block from London Road.
- 2.2. To the rear (east) of the site are the rear of properties on Lower Rock Gardens. The site falls within the Surrenden Controlled Parking Zone (CPZ), which was approved by the Environment, Transport and Sustainability Committee on 24th November 2020, but is not yet in operation. The closest one in operation is CPZ K opposite the site to the east.
- 2.3. The current application seeks to remove Condition 5 of BH2020/02185 which states that: Prior to the first occupation of the development hereby permitted, a scheme shall have been submitted to and approved in writing by the Local Planning Authority to provide that the residents of the proposed development have no entitlement to a resident's parking permit. This is because the applicant asserts that the condition was added prematurely and unreasonably.

3. RELEVANT HISTORY

- 3.1. **BH2020/02185:** Prior Approval for the erection of an additional two storeys to provide 9no self-contained flats (C3) to Block C. Approved 30/09/2020
- 3.2. **BH2020/00649:** Application for variation of conditions 1 and 3 of BH2016/02841 (Erection of roof extension to form four 2no bedroom flats with balustraded terrace gardens, cycle store and associated works.) to allow amendments to the approved drawings and confirm external materials. Approved 27/05/2020
- 3.3. **BH2019/00856:** Creation of 18no additional car parking spaces. Approved 16/08/2019
- 3.4. **BH2016/02841:** Erection of roof extension to form four 2no bedroom flats with balustraded terrace gardens, cycle store and associated works. Approved 16/03/2017

Of relevance:

- 3.5. **BH2020/03237:** Removal of Condition 5 of application BH2020/02186 (Prior Approval for the erection of an additional two storeys to provide 9no self-contained flats (C3).) which states that the residents of the proposed development have no entitlement to a resident's parking permit. Approved 04.01.2021
- 3.6. **BH2020/03238:** Removal of Condition 5 of application BH2020/02183 (Prior Approval for the erection of an additional two storeys to provide 18no self-contained flats (C3)) which required a scheme to provide that residents of the proposed development have no entitlement to a resident's parking permit. Approved 06.01.2021
- 3.7. **BH2020/03218:** Removal of Condition 5 of application BH2020/02187 (Prior Approval for the erection of an additional two storeys to provide 9no self-contained flats (C3).) which states that the residents of the proposed development have no entitlement to a resident's parking permit. Approved 04.01.2021
- 3.8. **BH2020/02183:** Prior Approval for the erection of an additional two storeys to provide 18no self-contained flats (C3) to Blocks A & B. Approved 30/09/2020
- 3.9. **BH2020/02186:** Prior Approval for the erection of an additional two storeys to provide 9no self-contained flats (C3) to Block D. Approved 30/09/2020
- 3.10. **BH2020/02187:** Prior Approval for the erection of an additional two storeys to provide 18no self-contained flats (C3). Approved 30/09/2020

4. REPRESENTATIONS

- 4.1. **Six (6) objections**, five of which were from residents of Block C within the consultation period, were received raising the following issues:
- The estate is currently over full capacity across a number of necessary amenities and there should absolutely not be any more flats / people / cars allowed on to the estate, which is congested, unhealthy and simply unattractive.
 - The neighbouring streets cannot cope with any additional cars, evidenced by the consultation for a controlled parking zone, which the majority of residents are in favour of.
 - Any additional parking would lead to an unacceptable overdevelopment of the Kingsmere estate and the destruction of our precious green space, peace and quiet.
 - Condition 5 is absolutely 'necessary' and 'reasonable'.
 - The car wash area at the top of the estate cannot be accessed due to the number of parked cars.
 - The amount of cars makes it dangerous for delivery and other large to turn round at the top of the estate.
 - Parents collecting their children from school park dangerously at the bottom of the estate due to the lack of space.
 - Cars back up leaving the estate onto the extremely busy London Road.
 - Much of problematic parking is due to the estate garages being bought by non-Kingsmere residents, contrary to the leases. Many of the garages are now owned by commercial companies and used for storage.

5. CONSULTATIONS

- 5.1. **Transport:** We have no objection to the removal of condition 5. The Controlled Parking Zone (CPZ) for the Surrenden Area that was under consultation when the existing application (BH2020/02183) was assessed by the LHA has since been approved by the Environment, Transport and Sustainability Committee on 24th November 2020. The previously noted parking stress in the area is likely to be reduced due to the upcoming scheme and therefore the LHA agrees that condition 5 may be removed as parking is likely to be managed to an acceptable level on-street.

6. MATERIAL CONSIDERATIONS

- 6.1. In accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004, this decision has been taken having regard to the policies and proposals in the National Planning Policy Framework, the Development Plan, and all other material planning considerations identified in the "Considerations and Assessment" section of the report.
- 6.2. The development plan is:
- Brighton & Hove City Plan Part One (adopted March 2016);
 - Brighton & Hove Local Plan 2005 (retained policies March 2016);

- East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (adopted February 2013);
- East Sussex, South Downs and Brighton & Hove Waste and Minerals Sites Plan (adopted February 2017);
- Shoreham Joint Area Action Plan (October 2019)

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

7. RELEVANT POLICIES

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part Two

Policies in the Proposed Submission City Plan Part 2 do not carry full statutory weight but are gathering weight as the Plan proceeds through its stages. They provide an indication of the direction of future policy. Since 23 April 2020, when the Plan was agreed for submission to the Secretary of State, it has gained weight for the determination of planning applications but any greater weight to be given to individual policies will need to await the outcome of the Regulation 19 consultation which ended on 30 October 2020.

Brighton & Hove City Plan Part One

SS1	Presumption in Favour of Sustainable Development
CP9	Sustainable transport

Brighton & Hove Local Plan (retained policies March 2016)

TR7	Safe development
QD27	Protection of amenity

8. CONSIDERATIONS & ASSESSMENT

- 8.1. The only consideration in the determination of this application relates to the impact of removing the entitlement of the residents of the proposed development to a resident's parking permit on overspill parking.
- 8.2. The condition references Local Plan Policy TR7 that requires developments to not increase the danger to users of adjacent pavements, cycle routes and roads and City Plan Part One Policy CP9 that prioritises minimising off-street car parking provision in accessible locations.
- 8.3. The applicant has stated that it is unclear as to how the additional users of the site could secure parking permits given residents do not live within a CPZ and are unable to apply for parking permits in other / nearby existing CPZs and in turn putting them under pressure.
- 8.4. Officers recognise that this condition was added prematurely to the application and that the LHA is satisfied that the previously noted parking stress in the area is likely to be reduced and managed to an acceptable level on-street due to the

upcoming Surrenden CPZ. Given that, it is considered acceptable to remove the condition.

- 8.5. It is noted that similar applications have already been approved under delegated powers to remove the erroneous condition on other blocks within Kingsmere.

9. CONCLUSIONS

- 9.1. This application is considered acceptable since it has been demonstrated that Condition 5 of BH2020/02185 regarding a restriction on future residents applying for car parking permits was added prematurely. As such, it is recommended that Condition 5 is removed.

10. EQUALITIES

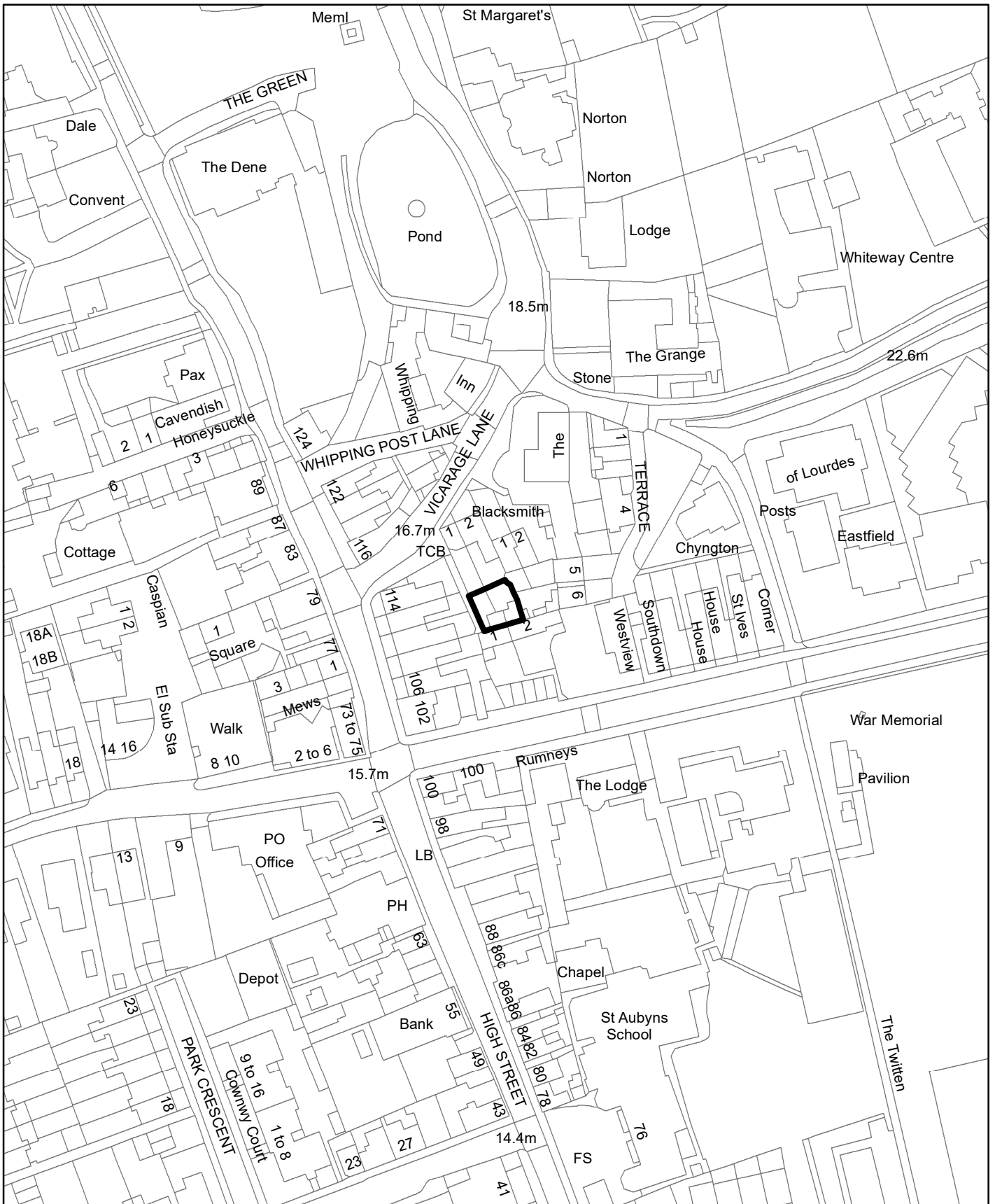
- 10.1. None beyond those previously identified.

ITEM H

**St Johns, 2 Vicarage Lane
BH2020/03029
Full Planning**

DATE OF COMMITTEE: 10th February 2021

BH2020/03029 St Johns 2 Vicarage Lane, Rottingdean Brighton, BN2 7HD



**Brighton & Hove
City Council**



Scale: 1:1,250

<u>No:</u>	BH2020/03029	<u>Ward:</u>	Rottingdean Coastal Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	St Johns 2 Vicarage Lane Rottingdean Brighton BN2 7HD		
<u>Proposal:</u>	Conversion of existing annexe to form a separate studio dwelling (C3) incorporating the erection of a single storey front extension and installation of 2no rooflights.		
<u>Officer:</u>	Charlotte Bush, tel: 292193	<u>Valid Date:</u>	22.10.2020
<u>Con Area:</u>	Rottingdean	<u>Expiry Date:</u>	17.12.2020
<u>Listed Building Grade:</u>	N/A	<u>EOT:</u>	18.02.2021
<u>Agent:</u>	Lewis And Co Planning SE Ltd Lewis & Co Planning 2 Port Hall Road Brighton BN1 5PD		
<u>Applicant:</u>	Jill Poulter St Johns 2 Vicarage Lane Rottingdean Brighton BN2 7HD		

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	02	V2	11 December 2020
Proposed Drawing	03	V2	11 December 2020
Location and block plan	04	V1	7 December 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 external finishes of the development hereby permitted shall match in material, colour, style, bonding and texture those of the existing building.

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

4. All new flintwork and works of making good of the flintwork shall match the original flint walls in the type of flints, coursing, strike and density of stones, and the mortar's colour, texture, composition, lime content and method of pointing

and the pointing of the brick dressings shall match the colour, texture, lime content and style of the original brick pointing.

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

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

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

6. The development hereby approved shall be implemented in accordance with the layout detailed on the proposed floorplan received on 11/12/2020 and shall be retained as such thereafter. The room annotated as storage/snug shall not be used as bedrooms at any time.

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

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

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

8. A bee brick shall be incorporated within the external wall of the development hereby approved and shall be retained thereafter.

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

9. 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.

Informatives:

1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One the approach to making a decision on this planning application has been to apply the presumption in favour of sustainable development. The Local Planning Authority seeks to approve planning applications which are for sustainable development where possible.
2. Where possible, bee bricks should be placed in a south facing wall in a sunny location at least 1 metre above ground level

2. SITE LOCATION

- 2.1. No. 2 Vicarage Lane, referred to as St John's, is a grade II listed building within the Rottingdean conservation area. The subject of this application relates to an annex building which sits within the house's original rear garden but is separated by a flint boundary wall in order to create a separate garden. The annex backs onto numbers 1 and 2 Steyning Road.
- 2.2. The single-storey annexe is said to date from 1973 (later extended) but constructed in local vernacular materials of red brick and flint under a hipped clay tile roof. The building is not readily visible in public views. The annex is not included in the curtilage of the listed building as it would have to pre-date 1st July 1948. There appears to be no planning record of the building's initial construction but the available evidence, in terms of historic mapping, the appearance of the building and the applicant's statement, all suggest that it is of post 1948 date. Therefore it is not curtilage listed and Listed Building Consent is not required. As originally submitted, the applicant has submitted a listed building application (BH2020/03030), but this has since been withdrawn.
- 2.3. The site falls within the Vicarage Lane character area of the Rottingdean conservation area. The site lies within an Archaeological Notification Area.
- 2.4. There are several listed buildings in the vicinity, including No. 1 Vicarage Lane, St. Johns, Blacksmiths Cottages and No.6 Rose Cottage.
- 2.5. The annexe is in the grounds of St John's and has been used in connection with the main dwelling.

3. RELEVANT HISTORY

- 3.1. BH2020/03030 - 2 Vicarage Lane Conversion of existing annexe to form a separate one bedroom dwelling (C3) incorporating the erection of a single storey front extension and installation of 2no rooflights. Withdrawn
- 3.2. BH1997/01303/FP - 2 Vicarage Lane Part retrospective proposal for erection of roof dormer, rear extension and new windows and doors. Approved 08/12/1997
- 3.3. BH1997/01305/LB - 2 Vicarage Lane Part retrospective proposal for erection of roof dormer, rear extension and new windows and doors. Approved 08/12/1997

- 3.4. The following planning applications also relate to the site. However, the site is referred to as Garden Cottage, 3 Vicarage Lane.
- 3.5. BH2002/02883/LB - Garden Cottage, 3 Vicarage Lane Reconstruction of north & west walls with external flint/brick facing and erection of new south wall and new hip ended pitched roof (resubmission of previous approval BH2020/00982/FP). Approved 7/02/2003.
- 3.6. BH2002/02813/FP - Garden Cottage, 3 Vicarage Lane Reconstruction of north & west walls with external flint/brick facing and erection of new south wall and new hip ended pitched roof (resubmission of previous approval BH2020/00982/FP). Approved 7/02/2003.
Condition 3: The building hereby permitted shall be used only as family accommodation in conjunction with the main dwellinghouse at 3 Vicarage Lane. Reason: For the avoidance of doubt and to prevent the creation of a substandard independent unit of residential accommodation and to comply with policies H.19 of the Brighton Borough Local Plan and HO4 and HO (provision of private amenity space in residential development (new policy)) of the Brighton and Hove Local Plan -Second Deposit Draft 2001.
- 3.7. BH2002/00983/FP - Garden Cottage, 3 Vicarage Lane External flint/brick facing and new hip ended pitched roof. Approved 5/7/2002.
Condition 3: The building the subject of the alterations hereby permitted shall be used only as ancillary accommodation in conjunction with the main dwellinghouse at 3 Vicarage Lane. Reason: For the avoidance of doubt and to prevent the creation of a substandard independent unit of residential accommodation and to comply with policies H.19 of the Brighton Borough Local Plan and HO4 and HO (provision of private amenity space in residential development (new policy)) of the Brighton and Hove Local Plan -Second Deposit Draft 2001.
- 3.8. BH1998/02623/CL - Garden Cottage, 3 Vicarage Lane Certificate of Lawfulness of existing use of the outbuilding in the rear garden as a dwelling separate from 3 Vicarage Lane. Refused 18/02/1999.

4. APPLICATION DESCRIPTION

- 4.1. This application seeks permission to convert the existing annexe to a studio dwelling (C3). Alterations would include a front extension measuring 3.07m deep, 4.8m wide, 2.8m high to the flat roof and 3.4m high to the top of a proposed roof lantern. Roof lights are also proposed. The proposed materials would match those of the existing structure.
- 4.2. The description was altered on the 14/01/2021 from 'Conversion of existing annexe to form a separate one bedroom dwelling (C3) incorporating the erection of a single storey front extension and installation of 2no rooflights' to 'Conversion of existing annexe to form a separate studio dwelling (C3) incorporating the erection of a single storey front extension and installation of 2no rooflights.'

- 4.3. Amended floor plan, roof plan, elevations and sections were submitted on the 11/12/2020. The alterations to the plans included
- Increased the depth of the proposed front extension by 50cm
 - Replaced the bathroom with a shower room
 - Internal partition walls have been removed to create a studio dwelling rather than a one-bedroom dwelling
 - Increased the ceiling height of the sleeping area so that it measures 2.3m high resulting in less headspace (1.07m high) in the mezzanine storage/snug area.
- 4.4. These amended plans were re-advertised.
- 4.5. Amended site plan, floor plans, elevations and sections were submitted on the 07/11/2020 to show an increased footprint. The elevations, sections and floor plan were superseded on the 11/12/2020.

5. REPRESENTATIONS

- 5.1. **Ten (10)** letters have been received objecting to the proposed development for the following reasons:
- The original planning permission for this building stated that it could not be used as a self-contained dwelling separate from the main house.
 - The existing annex causes damp to neighbouring dwellings.
 - Reduces the size of the garden.
 - Increases the use of the small lane to the back of the High Street.
 - Increases bin collection in the small lane to the back of the High Street.
 - Increases the size of a modern building within the conservation area in an already congested village.
 - Adversely affects Conservation Area.
 - Overdevelopment.
 - Overshadowing.
 - Increased overlooking.
 - The raised bed would make it difficult to maintain the wall within the curtilage of a neighbouring property with grade II listing.
 - Repeated breaches in planning permission. The annex is already let as a residential building.
 - Lack of infrastructure in an already overcrowded village.
 - Air pollution.
 - Back-land development is out of character with the area.
 - Poor standard of accommodation.
 - Light pollution.
 - Impact on neighbouring amenity.
 - Roof lantern is out of keeping with surrounding historic buildings.
- 5.2. **NB** Of the 10 objections, only 5 are from neighbours immediately affected by the proposed development. The remainder are repeats or unlikely to be affected

by the very small-scale development due to distance or location of the objectors properties from the application site.

6. CONSULTATIONS

6.1. **Brighton and Hove Archaeological Society:** Comment

The proposed development is close to the site of Neolithic long barrow and the site of a number of possible Saxon burials found near Rottingdean windmill.

6.2. The Brighton and Hove Archaeological Society would suggest that you contact the County Archaeologist for his recommendations with regards this planning application.

6.3. **County Archaeology:** No objection

We can reiterate our advice given on the 14th October 2020 (sent direct to agent and received by LPA on 22/10/2020 as part of application submission) that we have no comments or archaeological recommendations to make in this instance.

Correspondence from East Sussex County Council Archaeology Team (ESHER) sent direct to agent. Submitted 22/10/2020

6.4. On the available evidence, the East Sussex County Council Archaeology Team do not consider that in this instance, the information held by the ESHER would contribute to determining the significance of the heritage asset.

6.5. Based on the available evidence, we do not believe that any significant archaeological remains are likely to be affected by these proposals.

6.6. **Heritage:** No objection

Comments received 13/01/2021 in relation to amended plans received 11/12/2020

No further comments required.

Comments received 20/11/2020

6.7. The existing building makes a neutral contribution to the appearance and character of the conservation area and to the setting of the listed building. Its modest extension as proposed and its use as a separate dwelling would cause no harm to the appearance or character of the conservation area or to the setting of the listed building.

6.8. Suggested conditions:

- External finishes to match
- Flintwork and making good to match the original flint walls
- Rooflights

6.9. **Rottingdean Parish Council:** Objection

Comments received 04/12/2020

Rottingdean Parish Council objects to the application on the grounds that it represents an over development of the site with a consequential adverse impact on neighbouring properties.

Comments received 24/11/2020

- 6.10. Rottingdean Parish Council objects to this application on the grounds that it represents an over development of the site and we understand that previous planning permission was given on the basis that the existing extension would not become a separate dwelling.
- 6.11. **Sustainable Transport:** No objection
No car parking is proposed, as existing, due to the constraints of the site. Parking associated with this development is likely to be on the highway. The site is not within a controlled parking zone and the increase on on-street parking is unlikely to be significant. The increase in trips to the site are also not considered to be significant, and consequently no objection are raised on these grounds.
- 6.12. Level and step free access to the dwelling appears not to be possible due to the existing site design. No cycle storage is proposed with the scheme although there is space provided on site for it. The cycle storage would have to be accessed via the steps. This is considered acceptable due to the constraints of the site, and further details regarding cycle storage provisions for 1 cycle should be secured by condition.

7. MATERIAL CONSIDERATIONS

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

8. POLICIES

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part Two

Policies in the Proposed Submission City Plan Part 2 do not carry full statutory weight but are gathering weight as the Plan proceeds through its stages. They

provide an indication of the direction of future policy. Since 23 April 2020, when the Plan was agreed for submission to the Secretary of State, it has gained weight for the determination of planning applications but any greater weight to be given to individual policies will need to await the outcome of the Regulation 19 consultation which ended on the 30 October 2020.

Brighton & Hove City Plan Part One

SS1	Presumption in Favour of Sustainable Development
CP1	Housing delivery
CP7	Infrastructure and developer contributions
CP8	Sustainable buildings
CP9	Sustainable transport
CP10	Biodiversity
CP12	Urban design
CP14	Housing density
CP15	Heritage
CP19	Housing mix
CP20	Affordable housing
CP21	Student housing and Housing in Multiple Occupation

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

TR4	Travel plans
TR7	Safe Development
TR14	Cycle access and parking
QD14	Extensions and alterations
QD15	Landscape design
QD27	Protection of amenity
HO5	Provision of private amenity space in residential development
HO13	Accessible housing and lifetime homes
HE3	Development affecting the setting of a listed building
HE6	Development within or affecting the setting of conservation areas

Supplementary Planning Documents:

SPD03	Construction & Demolition Waste
SPD09	Architectural Features
SPD12	Design Guide for Extensions and Alterations
SPD14	Parking Standards

9. CONSIDERATIONS & ASSESSMENT

- 9.1. The main considerations in the determination of this application relate to the principle of development, design and appearance and the impact of the proposed development on the character and appearance of the conservation area and near-by listed buildings. The standards of accommodation, impact on local amenity, and transport issues will also be assessed.
- 9.2. Due to the ongoing coronavirus pandemic a physical site visit has not taken place during the assessment of this application. Instead a desktop assessment has been made using up to date photographs of the site provided by the agent

and street view imagery, which is considered sufficient to assess the acceptability of the proposal.

Principle of Development:

- 9.3. 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.
- 9.4. 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).
- 9.5. The development would result in the provision of a new studio unit, benefitting the delivery of housing supply to the City, which must be given significant weight in the planning balance.
- 9.6. The application site is a part of the garden space of no. 2 Vicarage Lane, known as St. John's, and as such is in residential use. As a principle of development, residential development in a residential area would be appropriate, subject to the specific impacts of the development being acceptable, which is considered below.

Design and Appearance:

- 9.7. The existing annexe building is constructed of red brick and flint under a hipped clay tile roof. The annexe is separated from the main dwelling by flint boundary walls and has its own enclosed garden patio area and direct access to a footpath leading to Vicarage Lane.
- 9.8. This application seeks permission to add a front extension measuring 3.07m from the original front building line, 4.8m wide, 2.8m to the flat roof and 3.4m high to the top of the roof lantern. The plans have been changed over the lifetime of the application so that the extension currently under consideration is 50cm deeper than the extension originally submitted.
- 9.9. The extension would be finished in red brick and knapped flint to match the existing walls. The flat roof extension would sit at eaves height of the existing building and would feature a roof lantern. The windows would white painted timber to match the existing windows. The proposed roof lights would also be timber framed and would provide natural light to the mezzanine space and dining area.
- 9.10. The proposed extension is modest in scale and would not significantly increase the footprint of the building. The proposed materials reflect those of the existing structure and are considered appropriate. The roof lantern and roof lights are

more contemporary in nature, but do not detract from the overall appearance of the building and provide useful light sources.

- 9.11. The development applied for is fully residential, therefore the character of the area would not change.

Impact on Rottingdean conservation area and nearby Listed Buildings

- 9.12. In considering whether to grant planning permission for development 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. Moreover, 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.
- 9.13. Case law has held that the desirability of preserving a listed building or its setting or any features of special architectural or historic interest it possesses, and the desirability of preserving or enhancing the character or appearance of a conservation should be given "considerable importance and weight".
- 9.14. In this case, the Heritage Officer has advised that existing building makes a neutral contribution to the appearance and character of the conservation area and to the setting of the listed buildings. The proposed extension and alterations are considered to be appropriate in terms of size, form and materials, and would cause no harm to the character and appearance of the existing structure, conservation area or nearby listed buildings.
- 9.15. It is noted that the Conservation Officer requested that conditions be attached to any approval to secure external finishes and appearance of rooflights, and protect existing flintworks.
- 9.16. As the annex is existing there would be no increase in the density of buildings to the area. Residential use would reflect the overall pattern of the development in the area and the proposed change of use would therefore not harm the conservation area or nearby listed buildings.
- 9.17. Accordingly, the development would be acceptable in terms of design, appearance and use and would not cause harm to the conservation area or listed buildings, and is not in conflict with policies HE6, HE3 or CP15.

Standard of Accommodation:

- 9.18. Policy QD27 of the Brighton and Hove Local Plan aims to secure a good standard of living accommodation for current and future occupiers in all new developments. Accommodation should therefore provide suitable circulation space within the communal spaces and bedrooms once the standard furniture has been installed, as well as good access to natural light and air in each habitable room.
- 9.19. The 'Nationally Described Space Standards' (NDSS) were introduced by the Department for Communities and Local Government in 2015 to establish

acceptable minimum floor space for new build developments. Elements of the NDSS have been used as a reference point when assessing the standard of accommodation. These standards have not yet been adopted, however it is acknowledged that similar standards are sought to be included in City Plan Part Two, which gives an indication of the direction of planning policy within the city.

- 9.20. The NDSS establishes that the overall space required for a studio unit with shower room would be 37sqm. The minimum floor to ceiling height must be 2.3m for at least 75% of the Gross Internal Area.
- 9.21. The description and plans were revised in response to officer comments throughout the application so that the proposed unit is able to provide a better standard of living accommodation as a studio dwelling rather than a 1 bedroom unit. The alterations include increasing the depth of the proposed extension by 50cm; replacing the bathroom with a shower room; removing the internal partition to create a studio rather than a 1 bedroom dwelling; increasing the ceiling height of the sleeping area resulting in less headspace in the mezzanine.
- 9.22. The proposed dwelling would comprise an open plan lounge, dining and kitchen area and sleeping area and a shower room. The overall floorspace measures 37sqm with headspace above 2.3m high. An additional storage area/snug measuring 6.15sqm would be provided at mezzanine level which would be accessed via a space saver staircase.
- 9.23. A roof lantern and three windows would provide natural light to the lounge area; the two existing windows would provide natural light to the kitchen and sleeping area, roof lights would provide natural light to the dining area and storage/snug area.
- 9.24. The submitted floor plan shows a layout with furniture included. This indicative layout demonstrates that the proposed studio would provide a good standard of living accommodation for future occupants with ample circulation space around the furniture normally expected within a studio dwelling. The use of the roof lantern, roof lights and the windows would create a light and bright space with good ventilation. The proposed scheme therefore meets the objectives of Policy QD27 of the Brighton and Hove Local Plan.
- 9.25. The additional mezzanine level would provide a useful storage area. This area would not be suitable as a habitable room as the head high measures only 1.07m. A condition is recommended to ensure that the mezzanine level is not used as a habitable room.
- 9.26. In view of the above, the proposed layout is considered to provide a good standard of living accommodation and would meet the minimum space standards as described by the NDSS and meets the objectives of Policy QD27 of the Brighton & Hove Local Plan.

Outdoor Space

- 9.27. The proposed scheme is enhanced by the addition of a private courtyard garden which is an unusual and useful addition for a dwelling of this size, especially

within a built-up area. Policy HO5 of the Brighton & Hove Local Plan requires the provision of private useable amenity space in new residential development where appropriate to the scale and character of the development. The courtyard garden would measure 32sqm which is considered ample for a dwelling of this size. The garden space would also be largely private due to the existing high boundary walls.

- 9.28. The garden provides additional space for a future occupant to relax in and fulfils the objectives of policy HO5 of the Brighton & Hove Local plan.
- 9.29. As a result of the scheme the existing dwelling at St Johns would permanently lose part of its garden. However, St Johns would still retain 50sqm of private rear garden which is considered acceptable for a house of this size and is a similar size to the gardens of the surrounding properties. The proposed division of the garden is therefore considered to comply with policy HO5 of the Brighton & Hove Local Plan.

Impact on Amenity:

- 9.30. 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.
- 9.31. The site abuts the gardens of residential dwellings No. 1 Vicarage Lane, St. Johns, 1 Blacksmiths Cottage. It also adjoins the rear of the buildings at 1 Steyning Road and Rose Cottage 2 Steyning Road. Properties 110,112 and 114 High street are located to the west of the site and are separated by an alleyway.
- 9.32. The additional residential use will create more comings and goings from the property, but the size of the dwelling would limit the number of occupants and the additional movements from a household of this size is not considered significant.
- 9.33. The change of use would also result in an intensification of overlooking to the first-floor rear windows of Vicarage Lane, St. Johns, and the first-floor side windows 1 Blacksmiths Cottage. However, as the annex is surrounded by high boundary walls the gardens and ground floor windows of the neighbouring properties would be protected from views. The level of overlooking to the first floor windows is to a degree that is to be expected residential area such as this, and would not warrant the refusal of the scheme.
- 9.34. There have been several objections regarding potential light pollution. It is acknowledged that there would be some additional light-spill from the proposed roof lantern. However, the roof lantern, due to its design and siting on a flat roof, will emit an indirect diffused light, residential in nature, within an established residential area.
- 9.35. It is also worth noting that of the windows to the surrounding properties are situated a reasonable distance from the proposed roof lantern (the closest is the side windows at 1 Blacksmiths Cottage which are situated approximately 9m

away) which will lessen the impact of any light emitted. Furthermore, it is only first floor rear windows which could be affected in neighbouring properties, and these are likely to have curtains and blinds drawn at night.

- 9.36. Given the above, the benefits of gaining an additional unit are considered to outweigh the limited harm of the additional light source within a built-up residential area where there will be light-spill from several other near-by properties.
- 9.37. The proposed front extension, measuring 3.07m deep, 4.8m wide, 2.8m to the flat roof and 3.4m high to the top of the roof lantern, would be situated 2.2m from the nearest boundary. The proposed front extension is not considered to cause harm to the amenity of neighbouring properties due to its small size, height and distance to the nearest boundary.
- 9.38. Overall, the benefits of the scheme are considered to outweigh the limited harm to neighbouring amenity.

Sustainable Transport:

- 9.39. No parking space is provided with this proposal. However, there is on-street parking available. The impact on parking on the highways and potential increase in trips is not considered to have a significant impact on local transport infrastructure.
- 9.40. No cycle parking facilities have been proposed with this scheme. It is recommended that parking facilities for one bike is secured by condition.

Refuse and Recycling:

- 9.41. No refuse and recycling facilities have been provided with this scheme and it is recommended that this is secured by condition.

Sustainability:

- 9.42. Regarding new build development policy CP8 seeks compliance with optional Building Regulation Standards for energy and water use. As a conversion of an existing building no standards beyond normal Building Regulations are sought.

Other Considerations:

- 9.43. A condition requiring a bee brick has been attached to improve ecology outcomes on the site in accordance with the Policy CP10 of the Brighton & Hove City Plan Part One and Supplementary Planning Document SPD11 Nature Conservation and Development.
- 9.44. The concerns raised by public representations are acknowledged, however in accordance with the assessment of material planning considerations as set out above it is considered that the proposal is acceptable. Other concerns raised by objectors do not relate to material planning considerations and so cannot be taken into account in assessing the application.

10. CONCLUSION

- 10.1. The proposed extension and alterations are considered to be appropriate in scale, form and materials and would not cause harm to the character and appearance of the near-by listed buildings or wider conservation area. The scheme would provide a good standard of living accommodation for future occupants, meeting the requirements of the NDSS and the objectives of Policies QD27 and HO5 of the Brighton & Hove Local Plan. The change of use and small front extension would have limited impact on neighbouring amenity. The proposed scheme would make a small contribution to the Council's housing targets which is considered to weigh in favour of the proposal.

11. COMMUNITY INFRASTRUCTURE LEVY & DEVELOPER CONTRIBUTIONS

- 11.1. 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. It is estimated that the amount of CIL liability for this application is £3125.61. 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.

12. EQUALITIES

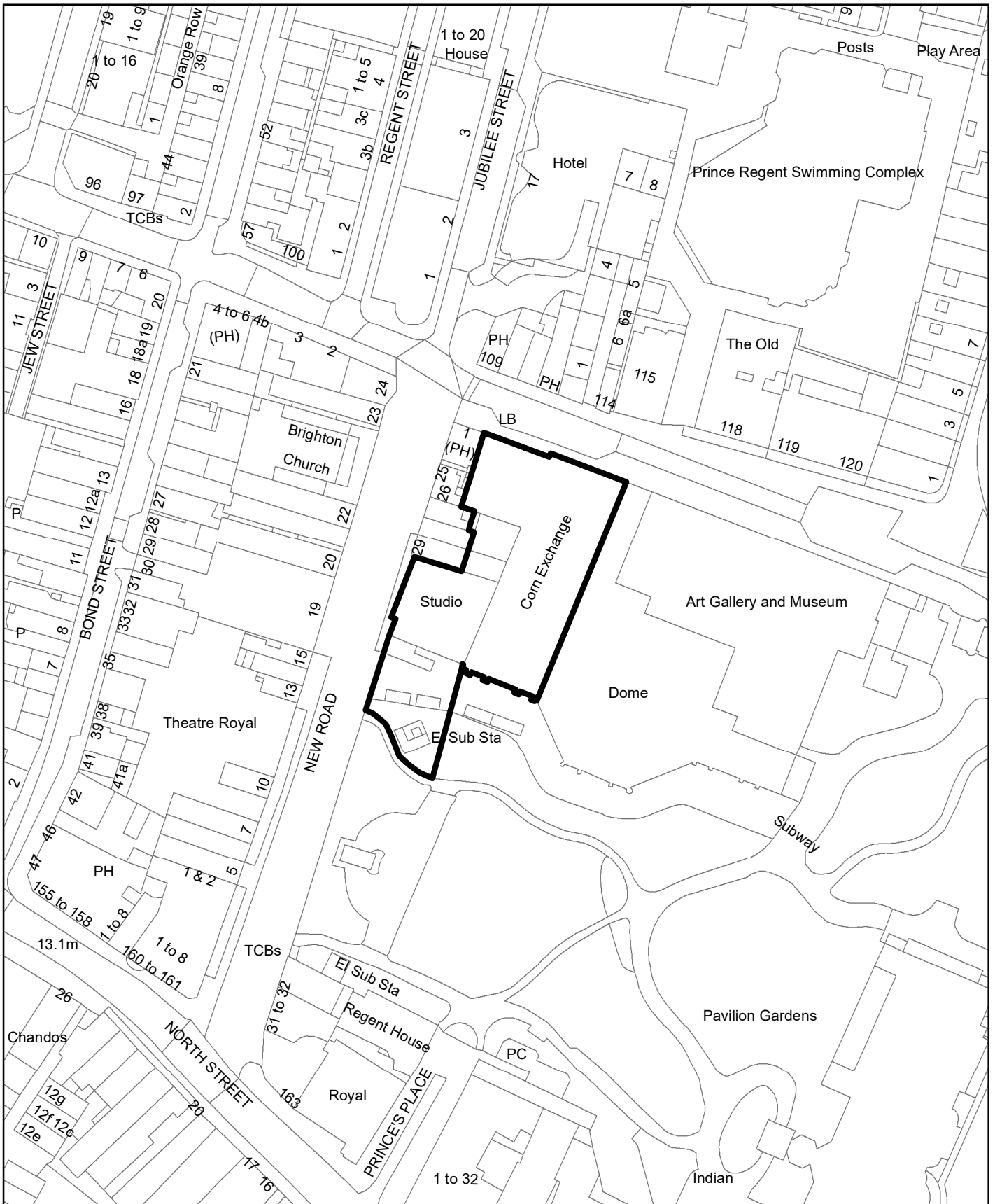
- 12.1. There is stepped access only to the site. This means the site will not be accessible for all, including those with mobility disabilities. However, the constraints of the site mean that step free access could not be achieved and in this instance the benefits of an additional dwelling are considered to outweigh the harm.

ITEM I

**Pavilion Theatre, 29 New Road
BH2020/03419
Listed Building Consent**

DATE OF COMMITTEE: 10th February 2021

BH2020/03419 Pavilion Theatre, 29 New Road Brighton
BN1 1UG



**Brighton & Hove
City Council**



Scale: 1:1,250

<u>No:</u>	BH2020/03419	<u>Ward:</u>	St. Peter's And North Laine Ward
<u>App Type:</u>	Listed Building Consent		
<u>Address:</u>	Pavilion Theatre 29 New Road Brighton BN1 1UG		
<u>Proposal:</u>	Replacement of fibrous plaster ceiling within Pavilion Theatre. Raising of parapet to North and South hip ends to Corn Exchange Roof. (Part Retrospective)		
<u>Officer:</u>	Rebecca Smith, tel: 291075	<u>Valid Date:</u>	25.11.2020
<u>Con Area:</u>	Valley Gardens	<u>Expiry Date:</u>	20.01.2021
<u>Listed Building Grade:</u>	Listed Building Grade II		
<u>Agent:</u>	FCB Studios Bath Brewery Toll Bridge Road Bath BA1 7DE		
<u>Applicant:</u>	Brighton & Hove City Council Major Projects & Regeneration Hove Town Hall Norton Road Hove BN3 3BQ		

This application has been referred to Committee for determination under the Scheme of Delegation part 15 section 1e) listed buildings

1. RECOMMENDATION

- 1.1. That the Committee has taken into consideration and agrees with the reasons for the recommendation set out below and resolves to **GRANT** Listed Building Consent subject to the following Informatives.

Informatives:

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

Plan Type	Reference	Version	Date Received
Proposed Drawing	1729 SK 180219 MM 01 REV A		24 November 2020
Proposed Drawing	1729 SK 180219 MM 010 REV A		24 November 2020
Proposed Drawing	1729 SK 180219 MM 02 REV A		24 November 2020
Proposed Drawing	1729 SK 180219 MM 03 REV A		24 November 2020
Proposed Drawing	1729 SK 180219 MM 04 REV A		24 November 2020
Proposed Drawing	1729 SK 180219 MM 05 REV A		24 November 2020
Proposed Drawing	1729 SK 180219 MM 06 REV B		24 November 2020
Proposed Drawing	1729 SK 180219 MM 07 REV B		24 November 2020

Proposed Drawing	1729 SK 180219 MM 08 REV A		24 November 2020
Proposed Drawing	1729 SK 180219 MM 09 REV A		24 November 2020
Proposed Drawing	1729 SK 180219 MM 21 REV A		24 November 2020
Proposed Drawing	1729 SK 180219 MM 23 REV A		24 November 2020
Proposed Drawing	1729 SK 180219 MM 24 REV A		24 November 2020
Proposed Drawing	1729 SK 180219 MM 25 REV A		24 November 2020
Proposed Drawing	1729 SK 180219 MM 26 REV A		24 November 2020
Proposed Drawing	1729 SK 180219 MM 27 REV A		24 November 2020
Proposed Drawing	1729/550		24 November 2020
Proposed Drawing	1729/P/100 P2		24 November 2020
Location Plan	1729/P/130		24 November 2020
Report/Statement	Design _ Access		24 November 2020

2. SITE LOCATION

- 2.1. The application site refers to The Pavilion Theatre (also referred to as the Studio Theatre) which is a grade II listed building and the neighbouring Corn Exchange (with the Dome Theatre building) which is Grade I listed. The site lies within the wider Royal Pavilion Estate which has numerous other designated heritage assets. The site also lies within the Valley Gardens conservation area.

3. RELEVANT HISTORY

- 3.1. **BH2016/06449** - Refurbishment and alterations to Corn Exchange, Studio Theatre and 29 New Road. Works include demolition of existing single storey link building and erection of three storey infill extension to West of Corn Exchange, incorporating new foyers, bar, box office, WCs, production space, public stairs and lifts. Alterations to Corn Exchange including retractable seating beneath new balcony and replacement roof coverings. Alterations to Studio Theatre including new side balconies, lift, fire escape stairs and dressing rooms. Renovation of existing café, to be opened to New Road and Royal Pavilion gardens. Installation of new plant equipment, alterations to entrances on New Road and Church Street and associated alterations. Erection of bin store to South of Brighton Dome access road. **Approved 16.02.2017**
- 3.2. **BH2016/05127** - Application for variation of condition 2 of application BH2014/02612 (Refurbishment and alterations to Corn Exchange, Studio Theatre and 29 New Road. Works include demolition of existing single storey link building and erection of three storey infill extension to West of Corn Exchange, incorporating new foyers, bar, box office, WCs, production space,

public stairs and lifts. Renovation of existing café, to be opened to New Road and Royal Pavilion gardens. Installation of new plant equipment, alterations to entrances on New Road and Church Street and associated alterations.) to allow amendments to drawings (additional plans received). **Approved 24.01.2017.**

4. APPLICATION DESCRIPTION

- 4.1. The application seeks listed building consent for a like-for-like replacement of the ceiling within the Pavilion Theatre with upgraded structural support. The application also seeks consent for the raising of the parapets on the roof of the Corn Exchange. The part-retrospective nature of the proposal refers to the raising of the external parapets to the north and south ends of the Corn exchange roof.

5. REPRESENTATIONS

- 5.1. **One (1)** letter has been received supporting the proposals from the **Theatres Trust** for the following reasons:
- Supportive of access for inspections to Pavilion Theatre ceiling.
 - Supportive of replacement of Pavilion ceiling.
 - Supportive of parapet works to facilitate preservation of heritage asset.

6. CONSULTATIONS

EXTERNAL:

- 6.1. **Conservation Advisory Group (CAG):** No Objection
CAG have discussed the application and hope to see the application approved.
- 6.2. **Historic England:** No objection
Historic England has looked at the plans and the supporting detailed technical documentation. Can see that the works are clearly justified, and it is proposed to use appropriate specialists to undertake the repairs, therefore do not object to the proposals.
- 6.3. **Heritage:** No objection
A detailed survey of the existing suspended ceiling demonstrates the need for like-for-like replacement in full and no concerns are raised about the inclusion of an inspection panel. Similarly, the submission has demonstrated that the existing parapets are in need of repair owing to their poor condition and a raised height is required to facilitate water run-off which does not harm the fabric of the building. Overall, the works would be justified to support the long-term preservation of the listed buildings and their viable use.

7. MATERIAL CONSIDERATIONS

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

8. POLICIES

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part Two

Policies in the Proposed Submission City Plan Part 2 do not carry full statutory weight but are gathering weight as the Plan proceeds through its stages. They provide an indication of the direction of future policy. Since 23 April 2020, when the Plan was agreed for submission to the Secretary of State, it has gained weight for the determination of planning applications but any greater weight to be given to individual policies will need to await the outcome of the Regulation 19 consultation, which ended on 30th October 2020.

Brighton & Hove City Plan Part One

SS1	Presumption in Favour of Sustainable Development
CP15	Heritage

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

HE1	Listed Building Consent
HE6	Development within or affecting the setting of conservation areas
HE11	Historic parks and gardens

Supplementary Planning Guidance:

SPGBH11	Listed Building Interiors
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Supplementary Planning Documents:

SPD09	Architectural Features
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9. CONSIDERATIONS & ASSESSMENT

This application seeks listed building consent for internal alterations to allow for repairs to the ceiling of the Pavilion Theatre and the raising of the parapets to the North and South ends of the Corn Exchange roof externally.

- 9.1. The main considerations are whether the proposed works to these Grade II and Grade I listed buildings are suitable and whether there is any impact on the setting of the Royal Pavilion Estate or the wider Valley Gardens conservation area.
- 9.2. Due to the ongoing coronavirus pandemic a physical site visit has not taken place during the assessment of this application. Instead a desktop assessment has been made, using photographs of the site from the design & access statement and street view imagery, which is considered sufficient to assess the acceptability of the proposal.

Internal alterations to the Pavilion Theatre Ceiling:

- 9.3. The application sets out that the fibrous ceiling is to be replaced as the current suspended ceiling is damaged beyond repair. The need for the replacement ceiling and structural frame from which the fibrous ceiling is suspended was confirmed and justified following an expert report submitted as part of the design and access statement. The replacement ceiling would be like-for-like, it would follow the same profile and arrangement of the current ceiling and accord with the 'Moorish inspired ceiling' cited in the entry for this Grade II listed building. It is noted that the proposals also include upgraded structural support above.
- 9.4. The application also sets out plans to incorporate a sympathetic removable panel into the ceiling to improve access for future inspections of the historic fabric. This panel will facilitate easier inspections of the suspended ceiling.

External alterations to the Corn Exchange roof:

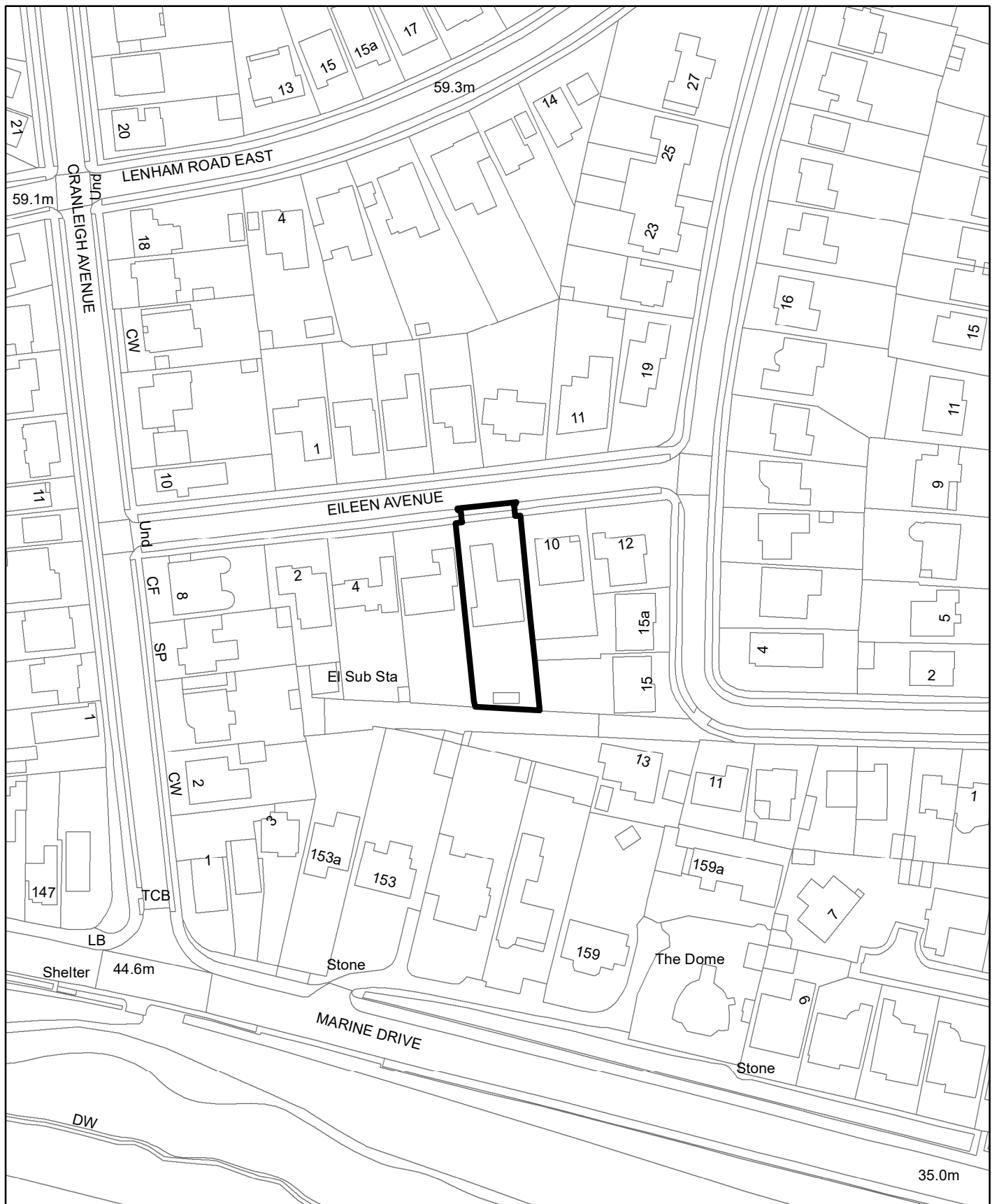
- 9.5. The application form sets out that the parapets to the North and South hip ends of the Corn Exchange roof are to be raised. The raising of the parapets is necessary to help control water run-off from the roof and prevent damage to the fabric of the building.
- 9.6. The existing parapets are in poor condition and the works to raise the parapets are necessary in order to maintain a practical height relationship with the newly-insulated pitched roof and to meet modern construction standards to ensure that water run-off from the roof is directed appropriately, so that the restored historic fabric is protected. Each parapet, which is of different construction, would be rebuilt to match the historic construction form and materials at the slightly higher height. The impact of these changes on the appearance of the Corn Exchange, as seen from Church Street, New Road and the Pavilion Gardens, would be negligible.
- 9.7. As noted above the works to the parapets have already been started. These works are necessary to ensure that the building is watertight, thus preventing harm to the historic fabric of the building through water ingress.

- 9.8. In considering whether to grant Listed Building Consent 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 feature of special architectural or historic interest which it possesses. Case law has held that the desirability of preserving a listed building or its setting or any features of special architectural or historic interest it possesses should be given "considerable importance and weight".
- 9.9. As set out above the proposed works have been justified and would help to ensure the long-term preservation of the listed buildings and their continued viable use. Overall it is considered that the proposed works would not harm the historic character or appearance of the Grade II listed Pavilion Theatre of grade I listed Corn Exchange, wider Royal Pavilion Estate or wider Valley Gardens conservation area, in accordance with policies HE1, HE6 and HE11 of the Brighton & Hove Local Plan and CP15 of the Brighton & Hove City Plan Part One.
- 10. EQUALITIES**
None identified

ITEM J

**8 Eileen Avenue
BH2020/02590
Full Planning**

DATE OF COMMITTEE: 10th February 2021



**Brighton & Hove
City Council**



Scale: 1:1,250

<u>No:</u>	BH2020/02590	<u>Ward:</u>	Rottingdean Coastal Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	8 Eileen Avenue Saltdean Brighton BN2 8AD		
<u>Proposal:</u>	Conversion of existing dwellinghouse to form 5no self-contained flats (C3) incorporating internal reconfiguration, revised fenestration, installation of balconies to front and rear, new boundary treatments, installation of refuse and cycling storage, new rear and front patios, revised vehicular crossover and associated works.		
<u>Officer:</u>	Joanne Doyle, tel: 292198	<u>Valid Date:</u>	24.09.2020
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	19.11.2020
<u>Listed Building Grade:</u>	N/A	<u>EOT:</u>	
<u>Agent:</u>	Whaleback Ltd The Old Bank 257 New Church Road Hove BN3 4EE		
<u>Applicant:</u>	Reefsouth Ltd 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	TA 1292/01	A	24 September 2020
Proposed Drawing	TA 1292/10	A	24 September 2020
Proposed Drawing	TA 1292/11	A	24 September 2020
Proposed Drawing	TA 1292/12	B	11 December 2020
Proposed Drawing	TA 1292/13	A	24 September 2020
Proposed Drawing	TA 1292/14	A	24 September 2020
Proposed Drawing	TA 1292/15	A	24 September 2020
Proposed Drawing	TA 1292/16		14 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. Prior to first occupation of the development hereby permitted, details of secure cycle parking facilities for the occupants of, and visitors to, the development

shall have been submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be fully implemented and made available for use prior to the first occupation of the development and shall thereafter be retained for use at all times.

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

4. The amended crossover and access shall be constructed prior to the first occupation of the development hereby permitted.

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

5. The vehicle parking area shown on the approved plans shall not be used otherwise than for the parking of private motor vehicles and motorcycles belonging to the occupants of and visitors to the development hereby approved.

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

6. 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.

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

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

8. The eastern elevation windows at first floor serving the bedroom and kitchen/living room to unit 3 and the western elevation windows at first floor serving the bathroom to unit 4 and hall to unit 5 of the development hereby permitted shall be obscure glazed and non-opening, unless the parts of the window(s) which can be opened are more than 1.7 metres above the floor of the room in which the window is installed, and thereafter permanently retained as such.

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

9. The development hereby permitted shall not be occupied until details of the 1.8m privacy screens to the rear balconies been submitted to and approved in writing by the Local Planning Authority. The privacy screens shall be provided in accordance with the approved details prior to occupation of the development and shall thereafter be retained at all times.

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

10. Prior to occupation of the development hereby permitted, a scheme for landscaping shall be submitted to and approved in writing by the Local Planning Authority. The approved landscaping shall be implemented in accordance with the approved details in the first planting season after completion or first occupation of the development, whichever is the sooner. The scheme shall include the following:

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

Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

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

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 planning permission granted includes a vehicle crossover which requires alterations and amendments to areas of the public highway. All necessary costs including any necessary amendments to a Traffic Regulation Order (TRO), the appropriate license and application fees for the crossing and any costs associated with the movement of any existing street furniture will have to be funded by the applicant. Although these works are approved in principle by the Highway Authority, no permission is hereby granted to carry out these works until all necessary and appropriate design details have been submitted and agreed. The crossover is required by law to be constructed under licence from the Highway Authority. The applicant must contact the Council's Streetworks team (permit.admin@brighton-hove.gov.uk 01273 290729) prior to any works commencing on the public highway.

2. SITE LOCATION

- 2.1. The application site relates to a two-storey detached dwelling located on the southern side of Eileen Avenue. The property is constructed in brickwork at ground floor, tile hung at first floor with a tile hung roof. The property features a grassed lawn to the front and a hardstanding area used for car parking with a driveway and crossover and a double garage to the front elevation. The properties either side are detached bungalows with roof accommodation and the properties which abut the site to the rear and within the immediately surrounding area are detached dwellings within a suburban setting. The street scene comprises of a mix of dwellings of mainly two storey detached dwellings and bungalows varying in built form, scale and materials.
- 2.2. The building is currently under renovation which has been on-going since approximately 1997 when planning permission was granted for extensions to the dwelling. This project commenced yet was not completed and left the site as an on-going construction site for a period in excess of twenty years. The property has been vacant for a number of years and is an active case with the Council's Empty Properties Team.

3. RELEVANT HISTORY

- 3.1. BH1997/01381/FP- Erection of 2 storey addition to provide new kitchen on ground floor and 2 additional bedrooms on first floor. Approved 12.11.1997.

4. APPLICATION DESCRIPTION

- 4.1. The application seeks permission to convert the existing dwellinghouse into 5 self-contained flats comprising 4no 2-bed units and 1no studio unit. The external alterations would involve alterations to fenestration, the addition of balconies and works to renovate the building and facilitate the conversion to flats.
- 4.2. During the course of the application a revised first floorplan has been submitted to improve the layout of the first floor front unit by enlarging the living room area.

5. REPRESENTATIONS

- 5.1. **Eighteen (18)** letters of representation have been received objecting to the proposal for the following reasons:
 - Overdevelopment
 - Not in keeping
 - Flats inappropriate
 - Refuse storage insufficient
 - Increase fly tipping
 - Lack of parking provision

- Traffic increase
- Detrimental to road safety
- Additional noise and disturbance
- Overbearing
- Overshadowing, overlooking and loss of privacy
- Loss of daylight, traffic, noise and artificial lighting and pollution
- Increased use of balconies
- Contrary to policy
- Affect house prices
- Existing structure has been a blot on the landscape
- Existing dwelling is higher than others and overshadows
- Poor design
- Poor landscaping
- No other flats within vicinity
- Future planning applications for flats
- Questioning the compliance of original permission and building works
- New permission would exceed that of the old permission

6. CONSULTATIONS

- 6.1. **Sustainable Transport:** No objection
No objection subject to recommended conditions.
- 6.2. **Environmental Health:** Comment
There are no known contaminated land concerns.
- 6.3. **Arboriculture:** No comment
There are no trees or significant vegetation in proximity to this development, as such an arboricultural comment is not required.

7. MATERIAL CONSIDERATIONS

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

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

8. **POLICIES**

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part Two

Policies in the Proposed Submission City Plan Part 2 do not carry full statutory weight but are gathering weight as the Plan proceeds through its stages. They provide an indication of the direction of future policy. Since 23 April 2020, when the Plan was agreed for submission to the Secretary of State, it has gained weight for the determination of planning applications but any greater weight to be given to individual policies will need to await the outcome of the Regulation 19 consultation which was completed on 30th October 2020.

Brighton & Hove City Plan Part One

SS1	Presumption in Favour of Sustainable Development
CP1	Housing delivery
CP8	Sustainable buildings
CP9	Sustainable Transport
CP10	Biodiversity
CP12	Urban Design
CP14	Housing density
CP19	Housing mix

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

TR7	Safe Development
TR14	Cycle access and parking
SU9	Pollution and nuisance control
SU10	Noise nuisance
QD15	Landscape design
QD27	Protection of amenity
HO5	Provision of private amenity space in residential development
HO9	Residential conversions and the retention of smaller dwellings
HO13	Accessible housing and lifetime homes

Supplementary Planning Document:

SPD12	Design Guide for Extensions and Alterations
SPD14	Parking Standards

9. **CONSIDERATIONS & ASSESSMENT**

- 9.1. The main considerations in the determination of this application relate to the principle of development, design and appearance of the proposal and the impacts of the proposal on the character and appearance of the property, related streetscene and wider area, the amenities of adjacent occupiers, the standard of accommodation to be provided, and transport issues.

Principle of Development:

- 9.2. 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.
- 9.3. 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).
- 9.4. The site counts as a 'brownfield site', bringing the benefit of providing four additional housing units to the city, and contributing to the City's ongoing five year supply requirements. A net increase of four dwellings (such as that in this proposal) would represent a small contribution.
- 9.5. The property as existing comprises a two storey dwelling house. The proposed development seeks to increase the number of residential units at the site from 1 unit to 5 units.
- 9.6. Policy HO9 covers the conversion of a property into smaller residential units. Policy HO9 seeks to retain units of accommodation suitable for family occupation and resists the subdivision of properties to the lowest denominator. It notes there remains a high level of demand for family accommodation and it is therefore important to retain the existing stock of these dwellings. Planning permission will only be granted for conversions providing that the criteria set out in policy HO9 including:
 - a. the original floor area is greater than 115 sq m or the dwelling has more than 3 bedrooms as originally built;
- 9.7. The submitted floorplans attained from the 1997 planning permission show the existing property to comprise of 2 storeys with a total of three bedrooms and an original floor area of approximately 207sqm. In accordance with H09 this calculation does not include the extension at ground floor level to provide a larger kitchen and the addition of two bedrooms at first floor level (proposed under planning application BH1997/01381/FP) which are not considered to constitute original floorspace. Therefore the application site does accord with criterion (a).
 - b. at least one unit of accommodation is provided which is suitable for family occupation and has a minimum of two bedrooms;
- 9.8. The proposal would result in the creation of 2no 2-bed units at ground floor level and 2no 2-bed units and a studio flat at first floor level. All of the two bed units would be suitable for family occupation and with the ground floor two bedroom units being particularly suited to family occupation being of a good size and usability, with level access and with access to private outdoor amenity space, in accordance with criterion (b).

- 9.9. Criteria (c), (d) and (e) and (g) are considered later in the report.
- 9.10. Criterion (f) relates to properties which are listed and therefore is not relevant in the determination of this application.
- 9.11. The original house is over 115m, and at least one of the proposed units would be suitable as family accommodation and therefore the principle of the conversion is considered to be in compliance with the broad aims of Policy HO9.
- 9.12. City Plan Part One Policy CP14 outlines that residential development should still be of a density that is appropriate to the identified positive character of the neighbourhood and be determined on a case by case basis. In local character terms; the proposed use is residential and would therefore be in keeping with the character of the surrounding suburban area. It is acknowledged that the property would become a small flatted development on a street which currently comprises single dwellinghouses however flatted developments are part of the established character of Saltdean and the principle of introducing flatted developments amongst single dwellinghouses is well established. In compliance with CP14, the proposal would respect the established character of the neighbourhood; would include dwelling types and sizes that reflect identified local needs; the site is easily accessible by sustainable transport and it is well served by local services and community facilities.
- 9.13. City Plan Part One Policy CP19 outlines that to improve housing choice and ensure that an appropriate mix is achieved across the city. Paragraph 4.202 of the supporting text of the policy CP19 (Housing Mix) sets out that, 'the council gives a high priority to the importance of achieving a good housing mix and a choice of housing (in terms of types and sizes of accommodation) in order to meet the diverse accommodation needs of the local community'. The housing mix is proposed to be 4no two bed units and 1no studio units and whilst this does not achieve this identified mix the provision is acceptable. Two and three bed dwellings are in most demand within the city and as set out in the report the development aims provide for family accommodation. Four of the units are suitable for small family occupation and would represent a more affordable option for a small family. As such, the unit mix is considered acceptable and would meet the need in the city to provide more family housing, in accordance with policy CP19.
- 9.14. Accordingly, no in-principle objection is raised to the proposal, which is considered to be compliant with Local Plan policy HO9 and City Plan One Policies CP14 and CP19.

Standard of Accommodation:

- 9.15. Policy QD27 of the Brighton and Hove Local Plan aims to secure a good standard of living accommodation for current and future occupiers in all new developments. Accommodation should therefore provide suitable circulation space within the communal spaces and bedrooms once the standard furniture has been installed, as well as good access to natural light and air in each habitable room.

- 9.16. The 'Nationally Described Space Standards' were introduced by the Department for Communities and Local Government in 2015 to establish acceptable minimum floor space for new build developments. Although these space standards have not been formally adopted into the Brighton and Hove City Plan, they provide a useful guideline on acceptable room sizes that would offer occupants useable floor space once the usual furniture has been installed. 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.
- 9.17. The following schedule of accommodation is proposed:
- (Unit 1) Ground floor front two bed unit with access to side patio area- 75sqm
 - (Unit 2) Ground floor rear two bed unit with access to rear patio area- 85sqm
 - (Unit 3) First floor rear two bed unit with balcony and access to communal garden- 61sqm
 - (Unit 4) First floor studio unit with balcony and access to communal garden - 39sqm
 - (Unit 5) First floor front two bed unit with balcony and access to communal garden - 70sqm
- 9.18. An amended plan was received during the course of the application to improve the layout of the first floor front unit by enlarging the living room area.
- 9.19. The submitted plans would provide a standard of accommodation which would be in line with the guidance set out in the NDDS standard of accommodation and would be adequate in terms of layout, circulation space and access to natural light and ventilation. It is acknowledged that the bedrooms within the two bed units at first floor don't exhibit a comfortable circulation space some with inward opening doors hindering this however the layout does provide for the provision of the necessary furniture. The size and layouts of the living spaces in all units, including the studio unit and the improved layout of the first floor front unit, would provide for a suitable standard of accommodation and would meet the needs of future occupiers.
- 9.20. The conditioned obscure glazing of the identified window openings at first floor level to the side elevations would not prejudice the standard of accommodation given that these are either non-habitable windows or secondary windows.
- 9.21. Policy HO5 requires the provision of private useable amenity space in new residential development. The scheme would provide a small communal garden of amenity space to the rear and 2no patio areas to the front and rear of the property for the ground floor units. The outdoor amenity spaces are considered sufficient for the scale of development and the upper floor flats also benefit from balconies and have access to the communal garden. Therefore the proposal is considered in accordance with policy HO5.

Design and Appearance:

- 9.22. City Plan Policy CP12 expects all new development to raise the standard of architecture and design in the city, establish a strong sense of place by

respecting the character of existing neighbourhoods and achieve excellence in sustainable building design and construction.

- 9.23. The building is currently vacant and under renovation with the current building (shell) complete in situ and with the application site itself a building site. The development would represent a significant improvement over the existing appearance of the site which has been that of a construction site for a period of more than twenty years. The existing building is a large two storey detached dwelling however its built form does sit appropriately within the plot and amongst a mix of bungalows and large two storey detached dwellings prevalent within the streetscene.
- 9.24. To the front elevation the installation of windows and glazed doors are proposed along with the installation of a balcony. To the front curtilage of the property, soft landscaping is proposed in the form of hedges atop low walls along the front of the proposed patio area and around the proposed refuse and recycling storage area. The proposed alterations to the side and rear elevations of the building comprise the installation of windows and glazed doors, and the installation of a rear balcony. An existing sheltered walkway to the western side elevation would be fully enclosed as internal space and with internal reconfiguration of the building to facilitate the conversion to flats.
- 9.25. The proposed alterations to the building would be relatively minor additions in comparison to the extant 1997 permission and would fit with the general fenestration pattern on the building. The provision of balconies, particularly to the front elevation, would be appropriate where balconies are a feature within many of the streetscenes of Saltdean. The front boundary treatment and landscaping of the site would be sympathetic and in keeping with the Eileen Avenue streetscene. The building would retain the overall form and scale of a single dwelling and the overall appearance of the development would result in no harm to the street scene or to the character of the wider area.

Impact on Amenity:

- 9.26. 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.
- 9.27. The proposal does not include additional bulk or massing and therefore the proposed alterations would not result in overshadowing, loss of light or loss of outlook.
- 9.28. The proposed balcony to the front elevation would provide views toward the dwellings across the road (set at a distance) and oblique views towards the driveways of the dwellings either side and therefore no loss of privacy would result. The proposed balcony to the rear would include privacy screening to the sides with views primarily across the garden of the application site and toward the rear gardens of the properties of Marine Drive (set at a distance) and therefore no loss of privacy would result. The balconies could provide views toward the rear of 15a and 15 Lenham Avenue to the east however these views

would be oblique and unobtrusive given the inclusion of privacy screening and the property set at an adequate distance/orientation. Given the size of the balconies it is not considered that the use of these by the occupants of the flats would result in harmful noise and disturbance to any further degree than the use of a garden.

- 9.29. The proposed first floor windows to the front and rear would not offer direct views into neighbouring windows and views from this level would already be attainable from the existing arrangement. The proposed ground floor fenestration pattern would not result in loss of privacy given the existing arrangement and adequate boundary treatment.
- 9.30. The window openings proposed to the first floor western side elevation would be as existing and therefore any views toward no.10 to the west would be as existing. However, to safeguard any increased perception of overlooking a condition has been attached requiring obscure glazing to the windows serving non-habitable rooms (unit 4 bathroom, Unit 5 hall).
- 9.31. The window openings proposed to the first floor eastern elevation would include 3no windows to the front projection in the location of existing openings and 2no windows to the rear part of the building to replace one window opening. These 2no windows would serve a bedroom and kitchen/living room for unit 3. It is acknowledged that these two windows would result in an increase in overlooking of the neighbouring property to the east no.6, however the views which would be available would be similar to that which the existing window provides. A condition has been attached requiring obscure glazing to the secondary kitchen/living room window and bedroom window for unit 3 to safeguard neighbouring amenity.
- 9.32. The use of the site would intensify through comings and goings, but it is not expected that the noise emanating from the residential use of the proposed flats would be materially harmful to neighbouring amenity. Whilst the increase in occupation would result in an increased number of movement in comparison to a single dwelling house it is expected that the occupants would likely come and go at different times of the day and the resultant level of activity would remain in keeping with the suburban residential character of the surrounding area.
- 9.33. Overall whilst there may be some limited impacts over and above those which (if occupied would already) exist at the site, the impact on amenity of neighbouring occupiers is not considered to be so detrimentally significant as to warrant refusal of the application.

Sustainability:

- 9.34. A refuse and recycling store is being provided close to the main entrance of the site which would be adequate for the scale of development. Refuse and recycling provision has been secured via condition.

Ecology:

- 9.35. Policy CP10 of the City Plan Part One seeks to ensure that all new development proposals conserve existing biodiversity, protecting it from the negative indirect effects of development including noise and light pollution.
- 9.36. The existing site does not show signs of any protected species being located on site and the proposal would not result in the loss of any mature trees. Overall, the proposal would not have any significant impacts on existing biodiversity on or off site.

Sustainable Transport:

- 9.37. The proposed change of use to 5 dwellings would generate additional trips to the site however these are unlikely to have a significant impact on the highway. The highway authority have requested a CIL contribution given the increase in trips which would be allocated towards footway improvements and dropped crossings.
- 9.38. The applicant is proposing 3 car parking spaces onsite for the 5 flats which means there could be overspill onto the highway. The site is not located within a CPZ and the highway authority consider that there is available parking on the nearby highway and therefore there is no objection on these grounds.
- 9.39. The existing crossover would need to be amended to accommodate the proposed parking area for 3 cars as the crossover appears only wide enough for 2 cars. The crossover condition has been attached to the permission to ensure this requirement is met.
- 9.40. The application proposes 10 cycle parking spaces at the rear of the site which is acceptable for 5 dwellings. The provision of cycle parking is acceptable however full details has been secured via condition.

Other Matters:

- 9.41. Issues have been raised through consultation regarding whether the building has been built in accordance with planning permission BH1997/01381/FP. The submitted existing plans for the current application show the building which is currently on the site. The LPA consider that the existing building/layout/construction has been in situ for more than 4 years so we can accept the physical alterations undertaken so far as the existing lawful situation and the applications has been assessed on this basis. Any development which has been in place for more than 4 years without obtaining the necessary consent is immune from any enforcement action by the Local Planning Authority under Section 171B (1) of the Town and Country Planning Act 1990.

Conclusion:

- 9.42. The scheme makes a small contribution to the Council's housing targets, provides an acceptable standard of accommodation and includes dwelling types and sizes that reflect identified local needs. There is not considered to be a significant impact on highways safety nor neighbouring amenity and the redevelopment of an (unused) site which has been under construction for a number of years is considered to be a positive improvement and therefore the application is recommended for approval subject to conditions.

10. COMMUNITY INFRASTRUCTURE LEVY

- 10.1. The team are currently investigating the potential CIL liability and this will be confirmed following discussions with the applicant post planning decision.

11. EQUALITIES:

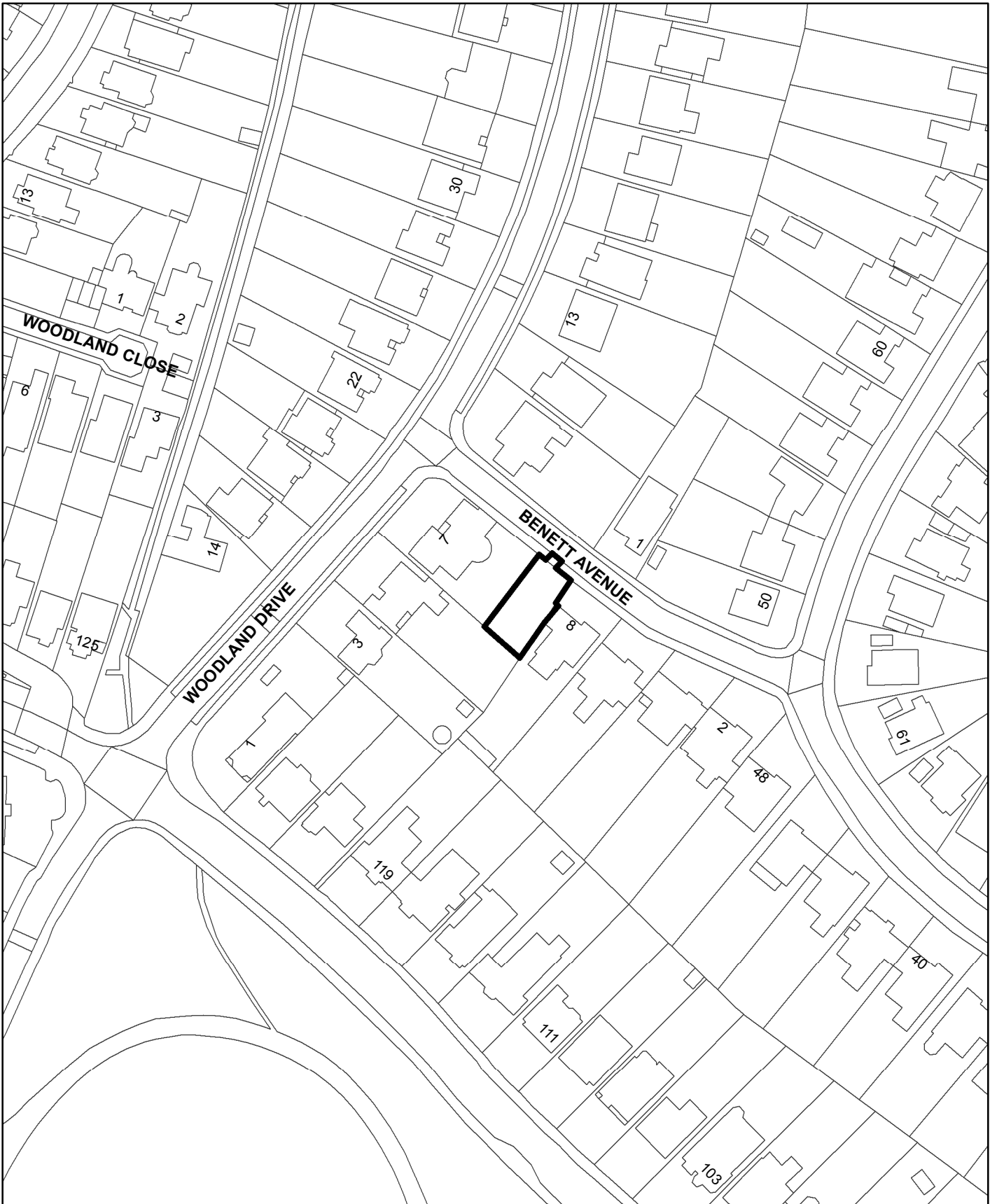
- 11.1. Access standards are not sought on conversions.

ITEM K

**7 Woodland Drive
BH2020/02285
Full Planning**

DATE OF COMMITTEE: 10th February 2021

BH2020 02285 - 7 Woodland Drive



N



Scale: 1:1,250

<u>No:</u>	BH2020/02285	<u>Ward:</u>	Hove Park Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	7 Woodland Drive Hove BN3 6DH		
<u>Proposal:</u>	Erection of 1no two bedroom detached house (C3) to rear of existing dwelling, incorporating new vehicular crossover and associated landscaping and parking.		
<u>Officer:</u>	Michael Tucker, tel: 292359	<u>Valid Date:</u>	26.08.2020
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	21.10.2020
<u>Listed Building Grade:</u>	N/A	<u>EOT:</u>	
<u>Agent:</u>	Absolute Town Planning Ltd C/O Parkers At Cornelius House 178-180 Church Road Hove BN3 2DJ		
<u>Applicant:</u>	City Partnership Housing Limited C/O Absolute Town Planning Ltd Parkers At Cornelius House 178-180 Church Road Hove BN3 2DJ		

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	19036-001		17 August 2020
Proposed Drawing	19036-004		17 August 2020
Proposed Drawing	19036-005		17 August 2020
Proposed Drawing	19036-006	A	13 October 2020
Proposed Drawing	19036-007	A	13 October 2020
Other	NJCL 808_01_061020		13 October 2020
Other	NJCL 808_02_061020		13 October 2020
Other	ARBORICULTURE ASSESSMENT AND OUTLINE METHOD STATEMENT		13 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. No extension, enlargement, alteration of the dwellinghouse as provided for within Schedule 2, Part 1, Classes A, B, C and D 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.
4. The residential unit hereby approved shall not be occupied until the 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.
5. The residential unit hereby approved shall not be occupied until the 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.
6. Notwithstanding the approved drawings, the development hereby permitted shall not be occupied until details of secure cycle parking facilities for the occupants of, and visitors to, the development have been submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be fully implemented and made available for use prior to the first occupation of the development and shall thereafter be retained for use at all times.
Reason: To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than private motor vehicles and to comply with policy TR14 of the Brighton & Hove Local Plan and SPD14: Parking Standards.
7. The development hereby permitted shall not be occupied until the crossover and access has been constructed.
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.
8. The hard surfaces hereby approved shall be made of porous materials and retained thereafter or provision shall be made and retained thereafter to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the property.
To reduce the risk of flooding and pollution and increase the level of sustainability of the development and to comply with policies CP8 & CP11 of the Brighton & Hove City Plan Part One.

9. The vehicle parking area shown on the approved plans shall not be used otherwise than for the parking of private motor vehicles and motorcycles belonging to the occupants of and visitors to the development hereby approved and shall be maintained so as to ensure their availability for such use at all times.
Reason: To ensure that adequate parking provision is retained and to comply with policy CP9 of the Brighton & Hove City Plan Part One and SPD14: Parking Standards.
10. No development above ground floor slab level of any part of the development hereby permitted shall take place until details of all materials to be used in the construction of the external surfaces of the development have been submitted to and approved in writing by the Local Planning Authority, including (where applicable):
- a) details of all brick, render and tiling (including details of the colour of render/paintwork to be used)
 - b) details of all cladding to be used, including details of their treatment to protect against weathering
 - c) details of all hard surfacing materials
 - d) details of the proposed window, door and balcony treatments
 - e) details of all other materials to be used externally
- Development shall be carried out in accordance with the approved details.
Reason: To ensure a satisfactory appearance to the development and to comply with policy QD14 of the Brighton & Hove Local Plan and policy CP12 of the Brighton & Hove City Plan Part One.
11. A bee brick shall be incorporated within the external wall of the development hereby approved and shall be retained thereafter.
Reason: To enhance the biodiversity of the site and to comply with Policy CP10 of the Brighton & Hove City Plan Part One and Supplementary Planning Document SPD11 Nature Conservation and Development.
12. Three (3) swift brick shall be incorporated within the external walls of the development hereby approved and shall be retained thereafter.
Reason: To enhance the biodiversity of the site and to comply with Policy CP10 of the Brighton & Hove City Plan Part One and Supplementary Planning Document SPD11 Nature Conservation and Development.
13. The development hereby permitted shall not be occupied until the dwelling hereby permitted has been completed in compliance with Building Regulations Optional Requirement M4(2) (accessible and adaptable dwellings) and shall be retained in compliance with such requirement thereafter. Evidence of compliance shall be notified to the building control body appointed for the development in the appropriate Full Plans Application, or Building Notice, or Initial Notice to enable the building control body to check compliance.
Reason: To ensure satisfactory provision of homes for people with disabilities and to meet the changing needs of households and to comply with policy HO13 of the Brighton & Hove Local Plan.

14. The development hereby approved shall not be occupied until the refuse and recycling storage facilities indicated on the approved plans have been fully implemented and made available for use. These facilities shall thereafter be retained for use at all times.
Reason: To ensure the provision of satisfactory facilities for the storage of refuse and recycling and to comply with policy QD27 of the Brighton & Hove Local Plan, 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.

15. The development hereby permitted shall not be occupied until a plan detailing the positions, height, design, materials and type of all existing and proposed boundary treatments shall has been submitted to and approved in writing by the Local Planning Authority. The boundary treatments shall be provided in accordance with the approved details prior to occupation of the development and shall thereafter be retained at all times.
Reason: To enhance the appearance of the development in the interest of the visual and residential amenities of the area and to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan and CP12 of the Brighton & Hove City Plan Part One.

16. Notwithstanding the approved documents, 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 (TPP) and an arboricultural method statement (AMS) shall be submitted to and approved in writing by the Local Planning Authority. The development thereafter shall be implemented in strict accordance with the approved details.
Reason: As this matter is fundamental to protecting the trees which are to be retained adjacent to the site during construction works in the interest of the visual amenities of the area and to comply with policies QD16 of the Brighton & Hove Local Plan and CP12 of the Brighton & Hove City Plan Part One and SPD06:Trees and Development Sites.

Informatives:

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

2. The applicant is advised that accredited energy assessors are those licensed under accreditation schemes approved by the Secretary of State (see Gov.uk website); two bodies currently operate in England: National Energy Services Ltd; and Northgate Public Services. The production of this information is a requirement under Part L1A 2013, paragraph 2.13.

3. The water efficiency standard required is the 'optional requirement' detailed in Building Regulations Part G Approved Document (AD) Building Regulations (2015), at Appendix A paragraph A1. The applicant is advised this standard can

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

4. The planning permission granted includes a vehicle crossover which requires alterations and amendments to areas of the public highway. All necessary costs including any necessary amendments to a Traffic Regulation Order (TRO), the appropriate license and application fees for the crossing and any costs associated with the movement of any existing street furniture will have to be funded by the applicant. Although these works are approved in principle by the Highway Authority, no permission is hereby granted to carry out these works until all necessary and appropriate design details have been submitted and agreed. The crossover is required to be constructed under licence from the Head of Asset and Network Management. The applicant is advised to contact the Council's Streetworks Team (permit.admin@brighton-hove.gov.uk 01273 290729) for necessary highway approval from the Highway Authority prior to any works commencing on the adopted highway to satisfy the requirements of the condition.
5. The applicant is advised that advice regarding permeable and porous hardsurfaces can be found in the Department of Communities and Local Government document 'Guidance on the permeable surfacing of front gardens' which can be accessed on the DCLG website (www.communities.gov.uk).
6. Where possible, bee bricks should be placed in a south facing wall in a sunny location at least 1 metre above ground level.
7. Swift bricks/boxes can be placed on any elevation, but ideally under shade-casting eaves. They should be installed in groups of at least three, at a height above 5m height, and preferably with a 5m clearance between the host building and other buildings or obstructions. Where possible avoid siting them above windows or doors. Swift bricks should be used unless these are not practical due to the nature of construction, in which case alternative designs of suitable swift boxes should be provided in their place.
8. It is advised that the updated AMS should be specifically tailored to the development proposed, and should specify detailed information on both tree and ground protection measures which should be conducive to heavy plant access within the RPA. Any excavation works within the RPA should only to be undertaken with direct arboricultural supervision.

2. SITE LOCATION

- 2.1. The application relates to a two-storey detached property on the eastern side of Woodland Drive, on the southern side of the junction with Benett Avenue. Benett Avenue slopes upwards from Woodland Drive to the east, where it meets Benett Drive.

3. RELEVANT HISTORY

- 3.1. **BH2020/01039** - Erection of 1no two storey detached dwellinghouse (C3) incorporating new vehicular crossover and associated landscaping. Refused
The reason for refusal was:
"The proposed dwelling, by reason of its height, bulk, flat roof form, materiality and detailing would be in stark contrast with and relate poorly to the adjacent properties and local context. The proposed plot size would be uncharacteristically small and narrow for the surrounding area. The proposal would therefore be of a cramped and incongruous appearance that would harm the character and appearance of the streetscene and wider area, failing to raise the standard of architecture within the city and contrary to Policy CP12 of the Brighton and Hove City Plan Part One."
- 3.2. **BH2015/00639** - Certificate of lawfulness for proposed erection of outbuilding, creation of hard standing, removal of wall and insertion of timber gate to rear of property. Refused.
- 3.3. **BH2014/03358** - Erection of 1no two bedroom dwelling with off street parking accessed from Bennett Avenue. Refused, appeal dismissed.
- 3.4. **BH2013/04035** - Erection of 1no three bedroom dwelling with off-street parking accessed from Benett Avenue. Refused.
- 3.5. **BH2003/01916/FP** - Replacement of boundary fence with brick built boundary wall to Benett Avenue elevation. Approved.

4. APPLICATION DESCRIPTION

- 4.1. Planning permission is sought for the subdivision of the plot and the erection of a single-storey detached dwelling (C3), incorporating a new vehicle crossover and landscaping. The proposed dwelling would front onto, and form a part of, Benett Avenue.

5. REPRESENTATIONS

- 5.1. **Thirteen (13)** letters have been received, objecting to the proposal for the following reasons:
- Additional traffic
 - Overdevelopment
 - Poor design
 - Loss of privacy
 - Excavation could impact stability of earth
 - Damage to trees
 - Undersized garden
 - Inaccuracies in submitted planning statement
 - Errors on drawings

- 5.2. **Seven (7)** letters have been received, supporting the proposal for the following reasons:
- Good design
 - Provides more housing in area
 - Responded to previous reasons for refusal
- 5.3. **Councillor Brown** has objected to the application, a copy of this correspondence is attached to this report.

6. CONSULTATIONS

- 6.1. **Arboriculture: Comment**
Significant concerns are held regarding the impact of the development (including excavation and plant movements) on the high value street tree directly outside the site, which is now subject to a TPO.
- 6.2. If consent is granted, an updated Arboricultural Method Statement (AMS) should be secured by condition prior to commencement.
- 6.3. **East Sussex Fire & Rescue: No comment received**
- 6.4. **Sustainable Transport: No objection**
No objection subject to conditions relating to porous hard surface materials, a crossover licence, the retention of the parking area, and the submission of cycle parking details.
- 6.5. **Environmental Health: No comment received**

7. MATERIAL CONSIDERATIONS

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

8. POLICIES

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part 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 ended on the 30 October 2020.

Brighton & Hove City Plan Part One

SS1	Presumption in Favour of Sustainable Development
CP1	Housing delivery
CP8	Sustainable buildings
CP9	Sustainable transport
CP10	Biodiversity
CP12	Urban design
CP13	Public streets and spaces
CP14	Housing density
CP16	Open space
CP19	Housing mix

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

TR7	Safe Development
TR14	Cycle access and parking
SU10	Noise Nuisance
QD14	Extensions and alterations
QD15	Landscape design
QD16	Trees and hedgerows
QD18	Species protection
QD27	Protection of amenity
HO5	Provision of private amenity space in residential development
HO13	Accessible housing and lifetime homes

Supplementary Planning Documents:

SPD03	Construction & Demolition Waste
SPD06	Trees & Development Sites
SPD11	Nature Conservation & Development
SPD12	Design Guide for Extensions and Alterations
SPD14	Parking Standards

9. CONSIDERATIONS & ASSESSMENT

- 9.1. The main considerations in the determination of this application relate to the principle of the development, the design and appearance of the proposed dwelling and the impact of the proposal on neighbouring amenity. The standard of accommodation to be provided, transport and sustainability are also material considerations.
- 9.2. 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.
- 9.3. The council's most recent housing land supply position published in the SHLAA Update 2019 shows a five year housing supply shortfall of 1,200 (equivalent to 4.0 years of housing supply). As the council is currently unable to demonstrate a five year housing land supply, increased weight should be given to housing delivery when considering the planning balance in the determination of planning applications, in line with the presumption in favour of sustainable development set out in the NPPF (paragraph 11).

Principle of Development:

- 9.4. The site is located within an established residential area, in which new residential uses are generally acceptable in principle. The proposal would result in the provision of 1no additional housing unit which would make a contribution to the housing supply of the city at a time when the LPA is unable to demonstrate a five-year housing supply, and this is given increased weight in accordance with the "tilted balance" in favour of housing delivery.
- 9.5. The current application follows several previous refused applications for a new dwelling on the site, including BH2020/01039 and the earlier BH2014/03358 which was also dismissed at appeal.
- 9.6. The officer for BH2014/03358 found the subdivision of the plot to be unacceptable in principle, due in part to the small size of the created plot appearing out of character and counter to the established urban grain of the area. In deciding the subsequent appeal, the Inspector did not find the plot size itself to be harmful, with the appeal dismissed due to the design of the dwelling and the quantum of outdoor amenity space. The narrow plot width was, instead, only considered to exacerbate the harm caused by the incongruous design of the dwelling.
- 9.7. The reason for refusal of the more recent BH2020/01039 (which has not been appealed) included reference to the plot size, however similarly to the appeal decision for BH2014/03358 this was cited in combination with significant concerns regarding the proposed design.
- 9.8. As such, whilst it remains considered that the proposed plot size is considerably smaller than is typical for the surrounding area, subject to the design of the dwelling (and all other material considerations) being acceptable and in view of the need for additional housing in the city, the plot size itself would not, on

balance, be considered to constitute a sound reason for refusal which would likely be successful at a subsequent appeal.

- 9.9. It is further noted that the currently proposed plot size is slightly enlarged since the 2014 refusal, at approx. 230sqm with a frontage width of approx. 10m compared to the previously proposed 210sqm at a frontage width of approx. 9m.
- 9.10. As such, in view of the previous appeal decision and the need for additional housing in the city, the proposal is considered acceptable in principle, subject to an assessment of other material considerations as below.

Design and Appearance:

- 9.11. The proposed dwelling would be viewed as part of the Benett Avenue streetscene, which on the southern side is comprised of a row of bungalows of uniform appearance with near-identical roof forms. The matching design of these bungalows is not limited to Benett Avenue, extending for some distance along the southern side of Benett Drive. The consistency in the roof forms of these bungalows give a strong sense of rhythm to the streetscene.
- 9.12. The design of the proposed dwelling is markedly different than for the previous refused application. The dwelling would be single-storey with a hipped roof and projecting front hip similar to the neighbouring bungalows. The dwelling would be in facing brick with a tiled roof. The design has been amended since initially submitted to reduce the roof pitch to better match the neighbouring bungalows and immediate streetscene.
- 9.13. It is considered that the proposed design, as amended, has successfully overcome the reason for refusal of BH2020/01039 and the Inspector's design concerns regarding BH2014/03358. Whilst the design would not be a facsimile of the existing bungalows, it would nevertheless be in keeping with the streetscene and would not disrupt the rhythm of the bungalows. The building would appear as a single-storey with a hipped roof, follow the front building line, be in appropriate materials (of which final details can be secured by condition), and would reference design features of the neighbouring bungalows. Following amendments, the eaves and ridge heights would follow the downwards sloping ground levels. As noted by the previous Inspector, that the building would occupy the majority of the width of the plot would not be out of keeping with the neighbouring bungalows which occupy a similar proportion of their respective plot widths.
- 9.14. It is therefore considered that the design of the proposed dwelling would not cause harm to the character and appearance of the area and would be in accordance with Policy CP12 of the CPP1. A condition is recommended to require the submission of a scheme for landscaping and boundary treatments.

Impact on Amenity:

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

- 9.16. Whilst the provision of an additional residential unit would be likely to result in some increase in noise disturbance due to increased activity on the site, such activity would be domestic in nature which would be compatible with the residential character of the area. Given the two-bedroom scale of the proposed dwelling, any increase is unlikely to be of such significant a degree as to warrant the refusal of the application.
- 9.17. Existing boundary treatments include high, thick hedge-like planting on the south-east (side) and north-east (front) boundaries of the proposed site.
- 9.18. Given this existing planting and the lower ground level of the proposed plot, the proposed building would be unlikely to result in an increase in overshadowing or overbearing impact on the side-facing windows of the neighbour at no. 8 Benett Avenue compared to the existing arrangement. The proposal would be sufficiently spaced from no. 7 Woodland Drive to avoid overshadowing or loss of light towards that property.
- 9.19. The removal of the rear part of the planting raises the potential for overlooking from the rear of the proposed dwelling. No side-facing windows are proposed towards no. 8 Benett Avenue, and whilst some overlooking into the rear garden may be possible, this would be from a ground floor vantage and would not be to a greater degree than is to be reasonably expected in a residential area. The concerns raised by an objector to the scheme are noted, however particular lifestyle choices of residents are not material planning considerations.
- 9.20. An obscure-glazed side-facing window is proposed towards no. 7 Woodland Drive, serving a shower room. This would not result in harmful overlooking.
- 9.21. The steps giving access to the rear garden would not be likely to be in intensive use due to the relatively small width and depth limiting space for furniture and so is unlikely to be a significant source of noise disturbance or overlooking.

Standard of Accommodation:

- 9.22. The proposed dwelling would have a total area of approx. 131sqm, spread over the ground floor and a lower ground floor (not visible from the street). the ground floor would contain an open-plan kitchen/living area with a separate dining room. The two bedrooms would be on the lower ground floor and would each be approx. 13.8sqm in area, with access to separate dressing rooms and en-suites.
- 9.23. Each habitable room would be of a regular layout providing space for furniture and circulation. Access to natural light and outlook would be acceptable for the rooms on the ground floor, and whilst this would be somewhat limited for the bedrooms on the lower ground floor, the large windows and external excavation would nevertheless allow an acceptable level of natural light and outlook for these bedrooms.
- 9.24. Although not adopted policy, the Government's Nationally Described Space Standards (NDSS) provide a useful indication as to the suitability of a proposed

dwelling. The proposal exceeds the minimum area of 79sqm for a comparable two-bedroom, four-person, two-storey dwelling set out in the NDSS.

- 9.25. The proposal includes a rear garden area of approx. 76sqm. Although this is smaller than proposed under BH2020/01039, and considerably smaller than other rear gardens in the area, the proposed garden remains larger than that considered to be unacceptable by the Inspector and is considered sufficient for the scale of dwelling proposed and not to warrant the refusal of the application.

Arboriculture:

- 9.26. The initial comments of the Council's Arboriculture team raised concerns regarding the impact of the development (including due to plant movements during construction and excavation for the lower ground floor) on the high-value street tree directly outside the site. This tree is now subject to a Tree Preservation Order (TPO) affording it statutory protection.
- 9.27. In response to the Arboriculture comments, a Tree Survey and Arboriculture Outline Method Statement (AOMS) were submitted by the applicant and have been reviewed by the Council's Arboriculture team.
- 9.28. The Arboriculture team considered that, whilst the new development and construction of is, in principle, possible without harming the tree, there were several concerns with the detail of the submitted AOMS, including that the AOMS did not sufficiently address the excavation and heavy plant movements within the RPA necessary to accommodate the lower ground floor and driveway. The RPA shown within the submission was also considered to be misleading.
- 9.29. An updated Arboriculture Method Statement (AMS) will therefore be secured by condition, prior to the commencement of the development. The updated AMS should be specifically tailored to the development proposed and should provide detailed information on both tree and ground protection measures which should be conducive to heavy plant access within the RPA. Any excavation works within the RPA should only to be undertaken with direct arboricultural supervision. This will ensure that the construction process does not cause unacceptable harm to the tree.

Sustainable Transport:

- 9.30. The proposal is unlikely to result in a significant increase in trip generation.
- 9.31. The proposal includes a cycle store however there is a lack of detail and so further details will be secured by condition.
- 9.32. The proposal includes 1no car parking space, in accordance with SPD14 standards. The site is located within Controlled Parking Zone P which has a permit uptake rate of 22%. It is therefore not considered necessary to remove future occupiers' rights to car parking permits.
- 9.33. The proposed crossover would not result in a danger to highway safety. Conditions are recommended to ensure the crossover is constructed prior to

occupation of the dwelling, and that all hard surfaces are porous and/or permeable.

Sustainability:

- 9.34. Suitably worded conditions are recommended to ensure the dwelling meets energy and water efficiency standards in accordance with Policy CP8 of the Brighton and Hove City Plan Part One.

Other Considerations:

- 9.35. Suitably worded conditions are recommended to require the incorporation of a bee brick and a three swift bricks within the development.
- 9.36. In view of the ongoing COVID-19 travel restrictions and in lieu of a site visit, photos of the site have been obtained from the applicant.
- 9.37. It is considered that in order to prevent harm to the character and appearance of the area and neighbouring amenity, any future extensions and alterations will need to be carried out in a considered manner. It is therefore recommended to remove permitted development rights for the dwelling.

Conclusion:

- 9.38. In view of the need for additional housing and the findings of the previous Inspector, the proposed development is, on balance, considered to be acceptable in principle. The proposed design is considered to have responded positively to the reasons for refusal of the previous applications and is considered acceptable. No significant concerns are held regarding the impact upon neighbouring amenity and standard of accommodation to be provided. Arboriculture, transport, sustainability and ecological matters can be satisfactorily addressed through suitably worded conditions. Approval is therefore recommended.

10. COMMUNITY INFRASTRUCTURE LEVY

- 10.1. 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. It is estimated that the amount of CIL liability for this application is £22,925.00. 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.

11. EQUALITIES

None identified

Cllr. Vanessa Brown
BH2020/02285 – 7 Woodland Drive

14th September 2020:

I am writing yet again to object to a house being built in the garden of 7 Woodland Drive fronting Benett Avenue.

This is the fourth full planning application for a house on this site. The previous three and an appeal to the Secretary of State have all been refused. The last application was refused by planning officers because “ It is considered that the proposed subdivision is unacceptable in principle as both the proposed and retained plots would be uncharacteristically small for the surrounding area.” Similar wording has been used for each refusal and obviously nothing can be done to address this problem so there is no reason for the decision to be any different this time. There would not be sufficient outdoor amenity space.

The grounds for refusing the appeal to the Secretary of State further stated that the property would be in “stark contrast” to the line of attractive, well spaced bungalows on the South side of Benett Avenue. A house here would impact badly on the street scene.

These plans have rear upper storey windows and a door and balcony that would overlook and cause a loss of amenity to 5 Woodland Drive and to the adjacent bungalows in Benett Avenue.

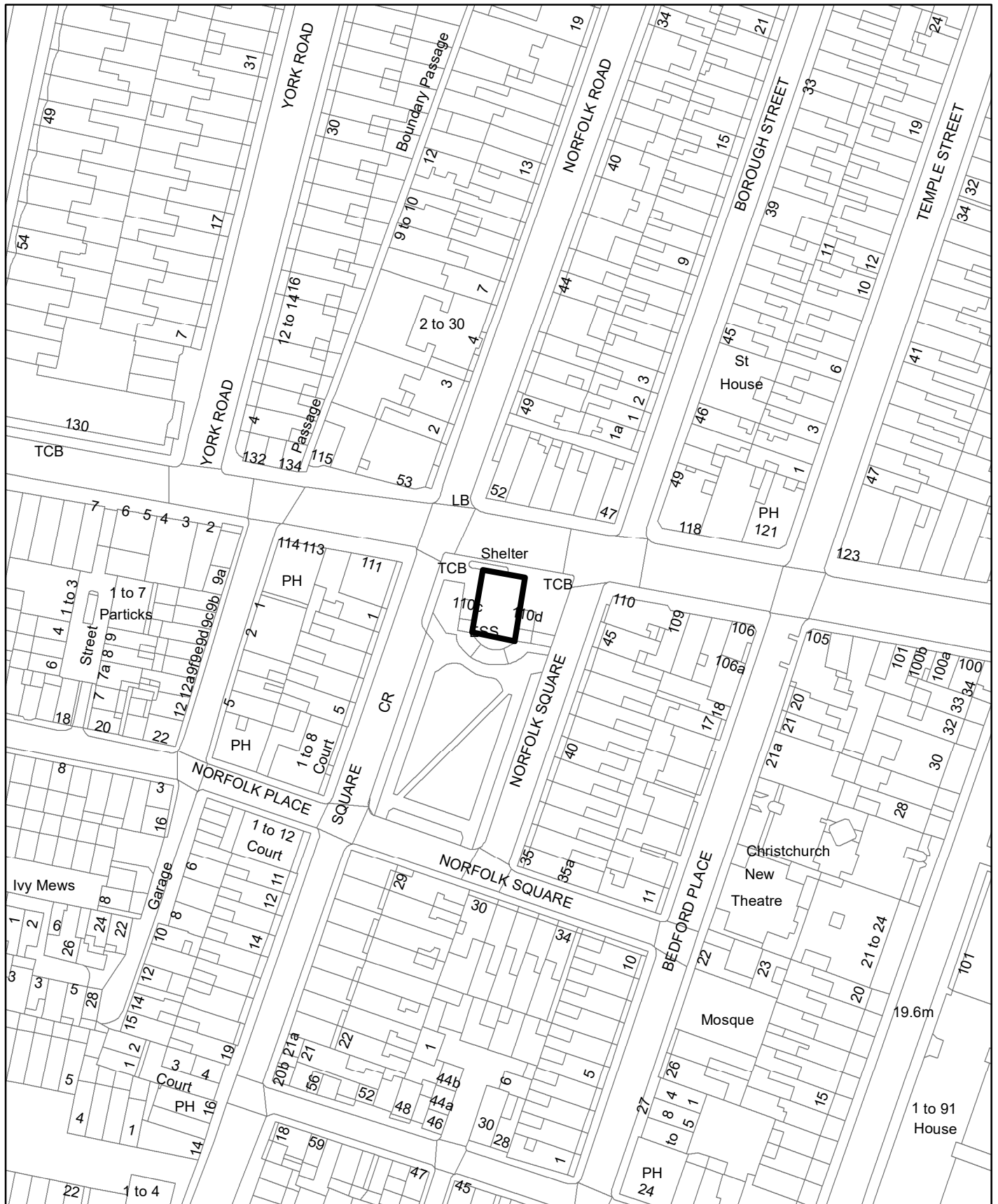
If this application should be recommended to be passed I would request that it goes before the Planning Committee for decision.

ITEM L

**Norfolk Square Gardens
BH2020/03247
Full Planning**

DATE OF COMMITTEE: 10th February 2021

BH2020/03247 Norfolk Square Gardens, Norfolk Square, Brighton



**Brighton & Hove
City Council**



Scale: 1:1,250

<u>No:</u>	BH2020/03247	<u>Ward:</u>	Regency Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	Norfolk Square Gardens Norfolk Square Brighton		
<u>Proposal:</u>	Installation of public sculpture to paved area.		
<u>Officer:</u>	Sam Bethwaite, tel: 292138	<u>Valid Date:</u>	10.11.2020
<u>Con Area:</u>	Regency Square	<u>Expiry Date:</u>	05.01.2021
<u>Listed Building Grade:</u>	N/A	<u>EOT:</u>	
<u>Agent:</u>	N/A		
<u>Applicant:</u>	Mr Steve Geliot 62 Compton Road Brighton BN15AN		

1. RECOMMENDATION

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

Conditions:

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

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

Plan Type	Reference	Version	Date Received
Block Plan			10 November 2020
Location Plan			10 November 2020
Proposed Drawing	Site Plan		10 November 2020
Proposed Drawing	South Section		10 November 2020
Proposed Drawing	West Section		10 November 2020
Other	Sculpture Details		10 November 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.

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

- 2.1. This application relates to the north side of Norfolk Square, within an existing large paved area. It would be flanked on either side by the existing retail pavilions and there is a bus stop and Western road just beyond, to the north. The site is within the Regency Square conservation area and there are several Grade II listed buildings adjacent the site, within Norfolk Square.

3. RELEVANT HISTORY

- 3.1. **PRE2020/00204** pre-application guidance issued on 14 October 2020. In summary, the advice was that the siting, scale and materials of the proposed sculpture were likely to be acceptable subject to any formal comments from Heritage and Transport Officers.

4. APPLICATION DESCRIPTION

- 4.1. This application is for the erection of a public art installation on the north side of Norfolk Square, within an existing large paved area. It would be flanked on either side by the existing retail pavilions and there is a bus stop and Western road just beyond, to the north. The site is within the Regency Square conservation area and there are several Grade II listed buildings adjacent the site, within Norfolk Square.
- 4.2. The sculpture is made from the three original cast iron "dolphins" repurposed from the 1846 Victoria Fountain at Old Steine. There is a wave element which will be made from weathering steel and fitted to the historic castings. In addition, there will be three interchangeable shipwrecks in cast iron fitted to the wave. The intention is that these will be changed at various times by the Norfolk Square Gardens Group.

5. REPRESENTATIONS

- 5.1. **Five (5)** letters have been received supporting the proposed development for the following reasons:
- The sculpture will enhance Norfolk Square
 - It will encourage people to stop and explore the wider Norfolk Square gardens
 - The use of the cast iron dolphins is in keeping
 - The sculpture is an opportunity to reuse the dolphins
 - Would enhance the area and become a local landmark
- 5.2. **Councillors Phillips and Druitt** have written in support of the application. Their representation is attached to this report.

6. CONSULTATIONS

EXTERNAL

- 6.1. **Conservation Advisory Group (CAG): Objection**
CAG have requested that the application be determined at Planning Committee rather than receiving a delegated decision. The group objects to the proposal on the grounds that the proposed sculpture would be too large and bulky for the site, that it would disrupt the views of the Georgian terraces around the square. CAG state that a larger open space is required and that the installation in a cramped spot will harm the conservation area. The group also comment that the information submitted provides limited details especially with reference to the proposed shipwrecks.

INTERNAL

- 6.2. **Heritage: No objection**
The heritage officer concluded that the proposed sculpture would be a substantial structure that would particularly impact views from the north and south. It would not significantly impact on views of the listed buildings as a result of the existing intervening tree lines. The sculpture would be subservient to the Norfolk Square buildings especially given that it is similar to the existing pavilions in terms of height. It would be viewed more in context with the busy commercial townscape of Western Road. Overall, the heritage officer considered that the proposed art installation would preserve and enhance the character of the Regency Square conservation area and cause no harm to the setting of the listed buildings at Norfolk Square.
- 6.3. **Sustainable Transport: No objection**
There was no objection in principle to the installation of the sculpture from the transport officer. The transport officer was keen to make sure that space is retained around the proposed sculpture to allow the free movement of pedestrians and onlookers.

7. MATERIAL CONSIDERATIONS

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

8. POLICIES

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part Two

Policies in the Proposed Submission City Plan Part 2 do not carry full statutory weight but are gathering weight as the Plan proceeds through its stages. They provide an indication of the direction of future policy. Since 23 April 2020, when the Plan was agreed for submission to the Secretary of State, it has gained weight for the determination of planning applications but any greater weight to be given to individual policies will need to await the outcome of the Regulation 19 consultation which ended on 30 October 2020.

Brighton & Hove City Plan Part One

SS1	Presumption in Favour of Sustainable Development
CP12	Urban design
CP13	Public Streets and Spaces
CP15	Heritage

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

TR7	Safe Development
QD5	Design - street frontages
QD14	Extensions and alterations
QD27	Protection of amenity
HE3	Development affecting the setting of a listed building
HE6	Development within or affecting the setting of conservation areas

Supplementary Planning Documents:

SPD09	Architectural Features
SPD12	Design Guide for Extensions and Alterations

9. CONSIDERATIONS & ASSESSMENT

- 9.1. The main considerations in the determination of this application relate to the impact of the proposed development on the appearance and character of the site, the wider street scene of the Regency Square conservation area, the setting of the adjacent listed buildings and the amenities of adjacent occupiers and residents.

Planning Policy:

- 9.2. One of the objectives of policy CP13 Public Streets and Spaces of the Brighton & Hove City Plan Part One is to incorporate appropriate public art into the city's public spaces. This policy states that artwork can create and enhance local distinctiveness. It is considered that the proposed sculpture accords with the aims of this policy.
- 9.3. The erection of a public art installation in this location is considered acceptable in principle.

Design and Appearance:

- 9.4. In considering whether to grant planning permission for development 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. Moreover, 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.
- 9.5. Case law has held that the desirability of preserving a listed building or its setting or any features of special architectural or historic interest it possesses, and the desirability of preserving or enhancing the character or appearance of a conservation area should be given "considerable importance and weight".
- 9.6. It is considered that the proposed sculpture will preserve and enhance the character and appearance of the Regency Square conservation area and the setting of the adjacent Grade II listed buildings within Norfolk Square. The proposed sculpture will add interest and local distinctiveness to the area. Some of the wider views across the square would be disrupted by the proposed sculpture. However, this will not impact significantly on the views of the adjacent listed buildings, particularly given the existing pavilions and trees that interrupt these views. It is also considered that the addition of the proposed sculpture would attract people closer to the square to appreciate the gardens and the adjacent buildings of architectural merit.
- 9.7. The proposed sculpture would be positioned in a large expanse of pavement to the north of Norfolk Square gardens. In this location it is considered that the proposed sculpture would not result in the area appearing cluttered.
- 9.8. At 3.5m in height with a 3.4m diameter base the proposed sculpture would be a significant size. It would not be as tall as the adjacent retail units and would appear subservient in scale against the buildings of Norfolk Square and Western Road.
- 9.9. The proposed sculpture would not result in design harm and is considered to be in accordance with policies CP12 & CP15 of the Brighton & Hove City Plan Part One and QD5, HE3 and HE6 of the Brighton and Hove Local Plan (retained policies March 2016).

Impact on Amenity:

- 9.10. 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.
- 9.11. Officers were not able to conduct a site visit as a result of the ongoing restrictions related to covid-19. The assessment of the amenity impacts of the proposed sculpture was completed by reviewing images provided with the application and from street scene views taken in October 2020.

- 9.12. Whilst the proposal may attract people to the square to view the sculpture, given its existing context along Western Road, it is not considered that any additional activity from the proposed sculpture would result in any detrimental amenity impacts to local residents. Indeed, additional footfall may assist local retailers.

Sustainable Transport:

- 9.13. The proposed sculpture would reduce the space available for pedestrian movement but notwithstanding this it is considered that appropriate space would be retained. A gap in excess of 3.4m would exist between the sculpture and the adjacent bus stop and retail premises. This is similar to the pavement widths along Western Road to the east and west of the site.
- 9.14. 110B Western Road has a pavement licence for tables and chairs. This sandwich shop is small in size and it is not considered that the tables and chairs associated with this property in conjunction with the proposed sculpture would result in insufficient space for comfortable pedestrian movement around the site.

10. EQUALITIES
None identified.

**Cllr. Alex Philips & Cllr. Tom Druitt
BH2020/03247 – Norfolk Square Gardens**

7th January 2021:

I am writing to you on behalf of myself and Cllr Tom Druitt, copied in here, to support the proposed art installation on Norfolk Square Gardens.

As we understand it, the planning application has gone in for the art installation on Norfolk Square Gardens and the artist Steve Geliot has undergone all the pre planning work and has got the support of Heritage and city parks etc.

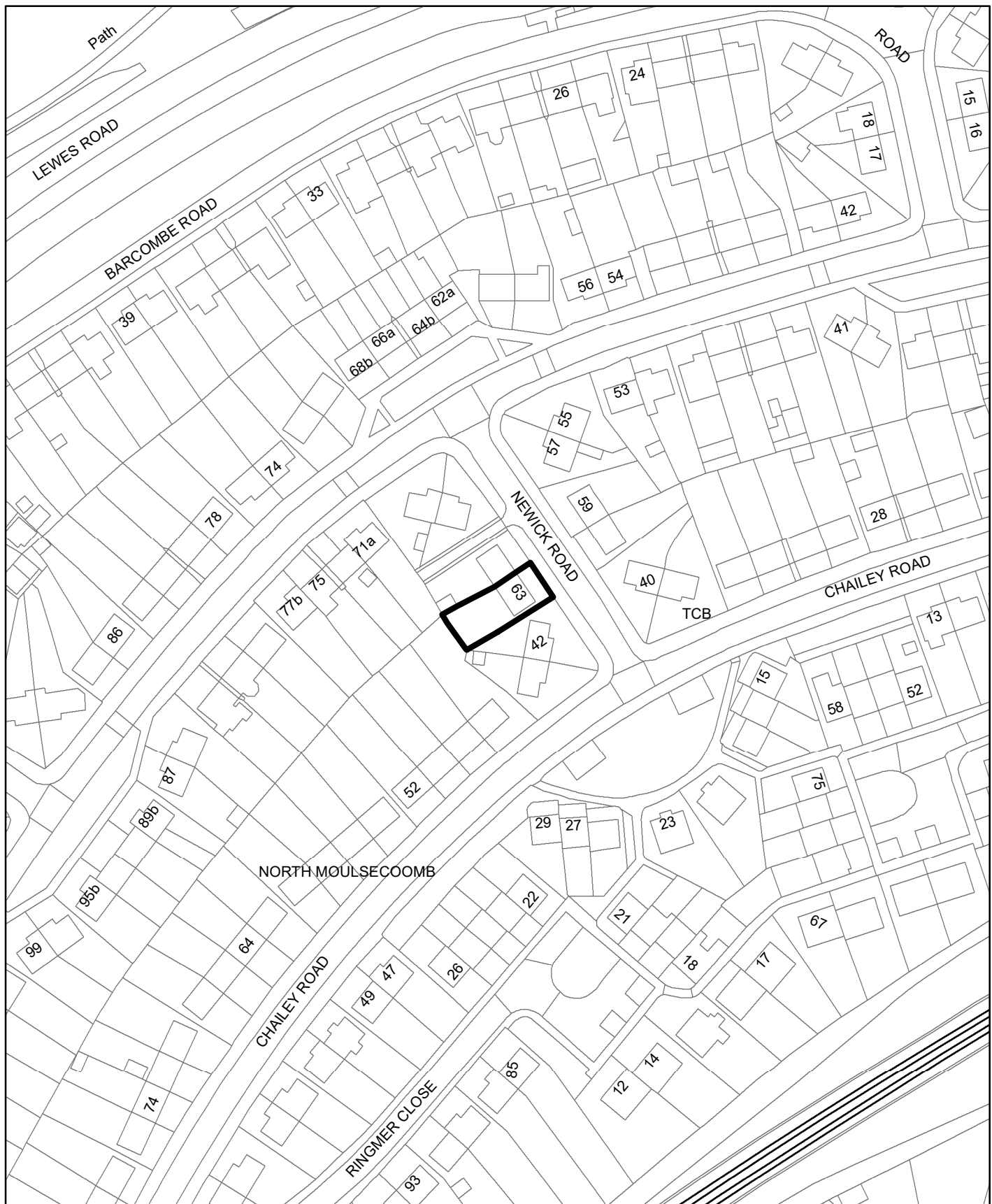
Furthermore, the Norfolk Square Friends Group have been very careful to garner feedback and support for the project throughout the process of selecting a suitable art piece for the area between the kiosk. This is with the aim of transforming a rundown area, and turning it in to a landmark that acts as a gateway to bring people passing by into the Gardens. And rather than be a block to peoples' view, it would introduce passers-by to the space, and create interest in what at the moment is a drab run down area.

It is fair to say that of the large number of people that have seen the plans for the dolphins no one has cited size as a problem and the clear majority are very much in favour of the installation and await its arrival with much anticipation.

ITEM M

**63 Newick Road
BH2020/03446
Full Planning**

DATE OF COMMITTEE: 10th February 2021



**Brighton & Hove
City Council**



Scale: 1:1,250

<u>No:</u>	BH2020/03446	<u>Ward:</u>	Moulsecoomb And Bevendean Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	63 Newick Road Brighton BN1 9JJ		
<u>Proposal:</u>	Change of use from dwelling house (C3) to six bedroom small house in multiple occupation (C4) incorporating erection of single storey rear extension, secure cycle storage and associated alterations.		
<u>Officer:</u>	Rebecca Smith, tel: 291075	<u>Valid Date:</u>	25.11.2020
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	20.01.2021
<u>Listed Building Grade:</u>	N/A	<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 And Co Planning 2 Port Hall Road Brighton BN1 5PD		

1. RECOMMENDATION

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

Conditions:

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

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

Plan Type	Reference	Version	Date Received
Proposed Drawing	297/COU.01	Rev A	20 January 2021

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 floorplan, drawing no 297/COU.01 Rev A, received on 20th January 2021 and shall be retained as such thereafter. The layout of the kitchen/living and dining rooms 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 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.

5. 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.

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

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

7. A bee brick shall be incorporated within the external wall of the development hereby approved and shall be retained thereafter.

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

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.

1. Where possible, bee bricks should be placed in a south facing wall in a sunny location at least 1 metre above ground level.

2. SITE LOCATION

- 2.1. The application site relates to a two-storey semi-detached property on the northern side of Newick Road. The application site is not listed, and it does not lie within a conservation area.

- 2.2. The site lies within the Moulsecoomb and Bevendean ward which has been subject to an Article 4 direction to restrict permitted development rights for changes of use from C3 (dwellinghouses) to C4 (small House in Multiple

Occupation). This has been in effect in this ward since 5th April 2013 but as of 3rd June 2020 the Article 4 Direction has been extended citywide.

3. RELEVANT HISTORY

- 3.1. There is currently an open enforcement case relating to this property.

4. APPLICATION DESCRIPTION

- 4.1. This application seeks planning permission for the change of use from a dwellinghouse (C3) to a small House in Multiple Occupation (C4) with 6-bedrooms/persons.
- 4.2. During consideration of the application, minor amendments to the drawings and planning statement have been received. The planning statement was updated to clarify that off-street parking is not proposed and the plans were amended to move the cycle store to the rear of the property.

5. REPRESENTATIONS

- 5.1. **Two (2)** letters has been received objecting to the proposed development for the following reasons:
- Additional traffic
 - Increase in noise
 - Overshadowing
 - Extension would be too close to the boundary
 - Loss of natural light
 - Increased parking demand
 - Exceeds capacity of the area for HMOs
 - Decline in community services and activities aimed at families
 - Increased comings and goings at the property causing disruption for existing residents
 - No community benefit from proposal
 - Further contributes to a lost sense of community
 - There is enough student accommodation elsewhere
 - Tenants would not respect the area and would change frequently
- 5.2. **Councillor Yates** has objected to the application. A copy of the representation is attached.

6. CONSULTATIONS

- 6.1. **Housing Strategy:** No comment received
- 6.2. **Private Sector Housing:** No objection

Should this planning application be successful a HMO licence would be required for this use.

- 6.3. **Sustainable Transport - Verbal Comment:** No objection
No objection to the increase in trip generation resulting from the change of use proposed. The additional trip generation is insignificant and would not warrant refusal on this basis. The Local Highway Authority (LHA) would like to request that the proposed cycle parking is made more secure but the number of spaces (6 spaces) exceeds the minimum required.
- 6.4. The planning statement stated that parking is possible on the driveway, however this may not be suitable for all vehicles due to its size. Furthermore, there are concerns that the property does not have adequate visibility to facilitate a driveway or that the drop kerb is appropriate. Some overspill car parking may therefore occur. However, there appears to be available parking on-street which could accommodate overspill marking from the additional occupiers. The site is within Controlled Parking Zone (CPZ) D which is only operation on match days rather than all the time.

7. MATERIAL CONSIDERATIONS

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

8. POLICIES

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part Two

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

be given to individual policies will need to await the outcome of the Regulation 19 consultation which ended on 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):

HO5	Provision of private amenity space in residential development
QD14	Extensions and alterations
QD27	Protection of amenity
SU9	Pollution and nuisance control
SU10	Noise Nuisance
TR14	Cycle access and parking

Supplementary Planning Documents:

SPD11	Nature Conservation and Development
SPD14	Parking Standards

9. CONSIDERATIONS & ASSESSMENT

- 9.1. The main considerations in the determination of this application relate to the principle of the change of use, the design and appearance of the proposed extension, the standard of accommodation to be provided, the effects of the proposed change of use on neighbours' amenity and transport matters.
- 9.2. Due to the ongoing coronavirus pandemic a physical site visit has not taken place during the assessment of this application. Instead a desktop assessment has been made using up to date photographs of the site provided by the agent and street view imagery, which is considered sufficient to assess the acceptability of the proposal.
- 9.3. It is noted that there is an ongoing enforcement investigation at this property and that the neighbour occupants suggest multiple occupancy use. The use and alteration applied for here have not commenced, furthermore it is noted that the applicant does not currently own the property.

Principle of Change of Use:

- 9.4. The change of use from dwellinghouse (C3) to small HMO (C4) does require the application to be assessed against policy CP21. 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."*

- 9.5. A mapping exercise has been undertaken which indicates that there are 24 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 4.16%. For the purposes of the CP21 calculations the application site is always excluded and only the remaining residential properties within the 50m radius are used in the calculation.
- 9.6. Based on the existing percentage of neighbouring properties in HMO use, which is less than 10%, the principle of change of use to a six-bedroom HMO (C4) would not be in conflict with the aims of policy CP21.

Design and Appearance:

- 9.7. The proposal includes a single storey extension to the rear and alterations to the fenestration. The alterations to the fenestration are minor and do not alter the appearance of the dwelling in a harmful way. The alterations include the loss of the small middle window at ground floor level and the loss of the windows serving the existing bathroom and separate toilet and replacement with a single larger window to serve the proposed bedroom. It is also noted that the window openings to the rear would also be larger, again this is not harmful to the overall appearance.
- 9.8. In terms of the proposed rear extension it would be single storey with the walls finished in render to match the existing, the dummy pitch roof would be clad in concrete tile and the floor to ceiling window and separate door would be upvc to match the existing. The proposed extension would be sited away from the boundary with the attached neighbour and be approximately 3.5m deep and 6.3m wide. The height of the extension would be approximately 2.85m to the eaves and 3.4m to the highest point.
- 9.9. Overall, the proposed extension would relate well to the existing house and would not unduly dominate the plot causing harm to the character and appearance of the area. The alterations to the fenestration are also acceptable. The proposed extension and alterations would therefore be in accordance with policies QD14 of the Brighton & Hove Local Plan and CP12 of the City Plan Part One.

Standard of Accommodation:

- 9.10. The existing layout comprises of living room, kitchen and bedroom on the ground floor and three bedrooms on the first floor with a bathroom and separate toilet.

- 9.11. This proposal seeks to revise the internal layout to facilitate the change of use, this includes relocating the stairs and all internal walls. The revised layout would have the communal space on the ground floor; kitchen/dining where the bedroom is currently and a living room in the proposed extension. Two bedrooms would occupy the other half of the ground floor and there would also be a shower room on the ground floor. On the first floor the layout would comprise of 4 bedrooms and a further shower room.
- 9.12. The six bedrooms would range in size from 7.52sqm to 7.58sqm. 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 meet the minimum size indicated by the Space Standards for a single occupancy bedroom and provide enough circulation space once fully furnished (bed, desk, chair and storage furniture).
- 9.13. The revised bedroom layout would utilise some existing window openings and make some minor alterations to the fenestration at the rear. The alterations facilitate good-sized windows for each bedroom. Each bedroom would have access to natural light, some outlook and natural ventilation. The communal areas would also have access to natural light, ventilation and outlook from the existing window in the front elevation and the new fenestration in the extension.
- 9.14. In terms of communal space, the kitchen/diner would be located away from the party wall with no. 65 and lead out to the rear extension which would provide living space and access to the rear garden. An indicative furnished layout has been provided to indicate how the space could accommodate a kitchen, space for dining table and chairs and living area capable of providing comfortable seating for 6 occupants.
- 9.15. The kitchen/diner (15.4sqm) would provide sufficient space for the residents to cook, dine and for the storage of food and cooking equipment. The living room (18sqm) located towards the rear of the property in the proposed extension would provide space for residents to relax. It is noted that the space facilitates the only access from the house to the garden, but this does not compromise the usability of the space once furnished.
- 9.16. This assessment has been made on the property as a six-bedroom, six- person HMO. A condition is not recommended to restrict the occupancy to six people as an increase beyond six would require planning permission. It is also noted that none of the bedrooms are large enough to support double occupancy as it would be harmful to the amenity of future occupiers and therefore fail to accord with 127F of the NPPF and Local Plan policy QD27.
- 9.17. In terms of outdoor space, the property has a large garden to the rear is considered to be of suitable size as outdoor amenity space for the proposed 6 occupiers in accordance with policy HO5 which requires outdoor space to be proportionate to the size of the residential development.

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

Impact on Amenity:

- 9.19. 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.
- 9.20. The proposed change of use from a dwellinghouse (C3) to 6-person small HMO may create more comings and goings from the property and in a different pattern to the existing dwellinghouse use. However, given the layout of the property and the location of the front door and communal areas, which are sited away from the attached dwelling. It is not considered that the additional comings and goings from a small HMO use would amount to such substantial harm to neighbouring properties to warrant refusal of the application.
- 9.21. 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.
- 9.22. Although HMO uses can have a negative impact on neighbours and concerns are raised in relation to noise and other forms of disturbance, the plans state that there is soundproofing to the party wall of this semi-detached property which should afford the neighbours some protection for the more intensive use. It is also noted that the communal areas are sited away from the part wall of this semi-detached property.
- 9.23. It is noted that a HMO of this size would require licensing by the Council's Private Sector Housing team and thus be required to comply with management standards amongst other requirements. Furthermore, the granting of this planning permission would not prohibit the Environmental Health team taking action against 'statutory nuisance' under the Environmental Protection Act 1990 if this was required in the future.
- 9.24. It is noted that the representation from Councillor Yates highlights a recent appeal decision (APP/Q1445/W/20/3249592, relating to application BH2019/03433at 95 Heath Hill Avenue) which held that high concentrations of HMOs do have an effect on the mix and balance the community and that this effect includes matters such as litter and noise. There are differences between the appeal quoted and this application most notably that this HMO would be located within a 50m radius where there is just one HMO at present. Furthermore, another recent appeal decision (APP/Q1445/W/20/3254632 relating to application BH2019/01490 at 64 Islingword Road) which concluded that although residents may perceive issues like litter, noise and antisocial behaviour are a direct result of the HMO use, *"these are all functions of the way*

a particular residents behave rather than being inherently dependant on the status of the property as a dwellinghouse or HMO". Therefore, it would not be appropriate to make assumptions about the future behaviour of individuals who may reside in the property.

- 9.25. Finally, in terms of the rear extension proposed it is single storey in height and sited away from the boundary with the neighbour. The proposed extension would not cause significant harm to the neighbouring occupiers in term of loss of light, overshadowing or being overbearing owing to its positioning and overall design.
- 9.26. Accordingly, the proposed change of use and extension is not likely to have a significant impact on the amenity of the local area that would warrant refusal of the application on planning grounds.

Sustainable Transport:

- 9.27. The site is located within Controlled Parking Zone (CPZ) D, which is only operational on match days. This suggests that the area is not under parking stress and the Highway Officer has noted that any parking need generated by the property could be accommodated on street.
- 9.28. As mentioned above the planning statement to support the proposal was amended to clarify that the applicant is not seeking to provide off street parking on the drive. The Highway Officer was concerned that to utilise the paved front as a parking space could be problematic in terms of visibility splays and the lack of a dedicated vehicle crossover. Now that the position has been clarified this is not of concern.
- 9.29. In terms of cycle parking the planning statement and the submitted drawings initially detailed a purpose-built cycle store to the front which was of concern to the Highway Officer because it was open and not very secure. It was also felt that such a structure would cause harm to the appearance of the dwelling and the wider streetscene. The plans were therefore amended to show the cycle store (providing 6 spaces) in the rear garden. The cycle store would now be out of public view, be more secure by virtue of its location in the rear garden and would not affect the usability of the outside space for the proposed residents. Access to the proposed cycle store would be via the side of the house. A condition is proposed to ensure that the cycle storage is constructed and retained in accordance with the approved plans.
- 9.30. Therefore, the development would be acceptable in relation to transport matters.

Biodiversity:

- 9.31. The Council has been seeking to improve ecological outcomes within the city. Since November 2019 the Council has been securing minor amendments to approved schemes to increase biodiversity contributions. A condition will therefore be added to require a bee brick to be incorporated into the build and improve biodiversity outcomes in line with policy CP10 Biodiversity and SPD11 Nature Conservation and Development.

Conclusion:

- 9.32. Overall, this is a site whereby the HMO percentage (4.16%) complies with policy CP21 and the proposed standard of accommodation for the proposed 6 occupiers is acceptable. The likely amenity impact of a small HMO has been assessed and not been found to be significantly and demonstrably harmful to warrant refusal and no significant transport concerns have been identified.
- 9.33. Accordingly, the application is recommended for approval, however It is considered necessary to attach a condition restricting any of the communal area being lost to bedrooms. It is also considered necessary to require the implementation and retention of the cycle parking on the drawings proposed use and to require that refuse and recycling storage is provided on site. This is to ensure that the site provides facilities to promote sustainable travel at all times and to ensure that there is adequate provision of rubbish and recycling facilities at all times for the proposed use.

10. EQUALITIES
None identified

Cllr. Dan Yates
BH2020/03446 – 63 Newick Road

7th December 2020:

Stance: Customer objects to the Planning Application

Comment Reasons:

- Because of the Additional Traffic
- Noise
- Residential Amenity
- Traffic or Highways

Comment: 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

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.

Additionally I note that the decision APP/Q1445/W/20/3249592 (95 Heath Hill Avenue, Brighton BN2 4FH) identified that:

"the significant amount of opposition to the proposal from local residents and their representatives who perceive that the concentration of HMOs in the area is having a harmful effect on the mix and balance of the community. Such an effect includes increased antisocial behaviour such as noise and litter, and more indirect changes such as a reduction in demand for family orientated local services and a loss of pride in the neighbourhood. While there is no evidence to suggest that such antisocial behaviour relates specifically to the appeal premises, it is apparent that there is a perception that a tipping point has been reached with regards to the concentration of HMOs in this part of the neighbourhood." This finding contributed to the refusal of the appeal on the grounds that "the proposed development conflicts with Policy CP21 of the Brighton & Hove City Plan Part One 2106 by changing the mix and balance of the community in the area, with a consequent harm to community cohesion."

Should the recommendation on this application be to approve I would like this application to come to committee please.

**Appealed Planning Application
BH2019/00964
Land at Brighton Marina
comprising Outer Harbour,
Western Breakwater and adjoining land**

DATE OF COMMITTEE: 10th February 2021

<u>No:</u>	BH2019/00964	<u>Ward:</u>	Rottingdean Central
<u>Subject</u>	Appealed Planning Application ref. BH2019/00964 – Land at Brighton Marina comprising Outer Harbour, Western Breakwater and adjoining land		
<u>Date of Meeting</u>	10 February 2021		
<u>Report of</u>	Liz Hobden, Head of Planning		
<u>Contact Officer:</u>	Carl Griffiths		

PURPOSE OF REPORT

The application was submitted to the Council for consideration in April 2019. In the absence of a determination on the application, the applicant exercised their right to appeal against the non-determination under Section 78 of the Town and Country Planning Act 1990 (as amended), in August 2020.

In order for officers to get the necessary authority to defend the pursuant appeal, a report was presented to Planning Committee on 30th September 2020 which recommended that Committee resolve that it would have been minded to refuse the application for the following reasons:

- 1) Phase 2 of the development and the parameters sought under Phase 3 of the development, by virtue of the density, massing, inadequate spacing between buildings, rigid layout and the lack of definition between public and private spaces, would result in a cramped, impermeable, illegible and homogeneous form of development that would represent an unacceptable quality of building design, layout and public realm; and the cumulative views of both phases would not protect or positively enhance the Marina environment, would harm the surrounding townscape, heritage features and the setting of the South Downs National Park, and would thereby be contrary to Policies CP12, CP13, CP14, CP15, DA2, and SA5 of City Plan Part One, Planning Advice Note 04 (Brighton Marina Masterplan), the National Design Guide, and paragraphs 127 and 130 of the National Planning Policy Framework.
- 2) Insufficient information has been submitted to justify why a non-policy compliant level of affordable housing being provided as part of the proposal, contrary to Policy CP20 of City Plan Part One.
- 3) Phase 2 of the development, combined with the parameters sought under Phase 3 of the development, by virtue of the zero provision of private amenity space, the lack of sunlight penetration to the communal amenity spaces and

the inadequate level of children's playspace, would result in unacceptable residential amenity for future occupiers, contrary to Policies CP12, CP13, CP14 and CP16 of City Plan Part One, Planning Advice Note 04, and Saved Policy HO5 of the Brighton & Hove Local Plan.

- 4) The development, by virtue of the inadequate separation distances between Blocks 1 and 2, and Blocks 2 and 3 (Phase 2), would result in an unacceptable level of daylight, sunlight, outlook and privacy to future occupiers, failing to provide an adequate standard of accommodation, contrary to Policies DA2 and CP12 of City Plan Part 1, paragraph 127 of the NPPF, and Saved Policy QD27 of the Brighton & Hove Local Plan.
- 5) The development by virtue of the inadequate levels of cycle parking within Phase 2 and the lack of dedicated accessibility for cyclists across the breakwater would fail to promote safe, sustainable modes of transport, contrary to Policies DA2 and CP9 of City Plan Part 1, Saved Policies TR7 and TR14 of the Brighton & Hove Local Plan, SPD14: Parking Standards, and paragraphs 108 and 110 of the National Planning Policy Framework.

Planning Committee subsequently agreed the officers' recommendation based on the aforementioned putative reasons for refusal.

This report seeks the Committee's agreement that in response to the additional information received since the Planning Committee's decision of the 30 September last reasons 2) and 5) as set out above should not be pursued at the upcoming Planning Inquiry.

1.0 RECOMMENDATION

1.1 That the Committee agrees that the following putative reasons for refusal shall not be pursued by the Council in relation to appealed application ref. BH2019/00964 :

- 2) Insufficient information has been submitted to justify why a non-policy compliant level of affordable housing being provided as part of the proposal, contrary to Policy CP20 of City Plan Part One.
- 5) The development by virtue of the inadequate levels of cycle parking within Phase 2 and the lack of dedicated accessibility for cyclists across the breakwater would fail to promote safe, sustainable modes of transport, contrary to Policies DA2 and CP9 of City Plan Part 1, Saved Policies TR7 and TR14 of the Brighton & Hove Local Plan, SPD14: Parking Standards, and paragraphs 108 and 110 of the National Planning Policy Framework

2.0 BACKGROUND

- 2.1 A detailed description of the proposed development, its location, the background to the application and representations received can be found in the officer report accessed via the following link:
<https://present.brighton-hove.gov.uk/mgChooseDocPack.aspx?ID=10239>.
- 2.2 Following the committee resolution on 30th September, the appellant intimated that further information would be submitted to address and overcome the two putative reasons for refusal to which this report relates.
- 2.3 On 8th December 2020, the appellant submitted 'Brighton Marina Outer Harbour Development - Cycle Parking and Access' note (ref: 262282-71) which sought to overcome the reason for refusal relating to the cycle parking and access.
- 2.4 On 1st February, the appellant submitted detailed viability correspondence and supporting documentation which sought to overcome the reason for refusal relating to affordable housing.
- 2.5 No further public consultation was undertaken, however additional input was sought from the Council's appointed viability consultants, the District Valuer Service (DVS), and the Council's Transport team. These responses are set out below.

District Valuer Service (DVS)

- 2.6 "I write further to your recent request to summarise the development viability position in relation to the planning applicants recently agreeing to incorporate the S106 surplus of £6,552,236 into the Phase 3 assessment to provide additional affordable housing / Social Rent tenure units over and above the 15% provision already agreed with the planning applicant.
- 2.7 The planning applicant has agreed that 10% affordable housing / Shared Ownership units will be provided in Phase 2.
- 1) The S106 surplus of £6,552,236 is to be index linked
 - 2) The £6,552,236 relating to the S106 surplus can either be apportioned on a unit basis - $\text{£6,552,236} / 1,000 \times \text{units}$ equates to approximately £6,552.23 per unit Phase 2 = £3,145,073.40, and Phase 3 = £3,407,162.60.
Total = £6,552,236.
 - 3) Alternatively as Phase 2 comprises of 480 units (48%) and Phase 3 = 520 units (52%), you can calculate the apportionment on a percentage basis as follows 48% of £6,552,236 = £3,145,073.28, and 52% of £6,552,236 = £3,407,162.72.
Total £6,552,236.
- 2.8 Whilst the bases of apportionment are very similar the calculation will need to be agreed between the parties.

- 2.9 To protect the Local Authority's' position if the Stage 3 scheme is not going to be built out, the S106 agreement will need to incorporate a provision for this which can state an agreed time period that the payment of the Phase 2 surplus sum of approximately £3,145,073.40 (to be index linked) should be paid by.
- 2.10 Obviously if the Phase 3 scheme is not built out then the apportioned S106 surplus sums/affordable housing for the Phase 3 scheme will not be provided.
- 2.11 There also needs to be a trigger relating to the Phase 2 - 10% affordable housing provision and when that is to be provided.
- 2.12 Having regard to my comments above and as stated in my earlier emails today there are a number of matters for you to agree with the planning applicant/agents and incorporate into the S106 agreement which can be summarised as follows;
- a) Apportionment of the S106 surplus of £6,552,236 (index linked) between Phases 2 and 3
 - b) Time period that the Phase 2 surplus monies are to be paid. i.e. If Phase 3 construction has not commenced within say 12 to 18 months of the Phase 2 scheme commencing then the payment of the Phase 2 apportioned surplus has to be paid. The Council may also wish to incorporate a provision that if the monies are not paid then the Phase 2 scheme is put on hold until payment is made.
 - c) Trigger for the Phase 2 surplus to be paid. i.e. commencement of Phase 3 construction within 12 to 18 months of the Phase 2 scheme, or other such time period agreed with the planning applicant
 - d) The trigger for the viability assessment / review of the Phase 3 scheme will also need to be agreed.
- 2.13 As previously stated you are strongly advised to discuss the above with the Local Authorities Legal Department and take legal advice prior to this matter being agreed and incorporated into a S106 agreement.”

Transport and Highways

- 2.14 “The Council's Transport team were consulted on the revised proposals and their response was as follows:

Further consideration of these matters has taken place, following submissions by and discussions with the applicant, and they have made the following revisions by taking into account relevant guidance and advice which includes LTN1/20, London Cycle Design Standards and manufacturers' specifications. These are incorporated in a comprehensive technical note.

- 1) In order to meet the minimum provision of 510 long-stay cycle parking spaces for Phase 2, as set out in Supplementary Planning Document 14

(SPD14), the applicant has reviewed the previous provision of 300 cycle parking spaces. They have now increased provision and proposed a revised number (512 spaces) comprised of a combination of Josta tiered stands and Sheffield stands on the ground floor of Block 1. They have also illustrated the access routes within the Marina to and from the cycle parking and the access routes within the buildings where the spaces are located.

- 2) The issue of access and safety along the Marina breakwater to and from the site, especially applied to a short section where it narrows adjacent to the proposed development. The applicant has considered and provided indications of how this route area could be designed in order to comply with the principles set out in LTN1/20 and the wider design of the public realm within the site, using certain materials and signing. It is therefore considered appropriate that the detail required could be secured via a planning condition, should the appeal be allowed.

- 2.15 In conclusion, in overall terms, the revised proposals put forward by the applicant are therefore considered reasonable and adequate enough to address the reason for refusal based on cycle parking and access routes agreed by Planning Committee in September 2020.”

3.0 ASSESSMENT

Affordable Housing

- 3.1 The second putative reason for refusal agreed at the 30 September Committee states the following:

- 2) *Insufficient information has been submitted to justify why a non-policy compliant level of affordable housing being provided as part of the proposal, contrary to Policy CP20 of City Plan Part One.*

- 3.2 City Plan Part 1 Policy CP20 requires housing development of over 15 units to provide 40% affordable housing. The 40% target may be applied more flexibly where the council considers this to be justified, as set out in the policy. Such considerations include the financial viability of developing the site (as demonstrated through the use of an approved viability model), which is of particular relevance here.

- 3.3 Planning Advice Note 04: Brighton Marina Masterplan notes that varied tenures will be encouraged in accordance with the results of the Housing Needs Survey, as well as a greater proportion of social rented to shared ownership in the affordable housing element.

- 3.4 In the original submission, the applicant proposed 72 affordable units (15% of the total number of units) within Phase Two comprising all Shared Ownership (S/O) units along with a *minimum* of 15% (by unit) within Phase 3, also all comprising S/O units.

- 3.5 Given that the affordable housing provision proposed fell below the CP20 target of 40%, a Financial Viability Assessment (FVA) was submitted as part of the

application. The FVA summarised that the maximum amount of affordable housing that the scheme could provide was 6% (all shared ownership).

- 3.6 The Council engaged the District Valuer Service (DVS) to undertake a formal review of the FVA. Following the initial review and discussions with the LPA, revisions were made to the affordable housing offer in order to ensure that they better reflected the Council's housing needs.
- 3.7 As a result, the applicant made a revised affordable housing proposal comprising 10% Shared Ownership units in Phase 2 along with 15% Social Rented units in Phase 3 – i.e. a 12.5% affordable housing provision across the site. As part of this proposal, a review mechanism would be triggered prior to the implementation of Phase 3 with any additional affordable housing being provided as additional Social Rented housing over and above the 15% baseline provision in Phase 3.
- 3.8 As noted in the September committee report, the applicant's Financial Viability Assessment was reviewed by the DVS who disagreed with numerous assumptions and concluded that the proposed affordable housing scenario would have generated a surplus of approximately £3m. However, it was also highlighted that this surplus was mainly generated from ground rents which have since been discounted from viability practices. Nevertheless, as part of the adopted CIL regime, the application site is identified as being nil-rated for CIL meaning that no CIL payment would be required for the development as proposed. With the adoption of CIL, the LPA would thus be unable to secure the s106 tariff based and infrastructure contributions which had been modelled as part of the affordable housing scenario, and the appellant would not be required to pay them.
- 3.9 The total sum apportioned to S106 contributions within the FVA, and not able to be secured under the CIL regime is £6,552,236. Given that the appellant would no longer be required to pay these monies through the s106, and they had not been modelled into the viability assessment, officers had to conclude that the affordable housing proposed did not represent the maximum reasonable level in accordance with Policy CP20. Officers' recommendation to refuse the application on this basis was subsequently endorsed on this point and the committee resolved it would have refused the application partly on this basis.
- 3.10 Since the date of the committee resolution, officers and the appellant have re-engaged with a view to addressing the outstanding surplus and ensuring that it is used to provide additional affordable housing. Further viability work was undertaken by the applicant and reviewed by DVS with a view to agreeing what level of additional affordable housing could be provided from the £6.5m surplus.
- 3.11 As set out in paragraph 3.7, the affordable housing proposal comprised 10% Shared Ownership in Phase 2 and a minimum of 15% Social Rented units in Phase 3.
- 3.12 It is important to note that Phase 2 would comprise most of the high cost enabling works, including works to the existing cofferdam which must be apportioned to Phase 2. Mainly due to these high construction costs the viability circumstances

are challenging in Phase 2 and 10% provision (Shared Ownership) is considered to be reasonable, in line with DVS advice.

- 3.13 Given the challenging viability circumstances in Phase 2, DVS have advised the Council that the surplus would be most efficiently realised as one sum. The Council would thus get best value by providing additional affordable housing in Phase 3, essentially because by the time the viability review takes place more Phase 2/3 development scheme information will be available to undertake the apportionment of the index linked £6.5m surplus. Accordingly, officers consider that the principle of all of the surplus being allocated to Phase 3 is acceptable.
- 3.14 Having established the principle of the surplus being apportioned to Phase 3, the key issue is then what level of additional affordable housing could be provided by the £6.5m surplus. Based on the affordable housing scheme proposed within the September report, the affordable housing element of Phase 3 would comprise a minimum of 15% Social Rented properties only. In consultation with the Council's Housing team, some target rent levels were established and agreed with the appellant for the Social Rented units which would represent a weekly rent of £90 for 1 beds and £125 for 2 beds (plus £10 towards service charges).
- 3.15 Having agreed these target rents, the viability was reappraised for the entirety of Phase 3 (including the 15% baseline provision) and the output demonstrated that a maximum of 16% Social Rented units could be provided, or an increase of 1% (5 units) over and above the baseline provision. This viability reappraisal was reviewed by DVS and found to be reasonable and robust. The underlying reasons for the £6.5m only generating an additional 1% of affordable housing provision was the low target Social Rents which were only crystallised and modelled subsequent to the September resolution. The low target rents associated with Social Rent units significantly reduce the value of the units and the corresponding value in the viability calculations which equates to the reduced level of additional affordable housing that is generated.
- 3.16 Officers are of the view that securing and fixing an additional affordable housing level of only 1% at this stage of the development process would not be in the Council's interest. DVS have given clear and unambiguous advice to the Council to this effect.
- 3.17 The target rent levels that were modelled into the viability reappraisal are significantly below the LHA rent caps and as such there is substantial head room for these rents to be increased closer to the LHA caps of £184 (1 bed) and £230 (2 bed) as Affordable Rent units. Increased rents would allow for increased numbers of affordable rented properties to be provided in Phase 3 whilst also ensuring that the units remain affordable and accessible to those in housing need.
- 3.18 On this basis, DVS has given clear advice to the Council that the £6.5m surplus should be index linked and then ringfenced to be added to the viability reappraisal which would be triggered prior to the implementation of Phase 3. It is also recommended, in order to allow flexibility and realise the best value for the Council, that the tenure of affordable rented accommodation be amended to allow for the delivery of Social Rent *or* Affordable Rent units. The Council's minimum

baseline position would be protected through a minimum baseline position of 15% of Social Rented units (as appraised through the most recent viability appraisal). Affordable Rents should allow for substantial uplift over and above the 15% baseline, especially taking into account the likely improved market conditions at the time Phase 3 is implemented.

- 3.19 Notwithstanding paragraph 3.13, the £6.5m surplus relates to specifically ringfenced monies from the original FVA that were to be utilised to pay S106 contributions. Officers consider it necessary to protect the Council's position and to ensure that the Phase 2 portion of the £6.5m allocated to S106 contributions within the FVA is not lost if Phase 3 does not come forward. Officers would therefore seek a S106 clause that would require a commuted sum commensurate to the quantum of development in Phase 2 to be paid to the Council if Phase 3 is not implemented within an agreed timeframe. At the time of writing this report, such a mechanism has not been agreed by the appellant; however it is important to note that the final terms of the s106 are part of the decision on the appealed application to be made by the Secretary of State.
- 3.20 Officers are therefore clear that the revised affordable housing proposal has fully addressed the reason for refusal as presented to committee in September 2020. The sole reason for officers concluding that the scheme was contrary to Policy CP20 was the surplus of £6.5m not being secured or incorporated into the viability modelling. This surplus has now been secured for the Council in a manner which would result in the most amount of additional affordable housing, fully in line with professional advice from the DVS. The Council's position is also protected in respect of the relative level of S106 surplus associated with Phase 2. The revised proposals are therefore in accordance with Policy CP20 and officers recommend that this putative reason for refusal is not pursued at the appeal.

Sustainable Transport

- 3.21 The fifth reason for refusal as resolved by members on 30th September 2020 relates to cycle parking and access and states the following:
- 5) The development by virtue of the inadequate levels of cycle parking within Phase 2 and the lack of dedicated accessibility for cyclists across the breakwater would fail to promote safe, sustainable modes of transport, contrary to Policies DA2 and CP9 of City Plan Part 1, Saved Policies TR7 and TR14 of the Brighton & Hove Local Plan, SPD14: Parking Standards, and paragraphs 108 and 110 of the National Planning Policy Framework.
- 3.22 At the time of submission, the proposals for Phase 2 incorporated 317 long-stay cycle parking spaces in the undercroft of the development. This was subsequently revised to 300 spaces to allow for greater compartmentalisation of parking, and a wider mix of cycle parking types. The council's Parking Standards require a minimum provision of 510 cycle stands and as such this represented a shortfall of 210 spaces when assessed against Policy TR14 and SPD14 minimum quantity standards.

- 3.23 The appellant has undertaken a design review of Phase 2 and has revised plans to include 212 additional cycle spaces which would exceed the policy minimum. The additional spaces would be provided through two means which are addressed below.
- 3.24 Firstly, two of the flexible units located within the ground floor of Block 1 which were previously identified as providing ancillary residential (C3) floorspace would be amended to provide cycle stores. Revised plans have also illustrated access routes within the Marina to and from the proposed new cycle parking and the access routes within the buildings where the spaces are located.
- 3.25 Secondly, the type of cycle storage in the undercroft areas would be changed with 486 spaces (95%) provided as Josta two-tier racks, and 26 spaces (5%) provided as Sheffield stands. In all, these changes would allow for the minimum policy requirement of 510 spaces to be exceeded.
- 3.26 Officers consider that the proposed changes would sufficiently address the cycle parking element of the reason for refusal without otherwise affecting the acceptability of the development. The loss of the ancillary residential floorspace would not harm the function, vitality or vibrancy of the development as may be the case if commercial space were lost. The use of two tiered Josta racks is considered to be acceptable in order to make the most efficient use of the cycle storage areas and to ensure a policy compliant number of spaces can be provided.
- 3.27 The second part of the reason for refusal relates to access to the development across the breakwater, and in particular a short section where it narrows adjacent to the proposed development. This narrow section would have to accommodate both cyclists and pedestrians and in making the previous recommendation, officers were concerned about conflicts between these user groups the resultant impact on safety.
- 3.28 Since the original recommendation was made, Government Guidance Document LTN1/20 (Cycle Infrastructure Design) has been published and sets out industry wide standards and guidance for cycling infrastructure.
- 3.29 The appellant has identified how access across the breakwater could be designed in order to comply with the principles set out in LTN1/20 and the wider design of the public realm within the site, using certain materials and signing. Officers consider that the details submitted by the appellant demonstrate that the design and control measures would mitigate any potential conflicts between pedestrians and cycles to an acceptable extent.
- 3.30 Taking both of these matters into account, officers are fully satisfied that the matters comprised within the reason for refusal have been fully addressed. Conditions requiring revised proposals showing a minimum of 512 cycle spaces along with an access control and design strategy for the breakwater would be added to the list of suggested conditions should the appeal be allowed. The Council's Transport team were consulted on the revised proposals and fully support officers' recommendation on this matter. Accordingly, it is recommended

that the committee resolve to remove this putative reason for refusal from the Council's case at the appeal..

4.0 CONCLUSION

- 4.1 As set out in the preceding sections of this report, there are clear and robust reasons why both of the identified reasons for refusal should not be pursued..
- 4.2 On the matter of affordable housing, officers have been given clear and unambiguous professional advice from the Council's appointed viability consultants, the DVS, that the revised provision would realise the best value for the Council. Officers consider, in line with DVS advice, that the proposed affordable housing provision is acceptable and in accordance with City Plan One Policy CP20 which allows for a flexible approach to the 40% target having regard to financial viability considerations.
- 4.3 On the matter of transport, the two aspects of the reason for refusal have been directly addressed and overcome to the satisfaction of the Council's Transport Team. The revised proposals are in accordance with Policies DA2 and CP9 of City Plan Part 1, Saved Policies TR7 and TR14 of the Brighton & Hove Local Plan, SPD14: Parking Standards, and paragraphs 108 and 110 of the National Planning Policy Framework.
- 4.4 Accordingly, officers consider that there would be no reasonable basis on which the Council could defend the refusal of the application on these grounds. Officers are clear that the removal of these two reasons for refusal from the Council's case would not harm the strength of the Council's case. The fundamental issues which underpin the Council's case relate to the design, massing, density and general overdevelopment of the site and associated impacts. These matters are retained in the Council's case and will not be impacted by the recommendation not to pursue the two reasons for refusal, the subject of this report.

5.0 EQUALITIES

- 5.1 The revised proposals would not raise equality concerns and it is considered acceptable in this respect that the revised proposals are acceptable in line with the submission scheme.

PLANNING COMMITTEE

Agenda Item 105

Brighton & Hove City Council

NEW APPEALS RECEIVED 03/12/2020 - 13/01/2021

<u>WARD</u>	HANOVER AND ELM GROVE
<u>APPEALAPPNUMBER</u>	BH2020/00177
<u>ADDRESS</u>	93 Brading Road Brighton BN2 3PE
<u>DEVELOPMENT DESCRIPTION</u>	Conversion of existing 3no bedroom dwelling to form one 1no bedroom ground floor flat and one 2no bedroom maisonette above incorporating loft conversion with rear dormer and associate works. (Retrospective)
<u>APPEAL STATUS</u>	APPEAL IN PROGRESS
<u>APPEAL RECEIVED DATE</u>	14/12/2020
<u>APPLICATION DECISION LEVEL</u>	Delegated

<u>WARD</u>	HOVE PARK
<u>APPEALAPPNUMBER</u>	BH2020/02202
<u>ADDRESS</u>	2 The Conifers, Tongdean Avenue Hove BN3 6TN
<u>DEVELOPMENT DESCRIPTION</u>	Erection of additional storey to existing detached garage, and side extension. (Part Retrospective)
<u>APPEAL STATUS</u>	APPEAL IN PROGRESS
<u>APPEAL RECEIVED DATE</u>	15/12/2020
<u>APPLICATION DECISION LEVEL</u>	Delegated

<u>WARD</u>	HOVE PARK
<u>APPEALAPPNUMBER</u>	
<u>ADDRESS</u>	96 Woodland Avenue Hove BN3 6BN
<u>DEVELOPMENT DESCRIPTION</u>	Appeal against
<u>APPEAL STATUS</u>	APPEAL IN PROGRESS
<u>APPEAL RECEIVED DATE</u>	12/01/2021
<u>APPLICATION DECISION LEVEL</u>	Not Assigned

<u>WARD</u>	REGENCY
<u>APPEALAPPNUMBER</u>	BH2019/00586
<u>ADDRESS</u>	57 Regency Square Brighton BN1 2FF
<u>DEVELOPMENT DESCRIPTION</u>	Certificate of lawfulness for an existing use of basement flat (C3), ground floor ancillary use (sui generis) and 1st - 4th floors as large House of Multiple Occupancy (Sui Generis).
<u>APPEAL STATUS</u>	APPEAL IN PROGRESS
<u>APPEAL RECEIVED DATE</u>	14/12/2020
<u>APPLICATION DECISION LEVEL</u>	Delegated

WARD**APPEALAPPNUMBER****ADDRESS****DEVELOPMENT DESCRIPTION****APPEAL STATUS****APPEAL RECEIVED DATE****APPLICATION DECISION LEVEL****ROTTINGDEAN COASTAL**

BH2020/02044

70 Greenways Brighton BN2 7BL

Conversion of bungalow to two storey house with the erection of single storey front and rear extensions, addition of first floor, roof alterations and extensions, revised fenestration and associated works.

APPEAL IN PROGRESS

16/12/2020

Delegated

WARD**APPEALAPPNUMBER****ADDRESS****DEVELOPMENT DESCRIPTION****APPEAL STATUS****APPEAL RECEIVED DATE****APPLICATION DECISION LEVEL****ST. PETER'S AND NORTH LAINE**

33 Gardner Street Brighton BN1 1UN

Appeal against

APPEAL IN PROGRESS

03/12/2020

Not Assigned

WARD**APPEALAPPNUMBER****ADDRESS****DEVELOPMENT DESCRIPTION****APPEAL STATUS****APPEAL RECEIVED DATE****APPLICATION DECISION LEVEL****WITHDEAN**

20 Clermont Road Brighton BN1 6SG

Appeal against S172 Enforcement Notice

APPEAL IN PROGRESS

03/12/2020

Not Assigned

PLANNING COMMITTEE

Agenda Item 106

Brighton & Hove City Council

INFORMATION ON HEARINGS / PUBLIC INQUIRIES

This is a note of the current position regarding Planning Inquiries and Hearings

Planning Application No	<i>BH2019/00964</i>
Site Address	<i>Land At Brighton Marina Comprising Outer Harbour, Western Breakwater And Adjoining Land Brighton Marina Brighton</i>
Description	<i>Hybrid planning application for the phased residential-led mixed-use development of Brighton Marina Outer Harbour. Full Planning Permission for Phase Two of the development comprises: 480no residential units (C3) in 3 buildings ranging from 9-28 storeys plus plant levels, 761 sqm of flexible commercial floor space (A1-A4, B1, C3 Ancillary, D1/D2), works to existing cofferdam, undercroft car and cycle parking, servicing, landscaping, public realm works and infrastructure (harbour wall) works. Outline Planning Permission (all matters reserved apart from access) for Phase Three of the development comprises: up to 520no residential units (C3) in 6 buildings ranging from 8-19 storeys, up to 800 sqm of flexible commercial floor space (A1-A4, B1, C3 Ancillary, D1/D2), construction of engineered basement</i>

	<i>structure to create a raised podium deck over Spending Beach, installation of Navigation Piles, undercroft car and cycle parking, servicing, landscaping and public realm works.</i>
Application Decision	<i>Appeal In Progress</i>
Type of Appeal	<i>Public Inquiry</i>
Date Appeal To Be Held:	<i>23.03.2021</i>
Venue of Appeal	<i>Virtual Meeting</i>
Appeal Decision	
Planning Officer	<i>Jane Moseley</i>

Planning Application No	<i>BH2019/00586</i>
Site Address	<i>57 Regency Square Brighton BN1 2FF</i>
Description	<i>Certificate of lawfulness for an existing use of basement flat (C3), ground floor ancillary use (sui generis) and 1st - 4th floors as large House of Multiple Occupancy (Sui Generis).</i>
Application Decision	<i>Appeal In Progress</i>
Type of Appeal	<i>Public Inquiry</i>
Date Appeal To Be Held:	
Venue of Appeal	
Appeal Decision	
Planning Officer	<i>Michael Tucker</i>

APPEAL DECISIONS FOR THE PERIOD BETWEEN 16/12/2020 AND 26/01/2021

<u>WARD</u>	BRUNSWICK AND ADELAIDE
<u>APPEAL APPLICATION NUMBER</u>	APL2020/00110
<u>ADDRESS</u>	77 Holland Road Hove BN3 1JN
<u>DEVELOPMENT DESCRIPTION</u>	Demolition of existing building and erection of 4 storey mixed use building with rooms in the roof comprising of basement and ground floor office space (B1), 9no 2 bedroom flats on floors 1-4 (C3), and provision of secure cycle storage, vehicle parking, bin storage, landscaping and associated alterations.
<u>APPEAL TYPE</u>	Against Refusal
<u>APPEAL DECISION</u>	APPEAL ALLOWED
<u>PLANNING APPLICATION NUMBER</u>	BH2019/01805
<u>APPLICATION DECISION LEVEL</u>	Delegated
<u>WARD</u>	CENTRAL HOVE
<u>APPEAL APPLICATION NUMBER</u>	APL2020/00173
<u>ADDRESS</u>	12 Sussex Road Hove BN3 2WD
<u>DEVELOPMENT DESCRIPTION</u>	Erection of a single storey side extension and the installation of 3no. rooflights.
<u>APPEAL TYPE</u>	Against Refusal
<u>APPEAL DECISION</u>	APPEAL DISMISSED
<u>PLANNING APPLICATION NUMBER</u>	BH2020/00867
<u>APPLICATION DECISION LEVEL</u>	Planning (Applications) Committee
<u>WARD</u>	EAST BRIGHTON
<u>APPEAL APPLICATION NUMBER</u>	APL2020/00175
<u>ADDRESS</u>	3 St Marks Street Brighton BN2 5JH
<u>DEVELOPMENT DESCRIPTION</u>	Erection of single storey second floor rear extension onto existing first floor outrigger with 1no side window.
<u>APPEAL TYPE</u>	Against Refusal
<u>APPEAL DECISION</u>	APPEAL DISMISSED
<u>PLANNING APPLICATION NUMBER</u>	BH2020/01229
<u>APPLICATION DECISION LEVEL</u>	Delegated

WARD**APPEAL APPLICATION NUMBER****ADDRESS****DEVELOPMENT DESCRIPTION****GOLDSMID**

APL2020/00142

Kings Gate 111 The Drive Hove BN3 6FU

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

Against Refusal

APPEAL DISMISSED

APPEAL TYPE**APPEAL DECISION****PLANNING APPLICATION NUMBER**

BH2020/00900

APPLICATION DECISION LEVEL

Delegated

WARD**HANGLETON AND KNOLL****APPEAL APPLICATION NUMBER**

APL2020/00129

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 TYPE

Against Refusal

APPEAL DECISION

APPEAL DISMISSED

PLANNING APPLICATION NUMBER

BH2020/00820

APPLICATION DECISION LEVEL

Delegated

WARD**HANOVER AND ELM GROVE****APPEAL APPLICATION NUMBER**

APL2020/00148

ADDRESS

97 Whippingham Road Brighton BN2 3PF

DEVELOPMENT DESCRIPTION

Change of use from 6no. person small House in Multiple Occupation (C4) to 7no. person large House in Multiple Occupation (Sui Generis).

APPEAL TYPE

Against Refusal

APPEAL DECISION

APPEAL ALLOWED

PLANNING APPLICATION NUMBER

BH2020/00721

APPLICATION DECISION LEVEL

Delegated

WARD**HOVE PARK****APPEAL APPLICATION NUMBER**

APL2020/00170

ADDRESS

2 Dyke Close Hove BN3 6DB

DEVELOPMENT DESCRIPTION

Erection of two-storey rear extension incorporating 2no first floor balconies. Roof alterations including 2no front dormer windows, rear dormer featuring balcony, and removal of existing chimneys. Repositioning of garage, alterations to fenestration and associated works.

APPEAL TYPE Against Refusal
APPEAL DECISION APPEAL ALLOWED
PLANNING APPLICATION NUMBER BH2020/00724
APPLICATION DECISION LEVEL Planning (Applications) Committee

WARD **QUEEN'S PARK**

APPEAL APPLICATION NUMBER APL2020/00168

ADDRESS 3 St Georges Terrace Brighton BN2 1JH
DEVELOPMENT DESCRIPTION Erection of a first floor rear extension with glazed roof (part retrospective).

APPEAL TYPE Against Refusal
APPEAL DECISION APPEAL DISMISSED
PLANNING APPLICATION NUMBER BH2020/01324
APPLICATION DECISION LEVEL Delegated

WARD **REGENCY**

APPEAL APPLICATION NUMBER APL2020/00150

ADDRESS 51 Norfolk Square Brighton BN1 2PA
DEVELOPMENT DESCRIPTION Replacement of existing glass window shopfront with bi fold doors.

APPEAL TYPE Against Refusal
APPEAL DECISION APPEAL DISMISSED
PLANNING APPLICATION NUMBER BH2020/00784
APPLICATION DECISION LEVEL Delegated

WARD **SOUTH PORTSLADE**

APPEAL APPLICATION NUMBER APL2020/00166

ADDRESS Garages Southdown Avenue Portslade
DEVELOPMENT DESCRIPTION Erection of a two storey detached two bedroom dwellinghouse replacing existing garages.

APPEAL TYPE Against Refusal
APPEAL DECISION APPEAL DISMISSED
PLANNING APPLICATION NUMBER BH2020/00918
APPLICATION DECISION LEVEL Delegated

WARD **WISH**

APPEAL APPLICATION NUMBER APL2020/00082

ADDRESS 239 - 243 Kingsway Hove BN3 4HE
DEVELOPMENT DESCRIPTION Demolition of existing buildings and erection of an eight storey building to provide 37no residential dwellings (C3) with associated access, parking and landscaping.

APPEAL TYPE Against Refusal
APPEAL DECISION APPEAL ALLOWED
PLANNING APPLICATION NUMBER BH2018/00937
APPLICATION DECISION LEVEL Planning (Applications) Committee

WARD

APPEAL APPLICATION NUMBER
ADDRESS
DEVELOPMENT DESCRIPTION

WISH

APL2020/00171
14 Saxon Road Hove BN3 4LE
Erection of single storey first floor side extension with 2no roof lanterns

APPEAL TYPE
APPEAL DECISION
PLANNING APPLICATION NUMBER
APPLICATION DECISION LEVEL

Against Refusal
APPEAL DISMISSED
BH2020/00704
Delegated

WARD

APPEAL APPLICATION NUMBER
ADDRESS
DEVELOPMENT DESCRIPTION

WITHDEAN

APL2020/00169
55 Hillcrest Brighton BN1 5FP
Roof alterations to raise hipped roof to facilitate creation of a first floor with front and rear dormers, rooflights to front and side slopes and erection of single storey rear extension.

APPEAL TYPE
APPEAL DECISION
PLANNING APPLICATION NUMBER
APPLICATION DECISION LEVEL

Against Refusal
APPEAL DISMISSED
BH2020/01419
Delegated

WARD

APPEAL APPLICATION NUMBER
ADDRESS
DEVELOPMENT DESCRIPTION

WOODINGDEAN

APL2020/00117
148 Warren Road Woodingdean Brighton BN2 6DD
Demolition of existing dwelling and garages and erection of a pair of semi-detached two storey dwellings and 1no detached bungalow (C3). Access and car parking to be provided via Warren Road.

APPEAL TYPE
APPEAL DECISION
PLANNING APPLICATION NUMBER
APPLICATION DECISION LEVEL

Against Refusal
APPEAL ALLOWED
BH2019/02724
Delegated
