

# Planning Committee

Date: **13 January 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

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# AGENDA

## 87 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.*

## 88 MINUTES OF THE PREVIOUS MEETING

1 - 16

Minutes of the meeting held on 2 December 2020 (attached).

## 89 CHAIR'S COMMUNICATIONS

## **90 PUBLIC QUESTIONS**

**Written Questions:** to receive any questions submitted by the due date of 12 noon on 7 January 2021.

## **91 TO AGREE THOSE APPLICATIONS TO BE THE SUBJECT OF SITE VISITS**

## **92 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	BH2020/01742 - The Meeting House, Park Close, Brighton - Full Planning	<b>17 - 44</b>
B	BH2020/01696 - 56-57 Lewes Road - Full Planning	<b>45 - 68</b>
C	BH2020/00550 - Greater Brighton Metropolitan College, Pelham Street, Brighton - Reserved Matters	<b>69 - 98</b>
D	BH2017/01083 - City College, 87 Preston Road, Brighton - Deed of Variation	<b>99 - 110</b>

### **MINOR APPLICATIONS**

E	BH2020/02211 - Rockwater, Kingsway, Hove - Full Planning	<b>111 - 128</b>
F	BH2020/02654 - 43 Clarendon Villas, Hove - Full Planning	<b>129 - 144</b>
G	BH2020/01969 - 39A Preston Park Avenue, Brighton - Full Planning	<b>145 - 166</b>
H	BH2020/02829 - Studio Cottage, Caburn Road, Hove - Householder Planning Consent	<b>167 - 178</b>
I	BH2020/02482 - 7B Wentworth Street, Brighton - Full Planning	<b>179 - 194</b>
J	BH2020/03006 - 166 Heath Hill Avenue, Brighton - Full Planning	<b>195 - 210</b>

K BH2020/03070 - 95 Heath Hill Avenue, Brighton - Full Planning 211 - 230

L BH2020/01505 - 11 - 12 Rock Place, Brighton - Full Planning 231 - 258

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

**INFORMATION ITEMS**

**94 LIST OF NEW APPEALS LODGED WITH THE PLANNING  
INSPECTORATE 259 - 260**

(copy attached).

**95 INFORMATION ON INFORMAL HEARINGS/PUBLIC INQUIRIES 261 - 262**

(copy attached).

**96 APPEAL DECISIONS 263 - 270**

(copy attached).

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

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

Meeting papers can be provided, on request, in large print, in Braille, on audio tape or on disc, or translated into any other language as requested. Infra-red hearing aids are available for use during the meeting. If you require any further information or assistance, please contact the receptionist on arrival.

### **FURTHER INFORMATION**

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

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**BRIGHTON & HOVE CITY COUNCIL**

**PLANNING COMMITTEE**

**2.00pm 2 DECEMBER 2020**

**VIRTUAL VIA MICROSOFT TEAMS**

**MINUTES**

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

**Co-opted Members:** Jim Gowans (Conservation Advisory Group)

**Officers in attendance:** Nicola Hurley (Planning Manager), Hilary Woodward (Senior Solicitor), Simon Barrett (Service Development Manager), Liz Arnold (Planning Team Leader), Chris Swain (Planning Team Leader), Tim Jefferies (Heritage Team Leader), Henrietta Ashun (Senior Planning Officer), Sven Rufus (Planning Officer), Michael Tucker (Planning Officer) and Shaun Hughes (Democratic Services Officer).

**PART ONE**

**76 PROCEDURAL BUSINESS**

**a) Declarations of substitutes**

76.1 None

**b) Declarations of interests**

76.2 Councillor Miller declared they had been lobbied on items A and C however, they remained of an open mind on the items. Councillor Osborne declared they had been lobbied on items A, B, C and D, however, they remained of an open mind on the items. The Councillor also declared they would withdraw from discussions and voting on item B as they had submitted representations on the item. Councillor Fishleigh declared they had been lobbied on item A, however, they remained of an open mind on the item.

**c) Exclusion of the press and public**

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

76.4 **RESOLVED:** That the public be excluded from item 80 when discussing the Part Two element of the item.

## 77 MINUTES OF THE PREVIOUS MEETING

77.1 **RESOLVED:** That the Chair be authorised to sign the minutes of the meeting held on 4 November 2020 as a correct record.

## 78 CHAIR'S COMMUNICATIONS

78.1 The Chair informed the committee that the Brighton Marina planning application, which had been appealed, was to be determined by the Secretary of State. The Chair thanked the Planning officers and managers for the positive direction of travel achieved this year, along with the signs of recovery from the pandemic and protection of the city.

## 79 PUBLIC QUESTIONS

79.1 There was one public question for the committee from Nigel Smith:

**Question:** *"With congestion already exceeding the threshold set in the City Plan Part 1, for further development to be sustainable without transport interventions, does the chair agree that further developments without such interventions would be unlawful and by violating NPPF's sustainability requirement would be vulnerable to appeal or judicial review?"*

**Answer:** Thank you for your question Mr Smith. A very similar point about the City Plan and levels of congestion was raised in a question asked at the Environment, Transport & Sustainability Committee last week. It wasn't possible to respond to the question last week as the source of any references to congestion thresholds in work associated with the City Plan could not be identified. I would therefore welcome it if you could clarify this and I can then make sure you receive a written response to the question.

At a site level, supporting evidence is submitted with individual planning applications and this allows the impact of development to be assessed. This also takes account of the impact of nearby consented schemes. This information is then taken into account when applications are determined, at which time suitable measures to mitigate impacts are secured.

The speaker asked a supplementary question.

**Question:** *"Bearing in mind that DFT says 100% congestion is severe delays and transport intervention is needed, what level of congestion on A259 between Rottingdean and the city boundary would you regard as making further developments unlawful, and how close to that threshold is the A259 around Saltdean".*

**Answer:** The question will be referred back to officers and a written response will be given. Thank you for your questions.



**80 REQUEST FOR DEED OF VARIATION, FORMER PORTSLADE BREWERY, SOUTH STREET, PORTSLADE**

1. The case officer introduced the item and noted that the report had been deferred from the 4 November 2020 Planning committee to allow the Housing Strategy team to consider the deed of variation request and respond. The officer noted that response and the Part Two section of the report had been submitted to the committee members. The recommendation was to grant the deed of variation.

Questions for officers

2. Councillor Shanks was informed that the commuted sum of money would be £140,000 for each house, making a total of £280,000. It was considered that there was a need for affordable housing in the city.
3. Councillor Yates was informed that the undercroft parking at the site was not considered to be a high risk regarding the maintenance of the area. The councillor was also informed that the consideration as to whether the Council should purchase the properties as not only financial. The home purchase policy is to buy back council properties.
4. Councillor Fishleigh was informed that the report did not need to be approved by the Housing Committee.

Debate

5. Councillor Fishleigh considered the amount of affordable housing to be an issue.
6. Councillor Theobald considered the gain if two properties had been justified by the officers and supported the report.
7. Councillor Miller supported the recommendation and noted houses were needed in the city.
8. Councillor Littman considered it was correct to have deferred from previous committee meeting and stated their support for the application.
9. Following the end of the debate the Chair invited the committee to vote: Out of the 8 Members present the vote was 7 to granted and 1 abstention.
10. The committee agreed to accept that the Part Two report should remain as Part Two by a unanimous vote.
11. **RESOVLED:** The committee agreed to the request to vary the Heads of Terms of the Deed of Variation to the 106 Agreement dated 3 November 2017 in relation to planning permission ref. BH2016/02459 (as amended) to allow a financial contribution for offsite affordable housing units to be made in lieu of onsite provision. (Councillor Henry was not in attendance for the discussions or vote).

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

81.1 **RESOLVED:** That the following site visits be undertaken by the Committee prior to determination of the application:

Application:	Requested by:
The Meeting House, Park Close, Brighton BN1 9AJ <b>BH2020/01742</b> Full Planning	Councillor Theobald proposed, seconded by Councillor Childs
43 Clarendon Villas, Hove BN3 3RE <b>BH2020/02654</b> Full Planning	Councillor Childs proposed, seconded by Councillor Fishleigh

**82 TO CONSIDER AND DETERMINE PLANNING APPLICATIONS**

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

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

- **Item H:** Woodingdean Service Station, 534 - 540 Falmer Road, Brighton.  
BH2020/02587: Removal or Variation of Condition

**A BH2020/00002 - Coombe Farm, Westfield Avenue North, Saltdean, Brighton - Full Planning**

1. It was noted that an in-depth presentation had been provided by officers in advance of the meeting and was included on the council website detailing the scheme by reference to site plans, elevational drawings and photographs which showed the proposed scheme in the context of neighbouring development.
2. The Planning Manager informed the committee that updates appeared on the late list, namely the merger of conditions 20 & 23, and deletion of conditions 18 & 28 and there was no objection on Air Quality and an extra condition. Also, that the reference to section 9 in the recommendation should be a reference to section 13.

Speakers

3. John Ray spoke as Chair of the Saltdean Residents Association and noted the following: residents' objections, the local GP surgery was full, there was no dental service, no senior school, primary school has 17 spaces available. A major concern for residents was construction traffic congestion. It was highlighted that pedestrians walk in the road when deliveries are taking place, and this would increase during construction.

Other concerns related to construction noise, pollution – namely air quality, and the blocking of roads for emergency services. The residents noted Southern Water's concerns regarding flooding. With regard to transport the development will be more than 600 metres from the closest bus stop and will increase traffic on the overburdened A259. The development is considered by residents to be too large and will have a negative impact on the environment.

4. Ward Councillor Mears submitted the following comments and requested they be read to the committee: "As a ward councillor for Rottingdean Coastal I wish to object to the planning application for the following reasons: In my view this is a total over development of the site with the proposed 72 houses. In the Brighton & Hove Urban Fringe Assessment June 2014 site 48 Coombe Farm showed flooding as a key constraint with potential of 2.0 (57%) from a total site area of 3.48 with indicative number of dwelling 50. Total following site cluster limited to 2.1ha (55 Dwelling) across sites 48 (Coombe Farm) 48a 48b and 48c from combined total 71. This proposed development of 72 houses far exceeds that number cramming 72 on Coombe Farm.

I also have real concerns with regards to flooding, with any development to the rear of the site as this backs up to a very steep bank.

There is a very serious problem with Urban Fringe developments as there is no detail of existing infrastructure, this site at the back of Saltdean will cause even more problems to the area that has only one primary school, the nearest secondary schools are located in Rottingdean or Peacehaven.

Public transport to the back of Saltdean is limited and difficult, with real problems in the winter with ice and snow stopping the busses from running, you would also need to be really fit to cycle as the surrounding area has very steep hills.

There is a medical centre in Saltdean, but with doctors' surgeries already closed in Rottingdean and Woodingdean residents from these areas are travelling to Saltdean medical centre, a development of the size will put more pressure on doctors and dentist in Saltdean.

To build any large development without proper infrastructure is a serious problem for the future, leaving new residents with a home but no local support available, giving them no option but to travel outside of the area onto the busy A259 to access."

5. Chris Frost spoke to the committee as the agent for the development and stated that the scheme would be for 72 new homes with landscaping on the site which has extant permission for 60 homes. The scheme had been developed with the council and will be high quality homes with low density. The agent has been in consultation with the Design Place panel and all development standards have been met, with 40% affordable housing on this sustainable development which includes electric vehicle points and cycle stores. The views of, and from, the South Downs National Park have been considered, along with access to the downs from the development. Construction management will take care and keep the residents informed. The works will start in early March 2021, should the committee grant permission and take approximately 2 years to complete.

## Questions for the agent

6. Councillor Miller was informed that the affordable housing would be in the north part of the site and would be the same design as the other properties on the site. The common area would be managed by a company set up for that purpose, and S106 monies would be put towards the upkeep.
7. Councillor Fishleigh was informed that the traffic assessment did not see a harmful impact on the A259 from this allocated housing site. A temporary road for construction traffic has not been agreed and the highway plan was yet to be approved.
8. Councillor Theobald was informed that levelling of the site and a drainage system were agreed as ways of dealing with flooding issues. The development included a number of different materials for properties throughout the site including roofing materials. Monies for public art would be agreed in the coming year.

## Questions for officers

9. Councillor Fishleigh was informed that the development qualifies for monies from both Community Infrastructure Levy (CIL), which was introduced on 5 October 2020, and a S106 agreement. These latter payments would cover affordable housing, artistic components and an employment scheme, all site specific. The S106 would be agreed through heads of terms whilst the CIL would start at commencement of the development and discussions were ongoing. Education provision will be paid through CIL, being agreed at commencement. The expectation of 17 is estimated for the primary school. The S106 calculations will reflect the impact of the scheme.
10. Councillor Miller was informed that the development had increased from 60 to 72 with an average of 21.5 dwellings per hectare, which is below the limit. The layout includes three times more open space than the previous design and introduces terraces into the scheme to achieve 12 more homes. The green spaces will be maintained in perpetuity with a density approximately the same as before with generous gardens and shared play spaces.
11. Councillor Childs was informed that the Head of Education agreed the figure of 17 spaces at the primary school and consultations have taken place.
12. Councillor Yates was informed that the density was considered appropriate.
13. Councillor Osborne was informed that the 21.5 dwellings per hectare was considered low. A variety of issues were considered including impact. The County Ecologist and Landscape Architect were consulted, and the density was deemed appropriate. The applicant had consulted the Flood Authority and noted that flooding in this zone could be mitigated by permeable surfaces, runaways, and pathway drains to draw water away from the homes. Ground investigations on this matter are to take place.
14. Councillor Childs was informed that the South Downs National Park has a Dark Sky designation and the development would have a condition relating to this matter.

## Debate

15. Councillor Fishleigh noted the city plan stated 50 dwellings for the housing allocated site, and now the proposal is for 72, 20% more than the previous scheme. The impact on the A259 was a concern as this road is classed as one of the most dangerous in the UK. The Councillor expressed concerns that monies from CIL and the S106 agreement would go to other sites in the city and not knowing how the CIL money would be spent was a material planning consideration. The councillor did not support the application.
16. Councillor Shanks considered the development to be well designed on land already agreed for housing. The councillor supported the application.
17. Councillor Theobald expressed concerns how the S106 monies would be spent and suggested the Saltdean Lido or a playground. Concerns were also raised regarding the access to the site, the density, the wider impact on the area, loss of trees, flooding, and the strain on local doctors and dentists. The councillor requested that brownfield sites be used before this location and stated they were against the development.
18. Councillor Miller expressed no objections to developing the site and in principle had no issues, however, the proposals are considered worse than the previous scheme. The northern part of the development is considered too dense when compared to other schemes. The development, next to the South Downs National Park, has an urban feel which is not welcome. The councillor considered 52 dwellings would be better and stated they were against the development.
19. Councillor Childs expressed reservations relating to sustainable transport, transport links and education figures. The councillor stated they were in favour of the development with good design and 40% affordable housing, as housing was needed. The development was considered slightly dense, however, there would be local employment and public art. The Rottingdean schools will not be very accessible, however the councillor supported the application.
20. Councillor Henry noted this was an urban fringe site identified some years ago in the City Plan and felt the committee could not say no. The councillor considered the Members should guide development through local leadership and stated their support for the application.
21. Councillor Osborne expressed reservations regarding flooding, education, sustainable transport and the sustainability of the development. The councillor considered that discussions for CIL and S106 monies should start as early as possible. The affordable housing, high quality design and landscaping were all considered to be good and better than the extant permission. The councillor supported the application.
22. Councillor Littman noted the site was not in the South Downs National Park it would be good if we could meet 100% of targets on brownfield sites. The site was identified under the urban fringe assessment and needs to be approved. The concerns regarding density are understood. The councillor supported the application.
23. Following the end of the debate the Chair invited the committee to vote: Out of the 9 Members present the vote was 6 to 3 that planning permission be granted.

24. **RESOLVED:** That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in the report and resolves to be **Minded to Grant** planning permission, and subject to a s106 Planning Obligation and the conditions and informatives as set out in the report, **SAVE THAT** should the s106 Planning Obligation not be completed on or before the 24<sup>th</sup> February 2020 the Head of Planning is hereby authorised to refuse planning permission for the reasons set out in section 13. of the officer's report.

**B BH2020/01742- The Meeting House, Park Close, Brighton - Full Planning**

1. The item was deferred to a future meeting following the request of Councillor Theobald for a site visit prior to discussion. The motion was seconded by Councillor Childs and agreed by a vote of 4 to 1 with 3 abstentions.

**C BH2020/02654 - 43 Clarendon Villas, Hove - Full Planning**

1. The item was deferred to a future meeting following the request of Councillor Childs for a site visit prior to discussion. The motion was seconded by Councillor Fishleigh and agreed by a vote of 5 to 3 with 1 abstention.

**D BH2020/02655 - Basement Flat, 5 D'Aubigny Road - Full Planning**

1. It was noted that an in-depth presentation had been provided by officers in advance of the meeting and was included on the council website detailing the scheme by reference to site plans, elevational drawings and photographs which also showed the proposed scheme in the context of neighbouring development.
2. The Members were updated by the Planning Manager that one additional objection letter had been received and that the application was part retrospective as construction had started.

Questions for officers

3. Councillor Fishleigh was informed that the outbuilding was approximately 8sq metres and 35 metres from the house.
4. Councillor Shanks was informed that the property was subdivided, and the application came from the basement flat.
5. Councillor Theobald was informed that the beech tree nearest to the outbuilding was by condition to be retained and replaced if it died within 5 years of the granting of permission.

Debate

6. Councillor Yates supported the application as it was considered reasonable and not detrimental to the conservation area.
7. Councillor Shanks considered the development to be an asset to the garden and supported the application.

8. Councillor Osborne was happy with the application and considered the retention of the tree to be good. The outbuilding was not considered to be intrusive on the neighbours and the councillor supported the application.
9. Councillor Childs considered the development to be modest and supported the application.
10. Councillor Fishleigh was not sure if the garden was subdivided and wondered if the outbuilding could be placed elsewhere.
11. Following the end of the debate the Chair invited the committee to vote: Out of the 8 Members present the vote was 7, with 1 abstention, to grant planning permission. (Councillor Henry was not in attendance for the discussions or vote).
12. **RESOLVED:** That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in the officer's report and resolves to **GRANT** planning permission subject to the Conditions and Informatives in the report.

**E BH2020/02453 - Basement Flat, 74 Montpelier Road, Brighton - Householder Planning Consent**

1. It was noted that an in-depth presentation had been provided by officers in advance of the meeting and was included on the council website detailing the scheme by reference to site plans, elevational drawings and photographs which also showed the proposed scheme in the context of neighbouring development.
2. The Members were updated by the Planning Manager that the property was a Grade II listed building in a conservation area.

Speakers

3. Joseph Pearson spoke to committee as agent for the application. It was highlighted that the building matched other buildings in the vicinity and the coal shed/store at the front of the building to be removed was not needed. The design of the proposed railings and tiles were of a high standard and the improvements proposed would be in keeping with the rest of the terrace. The proposals would much improve the amount of daylight into the basement flat. A handrail would also benefit the basement flat, which has poor access at the moment. The proposed design of the scheme has been agreed to match the building built in 1840.

Questions for speaker

4. The Conservation Advisory Group spokesperson noted that they felt the coal shed/store was a wine store. The agent was not able to confirm this.
5. Councillor Theobald was informed that the eight other properties have lost the coal shed/store, the same as the proposals for the application property.

6. The Planning Manager noted that the other properties had not been granted planning permission or listed building consent and therefore no precedent had been set.
7. It was also noted by the Heritage Team Leader that no.74 was part of 4 identical properties who have retained the coal sheds/cellars, and this added value to retention at the application property.

#### Debate

8. Councillor Theobald stated they had visited the site and noted there was very little light to the basement and the steps down were in bad shape. It was considered that the development would be an improvement. The new tiles, stairs and railings would enhance the property. The councillor supported the application.
9. Councillor Shanks considered that the proposals would allow better light and access to the basement and the coal shed/store was not required at the property as there were no coal fires at the property. The councillor did not consider the development to damage the heritage of the area and supported the application.
10. The Conservation Advisory Group (CAG) spokesperson noted that the application site at no.74 was part of a pair and the neighbour has the same amount of light to the basement and the demolition of the basement store would destroy the pairing. It was noted that no planning permission has been given to other properties. The proposals were also considered to affect the retained vaulting. The railings are considered acceptable in the 1840s style. The proposed safety railing would be good and considered to match the existing handrail. The spokesperson considered the removal of the red paint on the Portland stone steps would be sufficient and York stone will be more acceptable than tiles. The committee were requested to refuse the application.
11. Councillor Miller stated their support for the CAG and heritage officer's comments and noted that basements are generally darker, and the changes were unnecessary and of no benefit to the property. The councillor supported the officer's recommendation of refusal.
12. Councillor Yates considered that the proposals were not reasonable in a conservation area and the area needed to be protected.
13. Following the end of the debate the Chair invited the committee to vote: Out of the 8 Members present the vote was 5 to 3 that planning permission be refused in line with the officer's recommendation. (Councillor Henry was not in attendance for the discussions or vote).
14. **RESOLVED:** That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in the report and resolved to refuse planning permission for the following reason: The proposed front excavation works including demolition of the coal stores would have a detrimental impact upon the historic character and appearance of the grade II listed building and the wider Montpelier and Clifton Hill Conservation Area. No public benefits have been identified sufficient enough to outweigh this harm. The proposal is therefore, contrary to policy CP15 of the Brighton



and Hove City Plan Part One and policies HE1 and HE6 of the Brighton and Hove Local Plan.

**F BH2020/02454 - Basement Flat, 74 Montpelier Road, Brighton - Listed Building Consent**

1. It was noted that an in-depth presentation had been provided by officers in advance of the meeting and was included on the council website detailing the scheme by reference to site plans, elevational drawings and photographs which also showed the proposed scheme in the context of neighbouring development. (The presentation, speaking, questions and debate on this application were taken together with the application for planning permission but the applications were voted on separately).
2. The Members were updated by the Planning Manager that the property was a Grade II listed building in a conservation area.

Speakers

3. Joseph Pearson spoke to committee as agent for the application. It was highlighted that the building matched other buildings in the vicinity and the coal shed/store at the front of the building to be removed was not needed. The design of the proposed railings and tiles were of a high standard and the improvements proposed would be in keeping with the rest of the terrace. The proposals would much improve the amount of daylight into the basement flat. A handrail would also benefit the basement flat, which has poor access at the moment. The proposed design of the scheme has been agreed to match the building built in 1840.

Questions for speaker

4. The Conservation Advisory Group spokesperson noted that they felt the coal shed/store was a wine bin. The agent was not able to confirm this.
5. Councillor Theobald was informed that the eight other properties have the same as the proposals for the property.
6. The Planning manager noted that the other properties had not been granted planning permission or listed building consent and therefore no precedent had been set.
7. It was also noted by the Planning team leader that no.74 was part of 4 identical properties who have retained the coal sheds/cellars, and this added value to retention at the application property.

Debate

8. Councillor Theobald stated they had visited the site and noted there was very little light to the basement and the steps down were in bad shape. It was considered that the development would be an improvement. The new tiles, stairs and railings would enhance the property. The councillor supported the application.

9. Councillor Shanks considered that the proposals would allow better light and access to the basement and the coal shed/store was not required at the property as there were no coal fires at the property. The councillor did not consider the development to damage the heritage of the area and supported the application.
10. The Conservation Advisory Group (CAG) spokesperson noted that the application site at no.74 was part of a pair and the neighbour has the same amount of light to the basement and the demolition of the basement store would destroy the pairing. It was noted that no planning permission has been given to other properties. The proposals were also considered to affect the retained vaulting. The railings are considered acceptable in the 1840s style. The proposed safety railing would be good and considered to match the existing handrail. The spokesperson considered the removal of the red paint on the Portland stone steps would be sufficient and York stone will be more acceptable than tiles. The committee were requested to refuse the application.
11. Councillor Miller stated their support for the CAG and heritage officer's comments and noted that basements are generally darker, and the changes were unnecessary and of no benefit to the property. The councillor supported the officer's recommendation of refusal.
12. Councillor Yates considered that the proposals were not reasonable in a conservation area and the area needed to be protected.
13. Following the end of the debate the Chair invited the committee to vote: Out of the 8 Members present the vote was 7 to 1 that listed building consent be refused in line with the officer's recommendation. (Councillor Henry was not in attendance for the discussions or vote).
14. **RESOLVED:** That the Committee has taken into consideration and agree with the reasons for the recommendation set out in the report and resolved to refuse listed building consent for the following reason: The proposed front excavation works including demolition of the coal stores would have a detrimental impact upon the historic character and appearance of the grade II listed building and the wider Montpelier and Clifton Hill Conservation Area. No public benefits have been identified sufficient enough to outweigh this harm. The proposal is therefore contrary to policy CP15 of the Brighton and Hove City Plan Part One and policies HE1 and HE6 of the Brighton and Hove Local Plan.

## **G BH2020/01986 - 22 Crescent Road, Brighton - Full Planning**

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

### Speakers

2. A Democratic Services officer read the comments submitted by Ward Councillor West: "As a ward councillor I would like to support the many residents moved to object to this application. With one less bedroom the application is not materially different to the one

previously refused. If granted the density of HMOs in the area would be in excess the policy threshold for acceptance. The impact from noise, disturbance and loss of amenity placed upon neighbours will be considerable. I trust the planning officers will be minded to refuse the application, however in the case they are minded to grant I request the matter is put before the committee for determination.

#### Questions for officers

3. Councillor Yates was informed that the previous reasons for refusal did not include reference to amenity impact as a result of the use of the roof terrace. The screening to prevent overlooking and noise has been removed to reduce the impact on the terrace and improve appearance. The councillor noted that the access to the terrace through a bedroom was considered an issue when previous application was brought to committee. The Member was informed that the previous refused application was for 5 bedrooms and the current application was for 4.
4. Councillor Fishleigh was informed that the previous use of the bedroom stated as being an inner room on the plans, was not clear.
5. Councillor Theobald was informed that the front bedroom did have access to natural light and was referred to as an inner room through the access arrangements.
6. Councillor Osborne was informed that the proposals conformed to space standards. The bedroom next to the kitchen and the one bathroom were considered acceptable. The bedroom below the roof terrace would have the same amount of noise disturbance as the rest of the property. It was noted that the outside space had been assessed for impact on the neighbouring properties.

#### Debate

7. Councillor Theobald noted that 55 letters of objection had been received and two enforcement investigations had been launched. (It was noted that no breach had been found). The Member did not consider the layout to be good and they were not keen on the small bathroom or the terrace.
8. Councillor Osborne did not consider the layout to be good and they did not support the application.
9. Councillor Yates stated they were against the application.
10. Councillor Childs noted that not all HMOs were bad, however, the layout was not good. The impact on the neighbours and nearby residents was a concern, as was noise pollution. The councillor did not support the application.
11. Councillor Littman did not consider the standard of accommodation to be adequate.
12. Following the end of the debate the Chair invited the committee to vote: Out of the 8 Members present the vote was 7 to 1 against the officer's recommendation.

13. Councillor Yates formally proposed that the application be refused as contrary to policies QD27 and CP21. The proposal was considered to be harmful to neighbours and detrimental to residential amenity by reason of layout. Councillor Shanks seconded the proposal to refuse.
14. A recorded vote was taken in respect of the alternative recommendation that the application be refused for the reason proposed by Councillor Yates with the final wording of the reason to be agreed by the Planning Manager in consultation with Councillor Yates and Councillor Shanks. Councillors: Osborne, Childs, Fishleigh, Shanks, Theobald, Yates and Littman voted that planning permission be refused. Councillor Miller abstained. (Councillor Henry was not in attendance for the debate or vote). The application was refused on a vote of 7, with 1 abstention.
15. **RESOLVED:** The application is **REFUSED** for the following reasons:

The proposed change of use to a HMO would result in increased noise disturbance both from within the property and from the terrace due to the intensification of the use. This would be harmful to the amenity of neighbouring occupiers. In addition, the layout of the accommodation would create a poor standard of accommodation which would have a detrimental impact on future occupiers. For these reasons the application is contrary to policies CP21 of the Brighton and Hove City Plan Part One and QD27 of the Brighton and Hove Local Plan.

**H BH2020/02587- Woodingdean Service Station, 534-540 Falmer Road, Woodingdean, Brighton - Full Planning**

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

**I BH2020/01505 -11-12 Rock Place, Brighton - Full Planning**

1. The item was withdrawn after the publication of the agenda prior to the committee meeting.

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

- 83.1 **RESOLVED:** That the following site visits be undertaken by the Committee prior to determination of the application: None.

**84 LIST OF NEW APPEALS LODGED WITH THE PLANNING INSPECTORATE**

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

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

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

**86 APPEAL DECISIONS**

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

The meeting concluded at 6.12pm

Signed

Chair

Dated this

day of



# **ITEM A**

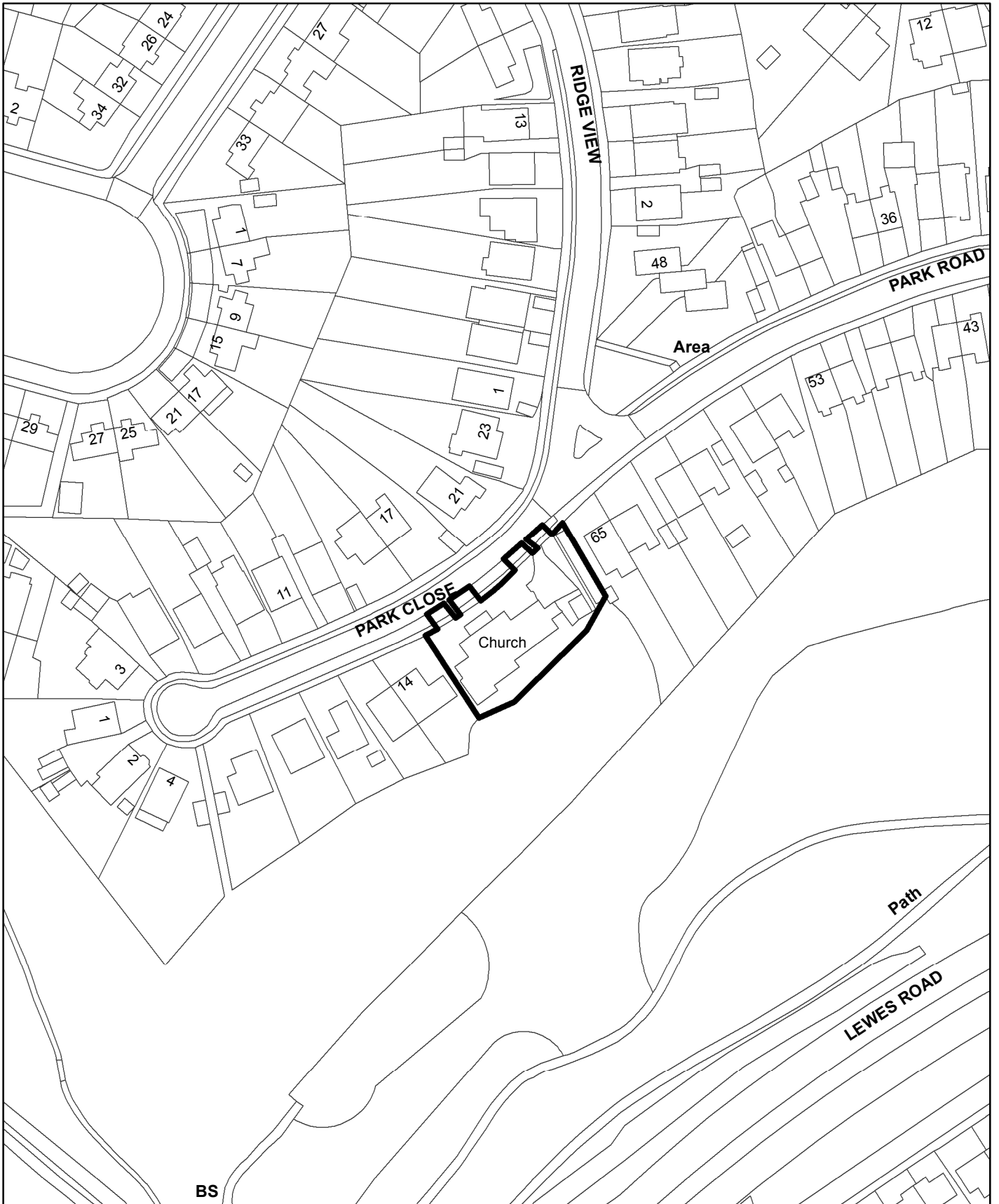
**The Meeting House, Park Close  
BH2020/01742  
Full Planning**

**DATE OF COMMITTEE: 13<sup>th</sup> January 2020**





# BH2020 01742 - The Meeting House, Park Close



N



**Scale: 1:1,250**



<b><u>No:</u></b>	<b>BH2020/01742</b>	<b><u>Ward:</u></b>	<b>Hollingdean And Stanmer Ward</b>
<b><u>App Type:</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>The Meeting House Park Close Brighton BN1 9AJ</b>		
<b><u>Proposal:</u></b>	<b>Demolition of existing dwelling (C3) to facilitate the erection of 2no two/three storey buildings to provide 12no flats (C3) with associated parking, cycle storage, landscaping and any additional works.</b>		
<b><u>Officer:</u></b>	<b>Sonia Gillam, tel: 292265</b>	<b><u>Valid Date:</u></b>	<b>22.07.2020</b>
<b><u>Con Area:</u></b>		<b><u>Expiry Date:</u></b>	<b>21.10.2020</b>
<b><u>Listed Building Grade:</u></b>		<b><u>EOT:</u></b>	<b>25.02.2021</b>
<b><u>Agent:</u></b>	<b>Lewis And Co Planning 2 Port Hall Road Brighton BN1 5PD</b>		
<b><u>Applicant:</u></b>	<b>WSE Property Services Ltd C/O Lewis &amp; Co Planning 2 Port Hall Road Brighton BN1 5PD</b>		

## 1. RECOMMENDATION

- 1.1. That the Committee has taken into consideration and agrees with the reasons for the recommendation set out below and resolves to be **MINDED TO GRANT** planning permission subject to a s106 agreement and the following Conditions and Informatives:

### Conditions:

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

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

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Location and block plan	0313-P01	A	19 October 2020
Proposed Drawing	0313-P05	B	19 October 2020
Proposed Drawing	0313-P06	B	19 October 2020
Proposed Drawing	0313-P07	B	19 October 2020
Proposed Drawing	0313-P08	B	19 October 2020
Proposed Drawing	0313-P03	B	19 October 2020
Proposed Drawing	0313-P04	B	19 October 2020
Proposed Drawing	0313-P02	C	19 October 2020

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

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

3. Prior to first occupation of the development hereby approved, the 1.8 metre high side privacy screens to the first floor balconies shown on the approved plans, shall be installed and thereafter permanently retained as such.

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

4. 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.

5. The vehicle parking areas 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.

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

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

7. No tree shown as retained on the approved drawings shall be cut down, uprooted, destroyed, pruned, cut or damaged in any manner during the development phase 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 bio-diversity 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.

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

- (i) The phases of the Proposed Development including the forecasted completion date(s)
- (ii) A commitment to apply to the Council for prior consent under the Control of Pollution Act 1974 and not to Commence Development until such consent has been obtained

- (iii) A scheme of how the contractors will liaise with local residents to ensure that residents are kept aware of site progress and how any complaints will be dealt with reviewed and recorded (including details of any considerate constructor or similar scheme)
- (iv) A scheme of how the contractors will minimise disturbance to neighbours regarding issues such as noise and dust management vibration site traffic and deliveries to and from the site
- (v) Details of hours of construction including all associated vehicular movements
- (vi) Details of the construction compound
- (vii) A plan showing construction traffic routes

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

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

9. All ecological measures and/or works shall be carried out in accordance with the details contained in the Bat and Badger Survey Report, Urban Edge Environmental Consulting, May 2020, specifically recommendations R1 to R9, as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

**Reason:** To ensure that the measures considered necessary as part of the ecological impact assessment are carried out as specified, and to provide a net gain for biodiversity as required by paragraphs 170 and 175 of the National Planning Policy Framework, Section 40 of the Natural Environment and Rural Communities Act 2006, and policies QD18 and NC3 of the Brighton and Hove Local Plan 2005, policy CP10 of the Brighton & Hove City Plan Part One and Supplementary Planning Document SPD11 Nature Conservation and Development.

10. 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.

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. No development shall take place until an ecological design strategy (EDS) addressing protection of the adjacent South Downs National Park and Wild Park Local Nature Reserve (LNR), measures to reduce indirect impacts on the National Park and LNR, and measures to enhance the site for biodiversity, to include the provision of native species of known value to wildlife within the landscaping scheme and the provision of bird (including swift), bat and insect 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;
  - k) details of sustainable drainage system.

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

**Reason:** To ensure that any adverse environmental impacts of development activities can be mitigated, compensated and restored and that the proposed design, specification and implementation can demonstrate this, and to provide a net gain for biodiversity as required by Section 40 of the Natural Environment and Rural Communities Act 2006, paragraphs 170 and 175 of the National Planning Policy Framework, and to comply with policies QD18 and NC3 of the Brighton and Hove Local Plan 2005, policy CP10 of the Brighton & Hove City Plan Part One and Supplementary Planning Document SPD11 Nature Conservation and Development.

13. No development shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following:
- a) risk assessment of potentially damaging construction activities;
  - b) identification of "biodiversity protection zones";
  - c) practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements);
  - d) the location and timing of sensitive works to avoid harm to biodiversity features;

- e) the times during construction when specialist ecologists need to be present on site to oversee works;
- f) responsible persons and lines of communication;
- g) the role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person;
- h) use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period in accordance with the approved details.

**Reason:** To ensure that any adverse environmental impacts of development activities are mitigated and to avoid an offence under wildlife legislation and to comply with policies QD18 and NC3 of the Brighton and Hove Local Plan 2005, policy CP10 of the Brighton & Hove City Plan Part One and Supplementary Planning Document SPD11 Nature Conservation and Development.

14. The development hereby permitted shall not be commenced (other than demolition works and works to trees) until a Sustainable Drainage Report and/or Flood Risk Assessment report has been produced, including a detailed design and associated management and maintenance plan of surface water drainage for the site using sustainable drainage methods, has been submitted to and approved in writing by the Local Planning Authority. The approved drainage system shall be implemented in accordance with the approved detailed design.

**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.

15. Prior to the commencement of the development hereby approved (including demolition and all preparatory work), notwithstanding the submitted Arboricultural Impact Assessment, a scheme for the protection of the retained trees, in accordance with BS 5837:2012, including a tree protection plan(s) (TPP) and an arboricultural method statement (AMS) shall be submitted to and approved in writing by the Local Planning Authority. Relevant details may include but are not limited to construction methods, construction traffic management, demolition methods, finished levels, ground protection, landscaping methods and materials, material storage, service runs and tree protection barrier fencing. The AMS shall include details of a clerk of works schedule that specifies arboricultural supervision at appropriate stages of the development process. The development thereafter shall be implemented in strict accordance with the approved details.

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

16. 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 policies QD14 of the Brighton & Hove Local Plan and CP12 of the Brighton & Hove City Plan Part One.

17. No development above ground floor slab level of any part of the development hereby permitted shall take place until large scale (1:10 or 1:5) construction details of critical material junctions including verges and eaves, particularly in relation the dormers shown on the approved plans, 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 maintained and retained as such thereafter.

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

18. 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 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.

19. Prior to occupation, a "lighting design strategy for biodiversity" shall be submitted to and approved in writing by the local planning authority. The strategy shall:

- a) identify those areas/features on site that are particularly sensitive for bats and badgers and that are likely to cause disturbance in or around their



- breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and
- b) show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior consent from the planning authority.

**Reason:** Many species active at night (e.g. bats and badgers) are sensitive to light pollution. The introduction of artificial light might mean such species are disturbed and /or discouraged from using their breeding and resting places, established flyways or foraging areas. Such disturbance can constitute an offence under relevant wildlife legislation and to comply with policies QD18 and NC3 of the Brighton and Hove Local Plan 2005, policy CP10 of the Brighton & Hove City Plan Part One and Supplementary Planning Document SPD11 Nature Conservation and Development.

20. None of the residential units hereby approved shall be occupied until each residential unit built has achieved as a minimum, a water efficiency standard of not more than 110 litres per person per day maximum indoor water consumption.  
**Reason:** To ensure that the development is sustainable and makes efficient use of water to comply with policy CP8 of the Brighton & Hove City Plan Part One.
21. None of the residential units hereby approved shall be occupied until each residential unit built has achieved an energy efficiency standard of a minimum of 19% CO2 improvement over Building Regulations requirements Part L 2013 (TER Baseline).  
**Reason:** To ensure that the development is sustainable and makes efficient use of energy to comply with policy CP8 of the Brighton & Hove City Plan Part One.
22. 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.
23. The development hereby permitted shall not be occupied until details of electric vehicle charging points have been submitted to and approved in writing by the Local Planning Authority. These facilities shall be fully implemented and made available for use prior to the occupation of the development hereby permitted and shall thereafter be retained for use at all times.  
**Reason:** To encourage travel by more sustainable means and seek measures which reduce fuel use and greenhouse gas emissions and to comply with policy

CP9 of the Brighton & Hove Brighton & Hove City Plan Part One and SPD14: Parking Standards.

24. 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.
25. The development hereby permitted shall not be occupied until the new/extended crossovers 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.
26. The development hereby permitted shall not be occupied until a wheelchair accessible dwelling is provided in compliance with Building Regulations Optional Requirement M4(3)(2b) (wheelchair user dwellings) prior to first occupation and shall be retained as such thereafter. All other ground floor dwellings hereby permitted shall be completed in compliance with Building Regulations Optional Requirement M4(2) (accessible and adaptable dwellings) prior to first occupation and shall be retained as such thereafter. Evidence of compliance shall be notified to the building control body appointed for the development in the appropriate Full Plans Application, or Building Notice, or Initial Notice to enable the building control body to check compliance.  
**Reason:** To ensure satisfactory provision of homes for people with disabilities and to meet the changing needs of households and to comply with policy HO13 of the Brighton & Hove Local Plan.
27. Notwithstanding the approved plans, the development hereby permitted shall not be first occupied until 1 no. on-site disabled car parking space has been implemented and made available for use. The disabled parking facilities shall thereafter be retained for use at all times.  
**Reason:** To ensure the development provides for the needs of disabled occupants and visitors to the site and to comply with policy TR18 of the Brighton & Hove Local Plan and SPD14: Parking Standards.

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 hardsurfaces can be found in the Department of Communities and Local Government document 'Guidance on the permeable surfacing of front gardens'.
3. 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.
4. Where possible, bee bricks should be placed in a south facing wall in a sunny location at least 1 metre above ground level.
5. The applicant is advised that accredited energy assessors are those licensed under accreditation schemes approved by the Secretary of State (see Gov.uk website); two bodies currently operate in England: National Energy Services Ltd; and Northgate Public Services. The production of this information is a requirement under Part L1A 2013, paragraph 2.13.
6. The water efficiency standard required is the 'optional requirement' detailed in Building Regulations Part G Approved Document (AD) Building Regulations (2015), at Appendix A paragraph A1. The applicant is advised this standard can be achieved through either: (a) using the 'fittings approach' where water fittings are installed as per the table at 2.2, page 7, with a maximum specification of 4/2.6 litre dual flush WC; 8L/min shower, 17L bath, 5L/min basin taps, 6L/min sink taps, 1.25L/place setting dishwasher, 8.17 L/kg washing machine; or (b) using the water efficiency calculation methodology detailed in the AD Part G Appendix A.
7. A formal application for connection to the public sewerage system is required in order to service this development, please read our New Connections Services Charging Arrangements documents which is available to read on our website via the following link:  
[southernwater.co.uk/developing-building/connection-charging-arrangements](http://southernwater.co.uk/developing-building/connection-charging-arrangements)
8. 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.

9. In order to be in line with Policy TR14 Cycle Access and Parking of the Brighton & Hove Local Plan 2005 cycle parking must be secure, convenient, accessible, well lit, well signed, near the main entrance, by a footpath/hardstanding/driveway and wherever practical, sheltered. The Highway Authority approves of the use of covered, illuminated, secure 'Sheffield' type stands spaced in line with the guidance contained within the Manual for Streets section 8.2.22 or other proprietary forms of covered, illuminated, secure cycle storage including cycle stores and "bunkers".
10. The applicant is advised that the disabled car parking spaces should be designed in accordance with Department for Transport produced Traffic Advisory Leaflet 5/95 Parking for Disabled People. This requires a 1.2m clear zone to both sides of the bay.

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

- 2.1. The application site relates to a converted church located on the south side of Park Close, Coldean. The building has been in use as a single residential dwelling for over two decades, and is substantial in size in comparison to adjacent dwellings, with a hipped roof and projecting tower. There are a number of trees adjacent to the southeast.
- 2.2. It is understood, from previous applications, that the elevated position of the existing building relative to those adjacent is owing to the ground having been stabilised with concrete piles.
- 2.3. The surrounding area is residential in nature. The site backs onto Wild Park to the rear, which sits within the South Downs National Park (SDNP) and is an identified Local Nature Reserve (LNR). Part of this land within the SDNP is in the ownership of the applicant, but does not form part of the development site.
- 2.4. Planning permission is sought for the demolition of the existing dwelling (planning use class C3) to facilitate the erection of 2no. two- and three-storey buildings to provide 12no. flats (C3) with associated parking, cycle storage, landscaping and ancillary works.
- 2.5. Following discussions during the course of the application, amended plans have been received which included amendments to the parking area, additional planting, cycle parking provision, private amenity space provision, changes to internal layouts, additional windows providing cross-ventilation and minor changes to design/ materials.
- 2.6. The planning history of the site presents several proposals for higher density development. The most recent application (BH2017/00641) was refused and dismissed at appeal for reasons, as below, but the provision of a higher density residential development was accepted in principle.

### 3. RELEVANT HISTORY

- 3.1. **BH2017/00641** Demolition of existing house and erection of 5no four bedroom houses (C3) with provision of 6no vehicle parking spaces and associated crossovers. Refused 9.11.2017 for the following reasons:
1. *The proposed development, by virtue of the mixture of forms and heights, varied roof forms, in addition to the mixed fenestration and three storey appearance to the rear elevation, represents a poorly designed and incongruous addition that lacks overall design cohesion and fails to satisfactorily integrate with, and reflect the positive characteristics of, the street, contrary to policy CP12 of the Brighton & Hove City Plan Part One.*
  2. *Insufficient information has been provided to assess and mitigate any potential impact of the development on protected species and biodiversity both within the site and within the adjacent Wild Park Local Nature Reserve, contrary to policies CP10 of the Brighton & Hove City Plan Part One, QD18 of the Brighton & Hove Local Plan and SPD11 guidance.*
- 3.2. Appeal dismissed 20.7.2018 for reason of poor design leading to harm to the character and appearance of the area, and potential harm to biodiversity and protected species by virtue of lack of protected species surveys.
- 3.3. **BH2015/01130** Demolition of existing house (C3) and erection of 2no two bedroom houses and 4no four bedroom houses (C3). Refused 16.06.2015. Appeal dismissed 10.06.2016.
- 3.4. **BH2014/01905** Demolition of existing house (C3) and erection of 6no four bedroom houses (C3). Refused 21.08.2014.
- 3.5. **96/1013/FP** Installation of new and replacement windows and doors, erection of front boundary enclosures and gates, new roof lights, rear conservatory and verandah, carport on front elevation. (Part retrospective). Approved 16.01.1997.
- 3.6. **94/0488/FP** Alterations to change the use from church meeting rooms to house including disabled access and elevational alterations. Approved 27.06.1994.

### 4. REPRESENTATIONS

- 4.1. **Twenty-three (23)** letters have been received objecting to the proposed development. The main grounds for objection are as follows:
- High density, flatted development not in keeping with area
  - Loss of existing building
  - Poor design
  - Inappropriate size and height
  - Impact on highway safety, congestion and parking

- Proximity to boundary and resultant loss of light, loss of privacy and views
  - Increased noise
  - Impact on wildlife, trees, and Wild Park
  - Lack of affordable housing
  - Lack of refuse and recycling
  - Development may not be financially viable
  - Existing HMOs problematic
  - Impact and inconvenience of construction
  - Impact on neighbouring foundations
- 4.2. Following amended plans received in September 2020, a further **Eight (8)** letters have been received objecting to the amended development. Additional grounds for objection are as follows:
- Landslides possible
  - Proposed materials not appropriate

## 5. CONSULTATIONS

### Internal:

- 5.1. **Air Quality:** No objections
- 5.2. **Arboriculture** Objection Trees appear to be low quality, with exception of one Ash which is likely to require removal within 5 years due to Ash dieback. Significant mitigative planting therefore preferred option, to be secured by condition, along with Arboriculture Method Statement and Tree Protection Plan.
- 5.3. **City Clean:** No objection Storage, capacity and access for waste meets CityClean guidelines.
- 5.4. **Planning Policy:** No objection Proposed 12 residential units would contribute towards the City Plan housing target of 13,200 new homes over the period 2010-2030 and would help address the current five-year housing land supply shortfall. Concern around the apparent lack of private amenity space for every unit which should be clarified in order to comply with policy HO5.
- 5.5. **Sustainability:**  
Initial comments 26/8/20: No objection Recommended that sustainability standards relating to City Plan Policy CP8 be secured by planning conditions. It is recommended that alternative sources of heating and hot water, such as air source heat pumps, are considered.
- 5.6. Further details received: 5/11/20: Larger windows facing south to benefit from solar gain. The willingness to explore the potential for solar thermal heating is welcome. The landscaping and biodiversity proposals are good and should help to enhance the existing mature tree growth to the rear of the property.

- 5.7. **Sustainable Transport:** No objection subject to a CIL contribution and conditions relating to retention of the parking area, construction of new crossovers, cycle parking provision, electric charging points, refuse and recycling scheme.
- 5.8. **Sustainable Drainage:** No objection subject to a condition relating to submission of a Sustainable Drainage Report and/or Flood Risk Assessment report and a detailed design and associated management and maintenance plan of surface water drainage for the site using sustainable drainage methods.
- 5.9. **Urban Designer:** No objection  
Initial comments 14/08/20: Current proposals positively address some previous concerns, and providing a high quality of residential accommodation. However, concerns over increased hard standing/car parking on character of street; lack of communal amenity space; scale of proposals against 65 Park Close; lack of private external amenity space for some dwellings, and lack of cohesion in appearance/elevational composition.

14/10/20 following amendments:

- 5.10. Many concerns addressed including planting around parking area, private external amenity space for all units, gated access to woodland as communal amenity space, visualisation to demonstrate acceptable relationship with 65 Park Close. However, remaining concerns over lack of seating/space in entry lobbies to provide opportunity for social interaction; fascia detailing around top required; and timber screening to rear dormers has significantly increased their massing against the roofscape.

12/11/20 final comments following amendments:

- Benches have been added to communal entrances to enhance sociability;
- The scale of timber screening to rear dormers has been reduced, improving their proportion against the roofscape;
- The primary materiality of proposed dormers has been revised to match the tiled roof, which is considered to be appropriate.

As such, design proposals can be supported.

**External:**

- 5.11. **County Archaeologist:** No objection No significant archaeological remains are likely to be affected by these proposals.
- 5.12. **County Ecologist:** No objections Provided the recommended mitigation and enhancement measures are implemented, the proposed development can be supported from an ecological perspective.
- 5.13. **South Downs National Park Authority:** No objections Development located in an area with pre-existing residential development, so likely to have minor impacts on the setting of the National Park. Due to intervening tree cover it is unlikely that the three-storey elevation could be viewed from the public footpath to the south of the site within the National Park.

5.14. **Southern Water:** No objections subject to a formal application for connection to the public sewerage system is required in order to service this development.

5.15. **Sussex Police:** No objections

## 6. MATERIAL CONSIDERATIONS

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

6.2. The development plan is:

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

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

## 7. POLICIES

### The National Planning Policy Framework (NPPF)

#### Brighton & Hove City Plan Part Two

Policies in the Proposed Submission City Plan Part 2 do not carry full statutory weight but are gathering weight as the Plan proceeds through its stages. They provide an indication of the direction of future policy. Since 23 April 2020, when the Plan was agreed for submission to the Secretary of State, it has gained weight for the determination of planning applications but any greater weight to be given to individual policies will need to await the outcome of the Regulation 19 consultation, which 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
CP11	Flood risk
CP12	Urban design
CP13	Public streets and spaces



CP14	Housing density
CP19	Housing mix
CP20	Affordable housing
SA5	The Setting of the South Downs National Park

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

TR7	Safe Development
TR14	Cycle access and parking
SU9	Pollution and nuisance control
SU10	Noise Nuisance
QD5	Design - street frontages
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
NC3	Local Nature Reserves (LNRs)
HE12	Scheduled ancient monuments and other important archaeological sites

Supplementary Planning Documents:

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

## **8. CONSIDERATIONS & ASSESSMENT**

- 8.1. The main considerations in the determination of this application relate to the principle of the development of the site and the impact of the proposed dwellings on the character and appearance of the street and the surrounding area, and on the setting of the adjacent South Downs National Park. The standard of accommodation, sustainability and impact on neighbouring amenity, transport, trees, ecology and biodiversity are also material considerations.
- 8.2. Neighbour objections in relation to loss of view, impact on property value, impact from the construction phase and impact on neighbouring foundations are noted, however are not material planning considerations.
- 8.3. 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.
- 8.4. 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).

**Planning Policy:**

- 8.5. The surrounding area comprises a cluster of development bordering the South Downs National Park. Park Close is comprised of a mixture of chalet bungalows, bungalows and larger detached properties.
- 8.6. It is recognised that the existing building has a unique character which contributes to the overall qualities of the streetscene. However, it is not listed nor a historic building within a sensitive location, therefore no objection is raised to the principle of its demolition. The gap it would form in the street would allow the new buildings to fit within the building line and general development pattern to the street.
- 8.7. Previous applications and appeal decisions have accepted the principle of a higher density development. Furthermore, the most recent application (BH2017/00641) was assessed under current policies and is therefore a material consideration to which weight has to be given. As such, a residential redevelopment of the site would not be resisted in principle.

Housing density and mix

- 8.8. When considering the planning balance for this proposal, increased weight should be given to housing delivery in line with the presumption in favour of sustainable development set out in the NPPF (paragraph 11). The provision of 12 no. residential units, 11 net increase, on the site would make a positive contribution towards meeting the City's housing target and would help address the current five-year housing land supply shortfall.
- 8.9. Currently the site of 0.09 hectares supports just one residential dwelling. With regard to density, CP14 seeks to achieve a minimum density of 50 dwellings per hectare (dph), which on this site would be a minimum of 4.5 dph. Therefore, the proposal for 12 residential units would bring about a highly efficient residential use of the site, subject to other planning considerations.
- 8.10. Policy CP19 requires that proposals have regard to housing mix considerations and have been informed by local assessments of housing demand and need. Usually a mix of unit sizes would be sought which reflects the housing needs of the city.
- 8.11. The dwellings proposed would be one or two-bed. Local assessments indicate that the greatest demand for market housing is for two-bed units (34%). However, there is also demand for other sizes, including for one-bed units (24%) and three-bed units (31%). Therefore, the one and two bed units proposed would meet an identified demand and although, unfortunately, there is no provision for three-bed units in the scheme, it is recognised that this has not been included on the basis that it would not be financially viable as part of this development. Therefore, given the city's housing requirement and the current housing supply

position, the additional housing proposed would be welcome and is supported by officers including Council's Planning Policy and City Regeneration officers as it would enable the construction of 12 no. new dwellings in a well-established residential area and would contribute to the council's challenging housing targets.

Affordable Housing:

- 8.12. City Plan Policy CP20 sets out an affordable housing target of 30% for developments of between 10 and 14 (net) new dwellings. The applicant has submitted a Financial Viability Assessment (FVA) which concludes that it is not viable to meet the requirement for a 30% offsite contribution (£546,750). Therefore, the application proposes no affordable housing.
- 8.13. The applicant's FVA has been independently assessed by the District Valuation Service (DVS). The DVS is in agreement with the overall conclusion within the FVA and considers that no commuted sum payment towards affordable housing can be viably provided. It should be noted that the DVS assessment has taken into account the CIL liability payment of £74,700.
- 8.14. Having taken full account of the viability assessment submitted, and the detailed scrutiny of this information by independent assessors, it is accepted that the scheme cannot viably meet the Council's affordable housing policy requirements.
- 8.15. However, the DVS notes that the sales values and construction costs would only need to vary slightly for a payment to be possible. Given this, plus current market uncertainty and the lack of similar comparable property sales prices within the area, a late stage review mechanism (re-appraisal of the scheme's viability) is recommended to ensure that the actual achieved sales values and construction costs can be reviewed and any uplift in development value is shared with the Council in the form of an affordable housing contribution. This is recommended as a Heads of Term and can be secured by S106 Legal Agreement.

**Design and Appearance:**

- 8.16. A development should respect its context and should be designed to emphasise and enhance the positive qualities of the local neighbourhood, taking into account the local characteristics in order to accord with design policies in the City Plan. The existing building sits on land that slopes sharply down at the rear of the site. A number of mature trees abut the site at the embankment to the rear, with further semi-mature trees to the front and side. The adjacent properties are set considerably below street level. The site adjoins the South Downs National Park to the rear.
- 8.17. A feature of the streetscape is the prevalence of hipped pitched roofs, which are clearly visible along the street. The consistency in the roof form, together with the visual space between the buildings, helps to define the character and appearance of this suburban street.

- 8.18. The development is designed to give the visual appearance of a pair of semi-detached chalet bungalows within the streetscene, similar in style to adjacent properties. The scale of proposals appears appropriate to the suburban streetscape, appearing as a chalet bungalow from the front, although the ground would be excavated at the rear to create three storeys (provided via 2 storeys and accommodation in the roofscape), which is not considered to be out of keeping with other properties on in the road which have different levels and terraces.
- 8.19. The principle of two hipped pitched roof forms as a continuation of the prevailing house typology is considered to be contextually appropriate and sensitive to the character of the street. This approach has satisfied concerns with the previously refused application (BH2017/00641), in which the design including the roof forms was considered to be incongruous with the prevailing character and was a reason for refusal and later dismissal at appeal.
- 8.20. The proposed roof dormers to the front and rear are also considered to be acceptable within the immediate context. They are well positioned in the roofscape, have no large areas of cladding, and are of a size so as not to appear as a whole additional storey to the dwellings. Many of the surrounding properties exhibit long front dormers, including the properties on either side of the proposed development.
- 8.21. In terms of materials it is considered that sensitivity to context is achieved in the specification of red roof tiles and Sussex brick blends. The primary materiality of the proposed dormers has been revised to match the red roof tiles, which is considered to be appropriate. Terracotta rainscreen cladding proposed to the dormer walls adds some modern elements. The Council's Urban Design officer supports the scheme subject to submission of material samples/ details which can be secured by condition.
- 8.22. The proposals include eight off-street car parking spaces and eighteen cycle spaces. Densification of the site to accommodate 12 dwelling units would inevitably result in higher numbers of parked vehicles. As a suburban area, it is recognised that on-site car parking provision is appropriate for the development, however it should be balanced against the visual impact of increased hard-standing and car numbers. In order to mitigate this; the application has proposed subdivision of the parking bays into sections and street trees and ground planting to naturalise and screen parking areas. This is considered to be acceptable.
- 8.23. In terms of the setting of the adjacent National Park, given the existing residential development, the proposal would result in minor impacts. Due to intervening tree cover it is unlikely that it could be viewed from the public footpath to the south of the site within the National Park. The South Downs National Park Authority have commented on the application and have not raised an objection.

**Trees and Landscaping:**

- 8.24. Policy QD16 requires that applications for new development should accurately identify existing trees, shrubs and hedgerows must seek to retain existing trees and hedgerows; and wherever feasible include new tree and hedge planting in

the proposals. Development which would damage or destroy a preserved tree will not be permitted unless, the development is of national importance or essential to meet recognised social and / or economic needs which cannot be located elsewhere and there is no practicable way to retain the tree.

- 8.25. Of the nine trees identified on the submitted Tree Survey, six are targeted for removal including two at the rear. In general, the trees appear of low quality, however T2 Ash at the rear has been identified as higher (B) grade. T2 is plotted in very close proximity to the proposed development. The Council's Arboriculture officer has confirmed that T2 would be unlikely to survive post development due to root removal, canopy overhang and soil compaction; it would appear near impossible to maintain an exclusion zone. Furthermore, with Ash dieback becoming prevalent, it is recognised that the tree is likely to require removal within the next 5 years on safety grounds, irrespective of development. The Arboriculture officer has therefore advised that specifying retention would not be reasonable, and significant mitigative planting is the better option. Compensatory planting is therefore recommended and can be secured by condition.
- 8.26. The site occupies a plot that is relatively level with the adjacent highway, although drops away steeply to the rear. This slope is within the applicant's ownership although it does not form part of the development site. It is covered with mature woodland which merges into 'Wild Park' within the South Downs National Park. The proposed development would involve excavation in order to facilitate the lower ground floor level into the slope including levelled courtyard areas to the rear.
- 8.27. The Arboriculture officer considers that, given that the proposed balconies and courtyards would be in close proximity to existing vegetation, the enjoyment of these areas by future residents may lead to post development pressure to prune or remove this vegetation, and as a result has objected to the proposals.
- 8.28. Whilst it is noted that the trees may overshadow the rear courtyards and the rear windows of the proposed properties this is not considered to be to such an extent that would cause unacceptable harm to living conditions.
- 8.29. It is acknowledged that the Council's Arboriculture officer had the aforementioned concerns in relation to the 2017 application. However, the LPA did not refuse the application for this reason, and the Inspector did not consider works to trees to facilitate the development to be unacceptable and therefore did not dismiss the appeal for this reason, stating:
- 8.30. On the evidence before me I agree that, on balance, the effect of the development on nearby trees could be managed through the use of planning conditions, including conditions requiring new planting.
- 8.31. Whilst the value of the existing trees is acknowledged, given the above and that the trees are not currently protected, it is considered that the potential pruning of this vegetation in the future would not warrant refusal of the application. The arboriculture officer has advised that an Arboriculture Method Statement

including a detailed Tree Protection Plan should be sought; this can be secured by condition.

**Standard Of Accommodation:**

- 8.32. 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 (para 17).
- 8.33. The Government has published room and unit sizes which it considers to represent the minimum acceptable size for rooms and units, in the form of 'Technical housing standards - nationally described space standard' (NDSS), March 2015. These standards are proposed to be adopted in the Brighton and Hove City Plan Part Two and so can be considered the direction of travel with regard to standards of accommodation. They provide a useful reference point in assessing dwelling size and no. of occupants. Rooms and units which would provide cramped accommodation and sub-standard levels of amenity often fall below the minimum acceptable sizes set out by Government.
- 8.34. The proposed dwellings would measure as follows:
- LGF: 50 sq metres for 2 person one-bed unit x4
  - GF: 66 sq metres for 3 person two-bed unit x 4
  - FF: 61 sq metres for 3 person two-bed unit x4
- 8.35. All units would comply with the nationally described minimum space standards (50 sq metres for a 2 person one-bed and 61 sq metres for a 3 person two-bed), which are referenced in the draft CPP2 Policy DM1, and would benefit from good levels of light, outlook and internal circulation. The submitted section drawings show that units in the roof space would benefit from sufficient head height.
- 8.36. It is proposed that each dwelling would have some private outdoor amenity space in the form of a rear courtyard to the lower ground floor units and a balcony to the upper floors units. Additionally, a side gate would provide occupants access to the woodland area to the rear. This would provide further access to open space for the residents.
- 8.37. Appropriate refuse and recycling provision is proposed in timber enclosures to the front of the buildings. The bins can be positioned in the front gardens on collection days.

**Impact on Amenity:**

- 8.38. 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.
- 8.39. The neighbouring property to the southwest, no. 14 Park Close, forms one half of a pair of semi-detached chalet bungalows set considerably below street level. As existing, the single storey side wings of the application property project approximately 5m beyond the rear elevation of no.14 at a separation of under

1m, however are largely disguised by boundary fencing set on a wall approximately 1m high.

- 8.40. The built form of the proposed south eastern building would be set on a similar footprint as the existing building; however, its hipped roof would be sited closer to the shared boundary. When considered against the form of the neighbouring building, it is not considered that the additional bulk at this boundary would cause an overbearing impact. There is an existing side roof window to no. 14 from which the proposed roof would be visible. However, it appears to be a secondary window and there would still be an 8m separation distance from the proposed roof from. Therefore, it is not considered that a harmful loss of light would occur.
- 8.41. The rear of the proposed built form including the balconies would project further to the rear than the patio area of no. 14, thereby providing views directly to the woodland to the rear and beyond the main neighbouring amenity space. High timber screening to the sides of the top floor balconies would limit any oblique overlooking of the neighbouring garden. The ground floor balconies are inset, limiting views to the side.
- 8.42. To the north-east, no. 65 Park Road forms a semi-detached house set considerably below street level, and approximately 2.9m below the ground level of the proposed buildings. There would be a distance of 6m to 7m between the proposed north eastern building and the existing built form of no. 65. The new development would project approximately 4m beyond the rear elevation to no. 65.
- 8.43. The proposed built form would project considerably closer no. 65 which is significantly lower in height than the proposal. However, the gap between the properties would be entirely in character with the area and it would provide a sufficient distance to avoid any material harm to living conditions. Given this, the extent of the existing building including the visibility of the 11m tower, and the prevalence of vegetation (both existing and proposed) it is not considered that the resultant impact would warrant refusal of the scheme. The submitted visualisation has demonstrated that the relationship with no. 65 Park Close would not be unacceptably overbearing. Furthermore no. 65 would retain its main outlook to the rear as well as the substantial rear decking.
- 8.44. It is noted that the proposed balconies to the eastern end of the proposed development could allow for oblique overlooking of the rear garden of no. 65 Park Road. However, again, the first-floor balconies would have a 1.8m privacy screen to the side, the installation and retention of which can be secured via condition, and the ground floor balconies are inset, limiting views to the side.
- 8.45. No windows are proposed to the upper floor side elevations, limiting overlooking. The proposal would have no significant impact on properties opposite, which are on higher ground level and there are no properties to the rear of the site

### **Sustainable Transport:**

- 8.46. With regard to cycle parking provision SPD14 requires sixteen spaces for the proposed development, twelve covered long stay spaces and four short stay spaces for visitors. The application proposes twelve covered and six uncovered cycle parking spaces (eighteen in total); this is acceptable and can be secured by condition.
- 8.47. Eight car parking spaces are proposed for twelve flats which is in line with the City Council's maximum parking standards. Census data suggests that this amount is near to the average car parking ownership amount in the Hollingdean and Stanmer ward. Additionally, the Council's Highways officer reports that developments which comprise of solely flats can potentially require less parking provision. A disabled parking space, with the 8 proposed, is secured via a condition.
- 8.48. Parking in the street is unrestricted, apart from on match day and events at the nearby Falmer stadium. However, most of the neighbour representations refer to parking issues within the street. This is noted, however the Council's Highways officer has advised that if some overspill parking did occur, this is likely to be minimal and would not be deemed to amount to a severe impact or warrant a reason for refusal under the National Planning Policy Framework.
- 8.49. The applicant is proposing two electric vehicle charging point bays. These are welcomed however further specifications are required and can be secured by condition, as can provision for the new/extended crossovers.
- 8.50. The Highways Officer has recommended funding is secured for improvements to the surrounding transport infrastructure. This is noted, however off-site items such as sustainable transport initiatives would now be paid for through CIL, a city-wide charge which will fund agreed infrastructure projects in accordance with priorities.

**Sustainability:**

- 8.51. Policy CP8 sets out residential energy and water efficiency standards required by new development; to achieve 19% above Part L Building Regulations requirements 2013 for energy efficiency, and to meet the optional standard for water consumption of 110 litres/ person/day.
- 8.52. The Council's Sustainability officer has advised that the submitted information gives confidence that these standards can be met; they can be secured by condition, as can a site waste management plan to minimise and manage waste produced during construction, demolition and excavation.

**Ecology and Biodiversity:**

- 8.53. The proposed development site is not designated for its nature conservation interest, however the South Downs National Park and Wild Park Local Nature Reserve (LNR) adjoin the southern boundary. A Badger Survey Report and Preliminary Ecological Appraisal have been submitted.
- 8.54. The County Ecologist has recommended that measures to protect the adjacent National Park and Local Nature Reserve as well as protected species (such as



badgers, bats, breeding birds and reptiles) and to provide a net gain for biodiversity should be set out in a Construction Environmental Management Plan (CEMP) and an Ecological Design Strategy (EDS). The EDS should include the provision of bird (including swift), bat and insect boxes. The mitigation measures set out in the submitted Bat and Badger Survey Report should be implemented, and a sensitive lighting strategy is required to ensure no light spill onto the adjacent woodland. These measures can be secured by condition.

- 8.55. It is noted that one (low quality) tree identified for removal is within the LNR and National Park. The EDS recommended above should ensure that the impact on the woodland is mitigated through the planting of appropriate native species on site, and that measures are taken to protect the LNR and SDNP, and to reduce indirect impacts. Given this, the loss of this tree would not warrant refusal of the application in this case.
- 8.56. The County Ecologist has confirmed that provided the recommended mitigation and enhancement measures are implemented, the proposed development can be supported from an ecological perspective.

**Conclusion:**

- 8.57. Given the prevailing character of the streetscene it is considered that the scale and design of the proposed development would not appear out of context or character with the site and the surroundings. The proposed building is unlikely to have an unacceptably overbearing impact on its neighbours and has been carefully designed to take account of overlooking and privacy issues. Subject to conditions it is therefore considered that the development is appropriate in terms of design, scale and impact on amenity, highways, trees, biodiversity and the adjacent National Park and Local Nature Reserve, and would provide 12 (11 net) new dwellings for the City, of a good size and standard.

**9. COMMUNITY INFRASTRUCTURE LEVY**

- 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 estimated that the amount of CIL liability for this application is £74,700. 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.

**Developer Contributions**

- 9.2. Affordable housing Review Mechanism of viability
- 9.3. Local Employment scheme: Based upon the current adopted Developer Contributions Technical Guidance, £3,100 plus the submission of an employment and training strategy in respect of the demolition and construction phases of the development.

**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 provide a Review Mechanism to assess the provision of affordable housing contribution with regard to the requirements of Policies CP1, CP19 and CP20 of the Brighton and Hove City Plan Part 1.
2. The proposed development fails to provide a financial contribution towards the City Council's Local Employment Scheme to support local people in employment within the construction industry, contrary to policy CP7 of the City Plan Part 1 and the City Council's Developer Contributions Technical Guidance.
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 demolition and construction phases of the proposed development, contrary to policy CP7 of the City Plan Part 1 and the City Council's Developer Contributions Technical Guidance.

## **10. EQUALITIES**

- 10.1. The requirement to meet Lifetime Homes has now been superseded by the accessibility and wheelchair housing standards within the national Optional Technical Standards. Step-free access to the ground floor (new-build) dwellings appears to be achievable; segregated, level access from Park Close proposed.
- 10.2. Policy HO13 states that a proportion (5%) of all new dwellings on larger sites should be built to a wheelchair accessible standard. This, along with a disabled parking space, is secured by condition

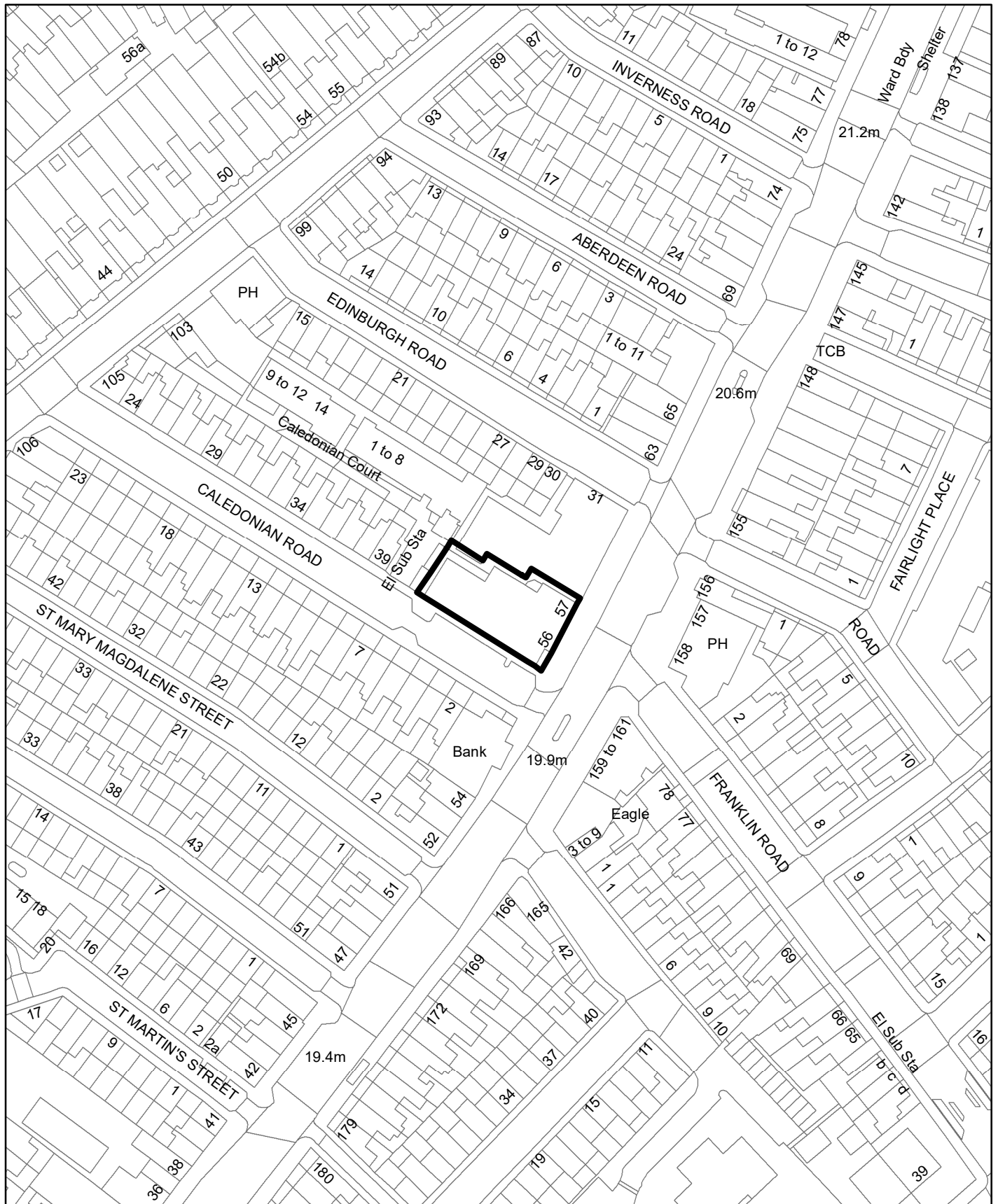
# **ITEM B**

**56-57 Lewes Road  
BH2020/01696  
Full Planning**

**DATE OF COMMITTEE: 13<sup>th</sup> January 2020**



# BH2020/01696 56-57 Lewes Road



**Brighton & Hove  
City Council**



**Scale: 1:1,250**



<b><u>No:</u></b>	<b>BH2020/01696</b>	<b><u>Ward:</u></b>	<b>St. Peter's And North Laine Ward</b>
<b><u>App Type:</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>56 - 57 Lewes Road Brighton BN2 3HW</b>		
<b><u>Proposal:</u></b>	<b>Demolition of existing building and redevelopment to provide student bed spaces (Sui Generis) in a building ranging from 3 to 4 storeys, plus redevelopment of existing basement level, a flexible retail/cafe unit (Class A1/A3) and ancillary uses comprising bin stores, cycle stores, laundry and office/reception and associated landscaping. (For information: proposal is for 60no student bed spaces and 211 sqm of retail/café floor space). (Amended plans)</b>		
<b><u>Officer:</u></b>	<b>Joanne Doyle, tel: 292198</b>	<b><u>Valid Date:</u></b>	<b>24.06.2020</b>
<b><u>Con Area:</u></b>		<b><u>Expiry Date:</u></b>	<b>23.09.2020</b>
<b><u>Listed Building Grade:</u></b>		<b><u>EOT:</u></b>	
<b><u>Agent:</u></b>	<b>Turley 8th Floor Lacon House 84 Theobalds Road London WC1X 8NL</b>		
<b><u>Applicant:</u></b>	<b>Co-operative Group Limited And FPC (Lewes Road) Limited C/o Turley Lacon House 84 Theobalds Road London WC1X 8NL</b>		

## 1. RECOMMENDATION

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

### Conditions:

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

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

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Location Plan	001	-	24 June 2020
Block Plan	060	-	27 November 2020
Proposed Drawing	090	-	27 November 2020
Proposed Drawing	100	-	27 November 2020
Proposed Drawing	110	-	27 November 2020
Proposed Drawing	120	-	27 November 2020
Proposed Drawing	130	-	27 November 2020
Proposed Drawing	140	-	27 November 2020
Proposed Drawing	200	-	27 November 2020
Proposed Drawing	300	-	27 November 2020
Proposed Drawing	310	-	27 November 2020
Proposed Drawing	190165-SK- 001	-	24 June 2020
Proposed Drawing	190165-SK- 002	-	24 June 2020

Proposed Drawing	190165-SK- 003	-	24 June 2020
Proposed Drawing	190165-SK- 004	-	24 June 2020
Proposed Drawing	190165-SK- 005	-	24 June 2020
Report/Statement	Arboricultural Implications Assessment	dated June 2020	24 June 2020
Report/Statement	Daylight and Sunlight Report	dated 16th June 2020	24 June 2020
Report/Statement	Draft Environmental Management Plan (CEMP)	dated 28th April 2020	24 June 2020
Report/Statement	Drainage Strategy Report	dated April 2020	24 June 2020
Report/Statement	Energy Assessment	dated 22nd June 2020	24 June 2020
Report/Statement	Environmental Noise Assessment	dated 6th-20th May 2020	24 June 2020
Report/Statement	Flood Risk Assessment	dated June 2020	24 June 2020
Report/Statement	Preliminary Ecological Appraisal	dated 18th May 2020	24 June 2020
Report/Statement	Air Quality Assessment	dated July 2020	30 July 2020
Report/Statement	Transport Statment	dated June 2020	24 June 2020
Report/Statement	Road Saftey Audit 1	dated Novemb er 2020	26 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.
3. Access to the flat roofs of the development hereby approved shall be for maintenance or emergency purposes only, and the flat roofs shall not be used as a roof garden, terrace or patio or similar amenity area.



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

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

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

5. 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 retained as such thereafter.

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

6. 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.

7. The recommendations as set out in the Acoustic Report carried out by MIOA of Sound Advice Acoustics Ltd dated May 2020 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.

8. 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.

9. All boiler flues shall have vertical termination above roof level for better dispersion of emissions avoiding the lee of buildings.

**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.

10. 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.
11. Frequent HGV used for 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.
12. 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.
13. The recommendations and tree protection measures as set out in the Arboricultural Implications Assessment and Method Statement carried out by Alumno dated June 2020 shall be implemented and retained as such thereafter.  
**Reason:** As this matter is fundamental to protecting two off-site public realm trees 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.
14. All ecological measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal Report (Ambiental Environmental Assessment, 18/05/2020).  
**Reason:** To ensure that the measures considered necessary as part of the ecological impact assessment are carried out as specified, as required by paragraphs 170 and 175 of the National Planning Policy Framework, Section 40 of the Natural Environment and Rural Communities Act 2006, and Policy CP10 of the Brighton & Hove City Plan Part One.
15. The scheme shall accord with the standards described in Annex 6 of SPD 11 and shall include a minimum of swift bricks/boxes and bee bricks. The approved scheme shall be implemented in full prior to the first occupation of the development hereby approved and thereafter retained.

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

16. The recommendations as set out in the Flood Risk Assessment carried out by Entuitive on behalf of Alumno, dated April 2020 (updated June 2020) shall be implemented and retained as such thereafter, including necessary maintenance measures.

**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.

17. The 3 accessible units hereby approved shall be completed in compliance with Building Regulations Optional Requirement M4(3)(2b) (wheelchair user dwellings) prior to first occupation and shall be retained as such thereafter. 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.

18. Students occupying the building shall be restricted to those enrolled at Brighton Screen and Film School or other educational establishments within Brighton & Hove.

**Reason:** As this matter is fundamental to the acceptable delivery of the permission and to comply with policy CP21 Brighton and Hove City Plan Part One.

19. 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.

20. Within 6 months of first occupation of the development hereby permitted, a BREEAM Building Research Establishment assessor has issued a Post Construction Review Certificate confirming that the 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.

21. None of the new build residential units hereby approved shall be occupied until each residential unit built has achieved an energy efficiency standard of a minimum of 19% CO2 improvement over Building Regulations requirements Part L 2013 (TER Baseline).  
**Reason:** To ensure that the development is sustainable and makes efficient use of energy to comply with policy CP8 of the City Plan Part One.
22. None of the new build residential units hereby approved shall be occupied until each residential unit built has achieved a water efficiency standard using not more than 110 litres per person per day maximum indoor water consumption.  
**Reason:** To ensure that the development is sustainable and makes efficient use of water to comply with policy CP8 of the City Plan Part One.
23. 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, external walls and roof material including technical specification and details of the colour/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 policy CP12 of the Brighton & Hove City Plan Part One.
24. 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.
25. The planting screening to the roof terraces hereby approved shall be no less than 1 metre in height shall remain in perpetuity and shall only be replaced with other plant screening of similar size, unless the Local Planning Authority gives written consent to any variation.  
**Reason:** To protect the amenities of future residents and of neighbouring properties and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.

### Informatives:

1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One the approach to making a decision on this planning application has been to apply the presumption in favour of sustainable development. The Local Planning Authority seeks to approve planning applications which are for sustainable development where possible.
2. The 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, Yeoman Road, Worthing, West Sussex, BN13 3NX or, [southernwater.co.uk](http://southernwater.co.uk).
3. The applicant is advised that an agreement with Southern Water, prior to commencement of the development, the measures to be undertaken to divert/protect the public water supply main. Please contact Southern Water, Southern House, Yeoman Road, Worthing, West Sussex, BN13 3NX or, [southernwater.co.uk](http://southernwater.co.uk)
4. 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.
5. The water efficiency standard required under condition 23 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.
6. 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 is on the corner plot of Lewes Road and Caledonian Road and is currently in use as a Co-op food store. This part of Lewes Road is typified by commercial uses at ground floor with residential above, with roads to the west, including Caledonian Road, containing terraces of residential properties. There is a substation to the immediate rear (west) of the application site and an access road separating the site from the residential terraces on Caledonian Road behind.

- 2.2. On the opposite corner of Lewes and Caledonian Roads is a three-storey building with café at ground floor and residential above (no. 55 Lewes Road). The adjacent building to the north (no. 58-62 Lewes Road) is a three-storey building extending to the junction of Edinburgh Road, containing a vacant retail unit at ground floor and residential above.

### **3. RELEVANT HISTORY**

- 3.1. PRE2019/00300- Redevelopment of site to propose 70 student bedrooms in a building ranging from 3-5 storeys. A Cafe/retail unit and ancillary uses comprising bin store, laundry and office/reception at ground floor, 20 cycle spaces and associated landscaping.
- 3.2. PRE2019/00124- Redevelopment of site to form 3 to 4 storey building incorporating 60no student rooms, cafe/retail unit, bin store, laundry, office/reception area, cycle parking and associated landscaping.
- 3.3. BH2016/05743- Display of internally-illuminated fascia and hanging signs and non-illuminated panel signs. Approved 12.12.2016.
- 3.4. BH2012/02835- Installation of new mechanical plant on upper and lower flat roof to replace existing with associated safety barrier. Approved 08.11.2012.
- 3.5. BH2012/02793- Display of internally illuminated fascia signs and an internally illuminated projecting sign. Approved 19.11.2012. Approved 19.11.2012.
- 3.6. BH2012/02682- Replacement of existing entrance lobby with new shop front with sliding door extended out to line of existing shop front, relocation of existing ATM on front elevation, installation of new trolley bay to front and news and magazine lock box to front of shop. Approved 08.11.2012.
- 3.7. BH2007/01120- Display of two internally illuminated fascia signs and an internally illuminated double-side projecting sign. Approved 17.05.2007.
- 3.8. BH2006/00849- Installation of air conditioning plant to high level roof. Reduction of internal sales area. Approved 13.06.2006.
- 3.9. BH2004/00960/FP- Installation of an ATM to the Lewes Road elevation. Approved 12.05.2004.

### **4. APPLICATION DESCRIPTION**

- 4.1. The application seeks permission for the replacement of the existing single and two-storey building on site with a four-storey building containing purpose-built student accommodation (PBSA) on ground and upper floors, accessed from Caledonian Road, and a flexible retail/café unit of 211msq (Class A1/A3) on the Lewes Road frontage.

- 4.2. The PBSA would contain 60 studio rooms, along with shared communal spaces at basement level (study, recreation and laundry room), and at third floor level (terrace, winter garden and courtyard), and the provision of kitchen/dining/living areas on 1st, 2nd and 3rd floor levels. The application proposes a brick finish, green roof, street planters to both street elevations, as well as alterations to the on-street cycle parking and the provision of a disabled parking bay on Caledonian Road.
- 4.3. The applicant engaged in pre-application advice, initially proposing a 3-5 storey building comprising 70 student units. The present proposal would be up to four storeys in height with 60 student units, with concerns relating to design and appearance, quality of internal space, provision of communal amenity spaces, landscaping and biodiversity addressed successfully.
- 4.4. Since submission of the application changes have been made to the design, internal layout and landscaping which are:
- Achieving a more expressive corner section on the Lewes Road/Caledonian Road junction through projection and verticality in the design.
  - Improvements to landscaping on Caledonian Road and Lewes Road to include new and larger planters with ground level planting.
  - Minor changes to the internal layout, mainly by increasing the wall thickness between residential and retail/ancillary uses and minor alterations to increase the function of the 'shared social space' at third floor level.
  - In response to Highways comments amendments have been made to cycle provision/disabled parking and a Road Safety Audit has been submitted.

## **5. REPRESENTATIONS**

- 5.1. Six (6) letters of representation have been received objecting to the proposal for the following reasons:
- Co-op should be relocated
  - Noise impacts
  - Students should be moved away from Lewes Road
  - Anti-social behaviour
  - Need proper housing
  - Height
  - Air pollution
  - Design
  - Loss of light
  - Effect on property as local homeowner
  - Querying process for feedback from residents
- 5.2. One (1) letter of representation has been received commenting about:
- Traffic
  - Noisy students and issues
  - Concern more students in area

- Positive re-development of site

## 6. CONSULTATIONS

### External

- 6.1. **County Archaeologist** No objection. Not considered that the proposals are likely to have a significant archaeological impact.
- 6.2. **Scotland Gas Network** No objection. Principles of the Scotland Gas Network should be adhered to.
- 6.3. **Southern Water** No objection. Seek informative noting need for a formal application to be submitted for connection to the public sewer.
- 6.4. **Sussex Police** No objection. The principles of Secured by Design should be adhered to.
- 6.5. **Uk Power Networks** No objection

### Internal

- 6.6. **Air Quality Officer** No objection subject to recommended conditions and CEMP requirements.
- 6.7. **Arboriculture** No objection subject to the condition securing method statement and tree protection measures.
- 6.8. **Brighton and Hove Archaeological Society** No objection
- 6.9. **City Parks** No objection. Note that with the loading bay and bin storage retained there is no opportunity for street tree planting in the vicinity.
- 6.10. **Ecology** No objection. No objection subject to recommended conditions requiring swift/bee boxes and details contained within the Preliminary Ecological Appraisal Report.
- 6.11. **Economic Development** No objection subject to submission of developer contributions of £6,000 and Employment and Training strategies.
- 6.12. **Environmental Health** No objection subject to condition requiring recommendations contained within the acoustic report being taken forward, and associated conditions to safeguard amenity.
- 6.13. **Policy** No objection subject to a clause within the S106 agreement restricting occupation to students of this institution or others within Brighton & Hove.



- 6.14. **Sports Facilities** No objection subject to developer contributions for the sum of £60,452.17 towards open space (outdoor sports) and £11,760.00 for indoor sport provision.
- 6.15. **Sustainability** No objection subject to conditions attached to ensure the BREEAM Excellent or Very Good, depending on size of retail/commercial space rating is achieved.
- 6.16. **Transport** Objection. Concerns raised over lack of hourly forecasts and dwell times for delivery/serving; lack of agreement of brief for road safety audit of replacement of cycle parking with disabled carpark; layout of internal cycle parking; number of off-site (public) cycle parking spaces; lack of disabled parking provision (one space instead of four).
- 6.17. **Urban Design** No objection. Following amendments concerns have been addressed successfully with regard to quality of internal space, provision of communal amenity spaces, landscaping, biodiversity and appearance.

## 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. RELEVANT POLICIES & GUIDANCE

### 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 undertaken and completed 30 October 2020.

Brighton & Hove City Plan Part One

SS1	Presumption in Favour of Sustainable Development
DA3	Lewes Road Area
SA6	Sustainable Neighbourhoods
CP1	Housing delivery
CP3	Employment Land
CP4	Retail provision
CP7	Infrastructure and developer contributions
CP8	Sustainable buildings
CP9	Sustainable transport
CP10	Biodiversity
CP11	Flood risk
CP12	Urban design
CP13	Public streets and spaces
CP16	Open space
CP17	Sports provision
CP18	Healthy city
CP21	Student Housing and Housing in Multiple Occupation

Brighton & 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	Surface Water Drainage
SU5	Surface water and foul sewage disposal infrastructure
SU9	Pollution and nuisance control
SU10	Noise nuisance
QD5	Design street frontages
QD7	Crime prevention through environmental design
QD15	Landscape design
QD16	Trees and hedgerows
QD18	Species protection
QD25	External lighting
QD27	Protection of amenity
HO13	Accessible housing and lifetime homes
HO15	Housing for people with special needs
SR5	Town and district shopping centres

Supplementary Planning Documents

SPD06	Trees & Development Sites
SPD11	Nature Conservation & Development
SPD14	Parking Standards
SPGBH15	Tall Buildings

**9. CONSIDERATIONS & ASSESSMENT**

- 9.1. The main considerations in the determination of this application relate to the principle of development, including the provision of the new retail/café unit and purpose built student accommodation (PBSA); the design of the proposed building and the impact on the streetscene; the standard of accommodation proposed; the impact on neighbouring amenity; sustainable transport; sustainability; landscaping and ecology/biodiversity.

**Principle of Development:**

- 9.2. The site lies within the Development Area 3: Lewes Road (DA3), identified in City Plan Part 1 as being suitable to 'further develop and enhance the role of Lewes Road as the city's academic corridor', including through the delivery of 'appropriate accommodation for students'. The principle of Purpose Built Student Accommodation (PBSA) is therefore acceptable in this area, subject to the considerations set out below.

Loss of Retail Use:

- 9.3. The site is currently occupied by a part 1 and part 2 storey Class A1 (Retail) unit, occupied by the Co-op Food Store, with associated plant and equipment at second floor level and basement below. It is proposed that the current A1 retail frontage would be converted to a flexible café/retail use (A1/A3).
- 9.4. Policy CP4 of the City Plan Part One identifies a significant need for new retail floorspace over the period of the plan, noting that "it is important that Brighton & Hove's shopping centres and local neighbourhood shopping facilities remain vibrant, attractive and accessible".
- 9.5. The application site lies within the identified 'prime retail frontage' of the Lewes Road District Centre therefore policy SR5 of the Local Plan also applies. The policy states that changes of use away from A1 (retail) will be permitted provided that certain criteria are met, such as a clear predominance of Class A1 uses being, maintained and as a result of the proposal there would not be a significant break in the shopping frontage of more than 15 metres.
- 9.6. It is considered that the proposal would accord with this approach, particularly as it would retain an element of A1 use. The site is adjacent to a vacant A1 unit to the north, and an occupied A3 (café/restaurant) use to the south, and while there is a mix of A1 and A3 uses in this part of Lewes Road, a high number of A1 retail units has been retained. The proposed A1/A3 use would still attract pedestrian activity to the area and would not notably alter the prevailing character of this section of Lewes Road and would not affect the retail viability of the Lewes Road district centre as a whole. Of material consideration to this application is that the unit retains an A1 element, therefore it is considered that there would be no conflict with policy SR5.
- 9.7. Draft City Plan Policy DM12 currently has limited weight but sets out the council's future direction of travel with regard to the policy approach to retail frontages. It states that changes of use of a ground floor Class A1 retail unit in the primary shopping frontages will only be permitted where the proportion of Class A1 retail

units would not fall below 50% in District Centres, which the application would maintain.

- 9.8. Notwithstanding the above, the changes to the Use Class Order which came into effect on 1st September 2020 means that both retail units and cafés fall into a new 'E' use class. Changes of use within the same class do no longer constitute development. Retention of a use which will attract footfall to the district centre and provide an active frontage is welcome. The proposal is therefore considered acceptable in this respect subject to recommended conditions.

The proposed PBSA:

- 9.9. The site is located within the Lewes Road Development Area as set out in City Plan Part One.
- 9.10. Policy DA3 and is well located for purpose-built student accommodation (PBSA). One of the strategies for this development area is to improve further and higher education provision in the Lewes Road area, including by delivering appropriate accommodation for students. The provision of residential development, and development that meets the needs of local communities is supported in accordance with DA3.3. It is therefore considered that the proposal accords with this policy.
- 9.11. The Lewes Road corridor is also identified under City Plan One Policy CP21 ('Student Accommodation and Houses in Multiple Occupation') as being a suitable location for PBSA development on a sustainable transport corridor with good access to the universities.
- 9.12. Policy CP21 (Student Housing and Housing in Multiple Occupation) states that the provision of PBSA will be encouraged to help meet the housing needs of the city's students and that proposals for new purpose built student accommodation will need to demonstrate that the following criteria have been addressed:
- “1. *Proposals should demonstrate that there will be no unacceptable impact upon residential amenity in the surrounding area through issues such as increased noise and disturbance;*
  2. *High density developments will be encouraged but only in locations where they are compatible with the existing townscape;*
  3. *Sites should be located along sustainable transport corridors where accommodation is easily accessible to the university campuses or other educational establishments by walking, cycling and existing or proposed bus routes;*
  4. *Proposals should demonstrate that they would not lead to an unacceptable increase in on-street parking in the surrounding area;*
  5. *Proposals should be designed to be safe and secure for their occupants whilst respecting the character and permeability of the surrounding area;*
  6. *Schemes 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 council will seek appropriate controls to ensure that approved schemes are occupied solely as student accommodation and managed effectively;*

7. *Permanent purpose built student accommodation will not be supported on sites allocated for housing or with either an extant planning permission for residential development or sites identified as potential housing sites.”*

- 9.13. As set out in more detail below criteria 1- 5 are considered to have been met, by virtue of the scheme not resulting in harm to amenity, the built development being compatible with the townscape, the location being sustainable in terms of transport, and being designed to be safe and secure for occupants, while maintaining permeability.
- 9.14. Criterion 6 would be met through imposition of a condition requiring occupants to attend educational establishments in the City, and while criterion 7 is met because the site is not allocated for housing, and no extant planning permissions apply to the site.
- 9.15. The proposed development would support the local priorities for the area by providing appropriate accommodation for students to support the area's status as the academic corridor. As such, the principle of development is considered acceptable.

**Design Scale and Massing:**

- 9.16. Buildings on Lewes Road are predominantly two storey in height, with commercial uses at ground floor and residential above, and are not typically of high quality design. There are some taller buildings, particularly on corner road junctions, including neighbouring buildings to the immediate north and south. The rear (west) of the site on Caledonian Road is characterised by terraces of two-storey residential properties.
- 9.17. As set out in SPG15, Lewes Road is an identified ‘tall building corridor’ (defined as six storeys or more). Therefore, the proposed three- and four-storey height is considered acceptable in principle, and to provide a suitable transition from the slightly lower heights on Lewes Road and domestic terraces in Caledonian Road.
- 9.18. The application proposes a minimal, contemporary approach to design, with a single brick blend, green roof and street planters to both street elevations. The design, scale, massing and articulation of the building is considered to be positive, with the combination of a minimal and contemporary approach working effectively in this context, and the vertical window design providing a positive reference to the neighbouring residential terraces.
- 9.19. Previous concerns raised by officers are considered to have been addressed positively resulting in the more expressive corner element and added articulation, particularly to the Caledonian Road elevation. The design and character of the building is considered to fit effectively within its setting and the minimal and contemporary approach is considered to both appreciate and enhance its surroundings.

**Impact on Neighbouring Amenity:**

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

Impacts on Daylight and Sunlight, loss of privacy and outlook on Neighbouring Properties

- 9.21. The area around the site includes commercial uses at ground floor with residential above on Lewes Road and residential terraces on Caledonian Road to the west and Edinburgh Road to the north west.
- 9.22. A Daylight and Sunlight Report has been submitted as part of the application. The assessment concluded that the daylight and sunlight amenity to the neighbouring properties would not be materially affected by the development, in line with BRE guidance.
- 9.23. The rear of terraced dwellings on Edinburgh Road to the north-east would be between 20.1m (where not directly opposite) and 21.7m (where directly opposite) from the nearest rooms which is considered to maintain a suitable level of privacy. Caledonian Court (a flatted development), immediately to the rear (west) of the site, would have a blank wall facing the site at its closest point, with the front fenestration facing south. The window openings with clear glass would not offer direct views toward the residential flats of Caledonian Court.
- 9.24. Overall, loss of light as a result of the proposal would be limited and within the guidelines in the BRE Report. The development would not result in amenity harm in terms of overshadowing, loss of light or overlooking, given adequate separation distances with neighbouring properties. The development would therefore have an acceptable impact upon neighbouring properties and the proposal is compliant with Policy QD27 of the Local Plan.

Roof Terraces

- 9.25. The scheme features 2no. roof terrace areas at third floor level: a 10.6sqm terrace area located upon the south western elevation and a 16.7sqm courtyard terrace upon the southern elevation fronting Caledonian Road. Both have been designed to minimise any potential overlooking by being set back from the building line and with the addition of planters to move users away from the edge of the roof and enclose the terraces. Whilst the views would predominantly be of wider roofscapes, a condition has been attached to ensure the planting screening shall be no less than 1 metre in height and shall remain in situ.

**Site Layout/Internal Layout and Standard of Accommodation for Future Occupiers:**

- 9.26. The general arrangement, with active retail frontage and cycle parking to Lewes Road, and primary residential entry and loading to Caledonian Road, is considered appropriate to its context. The space around the site (on the pavement of Caledonian Road and Lewes Road) has been utilized to its fullest to provide landscaping provision (planters and greenery) to enhance and improve the setting of Caledonian/Lewes Road.

- 9.27. The PBSA would contain 60 studio rooms (including three accessible units) set over the ground to the third floor. This would comprise 39 studio rooms, 18 en-suite 'cluster flats' (i.e. three units containing six rooms each) and three accessible rooms. The sizes of the rooms would range from between 14.7sqm and 25.5 sqm which would be in line with established purpose-built student accommodation. Each room would contain an en-suite shower room, wardrobe and desk with adequate circulation space, ventilation and outlook. The 'cluster rooms' would be located around the kitchen/living/dining rooms located on the first, second and third floors, measuring 36.6sqm.
- 9.28. Residents would also have access to shared communal space at basement level (study, recreation and laundry room) and at third floor level (terrace, winter garden and courtyard) and the provision of kitchen/dining/living areas on first, second and third floor levels. The provision and quality of communal/shared amenity spaces and kitchen/living/dining spaces to the cluster units is considered adequate in terms of amount, size and layout. The basement social space would be effectively lit and ventilated, and would function effectively as a place for noisier activities.
- 9.29. Noise concerns, air quality and outlook to the ground floor studios have been adequately addressed by including acoustic partitions, increased wall thickness between residential and retail/ancillary uses, and planted spaces positioned in front of the windows. The windows would have narrow openings for security, and with the trickle ventilation and bathroom extraction they would be well ventilated if the windows remain closed.
- 9.30. A Noise Impact Assessment has been submitted as part of the application which demonstrates that subject to recommended measures the impact on new residents would not be negatively impacted.
- 9.31. Policy HO13 requires all new residential dwellings to be built to Lifetime Homes standards whereby they can be adapted to meet people with disabilities without major structural alterations. The requirement to meet Lifetime Homes has now been superseded by the accessibility and wheelchair housing standards within the National Optional Technical Standards. Three studio rooms have been provided as wheelchair accessible on the first, second and third floor. Step free access is achievable to access the building and a lift is provided to provide access to the upper floors for those in wheelchairs or with a mobility-related disability.

**Landscaping/Sustainability/Air Quality:**

- 9.32. In bringing forward schemes in the Lewes Road Development Area, Policy DA3 seeks to secure improvements to the townscape and public realm, delivering inter-connected green infrastructure and biodiversity improvements as well as improving air quality. Policy CP13 requires street trees and biodiversity to be incorporated wherever possible.
- 9.33. In this case, the applicant has sought to utilise the limited space around the site (on the pavement of Caledonian Road and Lewes Road) to provide planting and greenery including a number of raised planters to the building's edge on

Caledonian Road, as well as terrace planting at first floor level on Lewes Road and third floor level on Caledonian Road. Ground level planting has been included around the base of the two existing street trees on Caledonian Road and improvements to ground level planting on Lewes Road, with the existing raised planters on the corner of Caledonian Road proposed to be replaced with new, larger planter, and an additional planter is proposed to the north of the existing bin enclosure. The proposed chalk grassland roof planting which creates a biosolar roof is also a positive addition.

- 9.34. Whilst it is beyond remit of the applicant to relocate the existing on-street bin/refuse facilities around the site, the planting measures would improve the overall appearance of these. City Parks note that with the bin storage being retained there is little opportunity for street tree planting in the vicinity, but CIL contributions can be used to provide off-site measures elsewhere. These proposals are considered to be an improvement to the character of Lewes Road and adequately address policies DA3 and CP13.
- 9.35. Regarding sustainability measures, the scheme incorporates strategies including increased insulation, photovoltaic panels, low energy light fittings, air source heat pumps, in addition to approaches to increase biodiversity such as the green roofs. The proposed development is targeted to achieve a BREEAM rating of 'Excellent', which will be conditioned, and it is therefore considered that the proposed development adequately addresses policy CP8 (sustainable buildings).
- 9.36. The application site falls within an Air Quality Management Area (AQMA). 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 applicant has submitted a detailed air quality assessment that indicates all air quality standards will be met from the year of residential occupation. The assessment acknowledges that nitrogen dioxide levels are higher facing Lewes Road compared with side roads, however given monitoring evidence in recent years it is reasonable to assert that pollution levels will be lower at the site compared to Elm Grove and Vogue Gyratory approaches.
- 9.37. The Air Quality Officer has acknowledged that the accommodation is a considerable increase in size and massing adjacent to the road compared to the existing single storey use whereby massing has the potential to inhibit dispersion of traffic emissions due to a canyoning effect. However, the officer has confirmed that it is reasonable to assert that pollution at this site would be lower than within other areas of the AQMA such as the Vogue Gyratory approaches and that the development is unlikely to produce more operational traffic than the existing use. Therefore, with the addition of recommended conditions, including the encouragement of sustainable transport modes, it is considered that the proposed development addresses policies SU9 and DA3.
- 9.38. In regard to drainage, a Flood Risk Assessment and Drainage Strategy Report has been submitted. A condition has been attached to ensure the mitigation measures identified within the Flood Risk Assessment are adhered to.



**Sustainable Transport:**

- 9.39. The proposed development would be 'car-free', with no on-site car parking provided. A disabled parking bay is proposed immediately outside the site on Caledonian Road, at the end of an existing loading bay, on an area currently occupied by cycle stands. This is considered to be of significant benefit to the scheme and the accessibility of accommodation for students with mobility issues.
- 9.40. The on-street stands being displaced by disabled parking bay would be replaced with eight cycle stands in front of the site, on Lewes Road which meets policy requirements for cycle parking. The applicant also carried out a survey which confirmed that there are 78 on street cycle parks within 80m of the site, which is typically only 60% utilised. On this basis, the provision of public cycle parking is considered sufficient.
- 9.41. In addition, 40 secure, covered cycle parks would be provided within the building for residents and staff which is sufficient to meet policy requirements, having been reduced to ensure improved circulation following Highway Officer comments. It is noted that Highway Officers still have concerns over the internal layout of the cycle parking, but the layout 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.
- 9.42. Deliveries to the site would be made via an existing loading bay on Caledonian Road. Swept path analyses have been provided to show that this can be used safely when the disabled parking space is introduced. Given its predominantly residential use, the number of vehicles forecast to use the loading bay as a result of the proposed development is not considered to result in an unacceptable impact on highway capacity.
- 9.43. 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"*.

**106 Agreement:**

- 9.44. The applicant has agreed to provide a number of financial contributions in accordance with City Plan policy CP7 and the developer contribution technical guidance as set out below:
- Construction Training and Employment Strategy
  - Developer Contribution

**Conclusion:**

- 9.45. The proposed development would provide 60 student units, contributing towards the need for purpose-built student housing in the city. The site is in a location

identified for the provision of student accommodation, on the sustainable transport corridor of Lewes Road. The provision of 60 student bedspaces in a purpose-built building would not only add to the much-needed stock of accommodation for this sector but would also reduce pressure to convert homes to Houses in Multiple Occupation.

- 9.46. The application has evolved from pre-application stage and within the course of the current application such that design concerns have been successfully addressed, with regard to appearance, quality of internal space, provision of communal amenity spaces, landscaping and biodiversity, which would allow for the provision of PBSA in an area allocated for such development and the benefit of a new flexible retail/café unit. It is recognised that the site is currently underused, and officers recommend support of this scheme which makes a positive and efficient use of the site.
- 9.47. As such it is considered that and in conjunction with appropriate conditions and obligations, the recommendation is to support the application.

## **10. EQUALITIES**

- 10.1. The scheme would include three wheelchair accessible units, with an internal lift provided along with a disabled parking space on Caledonian Road.

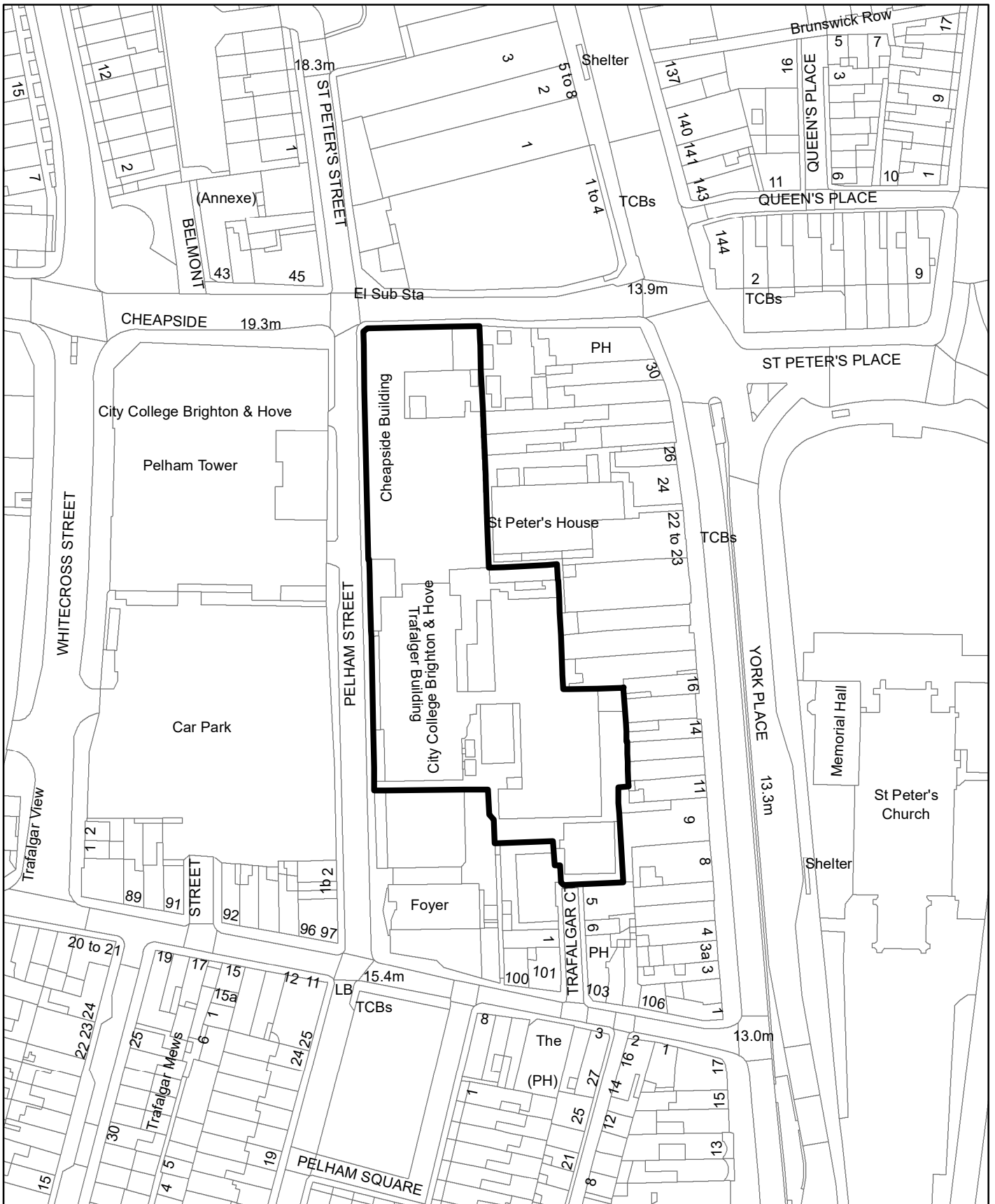
# **ITEM C**

**Greater Brighton Metropolitan College  
BH2020/00550  
Reserved Matters**

**DATE OF COMMITTEE: 13<sup>th</sup> January 2020**



# BH2020/00550 Greater Brighton Metropolitan College Pelham Street Brighton



**Brighton & Hove  
City Council**



**Scale: 1:1,250**



<b><u>No:</u></b>	<b>BH2020/00550</b>	<b><u>Ward:</u></b>	<b>St. Peter's And North Laine Ward</b>
<b><u>App Type:</u></b>	<b>Reserved Matters</b>		
<b><u>Address:</u></b>	<b>Greater Brighton Metropolitan College Pelham Street Brighton BN1 4FA</b>		
<b><u>Proposal:</u></b>	<b>Reserved matters application pursuant to Section 73 outline permission BH2020/00326 (Application for variation of conditions 50 and 58 of application BH2018/02607) (Original Permission for Site A Redevelopment and extensions of existing college. Outline Application Site B Demolition of existing buildings and erection of up to 135 residential units (C3 use) at maximum 6 storeys) for approval of appearance, internal layout and landscaping relating to 135 new residential units at Site B (East of Pelham Street). (Amended plans).</b>		
<b><u>Officer:</u></b>	<b>Wayne Nee, tel: 292132</b>	<b><u>Valid Date:</u></b>	<b>20.02.2020</b>
<b><u>Con Area:</u></b>		<b><u>Expiry Date:</u></b>	<b>21.05.2020</b>
<b><u>Listed Building Grade:</u></b>		<b><u>EOT:</u></b>	
<b><u>Agent:</u></b>	<b>ECE Planning Limited Worthing BN12 4AP</b>	<b>Brooklyn Chambers</b>	<b>11 Goring Road</b>
<b><u>Applicant:</u></b>	<b>Fishbourne Number 3 Ltd C/o ECE Planning Ltd Brooklyn Chambers 11 Goring Road Worthing BN12 4AP</b>		

## 1. RECOMMENDATION

- 1.1. That the Committee has taken into consideration and agrees with the reasons for the recommendation set out below and resolves to be **MINDED TO GRANT** the Reserved Matters subject to the following Conditions and Informatives and a Deed of Variation to the existing S106 Agreement dated 27<sup>th</sup> March 2019 as set out hereunder, **SAVE THAT** should the Unilateral Undertaking Planning Obligation not be completed on or before 5<sup>th</sup> May 2020 the Head of Planning is hereby authorised to refuse planning permission for the reasons set out in Section 11 of this report:

### **s106 Heads of Terms**

- Education Contribution - £110,351
- Local Employment Scheme Contribution - £42,700
- Recreation Contribution

### **Conditions:**

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

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Proposed Drawing	2117-TF-00-00-DR-L-1003		19 October 2020
Proposed Drawing	2117-TF-00-00-DR-L-1002		19 October 2020
Proposed Drawing	2117-TF-00-00-DR-L-1004		19 October 2020
Proposed Drawing	2117-TF-00-00-DR-L-1005		19 October 2020
Proposed Drawing	2117-TF-00-00-DR-L-2001		19 October 2020
Proposed Drawing	2117-TF-00-00-DR-L-2002		19 October 2020
Proposed Drawing	2117-TF-00-00-DR-L-3001		19 October 2020
Proposed Drawing	2117-TF-00-00-DR-L-3002		19 October 2020
Proposed Drawing	2117-TF-00-00-DR-L-3003		19 October 2020
Proposed Drawing	2117-TF-00-00-DR-L-3004		19 October 2020
Proposed Drawing	2117-TF-00-00-DR-L-3005		19 October 2020
Proposed Drawing	2117-TF-00-00-DR-L-4101		19 October 2020
Proposed Drawing	2117-TF-00-00-DR-L-4102		19 October 2020
Proposed Drawing	2117-TF-00-00-DR-L-4103		19 October 2020
Proposed Drawing	2117-TF-00-00-DR-L-4104		19 October 2020
Proposed Drawing	2117-TF-00-00-DR-L-4105		19 October 2020
Proposed Drawing	2117-TF-00-00-DR-L-4106		19 October 2020
Proposed Drawing	2117-TF-00-00-DR-L-4107		19 October 2020
Proposed Drawing	2117-TF-00-00-DR-L-4108		19 October 2020
Proposed Drawing	2117-TF-00-00-DR-L-4109		19 October 2020
Proposed Drawing	2117-TF-00-00-DR-L-4110		19 October 2020
Proposed Drawing	2117-TF-00-00-DR-L-4201		19 October 2020
Proposed Drawing	2117-TF-00-00-DR-L-4202		19 October 2020
Proposed Drawing	19034-HNW-ZZ-ZZ-DR-A-2202	P17	19 October 2020



Proposed Drawing	19034-HNW-ZZ-ZZ-DR-A-2201	P19	19 October 2020
Proposed Drawing	19034-HNW-ZZ-ZZ-DR-A-2104	P4	19 October 2020
Proposed Drawing	19034-HNW-ZZ-ZZ-DR-A-2203	P16	19 October 2020
Proposed Drawing	19034-HNW-ZZ-ZZ-DR-A-2204	P16	19 October 2020
Proposed Drawing	19034-HNW-ZZ-ZZ-DR-A-2205	P15	19 October 2020
Proposed Drawing	19034-HNW-ZZ-ZZ-DR-A-2301	P8	19 October 2020
Proposed Drawing	19034-HNW-ZZ-ZZ-DR-A-2302	P8	19 October 2020
Proposed Drawing	19034-HNW-ZZ-ZZ-DR-A-2303	P6	19 October 2020
Proposed Drawing	19034-HNW-ZZ-ZZ-DR-A-2310	P8	19 October 2020
Proposed Drawing	19034-HNW-ZZ-ZZ-DR-A-2311	P8	19 October 2020
Proposed Drawing	19034-HNW-ZZ-ZZ-DR-A-2312	P6	19 October 2020
Proposed Drawing	19034-HNW-ZZ-ZZ-DR-A-2310	P4	19 October 2020
Proposed Drawing	19034-HNW-ZZ-ZZ-DR-A-2315	P5	19 October 2020
Proposed Drawing	19034-HNW-ZZ-ZZ-DR-A-2320	P3	19 October 2020
Proposed Drawing	19034-HNW-ZZ-ZZ-DR-A-	P2	19 October 2020
Proposed Drawing	19034-HNW-ZZ-ZZ-DR-A-2322	P2	19 October 2020
Proposed Drawing	19034-HNW-ZZ-ZZ-DR-A-	P4	19 October 2020

2. No development above ground floor slab level of any part of the development hereby permitted shall take place until a detailed design and associated management and maintenance plan of surface water drainage for the site using sustainable drainage methods has been submitted to and approved in writing by the Local Planning Authority. The drainage system shall thereafter be implemented and maintained in accordance with the approved details.  
**Reason:** To ensure that the principles of sustainable drainage are incorporated into this proposal and to comply with policies SU4 of the Brighton & Hove Local Plan and CP11 of the Brighton & Hove City Plan Part One.
  
3. No development above ground floor slab level of any part of the development hereby permitted shall take place until details showing the type, number, location and timescale for implementation of the compensatory bird 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 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.

4. No development above ground floor slab level of any part of the development hereby permitted shall take place until full details of the rainwater goods, soil and other waste pipes including 1:20 scale sample elevations have been submitted to and approved in writing by the Local Planning Authority. The works shall be implemented in strict accordance with the agreed details and maintained as such thereafter.

**Reason:** As insufficient information has been submitted, to ensure the satisfactory preservation of this listed building and to comply with policy HE6 of the Brighton & Hove Local Plan and CP15 of the Brighton & Hove City Plan Part One.

5. No development above ground floor slab level of any part of the development hereby permitted shall take place until full details of the feature brick panels including 1:20 scale sample elevations have been submitted to and approved in writing by the Local Planning Authority. The works shall be implemented in strict accordance with the agreed details and maintained as such thereafter.

**Reason:** As insufficient information has been submitted, to ensure the satisfactory preservation of this listed building and to comply with policy HE6 of the Brighton & Hove Local Plan and CP15 of the Brighton & Hove City Plan Part One.

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

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

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

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

7. Notwithstanding the proposed artificial grass within the courtyard gardens of the 4no. proposed maisonettes (units 128-131) hereby approved, prior to occupation of the development hereby permitted, details of an alternative courtyard surface, with paving and planting beds with shade tolerant species, shall be submitted to

and approved in writing by the Local Planning Authority. The courtyard gardens shall be implemented in accordance with the approved details.

**Reason:** To ensure that the development contributes to ecological enhancement on the site (and visual amenity of the locality) in accordance with policies CP10 and CP12 of the Brighton & Hove City Plan Part One.

8. Notwithstanding the submitted planting specification details, 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;
  - d. a planting management and maintenance plan, including opportunities for community managed spaces for gardening or food growing clubs;
  - e. alternative planting in the southern courtyard to provide filtered visual screening.

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

9. No development above ground floor slab level of any part of the development hereby permitted shall take place until details of improvements to the average daylight factor within Units 94 (5th floor Block A) and 121 (3rd floor Block B), by way of enlarged glazed panels and/or removal of opaque panels, 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 safeguard the amenities of future occupiers and to comply with policy QD27 of the Brighton & Hove Local Plan.

10. Prior to occupation of the development, an updated/revised Delivery and Servicing Management Plan, which includes details of the types of vehicles, how deliveries servicing and refuse collection will take place and the frequency of those vehicle movements, shall be submitted to and approved in writing by the Local Planning Authority. All deliveries servicing and refuse collection shall thereafter be carried out in accordance with the approved plan.

**Reason:** In order to ensure that the safe operation of the development and to protection of the amenities of nearby residents, in accordance with policies

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

11. The development shall be carried out in accordance with the submitted acoustic report (Acoustic Associates Sussex Ltd dated 31/01/2020) as required by Condition 47 of application BH2020/00326 and retained as such thereafter.  
**Reason:** To safeguard the amenities of the future occupiers of the building and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.
12. The development shall be carried out in accordance with the submitted daylight and sunlight report (Anstey Horne dated 14/02/2020 and addendum dated 04/11/2020) as required by Condition 48 of application BH2020/00326 and retained as such thereafter.  
**Reason:** To provide adequate levels of daylight and sunlight for the future occupiers of the buildings and to inform the landscaping scheme and to comply with policies QD27 of the Brighton & Hove Local Plan and policies CP8, CP10, CP13 and CP14 of the Brighton & Hove City Plan Part One.
13. The development shall be carried out in accordance with the submitted Air Quality Assessment (Phlorum dated February 2020) as required by Condition 50 of application BH2020/00326 and retained as such thereafter.  
**Reason:** In order to minimise exposure to pollution for future occupiers of the residential development with frontage onto Cheapside, to safeguard the visual appearance of the development and nearby heritage assets, and to comply with policies SU9, QD27, HE3 and HE6 of the Brighton & Hove Local Plan and CP12, CP13 and CP15 of the Brighton & Hove City Plan Part One.
14. The development shall be carried out in accordance with the submitted energy and sustainability report (Hoare Lea Revision 01 dated 10/02/2020) as required by Condition 51 of application BH2020/00326 and retained as such thereafter.  
**Reason:** In order to meet sustainability objectives, and to comply with policies DA4, CP8 and CP10 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 relevant conditions upon the outline planning permission still require approval of details.
3. The applicant is advised that a formal application for connection to the public sewerage system is required in order to service this development. To initiate a sewer capacity check to identify the appropriate connection point for the development, please contact Southern Water, Southern House, Sparrowgrove,

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

4. The applicant is advised that an agreement with Southern Water, prior to commencement of the development, the measures to be undertaken to divert/protect the public water supply main. Please contact Southern Water, Southern House, Sparrowgrove, Otterbourne, Hampshire, SO21 2SW (tel 0330 303 0119), or [www.southernwater.co.uk](http://www.southernwater.co.uk)
5. The applicant is reminded by the County Ecologist that, as recommended in the Bat Survey Report (Phlorum, July 2018) approved under application BH2018/02607, a precautionary approach to site clearance should take place for demolition as the existing buildings retain the potential to support roosting bats.

## **2. SITE LOCATION**

- 2.1. The application site comprises a 1.18 hectare site which contains Pelham Tower and car park on the west side of Pelham St (Site A) and Cheapside, York, and Trafalgar buildings on the east side of Pelham St (Site B). The site is in use by Greater Brighton Metropolitan College (GBMET) for educational purposes.
- 2.2. The buildings on Site B vary in height up to three and four storeys, which is more akin to five/six storeys residential because of the large floor-to-ceiling heights. They are primarily faced with red brick, and a glazed entrance connects the Cheapside and Trafalgar buildings on the Pelham St frontage. There is vehicular access from Cheapside through an undercroft. The three significant buildings on this site, Trafalgar, Cheapside and York were developed between 1893 and 1938 as part of the school that occupied the site, and have been supplemented by workshops, halls, 'temporary' classrooms and storage sheds.
- 2.3. Site B is bounded by Pelham St, with The Sanctuary and The Foyer residential blocks to the southwest, Cheapside to the north, 8-31 York Place and St. Peter's House to the east, and the college's Gloucester building, no.5 Trafalgar Ct, and Trafalgar Ct to the south.
- 2.4. An arched entranceway of brick with limestone spacers occupies 15 York Place, close to the eastern boundary of Site B. It has three sections in the crenelated cornice, separated by brick buttresses and with a stone moulding above the arch. The archway has an ornate gate which is locked preventing access to Site B.
- 2.5. The site is in a highly accessible, sustainable location: it is approximately 350 metres' distance from Brighton Station, immediately to the north of the North Laine shopping centre, and within 100m of the London Road shopping centre to the northeast. The site is also close to some main bus routes including the Lewes Road and Preston Road bus routes from York Place, and City Centre bus routes from Trafalgar St and Brighton Station. The site lies within Development Area 4 (DA4) of the City Plan Part One (CPP1). Valley Gardens Conservation Area

bounds Site B to the east and North Laine Conservation Area bounds both sites to the south.

### **3. RELEVANT HISTORY**

- 3.1. Pre-application: The development has been influenced by pre-application feedback from officers in relation to, amongst other issues, the quality and quantity of private and shared amenity space, the articulation and materiality of Block A (including the southern 'bookend'), deliveries/servicing, and the layout/use of the outdoor spaces around the buildings.
- 3.2. BH2020/00326 Application for variation of conditions 50 and 58 of application 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)) in order to remove the requirement for hermetically sealed windows to Site B and to alter the permitted vehicular access arrangements to the courtyard in Site B - Approved 30/07/2020
- 3.3. BH2019/02264 Non-Material Amendment to BH2018/02607 for the addition of louvres & window openings to Building B, removal of mechanical/ventilation roof units, alterations to pitch of rooflights, replacement of two flights of stairs with single flight and changes to handrail spacing on external staircases to public open space (Site A) - Approved 15/10/2019
- 3.4. 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) - Approved 27/03/2019

### **4. APPLICATION DESCRIPTION**

- 4.1. Outline permission was granted on Site B for the demolition of York, Trafalgar and Cheapside Buildings and the erection of up to 135 residential units (C3 use) at a maximum of 6 storeys with vehicular accesses and car parking. All matters were reserved except access, external layout and scale (ref. BH2018/02607).

- 4.2. The s106 legal agreement secured the following:
- Review of contributions in the related Reserved Matters application if the number and mix of units is altered.
  - Measures to satisfactorily address transport impacts.
  - Travel Plan (Residential).
  - DEMP (Demolition Environmental Management Plan).
  - CEMP (Construction Environmental Management Plan).
  - S278 highway works
  - Contributions for Open Space, Education, and employment
  - Employment and Training Strategy
- 4.3. A subsequent S.73 application (ref. BH2020/00326) was approved to vary conditions of application BH2018/02607, removing the requirement for hermetically sealed windows, and to alter the permitted vehicular access arrangements to the courtyard.
- 4.4. The present application is for the reserved matters pursuant to Section 73 outline permission BH2020/00326 relating to 135 new residential units at Site B. The application seeks approval for the following remaining outstanding reserved matters:
- Appearance;
  - Internal layout; and
  - Landscaping.
- 4.5. Following receipt of consultation comments, the applicant submitted amendments including improved vehicular access enabling increase of communal amenity space, biodiversity improvements including biosolar roof, enhanced drainage strategy, changes to cladding colour, introduction of brick panels, and inclusion of inset balconies within improved Block A southern 'bookend'.

## **5. REPRESENTATIONS**

- 5.1. One (1) letter of representation has been received objecting to the proposed development for the following reasons:
- Overdevelopment
  - not conserving the existing buildings
  - additional traffic
  - the lack of character of the design of the proposed building
- 5.2. Conservation Advisory Group object to the application for the following reasons:
- The loss of the Trafalgar and York buildings should be resisted as they contribute greatly to the character of this area, and contribute to the visual back drop behind historic York Place;
  - The replacement should be limited to the 1930's Cheapside Building

## 6. CONSULTATIONS

### External

- 6.1. **Brighton and Hove Archaeological Society:** No objection Note site is in an area of archaeological sensitivity; number of finds dating to the Roman period including a cemetery have been found close by, along with Roman coins during the creation of St Peter's Church. Possible that vestiges of this ancient landscape, and other associated finds may still be present. Suggest contact County Archaeology.
- 6.2. **County Archaeology:** No objection Although site within Archaeological Notification Area, not believed any significant archaeological remains likely to be affected by proposals. No further recommendations.
- 6.3. **County Ecologist:** No objection Ecological Design Strategy (EDS) submitted with the application (Phlorum, February 2020) is broadly acceptable. Landscape proposals broadly acceptable, with nearly half of the proposed species listed in SPD11 as species which are either native or of known wildlife value. Further details required for courtyard garden surface and details of bird boxes.
- 6.4. **Southern Water:** No objection Design of proposed basements and on-site drainage system should consider possibility of surcharging within the public sewerage system to provide adequate protection to basements from the risk of flooding. Condition required for measures to divert the public sewers/water mains. Informative recommended noting need for applicant to seek approval from Southern Water for details of the proposed means of foul sewerage and surface water disposal, and an application for connection to the water supply.
- 6.5. **Sussex Police:** No objection Further crime prevention comments are not required. Comments from outline application still apply including suggestions of access gate, lighting, and communal door access. Recommendations provided for tree and planting heights to enable natural surveillance, balconies to provide balustrading, and suggest the gates and side panels also allow natural surveillance.
- 6.6. **SGN:** No objection Note informative regarding safe digging practices to verify and establish the actual position of the mains, pipes, services and other apparatus on site.
- 6.7. **SSE Utility Solutions Ltd:** No objection No records of any owned apparatus within the specific search area.
- 6.8. **UK Power Networks:** No objection Note should be contacted if excavation would affect Extra High Voltage equipment
- 6.9. **Air Quality:** No objection Note ventilation is key to mitigating the risk of in-street pollution impacts on the health of future residents. The ventilation system should consider how passive-hybrid can reduce energy demands, moving parts



and reduce the risk of future failure. Any mechanical system shall set out a guarantee of how this will be maintained and sustained in future years.

- 6.10. **CityClean:** No objection Provision for access, capacity and containment of waste sufficient.
- 6.11. **City Regeneration:** No objection. The revised contribution, based on the council's Technical Guidance for Developer Contributions, is £42,700
- 6.12. **Education:** No objection No contribution required in respect of primary education places as there are sufficient primary places in this part of the city and the city overall.
- 6.13. Contribution of £110,351.20 sought towards secondary provision as development is in the catchment area for Varndean and Dorothy Stringer Schools, which have no surplus capacity, with secondary pupil numbers rising. Any funding secured for secondary education in the city will be spent at either Varndean and Dorothy Stringer Schools.
- 6.14. **Environmental Health:** No objection
- 6.15. **Heritage:** No objection Proposed design welcomed as appropriate in proportion, articulation and materials. Revisions to the elevations improve proportions and visual interest of elevations; use of inset balconies to the corner of the southern 'bookend' (to Building A) would appropriately give this greater vertical emphasis and improve oblique views from Trafalgar Street by creating a 'cleaner' view. Revised elevation to the east as seen from York Place, through the historic archway, would be better proportioned and enlivened. No objections hard/soft landscaping. Details of entrance gates welcomed as being of appropriate design quality and distinctiveness. The further provision of design details in general is welcomed.
- 6.16. **Private Sector Housing:** Comment Proposal ideally would have means of escape from bedrooms without going through living room/kitchen/diner. Suggestion to separate hallway and kitchen/living rooms.
- 6.17. **Sustainability:** No objection Development amply meets the requirements of CP8 for a reduction of carbon emissions above Building Regulations Part L. The requirement to achieve a water efficiency of 110 litres /person / day are also met. Heating and hot water is proposed to be provided by direct electric heaters which is not the most energy efficient, and air source heat pumps are recommended.
- 6.18. **Transport:** Objection Proposed long-stay cycle parking stores considered too cramped for convenient access; include two-tier storage; external access convoluted; fob entrance for main gates acceptable in principle. Loading bay too narrow, impractical for drivers, would obstruct pedestrian access. Design of the gate/access at Pelham St should be revised to improve delivery and servicing arrangements. Some gradients do not comply with BS 8300. Some access ramps to buildings too narrow. Number of disabled parking bays acceptable, but some issues with design/access. Delivery Service Management Plan confirms

all movements will occur internally within the courtyard, with vehicle access via the Pelham St entrance, but there are concerns about detail of management. Motorcycle parking acceptable. Bollards on footway outside pedestrian-only entrance on Cheapside welcomed.

- 6.19. **Urban Design Officer:** Objection Diverse mix of unit types and sizes, well-defined landscape character areas; applicant has engaged with urban design feedback, positively addressing previous concerns. Some concerns remain regarding ratio of single-aspect units, circulation spaces for social interaction, and number of dwellings benefitting from private amenity space. Recommend community managed gardens, privacy in shared amenity spaces, replacement of artificial lawn and further enhancement of inset balconies to Block A.

## 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. RELEVANT POLICIES & GUIDANCE

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part Two (Draft)

(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.

DM1            Housing Quality, Choice & Mix

DM18	High Quality Design & Places
DM37	Green infrastructure and nature conservation
DM43	Sustainable Urban Drainage
DM44	Energy Efficiency and Renewables
DM46	Heating and cooling network infrastructure
H1	Housing Sites and Mixed Use Sites

Brighton & Hove City Plan Part One

SS1	Presumption in Favour of Sustainable Development
DA4	New England Quarter and London Road Area
SA6	Sustainable Neighbourhoods
CP1	Housing Delivery
CP2	Sustainable economic development
CP7	Infrastructure and developer contributions
CP8	Sustainable buildings
CP9	Sustainable transport
CP10	Biodiversity
CP11	Flood Risk
CP12	Urban Design
CP13	Public Streets and Spaces
CP14	Housing Density
CP15	Heritage
CP16	Open space
CP17	Sports provision
CP18	Healthy city
CP19	Housing mix
CP20	Affordable housing

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

TR4	Travel plans
TR7	Safe Development
TR11	Safe routes to school and school safety zones
TR12	Helping the independent movement of children
TR14	Cycle access and parking
TR15	Cycle network
TR18	Parking for people with a mobility related disability
SU3	Water resources and their quality
SU5	Surface water and foul sewage disposal infrastructure
SU9	Pollution and nuisance control
SU10	Noise Nuisance
QD5	Design - street frontages
QD15	Landscape Design
QD16	Trees and hedgerows
QD18	Species protection
QD25	External Lighting
QD27	Protection of amenity
HO5	Provision of private amenity space in residential development
HO13	Accessible housing and lifetime homes
HO20	Retention of community facilities
HE3	Development affecting the setting of a listed building

HE6	Development within or affecting the setting of conservation areas
HE12	Scheduled ancient monuments and other important archaeological sites

Supplementary Planning Documents:

SPD03	Construction & Demolition Waste
SPD06	Trees & Development Sites
SPD10	London Road Central Masterplan
SPD11	Nature Conservation & Development
SPD14	Parking Standards
SPGBH15	Tall Buildings

## 9. CONSIDERATIONS & ASSESSMENT

- 9.1. Planning permission is sought for reserved matters of the approved outline scheme reference BH2020/00326 (original ref. BH2018/02607). Matters seeking approval are:
- Appearance;
  - Internal Layout;
  - Landscaping

- 9.2. Details relating to access, external layout and the scale of the development formed part of the original outline planning permission (BH2018/02607).

**Planning Policy:**

- 9.3. The principle of development has already been established through approval of the outline planning permission BH2018/02607 and therefore does not form part of the consideration of this current application.

Outline Permission:

- 9.4. The s106 sets out that any subsequent Reserved Matters application that alters the indicative number or mix of units from the submitted accommodation schedule would trigger a review of items such as housing mix, trip generation and s106 contributions. These issues are considered within the report below.

External Layout:

- 9.5. The drawings indicate minor changes to the approved external layout (footprint and ridge height). However, the proposals are considered to fall within the parameters of the outline permission.

Proposed Mix:

- 9.6. City Plan policy CP19 seeks to improve housing choice and ensure that an appropriate mix of housing is achieved across the city, including extra care housing. Policy CP19 notes that it will be important to maximise opportunities to secure additional family sized housing on suitable sites. Where appropriate (in terms of site suitability and with reference to the characteristics of existing communities/neighbourhoods), the intention will be to secure, through new development, a wider variety of housing types and sizes to meet the accommodation requirements of particular groups within the city.

- 9.7. Policy CP19 of the City Plan Part One requires development to demonstrate regard to housing mix considerations and be informed by local assessments of housing demand and need. The Objective Assessment of Housing Need (GL Hearn, June 2015) indicates the strategic mix of homes to be delivered over the plan period:
- 25% for 1-bed units;
  - 35% for 2-bed units;
  - 30% for 3-bed units; and
  - 10% for 4-plus bed units.
- 9.8. In terms of the demand for market housing, the greatest demand is likely to be for 2- and 3-bed properties (36% and 34% respectively).
- 9.9. The s106 obligations attached to the outline permission are based on 131 residential units, as set out in the accommodation schedule, namely:
- 8 x Studio;
  - 56 x 1-bed;
  - 60 x 2-bed; and
  - 7 x 3-bed
- 9.10. However, the permission allows for up to 135 units, and for a different mix and internal layout through the Reserved Matters application. At Outline stage, it was noted that the proportion of one bedroom and studio apartments in this indicative breakdown was rather high compared to the analysis of the city's need and that this would need to be fully justified within the reserved matters application.
- 9.11. This Reserved Matters application proposes 135 units with the following mix:
- 1 x Studio
  - 57 x 1-bed
  - 65 x 2-bed; and
  - 12 x 3-bed
- 9.12. This is considered to be an appropriately broad mix. Although the mix is skewed away from the provision of 3-bed units, the proposal satisfactorily increases the amount of 2- and 3-bed units to that which were approved indicatively at Outline stage.
- Developer contributions:
- 9.13. Developer contributions are sought in accordance with policy objectives set out in the City Plan Part One and the remaining saved policies in the Brighton & Hove Local Plan 2005. The contributions go towards appropriate and adequate social, environmental and physical infrastructure to mitigate the impact of new development. Contributions are required where necessary in accordance with City Plan policy CP7 Infrastructure and Developer Contributions.
- 9.14. Schedule 8 of the s106 states that if the number and mix of units in the related Reserved Matters application alters, then the Owner shall pay the Council the reassessed contributions prior to commencement of Development on Site B.

- 9.15. Developer contributions are requested for the following:
- Education Contribution - £110,351 (towards the cost of secondary provision);
  - Local Employment Scheme Contribution - £42,700 (for the delivery of the Council's Local Employment Scheme);
  - Recreation Contribution.

**Internal Layout:**

- 9.16. Developments are required to be carefully designed and managed to ensure that residential and other occupiers of the sites will have an appropriate level of amenity. Policy SA6 sets out the requirement for a mix of dwelling sizes, and through City Plan Part 2 Policy SA6, while Draft Policy DM1 represents the direction of travel and provides a reference point for minimum sizes to be delivered.

General Layout:

- 9.17. An internal circulation system is proposed for the two blocks, resulting in all units being accessible from a shared main entrance. The 4no. town houses, 4no. maisonettes and 4no. garden flats would have their own main door access.
- 9.18. As considered above, the diverse mix of unit types and sizes is considered acceptable. Block A would front Pelham Street, with an entrance at upper ground floor level, and would include four maisonettes accessed via individual main doors. Block B would be accessed from the lower ground floor level.
- 9.19. Step-free and ramped access is provided within the site. All new-build residential units have been designed to meet Part M4(2) of the Building Regulations, with 5% of the overall units (including 10% for the affordable units) to meet the wheelchair accessible standard within Part M4(3)b.

Proposed Unit Layout:

- 9.20. The Local Planning Authority does not have adopted minimal space standards for new dwellings, however it is appropriate to consider the Government's Technical housing standards: Nationally Described Space Standards (NDSS) published in March 2015 as a benchmark for an acceptable level of living space for future occupiers. The proposed units would all exceed Nationally Described Space Standards.
- 9.21. Single aspect units (i.e. units with windows facing only in one direction) can present an inhibited connection with the outdoors, poorer natural daylight levels and a reduction in natural ventilation. However, the site is constrained so avoiding single aspect units entirely is unachievable, and has already been accepted in principle through the approved external layout. The fifth floor units are longer and shallower in plan as a result of the set-back from Pelham Street, so the single-aspect nature of these units would not significantly harm living standards.
- 9.22. The Urban Design Officer raises concern regarding the quality of circulation spaces which include long corridors that would not benefit from natural light. The

applicant has stated that the proposed layout requires a single point of entry into Block A in order to provide a fully accessible entry, given the constraints of a having a level access into the building. Although it is unfortunate that an increase in stair cores could not be provided to improve the internal layout, the constraints of the site are acknowledged, and at any rate, it is considered that these concerns do not outweigh the benefits the scheme provides.

- 9.23. The proposed single aspect units elsewhere within the development are considered, on balance, to be acceptable, given the constraints of the approved external layout and the benefits of providing fewer entry points to the buildings which rationalises the routes to the communal facilities.

Outdoor Amenity Space:

- 9.24. Brighton and Hove Local Plan policy HO5 requires the provision of private and useable external amenity space within new residential development. The policy notes that schemes should aim to provide private amenity space through balconies and/or garden space, highlighting that a sense of ownership of external space is important to any home but especially important to high density residential schemes such as the present proposal.
- 9.25. Emerging City Plan Part 2, Policy DM1: Housing Quality, Choice and Mix states that all new residential development will be required to provide useable private outdoor amenity space appropriate to the scale and character of the development.
- 9.26. Private balconies are proposed to many units, and private gardens are proposed to the maisonettes within Block A and for the ground floor unit within Block B. Following advice at pre-application stage and advice from the Urban Design Officer, the applicant has explored ways of improving the quality and quantity of both private and communal amenity spaces within the development, and note that the total areas of private and shared amenity space now exceed what was proposed in the indicative layout
- 9.27. The ratio of dwellings with private external amenity space is now 41%, which is considered acceptable on balance, given the requirement to also reduce adverse impact from balconies on internal lighting levels. The proposal therefore provides a balance between provision of private amenity space, and achieving minimum standards of daylight within primary rooms. The positioning of balconies and windows would also limit overlooking and loss of privacy between units.
- 9.28. The communal outdoor space provided would now include a number of open spaces around the site. A communal fourth floor roof terrace is proposed to Block A, providing four distinct private areas for use. Public open spaces are proposed to the east and south of the site. Additionally, internal amenity space is proposed in the form of a residents' lounge and gym. Overall, the communal external amenity areas are considered to be of high quality.
- 9.29. Given the character and density of this form of development, and the surrounding urban context where many flats have limited or no private outdoor

space, the overall provision within this proposed development is considered, on balance, to be acceptable. To mitigate this, the proposed residential development is required to provide open space and sports provision by way of developer contribution in accordance with the policies CP16 Open Space and CP17 Sports Provision.

Daylight/Sunlight:

- 9.30. As noted above, planning policy supports the provision of balconies for private amenity space is supported where possible, but it also notes the need to minimise the loss of daylight and sunlight protruding balconies may cause.
- 9.31. The applicant has submitted a Daylight & Sunlight Assessment to assess the levels of daylighting and sun lighting to all habitable windows in the buildings. This has been independently evaluated by the BRE by reviewing the scope and methodology, text and conclusions of the report.
- 9.32. Daylight provision is considered to be reasonable with 90 of the 134 living/kitchen/diners meeting recommendations, and a further 25 meeting recommendations for living rooms. Bedroom compliance is better, with 213 of the 223 bedrooms meeting minimum standard. The BRE highlighted the main areas where daylight level would be lowest which is the west side of Block A (Pelham Street elevation facing existing college building) and north side of Block B (facing the southern elevation of Block A). Sunlight provision is also constrained due to neighbouring buildings in close proximity, and the BRE have noted that improvements to sunlight levels would require major changes to the approved external layout or removing balconies.
- 9.33. These constraints are noted as accepted given the approved external layout and scale of the development, as well as the requirement for some balcony provision on the buildings. The BRE have suggested enlarging glazed areas in some positions, and a condition is therefore recommended to improve the average daylight factor within Units 94 (5th floor Block A) and 121 (3rd floor Block B).

Noise:

- 9.34. The applicant has submitted an Acoustic Report (Acoustic Associates Sussex Ltd) as required by Condition 47 of Outline application BH2020/00326. The report concludes that appropriate glazing and trickle vents are required to appropriately reduce the internal noise levels. Up-rated or acoustic glazing will be required for the units nearest Cheapside and Pelham Street.
- 9.35. Overall, subject to relevant conditions the proposal would provide adequate living conditions for future occupiers in accordance with policy QD27 of the Brighton & Hove Local Plan.

**Appearance:**

- 9.36. The NPPF attaches great importance to the design of the built environment and identifies good design as a key aspect of sustainable development. This is reflected in Policy CP12 of the City Plan Part One which seeks to raise the standard of architecture and design in the city. CP12 requires new development



in particular to establish a strong sense of place by respecting the diverse character and urban grain of the city's identifiable neighbourhoods.

- 9.37. The appearance of the development has been shaped by pre-application advice highlighting the need for the buildings to have regard to the historic context of nearby conservation areas and locally listed buildings, as well as the character and materiality of the existing neighbouring buildings. The development uses vertical emphasis, projecting balconies, ground floor plinth (ground floors with a distinguishable appearance), set back top storey, and feature brick panels to add texture and to avoid uniformity. The Pelham Street elevation is bookended by taller elements with inset balconies to give prominence to the corners of the development. The legibility is further enhanced with differing sections of dark, light and buff brick brickwork elements.
- 9.38. Following pre-application advice, additional glazing and balconies were introduced to Block A (fronting Pelham Street). It is understood that projecting balconies are part of the key themes of the design of the development and that they open up Pelham Street by creating more space between building and street. The overall design approach to the Pelham Street and Cheapside elevations is welcomed as being appropriate. The street elevation appearance of Block A is now considered appropriate in proportions, articulation and materials. The design of the southern 'bookend' to Building A and the elevation to the east as seen from York Place are successful in terms of their proportions and enlivened views of the building from street view.
- 9.39. The applicant states that the design uses vertical emphasis within the external detail and fenestration to visually divide the buildings into separate distinguishable elements. This approach is considered appropriate and provides visual interest with variations of colour, tone and texture of material.
- 9.40. The fabric-first approach to the building envelope allows the proposal to achieve a 45% reduction in carbon emissions over Part L 2013 regulations; exceeding the minimum policy requirement of a 19% reduction. This is considered to be a welcomed attribute to the scheme

Impact on the setting of nearby Conservation Areas and Listed Buildings:

- 9.41. The site lies close to two conservation areas, immediately to the south is the North Laine conservation area and immediately to the east the Valley Gardens Conservation Area. Development of the site would impact upon the setting of both areas. A number of listed buildings lie in the vicinity of the site, most notably the grade I listed St Bartholomew's Church to the north, and the grade II\* listed St Peter's Church to the east.
- 9.42. The Heritage Team recommend approval following the revisions to the elevations which has improved the proportions and visual interest. The further provision of design details in general is welcomed by the Heritage Team. It is considered that the improvements to the 'bookend' approach to Block A on each corner, and the active frontage of the southern corner at ground floor level, are now sympathetic to the surrounding context. The Heritage Team have noted the Cheapside elevation as particularly effective in townscape terms.

- 9.43. The south elevation of Block B would be visible to the south from Trafalgar Court, and this part of the development is considered to provide a suitable end stop to the view. The courtyard elevations here, including the articulated rhythm of the townhouses, would provide an attractive backdrop to the green space.
- 9.44. The east end elevation of Block B would be visible above and through the historic York Place archway. The revised elevation to the east includes feature brick panels and alignment of dormer with windows, and would now be appropriately proportioned. The design of the roof level of this Block (where it is angled back in mansard form) provides visual interest where glimpsed above the roofline of the historic buildings on York Place.
- 9.45. The Conservation Advisory Group have objected to the application due to the loss of the Trafalgar and York buildings. However, it should be noted that this is not a material consideration as the loss of the existing buildings has already been approved in the outline permission, and the principles of development are not for re-consideration in this application.

Detailing and Materials:

- 9.46. The contextual analysis presented within the design information sites a wide range of materials, colours, terrace styles, brick laying patterns, vertical repetitive bays and elevational motifs, all as part of a contemporary style.
- 9.47. The proposed materials are considered to be sympathetic to the existing context, and subject to submission of samples by condition. The principle of face brick as the primary material is successful and relates well to context. The tonal palette has been updated to be more varied and relating well to context. There is more detailed consideration of lighter and darker brick tones that relate well to the context. Small elements of coloured panelling have been added for texture.
- 9.48. The details of the entrance gates are welcomed as being of appropriate design quality and distinctiveness. The hard landscaping materials as proposed are generally consistent with the materials to be used on the public space on site A (the College site).
- 9.49. Details of the materials, by way of samples to fully assess appearance and texture, are required by condition.

**Public Realm/Landscaping:**

- 9.50. The outline planning permission secured the details of access to Site B, and the subsequent S.73 permission approved Cheapside as access for pedestrians only, with Pelham Street as the sole means of vehicle and cycle access (for residents, visitors, servicing and deliveries). The proposed layout would divert vehicles from using the Cheapside access, which is a benefit to the scheme as it was problematic on safety grounds due to the narrow width of the street, and its use by buses. The proposed layout of the outdoor spaces within the site would allow a single point of vehicle access at Pelham Street which is considered an improvement to the proposed development in terms of transport operation. The transport impact is considered further below.

- 9.51. The proposal includes a full landscaping strategy to accommodate both public and private spaces within the available non built areas of the site. The proposals have positively evolved following pre-application advice and recommendations from consultees, and the site layout now offers a balance of functional operation of the site and aesthetic design for future occupiers. The limited space on the site is acknowledged, however the applicant has revised the landscape proposals to positively address comments from the Urban Design Officer.
- 9.52. The south courtyard now includes three smaller, identifiable zones which would allow for potential private use by residents, subject to planting secured by condition. The area east of the primary vehicular access route has been identified as a car-free shared surface to be used as a hard surface for play, and accessible by refuse and emergency vehicles when required.
- 9.53. A green roof system is proposed to reduce water run-off, including a biosphere roof on Block A and sedum roofs elsewhere. The sustainable drainage systems (SUDS) strategy has been upgraded to include rain gardens at ground level. Amendments have been made to the planting palette increasing biodiversity on the site in soft landscape areas, most notably to the east-west route through the site, and climbing plants between parking bays to the east of Block A.
- 9.54. Notwithstanding the details already submitted, full details of the landscaping scheme, including the suggestions by the Urban Design Officer for community management of planting beds and omitting artificial lawn, are required by condition.
- Impact on Amenity:**
- 9.55. 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.
- 9.56. Whilst the proposal would generate a certain amount of noise from private and communal amenity areas within the development, and the usual comings and goings including vehicular movements that you would expect from a residential development of this scale, it is noted that the principle of the site's development has been agreed through the grant of outline planning permission, and is not considered that any potential noise disturbance would be significant.
- 9.57. In terms of the potential for overlooking/loss of privacy, the proposed south and east elevation upper floor windows would result in some overlooking towards neighbouring properties. However given the distances involved and that it would be expected that there would be some mutual overlooking between flats in a residential area, the potential overlooking and resultant loss of privacy here is not considered to be so significant as to warrant refusal of the application on this basis.

- 9.58. As the scale and external layout of the buildings have been approved, the impact of daylighting/sunlight on neighbouring properties has been considered within the Outline application BH2018/02607.
- 9.59. The existing s106 requires a Construction Environmental Management Plan CEMP to be submitted.
- 9.60. Overall, it is considered that the proposed development would provide satisfactory amenity levels for neighbouring residents and would comply with saved policies SU10 and QD27 of the Local Plan.

**Sustainable Transport:**

- 9.61. City Plan Part One policy CP9 sets out the Council's approach to sustainable transport and seeks, generally to further the use of sustainable forms of transport to reduce the impact of traffic and congestion and in the interests of health to increase physical activity.
- 9.62. Transport Officers have raised various queries relating to the location of cycle stores, loading bay arrangements, gradients of access ramps, and management of deliveries.
- 9.63. As referred to elsewhere in the report, the outdoor spaces within the site are required to provide attractive and usable communal spaces, car-free spaces, and opportunities to increase biodiversity. The site is also required to provide operational solutions to refuse/recycling storage and pickup, and access for emergency vehicles. The applicant has positively responded to the significant highway issues, where the constraints of the site allowed for improvements. It is considered that no material transport issues remain outstanding that would affect highway capacity or road safety to an extent as to warrant refusal of the application.
- 9.64. It is considered the proposed layout is the best compromise which both conforms to local design guidance and also delivers an appropriately detailed site.

Car Parking:

- 9.65. A total of 10no. car parking spaces are proposed and therefore the proposal provides the required level of parking agreed within the Outline application. Entitlement to residents' parking permits is removed by condition in the Outline application BH2018/02607. Condition 37 of Outline application BH2020/00326 requires a Car Parking Management Plan to be submitted.

Cycle Parking:

- 9.66. The cycle parking scheme for 135 'long stay' (resident) cycle spaces and 46 'short stay' (visitor) spaces (181 in total) is considered sufficient. The Highway Authority have raised concerns in relation to the configuration and access of the cycle stores. However, these are considered insubstantial, and given the constraints of the site layout, not so significant as to warrant refusal of the application on this basis. Condition 38 of Outline application BH2020/00326 requires further cycle parking details to be submitted.

ul Deliveries/Serviceing:

- 9.67. A Delivery & Service Management Plan has been submitted, which is required under Condition 49 of Outline application BH2020/00326. The Local Highway Authority have raised concerns about the usability of the loading bay for some vehicles. Given the constraints of the site, it is considered that significant alterations to the loading bay are not required, however details of hard landscaping are further required by condition. As minor details are subject to change, an updated/revised Delivery & Service Management Plan will be required by condition.

**Sustainability:**

- 9.68. City Plan policy CP8 requires that all developments incorporate sustainable design features to avoid expansion of the City's ecological footprint, radical reductions in greenhouse gas emissions and mitigate against and adapt to climate change. The policy encourages all new development to address the One Planet Living principles at the earliest opportunity during the design process. These principles include zero carbon, sustainable transport, sustainable materials (locally sourced, low carbon), local and sustainable food, and protection and enhancement of biodiversity.
- 9.69. The Outline permission BH2020/00326 is conditioned to be in accordance with Policy CP8 which sets out minimum energy and water efficiency standards required to be met for all residential developments:
- Energy efficiency standards of 19% reduction in CO2 emissions over Part L Building Regulations (Condition 45 of Outline application BH2020/00326)
  - Water efficiency standards of 110 litres/person/day (Condition 46 of Outline application BH2020/00326)
- 9.70. The applicant has submitted a Energy Strategy Report, which is required by Condition 51 of Outline application BH2020/00326, and states that the 'energy strategy has addressed the key elements of the Brighton and Hove City Plan in relation to energy and will make a positive contribution to reducing the City's CO2 emissions'.
- 9.71. As referred to elsewhere in the report, the development building fabric incorporates good passive measures, most notably triple glazed windows and low air permeability. This leads to a 45% reduction in carbon emissions over Part L 2013 regulations. Although air source heat pumps have been recommended to be used by the Sustainability Officer, these would have impact on the outdoor space, and therefore the use of alternative heating is acknowledged as not ideal in this instance.
- 9.72. A bio-solar roof is proposed on Block A which combines planted roofs with solar photovoltaic systems. The Urban Design Officer has indicated that they are a cost effective and low maintenance solution to maximise biodiversity gains and improve water management.

**Other Material Considerations:**

Archaeology:

- 9.73. The site is situated within an Archaeological Notification Area, however the County Archaeologist has no objections as it is not believed that any significant archaeological remains are likely to be affected by these proposals.

Air Quality:

- 9.74. The site lies within Brighton's Air Quality Management Area (AQMA). The applicant has submitted an air quality assessment which states that the proposed development is predicted to result in a net reduction in traffic flows locally and would have a minimal impact on pollution concentrations at nearby existing receptors.

- 9.75. Application BH2020/00326 approved a ventilation strategy for windows fronting onto Cheapside to allow openable windows fronting onto Cheapside with a solution utilizing mechanical ventilation with heat recovery (MVHRs), with nitrogen dioxide NO<sub>x</sub> filtration if required, and with openable windows for purge (short term clearance of odours/smoke) and/or overheating ventilation for this development.

Biodiversity:

- 9.76. As required by Condition 39 of application BH2018/02607, an Ecological Design Strategy (EDS) has been submitted (Phlorum, February 2020). The EDS states that contractors should remain vigilant for bats. The County Ecologist considers the submitted EDS broadly acceptable, subject to a precautionary approach being taken to site clearance as the existing buildings have the potential to support roosting bats. This is confirmed in an informative. Details of the bird boxes are required by condition.

- 9.77. The County Ecologist had requested proposed sedum roofs to be replaced with chalk grassland roof to improve biodiversity. However, the applicant has indicated weight loading and maintenance issues with this. Instead, the revised proposal provides a bio-solar roof with a focus on bio-diverse features and fauna and the provision of bio-diverse planting. This is considered an acceptable alternative, and an improvement to the biodiversity of the scheme whilst also retaining the proposed sedum roofs.

- 9.78. The proposed artificial turf for the 4no. proposed maisonettes present no benefit with regard to biodiversity or water management. These courtyard gardens are north facing and therefore, the applicant states that there are practical limitations to providing natural lawn. An alternative surface is therefore requested by condition.

**Conclusion:**

- 9.79. The principle of the development has been approved within the Outline permission BH2018/02607, including the external layout, access and scale.

- 9.80. The provision of 135 residential units is in accordance with the Outline consent, and the proposals would provide a significant contribution to housing supply with a good mix of housing.

- 9.81. The proposed buildings would have an appearance that is sensitively designed to protect amenity levels, it would provide balconies and gardens for private amenity space, and shared spaces in the form of a roof terrace and public open space, as well as shared internal amenity spaces.
- 9.82. The proposal has carefully considered the constraints of restrictions of daylight & sunlight from tall neighbouring buildings, delivering a good quality design appearance of the buildings, whilst still providing an acceptable amount of amenity space for future occupiers. The proposed development allows for maximising the housing density of the site.
- 9.83. Only one public objection has been received (regarding matters already approved).
- 9.84. Approval of planning permission is therefore recommended subject to the completion of a s106 planning legal agreement and to the conditions within the report.

## **10. EQUALITIES**

- 10.1. Condition 55 of Outline application BH2018/02607 requires at least 5% of the dwellings on Site B to comply with Building Regulations Optional Requirement M4(3)(2b) (wheelchair user dwellings). All other dwellings are required to comply with Building Regulations Optional Requirement M4(2) (accessible and adaptable dwellings).

### **S106 Agreement**

- 10.2. In the event that the draft S106 agreement has not been signed by all parties by the date set out above, the application shall be refused for the following reasons:
1. The proposed development fails provide a financial contribution towards the City Council's Local Employment Scheme to support local people to employment within the construction industry contrary to policy CP7 of the Brighton & Hove City Plan Part One and the City Council's Developer Contributions Technical Guidance.
  2. The proposed development fails to provide a financial contribution towards the improvement and expansion of open space and recreation in the vicinity of the site required as a result of this proposed development contrary to policies, CP7 and CP16 of the Brighton & Hove City Plan Part One and the City Council's Developer Contributions Technical Guidance.
  3. The proposed development fails to provide a financial contribution towards the improvement and expansion of capacity of local schools required as a result of this proposed development contrary to policy CP7 of the Brighton & Hove City Plan Part One and the City Council's Developer Contributions Technical Guidance.





# **ITEM D**

**City College  
BH2017/01083  
Deed of Variation**

**DATE OF COMMITTEE: 13<sup>th</sup> January 2020**









*other associated works including cycle and bin store, new pedestrian access to the building, communal garden space and associated landscaping.”*

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

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

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

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

- 3.5 Having unsuccessfully sought a Registered Provider (RP) to take on the affordable housing units, the applicant is now seeking to instead pay a commuted sum to go towards the provision of affordable housing elsewhere. This proposal was originally taken to the 4<sup>th</sup> November 2020 meeting of the Planning Committee, but it was deferred *“in order to allow the Housing Strategy team to reconsider the options on avoiding the move to a commuted sum, and explore the number of Registered Housing Providers being considered.”*

- 3.6 A more detailed response was therefore sought from the applicant and Housing Strategy team, as set out in Section 5 below.

#### Planning Policy

- 3.7 City Plan Part One Policy CP20 and the Affordable Housing Brief indicates that the Council’s preference is for on-site affordable housing provision to help achieve balanced and mixed communities.

- 3.8 While this is preferable, the supporting text to the policy notes that this is not always possible, and that a commuted sum may be acceptable in ‘exceptional circumstances’:

*“Only in exceptional circumstances, will the Council accept a commuted sum or free serviced land in lieu of onsite provision on larger sites. These circumstances might include, for example, where the Registered Provider finds it uneconomic or impractical to provide the units agreed.”* (paragraph 4.244).

- 3.9 The provision of a commuted sum therefore accords with policy, where it can be shown to represent ‘exceptional circumstances’.

- 3.10 Housing Officers note the process by which affordable housing is delivered by Registered Providers in the city:

*“Affordable housing secured through S106 Agreements have historically been sold to a Registered Provider (RP) at a below market price in order for them to be provided as affordable homes (affordable rent or shared ownership). The Council has a number of partner RPs based on presence in and commitment to the city as confirmed via rent levels agreements etc.*

*If an RP purchaser is not found among the partners the developer can bring forward an alternative provider but they will need will to meet the conditions of the Council’s proposed S106 Agreement.*

*Developers may seek to pay a commuted sum to the Council in lieu of providing the housing onsite (which is within policy conditions), with such funds used towards providing affordable housing elsewhere in the city through the Council’s own programmes such as New Homes for Neighbourhoods and Home Purchase.”*

- 3.11 Housing Officers also note that consideration is given as to whether the Council could purchase the homes, but highlight that *“any risk and suitability assessment of the homes on offer would be undertaken along the same lines as that of the RPs, with viability then assessed through the Home Purchase model based on cost of purchase and projected rent levels.”*

#### **4. PROPOSAL**

- 4.1. The developer has written to the Council to request that they pay an in lieu commuted sum of £1,357,500. This amount has been calculated in accordance with the formula in the Council’s adopted ‘Developer Contributions Technical Guidance’ (March 2017).
- 4.2. The developer has stated that they cannot provide on-site affordable housing because of a lack of interest in the affordable units from the Council’s list of preferred Registered Providers (RPs). Full evidence of this lack of interest has been provided, with the reasons given by the RPs as:
- the small number of units meaning it would not be viable to take the units on;
  - management issues with the mixed tenure between rent and sale;
  - the risk of refurbishment and maintenance issues;
  - the current climate caused by the Covid-19 pandemic, and a more general lack of confidence in the market.
- 4.3. The only interested Registered Provider (RP) has subsequently confirmed they are not proceeding with the sale. The developer has stated that this is due to a combination of factors, including the staircasing requirement, the costs involved with having to convert the wheelchair unit to a private unit at a later date as it will unlikely be sold to such a user, some internal funding priorities, the RP’s commitment to other purchases, and the unusual nature of the site.

4.4. In parallel to this, the developer has expressed concern regarding delays to the development as a result of Covid-19, noting that this had put their finances into a difficult position. Waiting for a RP to come forward, particularly given the lack of interest to date, was not, therefore, a viable option for the development.

## 5. CONSULTATION

5.1 **Housing Strategy: No objection.** Note history of involvement in scheme:

5.2 November 2017 – original planning application approved. Scheme of 25 homes refurbished within old college building to include 10 affordable homes – 40% policy-compliant. Tenure to be 5 homes for affordable rent / 5 homes for shared ownership. Fully supported by Housing as policy-compliant.

5.3 June 2018 – the developers approached the Council with confirmation that all the Council’s partner RPs (below) had rejected the homes proposed. Evidence of this was provided with emails from all the RPs. The reasons given are summarised below. The key factors that came up across all RPs were: too few units (not viable); mixed tenure between rent / sale (management issues); risk of refurbishment (maintenance issues).

<b>Southern Housing Group</b>	<b>Hyde Housing</b>	<b>Moat</b>	<b>Clarion</b>	<b>Guinness</b>
Location				
Scale	Too small	Too small (minimum 20)	Too small (minimum 50)	Too small
Lifecycle costs	Refurb makes unattractive for maintenance & management		Unit mix not preferred (too many 1 beds) Size of units Wheelchair unit access etc	Concerns on leasehold (only buy with freehold)
Integration of tenures	Mixed tenures			Mixed tenures

5.4 RPs have to assess the affordability and viability of such purchases and the factors outlined in the table above are all elements that are included in that assessment, alongside risk regarding sale of shared ownership homes. Southern Housing confirmed that they may consider a scheme of shared ownership homes only with a minimum of ten



homes and the developer brought this forward as an option. Housing confirmed they would support this, or accept the move to a commuted sum payment (as outlined within policy), with the funds then being available to provide alternative affordable homes including homes for affordable rent.

- 5.5 August 2018: Planning Committee approved a Deed of Variation amending to ten shared ownership homes in place of mixed tenure.
- 5.6 October 2018: Southern Housing were still intending to purchase these for shared ownership. Negotiation for the change to the S106 reflecting the Deed of Variation was ongoing and the changes to the S106 were brought forward in July 2019. Southern Housing subsequently decided not to proceed with purchase.
- 5.7 October 2019: Housing received an email from SOSI - a 'profit with purpose' housing provider who confirmed they were aiming to purchase the homes. Nothing further was brought forward from SOSI.
- 5.8 March 2020: Housing were approached by Legal & General Affordable Homes (L&GAH) - a for profit housing association stating that they were now planning to purchase these homes. L&GAH are known to the Council as they are the RP at the Edward Street Quarter (ex Amex offices) development.
- 5.9 L&GAH proposed a change to the Council's S106 which would have effectively removed the 'in perpetuity' requirement outlined in the Council's affordable housing policy. For shared ownership homes where owners may eventually 'staircase' purchase up to be outright owners, the RP is required to commit to recycling the income from this process back into affordable housing in the city. L&GAH had agreed this at Edward Street but asked for it to be changed at this development. There was detailed discussion between the developer and L&GAH and the Council's Legal, Planning and Housing Teams in an attempt to reach an agreement. L&GAH did agree to proceed but then reversed this decision.
- 5.10 Meanwhile, the developer was expressing concern at the delay to the development this process was taking, particularly in light of Covid, and the pressure this was putting on their financial position. There was a sense of extreme urgency from the developer so the commuted sum became the logical and practical way ahead.
- 5.11 Housing did not specifically assess purchase of these homes for the following reasons:
  - There was no existing process for carrying out a viability assessment at the time of the original application and the original scheme as approved was policy-compliant.
  - Tenure on these homes was agreed as shared ownership through a previous Deed of Variation (shared ownership is not developed by the Council at present).
  - The developer has declined to seek a variation to make all the homes available for affordable rent tenure.

- Risks of providing the homes had been outlined previously by RPs and the Council would have faced the same risks (particularly high risks being refurbished buildings and mixing tenures).
- Timing was an urgent consideration relating to the above factors.
- The Council is supportive of SMEs (small & medium enterprises), and was working pro-actively with the developer to bring their development to fruition. They expressed concerns that this was at risk.
- The homes have been built to a high sales specification meaning the sales cost is likely to make purchase unviable. Advertised property values: 3 beds £550k / 2 bed £475k and 1 bed £360k.
- Commuted sum is a policy-compliant position.
- Commuted sum funds are used to provide additional homes for affordable rent in the city by supporting the Council's Home Purchase policy (and also used towards other Council projects).
- Housing finance confirm that commuted sums are an integral part of the delivery programme and are unlocking sites and allowing the Home Purchase scheme to continue at scale.

5.12 The potential outcome, if a commuted sum is not agreed, is that the developer will seek to sell to a non-partner Registered Provider outside the usual terms of the Council's S106 requirements.

5.13 Purchase of s106 homes is an active project and consideration is now given to this at an earlier stage of the planning process. This will allow properties to be assessed against a standard set of risks and checked for viability based on the cost of the homes against the rent levels the Council intends to charge and any subsidy required.

5.14 The cost is not the only factor and may not be the deciding factor as important consideration is also given to the quality of construction, long term maintenance issues and practical matters such as layout and outdoor space.

5.15 Commuted sum remains a policy-compliant position, but achieving the homes on site is always the preferred option where viable and with suitable homes provided.

5.16 In this instance with all factors above taken into consideration commuted sum remains the most practical outcome at this scheme. The commuted sum will lead to an increase of affordable homes in the City so is considered beneficial.

## **6. COMMENT**

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

6.2 It is considered that the implementation of the development would deliver planning and economic benefits, including much-needed private

housing, in a sustainable location, with good access to shops and services, and sustainable transport links, as well as improving and bringing back into use an attractive locally listed building, helping to secure its long-term retention and maintenance. With the variation, it would also deliver a policy-compliant level (40%) of affordable housing (albeit via a commuted sum), The s106 also commits the developer to £130,835 of contributions towards local education services, recreation facilities and employment schemes.

6.3 It is considered that the developer has provided sufficient justification and evidence that affordable housing units cannot be provided on site, and therefore an exception to this requirement within Policy CP20 can be accepted in this case. It should be noted that this approach is still policy-compliant, remains the most practical outcome at this site, and crucially, would still allow for the delivery of affordable housing in the city.

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

6.5 The following clauses would be added to the Deed of Variation:

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

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

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

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

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

6.6 In conclusion, the non-provision of on-site affordable housing has, in this case, been adequately justified and is therefore considered acceptable as an exception to part (a) of City Plan Part One Policy CP20. The proposed variation would allow a financially viable and successful housing development to be achieved. As such, it is recommended to vary Clause 2 of Schedule 2 of the S106 dated 20<sup>th</sup> November 2017, as amended by Clause 3 of the Deed of Variation dated 16<sup>th</sup> July 2019.

Background Documents:  
Planning Application BH2017/01083

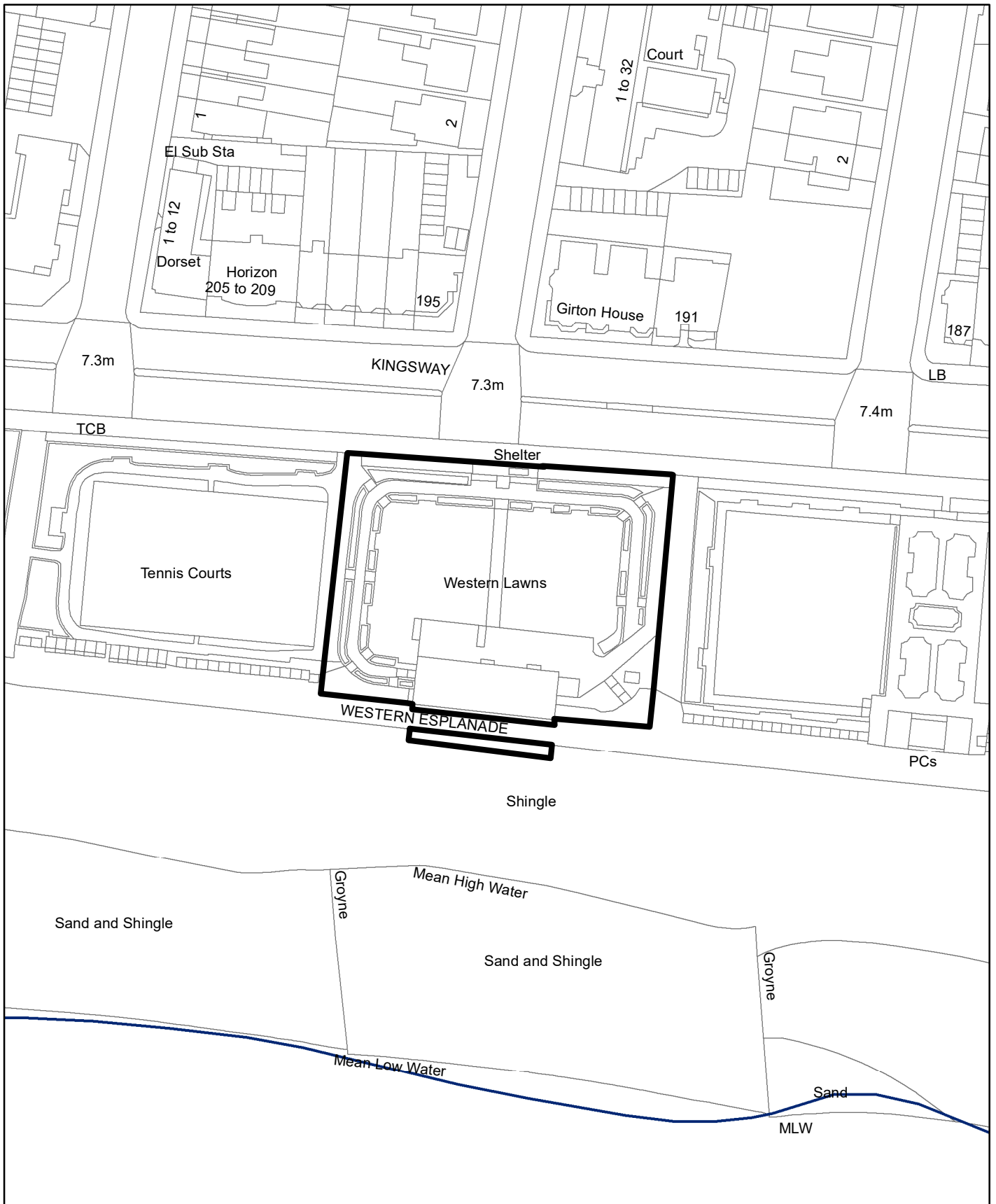
# **ITEM E**

**Rockwater, Kingsway  
BH2020 02211  
Full Planning**

**DATE OF COMMITTEE: 13<sup>th</sup> January 2020**



# BH2020/02211 Rockwater, Kingsway Hove



**Brighton & Hove  
City Council**



**Scale: 1:1,250**





<b><u>No:</u></b>	<b>BH2020/02211</b>	<b><u>Ward:</u></b>	<b>Westbourne Ward</b>
<b><u>App Type:</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>Rockwater Kingsway Hove BN3 4FA</b>		
<b><u>Proposal:</u></b>	<b>External alterations and extensions including a glazed first floor extension above existing flat roof, new lift to roof terrace from promenade level, glazed pergola extension to north west lower ground floor, booth seating, a fire pit with canopy/chimney and bonded gravel surround to the north east side of the lower ground floor and an area of decking with balustrade to the beach south of the site. (Part Retrospective)</b>		
<b><u>Officer:</u></b>	Sam Bethwaite, tel: 292138	<b><u>Valid Date:</u></b>	10.08.2020
<b><u>Con Area:</u></b>		<b><u>Expiry Date:</u></b>	05.10.2020
<b><u>Listed Building Grade:</u></b>		<b><u>EOT:</u></b>	
<b><u>Agent:</u></b>	Lewis And Co Planning SE Ltd Road Brighton BN1 5PD	Lewis & Co Planning	2 Port Hall
<b><u>Applicant:</u></b>	Rockwater Group LTD Brighton BN1 5PD	C/o Lewis & Co Planning	2 Port Hall Road

## 1. RECOMMENDATION

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

1. The proposed roof extension and lift by virtue of the additional height would result in an overly prominent building that contrasts starkly with the other seafront buildings in the vicinity. It would be contrary to the identified character of the Western Esplanade and would fail to preserve and enhance the setting of the conservation area. Accordingly, it is considered to be contrary to policies CP12 and CP15 of the Brighton & Hove City Plan Part One and policies QD14 and HE6 of the Brighton and Hove Local Plan (retained policies March 2016).

### Informatives:

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

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Proposed Drawing	243	C	8 December 2020

Location and block plan	254		10 August 2020
Proposed Drawing	255		10 August 2020
Report/Statement	Design & Access		10 August 2020
Report/Statement	Transport Assessment		10 August 2020
Report/Statement	Heritage Statement		10 August 2020
Report/Statement	Sustainability Appraisal		10 August 2020

3. The application has been referred to the Planning Committee by the Head of Planning due to the level of public interest.

## 2. SITE LOCATION & APPLICATION DESCRIPTION

- 2.1. The application relates to the detached café/bar building formerly known as ‘the View’, now ‘Rockwater’, with dual frontages onto the seafront promenade to the south, and the locally listed Western Lawns to the north. Given the change in levels from the south down to the north, it presents as single storey to the former and as two storey to the latter. The subject building is located at the southern edge of Kingsway (A259) opposite Walsingham Road.
- 2.2. The site is located within the Sackville Gardens Conservation Area, but is not subject to an Article 4 direction, nor is it a listed building or in the vicinity of any. The site is also within an Archaeological Notification Area.
- 2.3. The current application seeks permission for a glazed extension with a dark, powder-coated aluminium frame across the width of the existing flat roof, but set back approximately 3.6m from the southern edge.
- 2.4. In addition, a single storey, glazed, timber-framed, pergola extension with a polycarbonate roof is also proposed to the north elevation at lower ground floor level. Adjacent this would be a fire pit with bonded gravel surround and booth seating. To the east elevation a lift is proposed at promenade level to provide access to the roof terrace.
- 2.5. The application description was altered during the consideration of this application to include a timber deck seating area with glass balustrade facing the beach, directly south of the main building. The description was also changed to reference the part retrospective nature of the development, as elements of the timber deck and the proposed roof structure are in place, though this is not a material consideration in determining the application.
- 2.6. The proposed drawings incorporate previously-approved changes to the external finishes of the main building, a roof terrace enclosed with a glass balustrade and parapet wall, and a single storey flat roof extension to the east elevation with ventilation and extraction equipment above behind a timber screen. These alterations were recently granted permission under a previous application (BH2020/00612) and so have not been considered under this current application.

- 2.7. Other works have been undertaken on site without the benefit of planning permission, notably the creation of two glazed sections of the new single-storey extension, at the western and eastern end of the roof terrace.

### **3. RELEVANT HISTORY**

- 3.1. PRE2019/00203 - The construction of a flat-roofed extension to the south part of the existing roof, the erection of balustrading around the existing flat roof to provide a terrace and a balcony at first floor level to the north elevation. The entire building would be repainted or re-clad and new signage is also proposed for the main elevations.

- 3.2. Summary of advice given on 19 November 2019:

- The principle of extending this A3 use is likely to be supported in accordance with wider, spatial objectives;
- However, the scale and nature of the proposed roof terrace and related alterations would cause significant harm to the character and appearance of the Sackville Gardens Conservation Area and the setting of the locally listed Western Lawns;
- The other elements of the proposal could be considered acceptable subject to further detailing and information, including about inclusivity and accessibility;
- It is considered that there is potential for biodiversity gains / improvements to be achieved through soft landscaping, sedum roofs and green walls; and
- The proposals are not considered to have an impact on neighbouring amenity.

- 3.3. BH2020/00958 - Display of 4no internally-illuminated fascia signage to all elevations. - Approved 26.06.2020

- 3.4. BH2020/00612 - Alterations to restaurant / café (A3) to involve a single storey, lower ground floor extension to the west elevation with fencing above to hide new extraction equipment, including a flue at roof level; installation of glazed balustrade and parapet wall to facilitate a terrace on the roof; re-cladding, painting and fenestration changes to all elevations, including new entrances; a canopy; and a replacement staircase. - Approved 30.04.2020

- Rooftop paraphernalia was conditioned to be positioned where it would not be visible from ground level.
- Customer occupation was limited by condition to 07:00-02:00 internally with no use of external areas associated with the site past 23:00.
- The playing or generation of live or recorded music and the provision of any kind of associated entertainment was conditioned not take place in any external areas associated with the application site.

### **4. REPRESENTATIONS**

- 4.1. (587) letters have been received, supporting the proposed development for the following reasons:
- Positive addition to seafront

- Creates a community hub
  - Well designed, existing building not attractive
  - Local economic benefits and employment opportunities, catalyst for further regeneration
  - Improved infrastructure
  - Unique for Hove
  - Useable in all weather conditions
- 4.2. (38) letters have been received, objecting to the proposed development for the following reasons:
- Inappropriate height, out of keeping, overdevelopment
  - Restriction of sea front views
  - Light pollution and noise disturbance
  - Adverse impact on the conservation area
  - Overlooking of people using the beach
  - Increased parking pressure
  - Impact of late night opening and the noise disturbance to nearby residential streets when patrons leave the premises
- 4.3. (3) letters have been received, commenting on the proposed development for the following reasons:
- Noise from the venue can be heard a long way from the site
  - The expansion of the site is positive
- 4.4. Peter Kyle MP has written in support of this application for the following reasons:
- Year-round use of the site
  - Improved accessibility
  - A positive addition for local residents
- 4.5. Hove Civic Society has written in support of this application for the following reasons:
- Catalyst for regeneration of this section of the seafront
  - Increased employment and recreational and community activities
  - Improve the appearance of the site
  - No negative impact on the conservation area
- 4.6. West Hove Seafront Action Group have written in support of this application for the following reasons:
- Increased footfall and the associated benefit for local businesses
  - Additional security and waste management welcomed
  - Complementary provision of community facilities
  - Fully realises the potential of the site
  - Year-round usability
  - Additional employment opportunity

## 5. CONSULTATIONS

- 5.1. **Brighton and Hove Archaeology Society:** No objection Unaware of any archaeological deposits likely to be affected by this development.
- 5.2. **County Archaeology:** No objection Do not believe that any significant archaeological remains are likely to be affected by proposals.
- 5.3. **Conservation Advisory Group** Objection Additional height unprecedented along this stretch of the seafront, buildings built deliberately low according to the conservation area character statement to provide views of the beach and beach huts. Design in general poor, development directly on the beach harms the beachscape.
- 5.4. **Environmental Health:** No Comment No comments were received relating directly to the proposal, but confirmed noise assessment not required as control exercised under the Licensing Act 2003 and the Environmental Protection Act 1990.
- 5.5. **Heritage:** Objection Note Sackville Gardens Conservation Area Character Statement states Western Esplanade buildings "were built deliberately low to allow views of the beach and beach huts beyond". Application site already largest of these buildings, roof top extension would be unduly prominent in both directions along Esplanade and Kingsway, and from residential properties to north. Would harm open character of this aspect of the conservation area. Harm from rooftop extension considered less than substantial, but with no heritage benefits to be weighed against it. Extension to north of site would encroach into open space of Locally Listed Lawns, but given scale of Lawns would be a small proportion and not be visible until relatively close to the site. No heritage objection to this aspect.
- 5.6. **Seafront Team** No Objection Supportive in principle, of the investment in the site, and quality of design. Note access needs to be retained for City Parks to maintain public gardens to north; seating on the promenade should not extend more than 2.3m from the front of the building as per site's patio licence; concern over potential noise disturbance, could contradict of the tenant's covenant in lease [NB: this is beyond the planning process].
- 5.7. **Sustainable Transport:** No objection Additional cycle parking requested. Disabled parking arrangement acceptable given the location, on-street bays as well as the parking opportunities afforded to blue badge holders. Service and delivery facilities acceptable. Reduction in on site parking to zero is acceptable given the parking controls and facilities in vicinity of site. No significant increase in trips anticipated over approved application BH2020/00612.
- 5.8. **Sussex Police Community Safety** Objection Outside seating areas and decked area likely to attract anti-social behaviour and other associated criminal activities and as such are a potential burden to existing police resources.

## 6. MATERIAL CONSIDERATIONS

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

## 7. POLICIES

### The National Planning Policy Framework (NPPF)

#### Brighton & Hove City Plan Part Two

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

#### Brighton & Hove City Plan Part One

SA1	The Seafront
SA6	Sustainable Neighbourhoods
SS1	Presumption in Favour of Sustainable Development
CP2	Sustainable economic development
CP5	Culture and tourism
CP6	Visitor accommodation
CP10	Biodiversity
CP12	Urban design
CP13	Public streets and spaces
CP15	Heritage

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

TR14	Cycle access and parking
QD5	Design - street frontages
QD10	Shopfronts
QD11	Blinds
QD14	Extensions and alterations

QD15	Landscape design
QD27	Protection of amenity
SR12	Large Use Class A3 (restaurants and cafes) and Use Class A4 (pubs and bars)
HE6	Development within or affecting the setting of conservation areas
HE10	Buildings of local interest

Supplementary Planning Documents:

SPD02	Shop Front Design
SPD11	Nature Conservation & Development
SPD12	Design Guide for Extensions and Alterations
SPD14	Parking Standards

## 8. CONSIDERATIONS & ASSESSMENT

- 8.1. The main considerations in the determination of this application relate to the principle of the development, the impact on heritage assets and neighbouring amenity.

**Planning Policy:**

- 8.2. The site falls within the Seafront Special Area where the Council will work in partnership to ensure the on-going regeneration and maintenance of the seafront in an integrated and coordinated manner. One of the main aims of City Plan Part One Policy SA1 is to support the year-round sport, leisure and cultural role of the seafront, while Part A of SA1 outlines the priorities for the seafront as a whole, which largely revolve around complementing its outstanding historic setting and natural landscape value, enhancing biodiversity, improving the public realm and promoting high quality architecture. It is considered that the proposed development accords with these broad aims.
- 8.3. City Plan Part One Policy CP5 applies to this proposal since this building is categorised as an existing visitor facility, and this policy supports their retention, upgrading and enhancement in order to meet changing consumer demands.
- 8.4. Local Plan Policy SR12 sets out the criteria required to be met for an extension to A3/A4 uses (now Class E/Sui Generis under the Town and Country Planning (Use Classes)(Amendment)(England) Regulations 2020) to be acceptable, namely being more than 400m from another establishment with a total public floorspace of 150m<sup>2</sup> or more; not operating within, or abutting, residential premises; not causing noise nuisance or an increase in disturbance to nearby residents; and with regard to parking and public transport facilities, not creating public order issues when people disperse to transport and other destinations.
- 8.5. The site is a detached building that is not within a residential setting. The closest residential properties are more than 70m from the proposed development, on the opposite side of the A259. The site is not close to any significant public transport or parking facilities, given its location outside the city centre. The nearest bus stop is serviced by one route only. Lex's Café approximately 295m to the east is within the defined radius for separation. It is unclear if this venue

has a public floorspace in excess of 150m<sup>2</sup>. It is noted that SR12 was largely introduced to deal with large numbers of people dispersing at the same time from the areas containing bars and clubs in the city centre. On that basis, Officers consider the proposal is likely to be compliant with the aims of SR12.

- 8.6. It is therefore concluded that the proposed extension of this site is supported in principle. Additionally, it is in accordance with City Plan Part One Strategic Objective SO17 that aims to enhance the seafront as a year-round place for sustainable tourism, leisure, recreation and culture.

### **Design and Appearance:**

- 8.7. The scheme that was approved at the end of April 2020 maintained the same height (7m) as the existing structure, but enabled the roof to be used as an open terrace, enclosed with a 1.1m balustrade. It also included a single storey, lower ground floor extension to the west elevation with fencing above to hide new extraction equipment, including a flue at roof level. The recladding of the exterior also added a little to the overall depth of the building when seen from the east/west.
- 8.8. The current application proposes to increase the building height to 9.8m, as well as adding a significant expansion at lower ground floor level which would more than double the lower ground floor footprint. The following considers the acceptability of each of these factors.

#### Building Height

- 8.9. When considering whether to grant planning permission for development in a conservation area the Council has a statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the area.
- 8.10. Case law has held that the desirability of preserving or enhancing the character or appearance of a conservation area must be given "considerable importance and weight".
- 8.11. The Character Statement for this conservation area states that the Western Esplanade is "devoted to the public enjoyment of fresh air and the seaside atmosphere. The grounds of the croquet lawn, bowling greens, and pleasure gardens have a traditional appeal and are well used by the public. There are several communal buildings dating mostly from the 1930's which have been built deliberately low to allow views to the beach and beach huts beyond."
- 8.12. Although one of several low-level brick buildings, the application site is more prominent in views, particularly from the north, than the others due to its large footprint, relative to other buildings in the immediate area, and second storey. The additional height that would be created by the proposed roof extension and lift would add to the prominence of the building, as is evident from existing additions made to the building (without planning permission). These enclose the stairways up to the roof, and are the same height and depth as the proposed roof extension would be, but also infilling the area between.



- 8.13. It is therefore considered that the proposed roof extension and lift would be harmful to the open character of the southern end of the conservation area. The stark contrast in height and scale from the other buildings along the seafront would result in the site appearing overly dominant, and disrupting the long views along the Lawns from the Esplanade, Kingsway as well as the southern end of the residential streets to the north, and drawing the eye. The activity at roof level associated with the use of the proposed roof structure would further attract attention and exacerbate the site's prominence.
- 8.14. The LPA has discouraged additional height at this site at the pre-application stage, and subsequently controlled the use of the roof via condition to limit its visibility in the approval of application BH2020/00612 in April 2020. The current application does not follow the recommended direction for development at this site.
- 8.15. The harm caused to the heritage asset of the Sackville Gardens Conservation Area is less than substantial under the terms of the NPPF but nevertheless this must be given great weight. The public benefits of the improvements to the facilities and access of this tourist and visitor facility and the additional employment opportunities are acknowledged. However, a significant proportion of any such benefits are already available from the scheme which the Council approved in April 2020 and therefore the benefits that can reasonably be attributed to the additional development sought through the current application will be proportionately limited.
- 8.16. The proposed roof extension and lift by virtue of the additional height would result in the application site appearing as an overly prominent building that contrasts starkly with the other seafront buildings in the vicinity. It would be contrary to the identified character of the Western Esplanade and would fail to preserve and enhance the setting of the conservation area.
- 8.17. The proposed roof extension and lift have been identified as being detrimental to the character and appearance of the Sackville Gardens Conservation Area. In this instance the public benefits do not outweigh the harm caused. Accordingly, these aspects of the proposal are considered to be contrary to policies CP12 and CP15 of the Brighton & Hove City Plan Part One and policies QD14 and HE6 of the Brighton and Hove Local Plan (retained policies March 2016).

#### Building Footprint

- 8.18. The proposed extension at lower ground floor level to the north of the site is significant in scale but unlike the proposed roof extension, would not have a significant impact on views across the southern end of the conservation area. The area to the north of the site has a lower ground level than the lawns to the east of the site, and also sits below the level of Kingsway (A259) and its footpaths, as well as the Esplanade. The proposed extension in this area would not therefore be prominent in views from these locations until relatively near to the site.

- 8.19. The proposed lower ground floor extension would project into the open space of the locally listed heritage asset known as the Western Lawns and Hove Lagoon and erode the open character. However, given the scale of the locally listed heritage asset and the limited prominence of the proposed extension the harm is considered to be insignificant and does not warrant refusal of this application.
- 8.20. It is noted that there is some inconsistency in the appearance of the decking to the beach in front of the application site. This is shown on the proposed plans as a deck with a metal handrail with toughened glass infill panels. The supplied visuals of the deck show it with Corten steel planters and shingle gabions. During a site visit it was seen that the deck had been installed and that it had timber booth seating and temporary benches and no metal and glass balustrade. The deck as shown on the proposed drawing has been assessed as part of this application. The design and scale of the deck are considered appropriate. The simple appearance would prevent the deck from jarring with the site and the wider beach scape and would be secured by condition. Subject to this, this element of the development is considered acceptable.

**Impact on Amenity:**

- 8.21. 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.
- 8.22. The main amenity concerns are noise generation from the venue and patrons leaving the site. The application site is detached from all other premises and is in excess of 70m from the nearest residential properties. The previous application BH2020/00612 conditioned the hours of use of the site and of the outside space where it restricted the playing of live and recorded music from the outside areas. Were this application to be approved it could be conditioned in a similar manner and this would mitigate the potential for noise disturbance from the site.
- 8.23. The Council's Environmental Health Team have not objected to the application and did not request extra information to assess amenity impacts arising from noise generation. They referenced the controls that exist under the Licensing Act 2003 and the Environmental protection Act 1990 that run alongside planning and provide adequate protection for local residence.
- 8.24. The application site is bordered by the heavily used pedestrianised Esplanade to the south and busy main road of Kingsway (A259) to the north. During the day and into the evening the impact of patrons leaving the site is unlikely to have a noticeable impact on the surrounding residential properties.
- 8.25. The application site is not surrounded by other venues of a similar nature and it is not considered that the number of people leaving the site when it closes will have a significant impact on the residents of the properties to the north of the site. The transport report submitted with the application states that despite the extensions the proposed capacity will remain at 400 as it was under the previously approved application BH2020/00612. Of these 400 patrons, on any

given night only a limited number of would be likely to walk north via Sackville Gardens, Walsingham Road or Carlisle Road to get to New Church Road.

- 8.26. On this basis, the impact on local amenity through increased noise and disturbance is considered to be acceptable.

**Sustainable Transport:**

- 8.27. The Local Highway Authority (LHA) consider the impacts of the proposed development acceptable subject to the inclusion of cycle parking that could be secured by condition. This would be in addition to the cycle parking secured by condition on application BH2020/00612 and would reflect the increase in floorspace proposed.
- 8.28. Vehicle access to the site would not be altered by the proposed development. The existing car parking spaces would be lost as a result of the proposed extension to the north of the site. The LHA consider this acceptable with the potential overspill of car parking on the surrounding roads covered by the existing Controlled Parking Zone (CPZ).
- 8.29. The retained space for deliveries is considered acceptable with a vehicle swept path analysis provided for the expected size of vehicle to visit the site. Adequate space exists on the access road should different deliveries overlap.
- 8.30. The loss of disabled parking on site is considered acceptable in this instance. The LHA have stated that the local on street disabled parking bays and dispensation for Blue Badge holders to park where it is safe to do so on double yellow lines for up to three hours can provide adequate parking facilities and accommodate this loss.
- 8.31. Vehicle trip generation is not forecast to increase significantly above the levels identified in application BH2020/00612. As a result, the impact on the carriageways will be minimal and within their capacity.

**Sustainability:**

- 8.32. A sustainability statement has been provided with the application that documents the ways in which various waste streams such as General Waste, Mixed Recycling, Card, Glass, Food and Coffee Grounds would be recycled or dealt with locally in the most sustainable ways.
- 8.33. The Design and Access Statement submitted confirms that where possible, recycled and reclaimed materials will be used, and that energy efficiency has been considered in the choice of windows, level of building insulation and the finish of the roof. These matters could be secured by condition.

**Other Considerations:**

- 8.34. Sussex Police have commented that the proposed arrangement of external seating is easily assessible out of hours and could result in anti-social behaviour and other criminal activities that increase the burden on the local police force. Were this application to be recommended for approval a management plan

could be secured by condition to put measures in place to tackle the issues identified.

- 8.35. The Seafront Team raised a concern that some elements of the proposed work could result in a nuisance, annoyance or disturbance to nearby residential properties and that this would be contrary to a covenant in the lease of the site. The impacts of the proposed works have been assessed with regard to the material planning considerations. Any controls in place as part of the lease of the site would be a separate matter for the Seafront Team to address.

## **9. CONCLUSION**

- 9.1. The principle of regenerating the property and improving the overall range of attractions on the seafront is supported. Similarly, the benefits which such works would bring to the site and wider area are not disputed. Indeed, the Local Planning Authority has worked proactively in approving a previous refurbishment/extension to the property in April 2020 and providing clear pre-application advice on what was considered appropriate to help meet these objectives. Furthermore, the applicants have been encouraged to amend the current scheme and omit the harmful elements and allow a revised application for the lower ground floor extension to be approved.
- 9.2. However, the property is in a sensitive location and the potential harm such works could have to the overall character and appearance of the area must be given the weight the legislation and case law requires. The increase in height is considered detrimental and harmful to the conservation area, without benefits outweighing that harm. It is considered that the previous approval struck the right balance between redeveloping the site and protecting the conservation area in which the property sits and from which it benefits. However, as noted above, further work at the lower levels would be possible without harming the conservation area. The previous approval along with the potential lower ground floor extension would provide opportunities and benefits to the local area without harming the conservation area. In this respect there does not appear to be a sufficiently robust reason for allowing the harmful increase in height now sought, and thus any additional benefits of the increased height would not outweigh the harm. Accordingly, the application is recommended for refusal.

## **10. EQUALITIES**

- 10.1. The proposed lift provides level access to the roof from the promenade. The public benefit of the increase in accessibility was not considered to outweigh the harm caused to the identified heritage asset of the Saville Gardens Conservation Area.
- 10.2. The lower ground floor has level access from the north via a ramp. This floor has a Disability Discrimination Act (DDA) compliant toilet proposed. There is no internal DDA link to the ground floor. The ground floor has level access provided via a ramp to the south of the site and a platform lift. There is no DDA toilet

proposed on this floor. Were this application to be recommended for approval the absence of this facility would be addressed as the distance to travel from the south of the ground floor to the north side of the lower ground floor is significant.

- 10.3. The loss of disabled parking on site has been considered acceptable in this instance. The LHA stated that the local on street disabled parking bays and dispensation for Blue Badge holders to park where it is safe to do so on double yellow lines for up to three hours provides adequate parking facilities and accommodate this loss.



# **ITEM F**

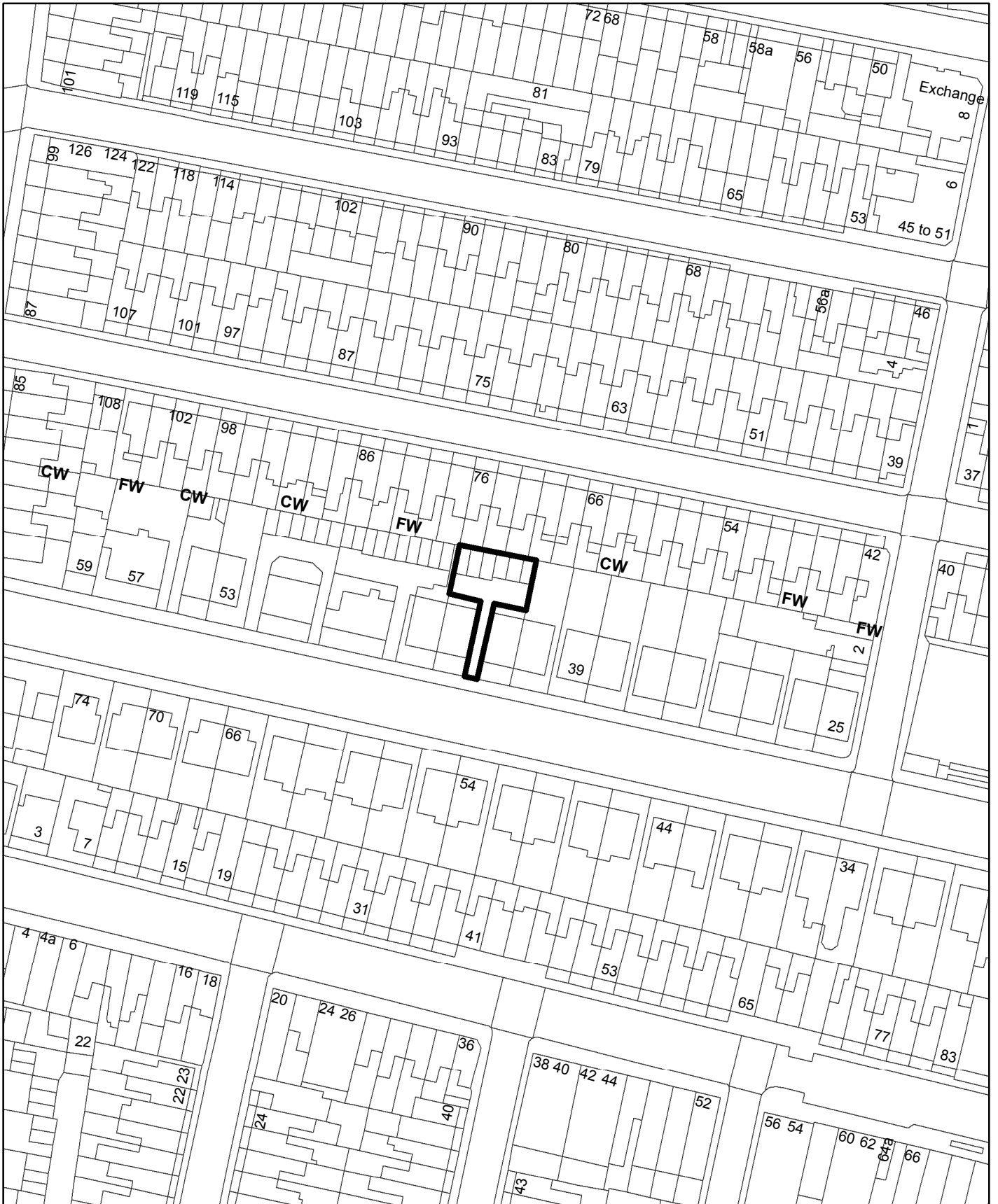
**43 Clarendon Villas  
BH2020/02654  
Full Planning**

**DATE OF COMMITTEE: 13<sup>th</sup> January 2020**





# BH2020 02654 - 43 Clarendon Villas



N



Scale: 1:1,250



<b><u>No:</u></b>	<b>BH2020/02654</b>	<b><u>Ward:</u></b>	<b>Central Hove Ward</b>
<b><u>App Type:</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>43 Clarendon Villas Hove BN3 3RE</b>		
<b><u>Proposal:</u></b>	<b>Demolition of existing garages and erection of 2no two storey office buildings (use class E) to the rear of 43 &amp; 45 Clarendon Villas, Hove incorporating parking and associated works.</b>		
<b><u>Officer:</u></b>	Michael Tucker, tel: 292359	<b><u>Valid Date:</u></b>	21.09.2020
<b><u>Con Area:</u></b>		<b><u>Expiry Date:</u></b>	16.11.2020
<b><u>Listed Building Grade:</u></b>		<b><u>EOT:</u></b>	11.12.2020
<b>Agent:</b>	Turner Associates 19A Wilbury Avenue Hove Hove BN3 6HS		
<b>Applicant:</b>	Mr Jonathan Stern C/o Turner Associates Ltd 19A Wilbury Avenue Hove Hove BN3 6HS		

## 1. RECOMMENDATION

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

Conditions:

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

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

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Location and block plan	TA 973/01		21 September 2020
Proposed Drawing	TA 973/10		21 September 2020
Proposed Drawing	TA 973/11		21 September 2020
Proposed Drawing	TA 973/12		21 September 2020
Proposed Drawing	TA 973/13		21 September 2020
Proposed Drawing	TA 973/14		21 September 2020
Proposed Drawing	TA 973/15		21 September 2020
Proposed Drawing	TA 973/16		21 September 2020
Proposed Drawing	TA 973/17		21 September 2020
Proposed Drawing	TA 973/18		21 September 2020
Proposed Drawing	TA 973/19		21 September 2020
Report/Statement	SITE WASTE MANAGEMENT PLAN		21 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. No construction 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 externallyDevelopment 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 CP12 of the Brighton & Hove City Plan Part One.
4. Prior to first occupation of the development hereby permitted a scheme for the storage of refuse and recycling shall have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be carried out in full as approved 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.
5. Unless otherwise agreed in writing by the Local Planning Authority, the non-residential development hereby approved shall not be occupied until a BREEAM Building Research Establishment issued Post Construction Review Certificate confirming that the non-residential development built has achieved a minimum BREEAM rating of 'Very Good' has been submitted to, and approved in writing by, the Local Planning Authority.  
**Reason:** To ensure that the development is sustainable and makes efficient use of energy, water and materials and to comply with policy policy CP8 of the Brighton & Hove City Plan Part One.
6. The development hereby permitted shall not be occupied until the privacy screens shown on the approved drawings have been installed in strict accordance with the approved details 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.
7. 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.

8. 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.

9. The buildings hereby approved shall be used as offices only and for no other purpose (including any other purpose in Class E of Schedule 2 to the Town and Country Planning (Use Classes) Order 1987 (as amended), or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

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

10. The proposed rooflights and upper windows in the south elevation 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 policy QD27 of the Brighton & Hove Local Plan.

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

**Reason:** To reduce the risk of flooding and pollution and increase the level of sustainability of the development and to comply with policies CP8 & CP11 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. SITE LOCATION & APPLICATION DESCRIPTION

- 2.1. This application was deferred from committee on the 2nd December to allow Members to conduct a site visit.
- 2.2. The application relates to a backland plot to the rear of residential properties on the northern side of Clarendon Villas and the southern side of Goldstone Road. The site is accessed from Clarendon Villas and is currently occupied by 6no garages (use class Sui Generis). Planning permission (BH2017/02057) has previously been granted for the demolition of the garages and the erection of 2no two-storey office buildings (B1) (as per the previous Use Classes Order). This permission is currently extant, expiring on 27th December 2020.
- 2.3. The current application proposes an identical development to the scheme previously granted comprising the demolition of the garages and the erection of 2no two-storey office buildings (use class E), and associated works. The previous permission as an extant scheme carries significant weight in the consideration of this application.

## 3. RELEVANT HISTORY

- 3.1. **BH2017/02057** - Demolition of existing garages and erection of 2no two storey office buildings (B1) to the rear of 43 & 45 Clarendon Villas, Hove incorporating parking and associated works. Approved

## 4. REPRESENTATIONS

- 4.1. **Twenty-one (21)** letters have been received, objecting to the proposal for the following reasons:
  - Loss of privacy/overlooking
  - Highway impact - additional traffic, parking pressure, emergency vehicle access
  - Disturbance during construction
  - Offices inappropriate for neighbourhood
  - Overdevelopment/proximity to boundary
  - Noise
  - Accessway too narrow
  - Overshadowing
  - Loss of outlook
  - Design an eyesore
  - Existing garages never used
  - Damage to trees and local wildlife
  - New offices not needed due to covid-19
  - Sets a precedent
  - Land should be sold to neighbours as garden plots

- Previous application inaccurate
- Worsen damp problems
- Restrict access
- Light pollution
- Does not comply with policy EM4

## 5. CONSULTATIONS

- 5.1. **Economic Development:** No comment received
- 5.2. **Sustainable Transport:** No objection Recommended approval subject to suggested conditions and informatives.
- 5.3. **Planning Policy:** No comment received
- 5.4. **Southern Water:** No comment Requires a formal application for a connection to the public foul and surface water sewer to be made by the applicant or developer.
- 5.5. It is possible that a sewer now deemed to be public could be crossing the development site. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its ownership before any further works commence on site.
- 5.6. **Environmental Health:** No comment received

## 6. MATERIAL CONSIDERATIONS

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

## 7. POLICIES

### The National Planning Policy Framework (NPPF)

#### Brighton & Hove City Plan Part 2

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

#### Brighton & Hove City Plan Part One

SS1	Presumption in Favour of Sustainable Development
CP2	Sustainable economic development
CP3	Employment land
CP7	Infrastructure and developer contributions
CP8	Sustainable buildings
CP9	Sustainable transport
CP10	Biodiversity
CP12	Urban design

#### 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
QD18	Species protection
QD27	Protection of amenity
EM4	New business and industrial uses on unidentified sites

#### Supplementary Planning Documents:

SPD03	Construction & Demolition Waste
SPD11	Nature Conservation & Development
SPD14	Parking Standards

## 8. CONSIDERATIONS & ASSESSMENT

- 8.1. The main considerations in the determination of this application relate to the principle of the development, the design and appearance of the proposal and the impacts upon neighbouring amenity. Transport implications are also material considerations.

#### **Principle of Development:**

- 8.2. The current application is identical to a previously approved and extant planning permission BH2017/02057 - Demolition of existing garages and erection of 2no



two storey office buildings (B1) to the rear of 43 & 45 Clarendon Villas, Hove incorporating parking and associated works. Approved, and this is a material consideration in the determination of this application which must be given substantial weight.

- 8.3. There is no objection to the loss of the 6no existing garages. The proposed business use of the site would be consistent with the NPPF in that it would make effective use of land by reusing land that has been previously developed (brownfield land).
- 8.4. Local Plan Policy EM4 states that planning permission will be granted for new business and industrial uses (Use Classes B1 and B2) on unidentified sites within the built up area boundary provided that seven criteria are met.
- a) There is a demonstrable need for such a use, given the availability of existing land or premises identified in the plan or on the market or with outstanding planning permission;
  - b) The site is readily accessible by public transport, walking and cycling;
  - c) The development would not result in the net loss of residential accommodation;
  - d) The development would not result in the loss of an important open space, an identified Greenway or a nature conservation site as specified in the Plan.
  - e) The development would not have a demonstrably adverse environmental impact because of increased traffic and noise;
  - f) The development would not be detrimental to the amenities of occupiers of nearby properties or the general character of the area; and
  - g) There is adequate landscaped amenity open space.
- 8.5. The proposal was previously considered to comply with all the relevant criteria and it is considered that there has been no material change in the circumstances of the site to indicate a different assessment should be taken now.
- 8.6. There is a long-standing shortage of office employment space in the city, with added pressure on the existing stock from Permitted Development and Prior Approval changes of use. EM4 a) is therefore considered met. Concerns have been raised that the ongoing COVID-19 pandemic has resulted in a reduction in demand for office space. In the absence of any evidence to confirm this and the fact that overall there is a long-standing shortage of office employment space, together with the fact that there is an extant implementable permission, the proposal is considered acceptable.
- 8.7. The site is centrally located near to sustainable transport links, in accordance with EM4 b).
- 8.8. EM4 c), d) and e) are also considered met.
- 8.9. EM4 f) is addressed in a subsequent section of this report but in summary is considered met.

- 8.10. Although there is limited amenity space to meet criteria g, given the constraints of the site, and the location of the site within close proximity to city centre amenities, it is considered that in this case the level of outdoor amenity space is acceptable.
- 8.11. Accordingly there is no objection to the principle of the proposed development.
- 8.12. A condition is recommended to ensure that the development is used as an office and not as any other use within Class E of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), which may not be appropriate for this location. It is noted that residential use would also not be considered appropriate due to the front screening restricting access to outlook, daylight and sunlight.

**Design and Appearance:**

- 8.13. No objection is raised to the loss of the existing garage buildings on the site which are of little architectural value and do not contribute positively to the streetscene or surrounding area.
- 8.14. The proposed office units would be set in a single building within the footprint of the existing garages. The offices would have a single storey appearance with a pitched roof in order to accommodate a mezzanine floor within. The proposal includes excavation of the land to the north of the site in order to reduce the impact of the increase in height of the building. The roof ridge height would be approximately 2.2m higher than the existing flat roof structures and would be 0.8m higher than the existing boundary wall separating the site from the rear gardens of the properties on Goldstone Road to the north. The proposed materials for the building include painted render walls, metal standing seam roof, and aluminium windows and timber/metal doors.
- 8.15. Much of the site is not visible from public view as it is surrounded by semi-detached and terraced residential properties, although the buildings would be glimpsed through the access driveway from Clarendon Villas. The building would be visible from the rear of flats on Clarendon Villas.
- 8.16. The proposed office buildings would not share the defining characteristics of the property frontages of the nearby terraced properties. The existing dwellings on neighbouring streets predominantly consist of two/three storey dwellings with predominantly rendered or brick exteriors, pitched roofs, prominent bay windows and traditional roof dormers. The proposed office building would have a single storey appearance, with a size and scale of the building subservient to and more modern than the more traditional houses surrounding the site.
- 8.17. Although the proposed design would contrast somewhat with these neighbouring properties, the simple modern design would be appropriate as the site does not form part of the street scene. Overall, it is considered that the proposal would preserve the character and appearance of the surrounding area in accordance with policy CP12 of the Brighton and Hove City Plan.

**Impact on Amenity:**

- 8.18. Policy QD27 of the Brighton & Hove Local Plan states that planning permission for any development or change of use will not be granted where it would cause material nuisance and loss of amenity to the proposed, existing and/or adjacent users, residents, occupiers or where it is liable to be detrimental to human health.
- 8.19. The site abuts the gardens of residential dwellings to the north on Goldstone Road, and residential properties converted into flats to the south on Clarendon Villas. The greatest impact would be on the flats directly to the south which are nos. 43 and 45 Clarendon Villas.
- 8.20. The proposed office use, as well as the use of the amenity spaces, car parking spaces and driveway, would intensify the use of the site in an enclosed plot surrounded by neighbouring properties and gardens. It is also accepted that pedestrian movements to and from the site through the access route would increase, and that this could result in some noise and disturbance to the immediate neighbouring residents.
- 8.21. However, with a projected 12 employees the occupancy of the proposed offices would be relatively low, and as an office use there is unlikely to be significant activity outside of daytime office hours. The proposed forecourts/amenity areas may be used by employees for short periods, however given the relatively low level of occupancy of the offices, this is unlikely to cause significant noise disturbance.
- 8.22. Office use can be secured by condition to prevent the development being converted into other Class E uses at a later point which may have an increased impact upon the neighbours.
- 8.23. It should also be noted that the existing garages could be more likely to be used at any time of day (or night), and if used at maximum occupancy with 6 parking spaces (and additional ones in front of the garages), the noise and disturbance from vehicular movements could be more significant than the proposed development which incorporates only 2. no parking spaces.
- 8.24. In view of all of the above it is considered on balance that the proposed office use would not result in significant noise and disturbance to warrant refusal of the application.
- 8.25. The proposal does not include an increase in the height of the rear boundary wall and so would not have an increased impact in terms of overshadowing or overbearing impact upon the gardens of the properties on Goldstone Road.
- 8.26. Whilst the proposed roof ridge would exceed the height of the boundary wall, due to the eaves being set below the top of the parapet and the low roof pitch angle there would be no increased impact upon the northern neighbours in terms of overshadowing or overbearing impact.
- 8.27. Whilst it is accepted that the increased height of the building would have some impact upon the rear windows of the flats on Clarendon Villas, the separation between the proposed building and these properties (approx. 9m) would be

sufficient to prevent a significant overbearing impact or loss of sunlight, daylight or outlook. The proposal does include a dividing fence in closer proximity (approx. 6m) but this fence would be of a proportionately reduced height and so would not have an increased impact on the neighbours than the building itself.

- 8.28. The proposal would create the potential for additional views towards the neighbouring properties on Clarendon Villas, although it is noted that views towards these dwellings are already possible from the existing garages. The proposal includes an approx. 2m high dividing fence/screen to prevent mutual overlooking between the ground floor of the offices and the southerly neighbours. The first floor/mezzanine windows are proposed to have slatted screens to obscure views out. The rooflights would, due to their positioning in the roofslope, only afford views upwards towards the sky. Therefore, and subject to conditions ensuring the implementation of the above mitigating measures and that the first floor/mezzanine windows are additionally fixed shut, it is considered that the proposal would not result in a significant degree of additional overlooking or loss of privacy for the dwellings on Clarendon Villas.

**Sustainable Transport:**

- 8.29. The proposal is unlikely to generate a significant uplift in trip generation and so a financial contribution will not be sought in this instance.
- 8.30. Access to the proposed office units would be via the existing shared access route from Clarendon Road and it is acknowledged that this is not an ideal arrangement. However, in view of this also being the existing arrangement in situ, and the proposal resulting in a significant reduction in parking spaces on the site (from 6no as existing to 2no as proposed) it is considered that this does not warrant a reason for refusal. The Highways Authority have reviewed the scheme and have raised no objection in this regard.
- 8.31. As aforementioned the proposal includes 2no on-site car parking spaces which is in accordance with SPD14 guidance. It should be noted that this is a reduction compared to the number of on-site car parking spaces as existing. Whilst the existing garages may or may not currently be actively used for vehicle parking, this use could resume at any time. It is considered that the likely number of vehicle movements associated with the modest on-site car parking is considered unlikely to cause significant harm to residential amenity.
- 8.32. The site is located within a Controlled Parking Zone and so any demand for on-street car parking permits could be managed by the Local Highways Authority.
- 8.33. The proposal includes changes to the existing hard surfaces, and a condition is recommended to ensure any new hard surfaces are made of porous materials.

**Sustainability:**

- 8.34. A condition is recommendation to ensure that BREEAM 'very good' standard is met in accordance with Policy CP8 of the CPP1.
- 8.35. Details of refuse and recycling facilities can be secured by condition.

**Other Considerations:**

- 8.36. Due to the past uses of the garages, a contaminated land discovery strategy is recommended to be secured by condition.
- 8.37. 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.
- 8.38. 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.

**Conclusion:**

- 8.39. The proposal is identical to an extant permission, and it remains considered that the scheme complies with policy EM4 of the Brighton and Hove Local Plan. The proposed design is considered acceptable. It is considered that the proposal would not give rise to a significant detrimental impact upon neighbouring amenity or the transport network. Sustainability matters including water and energy efficiency and BREEAM standards can be met through suitable conditions. Approval is therefore recommended.

- 9. **EQUALITIES**  
None identified



# **ITEM G**

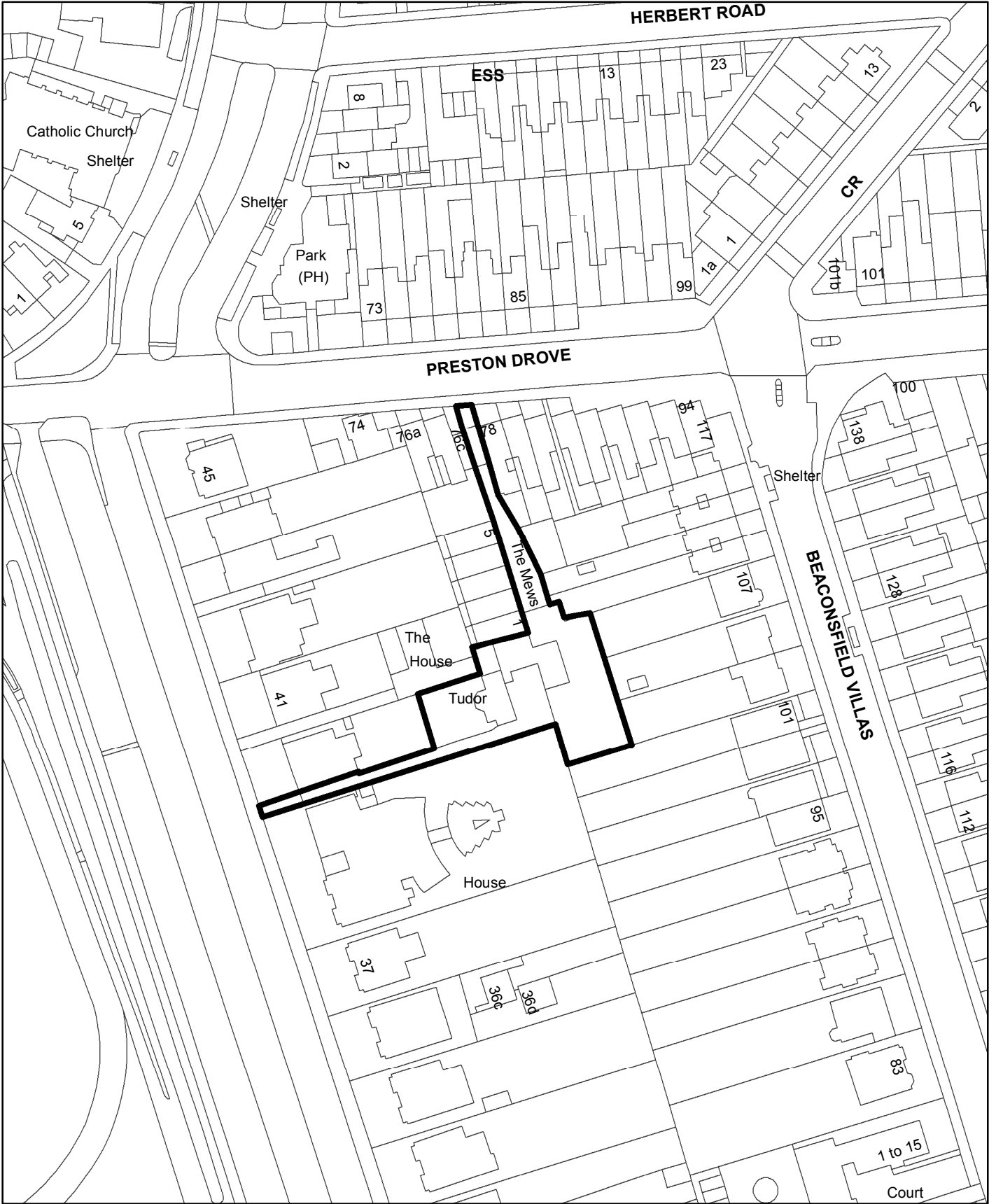
**39A Preston Park Avenue  
BH2020/01969  
Full Planning**

**DATE OF COMMITTEE: 13<sup>th</sup> January 2020**





# BH2020 01969 - 39A Preston Park Avenue



N



Scale: 1:1,250



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

## 1. RECOMMENDATION

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

### Conditions:

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

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

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
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. 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 which was an annexe to the care home at 38-39 Preston Park Avenue. The application site is accessed by a separate driveway fronting Preston Park Avenue and has another point of access from Preston Drive.
- 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 Drive 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; a five bedroom and four-bedroom respectively. The following works are proposed to facilitate the above:
  - 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. During consideration it became necessary to amend the proposal to reflect that some of the works applied for have been started and to address officer concerns discussed later in the report. 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 Stable House (Unit 1).

## 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 news 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 Drove 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 intension 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:  
Pedestrian access to the proposed dwelling entrance appears to be level and therefore acceptable.
- 6.8. 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
- 6.9. 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:

- 6.10. 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:

- 6.11. 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
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 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. 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 Stable House (Unit 1). Currently new windows have only been installed to Unit 1.

- 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. The proposal as submitted included alterations to the larger of the proposed units and a part one, part two storey extension to the smaller proposed dwelling, creation of balconies to both dwellings with associated alterations. The plans also include an external garage for the larger proposed dwelling.
- 9.14. The plans were revised in response to officer comments throughout the application; the subdivision of the garden was altered, the inset balcony to Stable cottage was removed and replaced with a window and additional high-level roof windows have also been added. In addition the external layout of the driveway to Stable cottage was altered and the proposed smaller balcony for Stable House was altered to a Juliet balcony.
- 9.15. As discussed above the revised fenestration alterations to the building have already taken place. The windows installed are grey framed metal windows and doors the proposed balcony to the southern elevation of Unit 1 would be a steel and glass balustrade. Regarding other materials in the development it is understood that the rendering will match the existing rendered colour (white) and there will be grey brickwork as a feature of the design which will complement the grey metal windows and doors. Similarly, the resultant development would have a clay tiled roof as this is not proposed to change. It is noted that many properties within the vicinity have clay tiled (terracotta) roofs. It is welcomed that this feature is to be retained as it preserves the roof appearance of the conservation area.
- 9.16. A new front door is proposed for unit 1, it is of similar appearance to the previous front door with glazing to the top half. The previous door was a single glazed unit

whereas this new front door and adjoining window are formed from a conservation style double glazed front door. From a design point of view aside from the colour there is little difference between the two front doors. The new door is considered acceptable.

- 9.17. The part 1 part two storey extension to the annexe part of the original building will significantly increase the footprint of the building and lead to a better standard of accommodation internally, however this is not to the detriment of the overall plot. The two-storey element will increase the projection to the east 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. As discussed above the extension would be appropriately detailed with materials to match the existing building, except for the new windows, these are acceptable.

Impact on Preston Park conservation area:

- 9.18. 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".
- 9.19. 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. This proposal would provide a resulting development that is significantly less in terms of the footprint and bulk compared to what was refused. The development proposed here is also substantially different as the floor space is not detached does 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.
- 9.20. Although the proposed external garage (in association with Stable House) 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.
- 9.21. 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.

- 9.22. Accordingly, the development would be acceptable in terms of the conservation area and not in conflict with policies HE6 or CP15.

Landscaping:

- 9.23. 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 Stable House (Unit 1) and a long rectangular garden for Stable Cottage (Unit 2). 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 (unit 2) can proceed until the tree protection measures are in place and that these must be maintained and retained throughout construction.

**Standard of Accommodation:**

- 9.24. The proposal seeks to retain the existing character of the building as a larger residence. The proposal would provide 2 dwellings; Stable House (5 bedrooms; 318.02 sqm) and Stable Cottage (3/4 bedrooms; 164.46 sqm).
- 9.25. 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.
- 9.26. 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):

- 9.27. 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.
- 9.28. Stable House also comprises 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 not good throughout the dwelling.
- 9.29. 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):

- 9.30. 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.
- 9.31. 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.
- 9.32. 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:

- 9.33. 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.
- 9.34. 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:**

- 9.35. 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.
- 9.36. 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.

- 9.37. 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.
- 9.38. 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.
- 9.39. 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.
- 9.40. 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:**



- 9.41. 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.
- 9.42. The proposed units benefit from off street parking spaces and separate drives. The provision of off-street parking is considered to be in line with SPD14 and does not exceed the maximum. 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:**

- 9.43. 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:**

- 9.44. 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:**

- 9.45. 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**

**26<sup>th</sup> 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.



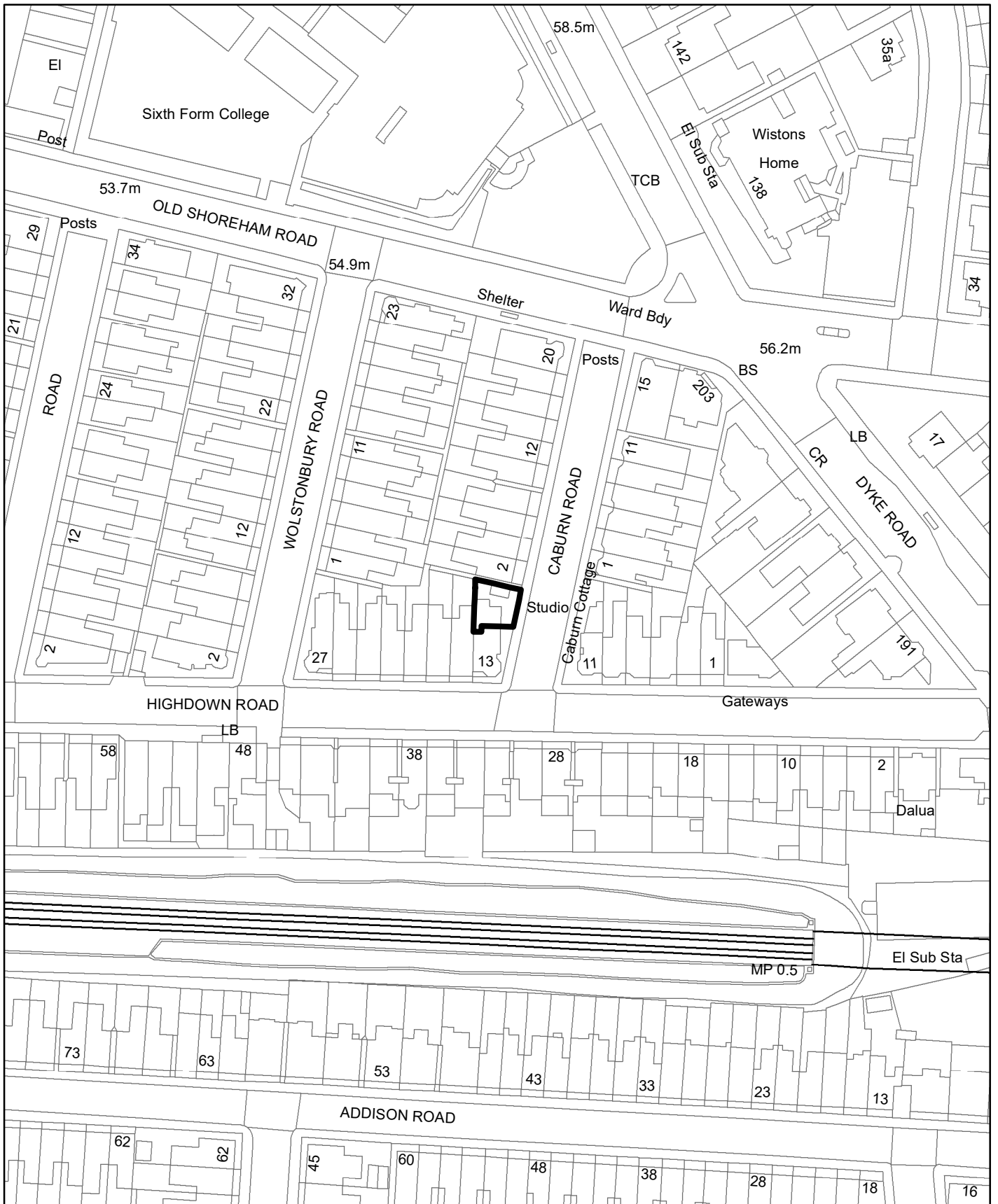
# **ITEM H**

**Studio Cottage, Caburn Road  
BH2020/02829  
Householder Planning Consent**

**DATE OF COMMITTEE: 13<sup>th</sup> January 2020**



# BH2020/02829 Studio Cottage – Caburn Road, Hove, BN3 6EF



**Brighton & Hove  
City Council**



**Scale: 1:1,250**





<b><u>No:</u></b>	<b>BH2020/02829</b>	<b><u>Ward:</u></b>	<b>Goldsmid Ward</b>
<b><u>App Type:</u></b>	<b>Householder Planning Consent</b>		
<b><u>Address:</u></b>	<b>Studio Cottage, Caburn Road Hove BN3 6EF</b>		
<b><u>Proposal:</u></b>	<b>Removal of existing garage to facilitate the erection of a two storey side extension with front porch and replacement single storey rear extension with rooflight and associated works.</b>		
<b><u>Officer:</u></b>	Ayscha Woods, tel: 292322	<b><u>Valid Date:</u></b>	23.10.2020
<b><u>Con Area:</u></b>		<b><u>Expiry Date:</u></b>	18.12.2020
<b><u>Listed Building Grade:</u></b>		<b><u>EOT:</u></b>	
<b>Agent:</b>	Light House Studio The IncuHive Space Mayflower Close Chandlers Ford SO53 4AR		
<b>Applicant:</b>	Mr Richard Monckton 90 Walsall Wood Road Aldridge Walsall WS9 8RA		

## 1. RECOMMENDATION

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

Conditions:

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

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

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Location Plan	20007_001	A	5 October 2020
Block Plan	20007_003	D	8 December 2020
Proposed Drawing	20007_100	F	30 November 2020
Proposed Drawing	20007_101	F	30 November 2020
Proposed Drawing	20007_102	E	30 November 2020
Proposed Drawing	20007_200	F	8 December 2020
Proposed Drawing	20007_300	F	30 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.

3. The bee brick and swift box detailed on the plans submitted 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.

4. The development hereby approved shall only be used as accommodation ancillary to and in connection with the use of the main property as a single dwelling house and shall at no time be occupied as a separate or self-contained unit of accommodation.

**Reason:** In order to protect the amenities of neighbouring properties and potential future occupants because the extension is unacceptable as a new dwelling and in accordance with policies QD27 of the Brighton & Hove Local Plan.

Informatives:

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

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

- 2.1. The application site relates to a two storey, terraced building with a single storey garage which fronts Caburn Road to the east and adjoins the rear of no. 13 Highdown Road to the south.
- 2.2. Planning permission is sought for the removal of the existing garage and its replacement with a two-storey side extension with a front porch, and a replacement single storey rear extension with rooflight, along with associated works.
- 2.3. This application follows pre-application advice (PRE2020/00170). In addition, a number of amendments were received throughout the course of the application which are discussed within the main body of the report.
- 2.4. The site is located within an Archaeological Notification Area; however it is not located within a conservation area, and there are no Article 4 directions covering the site.

## **3. RELEVANT HISTORY**

- 3.1. PRE2020/00170 - Two-storey extension, single storey ground floor extension, replacement single storey extension and erection of porch - Pre-application advice provided - 01/09/20

## **4. REPRESENTATIONS**

- 4.1. One (1) letter has been received supporting to the proposed development on the following grounds:
- Good design in keeping with character and height of surrounding buildings
  - Would reduce the view of the south side of the building to the immediate north of the site.
- 4.2. Nine (9) letters have been received objecting to the proposed development on the following grounds:
- Poor design, inappropriate height, overdevelopment of site
  - Terracing effect through infill of gap which is characteristic of area
  - Overbearing
  - Too close to boundary
  - Loss of light to dwellings/gardens at nos. 15-25 Highdown Road and Caburn Road
  - Loss of view
  - Impact on trees in neighbouring gardens
  - Noise disturbance/parking impacts from building works
  - Impact on living environment and wellbeing
  - Overlooking
  - Would set a precedent
  - Detrimental effect on property value
- 4.3. One (1) letter has been received commenting on the proposed development on the following grounds:
- Inappropriate height of development
  - Overdevelopment
  - Overshadowing
  - Out of keeping
  - Close proximity/loss of light

## 5. CONSULTATIONS

- 5.1. **Sustainable Transport:** No objection subject to cycle parking. No objection to proposed loss of garage, subject to the provision of cycle parking. Proposed cycle storage would not be secure or convenient. Should be located at front. Vehicle parking on existing hardstanding acceptable.

**Amendments were received throughout the course of the application overcoming cycle storage concerns**

- 5.2. **Brighton & Hove Archaeological Society:** Comment. Possible that vestiges of an ancient landscape may still be present. Suggest contact County Archaeology.
- 5.3. **County Archaeology:** No objection. No comments or archaeological recommendations.

## 6. MATERIAL CONSIDERATIONS

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

## 7. POLICIES

### The National Planning Policy Framework (NPPF)

#### Brighton & Hove City Plan Part Two

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

#### Brighton & Hove City Plan Part One

SS1	Presumption in Favour of Sustainable Development
CP9	Sustainable transport
CP10	Biodiversity
CP12	Urban design

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

TR14	Cycle access and parking
QD14	Extensions and alterations
QD18	Species protection
QD27	Protection of amenity

#### Supplementary Planning Documents:

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

## 8. CONSIDERATIONS & ASSESSMENT

- 8.1. The main considerations in the determination of this application relate to the impact of the proposed development on the appearance and character of the building, surrounding streetscene and wider area, and the amenities of the neighbouring properties.

### **Design and Appearance:**

- 8.2. The proposed two storey extension to the north elevation of the existing property would largely infill the existing spacing between the application site and no. 2 Caburn Road to the north. The site is not located within a conservation area, and the loss of the spacing between the application site and terrace houses along Caburn Road is not considered to be significantly harmful to the streetscene or appearance of the wider area given its existing terraced character. Further, a gap, albeit smaller, would be maintained adjacent to the northern property on Caburn Road. As such, the principle of an extension in this location is considered acceptable, subject to the further considerations below.
- 8.3. As originally submitted, the proposed two storey extension measured 4.7m in width, and the spacing of the proposed fenestration to the front elevation was considered to relate poorly to, and appear somewhat disjointed from, the fenestration of the of the main and adjoining building. The width of the extension in close proximity to no. 2 Caburn Road also raised amenity concerns (discussed below). Amendments were sought throughout the course of the application to address these concerns. The scheme was amended accordingly, with a revised extension width of 4.2m, and revised spacing of the fenestration.
- 8.4. The two-storey extension would be set back from the front building line and set down from the ridge of the main building, and would include a front porch. It would have a subservient appearance, in accordance with SPD12 guidance. The extension would be finished in white painted brick to the front and rear, with unpainted brick to the north side, and plain roof tiles, which would match the appearance of the existing building. In addition, following amendments, the proposed fenestration to the front would relate well to the existing windows of the main building and appear suitable within the streetscene.
- 8.5. The proposed two storey extension is therefore considered a suitable addition to the building that would not harm its appearance or that of the wider area, in accordance with policy QD14 of the Brighton & Hove Local Plan and SPD12 guidance.
- 8.6. The proposed single storey replacement rear extension is considered a suitable and subservient addition to the building which would not be visible in the streetscene, in accordance with policy QD14.

### **Impact on Amenity:**

- 8.7. It is noted that a site visit has not been undertaken in this instance, in light of Covid restrictions; however, the impacts of the proposal can be clearly assessed

from the plans provided and from recently taken aerial imagery of the site. In addition, the applicant provided site photos as part of the submission, and additional photos throughout the course of the application.

- 8.8. The works would be located to the northern side of the property and would not appreciably impact on no. 13 Highdown Road adjoining to the south.
- 8.9. Whilst the proposal would result in a two storey addition in closer proximity to no. 2 Caburn Road to the north than is currently the case, the property has no facing side windows so loss of privacy or light would occur to this elevation. The extension would not project beyond the rear building line of no. 2, and due to its orientation, would not result in any overshadowing of this property.
- 8.10. The single storey rear extension would project to the same depth as the existing extension, and the west elevation of the proposed two storey extension would be set away from the boundary of no. 15 Highdown Road to the west by 2m.
- 8.11. Due to the orientation of the site, and the separation distance between the extension and the neighbouring garden of no. 2 Caburn Road, and 15 Highdown Road to the west, the extension would result in little to no overshadowing above and beyond the existing situation, and any increased overshadowing would only occur in the early part of the day.
- 8.12. The rear extension would not include any windows in the first floor of the rear or north side elevation and would not result in any significant overlooking or loss of privacy.
- 8.13. The replacement single storey extension is therefore considered acceptable in relation to impacts on amenity.
- 8.14. It is acknowledged that the existing amenity space for the occupants of the application property is somewhat small, measuring 14.6sqm, and the two storey side extension would further reduce this space. However, the proposal would only result in a minimal loss of 0.5sqm of amenity space, so the impact is not considered significant, with a sufficient level retained.
- 8.15. It is noted that an objection has been raised with concerns of the proposed intended use and potential for the additional space to be let out independently from the main building, with subsequent noise disturbance and impact on parking. The floor plans detail that the extension would facilitate a hallway, study and new bedroom and would have internal connections with the main building. In addition, there is only one entrance doorway to the building. The applicants have confirmed that the additional space would be to support a growing family and there is no intention of letting the space out. A condition is recommended to ensure that the development is not used separately or independently from the main dwelling. This being the case, the proposed use would not result in any significant noise disturbance or impact on parking.
- 8.16. The impact on the adjacent properties at Highdown Road to the south and west of the application property, and 2 Caburn Road to the north has been fully

considered in terms of daylight, sunlight, outlook and privacy and no significant harm has been identified.

**Sustainable Transport:**

- 8.17. The Highway Authority raised no objections to the loss of the existing garage subject to the provision of secure and convenient cycle parking. An amended scheme was provided during the course of the application providing a cycle store at the front of the property, which is considered acceptable.
- 8.18. The scheme includes the provision of an acceptable sized space parking for 1no. vehicle to the front hardstanding, which is in accordance with SPD14 parking standards.
- 8.19. The proposal would not result in any significant impact on street parking and is not considered to result in any significant uplift in trip generation.

**Other matters:**

- 8.20. Since November 2019 the Council has adopted the practice of securing minor design alterations to schemes with the aim of encouraging the biodiversity of a site, particularly with regards to protected species such as bumblebees. A bee brick should be included within the proposed extension in order to help meet the requirements of policies QD18 of the Brighton and Hove Local Plan and CP10 of the City Plan Part One. It is noted that the plans detail that the two storey extension would include a swift box to the north elevation, and a bee brick to the front. This is welcomed and would be secured by condition.

**9. EQUALITIES**

None identified.





# **ITEM I**

**7B Wentworth Street  
BH2020/02482  
Full Planning**

**DATE OF COMMITTEE: 13<sup>th</sup> January 2020**



# BH2020/02482 7B Wentworth Street



**Brighton & Hove  
City Council**



**Scale: 1:1,250**



<b><u>No:</u></b>	<b>BH2020/02482</b>	<b><u>Ward:</u></b>	<b>Queen's Park Ward</b>
<b><u>App Type:</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>7B Wentworth Street Brighton BN2 1TT</b>		
<b><u>Proposal:</u></b>	<b>Roof alterations including raising the ridge height to facilitate the installation of an additional floor, rooflights to the front and rear elevations and revised fenestration to facilitate the creation 3no additional bedrooms to existing (C4) property.</b>		
<b><u>Officer:</u></b>	Nicola Van Wunnik, tel: 294251	<b><u>Valid Date:</u></b>	10.09.2020
<b><u>Con Area:</u></b>		<b><u>Expiry Date:</u></b>	05.11.2020
<b><u>Listed Building Grade:</u></b>		<b><u>EOT:</u></b>	
<b><u>Agent:</u></b>	Whaleback Ltd. Office 11 The Old Bank 257 New Church Road Hove BN3 4EE		
<b><u>Applicant:</u></b>	Lazova Investment Properties Ltd C/o Whaleback Office 11 The Old Bank 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.

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Location Plan	EXT.01A		4 September 2020
Proposed Drawing			4 September 2020

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

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

3. The second floor kitchen and living/dining room area as detailed on the approved plans 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 to comply with policy QD27 of the Brighton & Hove Local Plan.

4. The development hereby permitted shall not be commenced until full details of all new sliding sash window(s) and their reveals and cills including 1:20 scale elevational drawings and sections and 1:1 scale joinery sections have been

submitted to and approved in writing by the Local Planning Authority. The windows shall be painted timber double hung vertical sliding sashes with concealed trickle vents. The works shall be carried out and completed fully in accordance with the approved details, prior to the additional bedrooms being occupied and shall be retained as such thereafter.

**Reason:** As this matter is fundamental to the acceptable delivery of the permission to ensure a satisfactory appearance to the development and to comply with policy HE6 of the Brighton & Hove Local Plan and CP15 of the Brighton & Hove City Plan Part One.

5. Notwithstanding the approved plans, full details of the proposed rooflights shall be submitted to and approved by the Local Planning Authority in writing. The rooflight(s) 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 and retained as such thereafter.

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

6. All new render finishes 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 HE6 of the Brighton & Hove Local Plan and CP15 of the Brighton & Hove City Plan Part One.

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

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

8. The external surfaces of the roof hereby permitted shall be natural slate and match in material, colour, style, bonding and texture those of the existing building and retained as such thereafter.

**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.

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

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

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. With regards to condition 5, the size of these rooflights should not exceed 517x980mm.

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

- 2.1. The application site relates to a two storey, terraced building located on the western side of Wentworth Street. The site is within the East Cliff conservation area and within the boundary of the Queen's Park Ward, which is covered by an Article 4 Directive restricting permitted development rights to convert single dwellinghouses (Planning Use Class C3) to Houses in Multiple Occupation (HMO)(Planning Use Class C4). Wentworth Street is narrow, with the eastern side containing the rear of listed properties fronting New Steine.
- 2.2. Planning permission was granted in 2019 to change the use of the property from a single dwellinghouse (C3) to a small house in multiple occupation (C4) with a condition restricting occupancy to a maximum of three.
- 2.3. This application proposes alterations which would allow a maximum occupancy of six occupants. The house would remain in the C4 (small HMO) Use Class.
- 2.4. The application proposes to raise the ridge height of the building by 1.2m to create useable loft accommodation at the second floor level, and the insertion of rooflights to the front and rear roofslopes. The loft space would contain a communal kitchen and living room for occupants, as well as a single bedroom and toilet/ shower room. The first floor would be reconfigured to form five further bedrooms and two small bathrooms. The application also seeks consent for revised fenestration to the front elevation.
- 2.5. No site visit was carried out for this application due to Covid restrictions, but it was possible to make use of photographs taken for the previous application, as well as using up-to-date streetview and aerial views of the site. The absence of a site visit on this occasion did not hamper consideration of the application.

## **3. RELEVANT HISTORY**

- 3.1. **BH2020/00217** Roof alterations including raising the ridge height to facilitate the installation of an additional floor, rooflights to the front and rear and revised fenestration to facilitate the creation 3no. additional bedrooms to existing (C4) property (Amended Description). Refused 5/6/2020 on the following ground:

*The proposed accommodation within the converted loft-space, due to its limited usable floor area, limited head height and poor outlook, would offer a poor standard of accommodation, detrimental of the amenities of future occupants, contrary to policy QD27 of the Brighton and Hove Local Plan.*

- 3.2. /00244 - Raising the roof of the property to facilitate a new floor level with associated alterations. Response provided 12 December 2019.
- 3.3. **BH2019/02646** - Change of use from 3no bedroom flat (C3) to 3no. bedroom small house in multiple occupation (C4). (Retrospective) Approved 07/11/2019
- 3.4. Condition 3  
*The room annotated as 'communal' as set out on the proposed floor plans drawing 2005 002, received 04 Sep 2019, shall be retained as communal space and shall not be used as a bedroom at any time Reason: To ensure a suitable standard of accommodation for occupiers and to comply with policy QD27 of the Brighton & Hove Local Plan.*
- 3.5. Condition 4  
*The HMO unit hereby approved shall only be occupied by a maximum of three (3) persons. Reason: To ensure a satisfactory standard of accommodation for future occupiers and to comply with policy QD27 of the Brighton & Hove Local Plan.*
- 3.6. **BH2018/02903** - Raising of roof to facilitate second floor including re-distribution of space to allow enlargement of 7C (C3) and provision of additional space and alteration to 7B (C4). Appealed for non-determination; appeal withdrawn
- 3.7. **BH2017/01014** (7A & 7B Wentworth Street) Revised fenestration to front elevation and conversion of garage into habitable space with associated alterations. Approved 18/5/2017
- 3.8. **BH2001/00631/FP** (7C Wentworth Street) Conversion of garage to self-contained bedsit flat with elevational alterations. Approved 26/11/2001.
- 3.9. **73/1840** (7A & 7B Wentworth Street) Conversion of existing premises (flat and store) to form two self-contained flats. Approved 13/07/1973.

#### **4. REPRESENTATIONS**

- 4.1. **Nine (9)** letters have been received objecting to the proposed development for the following reasons:
  - Poor design, adversely affects the conservation area, including loss of chimney
  - Overdevelopment
  - Increase in noise/disturbance/potential 'party house'
  - Head height restrictions in rooms limit useable space
  - Overshadowing
  - Loss of privacy



- Too many HMOs in the area - profits over community
- Increased foot and vehicle traffic
- Increased litter
- Previous applications have not been implemented fully
- Existing property not well-maintained
- Applicant owns flat below the application site - could form eight bedroom party house

## 5. CONSULTATIONS

### Internal

- 5.1. **Heritage:** No Objection Supported recent (refused) application. Current proposal minor alterations to that, including to internal layout, third roof light to front, and revised fenestration. Additional rooflight not considered harmful to character and appearance of conservation area, but size should not exceed 517x980mm. Proposal for vertically proportioned sliding-sash timber windows on frontage supported. Details of rooflights and fenestration should be secured by condition.
- 5.2. **Housing Strategy:**  
No comments received
- 5.3. **Private Sector Housing:**  
No comments received
- 5.4. **Verbal Transport Comments:**  
No objection to the scheme. Due to constraints of the site - no cycle parking possible. Car free condition to be added if approved. Likely to generate some up lift in trips but not significant enough to refuse.

### External

- 5.5. **Conservation Advisory Group** Recommend refusal due to impact of increased ridge height on house to immediate north; loss of chimney stack; proportions of facade unbalanced; replacement of front doors should have graduated six-panelled sections with smallest at top. Requests referral to the Planning Committee unless refused under delegated powers.

## 6. MATERIAL CONSIDERATIONS

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

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

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

## 7. POLICIES

### The National Planning Policy Framework (NPPF)

#### Brighton & Hove City Plan Part Two

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

#### Brighton & Hove City Plan Part One

SS1	Presumption in Favour of Sustainable Development
CP1	Housing delivery
CP9	Sustainable transport
CP12	Urban design
CP13	Public streets and spaces
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
HO14	Houses in multiple occupation (HMOs)
SU10	Noise Nuisance
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
SPD14	Parking Standards

## **8. CONSIDERATIONS & ASSESSMENT**

8.1. The main considerations in the determination of this application relate to the design and appearance of the external works proposed on the host building, setting of nearby Listed Buildings and the wider conservation area, standard of accommodation proposed and the impact of the additional occupancy on residential amenity of neighbouring occupiers and future residents. The impact of the works on transport and car parking is also a consideration.

8.2. The current proposal follows an approved application (BH2019/02646) for the change of use from a three-bedroom flat to a three-bedroom small house in multiple occupation (C4). An application submitted earlier this year for works similar to this proposal was refused due to the poor standard of accommodation (BH2020/00217).

### **Principle of Development**

8.3. Policy CP21 of the City Plan Part One seeks to ensure that mixed and balanced communities are retained, and that a range of housing needs can be provided throughout the city. Changes of use to a house in multiple occupation - whether that be a small HMO (C4) or large HMO (Sui Generis ) - will only be permitted where the number of residential properties in use as HMOs within 50m of the application site makes up less than 10% of the total number of residential units.

8.4. The existing property has a lawful use as a (C4) small house in multiple occupation. It is acknowledged that the proposed alterations would facilitate an increase in the number of occupants from three to six. However, as the property would remain in the same use class (C4), Policy CP21 is not applicable, and there is no objection to the principle of intensification of use, subject to compliance with other policies.

### **Design and Heritage:**

8.5. 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.

8.6. 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".

8.7. This application follows pre-application advice provided in November 2019, and an application refused in relation to the standard of accommodation provided (BH2020/00217). As set out above, the physical works proposed in the current scheme comprise the raising of the ridge height to allow accommodation in the roof space, three roof lights on the frontage, and revisions to the Wentworth

Street fenestration, all of which are supported by the Council's Heritage team, which also supported the previous scheme.

- 8.8. The proposed roof alterations would increase its ridge height by 1.2m, with the roof pitch matching the existing, finished with natural slate tiles. The proposed increase materials and ridge height are considered acceptable as they would maintain the varied roof-forms along the western side of Wentworth Street
- 8.9. It is also proposed to reorganise the fenestration to the front elevation, including replacing casement windows with timber sliding sash windows, which is welcomed and would result in more uniform appearance to the front of the property, better in keeping with the conservation area.
- 8.10. SPD12 advises that in Conservation Areas, a single rooflight may be acceptable in order to preserve the historic character of buildings and streetscenes. In this application, three rooflights are proposed to the front and three to the rear elevations which is in excess of the adopted guidance. However, the roof slope of the property is not visible from public vantage points. The roof slopes of the properties on Wentworth Street are varied and even if the ridge height of this property is extended, this roofslope would not be prominent. It is wide enough to accommodate three roof lights without appearing crowded or harming the historic character of the property or the area. Furthermore, the Council's Heritage officer does not object to the number of rooflights proposed, subject to a planning condition securing roof light details.
- 8.11. It is acknowledged that the loss of the chimney has caused some concerns from neighbours and the Conservation Advisory Group. However as noted above, the roofslope of this property is not visible from public vantage points, is not prominent in the streetscene and is not significant to the historic character of the property. Furthermore it is considered that this application offers the opportunity to improve the front elevation of the property as a whole and the loss of the chimney is considered acceptable in this instance.
- 8.12. Concerns have also been cited that the previous works to the property have been done in a 'piecemeal fashion'. The improved window configuration in the 2017 approval (change of use to garage residential accommodation) was not implemented when the conversion was undertaken, and the approved works were not completed in their entirety. However, this was not a formal breach of a planning condition.
- 8.13. Nevertheless, it is considered justifiable to ensure that works to improve the windows are completed as an integral part of the development, which can be controlled by condition. With a suitably worded condition in place, the applicant will be required to undertake the improvements to the front elevation prior to the increase in occupation of the building occurring.
- 8.14. Subject to the imposition of conditions, therefore, the external alterations are not considered to cause any harm to the character and appearance of the host property, the Wentworth Street streetscene, the setting of nearby Listed Buildings or the wider East Cliff conservation area in accordance with policies.

### **Standard of Accommodation**

- 8.15. It is noted that the existing layout of the HMO is not the layout that was approved under application BH2019/02646. One of the bedrooms is accessed via the communal space, instead of via a hallway and an additional bathroom has been included on the first floor. It can be seen therefore that the applicant is breach of condition 3 of this approval which required the communal space outlined on the approved plans to a retained for communal use. This change in layout does not, however, allow additional occupation beyond that which has been approved in 2009. Communal space remains for the three occupants, and an additional bathroom has been created.
- 8.16. More recently, the additional bedrooms which were proposed in the previous, refused application were to be located in the loft space and were considered unacceptable due to the cramped nature and restricted outlook of the bedrooms. The current application proposes similar external works for the property. This application seeks to respond to the reason for refusal by locating the communal living space in the converted roof space and locating all but one of the bedrooms at first floor level.
- 8.17. The 'Nationally Described Space Standards' (NDSS) were introduced by the Department for Communities and Local Government in 2015 to establish acceptable minimum floor space for new build developments. Although these space standards have not been formally adopted into the Brighton and Hove City Plan, Draft City Plan Part 2 proposes to adopt them and indicates a direction of travel on behalf of the LPA.
- 8.18. The NDSS provides a useful guideline on acceptable room sizes that would offer occupants useable floor space once the usual furniture has been installed. The NDSS identifies a minimum floor space that should be achieved for a single bedroom as measuring at least 7.5sqm, and a double bedroom should measure at least 11.5sqm. The minimum floor space requires a head height of above 1.5m. The proposed bedrooms are:
- Bedroom One: 9.6m<sup>2</sup>
  - Bedroom Two: 9.15m<sup>2</sup>
  - Bedroom Three: 8.6m<sup>2</sup>
  - Bedroom Four: 8.5m<sup>2</sup>
  - Bedroom Five: 8m<sup>2</sup>
  - Bedroom Six (in roofspace): 9.9m<sup>2</sup> over 1.5m head height
- 8.19. In this application, all of the proposed bedrooms meet the minimum required floor space standards as a single bedroom occupation so meet the NDSS standards, and could be furnished whilst providing adequate circulation space.
- 8.20. Occupiers in HMOs are more likely to spend a significant amount of time in their individual bedrooms, so natural light and outlook to the bedrooms is considered to be of increased importance in the layout of these properties.
- 8.21. Although each of the bedrooms would exceed 7.5sqm, the second floor bedroom would be within the roof space adjacent to the communal kitchen/lounge area.

This bedroom would be served by two rooflights for natural light and ventilation, but without other windows. This is not ideal, but given that it is an adequately sized room, the rooflights would be at head height so some outlook would be possible, and given the other bedrooms are considered well-proportioned and with good outlook, it is felt that overall the standard of bedroom accommodation is sufficient, and would not be detrimental to the amenity of future occupiers.

- 8.22. With reference to the communal areas, approximately 27sqm of kitchen /living space would be available for future inhabitants of the HMO, which is considered acceptable for the level of occupancy proposed. The submitted section shows that rooflights related to the communal areas would be positioned to provide some views of the surrounding area, not just skyward views. Two toilet/shower rooms are provided for the occupiers on the first floor and a larger toilet/shower room on the second floor. This is considered an adequate provision for 6 occupants. Conditions are recommended to retain the floor plan shown on the approved plans. A condition to restrict occupancy of the building to six occupants is not required in this instance as 6 is the maximum number of occupiers for a C4 HMO.
- 8.23. Overall the standard of accommodation is considered acceptable.

**Impact on Amenity:**

- 8.24. 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.
- 8.25. Due to the Covid-19 pandemic a site visit has not been undertaken in this instance, however, the impacts of the proposal can be clearly assessed from the plans provided and site photographs.
- 8.26. Neighbour representations have raised concerns on the basis that the development would lead to increased noise and disturbance. It is acknowledged that the additional three residents could have the potential to increase the noise output of the property. However it is considered that in this central location, the increase in occupancy would not result in an increase so significant as to warrant refusal of the application.
- 8.27. A HMO with six adults is not considered at conflict with the prevailing residential character of the area. The locality has a range of different types of property and the continued use of the property as a small HMO use Class C4 is compatible with other residential uses in the vicinity.
- 8.28. The applicant has confirmed that soundproofing measures would be installed to the new walls which is considered acceptable for the determination of this application. The proposed roof extension would be subject to Building Regulations which would require adequate sound proofing measures are incorporated.

- 8.29. Representations received from neighbours indicate that there have been issues with current occupants of the property, citing anti-social behaviour and concern that additional bedrooms will exacerbate current problems. Council records show there have been no noise complaints regarding the property since 2009. There is Environmental Health legislation in place to deal with noise issues from residential properties and this would offer protection should issues arise in the future.
- 8.30. It is noted however that this property does have a permitted use as a HMO and an additional three bedrooms would not result in a demonstrable increase in noise and disturbance sufficient to warrant refusal, particularly given the noise which could result from a large family living in such accommodation. It is also noted that the new communal areas would be at the rear of the property, without windows facing onto the street which would help to minimise noise.
- 8.31. Comments have also been received raising concerns with regard to loss of privacy and overshadowing. Given the height of the proposed rooflights, these have been positioned to provide natural light and outlook, but by their very nature, the direct outlook from the rooflights to neighbouring properties would be restricted by their angle. Direct views into neighbouring windows would be limited. For this reason, this proposal would not result in significant loss of privacy or harmful overlooking.
- 8.32. It is noted that the proposal may cause some additional overshadowing of the rear windows of the properties fronting Margaret Street, however it is considered that this would not result in significant degree of harm to warrant refusal. The existing arrangements and layouts of the properties means that restrictions in light already exist between properties and by raising the ridge height by 1.2 metres, additional increase in overshadowing would be relatively small and not so significant as to warrant refusal of the application.

**Sustainable Transport:**

- 8.33. The Sustainable Transport Team have reviewed the application and have no objection to the scheme. It is considered that the additional bedrooms would result in some uplift in trip generation from the site, but not so significant as to warrant refusal for the development. The central location of the site means that occupants would be well-served in terms of sustainable transport options. It is noted that the site is constrained and there is no space for cycle storage that might otherwise have been required for a development of this sort and so this will not be requested on this occasion.
- 8.34. In regard to car parking, currently the existing property could be occupied by three adults and the occupants are entitled to parking permits. This application would see a doubling of residents with six occupants entitled to car parking permits. Due to the additional bedrooms being proposed, it is considered that the development may put further strain on parking provision in the vicinity of the site and it is therefore justifiable to seek a car-free condition on the planning permission. Restricting access to private car use will also encourage the use of sustainable transport modes in accordance with CP9 of the Brighton and Hove City Plan.

**9. EQUALITIES**

- 9.1. None identified. There are no proposed alterations from the street access to the property.



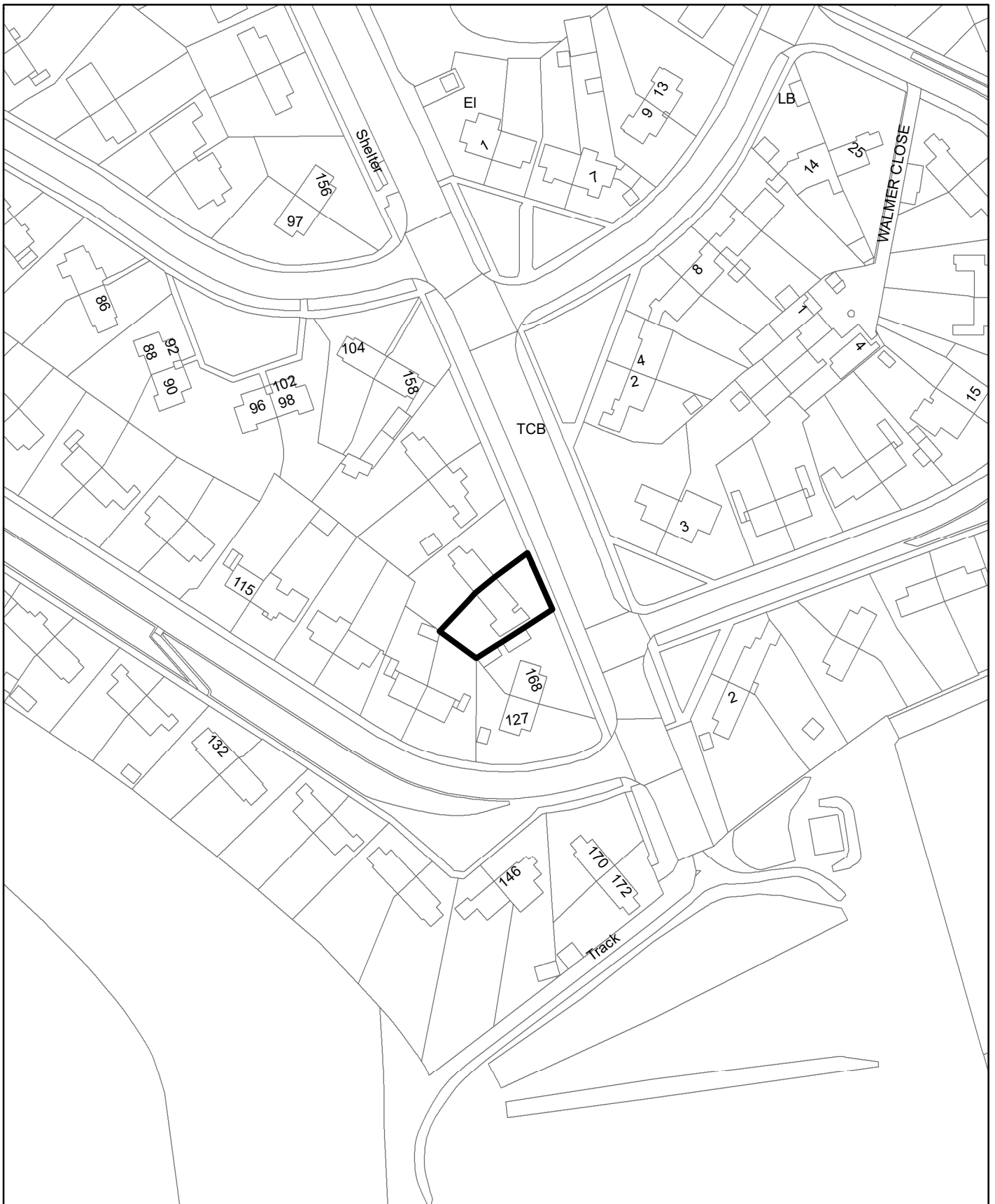
# **ITEM J**

**166 Heath Hill Avenue  
BH2020/03006  
Full Planning**

**DATE OF COMMITTEE: 13<sup>th</sup> January 2020**



# BH2020/03006 166 Heath Hill Avenue



**Brighton & Hove  
City Council**



**Scale: 1:1,250**



<b><u>No:</u></b>	<b>BH2020/03006</b>	<b><u>Ward:</u></b>	<b>Moulsecoomb And Bevendean Ward</b>
<b><u>App Type:</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>166 Heath Hill Avenue Brighton BN2 4LS</b>		
<b><u>Proposal:</u></b>	<b>Change of use from existing 6no bedroom small house in multiple occupation (C4) to a 8no bedroom large house in multiple occupation (sui generis).</b>		
<b><u>Officer:</u></b>	Rebecca Smith, tel: 291075	<b><u>Valid Date:</u></b>	21.10.2020
<b><u>Con Area:</u></b>		<b><u>Expiry Date:</u></b>	16.12.2020
<b><u>Listed Building Grade:</u></b>		<b><u>EOT:</u></b>	
<b><u>Agent:</u></b>	Lewis And Co Planning SE Ltd Road Brighton BN1 5PD	Lewis & Co Planning	2 Port Hall
<b><u>Applicant:</u></b>	Rivers Birtwell BN1 5PD	C/o Lewis & Co Planning	2 Port Hall Road Brighton

## 1. RECOMMENDATION

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

### Conditions:

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

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

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Proposed Drawing	SUI.01	A	8 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 large HMO (sui generis) hereby approved shall only be occupied by a maximum of eight (8) persons.

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

4. The development hereby approved shall be implemented in accordance with the proposed layout detailed on the proposed floorplan, drawing no SUI.01 Rev A, received on 8th December 2020 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.

5. 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.

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

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

Informatives:

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

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

- 2.1. The application site relates to a two-storey, semi-detached property with loft and garage conversions to provide additional habitable space. The application site is not listed, and does not lie within a conservation area.
- 2.2. The site is in 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.
- 2.3. This application seeks planning permission for change of use from a six-person/six-bedroom small house in multiple occupation (HMO - Planning Use Class C4) to a large HMO (sui generis use, falling within no use class) accommodating eight people across eight bedrooms. The application does not include any external alterations.

- 2.4. During the consideration of the application, minor amendments were made to the proposed layout to improve circulation space and the overall quality of the communal areas.

### 3. RELEVANT HISTORY

- 3.1. **BH2019/00921** - Certificate of Lawfulness for the proposed erection of a hip-to-gable side roof extension. The proposal also incorporates the erection of a rear dormer, and the installation of 3no. roof lights to the front slope. **Approved 01.05.2019**
- 3.2. **BH2018/02491** - Application for approval of details reserved by condition 6 of application BH2018/00095. **Approved 20.09.2018.**
- 3.3. **BH2018/02316** - Application for removal of condition 5 of BH2018/00095 (Change of use from dwelling house (C3) to six bedroom small house in multiple occupation (C4) incorporating conversion of garage into habitable space) relating to removal of permitted development rights. **Refused 12.09.09.2018. Appeal Allowed.**
- 3.4. **BH2018/00095** - Change of use from dwelling house (C3) to six bedroom small house in multiple occupation (C4) incorporating conversion of garage into habitable space. **Approved 11.06.2018**

### 4. REPRESENTATIONS

- 4.1. **Three (3)** letters has been received objecting to the proposed development for the following reasons:
- Additional traffic and increased parking demand
  - Detrimental effect on property value
  - Noise/disruption from increased comings and goings
  - Overdevelopment
  - Exceeds capacity of the area for HMOs
  - Pressure on community services
  - Loss of homes suitable for families, sense of community, and provision of activities etc. in area
  - Loss of privacy
  - Increased litter
  - Enough student accommodation elsewhere
- 4.2. **Councillor Yates** has objected to the application. A copy of the representation is attached.

### 5. CONSULTATIONS

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

- 5.2. **Planning Policy:** No comment
- 5.3. **Private Sector Housing:** No comment received
- 5.4. **Sustainable Transport:** No objection Additional trip generation from two bedrooms insignificant; seek Sheffield cycle stands within cycle store to improve useability. Note existing parking space on driveway may not suit all vehicles so some overspill carparking may occur, but sufficient parking on street to accommodate. No CPZ in area.

## 6. MATERIAL CONSIDERATIONS

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

## 7. POLICIES

### The National Planning Policy Framework (NPPF)

#### Brighton & Hove City Plan Part Two

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

#### Brighton & Hove City Plan Part One

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



CP21 Student housing and Housing in Multiple Occupation

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

TR14 Cycle access and parking  
SU9 Pollution and nuisance control  
SU10 Noise Nuisance  
QD27 Protection of amenity  
HO5 Provision of private amenity space in residential development

Supplementary Planning Documents:

SPD14 Parking Standards

## **8. CONSIDERATIONS & ASSESSMENT**

- 8.1. The main considerations in the determination of this application relate to the principle of the change of use, the standard of accommodation to be provided, the effects of the proposed change of use on neighbours' amenity and transport matters.
- 8.2. Due to the ongoing coronavirus pandemic a physical site visit has not taken place 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 Change of Use:**

Existing layout:

- 8.3. The property is already in lawful use as a six-bedroom, six-person HMO (planning use C4)(planning permission BH2018/00095).
- 8.4. The current layout of the property is not as per the plans approved under BH2018/00095, but the deviation does not breach any conditions, including condition 3 which sought to safeguard the layout of the communal space within the house. The current layout, with two bedrooms in the roof, was possible after planning permission was granted on appeal against the removal of householder 'permitted development' rights at the property (ref. BH2018/02316).
- 8.5. This was then followed by a certificate of lawfulness application (BH2019/00921) which approved the installation of a rear dormer and front rooflights, which then allowed the formation of two bedrooms in the roof, and two larger bedrooms at first floor level instead of four.
- 8.6. This being the case, the current layout is therefore lawful in planning terms.

### Policy CP21:

- 8.7. The change of use from C4 HMO to a sui generis large HMO requires the application to be assessed against policy CP21 of City Plan Part 1, with clause (ii) of the policy specifically addressing the issue of changes of use to planning

use class C4, a mixed C3/C4 use or to a sui generis HMO, regardless of the existing use. The policy states that:

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

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

- 8.8. A mapping exercise has been undertaken which indicates that there are 16 properties within a 50m radius of the application property, none of which have been identified as being in HMO use. The percentage of neighbouring properties in HMO use within the radius area is thus 0%. It is appreciated that the application site is a HMO but 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.
- 8.9. Based on the existing percentage of neighbouring properties in HMO use, which is less than 10%, the principle of change of use to a three-bedroom HMO (C4) would not be in conflict with the aims of policy CP21, and it is not considered that the use would result in an overproliferation of HMOs in the area, or otherwise be detrimental to supporting a mixed and balanced community in the area.

**Standard of Accommodation:**

- 8.10. The existing layout comprises a kitchen/living/dining area for the six occupiers, a shower room and two bedrooms on the ground floor. On the first floor there are a further two bedrooms and a shower room. In the converted loft space, there are a further two bedrooms with a further shower room.
- 8.11. This proposal seeks to revise the internal layout to facilitate a further two bedrooms, creating eight in total. The new bedrooms would be created out of the three largest bedrooms on the ground and first floors. The smaller ground floor bedroom would be changed to provide further communal space to facilitate the additional occupiers. The loft arrangement would remain as existing.
- 8.12. The eight bedrooms would range in size from 7.5sqm to 9.44sqm, including, in the loft, space with a head height of greater than 1.5m from the internal floor level. Although not yet adopted policy, the Government's Nationally Described Space Standards (NDSS) do provide a useful point of reference for assessing new residential uses. Policy DM1 (which would be applicable to HMOs by requirement of policy DM7) of the draft City Plan Part Two proposes to adopt the NDSS. It is noted that the bedrooms would meet the minimum size indicated by the Space Standards for a single occupancy bedroom. Furthermore, having reviewed photographs of the existing layout, which includes some bedrooms which are unchanged by this proposal, a furnished layout (i.e. bed, desk, chair and storage furniture) can be achieved throughout that is not cramped or restrictive for an adult to live comfortably with adequate circulation space.

- 8.13. The revised bedroom layout would utilise existing windows within the property so each bedroom in this eight-bedroom proposal 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 existing windows.
- 8.14. The existing communal space would remain, with additional space provided by converting an existing ground floor bedroom into a dining area. The larger communal room would house the kitchen and living space, as is currently the case. The kitchen would remain in its current location and would provide sufficient space for the residents to cook and for the storage of food and cooking equipment.
- 8.15. During consideration of this application, the indicative layout shown was altered. Initially a 'TV room' was proposed in the smaller communal area, and a dining room in the larger room, but this was considered cramped for eight people, without adequate circulation space when furnished. In response to concerns raised, the areas were swapped, with the dining area now occupying the smaller space. This is considered to allow more circulation space, particularly as it is open plan. The revised layout is considered to provide a good standard of accommodation for future occupiers of this large HMO.
- 8.16. This assessment has been made on the basis that the property would be used as an eight-bedroom, eight person HMO. A condition is recommended restricting the occupancy to eight people. This is because none of the bedrooms are large enough to support double occupancy and the communal areas (kitchen/living/dining) would be very cramped for more than eight residents.
- 8.17. Overall, the property would provide a good standard of accommodation for future occupiers of the development in accordance with paragraph 127f of the NPPF, and Local Plan policies QD27 and HO5 of the Brighton and Hove Local Plan

**Impact on Amenity:**

- 8.18. Policy QD27 of the Brighton & Hove Local Plan states that planning permission for any development or change of use will not be granted where it would cause material nuisance and loss of amenity to the proposed, existing and/or adjacent users, residents, occupiers or where it is liable to be detrimental to human health.
- 8.19. The proposed change of use from a six-person small HMO to an eight-bedroom HMO (sui generis) would create more comings and goings from the property as the number of occupants would increase. However, given the layout of the property and the location of the front door and communal areas, which are sited away from the attached neighbouring dwelling, it is not considered that the additional disturbance created by two further residents would amount to such substantial adverse harm to neighbouring properties to warrant refusal of the application.
- 8.20. 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.

- 8.21. Although HMO uses can have a negative impact on neighbours and concerns are raised in relation to noise and other forms of disturbance, there is soundproofing on 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.
- 8.22. It is noted that no Environmental Health complaints in relation to noise or other disturbance from this property are recorded by the Council. Furthermore, a HMO of this size would still require licensing by the Council's Private Sector Housing team and thus be required to comply with management standards amongst other requirements. Finally, 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.
- 8.23. It is noted that the representation from Councillor Yates highlights a recent appeal decision (APP/Q1445/W/20/3249592, relating to application BH2019/03433 at 95 Heath Hill Avenue) which held that high concentrations of HMOs do have an effect on the mix and balance of the community, and that this effect includes matters such as litter and noise.
- 8.24. However, there are differences between the appeal quoted and this application, most notably that this HMO is located within a 50m radius where there are no other HMOs. Furthermore, another recent appeal decision (APP/Q1445/W/20/3254632 relating to application BH2019/01490 at 64 Islingword Road) concluded that although residents may perceive issues such as 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..
- 8.25. Accordingly, the increase in occupation of this HMO and its change from small HMO use (C4) to large HMO (sui generis) 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:**

- 8.26. The site is not located within a Controlled Parking Zone (CPZ), suggesting 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.
- 8.27. In terms of cycle parking the planning statement and the submitted drawings detail an existing store for use by the current residents, providing storage five cycles. The Highways Officer has specified that a Sheffield stand is provided in the cycle store to improve usability, but this is not considered to warrant a

condition as it would not materially alter the provision on site which is already covered and secure.

**Conclusion:**

- 8.28. This is a site where there are no other HMOs within a 50m radius, thereby complying with policy CP21 which supports mixed communities. The proposed standard of accommodation for the eight occupiers is considered acceptable, and the likely impact on neighbouring amenity resulting from two additional residents would not be sufficiently harmful to warrant refusal. No significant transport concerns have been identified.
- 8.29. Accordingly, the application is recommended for approval, subject to conditions restricting any of the communal area being lost to bedrooms; the overall number of occupiers to eight; and requiring the retention of the cycle parking, and refuse/recycling storage.

**9. EQUALITIES**  
None identified



**Cllr. Dan Yates**  
**BH2020/03006 – 166 Heath Hill**

**2<sup>nd</sup> November 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

Additionally I note that the decision APP/Q1445/W/20/3249592 (95 Heath Hill Avenue, Brighton BN2 4FH) identified that:

- 1) in a change of use from small hmo to hmo application that the existing small hmo counted towards the 10% as contained within council policy.
- 2) "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.





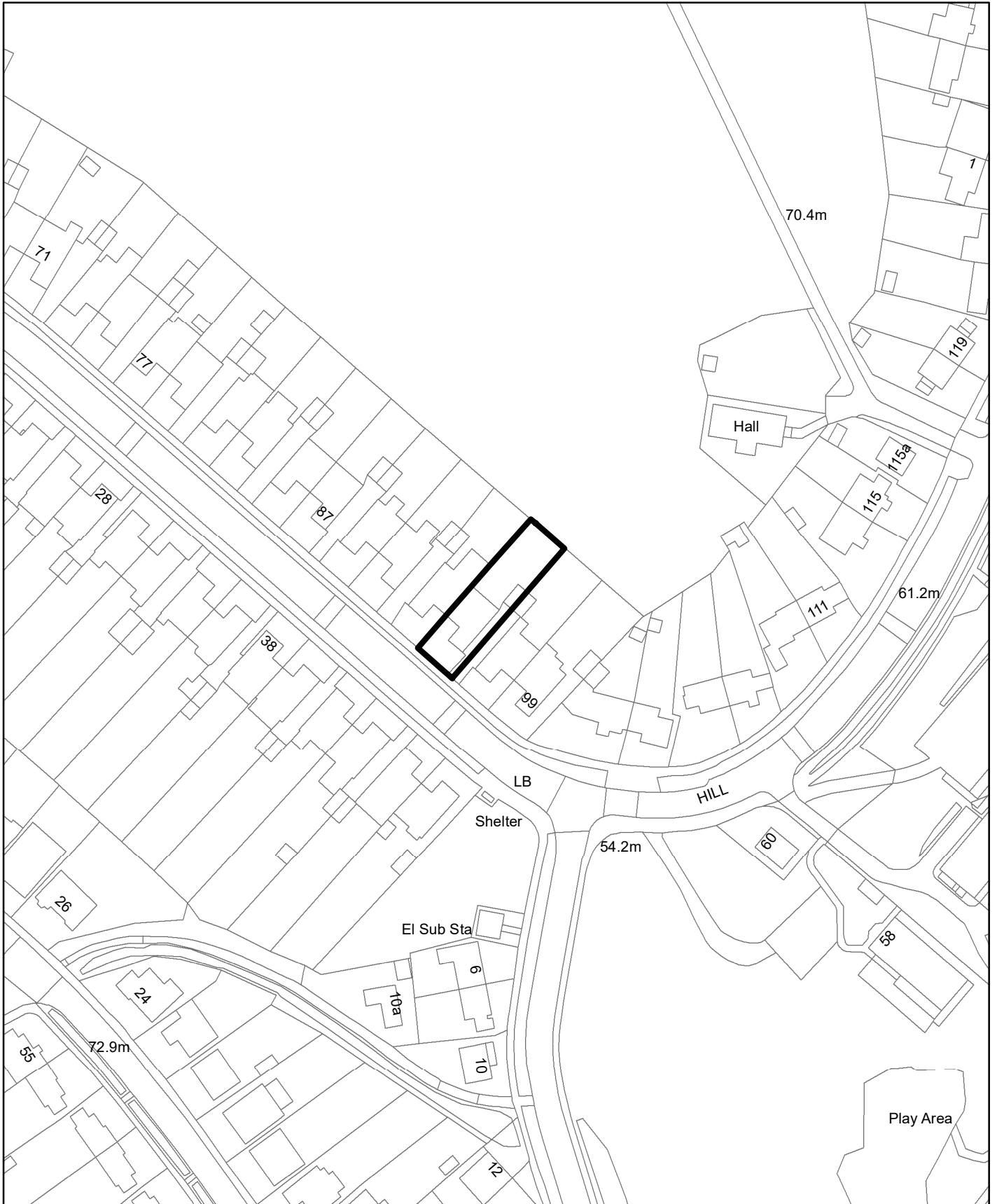
# **ITEM K**

**95 Heath Hill Avenue  
BH2020/03070  
Full Planning**

**DATE OF COMMITTEE: 13<sup>th</sup> January 2020**



# BH2020/03070 95 Heath Hill Avenue



**Brighton & Hove  
City Council**



**Scale: 1:1,250**



<b><u>No:</u></b>	<b>BH2020/03070</b>	<b><u>Ward:</u></b>	<b>Moulsecoomb And Bevendean Ward</b>
<b><u>App Type:</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>95 Heath Hill Avenue Brighton BN2 4FH</b>		
<b><u>Proposal:</u></b>	<b>Change of use from small house in multiple occupation (C4) to large house in multiple occupation (Sui Generis) incorporating a single-storey rear extension, creation of parking area to the front and associated works.</b>		
<b><u>Officer:</u></b>	Emily Stanbridge, 293311	tel: <b><u>Valid Date:</u></b>	27.10.2020
<b><u>Con Area:</u></b>		<b><u>Expiry Date:</u></b>	22.12.2020
<b><u>Listed Building Grade:</u></b>		<b><u>EOT:</u></b>	
<b><u>Agent:</u></b>	Lewis And Co Planning SE Ltd Lewis And Co Planning 2 Port Hall Road Brighton BN1 5PD		
<b><u>Applicant:</u></b>	Mr Steve Granocchia 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.

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Proposed Drawing	02		27 October 2020
Proposed Drawing	03		27 October 2020

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

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

3. The development hereby approved shall be implemented in accordance with the proposed layout detailed on the proposed floorplan received on 27th October 2020 and shall be retained as such thereafter. The rooms annotated as living room and kitchen/dining shall be retained as communal space and shall not be used as bedrooms at any time. The bedrooms shown shall be retained in the form shown on the plans and not subdivided.

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

4. The unit hereby approved shall only be occupied by a maximum of eight (8) persons.  
**Reason:** To ensure a satisfactory standard of accommodation for future occupiers and to comply with policy QD27 of the Brighton & Hove Local Plan.
5. All the interior and exterior sound proofing measures shown on drawing 02D received on 27th October 2020 shall be installed prior to the occupation of the property as a sui generis HMO.  
**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.
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 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.

Informatives:

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

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

- 2.1. Planning permission is sought to change the use of the property from a six-bedroom small house in multiple occupation (HMO)(Planning Use Class C4) to an eight-bedroom large house in multiple occupation (sui generis).
- 2.2. The site is on the north side of Heath Hill Avenue near to its westerly junction with Auckland Drive. It is one of a pair of semi-detached dwellings, with similar dwellings fronting the road on both sides. The City is now subject to Article 4 direction preventing the change from a C3 single dwelling to an HMO without planning permission.

### 3. RELEVANT HISTORY

- 3.1. **BH2019/03433**: Change of use from 6no. bedroom small House in Multiple Occupation (C4) to 9no. bedroom large House in Multiple Occupation (Sui Generis). Proposals also incorporate: the erection of a single storey rear extension; acoustic fencing; the installation of a side window; and the creation of 2no. car parking spaces. **Refused** 18.02.2020. **Dismissed at appeal** 03.09.2020.
- 3.2. This application was refused on the following ground:  
*"The increased occupancy of the building through the change of use from a six bedroom house in multiple occupation (C4) to a nine bedroom house in multiple occupation (Sui Generis) would have a significant direct and cumulative impact on the amenity of immediately neighbouring properties including occupiers of the adjoining property and neighbouring properties, due to increased activity including increased noise disturbance, additional comings and goings from the property and increased refuse and recycling contrary to policies QD27 and SU10 of the Brighton & Hove Local Plan."*
- 3.3. **BH2019/01799**: Removal of condition 6 of application BH2018/02532 (Change of use from single dwelling (C3) to six bedroom small house in multiple occupation (C4).) relating to extending, enlarging or altering dwelling house without planning. **Approved** 04.03.2020
- 3.4. **BH2018/02532**: Change of use from single dwelling (C3) to six bedroom small house in multiple occupation (C4). **Approved** February 2019.

### 4. REPRESENTATIONS

- 4.1. **One (1)** letter of representation has been received objecting to the proposed scheme. The following concerns have been raised in the objection:
- additional traffic
  - impact on property values
  - additional noise
  - loss of privacy
  - demographic imbalance in the area
- 4.2. **Councillor Grimshaw** objects. A copy of the representation from Councillor Grimshaw is attached.
- 4.3. **Councillor Yates** . A copy of the representation from Councillor Yates is attached.

### 5. CONSULTATIONS

- 5.1. **Ecology** No objection The proposed development is unlikely to have any impacts on biodiversity.
- 5.2. **Natural England** No objection
- 5.3. Private sector housing: No objection
- 5.4. **Sustainable Transport:** Comment 27.11.2019 Level of proposed cycle parking provision acceptable; off-street parking acceptable in principle subject to swept path analysis.

## 6. MATERIAL CONSIDERATIONS

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

## 7. POLICIES

### The National Planning Policy Framework (NPPF)

#### Brighton & Hove City Plan Part 2

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

#### Brighton & Hove City Plan Part One

SS1	Presumption in Favour of Sustainable Development
CP8	Sustainable buildings
CP9	Sustainable transport



CP10	Biodiversity
CP12	Urban design
CP21	Student housing and Housing in Multiple Occupation

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

TR7	Safe Development
TR14	Cycle access and parking
QD14	Extensions and alterations
QD15	Landscape design
QD27	Protection of amenity
SU9	Pollution and nuisance control
SU10	Noise nuisance

Supplementary Planning Documents:

SPD11	Nature conservation and development
SPD12	Design Guide for Extensions and Alterations
SPD14	Parking Standards

## 8. CONSIDERATIONS & ASSESSMENT

- 8.1. The main considerations in the determination of this application relate to the principle of the change of use, the impact of the proposed extension upon the character and appearance of the property, the standard of accommodation provided, the impact on neighbouring properties, and transport issues.

### **Principle of development**

- 8.2. The application property is currently in small HMO use (Planning Use Class C4) occupied by six people, following the approval of application BH2018/02532 which sought a change of use from a dwelling (Planning Use Class C3).
- 8.3. As noted above, a previous application to change from the existing six-bed small HMO, to a large, nine-bed sui generis HMO was refused on the basis of the impact on the amenity of surrounding residents. The principle of HMO use, with reference to Policy CP21, was not included as a reason for refusal.
- 8.4. The decision was appealed, with the Inspector upholding the refusal, but also noting conflict with Policy CP21, having carried out his own assessment of the percentage of HMOs in the area. The Inspector determined that there were two lawful HMO properties within 50m of the appeal site (38 Heath Hill Avenue and the appeal site, 95 Heath Hill Avenue), giving a proportion of 11.8%. The appeal was subsequently dismissed, the first reason for this being a conflict with policy CP21, with the decision report noting:  
*'I note that neither main party included the appeal property in their calculations, but as Policy CP21 is based on controlling the proportion of HMOs within a given area, in my view it is necessary to do so as the appeal dwelling forms part of the properties in that area.'*
- 8.5. The Inspector's interpretation of Policy CP21 led him to include the application property within the percentage of HMO's within the radius area. However, this

interpretation of Policy CP21 is not consistent with the established practice within the Council's planning department, or with previous or subsequent appeal decisions (relating to other sites).

- 8.6. The supporting text of Policy CP21 states that:  
*"Planning permission for the change of use will not be granted where more than 10 per cent of neighbouring properties are already in HMO use". (paragraph 4.237).*
- 8.7. Given the reference to 'neighbouring properties' in this text, it is considered appropriate to exclude the application site. It is considered this supports the wording in the policy itself which refers to *"dwellings within a radius of 50 metres of the application site..."*, implying it should include dwellings beyond the site itself.
- 8.8. Policy CP21 of the Brighton and Hove City Plan Part One specifically addresses the issue of changes of use to either class C4, a mixed C3/C4 use or to a sui generis House in Multiple Occupation, including those in an existing C4 use and states that:  
*"In order to support mixed and balanced communities and to ensure that a range of housing needs continue to be accommodated throughout the city, applications for the change of use to a Class C4 (Houses in Multiple Occupation) use, a mixed C3/C4 use or to a sui generis House in Multiple Occupation use (more than six people sharing) will not be permitted where:*  
*- More than 10 per cent of dwellings within a radius of 50 metres of the application site are already in use as Class C4, mixed C3/C4 or other types of HMO in a sui generis use."*
- 8.9. Policy CP21 seeks to address the potential impact of concentrations of HMOs upon their surroundings and to ensure that healthy and inclusive communities are maintained across the city.
- 8.10. An up-to-date mapping exercise has taken place which indicates that there are 17 neighbouring residential properties within a 50m radius of the application property. One (1) neighbouring property (38 Heath Hill Avenue) has been identified as being in HMO use within the 50m radius. The percentage of neighbouring properties in HMO use within the radius area is thus 5.9 %.
- 8.11. Based upon the existing percentage of neighbouring properties in HMO use (excluding the application property), which is less than 10%, the proposal to change from a C4 to a Sui Generis HMO would be in accordance with policy CP21, and the use would ensure that an appropriate proportion of family homes would be retained.
- 8.12. It is noted that representations under the previous application raised concerns with regards to a number of properties within the 50m radius that they consider to be occupied as a C4 Use. Only properties in a lawful HMO use and properties with an extant permission are counted.

- 8.13. The previous application raised concerns from neighbours regarding numbers 40, 44 and 101 Heath Hill Avenue. These addresses have been checked and are discussed below.
- 8.14. With regards to No.40 Heath Hill Avenue, no planning history can be found in relation to this property. This property is the subject of a current enforcement case.
- 8.15. With regards to 44 Heath Hill Avenue, an application for a HMO use was refused and subsequently dismissed on appeal. This property was the subject of an enforcement case. This enforcement case determined that whilst this property is occupied by a number of individuals, due to an element of care being provided to occupiers, the use of this property is determined to be C2 (residential institution) not a HMO.
- 8.16. The council has also looked into No. 101 Heath Hill Avenue and it remains the case that no planning history or enforcement history can be found in relation to the property being occupied as an HMO.
- 8.17. It is noted that No.50 Heath Hill Avenue has an extant permission for student accommodation. The proposed rooms located within this building have not been included in the above calculation as the building is classed as purpose-built accommodation within a Sui Generis Use and is not classed as a HMO.
- 8.18. Whilst a number of addresses have previously been provided by neighbours in relation to a possible HMO use, the information above and the mapping exercise undertaken has only indicated 1 HMO in the 50m radius which results in 5.9% and therefore is in compliance with policy CP21.

**Design and Appearance:**

Rear extension

- 8.19. The proposal incorporates the erection of a single storey rear extension. The proposed extension would measure approximately 6.5m in depth and would be inset from the eastern side wall of the original property by approximately 2m. This proposed extension is identical to that submitted under the previous scheme which did not form part of the reason for refusal either at application or appeal stages.
- 8.20. The proposed extension would incorporate a mono-pitched roof form with a predominantly flat roofed section. The proposed angle of the roof pitch would match that of the main dwelling. In addition, the exterior walls would match in material to the main property. It is also noted that the extension would not physically attach the existing rear dormer.
- 8.21. Given the presence of the extension to the adjacent property the extension proposed would not unbalance the semi-detached pair.
- 8.22. The previous application, BH2019/03433 raised no objection to the extension proposed. Furthermore, the appeal inspector concluded that '... the proposed

rear extension would not cause any physical harm given that it would not be seen in public views.'

- 8.23. As such the proposed extension is deemed acceptable.

Provision of hardstanding

- 8.24. The application includes provisions for two off-street parking spaces to the front of the property. This would involve the loss of the existing front garden area which is currently laid to lawn.

- 8.25. However, there are a number of examples of properties within the streetscene, including opposite the application site, where similar hardstanding's exist. No objection was raised in relation to this alteration during the previous application as it was considered that this alteration would cause no significant harm to the visual amenities of the street.

- 8.26. The proposals are therefore considered to be in accordance with Policy CP12 of the City Plan Part One.

**Standard of accommodation**

- 8.27. Policy QD27 of the Brighton and Hove Local Plan aims to secure a good standard of living accommodation for current and future occupiers. Accommodation should therefore provide suitable circulation space within bedrooms once the standard furniture for an adult has been installed (such as a bed, wardrobe and desk), as well as good access to natural light and adequate outlook in each bedroom. The communal facilities should be of a sufficient size to allow unrelated adults to independently cook their meals at the same time, sit around a dining room table together, and have sufficient space and seating to relax in a communal lounge.

- 8.28. The 'Nationally Described Space Standards' were introduced by the Department for Communities and Local Government in 2015 to establish acceptable minimum floor space for new build developments. Although these space standards have not been formally adopted into the Brighton and Hove City Plan and relate to new build developments, they provide a useful guideline on acceptable room sizes that would offer occupants useable floor space once the usual furniture has been installed. The 'Nationally Described Space Standards' establishes the minimum floor space for a single bedroom as measuring at least 7.5m<sup>2</sup>, and a double bedroom should measure at least 11.5m<sup>2</sup>.

- 8.29. The six en-suite bedrooms shown on the existing plans are as per the approved layout approved under application BH2018/02532. No changes are proposed to the existing bedrooms. In order to provide the 2 additional bedrooms proposed, the existing front living room would be subdivided into two bedrooms. Additional communal space is proposed within the proposed rear extension to compensate for the loss of this living space.

- 8.30. The proposed floor plans show indicative furniture layouts, which for each of the bedrooms shows how a bed, storage furniture and desk could be accommodated. The proposed layout would allow for all rooms to have adequate

natural light and circulation space. Furthermore, each of the proposed bedrooms exceeds the national described space standards.

- 8.31. The previous application, BH2019/03433, proposed nine bedrooms, six of which are to be located at ground floor level. The current proposals feature a reduction of 1 bedroom to allow for 8 occupiers. The central bedroom which was located adjacent to the communal living space has been removed. The removal of this bedroom has allowed for the creation of an additional shower room and an enlarged kitchen/dining room.
- 8.32. The proposed communal space in this application comprises of a kitchen/dining area with living area beyond within the proposed extension. This living space would provide a total of 52sqm of communal living space, an additional 6sqm over the previous scheme.
- 8.33. No objections were raised in relation to the previous scheme regarding to the standard of accommodation. The plans submitted demonstrate that the proposed communal area could be laid out, with typical furniture, in such a way that it could adequately function with eight occupants. Whilst it is noted that some space will be lost as route space through the kitchen to the living area the space proposed remains sufficient.

**Impact on Amenity:**

- 8.34. 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.

Use of the site

- 8.35. As set out above, the previous application, BH2019/03433, which sought a change of use from a 6 bedroom C4 HMO to a 9 bedroom sui generis HMO was refused in March 2020 for the following reason:  
*"The increased occupancy of the building through the change of use from a six bedroom house in multiple occupation (C4) to a nine bedroom house in multiple occupation (Sui Generis) would have a significant direct and cumulative impact on the amenity of immediately neighbouring properties including occupiers of the adjoining property and neighbouring properties, due to increased activity including increased noise disturbance, additional comings and goings from the property and increased refuse and recycling contrary to policies QD27 and SU10 of the Brighton & Hove Local Plan"*
- 8.36. In relation to this previous application, the appeal Inspector noted the following:  
*" The number of existing occupants is already towards the upper end of what would normally be expected to be accommodated in most of the neighbouring bungalows. Extending the property to enable up to 9 occupants would further intensify the use of the site...  
I am concerned that the increase in the intensity of use of the property would have a detrimental impact on the quiet enjoyment of the neighbouring properties by reason of additional noise and disturbance. The pattern of activity associated with houses in multiple occupation, in this case mainly used by students,*

*contrasts with the more family orientated use of the neighbouring properties and would be exacerbated by an increase from 6 to 9 occupants. The increase in activity would be particularly apparent to the neighbouring bungalow at 97 Heath Hill Avenue, which shares a drive with the appeal site and has a number of habitable room windows facing onto the drive."*

- 8.37. The current application reduces the number of occupiers sought from nine to eight. This would result in an increased occupation of two individuals over the six that has previously been approved and which currently occupy the property.
- 8.38. It is acknowledged that use of the property as an HMO inevitably results in increased comings and goings from the property and possible associated noise nuisance. In this instance however, it is considered that the net increase of two bedrooms, is unlikely to significantly exacerbate the noise levels that exist at present, and any potential increase in noise is not of a magnitude to warrant refusal of the application. It should be noted that at the time of the previous application, Environmental Health officers confirmed that no noise complaints had been received in relation to the use of the property as an HMO. The development proposed would be subject to compliance with Environmental Health legislation, if future noise issues and disturbance to neighbouring properties were to occur.
- 8.39. The Planning Inspector ruled that the sound proofing measures proposed would be inadequate to protect the amenity of neighbouring residents associated with nine occupiers. The likely increase in noise output associated with an increase of nine bedrooms is likely to be less significant than that associated with the dismissed appeal scheme, so the impact would be acceptable.
- 8.40. It should be noted that the rear extension, which would accommodate the communal space for future occupiers of the eight-bedroom HMO, does not physically adjoin the neighbouring property at No.93. In addition, plans show that acoustic fencing is proposed along the shared boundary fence with No. 93, adjacent to the proposed extension. Whilst it is noted that the appeal Inspector raised concerns with regards to amenity impact to No.97, it should be noted that the communal space proposed is set sufficiently away from the habitable windows of this property and that the rooms from the HMO proposed that face directly onto the shared driveway are bedrooms and likely to produce less noise than the communal areas.
- 8.41. Crucially, the overall percentage of HMO's within a 50m radius is 5.9% which is within the 10% limit specified within policy CP21. As such, the cumulative impact of the proposed HMO on the area is not considered to cause harm to local amenity. In addition, given the location of the property on a through road it is considered that the impact of the proposed change of use would not amount to significant harm of a degree sufficient to warrant the refusal of the application.

The proposed extension

- 8.42. This application proposes a single storey extension to the rear which projects to a similar depth to that of the existing extension at No.93. The previous application, BH2019/03433, raised no objection to this addition. The appeal

inspector also concluded that the extension proposed would not materially affect outlook from neighbouring properties. Therefore, the proposed extension is in accordance with policy QD27 of the Local Plan.

**Sustainable Transport:**

- 8.43. The application includes provisions for two off-street parking spaces within the front garden. A swept path analysis has been provided, identical to that provided under the previous application. Highways considered this arrangement to be acceptable.
- 8.44. The application proposes cycle storage within the rear garden. This provision shall be secured by condition.

**9. EQUALITIES**  
None identified





**Cllr. Amanda Grimshaw**  
**BH2020/03070 - 95 Heath Hill Avenue**

**13<sup>th</sup> November 2020:**

Stance: Customer objects to the Planning Application

Comment: I am writing to oppose this planning application on the following grounds:-

There is already planning consent for 24 student's accommodation at No 50, No 38 has 4, No 40 has 4 No 44 also has 6 students & No 101 has 2/4, I suggest that this application is in breach of CP21. I ask that CP21 is observed and protected in this case.

Should the recommendation on this application be to approve I would like this application to come to committee please.

This property has already been let to 6 students for the past 12 months and is immediately opposite another house rented to 6 students. (The houses are approx. 16 meters apart.)

Since the first application for this development there has been many local changes regarding registered & unregistered HMO's in the immediate vicinity just around the corner in Auckland Drive No 10 has 8 Students, No 14 has 4 Students, with the students listed above that's a total of 26 PLUS the 28 takes it to 54 Students in an approximate 8,800 m<sup>2</sup>.

A recent survey by local residents, highlights that there are 35 to 60 vacant student rooms to let in this area this is in the mid-term when demand is highest.

There are also major problems in the whole of the area with late night noise, litter and rubbish dumped in front gardens and gardens neglected by landlords caused by saturation of student lets and major parking problems as the off street parking is at saturation point for this area.



**Cllr. Dan Yates**  
**BH2020/03070 - 95 Heath Hill Avenue**

**17<sup>th</sup> November 2020:**

Stance: Customer objects to the Planning Application

Comment Reasons:

- Noise
- Residential Amenity
- Traffic or Highways

Comment: Reasons for objection:

The impact of this HMO on the surrounding residents, community and properties could be significant due to the nature and intensification of occupation on this site:

- Potential for noise and other environmental disturbance including waste management issues
- Inadequate provision of parking and consequential impact to on street parking.
- Impact on community resources such as schools and health facilities due to the loss of family accommodation

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.

Specifically I note that the decision APP/Q1445/W/20/3249592 (95 Heath Hill Avenue, Brighton BN2 4FH) identified that:

- 1) in a change of use from small hmo to hmo application that the existing small hmo counted towards the 10% as contained within council policy.
- 2) "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 be to approve I would like this application to come to committee please



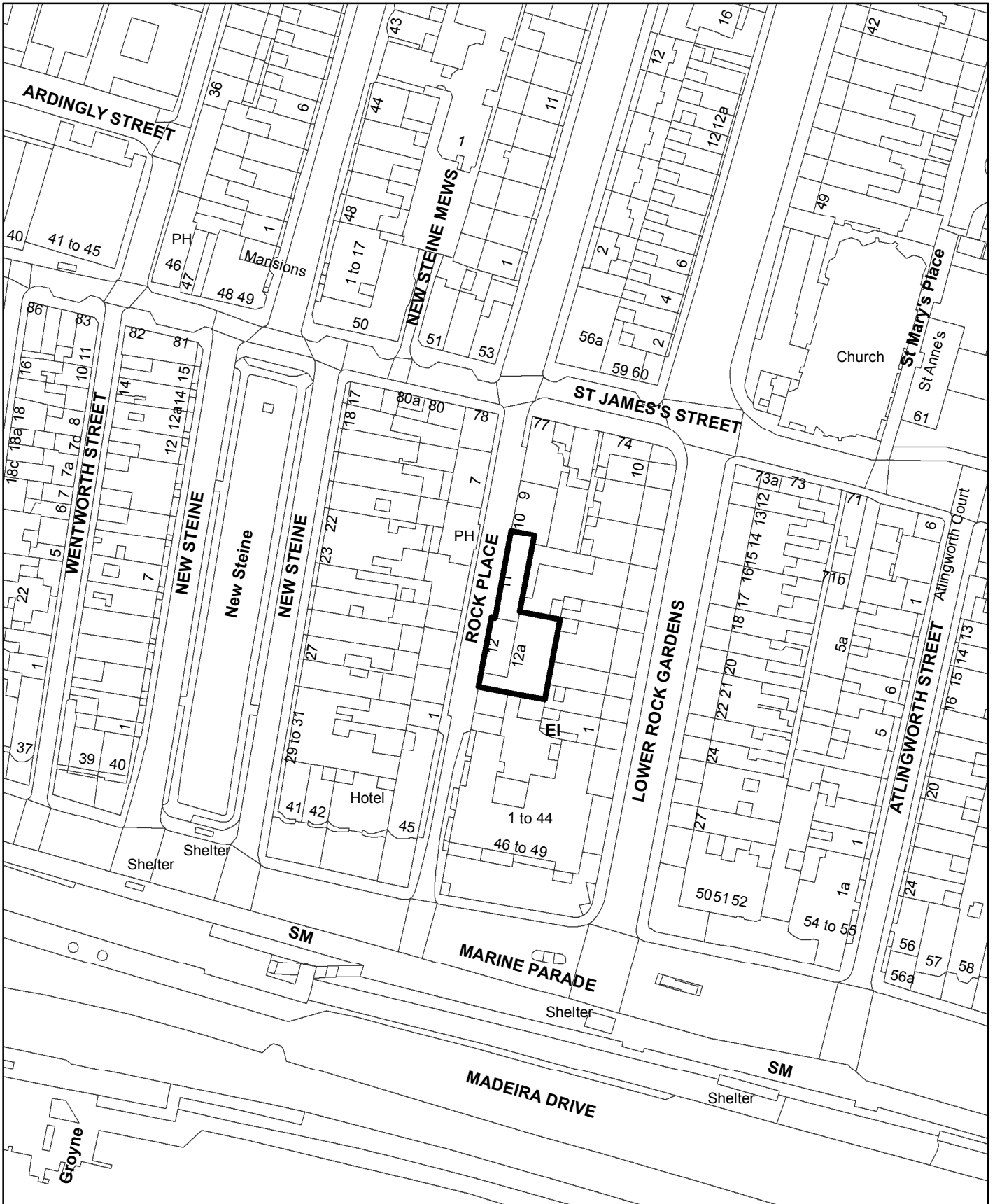
# **ITEM L**

**11-12 Rock Place  
BH2020/01505  
Full Planning**

**DATE OF COMMITTEE: 13<sup>th</sup> January 2020**



# BH2020 01505 - 11-12 Rock Place



N



Scale: 1:1,250





<b><u>No:</u></b>	<b>BH2020/01505</b>	<b><u>Ward:</u></b>	<b>Queen's Park Ward</b>
<b><u>App Type:</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>11 - 12 Rock Place Brighton BN2 1PF</b>		
<b><u>Proposal:</u></b>	<b>Demolition of existing buildings and erection of a part two, part three storey mixed use development comprising flexible co-working B1(a) use on ground &amp; first floors, 3no. one bedroom flats &amp; 1no. two bedroom flat (C3) on first &amp; second floors with roof terrace.</b>		
<b><u>Officer:</u></b>	<b>Russell Brown, tel: 293817</b>	<b><u>Valid Date:</u></b>	<b>04.06.2020</b>
<b><u>Con Area:</u></b>		<b><u>Expiry Date:</u></b>	<b>30.07.2020</b>
<b><u>Listed Building Grade:</u></b>		<b><u>EOT:</u></b>	<b>23.10.2020</b>
<b><u>Agent:</u></b>	<b>GHOST 112-114 Great Portland Street London W1W 6PH</b>		
<b><u>Applicant:</u></b>	<b>Mr CSJ Lewcock 36 Vine Street Brighton BN1 4AG</b>		

**Conditions:**

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

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Report/Statement	Phase 1: Desktop Study and Preliminary Desk Assessment Report		4 June 2020
Report/Statement	Transport Statement		7 August 2020
Report/Statement	Travel Plan	B	8 December 2020
Location Plan			4 June 2020
Block Plan			4 June 2020
Proposed Drawing	219013 -A2.1		20 October 2020
Proposed Drawing	219013 -A2.2		20 October 2020
Proposed Drawing	219013 -A2.3	A	20 October 2020
Proposed Drawing	219013 -A8.1	A	20 October 2020
Proposed Drawing	219013 -A8.2		20 October 2020
Proposed Drawing	219013 -A9.1		20 October 2020
Proposed Drawing	219013 - SK2.1	B	14 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. No development above ground floor slab shall take place until full details of all dormers and their windows including 1:20 elevations and 1:1 sections have been submitted and 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 HE6 of the Brighton & Hove Local Plan and CP12 and CP15 of the Brighton & Hove City Plan Part One.

4. No development above ground floor slab shall take place until full details of all new windows and doors and their reveals and sills including 1:20 scale elevational drawings and sections and 1:1 scale joinery sections have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out and completed fully in accordance with the approved details and shall be retained as such thereafter.

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

5. No development apart from demolition of the development hereby permitted shall take place until samples of all materials to be used in the construction of the external surfaces of the development have been submitted to and approved in writing by the Local Planning Authority including:
  - a) samples of all brick (including details of its bonding and pointing), render and tiling (including details of the colour of render and paintwork to be used);
  - b) a product specification sheet for the street bollards; and
  - c) 1:20 elevations, 1:1 sections and a product specification sheet for the roof terrace hard surfacing and balustrading, including that for the means of separation.

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

Reason: To ensure a satisfactory appearance to the development and to comply with Policies QD14 and HE6 of the Brighton & Hove Local Plan and CP12 and CP15 of the Brighton & Hove City Plan Part One.

6. A bee 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 SPD11.

7. Eight swift bricks shall be incorporated within the external walls of the development hereby approved and shall be retained thereafter.

Reason: To enhance the biodiversity of the site and to comply with Policy CP10 of the Brighton & Hove City Plan Part One and SPD11.

8. The hard surface, including to the segregated pedestrian footpath, 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.

9. The Class E(g)(i) office use hereby permitted shall not be carried out except between the hours of 07:00 and 22:00 on Mondays to Sundays, including Bank and Public Holidays.

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

10. Details of soundproofing and glazing specifications shall be submitted to and approved by the Local Planning Authority prior to the first occupation of the development hereby approved. They shall be installed in accordance with the approved details and shall be retained in perpetuity in accordance with those details thereafter.

Reason: To safeguard the amenities of the future residential occupiers, to not unacceptably restrict the activities carried out by the licenced premises at 6 Rock Place and to comply with Policies SU10 and QD27 of the Brighton & Hove Local Plan.

11. The door hereby permitted accessing the residential staircase to the southern part of no. 12 at first floor level shall be for means of escape only.

Reason: To safeguard the privacy of the future residential occupiers and to comply with Policy QD27 of the Brighton & Hove Local Plan.

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

Reason: This condition is imposed in order to allow the Traffic Regulation Order to be amended in a timely manner prior to first occupation to ensure that the development does not result in overspill parking and to comply with Policies

TR7 and QD27 of the Brighton & Hove Local Plan and CP9 of the Brighton & Hove City Plan Part One and SPD14.

13. (a) Notwithstanding the drawings hereby approved, the development hereby permitted shall not be occupied until details of adequately spaced cycle parking facilities providing 14 spaces for the employees of, and visitors to, the commercial 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.
- (b) The commercial development hereby permitted shall not be occupied until showers and changing facilities are provided for staff.

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.

14. (a) Notwithstanding the drawings hereby approved, the development hereby permitted shall not be occupied until details of adequately spaced cycle parking facilities providing 14 spaces for the employees of, and visitors to, the commercial 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.
- (b) The commercial development hereby permitted shall not be occupied until showers and changing facilities are provided for staff.

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

15. 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.

16. 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 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,
- (b) a detailed scheme for remedial works and measures to be undertaken to

avoid risk from contaminants and/or gases when the site is developed and proposals for future maintenance and monitoring. Such 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 16 (1b) that any remediation scheme required and approved under the provisions of Condition 16 (1b) 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.

17. None of the residential units hereby approved shall be occupied until each residential unit built has achieved an energy efficiency standard of a minimum of 19% CO<sub>2</sub> 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.

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

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

19. Within three months of first occupation of the non-residential development hereby permitted, a Post Construction Review Certificate issued by the BREEAM Building Research Establishment confirming that the non-residential development built has achieved a minimum BREEAM New Construction rating of 'Very Good' shall be 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.

20. The ground and first floors of the building hereby approved shall be used as an office (Use Class E(g)(i)) only and for no other purpose (including any other purpose in Class E of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification). Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended (or any order revoking and re-enacting that Order with or without modification), no change of use shall occur without planning permission obtained from the Local Planning Authority.

Reason: The Local Planning Authority would wish to retain control over any subsequent change of use of these premises in the interests of safeguarding the amenities of the area, the City's office space and to comply with Policies QD27 of the Brighton & Hove Local Plan and CP8 of the Brighton & Hove City Plan Part One.

21. The works of demolition hereby permitted shall not begin until documentary evidence has been submitted to and approved in writing by the Local Planning Authority to show that contracts have been entered into by the developer to ensure that building work on the site the subject of this consent is commenced within a period of 6 months following commencement of demolition in accordance with a scheme for which planning permission has been granted.

Reason: As this matter is fundamental to the acceptable delivery of the permission to prevent premature demolition in the interests of the character and appearance of the conservation area and to comply with Policy HE8 of the Brighton & Hove Local Plan and CP15 of the Brighton & Hove City Plan Part One.

22. The development hereby permitted shall not be first occupied until:
- i) details of external lighting, which shall include levels of luminance, hours of use / operation and predictions of vertical illuminance affecting immediately adjacent receptors, to the street and bollards 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 i are achieved. Where these levels have not been met, a report shall demonstrate what measures have been taken to reduce the levels to those agreed in part i.

The external lighting shall be installed, operated and maintained in accordance with the approved details and thereafter retained.

Reason: To safeguard the amenities of the occupiers of adjoining properties and to ensure the safety of highway users in compliance with Policies TR7, QD25 and QD27 of the Brighton & Hove Local Plan.

Informatives:

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

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

2. Where possible, bee bricks should be placed in a south facing wall in a sunny location at least 1 metre above ground level.
3. Swift bricks can be placed on any elevation, but ideally under shade-casting eaves. They should be installed 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.
4. The applicant is advised that the scheme required to be submitted by Condition 12 should include the registered address of the completed development; an invitation to the Council as Local Highway Authority (copied to the Council's Parking Infrastructure Team) to amend the Traffic Regulation Order; and details of arrangements to notify potential purchasers, purchasers and occupiers of the restrictions upon the issuing of resident parking permits.
5. In order to be in line with Policy TR14 Cycle Access and Parking of the Brighton & Hove Local Plan 2005 cycle parking must be secure, convenient (including not being blocked in a garage for cars and not being at the far end of a rear garden), accessible, well lit, well signed, near the main entrance, by a footpath/hardstanding/driveway and wherever practical, sheltered. It should also be noted that the Highway Authority would not approve vertical hanging racks as they are difficult for many people to use and therefore not considered to be policy and Equality Act 2010 compliant. Also, the Highway Authority approves of the use of covered, illuminated, secure 'Sheffield' type stands spaced in line with the guidance contained within the Manual for Streets section 8.2.22 or will consider other proprietary forms of covered, illuminated, secure cycle storage including the Police approved Secure By Design cycle stores, "bunkers" and two-tier systems where appropriate.
6. The applicant is advised that the condition on land contamination has been imposed because the site is known to be or suspected to be contaminated. Please be aware that the responsibility for the safe development and secure occupancy of the site rests with the developer. To satisfy the condition a desktop study shall be the very minimum standard accepted. Pending the results of the desk top study, the applicant may have to satisfy the requirements of parts (a) and (b) of Condition 16.
7. 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.
8. The water efficiency standard required under Condition 18 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.

9. The applicant is advised that details of the BREEAM assessment tools and a list of approved assessors can be obtained from the BREEAM websites ([www.breeam.org](http://www.breeam.org)).
10. A formal application for connection to the public sewerage system is required in order to service this development. Please read our New Connections Services Charging Arrangements documents which has now been published and is available to read on our website via the following link: [www.southernwater.co.uk/developing-building/connection-charging-arrangements](http://www.southernwater.co.uk/developing-building/connection-charging-arrangements).
11. The applicant is advised to consult with the sewerage undertaker to agree a drainage strategy including the proposed means of foul water disposal and an implementation timetable. Please contact Southern Water, Southern House, Yeoman Road, Worthing, West Sussex, BN13 3NX (tel 0330 303 0119), or [www.southernwater.co.uk](http://www.southernwater.co.uk).
12. The applicant is advised that the details of external lighting required by Condition 22 should comply with the recommendations of the Institution of Lighting Engineers (ILE) 'Guidance Notes for the Reduction of Light Pollution (2011)' similar guidance recognised by the Council. A certificate of compliance signed by a competent person (such as a member of the Institution of Lighting Engineers) should be submitted with the details. Please contact the Council's Pollution Team for further details. Their address is Environmental Health & Licensing, Bartholomew House, Bartholomew Square, Brighton, BN1 1JP (telephone 01273 294490 email: [ehlpollution@brighton-hove.gov.uk](mailto:ehlpollution@brighton-hove.gov.uk) website: [www.brighton-hove.gov.uk](http://www.brighton-hove.gov.uk)).

## **1. RECOMMENDATION**

That the Committee has taken into consideration and agrees with the reasons for the recommendation set out below and resolves to GRANT planning permission and the following Conditions and Informatives as set out hereunder.

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

- 2.1. The application relates to 11 and 12 Rock Place on the eastern side of this narrow mews in Kemptown. The former is a vacant, pitched-roof, single storey building previously in use as a vehicle repair garage (Use Class B2). The latter contains a two storey, vacant, used car dealership (Sui Generis) on the ground floor, with two residential units (Use Class C3) above, also with a pitched roof. No. 12 has an underpass leading to a double height space to the rear where vehicles used to be stored.



- 2.2. The subject properties are located towards the northern end of Rock Place, closer to the junction with St James's Street than to the southern junction with Marine Parade (A259). Rock Place itself is a one-way street from south to north, with double yellow lines at the southern end, and a few marked parking spaces. To the rear (east) of the site are the rear of properties on Lower Rock Gardens.
- 2.3. The buildings are within the East Cliff conservation area, but are not subject to an Article 4 direction removing permitted development rights, nor are they listed. The closest listed buildings are at 8 and 9 Lower Rock Gardens and Chain Pier House (both Grade II listed). The site is also within Controlled Parking Zone (CPZ) C.
- 2.4. The current application seeks planning permission for the demolition of the existing buildings and the erection of a part two-, part three-storey, mixed-use development comprising flexible co-working (use class B1(a)) use on the ground and first floors, with three one-bedroom flats and a two-bedroom flat (use class C3) on the first and second floors, along with a roof terrace.

### 3. RELEVANT HISTORY

- 3.3. **PRE2020/00042:** Demolition of existing car garages and construction of a new 4 story building comprising basement, ground and first floor co-working space and five self-contained residential flats at second floor level. Response issued 26 March 2020 giving the following advice:
  - Proposal would not result in loss of employment; support provision of substantial amount of office floor space;
  - Provision of three additional dwellings would contribute to Council's housing targets, but query why all single bedroom;
  - Scale, mass, form and detailing would be incongruous and fail to respect character and appearance of Rock Place as a service street / mews and the East Cliff Conservation Area;
  - Non-provision of an internal courtyard to provide landscaped amenity space for the offices should be justified, proposal must result in a net gain for biodiversity;
  - Impact upon outlook for/overlooking of flats at 6 and 7 Lower Rock Gardens, and on Brighton Rocks from noise and disturbance should be addressed;
  - Proposed dwellings should meet or exceed the Technical Housing Standards - Nationally Described Space Standard and be provided with sufficient ventilation, outlook and natural lighting, but on site external amenity space is not required;
  - Disabled parking excepted, car-free development is acceptable, the residential and commercial units must have separate cycle spaces and bin stores, the travel plan must be revised and a servicing and deliveries management plan must be provided; and
  - The proposal must result in sustainability gains and contamination being remediated.

**BH2019/03350:** Demolition of existing buildings and erection of a three storey (plus basement) mixed use development comprising flexible co-working B1 use over basement, ground & first floors and 5no one bedroom flats on the second floor. Withdrawn by the applicant 15 January 2020 following concerns from Officers

**PRE2018/00298:** Phased redevelopment to provide office / studio space at ground floor level with residential flats above at 2-5 and 11-12 Rock Place. Advice issued 12 March 2019

3.4. Of relevance at 2 - 5 Rock Place:

**BH2019/01200:** Change of use of the ground floors from car showrooms/workshops (Sui Generis) to office/studio (B1) incorporating revised fenestration to front elevation, installation of roller shutter and associated work. Granted 30 September 2019

#### 4. REPRESENTATIONS

4.1. **Two (2)** representations in support, including one from the Regency Society, have been received for the proposal for the following reasons:

- Improvement to earlier scheme - two bed flat introduced and shared roof terrace.
- Fenestration revised to be more appropriate for the area.
- Appropriate set of buildings, sits well within the street, will complement recent development at 2-5 Rock Place.
- Car-free scheme supported; introduction of bollards will prevent unofficial, random car parking and provide a safe route for pedestrians.
- Regeneration benefits outweigh any adverse impact on the conservation area.
- Current buildings are ramshackle and of no merit, attracting anti-social behaviour, particularly drug use.

4.2. **Councillor Rainey** has supported the application for the following reasons:

- Investment to the area
- Good quality accommodation
- In keeping with the Conservation Area
- High environmental standards
- Development will be car free
- Provide cycle storage

A copy of the correspondence is attached to the report.

4.3. **The Conservation Advisory Group (CAG)** Object: recommend refusal and ask to be heard at Planning Committee for determination for the following reasons:

- No attempt made to improve the proposal on previous applications; o Still failure to appreciate scale and simplicity of the old stables and workshops being the last visible signs left in Rock Place of the latter part of the C18th. 'Unassuming side street' still illustrates how it served the grander properties of New Steyne and Rock Gardens. Preservation of existing idiom much more helpful than architectural statement.

- Should reclaim and incorporate the original clay peg tiles of No 11.
- Overall design clumsy, too large, inappropriate Previous advice re. hierarchy of the windows, size of dormers etc., seems to have been ignored.
- Will visually harm the Conservation Area.

## 5. CONSULTATIONS

- 5.1. **Heritage:** Approve with conditions securing details of windows, doors, dormers and roof terrace balustrading. *North Block:* change to roof shape from mansard to gable roof welcomed, presents more traditional roof profile to street; dormer location and size supported; re-use of clay peg tiles supported, as is painted brick finish. *Middle Block:* window treatment now supported. *South Block:* following heritage comments, roof form is now traditional mansard to street, pitched from well behind parapet, minimising bulk of roof, which is supported, as are windows/dormers. Overall, existing buildings do not make positive contribution to conservation area but built form and scale represent historic service nature of Rock Place that contribute to Conservation Area. High standard of design, reflects character and appearance of Rock Place.
- 5.2. **Transport:** Comments Initial concerns over design of footway overcome during process, and can be secured through s278 agreement. Concerns over detail of cycle parking [beyond scope of planning process]. Conditions sought.
- 5.3. Additional Comments:  
Following a meeting between the Local Highway Authority and the applicant's consultants, further information and revised details have been provided which overcome the previous concerns and subject to conditions the application can be supported.
- 5.4. **Planning Policy:** No objection subject to condition. Provision of 600sqm increase in B1 employment floorspace as flexible co-working office space for creative media and digital industry supported by Local Plan Policy EM11 and CPP1 Policy CP3. No concerns with criteria in Policy EM4. Note need to ensure layouts 'future proofed' in proposed plans. Seek removal of 'permitted development' rights allowing change from office to residential to safeguard employment space. Net gain of two dwellings supported, mix acceptable. Seek condition requiring Site Waste Management Plan, and incorporation of circular economy principles.
- 5.5. **City Regeneration:** Support. Would provide much-needed development of site and help to regenerate area. Proposed creative media and digital co-working spaces would be a good mix with the existing surrounding businesses and commercial premises. Requirement for a contribution of £6,000 for 600msq floorspace, and s106 securing Employment & Training Strategy in respect of both the demolition and construction phases of the development at least one month prior to the respective phases.
- 5.6. **Environmental Health:** Support with conditions.

*Noise:* Note concerns over new residential use opposite Brighton Rocks, well-established public house, subject to noise complaints in the past, and Rock Place is closed off for street parties during Pride. Possible could lead to formal noise complaints. Recognised there is shortage of housing so for planner to determine whether need for housing outweighs concerns.

*Contamination:* Note 11-12 Rock Street, according to the Kelly's 1974 directory, has been a Motor Engineers. Seek condition requiring pre-commencement desk top contamination study followed by a site investigation report if potentially contaminants are found, then a detailed scheme for remedial works and measures if site remediation is required and finally a written verification report for the remediation scheme.

- 5.7. **Southern Water:** No objection with conditions. Seek informative noting need for formal application for a connection to the public foul sewer. Application form refers to Sustainable Urban Drainage Systems (SUDS) which may be adopted by Southern Water if requested by the developer. If facilities not adoptable by sewerage undertakers, applicant will need to ensure maintenance arrangements exist in perpetuity. Initial investigations show no dedicated public surface water sewers in the area to serve this development so alternative means of draining surface water from this development are required. Seek condition requiring details of foul and surface water sewerage disposal.

## 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

CP1 Housing delivery

CP2 Planning for Sustainable Economic Development

CP3 Employment Land

CP8 Sustainable Buildings

CP9 Sustainable Transport

CP10 Biodiversity

CP12 Urban Design

CP13 Public streets and spaces

CP15 Heritage

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

TR4 Travel plans

TR7 Safe Development

TR14 Cycle access and parking

SU9 Pollution and nuisance control

SU10 Noise nuisance

SU11 Polluted land and buildings

QD5 Design - street frontages

QD15 Landscape design

QD27 Protection of amenity

HO5 Provision of private amenity space in residential development

HO13 Accessible housing and lifetime homes

EM4 New business and industrial uses on unidentified sites

EM11 Mews - mixed uses

HE3 Development affecting the setting of a listed building

HE6 Development within or affecting the setting of conservation areas

#### Supplementary Planning Documents:

SPD03 Construction and Demolition Waste

SPD09 Architectural Features

SPD11 Nature Conservation and Development

SPD14 Parking Standards

SPD16 Sustainable Drainage

#### Supplementary Planning Guidance

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

## **8. CONSIDERATIONS & ASSESSMENT**

- 8.1. The main considerations in the determination of this application relate to the principle of development, design and heritage, landscaping and biodiversity, the

impact on neighbouring amenity, the proposed standard of accommodation, the impact on the highway, contamination and sustainability.

**Principle of development:**

- 8.2. When considering the principle of the development, it is noted that the existing buildings were formerly in use as a car workshop (Use Class B2) and a car showroom (Sui Generis). They are considered to be in a mews and therefore Local Plan Policy EM11 applies. Part (a) of the policy notes that in mews, planning permission will not be granted for the change of use of redundant business and industrial premises, or sui generis car uses to residential unless employment floorspace is retained at ground floor level. It further states that where B2 uses are no longer required, then the premises will be retained for B1(a), (b) (c) business use.
- 8.3. The proposed development would result in a change of use to open plan, flexible, co-working B1 office space over the ground and first floors, with the retention of a residential use above. The car workshop business has moved to 1 Church Road in Portslade and the car showroom business has relocated to Unit 3 of Harbour Industrial Estate in Shoreham-by-Sea. As such, the proposal complies with Policy EM11.
- 8.4. Local Plan Policy EM4 supports new office uses, subject to various criteria being met. In accordance with this policy, the site is readily accessible by public transport, walking and cycling, and would not result in the net loss of residential accommodation or an important open space. In terms of the need for the proposed use, the Employment Land Study 2012 indicated that the city as a whole has insufficient supply of B1 office space to accommodate future employment needs. The scheme for an additional 600sqm (1,070sqm in total) of office floor space would therefore support the Council's corporate and strategic objectives to support business growth, income generation and job creation. There is no landscaped amenity open space, but it is not considered possible to provide this without compromising the privacy and security of the residential uses above.

The provision of further employment space is therefore supported in principle, subject to the final criteria relating to impact on the environment and residential amenity, discussed later in this report, being met.
- 8.6. The City Plan Part 1 Inspector's Report was received in February 2016. The Inspector's conclusions on housing were to agree the target of 13,200 new homes for the city until 2030 as a minimum requirement. It is against this minimum housing requirement that the City's five year housing land supply position is assessed annually.
- 8.7. The Council's most recent housing land supply position published in the SHLAA Update 2019 shows a five year housing supply shortfall of 1,200 (equivalent to 4.0 years of housing supply). As the Council is currently unable to demonstrate a five year housing land supply, increased weight should be given to housing delivery when considering the planning balance in the determination of planning

applications, in line with the presumption in favour of sustainable development set out in the NPPF (paragraph 11).

- 8.8. The site counts as a small 'windfall site', bringing the benefit of providing two additional housing units to the city, and contributing to the City's ongoing five year supply requirements and meeting the Council's target of 4130 new homes within the built up area. A net increase of two dwellings (such as that in this proposal) would represent a minor contribution.
- 8.9. Accordingly, the proposal is acceptable in-principle and is considered to be compliant with Policies SS1, CP1, CP2, CP3, EM4 and EM11.

**Design and Heritage:**

- 8.10. When considering whether to grant planning permission for development in a conservation area the Council has a statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the area. Case law has held that the desirability of preserving the character or appearance of a conservation area must be given "considerable importance and weight".
- 8.11. In considering whether to grant planning permission which affects the setting of a listed building the Council has a statutory duty to have special regard to the desirability of preserving its setting and any features of special architectural or historic interest which it possesses.
- 8.12. Rock Place is characterised by its historical service use with ad-hoc development and informal architecture adding to the distinctiveness of the narrow street. Varied building heights, roof forms and building fenestration also add to the character of the street.
- 8.13. Historic maps indicate that the properties along the western side of Rock Place were likely associated with the grand townhouses of the (eastern side of) New Steine. The maps show less convincing evidence of this on the eastern side of Rock Place, but these sites may also have been associated with the larger townhouses on Lower Rock Gardens.
- 8.14. As Heritage Officers have noted, whilst the existing buildings may be representative of the historic service street, the demolition of the existing buildings is considered acceptable since they are not considered to make a positive contribution to the conservation area. Local Plan Policy HE8, which requires the retention of buildings that do make a positive contribution to be retained, does not therefore apply.
- 8.15. It is important that the scheme responds to the historic setting of the site, as well as the existing context sitting between a two storey building (no. 10) with a tall hipped roof to the north and a three storey building (no. 12a) to the south with dormers in the roof forming accommodation on the top floor. As such, it is proposed to provide a two storeys 'middle block' and three storey 'north and south blocks'.

- 8.16. All of the proposed buildings would exceed the height of those that they are directly replacing, which is considered necessary to provide a viable scheme and to optimise the development potential of the site. The proposed scale and massing is considered to respond to the historic setting and its context by providing a variation of building heights. This complies with advice in SPD12 which notes that where a varied roof-line is an important aspect of the character of a street that has developed with buildings of varying height and scale, any proposal to 'level-up' buildings to a uniform height will be resisted.
- 8.17. Furthermore, the use of different types of roof typology with varying degrees of roof pitch allows the top floors of the north and south blocks to fit in with existing development along Rock Place and the wider vicinity, as well as be subordinate to the buildings themselves. This is particularly evident in the changes to the south block, which features a traditional mansard with a roof pitch and dormers set well back from the parapet allowing for additional internal space, as opposed to following the less sympathetic architectural example immediately to the south. The use of traditional roof profiles, forms and well-proportioned front dormers are important elements of the design that are supported. Whilst a large area of flat roof is proposed to the middle block, which is not necessarily a characteristic element on Rock Place or this part of the conservation area, it would provide an important external amenity space for two of the residential units, one of which is a family sized dwelling where the provision of such a space would be particularly beneficial.
- 8.18. The proposed buildings are also considered to be well-designed in respect of reflecting the hierarchy of floors through window sizes, with their size decreasing as the building ascends, inclusive of those within the dormers, which align with the windows below. It is recommended that a condition be imposed to be secure details for all the proposed dormers. A further improvement to the scheme over that originally submitted has been to the ground floor fenestration, which would sit level with the ground and not open outwards on the proposed segregated pedestrian footpath. Officers also recommend that window and door details be secured by condition.
- 8.19. In terms of materials, such as the painted brick finish, they are considered suitable in this historic setting and are also recommended to be secured by an appropriately worded condition. The condition is recommended to include the details for the roof terrace balustrade. Officers acknowledge the re-use of the existing clay peg tiles on the non-traditional mansard roof of no. 11, which has benefits in terms of the impact on heritage assets and material waste.
- 8.20. This scheme has undergone various iterations following Officer advice at application stage and during the pre-application process to reach a proposal that is considered to be acceptable for the reasons discussed above.
- 8.21. Given that the proposal in its revised form represents a high standard of design, it is considered to preserve the character and appearance of Rock Place and the wider East Cliff 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 600sqm of new employment floorspace as well as the net gain of two dwellings. As such, the proposal is considered to be compliant with City Plan Part One Policies CP12 and CP15 and Local Plan Policies QD5, HE3 and HE6.

**Biodiversity and Landscaping:**

- 8.22. Conditions in respect of bee and swift bricks are recommended to be added in order to provide a biodiversity net gain on the site.
- 8.23. The extent of landscaping proposed is largely limited to the new segregated pedestrian footpath. It is recommended that a condition be imposed to ensure it is finished in porous and / or permeable materials so that any rainwater would not run-off onto the adopted (public) highway. The only other landscaped area would be the roof terrace between the two bedroom flat (Flat C) and the maisonette (Flat D) over the first and second floors. The finish to this has not been specified, but as part of the aforementioned materials condition the surfacing can be submitted for assessment.

**Impact on Neighbouring Amenity:**

- 8.24. Paragraph 127 of the NPPF outlines that planning decisions should ensure that developments create places that promote health and well-being, with a high standard of amenity for existing and future users.
- 8.25. The main impact of the proposal on residents would be on the flats at 6 and 7 Lower Rock Gardens. There are hostels at nos. 2, 3 and 4-5 and as such are less sensitive to amenity impacts given the transient nature of residents. The main considerations would be outlook, overlooking and noise/general disturbance.
- 8.26. In terms of outlook, the proposed buildings would be taller than the existing, but built no closer. Avoiding the uniform levelling-up of the street by providing a two storey, flat-roofed middle block is considered to provide a sufficient gap for outlook for the occupiers of nos. 6 and 7.
- 8.27. The windows at first floor level would largely serve the offices. Whilst these are a lot closer to the buildings on Lower Rock Gardens than the second floor windows and those to Flat D, their main purpose is to provide natural light and ventilation of the office use, which is not considered to be significantly noisy and would likely operate between 09:00 and 17:00 i.e. not anti-social hours. The former uses are considered to be substantially noisier. As such, it is not considered that their location would give rise to any harmful overlooking or noise issues, subject to the office hours being secured by condition. The three windows to Flat D largely serve a staircase and are set back approx. 14m from the nearest residential window.
- 8.28. The second floor residential windows to Flats B and C would be set back 1.15m further than the first floor office windows. Given the proximity, it is considered that any section of those windows that is below 1.7m from internal floor level should be obscure glazed and fixed shut. It is recommended that this and the opening style of the windows is secured by condition.

As previously noted, opening hours are to be conditioned and whilst Environmental Health Officers have concerns that the future residents may be impacted by noise from the current licenced premises (Brighton Rocks) opposite, this harm is considered to be outweighed by the benefits of this proposal in terms of the provision of employment floorspace, and housing. Whilst it is noted that that future occupants would be aware of the proximity of the pub opposite before occupying the building it is nevertheless important that appropriate glazing specifications and soundproofing are incorporated into the proposed development, to protect residents amenity and avoid noise complaints for the pub. It is recommended that this be achieved by condition.

- 8.30. As such, the proposal is considered to be in accordance with Policy QD27 of the Brighton and Hove Local Plan.

**Standard of Accommodation:**

- 8.31. Policy QD27 of the Brighton and Hove Local Plan aims to secure a good standard of living accommodation for current and future occupiers in all new developments. Accommodation should therefore provide suitable circulation space within the communal spaces and bedrooms once the standard furniture has been installed, as well as good access to natural light and air in each habitable room.
- 8.32. 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.
- 8.33. Four dwellings are proposed comprising: a two-bed flat, and three one-bed dwellings, one of which would be a maisonette. All would be compliant with the Gross Internal Areas outlined within the NDSS (and in the case of the maisonette is significantly oversized), as would be the bedroom sizes, and this is therefore considered acceptable. The floor to ceiling height to the first floor level would be 2.77m and that to the second floor mostly at 2.4m, which are considered acceptable.
- 8.34. Only Flats C and D are dual aspect, but Flats A and B face west and east respectively, therefore benefitting from sufficient outlook, ventilation and natural light, subject to the aforementioned condition for details of the windows. The staircase to the southern part of no. 12 is shown as serving both the office and residential uses, which is considered unacceptable, particularly since there is a separate staircase providing access to the first floor office space. It is recommended that a condition be imposed requiring that the first floor door to the residential staircase not be formed.
- 8.35. It is acknowledged that the roof terrace is proposed to be shared between Flats C and D, but this is considered to be inappropriate on privacy grounds. It is therefore considered that as part of the recommended condition for the roof terrace balustrade, details of a means of separation be provided. This also

applies to the rear of the roof terrace to prevent overlooking to and from the dwellings to the rear of the site. Splitting the roof terrace would still provide approx. 28sqm of external amenity space to each dwelling, which is considered to be an acceptable amount of provision in this instance. For the other two dwellings the proximity of both the beach (a 4 minute walk) and Queens Park (a 7 minute walk) is noted.

- 8.36. As such, the proposal is considered to offer acceptable living conditions for future occupiers, compliant with Local Plan Policies QD27 and HO5.

**Sustainable Transport:**

- 8.37. The site is considered to be in a sustainable location given the proximity to bus stops on Marine Drive and St James's Street, and local shops and services on the latter.
- 8.38. The previous objection raised by the Local Highways Authority has been satisfactorily resolved subject to conditions and detailed highway design as part of the Section 278 works.
- 8.39. Revisions have been provided so that doors would not now open out onto the new footway, but would be automated by a button for wheelchair users. The footway would be both continuous and flat, and the ramp of required slopes for disability requirements, and there would still be sufficient room for two vehicles to pass on Rock Place, an improvement on the current situation. As such, no objections are raised to these matters. A condition is recommended in respect of the footway being constructed of porous and / or permeable materials to ensure proper drainage. External lighting, including to the bollards, is also recommended to be secured by condition. It is, however, noted that this is proposed on land pertaining to the LHA and therefore will subject to further discussions with them, separate to the planning process.
- 8.40. As regards overspill car parking, the applicant has forecast that the development would result in a maximum of 18 vehicles being parked on surrounding streets. The site (and the streets to the north, east and west) are within a Controlled Parking Zone (CPZ) which prevents on-street parking. It is noted that the nearest street that is not within a CPZ or subject to pay and display is Madehurst Close a mile away, and so approx. 20 minutes' away by foot. The uptake for residential parking permits within CPZ C is 99% as a 12-month average and 108% for February 2020, indicating that it is already oversubscribed. Although there is little prospect of future residential occupiers gaining a residential car parking permit, it is nevertheless recommended that they be restricted from applying for one by condition. Although the existing residential units would be entitled to a permit, the loss of any parking in front of the development means there would be a further impact if this entitlement were to be retained. If visitors wished to arrive to site by vehicle, they could use public car parks or the pay and display parking on Madeira Drive.
- 8.41. In terms of the new B1 use, the aforementioned car parking permit restriction on the future occupier(s) would not be applicable. In this case, a Travel Plan has now been provided by the applicant for the co-working offices detailing how

travel by sustainable modes of transport would be encouraged with dedicated measures to reduce the number of vehicle trips. This is in accordance with SPD14, which states that *"If overspill car parking is likely from a proposed development the Highway Authority would look for... suitable mitigation which could include a Travel Plan which should include measures to promote sustainable travel including but not limited to car club bays and membership and public transport season ticket vouchers."* Compliance with Revision B of the travel plan is recommended to be secured by condition.

- 8.42. Additionally, the applicant has stated that the commercial development would be marketed as car-free to future occupiers and it is considered that the parking bays on New Steine, Marine Parade and Madeira Drive and The Lanes and Chapel Street car parks are unlikely to be a feasible option for employees given the cost of daily parking and of annual season tickets.

The application would not be contrary to NPPF paragraph 109 since it is not considered that there would be an unacceptable impact on highway safety or that the residual cumulative impacts on the road network would be severe given the revisions to this proposal. Moreover, the vehicles that would have been displaced by the new footway and proposed double yellow lines which run the length of the site are those associated with the businesses which have since closed and relocated.

- 8.44. Since there are no wheelchair accessible dwellings proposed, there is no need to provide a disabled parking space. A space is required for each disabled employee for the commercial element plus two additional spaces or 5% of the total capacity, whichever is greater. However, no parking can be provided on-site, including for disabled people. In mitigation, there are designated disabled car parking spaces located on New Steine and Devonshire Place within 150m of the site; those who are entitled to a blue badge can also park for up to three hours on single yellow or double yellow lines (providing there are no loading restrictions); a wheelchair taxi guarantee service is provided by the Brighton & Hove bus company; and door-to-door transport service for people who find it difficult or impossible to get on and off buses, or to get to the bus stop, would be promoted in the offices and dwellings. The non-provision of disabled car parking is therefore considered acceptable in this case.

- 8.45. Four lockers for the residential dwellings have been provided in addition to seven Sheffield stands for the commercial element. Whilst ideally separate rooms would be provided, the provision of a separate means of storage is considered acceptable. A total of 14 spaces (11 for staff and 3 spaces for visitors) are required and seven Sheffield stands would be sufficient to accommodate the bicycles. However, insufficient space has been left in-between the stands to allow for bicycles to be manoeuvred in and out. Given that the layout of the room is not capable of being reconfigured given its limited size, it is recommended that a condition be imposed requiring that the plans be revised at a later date to show an enlarged cycle store with an acceptable layout of stands.

- 8.46. Given the current use of the site and the small scale of this scheme, it is not considered necessary to condition a servicing and delivery management plan. The commercial refuse store shown is considered to be acceptable.
- 8.47. Whilst there is not forecast to be a significant increase in vehicle trip generation as a result of this proposal, the combined trips by all forms of transport would generate the need for a Sustainable Transport Contribution. In accordance with the Council's Developer Contributions Technical Guidance, this has been calculated to be £28,000. However, given that the Community Infrastructure Levy (CIL) came into force on 5 October, this is no longer necessary as it would be captured by the CIL payment for the residential units, B1 being exempt from any charge.
- 8.48. Given the extent of demolition, a Site Waste Management Plan (SWMP) is recommended to be secured by a pre-commencement condition.

**Contamination:**

- 8.49. The Phase 1: Desktop Study and Preliminary Risk Assessment Report submitted with the application recommends that an intrusive contaminated land investigation is carried out. Given that the land has been identified as potentially being contaminated as result of the former uses, it is recommended that a pre-commencement condition is added in respect of a site investigation report, then a detailed scheme for remedial works and measures if site remediation is required and finally a written verification report for the remediation scheme.

**Sustainability:**

- 8.50. City Plan Part One Policy CP8 requires new residential development demonstrate efficiency in the use of water and energy, setting standards that mirror the national technical standard for water and energy consumption. Therefore, conditions are recommended to ensure the development met those standards. It is noted that triple A rated air conditioning and rain water harvesting are to be used, which is welcomed. Conditions relating to bee bricks and swift boxes are also proposed.
- 8.51. For the commercial element, it is expected that the proposed development would achieve BREEAM Very Good rating and this is also recommended to be conditioned.

**9. COMMUNITY INFRASTRUCTURE LEVY**

- 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. The amount of CIL liability for this application would be calculated at £175 per square metre of new residential floorspace. 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. CONCLUSIONS**

10.1. The scheme makes a minor contribution to the Council's housing targets in addition to a significant contribution to the City's supply of office floorspace, which is considered to further weigh in favour of the proposal. The scheme is considered to preserve the character and appearance of Rock Place and the wider East Cliff Conservation Area. The scheme satisfactorily overcomes previous concerns regarding the redevelopment of the site, and would maintain residential amenity, provide an acceptable standard of accommodation, ensure highways safety whilst promoting sustainable transport and provide net gains in sustainability and biodiversity. As such, this application is recommended for approval subject to conditions.

## **11. EQUALITIES**

11.1. The dwellings would not be suitable for wheelchair users or those with a mobility-related disability given their location on the upper floors and a lift not being provided. The non-provision of disabled car parking has been justified and numerous measures have been proposed by the applicant to facilitate travel to the site by wheelchair users and those with a mobility-related disability, which is welcomed.



PLANNING COMMITTEE LIST  
COUNCILLOR REPRESENTATION

**Cllr. Clare Rainey**  
**BH2020/01505 – 11-12 Rock Place**

**25<sup>th</sup> June 2020:**

Stance: Customer made comments in support of the Planning Application

Comment: This development will bring much needed investment to the St James St area offering significant employment opportunities and good quality accommodation, which will help the immediate local economy. The proposed developments have high environmental standards, and are in keeping with the architecture of the East Cliff Conservation Area. This development will include provision for bike shelters and will be car free, helping to encourage active travel and reduce the high levels of atmospheric pollution on St James St.





# PLANNING COMMITTEE

## Agenda Item 94

Brighton & Hove City Council

### NEW APPEALS RECEIVED 05/11/2020 - 02/12/2020

<b><u>WARD</u></b>	<b>EAST BRIGHTON</b>
<b><u>APPEALAPPNUMBER</u></b>	BH2020/01229
<b><u>ADDRESS</u></b>	3 St Marks Street Brighton BN2 5JH
<b><u>DEVELOPMENT DESCRIPTION</u></b>	Erection of single storey second floor rear extension onto existing first floor outrigger with 1 no side window.
<b><u>APPEAL STATUS</u></b>	APPEAL DISMISSED
<b><u>APPEAL RECEIVED DATE</u></b>	17/11/2020
<b><u>APPLICATION DECISION LEVEL</u></b>	Delegated

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<b><u>WARD</u></b>	<b>HANGLETON AND KNOLL</b>
<b><u>APPEALAPPNUMBER</u></b>	BH2020/02140
<b><u>ADDRESS</u></b>	1 Bramber Avenue Hove BN3 8GW
<b><u>DEVELOPMENT DESCRIPTION</u></b>	Erection of 1 no one bedroom single storey dwelling with basement attached to existing dwelling (C3).
<b><u>APPEAL STATUS</u></b>	APPEAL IN PROGRESS
<b><u>APPEAL RECEIVED DATE</u></b>	27/11/2020
<b><u>APPLICATION DECISION LEVEL</u></b>	Delegated

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<b><u>WARD</u></b>	<b>MOULSECOOMB AND BEVENDEAN</b>
<b><u>APPEALAPPNUMBER</u></b>	BH2020/00642
<b><u>ADDRESS</u></b>	95 Halland Road Brighton BN2 4PG
<b><u>DEVELOPMENT DESCRIPTION</u></b>	Change of use from single dwellinghouse (C3) to four bedroom small house in multiple occupation (C4) and erection of single storey extension.
<b><u>APPEAL STATUS</u></b>	APPEAL IN PROGRESS
<b><u>APPEAL RECEIVED DATE</u></b>	02/12/2020
<b><u>APPLICATION DECISION LEVEL</u></b>	Delegated

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<b><u>WARD</u></b>	<b>MOULSECOOMB AND BEVENDEAN</b>
<b><u>APPEALAPPNUMBER</u></b>	BH2020/01689
<b><u>ADDRESS</u></b>	33 Hillside Brighton BN2 4TF
<b><u>DEVELOPMENT DESCRIPTION</u></b>	Change of use from six bedroom small house in multiple occupation (C4) to nine bedroom large house in multiple occupation (Sui Generis).
<b><u>APPEAL STATUS</u></b>	APPEAL IN PROGRESS
<b><u>APPEAL RECEIVED DATE</u></b>	20/11/2020
<b><u>APPLICATION DECISION LEVEL</u></b>	Delegated

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<b><u>WARD</u></b>	<b>MOULSECOOMB AND BEVENDEAN</b>
<b><u>APPEALAPPNUMBER</u></b>	BH2020/01870
<b><u>ADDRESS</u></b>	136 Ladysmith Road Brighton BN2 4EG
<b><u>DEVELOPMENT DESCRIPTION</u></b>	Change of use from single dwelling (C3) to three bedroom small house in multiple occupation (C4).
<b><u>APPEAL STATUS</u></b>	APPEAL IN PROGRESS
<b><u>APPEAL RECEIVED DATE</u></b>	02/12/2020
<b><u>APPLICATION DECISION LEVEL</u></b>	Planning (Applications) Committee

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<b><u>WARD</u></b>	<b>REGENCY</b>
<b><u>APPEALAPPNUMBER</u></b>	BH2020/00385
<b><u>ADDRESS</u></b>	50 Upper North Street Brighton BN1 3FH
<b><u>DEVELOPMENT DESCRIPTION</u></b>	Change of use from ancillary retail storage space (A1) to create 1no one bedroom flat (C3) (retrospective).
<b><u>APPEAL STATUS</u></b>	APPEAL IN PROGRESS
<b><u>APPEAL RECEIVED DATE</u></b>	17/11/2020
<b><u>APPLICATION DECISION LEVEL</u></b>	Delegated

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<b><u>WARD</u></b>	<b>ST. PETER'S AND NORTH LAINE</b>
<b><u>APPEALAPPNUMBER</u></b>	BH2020/01285
<b><u>ADDRESS</u></b>	55 Centurion Road Brighton BN1 3LN
<b><u>DEVELOPMENT DESCRIPTION</u></b>	Application for removal of conditions 5, 7 & 8 of BH2019/03209 (Change of use from dwellinghouse (C3) to flexible use as 5no bedroom small house in multiple occupation (C4) or single family dwellinghouse (C3)) relating to cycle storage, sound proofing and residents parking permits.
<b><u>APPEAL STATUS</u></b>	APPEAL IN PROGRESS
<b><u>APPEAL RECEIVED DATE</u></b>	13/11/2020
<b><u>APPLICATION DECISION LEVEL</u></b>	Delegated

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<b><u>WARD</u></b>	<b>WISH</b>
<b><u>APPEALAPPNUMBER</u></b>	BH2020/02060
<b><u>ADDRESS</u></b>	Avon Court 12 Dallington Road Hove BN3 5HS
<b><u>DEVELOPMENT DESCRIPTION</u></b>	Proposed raising of ridge height involving new roof construction, together with 2no front dormers and 2no rear dormers to form 1no one bedroom flat (C3) and 1no studio flat (C3).
<b><u>APPEAL STATUS</u></b>	APPEAL IN PROGRESS
<b><u>APPEAL RECEIVED DATE</u></b>	27/11/2020
<b><u>APPLICATION DECISION LEVEL</u></b>	Delegated

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**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>



**Brighton & Hove  
City Council**

	<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 COMMITTEE

## Agenda Item 96

Brighton & Hove City  
Council

### APPEAL DECISIONS FOR THE PERIOD BETWEEN 18/11/2020 AND 15/12/2020

#### WARD

APPEAL APPLICATION NUMBER

ADDRESS

DEVELOPMENT DESCRIPTION

#### **BRUNSWICK AND ADELAIDE**

APL2020/00068

Palmeira Mansions 29 Church Road Hove BN3 2FA

Change of use from offices (B1a) to form 1no two bedroom flat on lower ground floor, 1no two bedroom maisonette on ground & first floors, 1no one bedroom flat on second floor (C3), refurbishment of existing third and fourth floor maisonette, incorporating rooflights on front roofslope and provision of bin and bicycle store and outdoor space.

Against Refusal

APPEAL DISMISSED

APPEAL TYPE

APPEAL DECISION

PLANNING APPLICATION NUMBER

BH2019/02279

APPLICATION DECISION LEVEL

Delegated

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#### WARD

APPEAL APPLICATION NUMBER

ADDRESS

DEVELOPMENT DESCRIPTION

#### **BRUNSWICK AND ADELAIDE**

APL2020/00074

Palmeira Mansions 29 Church Road Hove BN3 2FA

Alterations to facilitate change of use from offices (B1a) to form 1no two bedroom flat on lower ground floor, 1no two bedroom maisonette on ground & first floors, 1no one bedroom flat on second floor (C3), refurbishment of existing third and fourth floor maisonette, incorporating rooflights on front roofslope and provision of bin and bicycle store and outdoor space.

Against Refusal

APPEAL DISMISSED

APPEAL TYPE

APPEAL DECISION

PLANNING APPLICATION NUMBER

BH2019/02280

APPLICATION DECISION LEVEL

Delegated

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#### WARD

APPEAL APPLICATION NUMBER

ADDRESS

#### **GOLDSMID**

APL2020/00106

106 Addison Road Hove BN3 1TR

<u>DEVELOPMENT DESCRIPTION</u>	Certificate of lawfulness for proposed loft conversion, incorporating rear dormer, side dormer to existing outrigger and 3no front rooflights.
<u>APPEAL TYPE</u>	Against Refusal
<u>APPEAL DECISION</u>	APPEAL ALLOWED
<u>PLANNING APPLICATION NUMBER</u>	BH2020/00424
<u>APPLICATION DECISION LEVEL</u>	Delegated
<b><u>WARD</u></b>	<b>HANGLETON AND KNOLL</b>
<u>APPEAL APPLICATION NUMBER</u>	APL2020/00107
<u>ADDRESS</u>	9 Findon Close Hove BN3 8GZ
<u>DEVELOPMENT DESCRIPTION</u>	Appeal against
<u>APPEAL TYPE</u>	Against Enforcement Notice
<u>APPEAL DECISION</u>	APPEAL DISMISSED
<u>PLANNING APPLICATION NUMBER</u>	
<u>APPLICATION DECISION LEVEL</u>	Not Assigned
<b><u>WARD</u></b>	<b>HANGLETON AND KNOLL</b>
<u>APPEAL APPLICATION NUMBER</u>	APL2020/00145
<u>ADDRESS</u>	39 Florence Avenue Hove BN3 7GX
<u>DEVELOPMENT DESCRIPTION</u>	Prior approval for the erection of a single storey rear extension, which would extend beyond the rear wall of the original house by 6m, for which the maximum height would be 2.970m, and for which the height of the eaves would be 2.970m.
<u>APPEAL TYPE</u>	Against Refusal
<u>APPEAL DECISION</u>	APPEAL ALLOWED
<u>PLANNING APPLICATION NUMBER</u>	BH2020/00748
<u>APPLICATION DECISION LEVEL</u>	Delegated
<b><u>WARD</u></b>	<b>HANOVER AND ELM GROVE</b>
<u>APPEAL APPLICATION NUMBER</u>	APL2020/00070
<u>ADDRESS</u>	6 Franklin Road Brighton BN2 3AD
<u>DEVELOPMENT DESCRIPTION</u>	Appeal against
<u>APPEAL TYPE</u>	Against Enforcement Notice
<u>APPEAL DECISION</u>	APPEAL ALLOWED
<u>PLANNING APPLICATION NUMBER</u>	
<u>APPLICATION DECISION LEVEL</u>	Not Assigned
<b><u>WARD</u></b>	<b>HANOVER AND ELM GROVE</b>

<u>APPEAL APPLICATION NUMBER</u>	APL2020/00120
<u>ADDRESS</u>	6 Franklin Road Brighton BN2 3AD
<u>DEVELOPMENT DESCRIPTION</u>	Conversion of existing residential dwelling to create 2no one bedroom flats and 1no two bedroom maisonette (C3). (Part retrospective).
<u>APPEAL TYPE</u>	Against Refusal
<u>APPEAL DECISION</u>	APPEAL ALLOWED
<u>PLANNING APPLICATION NUMBER</u>	BH2020/01198
<u>APPLICATION DECISION LEVEL</u>	Delegated
<b><u>WARD</u></b>	<b>HANOVER AND ELM GROVE</b>
<u>APPEAL APPLICATION NUMBER</u>	APL2020/00133
<u>ADDRESS</u>	5 Brading Road Brighton BN2 3PE
<u>DEVELOPMENT DESCRIPTION</u>	Change of use from single dwellinghouse (C3) to two bedroom small house in multiple occupation (C4). (Part-retrospective)
<u>APPEAL TYPE</u>	Against Refusal
<u>APPEAL DECISION</u>	APPEAL DISMISSED
<u>PLANNING APPLICATION NUMBER</u>	BH2020/00556
<u>APPLICATION DECISION LEVEL</u>	Delegated
<b><u>WARD</u></b>	<b>HANOVER AND ELM GROVE</b>
<u>APPEAL APPLICATION NUMBER</u>	APL2020/00136
<u>ADDRESS</u>	64 Islingword Road Brighton BN2 9SL
<u>DEVELOPMENT DESCRIPTION</u>	Change of use from residential dwelling (C3) to four bedroom small house in multiple occupation (C4). (retrospective)
<u>APPEAL TYPE</u>	Against Refusal
<u>APPEAL DECISION</u>	APPEAL ALLOWED
<u>PLANNING APPLICATION NUMBER</u>	BH2019/01490
<u>APPLICATION DECISION LEVEL</u>	Delegated
<b><u>WARD</u></b>	<b>HOLLINGDEAN AND STANMER</b>
<u>APPEAL APPLICATION NUMBER</u>	APL2020/00146
<u>ADDRESS</u>	Land Rear Of 19 And 21 Isfield Road Brighton BN1 7FE
<u>DEVELOPMENT DESCRIPTION</u>	Erection of 3no three bedroom houses (C3) fronting Lambourne Road with associated landscaping & parking.
<u>APPEAL TYPE</u>	Against Refusal
<u>APPEAL DECISION</u>	APPEAL DISMISSED
<u>PLANNING APPLICATION NUMBER</u>	BH2020/01028

APPLICATION DECISION LEVEL Delegated

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**WARD**

**HOVE PARK**

APPEAL APPLICATION NUMBER

APL2020/00051

ADDRESS

7 Elrington Road Hove BN3 6LG

DEVELOPMENT DESCRIPTION

Erection of five bedroom dwelling to replace existing property incorporating formation of lower ground floor with garage and associated works.

APPEAL TYPE

Against Refusal

APPEAL DECISION

APPEAL ALLOWED

PLANNING APPLICATION NUMBER

BH2019/02758

APPLICATION DECISION LEVEL

Delegated

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**WARD**

**HOVE PARK**

APPEAL APPLICATION NUMBER

APL2020/00124

ADDRESS

71 Woodland Drive Hove BN3 6DF

DEVELOPMENT DESCRIPTION

Erection of single storey first floor front extension and two storey rear extension, conversion of garage into habitable space, alterations to fenestration, installation of rear rooflight and dormer and associated works.

APPEAL TYPE

Against Refusal

APPEAL DECISION

APPEAL ALLOWED

PLANNING APPLICATION NUMBER

BH2020/00047

APPLICATION DECISION LEVEL

Delegated

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**WARD**

**MOULSECOOMB AND BEVENDEAN**

APPEAL APPLICATION NUMBER

APL2020/00030

ADDRESS

52 Barcombe Road Brighton BN1 9JR

DEVELOPMENT DESCRIPTION

Change of use from small house in multiple occupation (C4) to eight-bedroom large house in multiple occupation (Sui Generis) incorporating single storey ground floor rear extension and associated works.

APPEAL TYPE

Against Refusal

APPEAL DECISION

APPEAL DISMISSED

PLANNING APPLICATION NUMBER

BH2019/03485

APPLICATION DECISION LEVEL

Delegated

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**WARD**

**NORTH PORTSLADE**

APPEAL APPLICATION NUMBER

APL2020/00156

ADDRESS

106 Southdown Road Portslade BN41 2HJ



<u>DEVELOPMENT DESCRIPTION</u>	Hip to gable roof alterations incorporating rear dormer and front dormer with 1no front rooflight, erection of single storey rear extension, and decking area with associated alterations.
<u>APPEAL TYPE</u>	Against Refusal
<u>APPEAL DECISION</u>	APPEAL ALLOWED
<u>PLANNING APPLICATION NUMBER</u>	BH2020/01054
<u>APPLICATION DECISION LEVEL</u>	Delegated

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<b><u>WARD</u></b>	<b>PATCHAM</b>
<u>APPEAL APPLICATION NUMBER</u>	APL2020/00112
<u>ADDRESS</u>	3 Overhill Way Brighton BN1 8WP
<u>DEVELOPMENT DESCRIPTION</u>	Erection of a single storey 3no bedroom dwelling (C3) to rear of existing house with solar panels to south elevation and landscaping.
<u>APPEAL TYPE</u>	Against Refusal
<u>APPEAL DECISION</u>	APPEAL DISMISSED
<u>PLANNING APPLICATION NUMBER</u>	BH2020/00438
<u>DECISION LEVEL</u>	Delegated

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<b><u>WARD</u></b>	<b>PATCHAM</b>
<u>APPEAL APPLICATION NUMBER</u>	APL2020/00135
<u>ADDRESS</u>	2 Winfield Avenue Brighton BN1 8QH
<u>DEVELOPMENT DESCRIPTION</u>	Demolition of existing two storey dwellinghouse and outbuildings. Erection of 5no two storey dwellinghouses (C3) with associated landscaping and creation of access road.
<u>APPEAL TYPE</u>	Against Refusal
<u>APPEAL DECISION</u>	APPEAL DISMISSED
<u>PLANNING APPLICATION NUMBER</u>	BH2019/00645
<u>APPLICATION DECISION LEVEL</u>	Delegated

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<b><u>WARD</u></b>	<b>PRESTON PARK</b>
<u>APPEAL APPLICATION NUMBER</u>	APL2020/00108
<u>ADDRESS</u>	218 Dyke Road Brighton BN1 5AA
<u>DEVELOPMENT DESCRIPTION</u>	Erection of 1no two storey three bedroom dwelling house (C3) on land to rear including excavation, landscaping and access via Highcroft Villas & Old Mills Mews.
<u>APPEAL TYPE</u>	Against Refusal
<u>APPEAL DECISION</u>	APPEAL ALLOWED
<u>PLANNING APPLICATION NUMBER</u>	BH2019/02289
<u>APPLICATION DECISION LEVEL</u>	Planning (Applications) Committee

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<b><u>WARD</u></b>	<b>QUEEN'S PARK</b>
<b><u>APPEAL APPLICATION NUMBER</u></b>	APL2020/00046
<b><u>ADDRESS</u></b>	78 St James's Street Brighton BN2 1PA
<b><u>DEVELOPMENT DESCRIPTION</u></b>	Installation of extraction ductwork and flue outlet to east elevation. (Retrospective)
<b><u>APPEAL TYPE</u></b>	Against Refusal
<b><u>APPEAL DECISION</u></b>	APPEAL ALLOWED
<b><u>PLANNING APPLICATION NUMBER</u></b>	BH2019/02933
<b><u>APPLICATION DECISION LEVEL</u></b>	Delegated

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<b><u>WARD</u></b>	<b>QUEEN'S PARK</b>
<b><u>APPEAL APPLICATION NUMBER</u></b>	APL2020/00113
<b><u>ADDRESS</u></b>	4 College Place Brighton BN2 1HN
<b><u>DEVELOPMENT DESCRIPTION</u></b>	Replacement of mansard roof and front dormer with dual pitched roof, rendered walls and front window.
<b><u>APPEAL TYPE</u></b>	Against Refusal
<b><u>APPEAL DECISION</u></b>	APPEAL ALLOWED
<b><u>PLANNING APPLICATION NUMBER</u></b>	BH2020/00488

APPLICATION DECISION LEVEL

Delegated

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**WARD**

**REGENCY**

APPEAL APPLICATION NUMBER

APL2020/00105

ADDRESS

Grosvenor Casino 9 Grand Junction Road  
Brighton BN1 1PP

DEVELOPMENT DESCRIPTION

Application for variation of condition 1 of  
BH2019/01256 (Alterations to entrance façade,  
incorporating replacement canopy, entrance  
doors, screens and side windows. Re-tile stairs  
and lighting pillars, replacement of existing stair  
lift and light shades.) to allow amendments to the  
approved drawings.

APPEAL TYPE

Against Refusal

APPEAL DECISION

APPEAL DISMISSED

PLANNING APPLICATION NUMBER

BH2020/00291

APPLICATION DECISION LEVEL

Delegated

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**WARD**

**REGENCY**

APPEAL APPLICATION NUMBER

APL2020/00109

ADDRESS

22 - 23 Duke Street Brighton BN1 1AH

DEVELOPMENT DESCRIPTION

Change of Use from retail (A1) to cafe/restaurant  
and hot food takeaway (A3/A5).

APPEAL TYPE

Against Refusal

APPEAL DECISION

APPEAL ALLOWED

PLANNING APPLICATION NUMBER

BH2019/03530

APPLICATION DECISION LEVEL

Delegated

---

**WARD**

**ROTTINGDEAN COASTAL**

APPEAL APPLICATION NUMBER

APL2020/00155

ADDRESS

18 Wilkinson Close Brighton BN2 7EG

DEVELOPMENT DESCRIPTION

Erection of single storey annexe to rear of  
existing house.

APPEAL TYPE

Against Refusal

APPEAL DECISION

APPEAL DISMISSED

PLANNING APPLICATION NUMBER

BH2020/01006

APPLICATION DECISION LEVEL

Delegated

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**WARD**

**ST. PETER'S AND NORTH LAINE**

APPEAL APPLICATION NUMBER

APL2020/00079

ADDRESS

10 The Lindens Canterbury Drive Brighton BN2  
3FZ

DEVELOPMENT DESCRIPTION

Appeal against

APPLICATION DECISION LEVEL

APPEAL TYPE

Against Enforcement Notice

APPEAL DECISION

APPEAL DISMISSED

PLANNING APPLICATION NUMBER

Not Assigned

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WARD

**ST. PETER'S AND NORTH LAINE**

APPEAL APPLICATION NUMBER

APL2020/00141

ADDRESS

Smart House Ditchling Road Brighton BN1 4SE

DEVELOPMENT DESCRIPTION

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

APPEAL TYPE

Against Refusal

APPEAL DECISION

APPEAL DISMISSED

PLANNING APPLICATION NUMBER

BH2019/03607

APPLICATION DECISION LEVEL

Delegated

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WARD

**WESTBOURNE**

APPEAL APPLICATION NUMBER

APL2020/00134

ADDRESS

148 Portland Road Hove BN3 5QL

DEVELOPMENT DESCRIPTION

Partial demolition of existing offices (B1), and erection of part two, part three storey building to create 4no offices (B1) at ground floor and 4no one-bedroom flats (C3) at first and second floor. Reinstate pitched roof to north elevation.

APPEAL TYPE

Against Refusal

APPEAL DECISION

APPEAL DISMISSED

PLANNING APPLICATION NUMBER

BH2020/00521

APPLICATION DECISION LEVEL

Delegated

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WARD

**WESTBOURNE**

APPEAL APPLICATION NUMBER

APL2020/00137

ADDRESS

78 & 78A New Church Road Hove BN3 4FN

DEVELOPMENT DESCRIPTION

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

APPEAL TYPE

Against Refusal

APPEAL DECISION

APPEAL DISMISSED

PLANNING APPLICATION NUMBER

BH2020/00455

APPLICATION DECISION LEVEL

Delegated

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WARD

**WITHDEAN**

<u>APPLICATION DECISION LEVEL</u>	
<u>APPEAL APPLICATION NUMBER</u>	APL2020/00093
<u>ADDRESS</u>	20 Bavant Road Brighton BN1 6RD
<u>DEVELOPMENT DESCRIPTION</u>	Erection of front boundary wall and pillar (Part Retrospective).
<u>APPEAL TYPE</u>	Against Refusal
<u>APPEAL DECISION</u>	APPEAL DISMISSED
<u>PLANNING APPLICATION NUMBER</u>	BH2019/03301
	Delegated
<b><u>WARD</u></b>	<b>WITHDEAN</b>
<u>APPEAL APPLICATION NUMBER</u>	APL2020/00157
<u>ADDRESS</u>	7 Tongdean Rise Brighton BN1 5JG
<u>DEVELOPMENT DESCRIPTION</u>	Erection of a two storey ground floor rear extension with rear terrace and associated landscaping and works to garden. Erection of single storey first floor flat roof extension to form additional second floor. Revised fenestration, installation of timber cladding to front and sides. Extension to existing front garage, installation of crossover and new driveway and associated works.
<u>APPEAL TYPE</u>	Against Refusal
<u>APPEAL DECISION</u>	APPEAL ALLOWED
<u>PLANNING APPLICATION NUMBER</u>	BH2020/00911
<u>APPLICATION DECISION LEVEL</u>	Delegated
<b><u>WARD</u></b>	<b>WOODINGDEAN</b>
<u>APPEAL APPLICATION NUMBER</u>	APL2020/00116
<u>ADDRESS</u>	26 Downland Road Brighton BN2 6DJ
<u>DEVELOPMENT DESCRIPTION</u>	Erection of single storey side and rear extension to form studio flat and enlarge existing one bedroom flat to two bedrooms with car parking spaces and cycle store to front and associated works.
<u>APPEAL TYPE</u>	Against Refusal
<u>APPEAL DECISION</u>	APPEAL ALLOWED
<u>PLANNING APPLICATION NUMBER</u>	BH2019/03858
<u>APPLICATION DECISION LEVEL</u>	Delegated

